

WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 16, 2020

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 Jim Cally, Deputy Mayor Stephen Bergenfeld, Committeemen John Dale, Gary Hoyer and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

Mayor Cally announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 13, 2020, was posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Township Clerk.

AGENDA REVIEW BY TOWNSHIP CLERK

Township Clerk Andrews noted Lieutenant Skillman had provided copies of his monthly report for tonight's meeting.

ANNOUNCEMENTS

The following announcements were made:

- Bulk Clean-Up Day 9/19/20 – Permits are Still Available!
- The November 3, 2020 Election is an "ALL PAPER" Election – The County Clerk will be Mailing Every Active Voter a Ballot the First Week of October
- Kindly Turn Cell Phones off During the Meeting

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Hoyer to approve the Committee's 9/2/20 minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Cally opened the floor to public comment. Tim Lelie of 21 George Washington Road came forward and complimented both the Department of Public Works and the Police Department for their hard work and dedication saying, "Both departments are fantastic!"

Mr. Lelie then requested the following two suggestions be considered:

1. The proposed expansion of the parking area in George Washington Park, noting in the spring there are many cars up there and he expressed concerns for emergency vehicles, such as a fire truck, not being able to access the area.
2. Filling in the large gullies along Goat Hill Road, again noting safety concerns for emergency vehicles trying to get through.

Linda Weber came forward as the Chair of Historic Preservation and updated the Committee on the re-dedication of the War Memorial Sign at the municipal building being scheduled for 11:00 AM on Veteran's Day: November 11, 2020. She requested Mayor Cally attend to say a few words and noted she may try and coordinate having a bugler attend as well.

Ms. Weber addressed the sign clarification again, explaining she reached out for quotes on an engraved stone which would note that the sign is dedicated to those people who were residents of West Amwell during that time of war and said the etched stone is cost prohibitive. She indicated the blank panel on the right side of the sign is a good area to post the clarifying statement. Mayor Cally suggested Ms. Weber reach out to the Scouts to discuss her ideas, since the refurbishment was an Eagle Scout project.

Ms. Weber noted that the Historic Preservation Committee will only be coordinating the re-dedication of the sign and suggested the Township may wish to consider something for the Veterans.

Minutes: 9/16/20

SPECIAL PRESENTATIONS

Proclamation – Fire Prevention Week: 10/4/20 – 10/10/20

Mayor Cally noted the following Proclamation and thanked all Firefighters for their service.

PROCLAMATION National Fire Prevention Week October 4 - 10, 2020

WHEREAS, since 1922, on the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America determined that the anniversary should henceforth be observed in ways to keep the public informed about the importance of fire prevention; and

WHEREAS, Fire Prevention Week honors and remembers the heroic firefighters and first responders who made the ultimate sacrifice to save and protect our citizens, homes and communities; and

WHEREAS, West Amwell Township is committed to ensuring the safety and security of all those living in and visiting our municipality; and

WHEREAS, each year, an average of 1.4 million fires burn in the United States, resulting in thousands of deaths and injuries along with billions of dollars in direct property damage; and

WHEREAS, our Nation's firefighters are heroes, and they deserve our deepest respect and gratitude for the selfless service they provide to our communities; and

WHEREAS, as we mark Fire Prevention Week, everyone must be vigilant and take precautionary measures to reduce the risk of fire and to protect their families and property; and

WHEREAS, the National Fire Protection Association's "*Look.Listen.Learn*" campaign reinforces the essential practices that everyone must follow to ensure fire safety; and

WHEREAS, Firefighters, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to acknowledge the value and the accomplishments of Firefighters by recognizing National Fire Prevention Week; and

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee does hereby support the week of October 4th through October 10th, 2020 as "National Fire Prevention Week."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Township of West Amwell to be affixed this 16th day of September 2020.

ATTEST: September 16, 2020

Maria Andrews, Township Clerk, RMC

James J. Cally, Mayor

Nexamp, Inc. Solar Project – Brad Higginbottom

Mr. Higginbottom provided an update on the status of the Nexamp solar project on the Township property noting the New Jersey Board of Public Utilities (NJBPU) has not yet defined the rules or set any timetables due to the COVID pandemic, and he assured the Committee that Nexamp still wants to work with West Amwell on the project.

Mr. Higginbottom commented on a portion of the property being preserved and stated he would like to coordinate with the Township Attorney and Engineer to address exactly where those boundaries are so the solar is not installed on the preserved land.

