

WEST AMWELL TOWNSHIP COMMITTEE MEETING
December 27, 2023
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 Gary Hoyer, Deputy Mayor Stephen Bergenfeld, Committee Members John Dale and Meghan Hudson along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Hoyer 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 11, 2023, 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 Hoyer led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

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

ANNOUNCEMENTS

The following announcements were made:

- The Township Committee Re-organization Meeting is: Wednesday 1/3/24
- Municipal Offices will be CLOSED Monday 1/15/24 – Martin Luther King, Jr. Day
- Kindly Turn Cell Phones Off During the Meeting

PROCLAMATION: Committeeman John Dale

Mayor Hoyer read the following Proclamation into the record and presented it to Committeeman Dale:

PROCLAMATION

WHEREAS, John Dale has dutifully and selflessly volunteered his time to the Township of West Amwell for the past 20 years; and

WHEREAS, Mr. Dale began serving on both the Environmental Committee and the Zoning Board of Adjustment in 2003 and put his vast knowledge of the Township's Land Use Development Regulations to good use hearing numerous applications; and

WHEREAS, in 2005 Mr. Dale was appointed to the Planning Board where he will continue to serve and provide guidance on the Master Plan making recommendations to strengthen and sustain this Municipality's extensive agricultural community; and

WHEREAS, in 2013 Mr. Dale was appointed to fill the seat on the Township Committee that had been vacated; and

WHEREAS, Mr. Dale ran for Township Committee in 2014 and continued to run and win 2 more consecutive terms contributing countless hours analyzing the annual budget and offering oversight and creative solutions to protect the taxpayers and maintain important quality of life issues, which are an integral part of the community; and

WHEREAS, in 2018 Mr. Dale became liaison to the Parks and Recreation Committee as well as began serving on the Recycling Committee offering insight into overseeing and establishing rules and regulations regarding the handling and management of all West Amwell waste collection and recycling programs.

NOW THEREFORE, be it resolved by this Proclamation that the West Amwell Township Committee wishes to express great appreciation to John Dale for his 20 years of meritorious volunteer service, loyalty and dedication with his vision of preserving the heritage and spirit of this rural community for the future of the Township and all of its residents.

NOW THEREFORE, be it finally resolved that on December 27th, this Proclamation be committed to the official Township Committee minutes in appreciation and acknowledgement of Mr. Dale’s exemplary service.

By Order of the Township Committee

Gary Hoyer, Mayor

PRESENTATION OF MINUTES

A motion by Hudson, seconded by Bergenfeld to approve the Committee’s 12/6/23 regular session minutes, as revised, was approved by voice vote with Committeeman Dale abstaining.

A motion by Hudson, seconded by Bergenfeld to approve the Committee’s 12/6/23 closed session minutes with no revisions noted, was approved by voice vote with Committeeman Dale abstaining.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

A motion by Dale, seconded by Bergenfeld to open the floor to public comment was unanimously approved by voice vote. Seeing no members of the public who wished to speak, Mayor Hoyer closed the floor to public comment.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 13, 2023 – AN ORDINANCE AMENDING CHAPTER 109 OF THE WEST AMWELL TOWNSHIP MUNICIPAL CODE ENTITLED “LAND DEVELOPMENT” AND MORE PARTICULARLY BY AMENDING ARTICLE VIII, ENTITLED “PLANNING BOARD” AND ARTICLE IX, ENTITLED “ZONING BOARD OF ADJUSTMENT” FOR THE PURPOSE OF VESTING IN THE PLANNING BOARD ALL OF THE POWERS OF THE ZONING BOARD OF ADJUSTMENT

Mayor Hoyer read Ordinance 13, 2023 by title.

ORDINANCE 13, 2023

ORDINANCE AMENDING CHAPTER 109 OF THE WEST AMWELL TOWNSHIP MUNICIPAL CODE ENTITLED “LAND DEVELOPMENT” AND MORE PARTICULARLY BY AMENDING ARTICLE VIII, ENTITLED “PLANNING BOARD” AND ARTICLE IX, ENTITLED “ZONING BOARD OF ADJUSTMENT” FOR THE PURPOSE OF VESTING IN THE PLANNING BOARD ALL OF THE POWERS OF THE ZONING BOARD OF ADJUSTMENT

WHEREAS, N.J.S.A. 40:55D-25 permits under certain circumstances, a municipality of the State of New Jersey to extinguish its Zoning Board of Adjustment and vest all powers of said Board in the Municipal Planning Board; and

WHEREAS, “[i]n a municipality having a population of 15,000 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment”; and

