

WEST AMWELL TOWNSHIP COMMITTEE MEETING

December 1, 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.

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 2 items to be added under New Business:

1. Acknowledgment of Linda weber's letter of resignation from the Historic Preservation Committee
2. Resolution #94-2021: Opposing the Proposed Rock Fall Mitigation Project on Route 29

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- Certified Election Results: Stephen Bergenfeld & Gary Hoyer (*3 yr. Twp. Comm. Term*)
- Municipal Offices will be CLOSED 12/24/21 & 12/27/21 – Christmas Holiday
- The Last Township Committee Meeting for 2021 will be Wednesday 12/29/21

PRESENTATION OF MINUTES

A motion by Hoyer, seconded by Dale to approve the Committee's 11/17/21 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. 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.

Reports by Department Heads

Tax Collector Gail Brewi provided an update on the Tax Sale noting there were 2 properties on the list, one fell to the Township and the other went to a third party lien holder. With regard to the Construction/Zoning/Tax Office Assistant position, Ms. Brewi remarked interviews are scheduled for 12/7/21.

DPW Director Ryan Rollero commented that he would like to bond for \$300,000 for the Mt. Airy Village Road project so the work can be completed by Spring. He explained \$224,000 would cover engineering and construction costs, while the extra \$75,000 would cover any unforeseen costs. He noted the drainage on the firehouse side of the road could be an issue.

Director Rollero also noted Waste Security Laborer Daniel Cardona resigned and he asked for permission to seek a replacement at the Depot. The Committee authorized the position be filled.

Next, Director Rollero asked for authorization to list the department's 2013 zero turn mower on MunicBid in the hopes of selling it for \$3000 and utilizing the money to go toward the purchase of a new mower. Mayor Bergenfeld requested Director Rollero check on the availability of a new mower prior to listing the old one for sale.

Minutes: 12/1/21

There was some discussion on the hours for the depot with the Christmas and New Year's holidays falling on Saturdays. Director Rollero indicated he was looking into opening the Depot the Monday after each holiday and will see if another day works better.

OEM Director Harry Heller commented on "JCP&L striking again!" with half of the Township out of power during the last storm. Director Heller indicated he is still working with FEMA on reimbursements and believes we are entitled to money. He noted West Amwell has received \$6902 for COVID reimbursement so far.

Director Heller estimated the vehicle usage costs during the storm were \$43,000; the material costs were \$18,000 and the debris removal costs were \$6100.

It was noted that OEM is also working with Engineer Burr and the USDA Water Protection Group on assessing damages after hurricane Ida.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that there were no ordinances listed on the agenda for action.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental:
Mike Spille, Chairman of the Environmental Committee commented on the PennEast Pipeline project noting FERC had asked for additional details and it seems PennEast has ceased all activity but did not go so far as to say they are "abandoning" the project. Mr. Spille added that PennEast has settled with landowners regarding the condemnation so he believes it is very unlikely they will come back to NJ. Deputy Mayor Cally asked about the Adelphi Pipeline. Mr. Spille explained that pipeline is still being used but noted they are having some permitting issues.
- 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

Acknowledgement: Resignation of Zoning Officer Charles Latini

It was noted for the record that the Committee acknowledged receipt of Mr. Latini's resignation.

Resolution #91-2021: Hiring of Zoning Officer S. Rodzinak

RESOLUTION #91-2021

RESOLUTION APPOINTING STEPHEN RODZINAK AS THE TOWNSHIP ZONING OFFICER

WHEREAS, the Township of West Amwell wishes to appoint Stephen Rodzinak as the Township Zoning Officer; and

WHEREAS, interviews were conducted and the Township Committee has determined that Stephen Rodzinak best fits the philosophy and needs of West Amwell Township; and

WHEREAS, Mr. Rodzinak has accepted the Township's offer for the position; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell that Stephen Rodzinak is hereby appointed to a 1-year term as Township Zoning Officer, effective December 1, 2021.

CERTIFICATION

I, MARIA ANDREWS, Township 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 the Township Committee at a regular meeting of said Committee held on December 1, 2021.

Maria Andrews, Township Clerk, RMC

Resolution #92-2021: Reappointment/Establishing Tenure of Municipal Clerk M. Andrews

Township of West Amwell

RESOLUTION #92-2021

RESOLUTION OF REAPPOINTMENT OF MARIA ANDREWS
TO THE POSITION OF MUNICIPAL CLERK AND ESTABLISHMENT OF TENURE

WHEREAS, Maria Andrews was duly appointed and confirmed to the position of Municipal Clerk on December 27, 2018 for a three (3) year term in accordance with N.J.S.A. 40A:9-133, et seq.; and

WHEREAS, Maria Andrews is and has been certified as a Registered Municipal Clerk since October 10, 2018 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the Township Committee is desirous of reappointing Maria Andrews, RMC as the Municipal Clerk for the Township of West Amwell, effective December 27, 2021; and

WHEREAS, this reappointment has occurred within sixty (60) days of the expiration of the three year term identified above.

