

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**October 7, 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.

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 there were no changes to the posted agenda.

**ANNOUNCEMENTS**

The following announcements were made:

- The November 3, 2020 Election is an “ALL PAPER Election” Ballots can be:
  1. Mailed via the United States Postal Service
  2. Placed in a Secure Drop Box – *Closest Location 25 S. Union Street in Lambertville*
  3. Deliver Your Ballot in person to the County Board of Elections Office
  4. Bring Your Ballot (*no one else’s*) to the Polling Location on Election Day
- Free Rabies Clinic: 11/5/20 from 4 PM – 7 PM (*Lower Level of the Municipal Bldg.*)
- DPW Director/SWAC Coordinator Ryan Rollero Receives CRP Certification – *He is the First WA Employee to Ever Receive: CPWM (Certified Public Works Manager), CRP (Certified Recycling Professional) and CCCC (Certified Clean Communities Coordinator) Certifications*
- Kindly Turn Cell Phones Off During the Meeting

**PRESENTATION OF MINUTES**

A motion by Dale, seconded by Bergenfeld to approve the Committee’s 9/16/20 regular session minutes with no revisions noted was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to approve the Committee’s 9/16/20 closed session minutes was unanimously approved by voice vote.

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

Mayor Cally opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

**SPECIAL PRESENTATIONS**

**Proclamation: Rebecca Phillips – Dairy Princess**

Mayor Cally read the following Proclamation into the record:

**PROCLAMATION**  
**Rebecca Phillips Dairy Princess**

WHEREAS, Hunterdon County selects a Dairy Princess each year since 1965; and

WHEREAS, Rebecca Phillips, of West Amwell Township, is a senior at South Hunterdon Regional High School; and

WHEREAS, Rebecca Phillips has been a member of the Mount Airy Dairy 4-H Club for eight years and is currently the President; and

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WHEREAS, Rebecca Phillips has breed and shown her Holstein cattle where they are kept at Spring Run Dairy in Alexandria Township; and

WHEREAS, Rebecca Phillips has served as a Hunterdon County Dairy Ambassador for eight years, and is a member of the South Hunterdon Regional FFA Chapter as a reporter, is on the varsity field hockey, basketball and softball teams, and participates in the Key Club and Peer Leaders Program; and

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends to Rebecca Phillips individually, collectively and with great pride, their sincere congratulations for the honor of Dairy Princess and the Committee wishes Rebecca Phillips much success in all her future endeavors.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the Township of West Amwell to be affixed this 7<sup>th</sup> day of October, 2020.

ATTEST:

\_\_\_\_\_  
Maria Andrews, Township Clerk, RMC

\_\_\_\_\_  
James Cally, Mayor

**Reports by Department Heads**

It was noted for the record that no reports were given.

**Analysis of 2020 Equalized Evaluation**

Dave Beaumont of the Finance Committee came forward and expressed that this year there were 4 property sales that were used to determine the evaluation, where normally there may be 8 to 10. He noted there were 22 non-useable sales during the January – June timeframe. He remarked 3 of the 4 sales were higher than the assessed value and 1 sale was unusable. Mr. Beaumont would like to confirm why because he believes if the property was to be included, the school tax would be about \$70,000 less.

Mr. Beaumont noted that Assessor David Gill had filed a request with the State to make the sale useable and noted the request was denied based on a “lis pendens – foreclosure.” Mr. Beaumont spoke to a representative from the State but has not yet received any supporting documentation. He requested the Township follow up the matter.

Deputy Mayor Bergenfeld commented that a lis pendens proceeding is never filed by a mortgage company and usually indicates some type of pending lawsuit. He also noted that he had spoken with Assessor Gill regarding this matter and believes Mr. Gill is on the State’s side. Deputy Mayor Bergenfeld questioned how the Township could go against their Tax Assessor and suggested waiting until the State produces the requested documentation before taking any further action.

Mr. Beaumont noted he will provide the contact information for the State representative he spoke with so Mayor Cally and the Township Attorney have it if needed.

**INTRODUCTION/PUBLIC HEARING ON ORDINANCES**

**Public Hearing: 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

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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.