Minutes: 12/27/23

WHEREAS, in the interest of efficiency for all current and future land use applicants, the Township Committee is desirous of implementing said procedure to extinguish its Zoning Board of Adjustment and vest all powers of said Board in the Municipal Planning Board.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that Chapter 109 of the West Amwell Township Municipal Code, entitled "LAND DEVELOPMENT" is hereby amended by amending Article VIII, entitled "Planning Board" and Article IX, entitled "Zoning Board of Adjustment" as follows:

SECTION I

Article VIII of Chapter 109, entitled "Land Development," which article is entitled "Planning Board," is amended by amending subsection 109-31, entitled "Establishment; composition" subsections A(1) and A(3) to add the following language to each subsection:

Subsection A(1). The Class I members shall not be permitted to participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70(d).

Subsection A(3). The Class III members shall not be permitted to participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70(d).

Subsection 109-32B entitled "Alternate members" is amended by deleting subsection B in its entirety and, in its place and stead, shall be the following:

Alternate members.

1. There shall be four alternate members of the Planning Board appointed by the Mayor and meeting qualifications of Class IV members of the Planning Board. Alternate members shall be designated at the time of the appointment by the Mayor as Alternate No. 1, Alternate No. 2, Alternate No. 3, and Alternate No. 4.
2. No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest.
3. Alternate members may participate in discussions of Planning Board proceedings but may not vote, except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice needs to be made as to which alternate member will vote, the alternate shall be chosen in chronological order in accordance with his or her designation as Alternate Nos. 1, 2, 3 or 4.
4. No alternate members shall vote in place of the Class I or Class III member when the Planning Board is considering an application for development which involves relief pursuant to N.J.S.A. 40:55D-70(d).

III. Subsection 109-38, entitled "Powers and duties generally," shall be amended by adding new subsection A(9) as follows:

B. To exercise all powers previously granted to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.1, 70.2, 72, 74, 76 and powers granted pursuant to N.J.S.A. 40:55D-34 and 36, as well as the amendments and supplements to the Municipal Land Use Act granting additional powers or amending the powers of a Zoning Board of Adjustment.

IV. **BE IT FURTHER ORDAINED** that Article IX, entitled "Zoning Board of Adjustment" is hereby amended by deleting section 109-41 entitled "Establishment; composition," as well as Sections 109-42, 109-43, 109-44, 109-45, 109-46, and 109-47. All other provisions in Chapter 70 with reference to the Zoning Board of Adjustment shall continue in existence, however, shall be applicable to the Planning Board and wherever it specifies either the "Board of Adjustment" or the "Zoning Board of Adjustment" said words shall be substituted with the words "Planning Board."

V. **BE IT FURTHER ORDAINED** that Article X of Chapter 109, entitled "Provisions Applicable to Planning Board and Board of Adjustment" shall be amended to only apply to the Planning Board.

SECTION II

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All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

Maria Andrews, Township Clerk, RMC

By Order of the Township Committee

Gary Hoyer, Mayor

A motion by Dale, seconded by Hudson to open the floor to public comment on Ordinance 13, 2023 was unanimously approved by voice vote.

OEM Director Harry Heller asked why the Committee wanted to combine the Boards. Mayor Hoyer remarked there was discussion on combining due to the increase in complex applications coming in.

A motion was made by Bergenfeld and seconded by Dale to adopt Ordinance 13, 2023. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

RESOLUTIONS

Resolution #105-2023: Authorizing CY2023 Budget Transfers

RESOLUTION #105-2023
AUTHORIZING CY2023 BUDGET TRANSFERS

WHEREAS, there are certain CY2023 Budget Appropriations of the Township of West Amwell with balances insufficient to meet requirements for operating Township Affairs; and

WHEREAS, there are CY2023 Budget Appropriations with unexpected balances that are not needed for such purposes; and

WHEREAS, Statutes 40A:4-58 provides for Transfers to those accounts having insufficient balances during the last two months of the fiscal budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the following transfers are authorized:

FROM	TO
Land Development O/E - \$20,500	Tax Assessment S/W - \$2,000
Audit Expenses O/E - \$12,000	Engineering O/E - \$2,500
Social Security - \$11,900	Zoning Board O/E - \$250
	Group Health Ins. - \$3,500
	Solid Waste O/E - \$500
	Police Dept. S/W - \$4,000
	Building/Grds O/E - \$2,500
	Vehicle Maint. - \$5,000
	Bond Interest - \$24,150
Total - \$44,400	Total - \$44,400

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 December 27, 2023.