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

1. Maria Andrews, RMC is hereby reappointed to the position of Municipal Clerk for the Township of West Amwell
2. Maria Andrews, RMC is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40 A:9-133, et. seq.

CERTIFICATION

I, MARIA ANDREWS, Township 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 the Township Committee at a regular meeting of said Committee held on December 1, 2021.

Maria Andrews, Township Clerk RMC

Acknowledgement of Resignation Letter from Waste Security Laborer D. Cardona

It was noted for the record that the Committee acknowledged receipt of Mr. Cardona's resignation.

Discussion: Federal Holiday – Juneteenth

It was noted for the record that the Committee is not acknowledging Juneteenth as a holiday subject to paid time off for staff.

Acknowledgement of Resignation Letter from L. Weber of the Historic Committee

It was noted for the record that the Committee acknowledged receipt of Ms. Weber's resignation.

Resolution #94-2021: Opposing NJDEP's Proposed Rock Fall Mitigation Project Along Route 29

RESOLUTION 94-2021
TOWNSHIP OF WEST AMWELL
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION OPPOSING CONSTRUCTION BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION OF ROCKFALL MITIGATION MEASURES DESIGNED TO HOLD BACK ROCKS ALONG ROUTE 29 WITHOUT COMPLETION OF AN ENVIRONMENT IMPACT STATEMENT, PUBLIC HEARINGS AND CONSULTATION WITH, AND APPROVAL FROM, WEST AMWELL, THE NATIONAL PARK SERVICE AND THE DELAWARE SCENIC BYWAY COMMITTEE

WHEREAS, The New Jersey Department of Transportation intends to construct rockfall mitigation in West Amwell Township on cliffs adjacent to approximately 1.25 miles of Route 29 between mileposts 17.0-18.25, including the removal of trees and vegetation, blasting on much of the rock face, rock removal and reinforcement, installing metal mesh or “draping” materials to the rock face, the creation of a new barrier or a “catchment ditch,” and applying concrete to the to the smoothed rock face including to the Goat Hill geologic structure, to keep rocks from falling onto Route 29; and

WHEREAS, an Open Public Records Act request revealed that NJDOT has no records of accidents or fatalities related to rockfall incidents along Route 29 in West Amwell Township; and

WHEREAS, spending Federal money to address a hypothetical safety problem where no accidents or injuries have been documented due to rockfalls in West Amwell Township, is a choice to ignore documented safety issues within West Amwell or elsewhere in the state (including in Overburdened Communities) where injuries and/or fatalities have in fact occurred and where the money could be spent more cost-effectively and equitably to prevent injuries and save lives; and

WHEREAS, the NJDOT has indicated the project should receive a “categorical exclusion” from any environmental assessment or environmental impact statement studies due to public safety issues, even though no accidents or fatalities have been documented due to rockfalls in West Amwell Township; and

WHEREAS, the lower Delaware River segments were designated a National Wild and Scenic River by Congress and President Bill Clinton in 2000; and

WHEREAS, the area parallels the Delaware River Scenic Byway, a designation by the USDOT, endorsed by the NJDOT, and subject to the Delaware River Corridor Management Plan; and

WHEREAS, the NJDEP Natural Heritage Priority Sites Coverage was created to identify critically important areas to conserve New Jersey's biological diversity, with particular emphasis on rare plant species and ecological communities, and the area known as Goat Hill, including “steep, wooded diabase hillside” overlooking the Delaware River, is designated by NJDEP as Natural Heritage Priority site number S.USNJHP1*246 because it “contains three State-listed Endangered Plant Species” and “includes habitat for all rare plant species plus some buffer”; and

WHEREAS, the project will thereby negatively impact rare, threatened and endangered plants and wildlife; and

WHEREAS, residents living in West Amwell Township, and anyone driving on the Delaware Scenic Highway (Route 29) and anyone hiking or biking on the Goat Hill state park trail system, and anyone boating, fishing, tubing, or swimming in the Lower Delaware Wild and Scenic River, or anyone enjoying the Goat Hill Overlook will see a very different, industrial-looking rock face after the mitigation project is complete; and

WHEREAS, the loss of scenic value will negatively impact tourism businesses, recreational value and the local economy of River Towns surrounding West Amwell Township; and

WHEREAS, the loss of scenic value could negatively affect property values in West Amwell Township; and

