

WEST AMWELL TOWNSHIP COMMITTEE MEETING
August 16, 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 James Cally, John Dale (*who arrived at 8 PM*) 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 the following additions to the posted agenda:
Under Resolutions - #73-2023: Audit Affidavit and #74-2023: Theatre License

ANNOUNCEMENTS

The following announcements were made:

- Municipal Offices will be CLOSED 9/4/23 – Labor Day Holiday
- Summer Hours End: Tuesday Sept. 5th Offices will be Open (Mon. – Fri. 8:30 AM – 3:30 PM)
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Cally, seconded by Bergenfeld to approve the 7/19/23 meeting minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Hoyer opened the floor to public comment. Rich Hindermeyer of 134 Hancock Street came forward and expressed frustration and concern over the way he was treated and spoken to by the Tax Collector. He indicated he has been a resident for 72 years and did not appreciate the disrespect he experienced from that office. Mayor Hoyer thanked Mr. Hindermeyer for sharing his sentiments with the Committee.

Brenda Reasoner of 210 Hancock Street came forward and asked for help contacting JCP&L regarding the neighbor's tree that had fallen on her house and the hole which still needs to be repaired. She indicated her insurance company took care of the roof but the hole in the side of the house must be assessed by the power company and repaired by a private contractor. Deputy Mayor Bergenfeld stated he would reach out to the Township's JCP&L representative to coordinate the repair.

Dave Beaumont of 205 Rock Road West came forward and stated he was a little shocked when he received his most recent tax bill. He commented that he reached out to the school for an explanation on the increase and was told that based on the school budget and the calendar year, the taxes are usually a 50/50 split but this year it was a 58/42 split in an attempt to smooth out the debt incurred by the pending new school construction. Committeeman Cally remarked the school changed the split only for "optics."

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

UNFINISHED BUSINESS

Farmland Preservation Status for Remaining Amwell Valley Conservancy Lots: 8, 8.07, 8.08 and 15 in Block 7 (Cost Share Request from Bob Hornby of County Planning/CADB)

Present for the discussion was Bob Hornby who explained that last November he attended a Township Committee meeting noting at that time the Amwell Valley Conservancy had applied for preservation and now they wish to include the remaining 4 lots. He stated 2 appraisals have been done indicating the value is \$5700 per acre. The 4 lots equal 43 acres and after preservation the land will be one contiguous parcel. Mr. Hornby noted the cost share is as follows:

The State = 65%

The County = 17.5%

West Amwell = 17.5%

The cost for the Township would be approximately \$42,212.00. Mr. Cronic spoke up from the public and expressed support on behalf of the Township's Open Space Committee. Mr. Stothoff of the Conservancy commented that they are also seeking to preserve lots in East Amwell along Frontage Road and are hoping to have all of the preservation completed in 2024.

A motion was made by Bergenfeld and seconded by Dale approving Resolution #72-2023. The motion was unanimously approved by roll call vote.

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

WEST AMWELL TOWNSHIP
RESOLUTION #72-2023
SUPPORTING COST SHARE TO PRESERVE PROPERTY KNOWN AS
BLOCK 7 & LOTS 8, 8.07, 8.08 and 15

WHEREAS, the Hunterdon County Agriculture Development Board (CADB) informed West Amwell Township that it has received farmland preservation applications from landowners within the township; and

WHEREAS, on October 17, 2022, the Township Committee expressed support subject to appraisal for the proposed acquisition of a development easement for the approximately 43.5-acre properties along Bowne Station and Frontage Roads, owned by the Amwell Valley Conservancy, designated as Block 7, Lots 8, 8.07, 8.08, and 15 in the Township of West Amwell, County of Hunterdon, State of New Jersey; and

WHEREAS, the State Agriculture Development Committee (SADC) provides approximately sixty-five percent of the funds to acquire a development easement on a farm; and

WHEREAS, the CADB requests confirmation that West Amwell Township approves of and will provide a ~17% cost-share on the proposed application; and

WHEREAS, on May 18, 2023, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$5,700.00 per acre —with zero dwelling opportunities; zero severable exceptions; and zero non-severable exceptions, resulting in approximately 43.5 preserved acres to be permanently tied with the existing ~591.49 currently preserved acres ; and

WHEREAS, on July 25, 2023, the landowner accepted the CMV of \$5,700.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a commitment of funding pursuant to N.J.A.C. 2:76-17.16, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 43.5 acres), subject to:

The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
Any additional adjustments pursuant to State statute, rule, regulation, or policy;

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| | |
|---|---------------|
| State Agriculture Development Committee (\$3,750.00/acre; ~65% of est. total cost) | ~\$163,125.00 |
|---|---------------|

| | |
|--|--------------|
| Hunterdon County (\$975.00/acre; ~17% of est. total cost) | ~\$42,412.50 |
|--|--------------|

| | |
|--|---------------------|
| West Amwell Township (\$975.00/acre; ~17% of est. total cost) | <u>~\$42,412.50</u> |
|--|---------------------|

| | |
|-------|---------------|
| Total | ~\$247,950.00 |
|-------|---------------|

NOW, THEREFORE, BE IT RESOLVED, that the West Amwell Township Committee gives final approval to the proposed acquisition of a development easement on the property owned by Amwell Valley Conservancy, designated as Block 7, Lots 8, 8.07, 8.08, and 15 in the Township of West Amwell, County of Hunterdon, State of New Jersey, and on approximately 43.5 acres pursuant to the County Planning Incentive Grant application subject to the following:

The conveyance of a development easement which shall provide for the following:

Exceptions: Zero

Dwellings: Zero

Agricultural Labor Housing Units: Zero existing

Preexisting Non-Agricultural Uses: None

Trail or Access Easements: Zero Existing or Proposed

The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and

The conveyance of any and all proposed rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer, the NJ Department of Transportation, and West Amwell Township; and

The exact acreage to be determined by survey; and

The easement will be held by Hunterdon County upon closing.

A copy of this Resolution shall be forwarded to the landowner/applicant, County of Hunterdon Agriculture Development Committee, and the State Agriculture Development Committee.

Attest: 8/16/23

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

Mayor Hoyer reordered the agenda to address the reports by department Heads.

REPORTS BY DEPARTMENT HEADS

John Cronce, Chairman of the Open Space Committee came forward and noted all of the inspections of the Township easements have been done and mentioned dumping of cleared vegetation continues to be a problem around the large basin in the West Amwell Estates development. Mr. Cronce suggested a plastic chain with a “no trespassing” sign be installed in the area. Attorney Pandos stated he can send a cease and desist letter to the property owner if Mr. Cronce provides him with the resident’s name.

Mr. Cronce also reported that the Township hunting program was off to a good season and noted he ordered 2 new farmland preservation signs for Frontage and Bowne Station Roads.

Harry Heller, Director of OEM came forward and commented the State approved the Township’s Emergency Operating Plan which is now good through May 2025. He also noted JCP&L responded quickly to the house fires on Rocktown-Lambertville Road which were the result of the 8/7/23 storm.