Maria Andrews, Township Clerk, RMC

A motion was made by Hoyer and seconded by Hudson to approve Resolution #105-2023. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

RESCIND Resolution #85-2023 – Plenary Retail Consumption License (#37 Theatre Exception)

RESOLUTION #85-2023

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL TO APPROVE THE APPLICATION OF MUSIC MOUNTAIN THEATER FOR THE ISSUANCE OF A NEW PLENARY RETAIL CONSUMPTION LICENSE (#37 THEATER EXCEPTION) PURSUANT TO N.J.S.A. 33:1-19, ET SEQ., AND TO ISSUE SAID LICENSE

WHEREAS, pursuant to N.J.S.A. 33:1-19, *et seq.*, the Township Committee of the Township of West Amwell is empowered to issue a new Plenary Retail Consumption License (#37 Theater Exception) to a theater with no less than 50 seats without regard to any other restriction on the number of such licenses existing in the Township; and

WHEREAS, on August 16, 2023, the Township Committee passed Resolution #74-2023 establishing a new Plenary Retail Consumption License (#37 Theater Exception), and authorizing the Township to accept applications therefor; and

WHEREAS, the Township received only one application, from Music Mountain Theater, in response to its solicitation of applications; and

WHEREAS, the Township Committee has thoroughly reviewed the application received from Music Mountain Theater, and in accordance with N.J.A.C. 13:2-2.9, affirmatively finds as follows:

1. The submitted application form is complete in all respects; and
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Township Committee supports the application received from Music Mountain Theater for a new Plenary Retail Consumption License (#37 Theater Exception).

CERTIFICATION

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of West Amwell during a public business meeting held on September 20, 2023.

MARIA ANDREWS, TOWNSHIP CLERK, RMC

Clerk Andrews explained that ABC has advised the Township cannot approve this resolution until the Director actually authorizes the license, therefore they requested the resolution be officially rescinded.

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A motion was made by Bergenfeld and seconded by Dale to rescind Resolution #85-2023. The motion was unanimously approved by roll call vote.
Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Resolution #107-2023 – Authorizing Cancellation of Billing due to Change of Class for Tax Exemption

RESOLUTION #107-2023
AUTHORIZING CANCELLATION OF BILLING DUE TO CHANGE OF CLASS FOR TAX EXEMPTION

WHEREAS, West Amwell Township, purchased the following properties, and the properties had a change in taxable status with the Assessor’s Office in the Township of West Amwell, in the County of Hunterdon; and,

WHEREAS, the Assessor’s Office in the Township of West Amwell, in the County of Hunterdon effectuated a change in property class to exempt; and,

WHEREAS, the property will retain tax exempt status as long as it continues to be West Amwell Township owned; and,

WHEREAS, Certain adjustments are necessary to the records of the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby authorize the following adjustments be approved:

TAX-CANCEL OWNER	BLOCK/LOT	AMOUNT	REASON
Twp. of West Amwell	Block 46 Lot 13	\$ 37.96	Class 15C
Twp. of West Amwell	Block 8 Lot 50	\$ 48.68	Class 15C
Twp. of West Amwell	Block 40 Lot 5	\$ 56.96	Class 15C
Twp. of West Amwell	Block 41 Lot 7	\$ 56.96	Class 15C

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

By Order of the Township Committee,

Gary Hoyer, Mayor

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 December 27, 2023.

Maria Andrews, Township Clerk, RMC

A motion was made by Hudson and seconded by Bergenfeld to approve Resolution #107-2023. The motion was unanimously approved by roll call vote.
Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Resolution #108-2023 – Authorizing Cancellation of Billing due to Loss of Farmland Assessment

RESOLUTION #108-2023
AUTHORIZING CANCELLATION OF BILLING DUE TO LOSS OF FARMLAND ASSESSMENT

WHEREAS, the Township of West Amwell Tax Assessor denied farmland assessment for tax year 2023 for parcels in the Township of West Amwell, in the County of Hunterdon; and,

WHEREAS, the Assessor’s Office in the Township of West Amwell, in the County of Hunterdon will delete the farm qualified parcels for the 2024 tax year; and,

WHEREAS, Certain adjustments are necessary to the records of the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby authorize the following adjustments be approved:

TAX-CANCEL

<u>OWNER</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>REASON</u>
Cekoric, Thomas & Peggy (2023 Billing - 3 rd & 4 th Qtr.) (2024 Prel. Billing – 1 st & 2 nd Qtr.)	Block 28 Lot 8 Q0068	\$20.98	Farmland Denial
Runkle, Norma (2023 Billing – 3 rd & 4 th Qtr.) (2024 Prel. Billing - 1 st & 2 nd Qtr.)	Block 7.01 Lot 22 Q0040	\$88.58	Farmland Denial

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

By Order of the Township Committee,

Gary Hoyer, Mayor

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 December 27, 2023.