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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.

Attorney Don Scholl came forward on behalf of his client Breen-Chroma Color Corp. and noted they wish to be proactive and part of the redevelopment process. He expressed concerns with not having traffic studies included in the plan and with the potential introduction of large amounts of residential units along Highway 179. Attorney Scholl suggested possible deed restrictions with Right-of-Way language, shoulder widening along 179 to create turning lanes and also noted that Breen may wish to tie into any potential package treatment plant.

Linda Weber of 273 Mt. Airy-Harbourton Road came forward and stated she supported the “purpose” of the plan but indicated she had concerns with it and noted the following details:

1. There is no Statement of Objectives which is required by law
2. The plan states that it is consistent with the Master Plan but fails to address the areas where it is actually inconsistent with the Master Plan

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3. The plan references that it is designed to effectuate the Master Plan but Ms. Weber believes it does not
4. The vision is appropriate for a small town, but not for the small hamlet proposed along Highway 179. Ms. Weber questioned how there could be “vibrant streetscapes” with 12,000 sq. ft. of commercial/retail space. Committeeman Dale commented that the Courts didn’t care about the unique characteristics of West Amwell when he tried to argue the fact. Ms. Weber remarked that the Township should take responsibility for the vision represented in the plan.
5. The height of the buildings should be a maximum of 3 stories. Ms. Weber questioned why commercial development was included in the plan and asked if a market study was done. Deputy Mayor Bergenfeld asked what the negative is to having commercial space. Ms. Weber expressed that the buildings could potentially be vacant and become an eyesore.
6. Some types of street trees recommended in the plan are actually invasive according to Ms. Weber and she suggested “native” species be listed instead
7. The language regarding the water/sewer should state both the Township and the Developers obligations
8. The language regarding the Fulper tract of land should be tightened to ensure that the existing open space is not developed

Ms. Weber concluded her comments by urging the Committee not to adopt Ordinance 09, 2020.

Rob Tomenchok came forward as Chairman of the Planning Board and read the following statement into the record:

*“The Planning Board asserts that the concept of a governmental mandate to provide affordable housing is irrational and an unconstitutional overreach.*

*We are undertaking this effort under duress after exhausting every reasonable objection short of appealing to the New Jersey Supreme Court, which we feel would not be a prudent use of scant tax resources.*

*We are under a court order to produce a plan to provide at least 117 affordable housing “credits”. We assert that this number was assigned without regard to the factors needed to actually achieve it.*

*We provided expert testimony citing the lack of infrastructure, hydrogeological conditions, employment opportunities, cost to build, demographics, municipal financial conditions, et cetera in an attempt to arrive at a more reasonable target - to no avail.*

*While the settlement might satisfy the plaintiff (the Fair Share Housing Center) and the court, it saddles West Amwell with a tremendous, unreasonable burden.*

*The settlement negotiation process has taken several years with the plaintiff and court master maintaining intransigent positions.*

*Eventually it became clear that we needed a fresh perspective which motivated us to undertake some personnel changes. This resulted in our pursuing the proposed Redevelopment Zone.*

*This approach gives us significantly more control over our destiny, simultaneously retiring a large General Development Plan due to expire in a few years.*

*The open tracts of land within the township were inventoried and categorized for their suitability; the chosen site was clear and obvious, resulting in a Redevelopment Area Determination Report.*

*The Redevelopment Area Determination Report was presented in a properly noticed open public hearing and voted upon by the Board (15 October 2019).*

*The Township Committee then authorized the Planning Board to begin the Redevelopment Plan (16 October 2019).*

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*The draft plan was presented to the Planning Board for our approval and recommendation for forwarding to the Township Committee (16 June 2019).*

*The public hearing before the Township Committee for the Redevelopment Plan will be in September.*

*The Township Committee introduced the Affordable Housing ordinance on 15 July and it is scheduled for the second reading and adoption on 19 August.*

*The Redevelopment Plan in its current form is conceptual, essentially used to demonstrate that the Redevelopment Zone is viable - it is not - and I repeat not - the final design by any stretch of the imagination.*

