

WEST AMWELL TOWNSHIP COMMITTEE MEETING
February 21, 2024
Regular Meeting – 7:30 PM

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor James Cally, Deputy Mayor Gary Hoyer, Committee Members Stephen Bergenfeld, Meghan Hudson and Bob Balaam along with Township Clerk Maria Andrews and Attorney Andrew Kinsey, covering for Township Attorney Mark Peck.

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 11, 2024, was posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Township Clerk.

FLAG SALUTE

Mayor Cally led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- 2024 Dog License Renewals were due by 1/31/24 – Late Fees Now Apply
- Primary Petition Filing Deadline is 4 PM on Monday 3/25/24
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Hudson, seconded by Bergenfeld to approve the Committee's 2/7/24 regular and closed session 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.

Pamela Bland of 121 Rock Road West came forward and expressed concerns over the accuracy of the noise test performed at the GMNJ property. She asked for clarification on the Temporary Certificate of Occupancy that was issued and noted frustration with the lighting being left on all night. Ms. Bland wanted assurance from the Township Committee that the conditions of approval outlined in the Planning Board resolution were not going to be changed because she believes the ordinances have been rewritten and directly impact some of the conditions that were in place.

Mayor Cally noted the GMNJ application has been approved and the Planning Board professionals oversee the process with the Zoning and Construction Officials. Committeewoman Hudson commented that GMNJ must abide by the conditions of approval outlined in the Planning Board's resolution or they will have to go back in front of the board if they want to make any changes.

Dave Beaumont of 205 Rock Road West came forward and asked for clarification on the difference between a matter, on the agenda, being "pulled" vs. "tabled." He specifically referred to the GMNJ Developer's Agreement that was listed on the Township Committee's last agenda. Committeewoman Hudson and Clerk Andrews explained "tabled" means the matter will be listed again on an upcoming agenda and "pulled" means the matter is over and will not be re-listed on the agenda.

Mr. Beaumont also remarked that he believes there is a discrepancy between the original Developer's Agreement with GMNJ and the Planning Board's resolution. Lastly, he stated Engineer Burr indicated, at

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last night's Planning Board meeting, that GMNJ has received their septic approval from the County Board of Health.

Seeing no other members of the public who wished to speak, Mayor Cally closed the floor to public comment.

SPECIAL PRESENTATIONS

Reports by Department Heads

OEM Director Harry Heller asked for an update on the status of the Stymiest Road repairs. He remarked the work must be completed by June 1, 2024 or the Township will lose the funding. Deputy Mayor Hoyer noted Engineer Burr is currently reviewing the agreement with VEOLA.

Director Heller also reminded Mayor Cally that he still need his "Mayor's Message" for posting on the Township website.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that there were no ordinances listed on the agenda for action.

RESOLUTIONS

It was noted for the record that there were no resolutions listed on the agenda for approval.

NEW BUSINESS/OTHER

Discussion: Termination of the Zoning Shared Service Agreement with East Amwell Township

A motion was made by Hudson and seconded by Balaam to approve the termination of the zoning shared services agreement with East Amwell Township. The motion was unanimously approved by roll call vote with Committeeman Bergenfeld directing Clerk Andrews to hold the termination agreement until all of the 2023 administration fees have been paid by East Amwell Township.

Balaam: Yes, Bergenfeld: Yes, Hoyer: Yes, Hudson: Yes, Cally: Yes

Construction Office Manager Gail Brewi spoke up from the public commenting on the urgency of wrapping this matter up since East Amwell has already hired a Zoning Officer who was supposed to start yesterday, but she said had called out.

Discussion: Community Solar Project

Mayor Cally commented that the Energy Sun program the Township was approached on seems to only benefit the school and isn't really a community program. He directed Clerk Andrews to advise Energy Sun that the Township is not interested in participating and suggested they reach out directly to the school.

Deputy Mayor Hoyer remarked that the Nexamp community solar program the Township was working on prior to the pandemic was closed to new registrants in 2021 and at this point, the Township would need to re-apply.

Authorization: Email dated 2/15/24 from DPW Supervisor Gabel, re: Request to Sell Equipment

A motion was made by Bergenfeld and seconded by Hudson authorizing DPW Supervisor Gabel to sell the 1996 NTTRL CC flatbed trailer, the 2001 Gledhill plow and the 1997 Gledhill plow as well as scrap the V-Box spreader. The motion was unanimously approved by roll call vote.

Balaam: Yes, Bergenfeld: Yes, Hoyer: Yes, Hudson: Yes, Cally: Yes

Authorization: Email dated 2/15/24 from DPW Supervisor Gabel, re: Request to Sell 2012 Chevy Tahoe

A motion was made by Bergenfeld and seconded by Hudson authorizing DPW Supervisor Gabel to sell the 2012 Chevrolet Tahoe and to put the 2014 Ford Explorer the Police Department took out of service, back in service as a Public Works vehicle. The motion was unanimously approved by roll call vote.

Balaam: Yes, Bergenfeld: Yes, Hoyer: Yes, Hudson: Yes, Cally: Yes

UNFINISHED BUSINESS

It was noted for the record that there were no Unfinished Business matters listed on the agenda.

STANDING COMMITTEE REPORTS

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

ADMINISTRATIVE

A motion was made by Bergenfeld and seconded by Cally approving the 2/7/24 and 2/14/24 bill lists. The motion was unanimously approved by roll call vote.

Balaam: Yes, Bergenfeld: Yes, Hoyer: Yes, Hudson: Yes, Cally: Yes

OPEN TO THE PUBLIC

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

Committeeman Bergenfeld noted he and DPW Supervisor Gabel had recently met with representatives from Rusling Paving & Concrete, LLC regarding the *Inlet Repair Project* that was put out to BID last July. He noted they will be reworking their BID since the project was put out twice, unsuccessfully.

Tax Collector Gail Brewi noted the collection software conversion to the Edmunds system has been completed and is scheduled to “go live” at 8:30 AM tomorrow morning, 2/22/24. She remarked WHIP is the new property look up feature and provides for on-line payment options.

OTHER

Resolution #37-2024: Closed Session – Personnel/Contracts – Litigation/Affordable Housing and Matters Falling Under Attorney Client Privilege

A motion was made by Cally and seconded by Hoyer to approve Resolution #37-2024 and enter into closed session. The motion was unanimously approved by voice vote.

Resolution #37-2024

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 30 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: Personnel/Contracts – Litigation/Affordable Housing 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 8:04 PM – 8:40 PM.

Upon returning to Open Session, the following actions were taken:

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A motion by Cally, seconded by Balaam authorizing the CFO to pay the OPRA record settlement agreement with Rotimi Owoh (*o/b/o African American Data and Research*) in the amount of \$1650.00 was approved by roll call vote with Deputy Mayor Hoyer opposing.

Balaam: Yes, Bergenfeld: Yes, Hudson: Yes, Cally: Yes

A motion by Hoyer, seconded by Cally authorizing Attorney Peck to accept the plan for the ENDO opioid lawsuit was unanimously approved by roll call vote.

Balaam: Yes, Bergenfeld: Yes, Hoyer: Yes, Hudson: Yes, Cally: Yes

ADJOURNMENT

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

The meeting adjourned at 8:41 PM.

Maria Andrews, Township Clerk, RMC

Approved: 3/6/24