Lastly, Mr. Heller gave the following update on the funding received by the Township:

FEMA = \$241,000

USDA = \$231,000

FEMA Pending = 125,00 for Stymiest Road repairs

Committeeman Cally stated he will reach out to Mayor Nowick in Lambertville regarding the status of VEOLA’s engineering plans. He commented he would like to see the repairs on Stymiest get done.

Dave Beaumont spoke up on behalf of the Environmental Commission stating they met last week and discussed their roll as a Commission and also addressed some concerns expressed by residents. Lastly, he noted there was a presentation given on adding the Alexauken Creek to the Lower Delaware Wild & Scenic River system. Mr. Beaumont said the Commission supports the endorsement.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 07, 2023 – AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Mayor Hoyer read Ordinance 07, 2023 by title.

WEST AMWELL TOWNSHIP
Public Notice
Ordinance 07, 2023

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

SECTION 1

The following shall be the rate and ranges of compensation for the following officials and employees of the township for the year 2023.

| | |
|---|---|
| Mayor | \$5000.00 |
| Township Committee | \$4000.00 |
| Township Clerk | \$57,500.00 - \$85,000.00 |
| Plus \$200.00/hr. for special & emergency meetings | |
| Registrar of Vital Statistics | \$3,500.00 - \$4,500.00 |
| Administrative Assistant | \$5,000.00 - \$65,000.00 |
| Office Assistant | \$20,000.00 - \$45,000.00 |
| General Office Secretary/Clerk | \$15.00 - \$25.00/hr |
| Deputy Township Clerk | \$22,970.00 - \$37,000.00 |
| Deputy Registrar of Vital Statistics..... | \$3,500.00 - \$4,500.00 |
| Escrow Clerk | \$2,500.00 - \$4,500.00 |
| Assessor | \$20,000.00 - \$42,000.00 |
| Assistant Assessor | \$25.00 - \$35.00/hr |
| Qualified Purchasing Agent | \$3,000.00 - \$5,000.00 |
| Chief Financial Officer/Treasurer..... | \$28,000.00 - \$45,000.00 |
| Certifying Officer for Pensions | \$1,125.00 - \$2,150.00 |
| Assistant Treasurer | \$10,000.00 - \$16,000.00 |
| Payroll Clerk | \$ 3,250.00 - \$ 5,500.00 |
| Planning Board Secretary | \$15,000.00 - \$27,000.00 |
| Plus \$200.00 for each special meeting | |
| Deputy Planning Board Secretary | \$200.00/meeting |
| Board of Adjustment Secretary | \$7,500.00 - \$20,000.00 |
| Plus \$200.00 each for special meeting | |
| Deputy Board of Adjustment Secretary | \$200.00/meeting |
| Board of Health Secretary | \$4000.00 - \$15,000.00 |
| Plus \$200.00 for each special & emergency meetings | |
| Dog Registrar | \$2,500.00 - \$4,500.00 |
| Dog Census Takers | \$500.00 per district plus \$325.00 mileage per district |
| Judge | \$13,000.00 - \$20,000.00 |

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|--|---------------------------------|
| Court Administrator | \$45,000.00 - \$80,000.00 |
| Violations Clerk | \$18.50 - \$30.00/hr |
| Court Security Officer..... | \$225.00 per court session |
| Construction Code Official (West & East Amwell)..... | \$9,300.00 - \$31,000.00 |
| Plumbing & Mechanical Sub-Code Official & Inspector (West & East Amwell)..... | \$7,225.00 - \$25,750.00 |
| Electric Sub-Code Official & Inspector (West & East Am.)..... | \$9,300.00 - \$31,000.00 |
| Building Sub-Code Official & Inspector (West & East Am.)..... | \$9,300.00 - \$31,000.00 |
| Fire Sub-Code Official & Inspector (West & East Am.)..... | \$5,150.00 - \$15,450.00 |
| Fire Official | \$5,600.00 - \$8,250.00 |
| Zoning Official (West & East Amwell)..... | \$10,000.00 - \$22,000.00 |
| Substitute MCO | \$30.00 - \$45.00/hr |
| Substitute Sub-Code Officials & Inspectors | \$30.00 - \$45.00/hr |
| Construction/Zoning Office Assistant (West & East Amwell)..... | \$15.00 - \$25.00/hr |
| Construction/Zoning Office Manager (West & East Amwell)..... | \$25,000.00 - \$65,000.00 |
| Substitute T.A. – Construction/Zoning Office..... | \$15.00 - \$22.00/hr |
| Municipal Housing Liaison/AA | \$4,500.00 - \$7,500.00 |
| Assistant Collector of Taxes | \$3,500.00 - \$10,000.00 |
| Tax Collector..... | \$15,500.00 - \$25,000.00 |
| Rabies Clinic – Secretarial | \$25.00 - \$35.00/hr per person |
| Open Space Secretary | \$15.00 - \$25.00/hr |
| Municipal Bldg. Custodian | \$500.00 - \$850.00/month |
| Building Custodian (Police) | \$15.00 – \$20.00/hr |
| Recycling Depot Manager | \$5,500.00 - \$12,000.00 |
| Waste Security Officer | \$15.00 - \$20.00/hr |
| Assistant Waste Security Officer..... | \$15.00 - \$20.00/hr |
| Waste Security Laborer | \$15.00 - \$20.00/hr |
| Substitute Waste Security Laborers | \$15.00 - \$20.00/hr |
| Director of P.W. & Roads | \$33.00 - \$51.00/hr |
| Road Supervisor..... | \$27.00 - \$45.00/hr |
| Road Foreman | \$24.50 - \$35.00/hr |
| Grounds Maintenance Manager | \$38,500.00 - \$48,000.00 |
| Road Class A (10 or more years of service) | \$23.50 - \$35.00/hr |
| Road Class B (5-10 years of service) | \$23.00 - \$30.00/hr |
| Road Class C (Less than 5 years of service) | \$22.00 - \$30.00/hr |
| Road Laborer | \$15.00 - \$18.50/hr |
| Temporary Laborer | \$15.00 - \$18.00./hr |
| Summer DPW Workers | \$15.00 - \$18.00/hr |
| Mechanic..... | \$4,000.00 - \$12,000.00 |
| DPW Professional Licenses/Certifications..... | \$0.00 - \$5,000.00 |
| Emergency Temp. DPW Supervisor..... | Plus \$5.00 to current rate |
| Police Administrative Secretary | \$15.00 - \$25.00/hr |
| Substitute Police Secretary | \$15.00 - \$20.00/hr |
| Part-time Officers | \$25.00 - \$35.00/hr |
| Part-time Officers Spec Duty | \$25.00 - \$35.00/hr |
| Police Matrons | \$15.00 - \$25.00/hr |
| with a minimum of 4 hours pay if called out between 9 p.m. and 6 a.m. | |

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SECTION II

Definitions and Benefits are outlined in the West Amwell Township Policy Manual adopted December 28, 2005 with amendments through July 21, 2021

SECTION III

All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

APPROVED BY TOWNSHIP COMMITTEE

Gary Hoyer, Mayor

ATTEST:

Maria Andrews, Township Clerk, RMC

Mayor Hoyer opened the floor to public comment. Seeing no one come forward, he closed the floor to public comment.