*Throughout this process we have striven to ensure that we engaged all interested parties and as always have conducted our business under the Open Public Meetings Act.*

*We have refrained from posting online our working documents until such time as they are approved by the governing entity (Planning Board, Township Committee, Courts, et al).*

*I want it understood with absolute clarity that all development undertaken in this Redevelopment Plan will still be subject to site plan approval by the Planning Board where more specific issues, such as traffic, lighting, landscaping, et cetera will be discussed.*

*Again, this Redevelopment Plan is a concept that puts in place Zoning Standards for the Redevelopment Zone."*

Mr. Tomenchok commented that in his 20 years of serving the community in various capacities, the Affordable Housing mandate the State put on municipalities has made him ashamed.

Mr. Petrucci of 6 Woodens Lane came forward and expressed support for Mr. Tomenchok's comments.

Yaser Hell, co-owner of the former ESC school property came forward and asked the Committee if there is any scenario where something good could come out of the redevelopment. Deputy Mayor Bergenfeld said, "No," noting that there is no infrastructure to support what the State is imposing on the Township. Committeeman Dale remarked that it has always been the Committee's goal to keep West Amwell rural and scenic.

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

A motion by Dale, seconded by Bergenfeld to adopt Ordinance 09, 2020 was approved by roll call vote with Committeeman Hoyer opposing and Committeeman Lyons abstaining.

*Bergenfeld: Yes, Dale: Yes, Cally: Yes*

#### **STANDING COMMITTEE REPORTS**

- A. Open Space – John Cronic, Chairman of the Open Space Committee came forward and noted they wish to raise the fees 10% next year for the Township hunting program. It was noted for the record that the Committee supported the proposed fee increase.
- B. Environmental – No report was given
- C. Ag Advisory – No report was given
- D. Finance Committee – No report was given

#### **UNFINISHED BUSINESS**

##### **PennEast Status Update**

No update was provided.

##### **Website Status Update**

Mr. Beaumont noted he is still trying to schedule a meeting to discuss the content of the main buttons and various pages for the new website and remarked the upgrade may not be completed by the end of the year.

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**NEW BUSINESS/OTHER**

**Approval of 2020-2023 Police Contract**

A motion by Bergenfeld, seconded by Lyons to approve the 2020-2023 Collective Bargaining Agreement between the Township of West Amwell and the Hunterdon County Policemen's Benevolent Association Local #188 West Amwell Unit was unanimously approved by roll call vote.

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

**Resolution #79-2020: Appointment of Alternate Municipal Ct. Prosecutors – K. Campbell & R. Wenner**

**RESOLUTION #79-2020**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL APPOINTING MUNICIPAL PROSECUTOR ALTERNATES FOR THE REMAINDER OF YEAR 2020**

WHEREAS, the Township of West Amwell has appointed James Moscagiuri as the Municipal Prosecutor to serve through December 31, 2020; and

WHEREAS, the Township wishes to appoint Katrina L. Campbell and Richard W. Wenner to serve as alternate Municipal Prosecutors if Mr. Moscagiuri is unable and requests their assistance; and

WHEREAS, Mr. Moscagiuri, Ms. Campbell and Mr. Wenner are all members of the same law firm and therefore Ms. Campbell or Mr. Wenner would be able to assist on a case by case basis if Mr. Moscagiuri is not able; and

WHEREAS, the Township will be charged no additional fee, over and above the compensation negotiated between Mr. Moscagiuri and the Township, if an alternate prosecutor is necessary.

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

Katrina L. Campbell and Richard W. Wenner are hereby designated as alternate Municipal Prosecutors for the Township of West Amwell from October 1, 2020 through December 31, 2020

Mr. Moscagiuri shall be responsible for requesting the services of an alternate prosecutor when necessary. Ms. Campbell and Mr. Wenner's service shall be covered under the Township's contract with Mr. Moscagiuri.

**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 October 7, 2020.*

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #79-2020 was unanimously approved by roll call vote.

