

WEST AMWELL TOWNSHIP COMMITTEE MEETING

January 19, 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, Committeemen John Dale, Gary Hoyer and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

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.

NOMINATION OF 2022 DEPUTY MAYOR

A motion by Cally, seconded by Dale nominating Committeeman Hoyer as Deputy Mayor for 2022 was unanimously approved by roll call vote.

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

Attorney Campbell administered the Oath of Office to Deputy Mayor Hoyer.

AGENDA REVIEW BY TOWNSHIP CLERK

It was noted for the record that there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- Dog License Renewals for 2022 are due by 1/31/22
- The Township was Approved for \$48,750 in Funding from the USDA for Watershed Restoration

PRESENTATION OF MINUTES

A motion by Dale, seconded by Hoyer to approve the Committee's 12/29/21 Open and Closed Session minutes with no revisions noted was approved by voice vote with Committeeman Lyons abstaining.

A motion by Dale, seconded by Lyons to approve the Committee's 1/5/22 Reorganization 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. Eric Richard of 32 Ferris Wheel Drive came forward and expressed disappointment with the Committee pursuing a lawsuit over the school referendum. Seeing no other members of the public come forward, Mayor Cally closed the floor to public comment.

SPECIAL PRESENTATIONS

Reports by Department Heads

OEM Director Harry Heller commented on the Township being approved for \$48,750 in funding for watershed restoration projects. He also noted that he is working with the CFO on gathering overtime figures during tropical storm Ida to be submitted for reimbursement.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 01, 2022 – An Ordinance of the Township of West Amwell, County of Hunterdon, State of New Jersey Amending Section 134 of the Code of the Township of West Amwell to Regulate Short Term Rentals

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Mayor Cally read Ordinance 01, 2022 by title.

ORDINANCE 01, 2022
AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AMENDING SECTION 134 OF THE CODE OF THE TOWNSHIP OF
WEST AMWELL TO REGULATE SHORT TERM RENTALS

WHEREAS, the Township wishes to prohibit short term rentals of dwellings or dwelling units for a period of 90 days or less subject to certain exceptions; and

WHEREAS, it has come to the Township Committee's attention that incidents have occurred in the State of New Jersey where pools, dwellings and other similar spaces have been rented out for parties; and

WHEREAS, the Township wishes to prohibit pools, dwellings and other amenities from being rented within the Township;

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

SECTION 1.

Chapter 134. Short-Term Rentals

§134-1 Prohibited Conduct.

No person shall undertake, maintain, authorize, aid, facilitate, solicit, promote and advertise any rental or activity that violates any part of this article.

§134-2 Short Term Rental Restrictions.

Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, or rental of any dwelling or dwelling unit for a period of 90 days or less except for the following:

Conditionally permitted bed and breakfast uses as set forth and described in Code Section 109-97 only where bed and breakfast uses are conditionally permitted pursuant to ordinance.

"Use and occupancy" arrangements between the purchaser and seller of a dwelling, whereby the purchaser of the dwelling is temporarily occupying or renting the seller's dwelling prior to closing on the purchase of the dwelling pursuant to the terms of a written contract or agreement

Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of any amenity, feature, or accessory that is appurtenant to or associated with any rental facility, rental unit, dwelling (including but not limited to, a duplex, multiple, or single-family) or residential structure is prohibited. "Amenity, feature, or accessory" shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios, yards and the like.

Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of property or portion of property for camping, glamping or recreational vehicle space.

§134-3 Regulations; fees and charges.

The Township Committee may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this article. No person shall fail to comply with any such regulation.

§134-4 Enforcement.

The provisions of this article shall be enforced by the Township Zoning Officer, Fire Department, Police Department and any other Township official or employee so designated by the Township Clerk/Administrator who all shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this article.

§134-5 Fines, violations and penalties.

1. Any person who is found or adjudicated to have violated any provision of this article shall be liable for a fine not to exceed \$1,000. Each day of any such violation after receiving written notice of same shall be a new and separate violation.

2. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Hunterdon County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect after final passage and publication in accordance with law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

A motion by Lyons, seconded by Hoyer to introduce Ordinance 01, 2022 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 01, 2022 will be listed on the Committee's 2/16/22 meeting agenda.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental: No report was given.
- 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 #32-2022: Hourly Rate Change for Substitute Electrical Inspector K. Steele

WEST AMWELL TOWNSHIP

RESOLUTION #32-2022

WHEREAS, Construction Official Philip Rosso has recommended that Keith Steele be given an hourly increase in compensation as the substitute Electrical Inspector; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that the hourly compensation for Keith Steele be increased to \$38.00 pro-rated from January 1, 2022; and

THEREFORE, BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Construction Official and CFO.