WHEREAS, nearly all residents in West Amwell rely on private wells and septic systems and blasting and removal of cliffs risks damaging wells, septic systems and homes of residents in the area, polluting ground water and altering ground water flow so as to destroy irreplaceable water supplies; and

WHEREAS, Route 29 is the primary north-south commuting route in the area and a prime route to the State Capital, Trenton, the project will cause significant traffic delays and detours for several months or years during construction; and

WHEREAS, Governor DiFrancesco in 2011 signed into law a ban on regional and interstate 102-inch wide trucks — the typical tractor trailer truck on Route 29 through West Amwell, Lambertville, Stockton and Frenchtown thereby reducing commercial traffic and safety concerns; and

WHEREAS, Goat Hill has historical significance as one of the locations General George Washington used to scout his historic December 25th crossing of the Delaware River; and

WHEREAS, when and if complete, the mitigation as planned will radically change the visual nature of the river valley in the area, forever; and

WHEREAS, the visual alteration of Goat Hill will negatively impact public enjoyment of the D&R Canal State Park; and

WHEREAS, the rockfall project appears to be lacking sufficient study and analysis including a full and comprehensive traffic study, a historic/archeological impact study, a Delaware River Wild and Scenic River visual and environmental impact study, Scenic Byway visual impact study and an Environmental Impact Study; and

WHEREAS, the NJDOT appears to have selected a preferred alternative without the concurrence of local officials and stakeholders in the bi-state region; and

WHEREAS, concurrence on the NJDOT preferred alternative has not been obtained from the National Park Service, the NJ State Department of Parks and Forestry, the NJDEP Land Use Regulation Program, or the Delaware River Basin Commission; and

WHEREAS, alternatives to mitigate the purported rockfall problem have not been presented in a meaningful way in which they can be discussed and vetted thoroughly and thoughtfully with the stakeholders in the region; and

WHEREAS, NJDOT installed a fence with a similar purpose along a formerly scenic stretch of Route 46 in Knowlton Township with no consultation with the Township on the design and without public hearings; and

WHEREAS, the Route 46 project resulted in the erection of a fence that is extremely unpopular among the residents of Knowlton Township because of its size, cost, design and lack of aesthetic appeal and because most residents felt it was not needed; and

WHEREAS, The Township Committee of West Amwell Township would like to avoid a similar debacle along a designated scenic byway stretch of Route 29;

NOW, THEREFORE, BE IT RESOLVED on this 1st day of December 2021, by the Township of West Amwell in Hunterdon County, State of New Jersey,

- that the NJDOT rank, using transparent, publicly-available ranking criteria, all transportation safety projects in the state to determine where Federal monies are most cost-effectively and equitably spent to protect public safety,
- that the NJDOT complete an Environmental Impact Statement,
- that the NJDOT evaluate less impactful options,

- that the NJDOT consult with West Amwell Township, New Jersey Division of Parks and Forestry, National Park Service and Scenic Byway Committee, D&R Canal Commission and residents to determine if mitigation is needed and, if it is deemed to be needed, consult on the design of the mitigation in order to create a design that is acceptable to all parties and
- that the NJDOT hold public hearings to gauge the feelings of the public for the project and
- that the NJDOT agree to proceed with the project only under the condition that it is approved by West Amwell Township and the National Park Service and Scenic Byway Committee.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

Stephen Bergenfeld, Mayor

Certification

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of a resolution adopted by the West Amwell Township Committee on December 1, 2021.

Maria Andrews, Township Clerk, RMC

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Jennifer Andreoli of 16 Hunter Road came forward and thanked the Committee for fighting the results of the referendum. She expressed frustration with the school not explaining where they are spending tax payer dollars and commented that she believes they are trying to railroad the project through.

Mayor Bergenfeld commented that a petition has been filed for a recount and explained there is a conference call scheduled tomorrow with the Judge to decide on the recount and after that there may be “contest” where each side argues their points.

Deputy Mayor Cally remarked the school seems focused on their “equity agenda” but appears to have lost sight of the importance of the curriculum.

Mayor Bergenfeld commented that West Amwell residents have demonstrated their overwhelming opposition to the referendum and need to continue to voice their concerns. Mr. Spille asked if the Township Building can be used as a meeting place if necessary. It was noted for the record that the Committee indicated the building could be used as long as the time was cleared with the Clerk and there are no schedule conflicts with any Boards or Committees.

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.

OTHER

Resolution #93-2021: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #93-2021

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.

Minutes: 12/1/21

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 Cally, seconded by Dale to approve Resolution #93-2021 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.

It was noted for the record that the Committee was in Closed Session from 8:20 PM – 10:25 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 Dale, seconded by Cally to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:26 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/29/21