

WEST AMWELL TOWNSHIP COMMITTEE MEETING
December 7, 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.

Mayor Cally asked everyone to remain standing for a moment of silence in memory of all those who were killed in the Pearl Harbor attack 81 years ago today.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted approval of the 12/7/22 bill list will be added under Administrative Reports for the Treasurer.

ANNOUNCEMENTS

The following announcements were made:

- Certified Election Results: James Cally & Meghan Hudson (*3 yr. Twp. Comm. Term*)
- Municipal Offices will be CLOSED Fri. 12/23/22 & Mon. 12/26/22: Christmas Holiday and Fri. 12/30/22 and Mon. 1/2/23: New Year's Holiday
- The Last Twp. Comm. Meeting for the Year is on: Wednesday 12/28/22 at 7:30 PM
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Hoyer, seconded by Bergenfeld to approve the Committee's 11/16/22 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.

Sean Pfeiffer of 74 Rocktown-Lambertville Road came forward and commented on the potential merger of the Ag and Open Space Committees, noting the SADC regulations limit membership on Ag Committees to 5 members.

RESOLUTIONS

Resolution #100-2022: Cancellation of Tax Billing – B:28 L:6.02

RESOLUTION AUTHORIZING CANCELLATION OF BILLING DUE TO COUNTY BOARD OF TAXATION JUDGMENT
Resolution #100-2022

WHEREAS, the Township of West Amwell Tax Assessor filed a Memorandum of Judgment for assessor correction in the Hunterdon Board of Taxation Office of the County of Hunterdon; and,

WHEREAS, Final Judgment was recorded on June 09, 2022, in the Office of the County Board of Taxation under Appeal No. 26-2200006A; and,

WHEREAS, Resolution #31-2022 was adopted by the Township Committee of West Amwell relieving collection of certain taxes for Block 28 Lot 6.02 known as 10 Old Route 518 West; and,

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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
Zuccarelli, Eric & Sonya M. (2022 Billing - 1st,2nd ,3rd & 4th Qtr.)	Block 28 Lot 6.02	\$2,618.35	Assessor Correction
Zuccarelli, Eric & Sonya M. (2023 Preliminary Billing – 1st & 2nd Qtr.)	Block 28 Lot 6.02	\$1,309.18	Assessor Correction

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,

James Cally, Mayor

A motion by Hoyer, seconded by Dale to approve Resolution #100-2022 was unanimously approved by roll call vote:

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

Resolution #101-2022: Authorization of CY2022 Budget Transfers

RESOLUTION AUTHORIZING CY2022 BUDGET TRANSFERS
Resolution #101-2022

WHEREAS, there are certain CY2022 Budget Appropriations of the Township of West Amwell with balances insufficient to meet requirements for operating Township Affairs; and

WHEREAS, there are CY2022 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; and

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

		TO	FROM
General administration	S/W	600.00	
	O/E	1,500.00	
Mayor and Council	O/E	450.00	
Municipal Clerk	S/W	10,500.00	

		O/E		3,000.00
Financial Administration		S/W		750.00
		O/E	3,700.00	
Revenue Admiistration		S/W	32,500.00	
Tax Assessment		S/W		8,000.00
		O/E		3,000.00
Legal Services		O/E	60,000.00	
Engineering		O/E	24,000.00	
Historical Site Office		O/E		500.00
Land Use Admin		S/W		2,500.00
		O/E		10,000.00
Zoning Board		S/W	300.00	
		O/E	330.00	
Housing		S/W		3,000.00
		O/E		2,500.00
Code Enforcement		S/W		25,000.00
		O/E		800.00
Liability Insurance		O/E	10,638.00	
Fire Co. Insurance		O/E	1,094.02	
Workers Comp Insurance		O/E		10,687.00

Police Dept			S/W	3,000.00	
			O/E		5,000.00
OEM			O/E	1,300.00	
Fire Bureau			S/W	250.00	
			O/E		500.00
Prosecutor			O/E	1,500.00	
Streets and Roads			S/W		23,000.00
			O/E		22,000.00
Solid Waste			S/W		4,000.00
			O/E		16,000.00
Building & Grounds			S/W	10,000.00	
			O/E		3,500.00
Vehicle Maintenance			O/E	2,500.00	
			O/E		5,000.00
Environmental Services			O/E		500.00
Social Services Huntredon Drug Awareness			O/E		500.00
Maintenance of Parks			O/E		5,000.00
Accumulated Absenses			O/E		4,800.00
Storm Recovery Trust			O/E		2,000.00

