

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**November 2, 2022**  
**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 James Cally, Deputy Mayor Gary Hoyer Committeemen Stephen Bergenfeld and John Dale along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Cally 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 13, 2022, 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.

**FLAG SALUTE**

Mayor Cally led those in attendance in the pledge to the nation's flag.

**AGENDA REVIEW BY TOWNSHIP CLERK**

Clerk Andrews noted that Resolution #97-2022 challenging the table of equalized valuations will be added under Resolutions for approval.

**ANNOUNCEMENTS**

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- Election Day is Tuesday 11/8/22 – Polls are Open from 6 AM – 8 PM
- Township Offices will be CLOSED Friday 11/11/22: Veteran's Day
- Tax Sale Date is 11/22/22 at 10:00 AM

**SPECIAL PRESENTATION**

Patrolman Miles Smith took his Oath of Office. Mayor Cally and the Committee congratulated him along with several officers and family members in attendance.

**PRESENTATION OF MINUTES**

A motion by Bergenfeld, seconded by Hoyer to approve the Committee's 10/5/22 open and closed session meeting minutes with no revisions noted, was unanimously approved by voice vote.

**OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA**

Mayor Cally opened the floor to public comment. Seeing no members of the public who wished to speak, he closed the floor to public comment.

**RESOLUTIONS**

**Resolution #94-2022: Authorizing the Sale of the 2011 Chevy Tahoe from the MunicBid Auction**

**WEST AMWELL TOWNSHIP**  
**RESOLUTION #94-2022**

WHEREAS, the West Amwell Township Committee authorized the auction of the 2011 Chevy Tahoe through MunicBid; and

WHEREAS, said auction concluded on October 17, 2022 at 12:30 PM; and

WHEREAS, the auction resulted in a high bid of \$4300.00 from Anthony A. Delareto of 28 Holly Drive, West Berlin, NJ 08091; and

Minutes: 11/2/22

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that the bid received from Anthony A. Delareto in the amount of \$4300.00 for the 2011 Chevy Tahoe is hereby accepted; and

BE IT FURTHER RESOLVED, that the purchaser present a certified check made payable to West Amwell Township in the amount of \$4300.00 within 10 days of notification of this award.

Certification

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting on November 2, 2022.*

\_\_\_\_\_  
Maria Andrews, Township Clerk

A motion by Hoyer, seconded by Bergenfeld to approve Resolution #94-2022 was unanimously approved by roll call vote.

*Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes*

**Resolution #96-2022: Authorizing Developer's Agreement with MM&J Developer's, LLC.**

**TOWNSHIP OF WEST AMWELL  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION #96-2022  
RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT  
WITH MM&J DEVELOPMENT, LLC**

WHEREAS, MM&J Development, LLC (the "Developer") submitted an application to the Township of West Amwell Planning Board (the "Board") seeking Preliminary and Final Major Site Plan approval with certain variances to allow the construction of a retail store and appurtenances (the "proposed development"); and

WHEREAS, on July 20, 2021, the Board adopted a resolution granting the Developer preliminary and final site plan approval with variances subject to certain conditions (the "Resolution"); and

WHEREAS, Developer desires to comply with the terms and conditions of the approvals and proceed with the proposed development and install all improvements in accordance with the Resolution and approved plans; and

WHEREAS, the Developer and Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approval as reflected in the Resolution and approved Plans; and

WHEREAS, the Township Committee has reviewed the proposed Developer's Agreement, which is attached hereto, and find that it is in the best interests of the Township to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of West Amwell Township hereby authorize the execution of the Developer's Agreement by and between the Township of West Amwell and MM&J Development, LLC by the Mayor and Clerk of in substantially the same form as attached hereto.

ARREST: 11/2/22

\_\_\_\_\_  
Maria Andrews, Township Clerk, RMC

\_\_\_\_\_  
James Cally, Mayor

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting on November 2, 2022.*

\_\_\_\_\_  
Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Bergenfeld to approve Resolution #96-2022 was unanimously approved by roll call vote.

*Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes*

**Resolution #97-2022: Challenging the Table of Equalized Valuations**

**Resolution #97-2022**

**RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AUTHORIZING ITS MUNICIPAL ATTORNEYS TO FILE A LEGAL ACTION IN TAX COURT PURSUANT TO N.J.S.A. 54:51A-4(c), CHALLENGING THE TABLE OF EQUALIZED VALUATIONS PROMULGATED BY THE DIRECTOR OF THE NEW JERSEY DIVISION OF TAXATION FOR THE APPORTIONMENT OF SCHOOL AID**

WHEREAS, N.J.S.A. 54:1-35.1 requires that, on or before October 1 in each year the Director of the New Jersey Division of Taxation shall promulgate a table of equalized valuations to be used in the calculation and apportionment of distributions pursuant to the New Jersey State School Aid Act of 1954.

WHEREAS, the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey do hereby authorize its municipal attorneys, at the direction of the Tax Assessor, to file a legal action in Tax Court pursuant to N.J.S.A. 54:51A-4(c), challenging the table of equalized valuations promulgated by the Director of the New Jersey Division of Taxation on or about October 1, 2022; and

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of West Amwell shall its municipal attorneys, at the direction of the Tax Assessor, to file a legal action in Tax Court pursuant to N.J.S.A. 54:51A-4(c), challenging the table of equalized valuations promulgated by the Director of the New Jersey Division of Taxation on or about October 1, 2022.

**CERTIFICATION**

*I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Committee at a meeting held on Wednesday, November 2, 2022.*

\_\_\_\_\_  
Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Cally to approve Resolution #97-2022 was unanimously approved by roll call vote.

*Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes*

**NEW BUSINESS/OTHER**

**Authorization: To Seek BID's for Township Animal Control Services**

It was noted for the record that the Committee authorized Clerk Andrews to seek BID's for the Township's Animal Control Services through the non-fair and open process. Mayor Cally also suggested reaching out to Hopewell Township for a possible shared service agreement.

**Discussion: "Theatre License" for Music Mountain Theatre Allowing Alcohol to be Served**

Present for the discussion was Theatre Owner Ginny Brennan. She explained she intends to work with local wineries to serve wine during evening shows only. Her goal is to increase business for Saturday night performances. Ms. Brennan clarified that the theatre has 250 seats and would not be serving alcohol during any of the children's theatre productions.

It was noted for the record that the Committee supported the Theatre License and Ms. Brennan's proposal to work with local wineries. Clerk Andrews explained there is a process which includes going out to BID to actually establish the Theatre License then amending the ordinance to create a fee for it. Attorney Pandos commented that he will look into the matter and advise the Committee accordingly.

**Discussion: Letter dated 10/17/22 from CADB, re: Preservation of Block 7 Lots: 8, 8.07, 8.08 and 15**

Present for the discussion was Bob Hornby from the County Agriculture Development Board and David Stodoff of the Amwell Valley Conservancy. Mr. Hornby explained there are 4 lots in West Amwell that they are seeking to preserve and 3 lots in East Amwell. He noted no appraisals have been done yet and said at this point they are just looking for support from the Township Committee(s).

Minutes: 11/2/22

John Cronce, Chairman of the Township's Farmland and Open Space Committee said he rode around the property earlier today with a representative from the Conservancy and stated he supports the preservation.

Mr. Hornby remarked the preserved lots would comprise a separate easement prohibiting the property from ever being sold and eventually all of the lots would be merged.

Mr. Stodoff commented that they attended the CADB meeting last night and stated they were in support of the project as well.

It was noted for the record that the Committee endorsed the proposed preservation.

### **SPECIAL PRESENTATION(S)**

#### **Reports by Department Heads**

Fire Chief Jeff Ent referred to previous discussions regarding mutual aid agreements and provided Attorney Pandos with a draft agreement to review which would give the Chief authorization to negotiate mutual aid agreements in the future.

Next, Chief Ent expressed concern over the increasingly slow response time by JCP&L during storm emergencies. He noted the township representative is not helpful because she has no direct contact with dispatch and once JCP&L is actually on the scene, they don't communicate with other emergency responders.

Committeeman Bergenfeld suggested Attorney Pandos file a complaint with the BPU. Attorney Pandos commented that he believes a letter drafted by all of the Hunterdon County Fire Chiefs would have more of an impact. Chief Ent remarked that the Chiefs are currently working on establishing a committee to do just that.

### **STANDING COMMITTEE REPORTS**

- A. Open Space: Chairman John Cronce came forward and stated the Ag Committee should be aware of the Conservancy's intent to preserve their lots. He noted Paul Hunt, who serves on the Ag Committee, was present at the meeting but suggested the Chair of the Committee also be advised. Next, Mr. Cronce commented on the potential merger of the Open Space and Ag Committee's according to the 10/5/22 Township Committee minutes. He remarked that he has 2 people who would like to serve on Open Space: Rich Malley and Julie Cheng. He stated he believes the Committee's should not merge. Lastly, Mr. Cronce updated the Committee on the hunting program saying it is off to a good season. The "Adams" parcel is currently not being used and Mr. Cronce recommended that at the end of the lottery year, all parcels go up for everyone to get a chance at hunting them.

Mayor Cally commented that the property behind Hewitt Park that is for sale may be worth considering for preservation because it is contiguous with the park.

- B. Environmental: No report was given.
- C. Ag Advisory: No report was given.
- D. Finance Committee: No report given.

OEM Director Harry Heller came forward and also expressed frustration with JCP&L. With regard to his FEMA update, he noted \$121,000 has been received making the grand total reimbursement \$127,000. Lastly, Director Heller commented on Stymiest Road stating he is working with FEMA to get funding for the necessary repairs and he noted the Township will need to decide if they are going out to BID on the project or if the repairs will be done in-house.

### **OPEN TO THE PUBLIC**

A motion by Bergenfeld, seconded by Hoyer to open the floor to public comment was unanimously approved by voice vote.

Dave Beaumont of 205 Rock Road West came forward and suggested someone research whether or not the Township has a service agreement with JCP&L. He then presented his final segment of safety

Minutes: 11/2/22

concerns regarding Rock Road West and highlighted the following options to address the issues:

1. Do nothing
2. Rename Rock Road Ext. to Rock Road West
3. Widen or improve the road at the intersection
4. Change the Township Code
5. Install stop signs
6. Remove the dead Ash trees at the intersection
7. Angle the driveways from the cannabis facility to point toward 518 forcing traffic that way

There was some brief discussion on the status of the feasibility study from the County Superintendent as well as the usable/non-usable sales with regard to the equalized valuations.

Linda Meier of 224 Rock Road West came forward and asked if the tax maps can be added to the Township website. Mayor Cally noted the new Tax Assessor is working on getting things squared away after the unexpected passing of Mr. Gill.

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

#### **ADMINISTRATIVE**

A motion by Cally, seconded by Bergenfeld to approve the 10/18/22 and 10/25/22 bill lists was unanimously approved by roll call vote.

*Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes*

#### **OTHER**

##### **Resolution #95-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing**

Resolution #95-2022

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.

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #95-2022 and enter into Closed Session was unanimously approved by voice vote.

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

It was noted for the record that the Committee was in Closed Session from 8:49 PM – 9:40 PM.

#### **CORRESPONDENCE**

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

Minutes: 11/2/22

**ADJOURNMENT**

Mayor Cally adjourned the meeting at 9:15 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 11/16/22