

The regular meeting of the East Amwell Township Committee, was called to order at 7:00 p.m. Present were Mayor Mark Castellano and Committee members Deputy Mayor Tara Ramsey, John Mills, Rick Wolfe and Jenna Casper-Bloom. Also present was Township Attorney Frank Whittlesey.

In compliance with the Open Public Meetings Act, the Acting Municipal Clerk announced that the notice of this meeting had been published in the January 13, 2022 issue of the Hunterdon County Democrat and that a copy of the agenda for this meeting had been forwarded to the Hunterdon County Democrat, the Times of Trenton, the Courier News, the Star Ledger, posted on the bulletin board and filed in the Township Clerk's Office on January 10, 2022.

NOMINATION OF 2022 MAYOR

Oath of Allegiance & Office

Acting Clerk Krista Parsons, asked for nominations for Mayor for the Township of East Amwell for the year 2022.

Mark Castellano was nominated by Tara Ramsey, and John Mills seconded the motion for Mark Castellano as Mayor for 2022.

With no more nominations, Acting Clerk Krista Parsons asked for a motion to appoint Mark Castellano as Mayor for 2022. A motion made by Tara Ramsey, seconded by John Mills, was conducted by roll call vote:

Roll Call:

Ms. Casper-Bloom: No, Mr. Mills: Yes, Ms. Ramsey: Yes, Mr. Wolfe: No, Mr. Castellano: Yes.

Acting Clerk Krista Parsons congratulated Mayor Castellano on his appointment.

Mark Castellano was sworn into office by Taryn Zimmerman with his wife Alison holding the bible.

Acting Clerk Krista Parsons turned the meeting over to Mayor Castellano.

NOMINATION OF 2022 DEPUTY MAYOR

Oath of Allegiance & Office

Mayor Mark Castellano, asked for nominations for Deputy Mayor for the Township of East Amwell for the year 2022.

Tara Ramsey was nominated by John Mills, seconded by Mayor Mark Castellano for Tara Ramsey as Deputy Mayor for 2022.

With no more nominations, Mayor Mark Castellano asked for a motion to appoint Tara Ramsey as Deputy Mayor for 2022. A motion made by John Mills, seconded by Mayor Mark Castellano, was conducted by roll call vote:

Roll Call: Ms. Casper-Bloom: No, Mr. Mills: Yes, Ms. Ramsey: Yes, Mr. Wolfe: No, Mr. Castellano: Yes.

Tara Ramsey was sworn into office by Taryn Zimmerman with her husband Daniel holding the bible.

Acting Clerk Parsons turned the meeting over to Mayor Castellano.

2022 APPOINTMENTS AND OATHS OF OFFICE

Mayor Mark Castellano stated; for all Board, Committees and Commissions: All members have been reappointed with the exception of the following:

The Mayor or Mayor’s Designee, Township Committee Member and Township Committee Liaison for each committee; Planning Board: Gregory Chiacchio will be moved to the Environmental Commission with a 3-year term, Parks and Recreation, Thyra Zengel decided not to renew her term and extends best wishes for the future of the PRC. Board of Health, Diane Harrington decided not to renew her term and enjoyed participating this year and hopes to rejoin in the future. All reappointments and changes will be posted on the website.

Mayor Castellano stated the remaining appointments have remained the same as the prior year with the exception of the following: Assistant Treasurer: AnnMarie Silvia, Deputy Court Administrator, TBD, Joint Court Liaisons Jenna Casper-Bloom and Alternate Zoning Officer TBD.

AGENDA REVIEW

Acting Clerk Parsons added under New Business- Discussion of Township Committee meetings start time for Executive and Regular Session.