Street lighting		O/E	1,000.00	
Telephone		O/E		3,000.00
Fuel Oil		O/E	750.00	
Gasoline		O/E	1,100.00	
Municipal Court		S/W	650.00	
		O/E		1,125.00
Public Defender		O/E		2,000.00
Outside of CAP				
SHRD Police Security		S/W		4,762.00
Capital improvement		O/E	4,762.00	
			172,424.02	172,424.00

Certification

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON December 7, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #101-2022 was unanimously approved by roll call vote:
Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes

Resolution #102-2022: Opposing Senate Bill S3214

RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, OPPOSING NEW JERSEY SENATE BILL S3214

WHEREAS, the Second Amendment to the United States Constitution guarantees that, “the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, the Supreme Court of the United States has recently affirmed that, “[t]he constitutional right to bear arms in public for self defense is not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.’” New York State Rifle & Pistol Assn., Inc., v. Bruen, 142 S. Ct. 2111, 2156 (2022) (quoting McDonald v. City of Chicago, 130 S. Ct. 3020, 3044 (2010)); and

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WHEREAS, in order to justify any regulation of the rights guaranteed by the Second Amendment, “the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” Bruen, 142 S. Ct. at 2126; and

WHEREAS, on October 17, 2022, the New Jersey Senate introduced S3214, which was then referred to the Senate Law and Public Safety Committee; and

WHEREAS, S3214 seeks to impose many novel and burdensome restrictions upon the rights guaranteed by the Second Amendment, including but not limited to the following:

Raising the application fee for a permit to purchase a handgun from \$2 to \$25;

Raising the application fee for a firearms purchaser identification card from \$5 to \$50;

Raising the application fee for a permit to carry a handgun from \$50 to \$200 (in addition to the fees for the mandatory firearms qualification and fingerprinting);

Requiring individuals to carry a handgun concealed on their person and in a holster with a retention strap at all times;

Requiring individuals to obtain firearm liability insurance in the amount of \$100,000 (per person) / \$300,000 (per occurrence);

Requiring individuals to carry proof of said insurance with them at all times;

Restricting firearms from being carried in vehicles;

Restricting firearms from being carried in public parks, beaches, and recreation areas;

Restricting firearms from being carried on any private property without the prior express consent of the property owner; and

Conditioning the constitutional right to carry a firearm upon a physical demonstration of shooting proficiency and accuracy.

WHEREAS, firearms have long been enmeshed in the culture of rural and agricultural communities in the State of New Jersey, and the residents of the Township of West Amwell share a rich history of safe and responsible gun ownership; and

WHEREAS, the foregoing restrictions, among others, would disenfranchise residents of the Township of West Amwell from having the legal and financial means to exercise their rights guaranteed by the Second Amendment; and

WHEREAS, the Township Committee of the Township of West Amwell strongly supports and will act to defend all rights belonging to its residents, including those guaranteed by the Second Amendment to the United States Constitution; and

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of West Amwell, County of Hunterdon, and State of New Jersey, for reasons stated above, does hereby oppose New Jersey Senate Bill S3214, as currently drafted, and strongly urges the State Senate and Assembly to oppose these Bills.

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, December 7, 2022.

Maria Andrews, Township Clerk RMC

A motion by Hoyer, seconded by Cally to approve Resolution #102-2022 was unanimously approved by roll call vote:

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

Resolution #103-2022: Refund Redemption Money – B:30 L:16

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES AND PREMIUM TO OUTSIDE LIEN
HOLDER
RESOLUTION #103-2022**

WHEREAS, the Township of West Amwell sold at the Municipal Tax Sale held on November 22, 2022, a lien on Block 30, Lot 16, also known as 30 Woodens Lane in West Amwell Township, for 2021 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #22-1, was sold to CHRISTIANA T C/F CE1/FIRSTTRUST for a premium of \$57,000; and

WHEREAS, ELT Holdings, LLC, owner, has effected redemption of Certificate #22-1 in the amount of \$4,605.18.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check, and the Mayor, Clerk, and Treasurer be authorized to sign a check in the amount of \$61,605.18 payable to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-50021 for the redemption of Tax Sale Certificate #22-1.