Lastly, Mr. Higginbottom spoke about the SREC's being over and explained they are now referred to as "transitional recs." He indicated the value is currently \$172.00 which may stay as a fixed rate but stated that determination has not yet been made.

Minutes: 9/16/20

Committeeman Hoyer asked about net metering. Mr. Higginbottom indicated this can certainly be discussed but noted the annual production of solar energy would need to match the “off take.”

Mayor Cally asked if other states had projects and if community solar projects are growing. Mr. Higginbottom said yes and noted Nexamp has projects in Illinois, Maine and Maryland and will be in Pennsylvania next year. He also stated they are looking into utility projects in Virginia.

There was a brief discussion on the storing of solar energy. Mr. Higginbottom noted there are states that offer such a benefit for use when there is an extended power outage or a rate change.

Presentation by SWAC Coordinator/DPW Director Ryan Rollero

Coordinator Rollero provided an update on the Township Recycling Depot, highlighting the following points:

1. The garbage/recycling collection contract ends June 2021 so the Township will need to re-bid and transition to 2 compactors for complete outsourcing
2. The expanded depot hours have resulted in about 85 residents coming on Wednesdays and about 230 on Saturdays
3. The 1992 recycling truck is in need of approximately \$11,000 in repairs. Coordinator Rollero requested permission to sell the truck on Municibid.

A motion by Bergenfeld, seconded by Hoyer to sell the 1992 recycling truck on Municibid was unanimously approved by roll call vote.

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

It was noted that Coordinator Rollero anticipates getting a compactor for the fiber refuse and a container for the co-mingled recyclables.

DPW Director Rollero gave an update on public works noting the \$150,000 grant received from NJDOT for the Rocktown-Lambertville Road project. He indicated the Township will need to bond for \$200,000 in 2021.

With regard to the clogged farm entrance culvert pipe on Corsalo Road, he explained he has sent numerous letters to the property owner to repair it and nothing has been done. Director Rollero requested the Township Attorney review the matter. Attorney Campbell commented that the Township can make the repair if the property owner refuses to do so and a lien would be put against the property. It was noted for the record that the Committee agreed that having the DPW make the repair and then pursue a lien was the proper course of action at this point.

Lastly, Director Rollero discussed damages to various roadways within the Township from time to time due to contractors with heavy equipment. He noted this is usually the result of septic system repairs. He suggested the Committee look into some type of mechanism to be able to recoup the damages. Attorney Campbell remarked Kingwood Township adopted an ordinance for these situations. She stated she will look into what might work for West Amwell.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 09, 2020: AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR BLOCK 8 LOTS 23.02, 23.05, 24, 27, 29.02 AND 33

Mayor Cally read Ordinance 09, 2020 by title.

ORDINANCE 09, 2020

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR BLOCK 8, LOTS 23.02, 23.05, 24, 27, 29.02, AND 33

WHEREAS, pursuant to Resolution #2019-45 adopted on February 20, 2019 (as amended by Resolution #86-19 adopted on August 13, 2019) the Mayor and Committee of the Township of West Amwell (the “Committee”) authorized the West Amwell Township Planning Board (the “Planning Board”) to undertake a preliminary investigation to determine whether an area known as the Village Center Redevelopment Area and identified as Block 8, Lots 23.02, 23.05, 24, 27, 29.02, and 33 on the Township of West Amwell Tax Maps (the “Redevelopment Area”) met the statutory criteria to be designated as an “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3 et seq. (the “LRHL”); and

WHEREAS, the Planning Board held a public hearing on October 15, 2019 regarding the preliminary investigation and the Redevelopment Area was found to meet the standard for an area in need of redevelopment; and

WHEREAS, the Planning Board subsequently adopted a resolution that same date recommending that the Township Committee designate the Redevelopment Area as an “Area in Need of Redevelopment” pursuant to the LRHL; and

WHEREAS, the Township Committee adopted Resolution #105-2019 on October 16, 2019 designating the Redevelopment Area as an “Area in Need of Redevelopment” in accordance with the Planning Board’s recommendation and instructed the Planning Board to prepare a redevelopment plan; and

WHEREAS, in consultation with the Township’s redevelopment planner, Charles Latini, P.P., of L&G Planning, the Planning Board prepared a redevelopment plan dated July 1, 2020 and attached hereto as **Exhibit A** (the “Redevelopment Plan”);

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(f), because the Planning Board prepared the Redevelopment Plan, the Township Committee does not have to refer the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, after conducting a public hearing on the Redevelopment Plan, the Township Committee finds that it is in the best interests of the Township to adopt the Redevelopment Plan.