Certification

I hereby certify for foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on January 19, 2022.

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Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Hoyer to approve Resolution #32-2022 was unanimously approved by roll call vote.

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

Resolution #33-2022: Reappointment of Township Registrar (*Vital Statistics*) M. Andrews

WEST AMWELL TOWNSHIP
RESOLUTION #33-2022

WHEREAS, Maria Andrews, CMR, currently serves as the West Amwell Township Registrar of Vital Statistics; and

WHEREAS, West Amwell Township has fewer than 5,000 residents according to the most recent Census report. Therefore, the township clerk serves as the local registrar pursuant to N.J.S.A. 26:8-11; and

NOW THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby re-appointments Maria Andrews to a three year term as the local registrar of Vital Statistics in West Amwell Township effective January 1, 2022.

Certification

I hereby certify the foregoing is a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on January 19, 2022.

Maria Andrews, Township Clerk, RMC/CMR

A motion by Dale, seconded by Lyons to approve Resolution #33-2022 was unanimously approved by roll call vote.

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

Resolution #34-2022: Appointing Township Dog Registrar M. Andrews

WEST AMWELL TOWNSHIP
RESOLUTION #34-2022

WHEREAS, West Amwell Township desires to name a replacement Dog Registrar; and

NOW THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby appointments Maria Andrews as the local Dog Registrar in West Amwell Township effective January 1, 2022 with a retro-active annual salary of \$2800.00 which is subject to all annual percentage increases given to staff.

Certification

I hereby certify the foregoing is a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on January 19, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #34-2022 was unanimously approved by roll call vote.

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

Resolution #36-2022: Appointing Risk Management Consultant (*Statewide Insurance*)

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT
Resolution #36-2022

WHEREAS, West Amwell Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

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WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Hunterdon and State of New Jersey, as follows:

West Amwell Township (Local Unit) hereby appoints
Tom Narolewski its Risk Management Consultant.

The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2022 in the form attached hereto.

Name of Entity: West Amwell Township

Attest:

Maria Andrews

James Cally, Mayor

Certification

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 19, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #36-2022 was unanimously approved by roll call vote.

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

Resolution #37-2022: Appointing a Fund Commissioner (Statewide Insurance)

STATEWIDE INSURANCE FUND RESOLUTION APPOINTING FUND COMMISSIONER Resolution #37-2022

WHEREAS, West Amwell Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of West Amwell (Local Unit) that James Cally (*entity’s elected official or employee*) is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2022; and

BE IT FURTHER RESOLVED that Gary Hoyer (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2022; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

West Amwell Township

ATTEST:

Clerk

James Cally, Mayor

A motion by Cally, seconded by Dale to approve Resolution #37-2022 was unanimously approved by roll call vote.

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

Discussion: Website Content Pitch from Ed Carter of Able Future

Clerk Andrews noted she had received an email from Ed Carter of the Able Future Organization who wished to write an article for the Township website containing advice for people with disabilities who are thinking of running for office.

It was noted for the record that the Committee preferred to consider posting a link to Mr. Carter's website rather than posting any actual articles. Attorney Campbell cautioned the Committee, noting it opens the door to other organizations that may wish to have a link on the Township website. The Committee agreed and decided not to act on Mr. Carter's request, at this time.

Discussion: Consideration of a Vacant and Abandoned Property Ordinance

Attorney Campbell explained a vacant and abandoned property ordinance would do two things: (1) Provide for a "fee" to be implemented if properties are left vacant and (2) Provide a mechanism for the Township to seek reimbursement costs for any expenses incurred to maintain any vacant or abandoned properties.

It was noted for the record that the Committee did not wish to establish a vacant and abandoned property ordinance at this time.

OPEN TO THE PUBLIC

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

ADMINISTRATIVE

Treasurer

It was noted for the record that there was no bill list for approval at this evening's meeting.

Zoning Office

Construction Office Manager Gail Brewi commented that new Zoning Officer Steve Rodzinak had started and remarked there may be interest in looking into expanding the Township's shared services.

OTHER

Resolution #35-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #35-2022

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.

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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 Cally, seconded by Dale to approve Resolution #35-2022 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.

It was noted for the record that the Committee was in Closed Session from 8:30 PM – 9:45 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 Hoyer, seconded by Dale to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:46 PM.

Maria Andrews, Township Clerk, RMC

Approved: 2/16/22