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,

James Cally, Mayor

A motion by Hoyer, seconded by Cally to approve Resolution #103-2022 was unanimously approved by roll call vote:

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

Resolution #104-2022: Refund Redemption Money – B:21 L:34

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES AND PREMIUM TO OUTSIDE LIEN
HOLDER
RESOLUTION #104-2022**

WHEREAS, the Township of West Amwell sold at the Municipal Tax Sale held on November 23, 2021, a lien on Block 21, Lot 34, also known as 269 Rocktown-Lambertville Road in West Amwell Township, for 2020 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #21-1, was sold to US Bank CUST/PC8 FIRSTTRUST Bank for a premium of \$200.00; and

WHEREAS, PNC Bank NATL Assoc, owner, has effected redemption of Certificate #21-1 in the amount of \$12,735.03.

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NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check, and the Mayor, Clerk, and Treasurer be authorized to sign a check in the amount of \$12,935.03 payable to US Bank CUST/PC8 FIRSTRUST Bank, 3232 Newmark D, Miamisburg, OH 45342 for the redemption of Tax Sale Certificate #21-1.

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,

James Cally, Mayor

A motion by Hoyer, seconded by Dale to approve Resolution #104-2022 was unanimously approved by roll call vote:

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

Resolution #105-2022: Private Sale of Tax Certificate – B:29 L:5

RESOLUTION #105-2022

RESOLUTION AUTHORIZING ASSIGNMENT OF MUNICIPALLY HELD LIEN TAX SALE CERTIFICATE 22-3

WHEREAS, N.J.S.A. 54:5-112 and 5-113 provide for the governing body to sell municipally held liens at a private sale for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges, and;

WHEREAS, JEFFREY BURD, has presented an offer to purchase by assignment Certificate of Sale #22-3 which was issued to the Township of West Amwell at a tax sale held on November 22, 2022 on Block 29 Lot 5, known as 42 Hewitt Road, Lambertville, NJ 08530, and assessed to IRENE B. GRIESER, in the amount of \$450.10, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the West Amwell Township Committee hereby authorizes the Mayor and Township Clerk to execute the necessary assignment document, in order to effect assignment of the above-referenced Certificate of Sale.

ATTEST: _____
Maria Andrews, Township Clerk, RMC

James Cally, Mayor

Certification

I hereby certify that the foregoing Resolution was adopted by Mayor and Governing Body of the Township of West Amwell, County of Hunterdon, and State of New Jersey at their Meeting of Wednesday, December 7, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to approve Resolution #105-2022 was unanimously approved by roll call vote:

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

Resolution #106-2022: Renewal of Emergency Mgmt. Coordinator H. heller's 3 Year Term

WEST AMWELL TOWNSHIP
RESOLUTION #106-2022

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WHEREAS, Harry Heller currently serves as the West Amwell Township Emergency Management Coordinator; and

WHEREAS, Mr. Heller's current 3 year term expires on 12/31/22; and

WHEREAS, the Governing Body wishes to re-appoint Mr. Heller to another 3 year term; and

NOW THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby re-appointments Harry Heller to a three year term as the local Emergency Management Coordinator in West Amwell Township effective January 1, 2023.

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 December 7, 2022.

Maria Andrews, Township Clerk, RMC/CMR

A motion by Bergenfeld, seconded by Dale to approve Resolution #106-2022 was unanimously approved by roll call vote:

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

Resolution #107-2022: Authorizing the Purchase of 2023 Ford F-550 Mason Dump Truck

RESOLUTION #107-2022

WEST AMWELL TOWNSHIP

RESOLUTION AUTHORIZING PURCHASE CONTRACTS WITH CERTAIN APPROVED SOURCEWELL COOPERATIVE PURCHASING CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-10

WHEREAS, West Amwell Township, Member ID #93436 is a party to a cooperative purchasing agreement with Sourcewell organized pursuant to N.J.S.A 40A:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through a duly-formed cooperative purchasing system without advertising for bids; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-to-Play Law N.J.S.A 19:44A-20.4 et seq.; and

WHEREAS, the Township of West Amwell has a need to purchase a 2023 Ford Super Duty F-550 DRW (F5H) XL 4WD Regular Cab 145" WB 60" CA, A&K 9' Mason Dump Body and Equipment, on a timely basis, goods or services utilizing Sourcewell cooperative contracts during 2023; and

WHEREAS, said vehicle is available under Sourcewell contract #091521-NAF; and

WHEREAS, the Township of West Amwell plans to utilize the Sourcewell Contract Vendors, such transaction shall be subject to all conditions applicable to the current Sourcewell cooperative contracts; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, Hunterdon County, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2023 from the approved Sourcewell Cooperative Contract Vendors, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or similar document.

