

WEST AMWELL TOWNSHIP COMMITTEE MEETING

November 17, 2021

Regular Meeting – 7:30 PM

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor James Cally, Committeemen John Dale, Gary Hoyer and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

Clerk Andrews announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 14, 2021, was posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Township Clerk.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- Municipal Offices will be CLOSED 11/25/21 & 11/26/21 – Thanksgiving Holiday
- Congratulations to Phil Rosso on Obtaining his “Subcode Official – Fire Protection” License

PRESENTATION OF MINUTES

A motion by Dale, seconded by Lyons to approve the Committee’s 10/20/21 Open and Closed Session minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Bergenfeld opened the floor to public comment. Linda Buccigrosse of 161 Rocktown-Lambertville Road came forward and expressed anger over the referendum passing by 2 votes despite so many West Amwell residents being against it. She commented that she supports the Township Committee fighting the election results and indicated she will assist with whatever the Committee may need help with in order to do so.

Mayor Bergenfeld remarked that the Committee has obviously heard the residents of West Amwell and intends to discuss the matter further in Closed Session this evening, in order to consider what options are available for challenging the results.

Seeing no other members of the public come forward, a motion was made by Cally and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

Reports by Department Heads

Tax Collector Gail Brewi noted the tax sale is scheduled for 11/23/21. She also thanked the Committee for authorizing an Assistant in the Construction/Zoning and Tax Collector Offices and suggested the job posting be changed to indicate it will remain posted “until filled” because she believes the applicants who applied had excessive salary requirements. Next, Ms. Brewi noted that the tax office software does provide an option for generating mailing labels so the Township won’t have to rely on the Tax Assessor to provide them all of the time. Lastly, Ms. Brewi commented on Daniel’s Law and stated the tax software can also redact property owner information so West Amwell will be in compliance. Attorney Campbell commented there are still some issues being worked out with the new law because it requires property owners to notify the municipality if they fall under the protection of it. She remarked this could be problematic if a resident should be protected but doesn’t inform the Township and their information is given out inadvertently.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that Mayor Bergenfeld recused himself from the public hearing on Ordinance 10, 2021.

Public Hearing: Ordinance 10, 2021 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES,” TO REVISE THE PERMITTED CONDITIONAL USE ZONES AND TO ADD REGULATIONS REGARDING MICRO CANNABIS CULTIVATION

Deputy Mayor Cally read Ordinance 10, 2021 by title.

**THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY
ORDINANCE 10, 2021**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES,” TO REVISE THE PERMITTED CONDITIONAL USE ZONES AND TO ADD REGULATIONS REGARDING MICRO CANNABIS CULTIVATION

WHEREAS, the Township Committee adopted Ordinance 6, 2021 to create an ordinance to regulate Cannabis related businesses; and

WHEREAS, the Township Planner has made some recommendations for revisions to be made to the Cannabis ordinance to ensure that the use was a permitted conditional use in the most appropriate zones and to add regulations regarding Micro Cannabis Cultivation; and

WHEREAS, the Township Committee wishes to make the revisions recommended by the Township Planner.

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon that the Code of the Township of West Amwell be amended as follows:

Section 1. The following revisions are made to **§109-264(C)(3)(b)(i)**:

(i) Adherence to the site design standards of the Township Land Development Ordinance through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 2. The following revisions are made to **§109-264(C)(4)(a)**:

(a) Standalone cultivation centers shall be permitted as conditional uses in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- ~~(iii) SRPD~~
- ~~(iv)~~ (iii) LI
- ~~(v) RR4, RR5 and RR6~~

Section 3. The following revisions are made to **§109-264(C)(4)(b)(i)**:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 4. The following revisions are made to **§109-264(C)(5)(a)**:

(5) Cannabis manufacturing facilities.

(a) Standalone manufacturing facilities shall be permitted as a conditional use in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- ~~(iii) SRPD~~
- ~~(iv)~~ (iii) LI

Section 5. The following revisions are made to **§109-264(C)(5)(b)(i)**:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 6. The following revisions shall be added as **§109-264(C)(7)**:

(7) Micro Cannabis cultivation.

(a) Standalone micro cultivation facilities shall be permitted as conditional uses in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- (iii) SRPD
- (iv) LI
- (v) RR4, RR5, RR6

(b) Micro Cannabis Cultivation facilities shall be permitted subject to the following criteria:

- (i) A minimum lot size of eight (8) acres.
- (ii) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.
- (iii) In compliance with Section 37(b) of the NJ CREAMMA, cultivation centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- (iv) Issuance of zoning permit and site plan approval is required.
- (v) Micro Cultivation facilities shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).
- (vi) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.
- (vii) No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.

- (viii) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- (ix) Light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line
- (x) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.
- (xi) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

Section 7. **§109-264(C)(7) “Cannabis Delivery Service”** shall be re-numbered as **§109-264(C)(8)** without and revisions to the body of the section.

Section 8. **§109-264(C)(8) “Microbusinesses”** shall be re-numbered as **§109-264(C)(9)** without and revisions to the body of the section.

Section 9. All other Sections and subsections not specifically revised or renumbered in this Ordinance shall remain unchanged.

Section 10 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 11. Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 12. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Deputy Mayor

A motion by Dale, seconded by Lyons to open the floor to public comment on Ordinance 10, 2021 was approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes

Brian Fitting of 10 Stymiest Road asked why Mayor Bergenfeld recused himself from this matter. Mayor Bergenfeld, while still in the room, indicated he has a conflict.

George Fisher of 608 Brunswick Pike asked why some zones were crossed out of the amended ordinance. Attorney Campbell explained the changes were made to keep larger commercial businesses away from residences and schools.