ANNOUNCEMENTS

- a. The East Amwell Township Committee will hold their regular scheduled meetings on the second Thursday of each month at 7:30pm at the Municipal Building. The next regular meeting will be held on Thursday, February 10th at 7:30pm.
- b. The 2022 Reorganization dates for Boards and Committees are posted on the bulletin board and listed on the Township website.
- c. Christmas trees can be dropped off at the Grit Yard during regular operating hours, Monday-Friday from 7am-2pm.
- d. Municipal Offices will be closed on Monday, January 17th in observance of Martin Luther King Day.
- e. Annual dog licenses are due. \$17 for neutered/spayed and \$20 for non-neutered/non-spayed. Late fees begin March 1st.

f. The annual free rabies clinic is scheduled for January 15th from 1-4pm in the Municipal Garage. Contact the Deputy Clerk for details.

g. Our Fire Company will hold a comedy night on February 5th at the fire house. Tickets are \$30. Doors open at 6pm, and the show begins at 7pm. For more information and to purchase tickets, go the Fire Company's website at amwellvalleyfire.org.

h. The Township Committee will hold a Budget Meeting on Tuesday, January 18th at 9am at the Municipal Building.

APPROVAL OF MINUTES

December 9, 2021 Regular Minutes

A motion made by John Mills, seconded by Deputy Mayor Tara Ramsey to approve the minutes were unanimously approved by voice vote, with Jenna Casper-Bloom abstaining.

December 20, 2021 Executive Session Minutes

A motion made by Rick Wolfe, seconded by John Mills to approve the minutes were unanimously approved by voice vote, with Jenna Casper-Bloom abstaining.

December 20, 2021 Regular Minutes

A motion made by John Mills, seconded by Deputy Mayor Tara Ramsey to approve the minutes were unanimously approved by voice vote, with Jenna Casper-Bloom abstaining.

January 3, 2022 Reorganization Minutes

A motion made by John Mills, seconded by Rick Wolfe to approve the minutes were unanimously approved by voice vote, with Mayor Mark Castellano abstaining.

SPECIAL DISCUSSIONS/PRESENTATIONS/ACKNOWLEDGEMENTS

Township Historian John Allen to Discuss Acquisition of Landis Burial Ground

Historian, John Allen presented a review of the Landis Burial Grounds to the Township Committee and discussed the current conditions and what work has been done. Mr. Allen has requested the township seek to obtain the title of the property and acquire an easement from the adjoining property. Discussion took place among the committee members to obtain the title work.

Monthly Update from Amwell Valley Rescue Squad

Chief Eckard provided the Township Committee with an update for December and also stated they were able to purchase an EMS cart.

STANDING COMMITTEE REPORTS

Historic Preservation Committee Quarterly Report

John Seramba, Chair of the Historic Preservation Committee advised the Township Committee on the committees 2022 goals, intent to work with the Grange and East Amwell School, conduct all meetings at the Clawson House and to construct a lease agreement with the Historical Society for the use of the museum.

OPEN TO THE PUBLIC- Topics Not on the Agenda (limited to 10 min)

A motion made by Rick Wolfe, seconded by Tara Ramsey to open the meeting to the public was unanimously approved by voice vote.

Linda Ranf 148 Cider Mill Road, Flemington, NJ- Inquired about snow fences being installed on Cider Mill or if the township can be notified due to the snow-covered roads after the snow is blown due to winds. Ms. Ranf was advised she can call the township and report the condition to the proper departments.

Tim Willey 25 Burd Lane, Hopewell, NJ- Mr. Willey congratulated Mark and Tara on their appointment and looks forward to working with John Mills on the Planning Board.

John Seramba 111 John Ringo Road, Ringoes, NJ- Mr. Seramba stated the Historic Preservation Committee requested for the remaining money from their budget be allocated to the Historical Society calendar.

Frances Gavigan 123 Wertsville Road, Ringoes, NJ- Ms. Gavigan addressed the cemetery and the OPRA request that was submitted by Rick Wolfe in regards to the use of the Clawson House for the tree lighting event.

CONSENT AGENDA ITEMS

There were no items for approval.

RESOLUTIONS

Resolution Authorizing the Use of the Public Right of Way by Planet Networks, Inc.