By Order of the Township Committee

James Cally, Mayor

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A motion by Bergenfeld, seconded by Dale to approve Resolution #107-2022 was unanimously approved by roll call vote:

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

Resolution #108-2022: Amending S&W Resolution #62-2022 to Include Security Officer D. Schrade

Resolution #108-2022
Amending Resolution #62-2022

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2022 Salary and Wage Resolution, approved on June 15, 2022 be amended as follows:

Position *(To be listed per Ord. 06, 2022)*
Court Security Officer - Schrade

Salary/Compensation
\$225.00 per court session

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting held on December 7, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #108-2022 was unanimously approved by roll call vote:

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

SPECIAL PRESENTATION(S)

Reports by Department Heads

Director of Public Works Ryan Rollero updated the Committee on the status of the Rocktown Lambertville Road/Quarry Street project stating it was a success. He thanked the Committee for collaborating with Lambertville and remarked how proud he is of the way it turned out.

Director Rollero also noted that the Recycling Depot will be closed Saturday 12/24/22 and will resume operations on Wednesday 12/28/22.

OEM Director Harry Heller came forward and updated the Committee on the status of the FEMA projects he is working on.

Construction Office Manager Gail Brewi updated the Committee on the DCA's requirement that all permitting must be accepted on-line by the summer of 2023. She noted she is currently working with Edmunds and commented that the fee schedule will have to be adjusted accordingly.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 08, 2022 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS” ARTICLE XLIII “CANNABIS RELATED BUSINESSES” TO REVISE LIMITATION REGULATIONS

Township Attorney Pandos noted that the “Save the Amwell’s” group posted something implying people should RSVP to attend this evening’s meeting and created a flood of emails to the Clerk which was very disruptive to business operations. He stated his office sent out a cease and desist letter.

Mayor Cally read Ordinance 08, 2022 by title.

WEST AMWELL TOWNSHIP
ORDINANCE 08, 2022

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN
THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, "LAND DEVELOPMENT,"
PART 10 "CANNABIS" ARTICLE XLIII "CANNABIS RELATED BUSINESSES" TO REVISE LIMITATION
REGULATIONS**

WHEREAS, the Township Committee adopted Ordinance 06, 2021 to create an ordinance to regulate Cannabis related businesses; and

WHEREAS, the Township Committee wishes to make revisions to Ordinance 06-2021 in order to further protect the health, safety, and general welfare of Township residents, as well as to preserve the character of the community; and

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(B)(2):

(2) The number of Cannabis Businesses located within the Township shall be limited as follows: ~~Cannabis Dispensary~~; No more than two (2) Cannabis Cultivation Centers; two (2) Microbusiness Cannabis Cultivators; and two (2) Cannabis Dispensaries shall be located within the Township. There shall be no limit on the number of Cannabis Manufacturing Facilities, or Cannabis Wholesalers or Cannabis Cultivation Centers. There shall be no limit on the number of Medical Cannabis Dispensaries, Alternative Treatment Centers, or Vertically Integrated Medical Cannabis Facilities.

Section 2. The following revisions are made to §109-264(C)(1)(b)(i): Adherence to the site design standards of the Township Land Development Ordinances and Redevelopment Plans through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~.

Section 3. The following revisions are made to §109-264(C)(1)(b)(ii): Issuance of zoning permit and site plan approval ~~is required~~.

Section 4. The following revisions are made to §109-264(C)(2)(a)(i): ~~(1i)~~ Any of the zones in which Cannabis Dispensaries are permitted

Section 5. The following revisions are made to §109-264(C)(2)(a)(ii): ~~(2ii)~~ Village Center Redevelopment Area

Section 6. 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 7. The following revisions are made to §109-264(C)(3)(b)(iv): (iv) Issuance of zoning permit and site plan approval ~~is required~~.

Section 8. The following revisions are made to §109-264(C)(3)(b)(vi): (vi) if vertically integrated with a cultivation center, then all other criteria for Cannabis Cultivation Centers in (4) below shall also apply.