A motion was made by Bergenfeld and seconded by Dale to adopt Ordinance 07, 2023 upon second reading. The motion was unanimously approved by roll call vote.

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

Public Hearing: Ordinance 08, 2023 – BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES FOR THE POLICE DEPARTMENT BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$123,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$116,850 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Mayor Hoyer read Ordinance 08, 2023 by title.

TOWNSHIP OF WEST AMWELL ORDINANCE 08, 2023

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES FOR THE POLICE DEPARTMENT BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$123,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$116,850 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of West Amwell, in the County of Hunterdon, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$123,000, which is inclusive of \$6,150 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

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SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$123,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$116,850 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$116,850 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the acquisition of two (2) all-wheel drive sport utility vehicles for the Police Department.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$116,850.

(c) The aggregate estimated cost of said improvements or purposes is \$123,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate amount of down payment available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5.00 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$116,850 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$24,600 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

MARIA ANDREWS, Township Clerk, RMC

Mayor Hoyer opened the floor to public comment. Seeing no one come forward, he closed the floor to public comment.

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Committeewoman Hudson expressed some fiscal concerns. Mayor Hoyer commented that the residents have always been overwhelming supportive of the police department and their equipment needs.

A motion was made by Dale and seconded by Bergenfeld to adopt Ordinance 08, 2023 upon second reading. The motion was approved by roll call vote with Committeewoman Hudson opposing.

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

Introduction: Ordinance 09, 2023 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 “POLICE DEPARTMENT,” PART 1 “GENERAL PROVISIONS,” ARTICLE III “PROMOTIONS,” OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

Mayor Hoyer noted that introduction of this Ordinance may occur after Closed Session discussion with Lieutenant Skillman this evening.

Introduction: Ordinance 10, 2023 – 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,” AND TO AMEND CHAPTER 140, “TAXATION,” ARTICLE 1 “CANNABIS TRANSFER TAX”

Mayor Hoyer read Ordinance 10, 2023 by title.

THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE 10, 2023

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES,” AND TO AMEND CHAPTER 140, “TAXATION,” ARTICLE I “CANNABIS TRANSFER TAX”

WHEREAS, the Township of West Amwell (the “Township”) endorse the expansion of medical cannabis in the State of New Jersey so as to provide needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit therefrom; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-2, et seq. (the “CUMMA”), which permits the authorized medical use of cannabis, was amended on July 2, 2019, further clarifying the Township’s ability to control the proposed location of medical cannabis dispensaries, cultivation centers and manufacturing facilities; and

WHEREAS, in 2020 the voters of the State of New Jersey approved Public Question No. 1, which endorsed the legalization of cannabis for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “NJCREAMMA” or “Commission”), which legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, NJCREAMMA establishes six marketplace classes of licensed businesses, including:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

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Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, NJCREAMMA C.24:6I-45 Municipal regulations or ordinances, Section 31a authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, NJCREAMMA further strengthens municipal control over such uses and allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer; and

WHEREAS, the Township supports safe and appropriate siting of approved marketplace classes of licensed cannabis related and supporting businesses within the Township; and

WHEREAS, the Township wishes to replace Chapter 109, Part 10, Article XLIII, Section 264 entitled “Cannabis Related Businesses” and to amend Chapter 140, Taxation, Article I entitled “Cannabis Transfer Tax” to conform with such amendments; and

WHEREAS, the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey (the “Committee”) designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Committee adopted the Village Marketplace Redevelopment Plan on October 7, 2020, by Ordinance No. 9-2020; and

WHEREAS, the Committee is vested with the authority to amend the Village Marketplace Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of West Amwell to allow medical cannabis businesses only as permitted conditional uses within the Village Marketplace Redevelopment Area.

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 the Village Marketplace Redevelopment Plan:

Page 20, "Definitions," shall be amended to add the following:

"Medical Cannabis Cultivator" - means the same as defined in NJ Statute Section 24:6I-3 an organization holding a permit issued by the Commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers, clinical registrants, and medical cannabis dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. A medical cannabis cultivator permit shall not authorize the permit holder to manufacture, produce, or otherwise create medical cannabis products, or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers, or institutional caregivers.

"Medical Cannabis Dispensary" means the same as defined in NJ Statute Section 24:6I-3 an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L. 2019, c. 153(C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

"Medical Cannabis Manufacturer" means the same as defined in NJ Statute Section 24:6I-3 an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

"Medical use of cannabis" means the same as defined in Section 24:6I-3 the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by P.L. 2009, c. 307(C.24:6I-1 et al.) and P.L. 2015, c. 158(C.18A:40-12.22 et al.).

Village Marketplace Redevelopment Plan, Page 23. Subsection 1, "Allowable Uses" shall be amended to add the following:

Conditional Uses:

Medical Cannabis Dispensary

Medical Cannabis Cultivation Center

Medical Cannabis Manufacturing Center

Cannabis Businesses located in the Village Redevelopment Area are subject to the following conditions in addition to those listed below in Section §109-264 C-N and limitations listed in Section §109-264 B: Retail components must have frontage located on Route 179 and must be located on the first floor; Adult-use cannabis businesses are prohibited; Must not exceed 1 story in height; and The number of Medical Cannabis Businesses within the Village Redevelopment Area is limited to one.

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SECTION 2. Chapter 109, LAND DEVELOPMENT, Part 10 Cannabis, Article XLIII “CANNABIS RELATED BUSINESSES”:

§109-264 Cannabis Related Businesses

A. Definitions. As used in all Code sections pertaining to cannabis, the following terms shall have the meanings indicated:

ACT

Collectively refers to NJCUMA and NJ CREAMM

NJ CUMA

The New Jersey Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq.

NJ CREAMMA

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16); legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount marijuana and hashish possession; removes marijuana as Schedule I drug.

CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Cannabis sativa L whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in for use in cannabis products as set forth in the NJCREMMA, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, 47 c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.) as long as said hemp does not contain more than the State and/or Federal allowable limits of Delta-8-Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol, the compound commonly known as THC.

CANNABIS BUSINESS or ESTABLISHMENT

As defined in P.L.2021, c.16 C.24:6I-31 et al.) means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS CONSUMPTION AREA:

As defined in P.L.2021, c.16 C.24:6I-31 et al.) a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATION CENTER (Class 1 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. The person or entity shall hold a Class 1 Cannabis Cultivator License. Medical Cannabis Cultivator is defined below.