Maria Andrews, Township Clerk, RMC

A motion was made by Hudson and seconded by Bergenfeld to approve Resolution #108-2023. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Resolution #109-2023 – Award BID for 2023 Police Department Chevy Tahoe

Explanation: This resolution awards a 2023 Chevy Tahoe for the West Amwell Township Police Department

WEST AMWELL TOWNSHIP
RESOLUTION #109-2023

WHEREAS, West Amwell Township did advertise for the 2023 Chevy Tahoe; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of Lieutenant EJ Skillman, Whitmoyer Chevy has been determined to be the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the West Amwell Township, County of Hunterdon, State of New Jersey that a contract is hereby awarded to Whitmoyer Chevy in Mount Joy, PA in the amount of \$48,500.00 for the purchase of a 2023 Chevy Tahoe and that the Police Lieutenant and the Clerk of the West Amwell Township hereby authorized, respectively, to execute and attest to an agreement with Whitmoyer Chevy of 1001 E. Main Street, Mount Joy, PA 17552 pursuant to bid specifications, and in a form approved by the Township Attorney; and

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BE IT FURTHER RESOLVED, that the Township Clerk publish a notice of this action in the official newspaper of the Township within 10 days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the Bond Ordinance 8, 2023 was introduced and adopted for the purpose of purchasing a 2023 Chevy Tahoe for the Police Department and that the Chief Financial Officer has issued a Certificate of Available Funds (COAF) which is incorporated into this resolution.

WEST AMWELL TOWNSHIP

Gary Hoyer, Mayor

Adopted: December 27, 2023

I hereby certify that this is a true and correct copy.

Maria Andrews, Township Clerk, RMC

A motion was made by Dale and seconded by Bergenfeld to approve Resolution #109-2023. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

NEW BUSINESS/OTHER

Approval: Professional Services Contract: Municipal Judge Francesco Taddeo

A motion was made by Hudson and seconded by Dale to approve the professional services contract for Municipal Judge Francesco Taddeo. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Approval: Professional Services Contract: Animal Control Solutions

A motion was made by Hudson and seconded by Bergenfeld to approve the professional services contract for Animal Control Solutions. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Acknowledgement: SHR Band Parents Association Raffle

Clerk Andrews noted the South Hunterdon Regional Band Parents Association will be raffling off a gift basket on March 2, 2024 to raise funds for the music department.

UNFINISHED BUSINESS

Discussion: Letter from Hunt & Faherty, re: Deed for 125 Hancock Street – Block 44 Lot 11

Attorney Pandos advised that he had spoken with Attorney Faherty about this deed and is researching how to clean-up the deeds on the small lots on Hancock Street. He stated he will reach back out to him after the New Year.

Committeewoman Hudson commented that she had spoken with Assessor Izzo who indicated the Township owns every other one of the small 25' wide lots in this neighborhood and Assessor Izzo had remarked that she would have to verify how to separate the subject lot and then determine how to record giving it over to Attorney Faherty's client.

OEM Director Harry Heller commented on his own experience owning many lots on Jackson Street that were merged by the former Assessor without any discussion.

ADMINISTRATIVE

A motion by Hudson, seconded by Dale to approve the 12/12/23 bill list was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

REPORTS BY DEPARTMENT HEADS

OEM Director Harry Heller commented on the tree that fell on Rocktown-Lambertville Road during the last storm. He advised that Verizon indicated they are no longer taking trees down that fall on wires.

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Deputy Mayor Bergenfeld remarked that if it happens again, he suggests the DPW push the tree out of the roadway and if the wires come down too then Verizon will have to come out and fix it.

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.

OPEN TO THE PUBLIC

A motion by Dale, seconded by Hudson to open the floor to public comment was unanimously approved by voice vote. Seeing no members of the public who wished to speak, 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.

OTHER

Resolution #106-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion was made by Bergenfeld and seconded by Dale to approve Resolution #106-2023 and enter into closed session. The motion was unanimously approved by voice vote.

Resolution #106-2023

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 the expected 30 minute discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Prescriptive Easements for DPW and land acquisition/personnel and matters falling under attorney client privilege. Action may be taken.
3. As nearly as can be ascertained, the matter or matters to be discussed during this closed session will be disclosed to the public when such matters are resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

It was noted for the record that the Committee was in closed session from 8:10 PM – 8:49 PM.

ADJOURNMENT

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

The meeting adjourned at 8:50 PM.

Maria Andrews, Township Clerk, RMC

Approved: 1/17/24