Section 9. The following revisions are made to §109-264(C)(4)(b): Cannabis Cultivation Centers shall be permitted subject to the following criteria:

(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.

(ii) 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.).

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(iv) Cultivation centers 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}.

(v) The Applicant shall provide a water conservation plan, describing the water-conserving features of proposed cannabis operation. These features may include, but are not limited to the following: 1) evaporative barriers on exposed soils and pots; 2) rainwater capture and reuse; 3) recirculated irrigation water (zero waste); 4) timed drip irrigation; 5) soil moisture monitors; and 6) the use of recycled water.

(vi) The Applicant shall provide a stormwater management plan that satisfies all New Jersey Department of Environmental Protection and Township stormwater control standards.

(vii) The Applicant shall provide a traffic projection and management plan.

(viii) Landscape screening must be installed to prevent public view of structures from all roadways and adjoining parcels.

(ix) Cultivation centers must design the growing facilities within greenhouses to maximize solar energy use and to minimize the use of other energy sources, and the licensee shall be required to maintain the design of the buildings onsite in accordance with the plans approved by the Township Planning Board.

(~~vx~~) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

(~~vi~~~~x~~i) 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.

(~~vi~~~~x~~ii) Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited. Odor control is required and shall prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity within 25 feet of the buildings. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters, or similar filtration media, and ventilation and exhaust systems to eliminate cannabis odors emanating from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity within 25 feet of the buildings. Odor mitigation filtration systems must be installed and maintained in perfect working order.

(~~vi~~~~x~~iii) All interior and outdoor lighting shall be shielded through the use of best available technology to prevent light trespass into the night sky and glare onto adjoining parcels or rights-of-way. Light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

(~~ix~~~~x~~iv) Noise beyond the decibel level permitted by Township noise ordinances State statutes shall be prohibited. Any generator used in cultivation shall be housed in a noise minimizing enclosure set back at least 75 feet from the property line and shall conform with all applicable State noise statutes.

(~~x~~~~x~~v) 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 10. The following revisions are made to §109-264(C)(5)(b)(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 11. The following revisions are made to §109-264(C)(5)(b)(viii):

(viii) light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

Section 12. The following revisions are made to §109-264(C)(5)(b)(ix):

(ix) noise beyond the decibel level permitted by ~~Township noise ordinances~~ State noise statutes shall be prohibited.

Section 13. The following revisions are made to §109-264(C)(6)(a)(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~~.

Section 14. The following revisions are made to §109-264(C)(8):

(8) Microbusinesses. Microbusinesses are permitted as conditional uses within any area where Cannabis Businesses are permitted within the Township according to their use category (i.e., Dispensary, Cultivation, or Manufacturing), and subject to the same criteria to manage noise, odor, effluent, water usage, et cetera, as their relevant use category.

Section 15. All other Sections and subsections not specifically revised or renumbered in this Ordinance shall remain unchanged.

Section 16. 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 17. 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 18. 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, Mayor

A motion was made by Bergenfeld, seconded by Cally to open the floor to public comment.

Cindy Walters of 12 George Washington Road came forward and asked for clarification on exactly what details of the ordinance are being amended. Deputy Mayor Hoyer referred to the redlined ordinance available to the public and explained that the State is constantly changing the cannabis regulations and therefore the Township must make amendments.

Mike Rassweiler of 386 Rock Road East came forward and commented that some of the proposed amendments seem arbitrary. He also commented on how greenhouses are considered indoor grow facilities and questioned the meaning of some language contained in the ordinance.

Meghan Hudson of 328 Rocktown-Lambertville Road came forward and provided a summary of the cannabis ordinances to date. She asked if the Township had hired any Special Planner other than Chuck Latini and also wanted to know what research the Township was doing to help guide the amendments. Mayor Cally commented that Mr. Latini had collaborated with other experts.

Nancy Derrico of 7 Lake Drive came forward and remarked the ordinance lacks consideration for neighboring wells. Planning Board Chairman Rob Tomenchok spoke up from the public noting development applications are reviewed on a case by case basis. Attorney Pandos explained there are “quantifiable” items for regulating noise and odor whereas water usage is specific to a location which falls under the purview of the Planning Board.

Aurelle Sprout of 687 Brunswick Pike came forward and commented of residents enjoying the fact that West Amwell is under-developed. She questioned whether or not you could put a price on nature. She referenced a 2003 hydrogeology report and remarked on the importance of the Barred Owls in the area.