CANNABIS DELIVERY SERVICE (class 6 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISPENSARY or CANNABIS RETAILER (Class 5 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that customer. This person or entity shall hold a Class 5 Cannabis Retailer License. Medical Cannabis Dispensary is defined below.

CANNABIS DISTRIBUTOR (Class 4 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS MANUFACTURING FACILITY (Class 2 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license. Medical Cannabis Manufacturer is defined below.

CANNABIS MICROBUSINESS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Means a person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis and; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis

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resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof. In accordance with P.L.2021, c.16, microbusinesses must be owned in their entirety by current New Jersey residents who have resided in the State for at least the past two years and at least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the business is located, or a bordering municipality.

CANNABIS WHOLESALER (Class 3 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CAREGIVER IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered caregivers under the Act.

COMMISSION

The entity responsible for the regulation and enforcement of activities associated with the production and/or sale of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.). This shall also include any Township Cannabis Committee or entity set up for the review and local licensing of Cannabis Businesses.

DESIGNATED CAREGIVER

Institutional or Designated Caregiver, as defined in P.L.2021 c.16 (C.24:6I-3), who is authorized to assist with a registered qualifying patient's medical use of cannabis.

MEDICAL CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) means cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L. 2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does not include any cannabis or cannabis items which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

MEDICAL CANNABIS CULTIVATOR

As defined in P.L.2021, c.16 C.24:6I-3 an organization holding a permit issued by the Commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers, clinical registrants, and medical cannabis dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. A medical cannabis cultivator permit shall not authorize the permit holder to manufacture, produce, or otherwise create medical cannabis products, or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers, or institutional caregivers.

MEDICAL CANNABIS DISPENSARY

As defined in P.L.2021, c.16 C.24:6I-3 an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis

cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L. 2019, c. 153(C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

MEDICAL CANNABIS MANUFACTURER

As defined in P.L.2021, c.16 C.24:6I-3 an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

MEDICAL USE OF CANNABIS

As defined in P.L.2021, c.16 C.24:6I-3 the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by P.L. 2009, c. 307(C.24:6I-1 et al.) and P.L. 2015, c. 158(C.18A:40-12.22 et al.). The acquisition, possession, transport or use of cannabis or paraphernalia by a registered qualifying patient as authorized by the CUMA.

MMP IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

PARAPHERNALIA

The definition as provided in N.J.S.A. 2C:36-1.

PERMIT

The documents issued by the Commission pursuant to the Act and local ordinance granting the legal right to operate as a Cannabis Business.

QUALIFYING PATIENT OR PATIENT

As defined in P.L.2021, c.16 C.24:6I-3, a resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the Commission as, a registered qualifying patient.

USABLE CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) the dried leaves, flowers, stems, stalks of a Cannabis Sativa plant, including any mixture manufactured as a tincture, ointment, salve, or products prepared for oral digestion., but does not include the seed, or roots of the plant.

B. Limitation on the number of Cannabis Businesses within the Township.

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The number of Cannabis Businesses located within the Township shall be limited as follows:

Cannabis Cultivation Center (Class 1): No more than two (2) Cannabis Cultivation Centers and no more than two (2) Microbusiness Cultivation Centers;

Cannabis Manufacturing Facility (Class 2): No more than two (2) Cannabis Manufacturing Facilities including Microbusiness Manufacturing Facilities unless the license is obtained by an existing licensed entity operating within the Township;

Cannabis Wholesaler (Class 3): None are permitted unless the license is obtained by an existing licensed entity operating within the Township and Microbusiness Wholesalers are not permitted;

Cannabis Distributer (Class 4): None are permitted;

Cannabis Dispensary (Class 5): No more than two (2) Cannabis Dispensaries and Microbusiness Dispensaries are not permitted;

Cannabis Delivery Service (Class 6): None are permitted; and

Medicinal Cannabis Cultivation Center, Medicinal Cannabis Manufacturing Facility and Medicinal Cannabis Dispensary located in the Village Marketplace: No more than one (1).

The Commission permits Microbusinesses to convert to standard businesses after one year. Microbusinesses may apply to convert to a standard license at the municipal level only if the license class limit set above has not been reached and if the standard business activity is a permitted use in the zone where the Microbusiness is located.

3) In the event more than one land use application for a Cannabis Dispensary, Cultivation Center, or Manufacturing Facility of the same classification are submitted to the Township in close proximity to one another, or should only one Permit for such classification be available due to the limitations set forth in this subsection and if the applications comply with all the requirements of this chapter and the Act, Cannabis Advisory Committee shall review the application that was first submitted and determined to be a complete and compliant application for recommendation to the Township Committee.

C. Permitted Locations. Cannabis Establishments and Businesses shall be prohibited in all zoning districts within the Township unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Establishments as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Planning Board, including site plan approval and (if necessary) a conditional use variance approval by the Zoning Board pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in subsections D-N below. Nothing herein shall prohibit the Township from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.

Cannabis Cultivation Centers (Class 1), including Microbusinesses, shall be permitted as conditional uses in the following zones in accordance with this chapter.

LHC

NC, limited to one (1) Cannabis Cultivation Center

LI

Village Center Redevelopment Area for Medical Cannabis only

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Cannabis Manufacturing Facilities (Class 2), including Microbusinesses, shall be permitted as conditional uses in the following zones in accordance with this chapter:

LHC

HC

LI

NC limited to one (1) which must be an existing licensed entity

Village Center Redevelopment Area for Medical Cannabis only

Cannabis Wholesaler (Class 3), shall be permitted as a conditional use in the following zones in accordance with this chapter (Note – no Microbusiness Wholesalers permitted):

a) LHC

b) HC

c) LI

d) Village Center Redevelopment Area for Medical Cannabis only

Cannabis Distributors (Class 4) shall not be permitted.

Cannabis Dispensaries/Retailers (Class 5) shall be permitted as a conditional use in the following zones in accordance with this chapter (Note – no Microbusiness Dispensaries/Retailers permitted):

LHC

HC

LI

Village Center Redevelopment Area for Medical Cannabis only

Cannabis Delivery Service (Class 6) shall not be permitted.

D. Requirements Applicable to All Cannabis Businesses.

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. [The look and design of such facility shall be in keeping with the agricultural nature of the region.](#)

In compliance with Section 37(b) of the NJCREAMMA, cannabis businesses are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

Issuance of zoning permit and site plan approval is required.

Cannabis businesses shall not be located within a Drug-Free School Zone (i.e. within 1,000 feet of school property used for school purposes which is owned by or leased to any elementary, secondary, school, daycare or school board).

The Applicant shall provide traffic projections and management plan as may be required by the Township Planning Board.

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The Applicant shall provide a stormwater management plan that satisfies all New Jersey Department of Environmental Protection and Township stormwater control standards as may be required by the Township Planning Board.

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

Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor control is required and shall prevent all odors 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.

Noise, from any source emanating from Cannabis Business operations, beyond the decibel level permitted by Township noise ordinances or State Noise Regulations (N.J.A.C. 7:29), whichever are more stringent, shall be prohibited.

