

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

## **February 16, 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 Deputy Mayor Gary Hoyer, Committeemen John Dale and Lucas Lyons. It was noted that Mayor Cally was in attendance via cell phone speaker. Also present were Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

Deputy 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 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**

Deputy 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:

- Kindly Turn Cell Phones Off During the Meeting
- Municipal Offices will be CLOSED Monday 2/21/22 – President's Day

#### **PRESENTATION OF MINUTES**

A motion by Dale, seconded by Lyons to approve the Committee's 1/19/22 Open and Closed Session minutes with no revisions noted was unanimously approved by voice vote.

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

Deputy Mayor Hoyer opened the floor to public comment. Steve Drake of 28 Ferris Wheel Drive came forward and thanked the Committee for the letter they sent in October regarding the school referendum and noted he supported the current lawsuit. He commented that he found the letter to be "thoughtful and balanced."

Betty Jane Hunt of 236 Rocktown-Lambertville Road came forward and wanted the record to reflect her personal gratitude for former employee, Sandy Haberle's, years of service as well as for all of the Ag Advisory and Historic Committee work she did for her. Ms. Hunt remarked Ms. Haberle was a big help to her personally.

Seeing no members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

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

OEM Director Harry Heller commented that he is still working with FEMA on a regular basis to obtain reimbursements from the Hurricane Ida damage. He noted they have \$120,000 in documented expenses so far and will have an additional \$33,000 tomorrow when they sit down again. Director Heller expressed that he is hopeful the Township will get about \$115,000 in total reimbursements when all is said and done. He commented that he is still trying to get final figures for the costs associated with equipment use, Police overtime and materials used for repairs.

Lastly, Director Heller noted he and Mayor Cally had met with Mayor Nowick of Lambertville to work on the USDA funding regarding the Rocktown-Lambertville Road/Quarry Street reconstruction repairs. He explained the USDA will pay for the creek work plus 6 feet onto the roadway then FEMA kicks in to cover the rest of the costs.

**INTRODUCTION/PUBLIC HEARING ON ORDINANCES**

**Public Hearing: 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**

Deputy Mayor Hoyer 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

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Maria Andrews, Township Clerk, RMC

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James Cally, Mayor

A motion by Dale, seconded by Lyons to adopt Ordinance 01, 2022 upon second reading was unanimously approved by roll call vote.

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

**STANDING COMMITTEE REPORTS**

- A. Open Space: No report was given.
- B. Environmental: No report was given.
- C. Ag Advisory: Ms. Hunt commented that she will prepare a letter of comment regarding the amended Farmland Plan that has to be submitted to SADC for endorsement.
- 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 #38-2022: Appointing Assistant Treasurer: A. DeAngelis**

WEST AMWELL TOWNSHIP  
RESOLUTION #38-2022

WHEREAS, West Amwell Township desires to name a replacement Assistant Treasurer; and

WHEREAS, the Township Committee believes Alex DeAngelis who is currently the Township's Qualified Purchasing Agent (QPA) possesses the knowledge, skills and credentials to serve as the Assistant Treasurer; and

Minutes: 2/16/22

NOW THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby appointments Alex DeAngelis as the Assistant Treasurer for West Amwell Township effective January 1, 2022 with a retro-active annual salary of \$14,114.00 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 February 16, 2022.*

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Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Lyons to approve Resolution #38-2022 was unanimously approved by roll call vote.

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

**Acknowledgement: South Hunterdon Regional Band Parents Association Raffle – 3/19/22**

It was noted for the record that the Committee acknowledged the tricky tray raffle scheduled for 3/19/22.

**Discussion: Relocation of the Finance Office**

Clerk Andrews explained CFO Mustafa had expressed an interest in relocating her office to the former tax office because it is larger and can accommodate her and the Assistant Treasurer as it is already set up with two workspaces. The Committee took no issue with the proposed relocation.

It was noted the old Finance Office will be reserved for the Tax Assessor.

Ms. Brewi spoke up from the public and requested the DPW assist with the relocation of any filing cabinets. The Committee expressed support for the DPW assisting if needed.

**Discussion: Request from the Family of R. Hall to Establish a Memorial Rain Garden**

The Committee expressed support for some type of recognition for Ms. Hall that did not require on-going maintenance. Mr. Hoyer suggested that if a tree is planted with some type of honorary plaque that the plaque provide for additional names to be added in the future. The Committee remarked that they needed to give more thought on the best way to handle the request from the Hall family.

**Discussion: Request from Lieutenant Skillman to Sell Patrol Car 26-11 on MunicBid**

It was noted for the record that Patrol Car 26-11 has a blown motor from damages sustained during Hurricane Ida. The Committee authorized the vehicle to be sold on MunicBid.

**OPEN TO THE PUBLIC**

Betty Jane Hunt of 236 Rocktown-Lambertville Road commented that there is no plaque or recognition for a former Clerk of the Township who served for over 50 years and she cautioned the Committee about putting memorials up for everyone who happened to be a former employee or who served on Boards/Committees.

OEM Director Harry Heller inquired about new commercial buildings having automatic external defibrillators such as the Dollar General. Attorney Campbell commented that such a requirement would have to be part of the UCC Codes and she remarked that she is not aware of any law requiring such equipment in private buildings.

Construction Office Manager Gail Brewi commented that she had spoken with Construction Official Phil Rosso regarding the creation of a property maintenance ordinance and stated they believe that if the Committee is not in favor of such an ordinance, perhaps consideration should be given to creating a "Property Record Clearance" certificate where property owners would be required to obtain sign off from the Construction Department that there are no open permits prior to closing on the sale of a property. Committeeman Dale expressed opposition explaining he was not in favor of costing homeowners money prior to moving out of the Township or potentially holding up the closing of a property at the last minute.

Clerk Andrews remarked that conducting a property record clearance is a tremendous amount of work and takes quite a bit of time. Ms. Brewi agreed.

Minutes: 2/16/22

**ADMINISTRATIVE**

A motion by Dale, seconded by Lyons to approve the vouchers for payment as listed on the 2/16/22 bill list was unanimously approved by roll call vote.

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

**OTHER**

**Resolution #39-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing**

Resolution #39-2022

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel, contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.

This resolution shall take effect immediately.

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Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Lyons to approve Resolution #39-2022 and enter into Closed Session was unanimously approved by voice vote.

A motion by Dale, seconded by Lyons 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 8:11 PM – 8:53 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 Lyons to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:54 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 3/2/22