RESOLUTION #27-22

**RESOLUTION OF THE TOWNSHIP OF EAST AMWELL COMMITTEE,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING
THE USE OF THE PUBLIC RIGHTS-OF-WAY BY PLANET NETWORKS,
INC.**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services

- that is authorized by the New Jersey Board of Public Utilities to provide local

exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of 'another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]NY telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any

municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

The MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL do hereby grant permission and authority to Planet Networks, Inc, its authorized agents and assigns, to access the public rights-of-way within the Township of East Amwell for the purpose of installing fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- (a) Planet Networks, Inc. and its authorized agents, assigns or employees shall adhere to all applicable Federal, State, and local laws, ordinances, (inclusive but not limited to the provisions of Chapter A1 88 of the East Amwell Township Code) in connection with its use of the public right-of-way;
- (b) Planet Networks, Inc. shall obtain any applicable permits or approvals in connection with the installation of its facilities;
- (c) Planet Networks, Inc., its authorized agents or assigns shall indemnify, defend and hold harmless the Township of East Amwell, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Networks, Inc.'s use of the public right-of-way, except to the extent that such loss, injury or property damage is the result of the acts or omissions of the municipality.
- (d) Planet Networks, Inc. shall procure and maintain, at its cost and expense, commercial general liability insurance with limits of not less than \$1,000,000.00 for injury to or death of one or more persons in any one occurrence and \$500,000.00 for damage or destruction to property in any one occurrence and shall include the Township of East Amwell as an a additional insured on said insurance policy and upon request provide the Township with proof of such policy.
- (e) Planet Networks, Inc., its authorized agents or assigns shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities;
- (f) That the Mayor of East Amwell Township is hereby authorized to execute and

the Municipal Clerk to attest to any other documents necessary to effectuate the terms of this Resolution.

CERTIFICATION

I, Krista M. Parsons, Acting Municipal Clerk, hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Township Committee of the Township of East Amwell at a regular and duly convened meeting held on January 13, 2022.

Krista M. Parsons, Acting Municipal Clerk

A motion made by Jenna Casper-Bloom, seconded by Tara Ramsey to approve the resolution was unanimously approved by voice vote.

ORDINANCES- PUBLIC HEARING AND SECOND READING

There were no ordinances before the committee for approval.

ORDINANCES- INTRODUCTION AND FIRST READING

There were no ordinances to be introduced.

UNFINISHED BUSINESS

There were no items for discussion.

NEW BUSINESS

Tom Burn Bike Weekend, May 20th – May 22nd

A motion made by Jenna Casper-Bloom, seconded by John Mills to approve the bike event was unanimously approved by voice vote with a condition that more information be obtained regarding the number of cyclists registered.

Township Committee Meetings start time for Executive and Regular Session

Acting Clerk Parsons advised the Committee Members how the Executive and Regular Meetings were published in the paper. Discussion took place amongst the Committee Members to determine specific times for each session to be held therefore the public is notified. The Township Committee Members were all in favor of holding the Executive Session at 6:30pm and the Regular Meeting at 7:00pm.

OPEN TO THE PUBLIC

A motion made by Rick Wolfe, seconded by John Mills to open the meeting to the public was unanimously approved by voice vote.

Linda Ranf 148 Cider Mill Road, Flemington, NJ- Ms. Ranf asked for clarification if the public was allowed to attend Executive Session. Acting Clerk Parsons addressed answered her question.

Frances Gavigan 123 Wertsville Road, Ringoes, NJ- Ms. Gavigan addressed the OPRA request sent by Rick Wolfe and the events that followed and lack of compliance and response. Ms. Gavigan read the email that was sent into record.

John Seramba 111 John Ringo Road, Ringoes, NJ- Mr. Seramba stated the Historic Preservation Committee followed the East Amwell Township ordinance with regard to the Tree Lighting event.

APPROVAL OF BILLS

Bills of the Evening- January 13, 2022

A motion made by Tara Ramsey, seconded by John Mills to approve the bills of the evening were unanimously approved by voice vote.

APPROVAL OF ADMINISTRATIVE REPORTS

A motion made by Jenna Casper-Bloom, seconded by John Mills to approve the reports was unanimously approved by voice vote.

CORRESPONDENCE

No discussion was held.

ADJOURNMENT

There being no further business, a motion made by Tara Ramsey, seconded by Jenna Casper-Bloom to adjourn the meeting at 9:00pm was unanimously approved by voice vote.

Krista M. Parsons, Acting Municipal Clerk