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 candle or less at the property line.

The possession 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.

Microbusinesses are permitted as conditional uses only for cultivation and/or manufacturing within any area where Cannabis Businesses are permitted within the Township according to that same use category, and subject to the same criteria to manage noise, odor, effluent, water usage, et cetera.

Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution. Generators 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.

Parking shall be provided as provided for in § 109-164. Except that:

- a. Parking for Dispensaries shall be provided for as retail businesses.
- b. Parking for Cultivation Centers shall be provided for as research and laboratory use.

In the event of a conflict between the Township bulk standards and the Act or the Commission's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

Security and reporting.

Surveillance System.

Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

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The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the West Amwell Township Police Department with access to this real-time camera footage in case of an emergency.

The recordings shall be maintained at the Cannabis Operation for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.

Outside areas of the premises and the perimeter shall be well lit and all doors equipped with motion censored lights.

The West Amwell Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.

Security staff is required on the premises during all hours of operation.

The premises must only be accessed by authorized personnel and free of loitering.

All cultivation of cannabis shall take place in an enclosed, locked facility.

Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the West Amwell Township Police Department.

Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.

No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

No beer or alcohol on premises. No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.

Storage of products. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Commission regulations.

Operation of multiple cannabis businesses at a single location. A licensed person or entity with multiple license classes may operate two businesses on the same property under the following conditions:

If a dispensary is co-located with any other Cannabis Business, the area of the proposed premises utilized for the dispensing of cannabis and open to the public or to patients shall be physically separated from the area of the premises proposed for any other licensed Cannabis Business activity creating a clear distinction between each business type.

Walls, barriers, locks, signage and other means shall be employed to prevent the public from entering the area of premises utilized for the cultivation, manufacturing or wholesale storage of cannabis.

Multiple licenses by different operators are not permitted on the same premises.

No license holder shall be authorized to concurrently hold more than one license of the same class.

Each business shall be in full compliance with the requirements of the Act and the Township Land Development Ordinances.

E. Requirements Applicable to All Cannabis Cultivation Centers and Manufacturing Facilities.

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: i) evaporative barriers on exposed soils and pots; ii) rainwater capture and reuse; iii) recirculated irrigation water (zero waste); iv) timed drip irrigation; v) soil moisture monitors; and vi) the use of recycled water.

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

No hoophouse or temporary greenhouse covered in plastic sheeting is permitted. All cultivation buildings must have permanent side and end walls and comply with the Act and the Township Land Development Ordinances.

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.

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.

F. Requirements Applicable to All Dispensaries/Retailers and Delivery Businesses.

Dispensaries shall limit their hours of operation from 8:00 a.m. to 10:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.

Cannabis Dispensaries shall not be located within 1,500 feet of another Cannabis Dispensary.

The retail component must be located on the major roadway frontage such as: Route 31, Route 179, or Route 29.

Medical dispensaries may only sell useable cannabis-related product to individuals with an active MMP Identification Card or Caregiver Identification Card.

Samples of cannabis products offered for sale may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the West Amwell Township Police Department and allowable under Commission regulations and state legislation.

Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section.

External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf and / or outward glorification of cannabis consumption. All other Township sign regulations must be complied with.

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.

Cannabis Delivery Service. Nothing herein shall prohibit the delivery of cannabis within the Township to consumers by a Cannabis Delivery Service properly licensed in another jurisdiction.

G. Mobile Delivery of cannabis products. Cannabis products may be transferred or delivered, consistent with the requirements of the Act. Mobile facilities shall not be permitted.

Minutes: 8/16/23

Cannabis Consumption Areas. No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a Cannabis Establishment.

Prevention of emissions and disposal of materials.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.

As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.

All state regulations concerning ventilation systems shall be followed.

Compliance with other codes. Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the Township Board of Health, if applicable.

K. No harm to public health, safety or welfare. The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

L. Additional requirements. At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:

Additional security requirements;

Limits and requirements on parking and traffic flows;

Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;

Limits on cannabis products that may be sold;

Requirements and limits on ventilation and lighting;

Requirements as to the availability of water, water use and waste water disposal;

Limits on noise inside the licensed premises or on the adjacent grounds;

Prohibitions on certain conduct in the cannabis business;

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Limits on hours of operation.

Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

Relationship to any Redevelopment Plan, and the Township Zoning and site plan standards. To the extent any provisions of the Township redevelopment plans, zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

SECTION 3 Chapter 140, ^a TAXATION, Article I, CANNABIS TRANSFER TAX, to read as follows:

§ 140-1 Purpose.

It is the purpose of this article to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (approved February 22, 2021) and The Jake Honig Compassionate Use Medical Marijuana Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq., which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax or user tax on the sale of any usable cannabis or cannabis products by a cannabis establishment located within the municipality, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the ~~dispensary~~ cannabis establishment.

§ 140-2 Cannabis User Tax.

There is hereby established a user tax imposed on the sale or transfer of any usable cannabis or cannabis products by a cannabis establishment located within the Township. The user tax rate shall be assessed at 2% of the receipts from each sale by a cannabis cultivator, cannabis manufacturer and cannabis retailer. The user tax rate shall be assessed at 1% of the receipts from each sale by a cannabis wholesaler. The user tax shall also be imposed upon any transfer of any usable cannabis or cannabis products to any person or cannabis establishment, including any transfer to another cannabis establishment owned by the licensee. Transfers shall be taxed according to the full retail value of the usable cannabis or cannabis products transferred. The user tax shall not apply to retail sales of medical cannabis. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. Any transaction for which the user tax is imposed, is exempt from the tax imposed under the "Sales and Use Tax Act", except for those which generate receipts from the retail sales by cannabis retailers.

Section 4 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 5 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 6 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

^a Due to a series of scrivener errors contained in Ord. No. 06-2021 and Ord. No. 03-2022, Chapter 140 was erroneously transcribed as Chapter 337, Article I was erroneously transcribed as Article III, § 140-1 was erroneously transcribed as § 337-12, § 140-2 was erroneously transcribed as § 337-13, and § 140-3 was also erroneously transcribed as § 337-13.

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ATTEST

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

Mayor Hoyer noted for the public that the amendments were the result of resident's objections to zones associated with microbusinesses. He also noted that cannabis microbusinesses have been removed from both the Residential and Sourland zones. Committeewoman Hudson questioned making the rules for only one existing cannabis developer.

A motion was made by Dale and seconded by Bergenfeld to introduce Ordinance 10, 2023 upon first reading. The motion was approved by roll call vote with Committeewoman Hudson opposing.

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

It was noted for the record that the public hearing on Ordinance 10, 2023 will be listed on the Committee's 9/6/23 agenda.

Introduction: Ordinance 11, 2023 – AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR THE PROPERTY KNOWN AS BLOCK 8 LOT 51, THE ADDRESS OF WHICH IS 2 ROCKTOWN-LAMBERTVILLE ROAD, LAMBERTVILLE, NJ 08530

Mayor Hoyer read Ordinance 11, 2023 by title.