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

**Resolution #80-2020: Hiring of Probationary Patrolman Anthony Leone, III**

**RESOLUTION #80-2020**

**RESOLUTION OF THE GOVERNING BODY OF THE  
TOWNSHIP OF WEST AMWELL AUTHORIZING  
THE HIRING OF A PROBATIONARY POLICE OFFICER**

**WHEREAS**, there has arisen a need for the hiring of a full time police officer within the Township of West Amwell ("Township"); and

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**WHEREAS**, Anthony Leone III (“Leone”) has served as a Special Officer; and

**WHEREAS**, Leone possesses all of the training needed to be certified and sworn in as a Police Officer; and

**WHEREAS**, the Township is desirous of hiring Leone to perform the duties of Police Officer for the Township.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of West Amwell, County of Hunterdon in the State of New Jersey that Anthony Leone is hereby hired and appointed as a full-time Probationary Police Officer for the Township of West Amwell, conditioned upon receipt of signed 2020-2023 Collective Bargaining Agreement, to be effective October 12, 2020.

**NOW THEREFORE BE IT FURTHER RESOLVED** that, as of October 8, 2020, Leone shall be entitled to compensation as set forth in the newly adopted Collective Negotiations Agreement by and between the Township of West Amwell and the PBA Local No. 188 for 2020 through 2023. He shall remain at the first step (Probationary) for one year from his date of hire.

#### **CERTIFICATION**

***THIS IS TO CERTIFY*** that the above is a true copy of a Resolution adopted by the Township Committee of the Township of West Amwell at a meeting of said Township Committee conducted on October 7, 2020.

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to approve Resolution #80-2020 was unanimously approved by roll call vote.

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

#### **Resolution #82-2020: Authorizing Additional Security Camera Expense**

##### **Resolution #82-2020**

WHEREAS, the Township requested 3 quotes to meet the security requirements for the Police to relocate their department to the Municipal Building; and

WHEREAS, Haas Security quoted \$39, 650.00 to install the necessary security equipment for the Police Department; and

WHEREAS, due to the COVID pandemic, and in conformance with N.J.S.A. 40A:11-6, there is a need for additional safety protocols in order to conduct business at the Municipal Building complex, requiring supplemental security cameras; and

WHEREAS, Haas Security has indicated the supplementary equipment will cost an additional \$22,533.00; and

NOW THEREFORE BE IT RESOLVED that the Township Committee authorizes the extra expense of \$22,533. 00 to ensure the safety of all staff and members of the public who come to the municipal building property.

#### *Certification*

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting held on October 7, 2020.*

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Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #82-2020 was unanimously approved by roll call vote.

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



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**Discussion: Resident Request to Close Terrell Road**

Mayor Cally noted Lieutenant Skillman received an email from resident Steve Murzenski requesting to close Terrell Road between house #18 and house #22 for the purposes of having a small Halloween celebration for a few hours. Lt. Skillman needed authorization from the Committee. Deputy Mayor Bergenfeld stated he took no issue with the proposal as long as each resident impacted by the road closure in that area indicated they had no problem with it.

Clerk Andrews noted she would follow up with Lieutenant Skillman on the matter.

**Discussion: Township Celebration of Halloween**

Mayor Cally commented on the Township recognizing Halloween and suggested the protocols issued by the NJ Department of Health be posted on the website and distributed through Listserve. The Committee agreed.

**Discussion: Fire Safety**

Mayor Cally noted he received a letter from resident Kathleen Adams complaining about the West Amwell Fire Company always using the hydrant on Music Mountain Boulevard in front of her home to conduct hose testing and he indicated he will review the issue and respond to her accordingly.

Deputy Mayor Bergenfeld also commented on properties within the Township that should be inspected annually and noted he will follow up with the proper officials/inspectors regarding this.

**OPEN TO THE PUBLIC**

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

**ADMINISTRATIVE**

It was noted for the record that no comments were made on any of the reports listed on the agenda. Mayor Cally confirmed with the Committee that Requests for Proposals (RFP) for the Municipal Court Judge position will be sought. The Committee took no issue.

**CORRESPONDENCE**

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

**ADJOURNMENT**

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

The meeting adjourned at 9:15 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 10/21/20