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Jean Falvo of 350 Rock Road East came forward and questioned cannabis facilities within, or too close to, school zones. Deputy Mayor Hoyer mentioned that no cannabis facilities are permitted to operate in school zones and referred to amendments in the ordinance clarifying that.

Holly Abitz of 201 Rock Road West came forward and asked about potential fines for cannabis facilities.

Mike Gural of 1748 Linvale Harbourton Road came forward and commented that taxes may *not* go down which he said was stated at another meeting in regard to the recently approved cannabis facility. He also referred to the minimum lot size requirements within the Township and remarked on a typical house using “X” gallons of water per day. He suggested the same type of limits should be put on cannabis businesses.

Mr. Gural asked who was on the Cannabis Advisory Committee. Deputy Mayor Hoyer stated: Himself, John Dale, the Township Zoning Official, Scott Greenwood and Connor Montferrat.

Meghan Hudson of 328 Rocktown-Lambertville Road came forward again and asked if medical cannabis dispensaries who transfer to adult use after 1 year will be grandfathered in. Deputy Mayor Hoyer noted that West Amwell will not be impacted because the Township does not have any ATC’s and he said the State is not issuing any.

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

A motion was made by Hoyer and seconded by Cally to adopt Ordinance 8, 2022 upon second reading and public hearing. The motion was unanimously approved by roll call vote.

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

NEW BUSINESS

Discussion: Township Committee Re-organization Meeting Date for 2023

It was noted for the record that the Township Committee Re-organization meeting date will be changed from Wednesday 1/4/23 to Tuesday 1/3/23 at 7:30 PM. Clerk Andrews noted she will re-notice the meeting accordingly.

Discussion: Location of OEM Antennas

OEM Director Harry Heller explained he needs to get the OEM antennas mounted on the building now that he has moved his office to the municipal facility. After some discussion on the location, the Committee noted the antennas should be erected in the back corner of the building where the police antennas are and that a “Co-ex Amplifier” could be purchased if needed.

STANDING COMMITTEE REPORTS

- A. Open Space: Chairman of the Committee John Cronce gave an update on signage he ordered for open space properties and noted he would like George Fisher appointed back to Open Space so he can assist with the easement inspections that need to be done this year.
- B. Environmental: No report was given.
- C. Ag Advisory: No report was given.
- D. Finance Committee: No report given.

Mayor Cally noted that he wanted the record to be clear that Mr. Latini only provided the Township with sample ordinances regarding cannabis regulations and that other Township professionals worked to develop the final cannabis ordinance. He stated Mr. Latini was not paid for anything to do with cannabis, only for the work he did regarding the redevelopment studies and plans.

OPEN TO THE PUBLIC

Mayor Cally opened the floor to public comment.

Meghan Hudson of 328 Rocktown-Lambertville Road came forward again and confirmed the next Township Committee meeting is on 12/28/22.

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OEM Director Harry Heller noted the “Dam Failure Drill” for EMS staff is tomorrow, 12/8/22 at the Justice Center in Lambertville.

Holly Abitz of 201 Rock Road West came forward again and expressed concern for traffic on Rock Road West. She asked for additional signage.

Dave Beaumont of 205 Rock Road West came forward and expressed gratitude for all of the Township volunteers. He then asked for status updates on the equalized valuations and the potential school de-regionalization matters.

John Dupuis of 19 Hewitt Road came forward and complained about a vehicle parked just off the road on private property that may be unregistered.

Meghan Hudson came forward and provided the Committee with a handout from resident Linda Meier.

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

ADMINISTRATIVE

A motion by Bergenfeld, seconded by Dale to approve the 11/23/22 and 12/7/22 bill lists was unanimously approved by roll call vote.

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

OTHER

Resolution #109-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #109-2022

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.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Bergenfeld to approve Resolution #109-2022 and enter into Closed Session was unanimously approved by voice vote.

A motion by Hoyer, 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 9:50 PM – 10:42 PM.

Upon returning to Open Session, a motion was made by Bergenfeld and seconded by Cally to authorize Attorney Pandos to proceed as discussed in Closed session. The motion was unanimously approved by voice vote.

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CORRESPONDENCE

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

ADJOURNMENT

Mayor Cally adjourned the meeting at 10:44 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/28/22