Seeing no other members of the public wish to speak, a motion was made by Dale and seconded by Lyons to close the floor to public comment. The motion was approved by voice vote.

A motion by Hoyer, seconded by Lyons to adopt Ordinance 10, 2021 was approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes

Mayor Bergenfeld returned to the meeting at this time.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental:
Mike Spille, Chairman of the Environmental Committee commented on the Rockfall Mitigation Project NJDOT has planned for portions of Route 29 and remarked on the excessive cost and questioned the necessity of such a project. He requested the Committee consider approving a resolution expressing their opposition. Next, Chairman Spille remarked on the exposed gas pipeline in the Alexhauken Creek bed and noted the Environmental Committee would like to see the pipeline relocated or installed deeper. It was noted for the record that the Township Committee supported all of Chairman Spille's sentiments.
- C. Ag Advisory: No report given.
- D. Finance Committee: No report given.

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business matters listed on the agenda.

NEW BUSINESS/OTHER

Resolution #88-2021: Supporting a Bicycle Lane on Route 179

RESOLUTION #88-2021

RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
SUPPORTING A BICYCLE LANE ON ROUTE 179 (OLD YORK ROAD)

WHEREAS, the NJDOT has conducted an investigation into the Bicycle Lanes on Route 179 (Old York Road) in West Amwell and determined that there is no record of a Traffic Regulation Order (TRO) issued by the Commissioner of Transportation; and

WHEREAS, the NJDOT wishes to rectify this apparent oversight by legally establishing those portions of the existing Bicycle Lanes which are located in the Township of West Amwell; and

WHEREAS, the first step in legally establishing this regulation, is for the Township of West Amwell to adopt a Resolution of support pursuant to N.J.S.A. 39:4-8c; and

WHEREAS, the Township Committee supports the bicycle lanes on Route 179 (Old York Road) and wished to assist the NJDOT in legally establishing this regulation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, as follows:

The certain parts of State Highway Route NJ 179 described in this subsection shall be described and established as "Bicycle Lane". No other vehicle other than a bicycle shall be permitted the use of said lane. In accordance with the provisions of N.J.S.A. 39:4-198 proper signs shall be erected.

In Hunterdon County:

- i. In West Amwell Township
 - (1) Along the northbound, easterly side:
Between a point 565 feet south of the prolongation of the centerline of Gulick Road and 1280 feet north of the prolongation of the centerline of Gulick Road (approximately mileposts 5.00 and 5.35)
 - Between the prolongation of the centerline of Frontage Road and the centerline of Melbourn Lane (approximate mileposts 5.89 to 6.14)

BE IT FURTHER RESOLVED, that the Township of West Amwell concurs that any approved traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

CERTIFICATION

This is to certify the above is a true copy of a Resolution adopted by the Township Committee of the Township of West Amwell at a meeting of said Township Committee conducted on November 17, 2021.

Maria Andrews, Township Clerk, RMC

Attorney Campbell commented the bike lane already exists, and clarified NJDOT requested the resolution because it was missing from their files and they wanted to clean things up administratively.

A motion by Dale, seconded by Lyons to approve Resolution #88-2021 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes, Bergenfeld: Yes

Resolution #89-2021: Approval of Items of Revenue and Appropriation

RESOLUTION #89-2021
RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Amwell in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year CY2021 in the sums of:

American Rescue Plan – Storm Drain Maintenance and Repair
\$286,687.17

BE IT FURTHER RESOLVED, that the like sums of:

American Rescue Plan – Storm Drain Maintenance and Repair
\$286,687.17

Appropriated under the caption *Public and Private Programs offset by Revenues;*

Certification

I, Maria Andrews, Township Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on November 17, 2021.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Hoyer to approve Resolution #89-2021 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes, Bergenfeld: Yes

Acknowledgement: Best Practice Inventory (Final Submission)

It was noted for the record that the Committee acknowledged receipt of the Best Practice Inventory.

Minutes: 11/17/21

Discussion: Consideration of RFP's for Township Attorney

Attorney Campbell remarked she is not crazy by making this suggestion and hopes to continue representing West Amwell, but noted that by going out for RFP's the Township can receive additional points under the Best Management Practices which directly impacts eligibility for grants and funding.

It was noted for the record that the Committee requested an RFP for Township Attorney simply be put on the Township website.

Discussion: Request from F. Carbone, re: Private Lane Name

It was noted for the record that Mr. Carbone had sent a request to the Committee asking if the Township would consider naming the private shared driveway/access lane to his house. Attorney Campbell advised this is private property and stated the Township has no jurisdiction on the matter.

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Seeing no members of the public come forward, a motion was made by Cally and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

ADMINISTRATIVE

Treasurer – 11/17/21 Bill List

A motion by Dale, seconded by Hoyer to approve the vouchers for payment as listed on the 11/17/21 bill list was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes, Bergenfeld: Yes

OTHER

Resolution #90-2021: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #90-2021

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel, contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.

This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to approve Resolution #90-2021 and enter into Closed Session was unanimously approved by voice vote.

A motion by Cally, seconded by Dale to return to Open Session was unanimously approved by voice vote.

Upon returning to Open Session, the Township Committee authorized an offer of employment be made to Steven Rodzinak for the Zoning Officer position.

Minutes: 11/17/21

Additionally, a motion was made by Hoyer and seconded by Cally to authorize the action discussed in Closed Session regarding the referendum. The motion was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Lyons: Yes, Bergenfeld: Yes

It was noted for the record that the Committee was in Closed Session from 8:05 PM – 10:09 PM.

CORRESPONDENCE

It was noted for the record that the Committee ordered the correspondence listed on the agenda to be filed.

ADJOURNMENT

A motion by Cally, seconded by Dale to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:10 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/1/21