ORDINANCE 11, 2023

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR THE PROPERTY KNOWN AS BLOCK 8, LOT 51, THE ADDRESS OF WHICH IS 2 ROCKTOWN-LAMBERTVILLE ROAD, WEST AMWELL, NEW JERSEY

WHEREAS, the Mayor and the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey (hereinafter referred to as the "Township") have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of a portion of property known and designated as Block 8, Lot 51, commonly known as 2 Rocktown-Lambertville Road, Township of West Amwell, County of Hunterdon, New Jersey; and

WHEREAS, subject portion of the property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, by adoption of this Ordinance the Township authorizes the taking of a fee acquisition of a portion of the property, which is currently privately owned, by condemnation/ eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid portion of the property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants; and

WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain, as long as just compensation is paid for the same.

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

SECTION I.

Minutes: 8/16/23

Recitals Incorporated: The above recitals are incorporated into this Section of the Ordinance as if specifically set forth at length herein.

SECTION II.

Specific Findings: The Mayor and Township Committee find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

SECTION III.

Authorize Condemnation: The Mayor and the Township Committee specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or any qualified designee, for the taking and obtaining of certain portion of the property interests in the property as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

SECTION IV.

Identification of Property: The portion of the property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is located in the Municipality and listed on the Municipal tax map, the legal description of which is attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.

SECTION V.

Officials Authorized: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

SECTION VI.

Purchase of Property: If a determination is made by a majority vote of the Township Committee that the purchase of the portion of the property is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.

SECTION VII.

Repealer: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION VIII.

Minutes: 8/16/23

Severability: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION IX.

Effective Date: This Ordinance shall take effect immediately upon final adoption and publication, as required by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of West Amwell held on August 15, 2023, at 7:30 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on September 6, 2023, at 7:30 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 150 Rocktown-Lambertville Road, West Amwell, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Maria Andrews, R.M.C
Township Clerk, Township of West Amwell

A motion by Cally, seconded by Dale to introduce Ordinance 11, 2023 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 10, 2023 will be listed on the Committee's 9/6/23 agenda.

RESOLUTIONS

Resolution #66-2023 – Requesting Approval of Items of Revenue and Appropriation

RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION

NJS 40A:4-87

Resolution #66-2023

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of West Amwell in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year CY2023 in the sums of:

Storm Water Assistance Grant \$25,000

BE IT FURTHER RESOLVED, that the like sums of:

Storm Water Assistance Grant \$25,000

Be appropriated under the caption *Public and Private Programs offset by Revenues*.

Certification

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, hereby certify that the above is a true copy of a Resolution adopted by the West Amwell Township Committee at their regularly scheduled meeting held on August 16, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Hudson to approve Resolution #66-2023 was unanimously approved by roll call vote.

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

Resolution #67-2023 – Requesting Cty. Clerk Submit Non-Binding Referendum to Voters (Fire Truck)

RESOLUTION #67-2023

RESOLUTION REQUESTING THE HUNTERDON COUNTY CLERK TO SUBMIT A NON-BINDING REFERENDUM TO THE VOTERS OF THE TOWNSHIP OF WEST AMWELL AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2023

WHEREAS, since 1949, the West Amwell Fire Company has provided the Township of West Amwell with essential emergency fire and rescue services; and

WHEREAS, the West Amwell Volunteer Fire Company has expressed a need to replace its Pumper Engine designated as 26-62; and

WHEREAS, Pumper Engine 26-62 is a fire apparatus manufactured in 1995 by KME that currently has approximately 14,550 miles on the chassis and 2,110 hours on the engine; and

WHEREAS, National Fire Protection Association recommends front-line municipal fire trucks be replaced at 10 years and then used in reserve status until their 15th year or 150,000 miles; and

WHEREAS, on or about July 17, 2023, Pumper Engine 26-62 was evaluated by Emergency Equipment Sales & Service, LLC, who opined that the apparatus should be placed on “replacement rotation” due to its age, and further that the apparatus requires immediate repair to some of its essential equipment and systems; and

WHEREAS, the Township is desirous of obtaining the sentiment of the voters as to allow an amount not to exceed \$975,000.00 for the purchase of a new Pumper Engine to replace Pumper Engine 26-62; and

WHEREAS, N.J.S.A. 19:37-1 authorizes the Township Committee to submit a question in order to ascertain the sentiment of the voters by including a non-binding referendum on the November 4, 2014 general election ballot.

NOW, THEREFORE, be it resolved by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, as follows:

The following non-binding referendum shall be forwarded to the Hunterdon County Clerk for inclusion on the November 7, 2023, general election ballot:

REFERENDUM:

- | | |
|---------|--|
| [] Yes | Shall the Mayor and the Committee of the Township of West Amwell be authorized to budget up to \$975,000.00 for the purchase of a new or recent model pumper engine for use by the West Amwell Fire Company to replace the existing 1995 model year apparatus? |
| [] No | |

INTERPRETIVE

STATEMENT: This non-binding referendum will provide the sentiment of the voters of the Township as to whether or not to purchase a new pumper engine for the West Amwell Fire Company (“WAFCO”) to replace an existing 28-year-old apparatus.

WAFCO was founded in 1949 as an all-volunteer organization and is the Township’s official fire company, providing West Amwell residents with emergency fire and rescue services. While WAFCO is an independent organization, it receives partial financial support directly from the Township. WAFCO has advised the Township that it is in need of a new pumper truck to replace the Township’s 28-year-old truck, for the following reasons: (1) the fire company requires reliable resources to ensure a safe and effective emergency response; (2) repairs to age-related corrosion and major wear on the current truck were estimated to cost close to 50% of the cost of a new truck; (3) the current truck is outfitted with some outdated equipment, that if rehabilitated, would be costly to upgrade to current standards; and (4) ISO and NFPA standards suggest that apparatus should be turned over to reserve status after providing 15 years of frontline service.

COMMITTEE OF THE TOWNSHIP
OF WEST AMWELL

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

A motion by Hudson, seconded by Dale to approve Resolution #67-2023 was unanimously approved by roll call vote.
Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Resolution #68-2023 – Authorizing Cancellation of Tax Sale Certificate: Block 32 Lot 6
RESOLUTION #68-2023
AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE

WHEREAS, the Township of West Amwell sold at the Municipal Tax Sale held on November 22, 2022, a lien on Block 32 Lot 6, Q0155, also known as 21 Wilson Road in West Amwell Township, for 2021 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #22-4, was issued to the Municipality of West Amwell; and,

WHEREAS, Renato Rezende, owner, has effected redemption of Certificate #22-4 in the amount of \$518.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk be authorized to endorse the cancellation of record for the redemption of Tax Sale Certificate #22-4.

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 regular meeting held August 16, 2023.