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

Section 1. Pursuant to the authority granted to the Township Committee by N.J.S.A.

40A:12A-7, the Redevelopment Plan for the Village Marketplace Redevelopment Area, dated July 1, 2020, prepared by L&G Planning and attached hereto is hereby adopted.

Section 2. Pursuant to the provisions of N.J.S.A. 40A:12-7(c), the Redevelopment Plan for the Village Marketplace hereby supersedes applicable provisions of the Township of West Amwell Land Use Ordinances. In so doing the Redevelopment Plan shall constitute an explicit amendment to the Town Zoning Map to identify the Redevelopment Area as the boundaries of the area regulated by the Redevelopment Plan for the Village Marketplace Redevelopment Area. The official Township Zoning map shall be amended to henceforth coincide with the Redevelopment Plan for the Village Marketplace Redevelopment Plan.

Section 3. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 5. This ordinance shall take effect after final approval and publication according to law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

A motion by Bergenfeld, seconded by Dale to open the floor to public comment on Ordinance 09, 2020 was unanimously approved by voice vote.

Seeing no members of the public come forward, Mayor Cally closed the floor to public comment and noted the public hearing on Ordinance 09, 2020 will be 10/7/20.

STANDING COMMITTEE REPORTS

- A. Open Space – Committeeman Hoyer noted he called Green Acres regarding a Barry Road property and the related neighbor dispute. He indicated he is trying to get clarification on what obligation the property owner, the Township and Green Acres have regarding the usage of preserved land. He remarked the subject parcel has a portion that is believed to have public access but there are no specific details outlined in the easement.
- B. Environmental – No report was given
- C. Ag Advisory – No report was given
- D. Finance Committee – No report was given

Minutes: 9/16/20

UNFINISHED BUSINESS

PennEast Status Update

No update was provided.

Website Status Update

Committeeman Hoyer noted CivicPlus has created 2 webpage mock-ups and a ZOOM meeting is scheduled to discuss additional details.

NEW BUSINESS/OTHER

Resolution #77-2020: Authorization to Hire Municipal Prosecutor J. Moscagiuri

RESOLUTION #77-2020

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL
APPOINTING JAMES MOSCAGIURI AS THE MUNICIPAL PROSECUTOR FOR THE
REMAINDER OF YEAR 2020**

WHEREAS, the current Municipal Prosecutor resigned effective on September 30, 2020 and the Township of West Amwell is in need of a Municipal Prosecutor to serve through December 31, 2020; and

WHEREAS, the Township of West Amwell has solicited such professional services through the non-fair and open process as provided for and defined in accordance with N.J.S.A. 19:44A-20, et seq., subject to the provisions of the Local Public Contracts Law as set forth in N.J.S.A. 40A:11-1, et seq., regarding professional services; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2020 budget.

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

1. James Moscagiuri, Esq. is hereby designated as Municipal Prosecutor for the Township of West Amwell from October 1, 2020 through December 31, 2020
2. The Mayor and Clerk are hereby authorized and directed to engage the services of James Moscagiuri, Esq. as Municipal Prosecutor for the Township of West Amwell and to execute a contract according to law and in accordance with this resolution. A copy of said contract shall be filed with the Clerk of the Township and shall be available for public inspection.

CERTIFICATION

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of West Amwell during a public business meeting held on September 16, 2020.

MARIA ANDREWS, TOWNSHIP CLERK, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #77-2020 was unanimously approved by roll call vote.

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

Minutes: 9/16/20

Resolution #78-2020: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #78-2020

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

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

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

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

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #78-2020 and enter into Closed Session was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to return to Open Session was unanimously approved by voice vote.

It was noted for the record that the Committee was in Closed Session from 8:47 PM – 9:39 PM.

OPEN TO THE PUBLIC

It was noted for the record that there were no members of the public present at the meeting at this time.

ADMINISTRATIVE

A motion by Bergenfeld, seconded by Lyons to approve the 9/16/20 bill list was unanimously approved by roll call vote.

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

CORRESPONDENCE

The Committee ordered the correspondence listed on the agenda, filed.

ADJOURNMENT

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

The meeting adjourned at 9:46 PM.

Maria Andrews, Township Clerk, RMC

Approved: 10/7/20