Maria Andrews, Township Clerk, RMC

Minutes: 8/16/23

A motion by Bergenfeld, seconded by Cally to approve Resolution #68-2023 was unanimously approved by roll call vote.

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

Resolution #69-2023 – Tax Resolution to Correct an Over Billing: Block 31 Lot 4.01

RESOLUTION #69-2023

RESOLUTION AUTHORIZING CANCELLATION OF BILLING DUE TO OVERBILL

WHEREAS, Nancy C. Gilliland, owner of Block 31 Lot 4.01, known as 611 Brunswick Pike, in West Amwell Township, in the County of Hunterdon, is entitled to relief from real estate tax due to a correction for farmland assessment; and

WHEREAS, the Township of West Amwell Tax Assessor confirmed on August 8, 2023 there will be no property tax rollback for assessor correction of farmland; and

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

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> |
|---|-------------------|---------------|---------------------|
| Nancy C. Gilliland (2022 Billing - 3 rd Qtr.) | Block 31 Lot 4.01 | \$2,109.93 | Assessor Correction |
| Nancy C. Gilliland (2022 Billing - 4 th Qtr.) | Block 31 Lot 4.01 | \$2,109.92 | Assessor Correction |
| Nancy C. Gilliland (2023 Prelim. Billing - 1 st Qtr.) | Block 31 Lot 4.01 | \$1,054.97 | Assessor Correction |
| Nancy C. Gilliland (2023 Prelim. Billing - 2 nd Qtr.) | Block 31 Lot 4.01 | \$1,054.96 | 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,

Gary Hoyer, Mayor

A motion by Hudson, seconded by Cally to approve Resolution #69-2023 was unanimously approved by roll call vote.

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

Resolution #70-2023: Rejecting the BIDS for the Stormwater Inlet Repair Project

It was noted for the record that Attorney Pandos had not yet drafted the resolution and requested it be tabled to the Committee’s 9/6/23 meeting.

Resolution #73-2023: Audit Affidavit

RESOLUTION 73-2023

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

GROUP AFFIDAVIT FORM

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY

COUNTY OF HUNTERDON COUNTY

Minutes: 8/16/23

We, members of the governing body of the Township of West Amwell, in the County of Hunterdon, being duly sworn according to law, upon our oath depose and say:

- 1. We are duly elected (or appointed) members of the West Amwell Township Committee of the Township of West Amwell in the county of Hunterdon;
- 2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year (2022);
- 3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled “Comments and Recommendations.”

| | |
|--------|---|
| (L.S.) | (L.S.) Gary Hoyer, Mayor |
| (L.S.) | (L.S.) Stephen Bergenfeld, Deputy Mayor |
| (L.S.) | (L.S.) Jim Cally |
| (L.S.) | (L.S.) John Dale |
| (L.S.) | (L.S.) Meghan Hudson |

Sworn to and subscribed before me this

_____ day of _____

Notary Public of New Jersey

| | |
|---------------------------|---|
| _____ Notary Signature | _____ Maria Andrews, Township Clerk, RMC |
|---------------------------|---|

A motion by Hudson, seconded by Bergenfeld to approve Resolution #73-2023 was unanimously approved by roll call vote.

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

Resolution #74-2023: Establishing a Theatre License

Clerk Andrews explained the Theatre License needed to be advertised twice in 2 consecutive newspapers so this resolution is essentially a “do-over.”

RESOLUTION #74-2023

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL TO ISSUE A NEW PLENARY RETAIL CONSUMPTION LICENSE (#37 THEATER EXCEPTION) PURSUANT TO N.J.S.A. 33:1-19, ET SEQ., AND TO ACCEPT APPLICATIONS THEREFOR

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, the Township Committee is advised that the owner of a local theater seeks the issuance of a new Plenary Retail Consumption License (#37 Theater Exception); and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to issue a new Plenary Retail Consumption License (#37 Theater Exception), in order to support the exhibition of music and performing arts within the Township; and

WHEREAS, on March 1, 2023, the Township Committee passed Resolution #34-2023, authorizing the issuance of a new Plenary Retail Consumption License (#37 Theater Exception) pursuant to the “Historical Method”, as well as soliciting applications therefor; and

Minutes: 8/16/23

WHEREAS, on May 3, 2023, following review of the only application received, the Township Committee passed Resolution #51-2023, issuing a new Plenary Retail Consumption License (#37 Theater Exception) to Music Mountain Theater; and

WHEREAS, the Division of Alcoholic Beverage Control has recently advised that they cannot process the application filed by Music Mountain Theater, and will require the Township to readvertise and solicit new applications for a new Plenary Retail Consumption License (#37 Theater Exception); and

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

The Township Committee of the Township of West Amwell (also referred to hereinafter as “The Governing Body”), pursuant to the authority conferred by N.J.S.A. 33:1-19.2, has determined to issue one (1) new Plenary Retail Consumption License (#37 Theater Exception); and

That in order to be eligible to apply for the new Plenary Retail Consumption License (#37 Theater Exception), pursuant to N.J.S.A. 33:1-19.8, the prospective applicant must be a nonprofit corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, which regularly conducts musical or theatrical performances or concerts for which admission is charged, and which facility has a seating capacity of 50 persons or more but less than 1,000 persons; and

The Governing Body shall utilize what is commonly known as the “Historical Method” to issue the new license and to evaluate all applications received; and

All interested applicants shall submit complete applications through the POSSE Online Licensing System maintained by the Division of Alcoholic Beverage Control; and

The Township Clerk is hereby authorized and directed to cause a notice to be published in the newspaper circulated generally in the Township not less than two (2) insertions, one (1) week apart, the second of which shall be published not less than thirty (30) days prior to the time and date specified in the notice, after which no further applications will be accepted; and

That upon the close of the application period, the Governing Body shall consider all applications and approve the issuance of one (1) Plenary Retail Consumption License (#37 Theater Exception) to the most qualified applicant, upon payment of all applicable licensing fees.

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 August 16, 2023.

MARIA ANDREWS, TOWNSHIP CLERK, RMC

A motion by Hudson, seconded by Dale to approve Resolution #74-2023 was unanimously approved by roll call vote.

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

NEW BUSINESS/OTHER

Acknowledgement: Letter of Resignation from DPW Director R. Rollero

Mayor Hoyer commented that Director Rollero has been offered a fantastic opportunity with another municipality with a salary that West Amwell cannot match. He expressed gratitude for all of Mr. Rollero’s years of service and congratulated him on the new job.

Director Rollero thanked the Committee and provided a quick update on the department noting the chip sealing for 2023 has been completed and came in \$3000 under budget.

Minutes: 8/16/23

Authorization: Permission to Retire Patrol Unit 26-18 per Lieutenant Skillman

It was noted for the record that the Committee authorized the retirement of Patrol Unit 26-18.

Discussion: Possible Sale of Township Owned Property – Block 16 Lot 19

It was noted for the record that the Committee authorized Attorney Pandos to discuss this matter with the adjoining property owner who expressed an interest in purchasing the Township owned, landlocked 1 acre parcel.

ADMINISTRATIVE

A motion by Hudson, seconded by Dale to approve the 7/25/23, 8/1/23 and 8/8/23 bill lists was unanimously approved by roll call vote.

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

STANDING COMMITTEE REPORTS

- A. Open Space: No additional report was given.
- B. Environmental: No additional report was given.
- C. Ag Advisory: No report given.
- D. Finance Committee: No report given.

OPEN TO THE PUBLIC

Mayor Hoyer opened the floor to public comment.

Dave Beaumont of 205 Rock Road West came forward again and stated he was sorry to see Director Rollero leave and expressed gratitude for the work he did maintaining the Township's roads. Mr. Beaumont also thanked the Committee for their amendments to the Cannabis Ordinance. Next, he asked Mayor Hoyer if he can get the list of useable sales from County Tax Administrator Tony Porto. Lastly, Mr. Beaumont commented on the "Stay NJ" program which will help seniors afford to stay in NJ after retirement which will take effect in 2026.

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

OTHER

Resolution #71-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion by Bergenfeld, seconded by Dale to approve Resolution #71-2023 and enter into Closed Session was unanimously approved by voice vote.

Resolution #71-2023

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 45 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: Township Easements and contract negotiations, 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 9:02 PM – 10:51 PM.

Upon returning to open session the following actions were taken:

Introduction: Ordinance 9, 2023 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 “POLICE DEPARTMENT,” PART 1 “GENERAL PROVISIONS,” ARTICLE III “PROMOTIONS,” OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

Mayor Hoyer read Ordinance 9, 2023 by title.

ORDINANCE 9, 2023

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 “POLICE DEPARTMENT,” PART 1 “GENERAL PROVISIONS,” ARTICLE III “PROMOTIONS,” OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO CLARIFY THE PROMOTION PROCESS.

WHEREAS, the Township Committee and the Township of West Amwell wishes to amend Chapter 38 “Police Department,” Part 1 “General Provisions,” Article III “Promotions” to clarify the promotion process within the Department; and

WHEREAS, the Township Committee wishes to amend the Ordinance to ensure that all candidates have a clear understanding of the Township’s promotion process, as well as to promote the efficient operation of the Police Department in the interest of public safety.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 38, “Police Department,” Part 1 “General Provisions,” Article III “Promotions,” of the Code of the Township of West Amwell shall be amended as follows:

Section 1.

§ 38-7. Eligibility.

- A. A promotion of any sworn full-time member of the Police Department to a superior position shall be made from the membership of the Police Department.
- B. No member of the Police Department shall be eligible for promotion to be a superior officer unless he/she has completed three (3) years of service with the West Amwell Township Police Department and has served a minimum of two (2) years in his/her present rank.
- C. No member of the Police Department shall be promoted unless the Lieutenant of Police forwards a recommendation to the Township Committee and the Township Committee approves said recommendation.

Section 2.

§ 38-8. Procedures for Promotion.

- A. Vacancy. When the Officer in Charge determines that he/she wishes to fill a vacancy for a position of a superior officer, he/she shall announce the opening of oral examinations for the

position to officers within the West Amwell Police Department by posting the same in a central location within headquarters. The promotional process is considered to have begun when the opening of oral examinations is announced.

- B. Eligibility. All officers who meet the eligibility requirements of § 38-7 are eligible to be promoted to any available rank within the Department.
- C. Application. All officers interested in applying for a promotion must submit their resume and a cover letter to the Township Clerk by the application deadline.
- D. Oral examination. The Oral Interview Board shall administer the oral examination. Candidates for promotion who have qualified to participate in this testing phase shall be notified of their scheduled interview date 60 days prior to the date of their interview. Upon completion of the examination process, each officer will be provided with a written review report which includes his/her overall ranking.
- E. Physical examination. Prior to submitting a successful candidate for promotion to the Township Committee, the Department may require him/her to undergo a physical examination by a physician designated by the Township at the Township's expense.
- F. Psychological examination. Prior to submitting a successful candidate for promotion to the Township Committee, the Department may require him/her to undergo a psychological examination by a mental health professional designated by the Township at the Township's expense.
- G. Recommendation for promotion. The Lieutenant of Police shall forward a recommendation for promotion to the Township Committee of the highest accredited candidate who has passed any required physical and/or psychological examinations. However, the Lieutenant of Police shall not be required to make any recommendation for promotion if, in his/her opinion, none of the candidates are qualified for promotion.
- H. Approval. The Township Committee shall consider all candidates recommended for promotion and may approve of same by duly adopted resolution.

Section 3.

§ 38-9. Accreditation.

Upon creation of a vacancy in higher rank, replacement and/or promotion shall be determined on the basis of accreditation to be applied as follows:

- A. Oral examination. The Oral Interview Board shall interview each candidate for promotion and shall assign each candidate a grade out of a total possible score of 100 points.
- B. Seniority. Each candidate for promotion shall be credited with 1/2 point for each year of continuous service with the West Amwell Township Police Department prior to the start of the examination process, for a maximum of 10 points.

Section 4.

§ 38-10. Oral Interview Board.

The Oral Interview Board shall be comprised of the Officer in Charge or his/her designee, a Member of the Township Committee or his/her designee, and the Township Clerk. The Board shall conduct the

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interviews based primarily on a candidate's past performance and evaluations, taking into consideration the following factors:

- A. Officer performance.
- B. Officer initiative.
- C. Officer breadth of knowledge.
- D. Officer educational background.
- E. Officer training.
- F. Officer career development.
- G. Officer supervisory knowledge.
- H. Officer supervisory experience.
- I. Officer attitude.
- J. Discipline.
- K. Commendation.
- L. Letters.
- M. Special assignments.
- N. Department Policies.
- O. Attorney General Guidelines.

Section 5.

§ 38-11. Examination eligibility list.

The officers that successfully complete the examination process but do not receive a promotion at the conclusion of the examination at that date and time, may be held on a promotional list for the rank for when the exam was taken. The list will be active for one year from date of final results being published. The establishment of a list will be made by recommendation of the Lieutenant of Police to the Township Committee and the Township Committee passing a resolution establishing the list.

Section 6.

All other sections shall remain unchanged.

Section 7.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 8.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 9.

Effective Date. This Ordinance shall take effect upon final passage and publication.

Maria Andrews, Township Clerk, RMC

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A motion by Cally, seconded by Bergenfeld to introduce Ordinance 9, 2023 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 9, 2023 will be listed on the Committee's 9/6/23 agenda.

It was noted for the record that there was a typo in Ordinance 7, 2023 regarding the starting hourly wages for various Department of Public Works positions which will be corrected to reflect a \$3.00 increase.

Lastly, the Committee authorized the posting of 2 Road Class C positions on the League of Municipalities website.

ADJOURNMENT

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

The meeting adjourned at 10:55 PM.

Maria Andrews, Township Clerk, RMC

Approved: 9/6/23