

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor Peter Kneski, Deputy Mayor Linda F. Lenox, and Committee members Patricia Cregar, C. Larry Tatsch, and Timothy Martin. Township Administrator Timothy Matheny and Attorney Richard Cushing were also in attendance.

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 3, 2010, and a meeting notice published in the Hunterdon County Democrat issue of January 7, 2010. A copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, Times of Trenton, Star Ledger, Courier News, posted on the bulletin board, and filed in the Clerk's Office on January 12, 2010.

The meeting opened with the Pledge of Allegiance to the American Flag.

AGENDA REVIEW

Under Introduction of Ordinances: Table Introduction of Ordinance 10-02, the Tree Harvesting Ordinance. It will be changed to a Discussion of the Ordinance in relationship to the 1/12/10 email from Attorney Lorraine Staples with suggested changes.

Under Standing Committee Reports, Farmland/Open Space Preservation, add item C, Zuegner, Block 17/Lot 34, Authorization for Township Attorney to Draft a Letter to Property Owner's Attorney - see 1/13/10 Inter-Office Memo from Judy Conard.

Under Correspondence, add the following items: 1/13 NJ League of Municipalities E-alert on League President Meeting with Chief of Staff, Bills on Governor's Desk, and Bills Signed by Governor; 1/13 Attorney Arnold Lakind re: Michael Fiscor Milling Operation; 1/8 East Amwell Clerk's Letter to Hunterdon County Freeholders re: Wertsville Road Bridges; 1/13 Hunterdon County CADB Letter and Attorney DeSapio Letter to SADC re: Old York Cellars Right to Farm Site Specific Agriculture Management Practice Application.

ANNOUNCEMENTS

- A. The Annual Rabies Clinic will be held on Saturday, January 23, 2010, from 1 - 4 p.m. in the Township Garage.
- B. 2010 Dog Licenses are now due: \$12/altered dog; \$15/non-altered dog - rabies inoculation must cover the entire licensing period - call 908:782-8536 x 10 for details.
- C. Christmas trees may be brought to the grit yard on John Ringo Road during the month of January. All trim should be removed from the trees.
- D. The Township Committee will hold the following special meetings:
 - January 21, 2010, at 7:30 p.m. - public hearing on COAH Ordinance; resolution to enter executive session to discuss contracts; discussions on the 2010 budget.
 - January 25, 2010, at 7:00 p.m. - Meeting with City of Lambertville and West Amwell Township for a public presentation on the Police Study prepared by Blue Shield.
 - February 11, 2010, at 7:00 p.m. - Educational Presentation by Joe Skupien on Stormwater Management
- E. A reminder: The East Amwell Township Committee will hold their regularly scheduled meetings on the second Thursday of the month, and the next regular meeting will be held on February 11, 2010, at 7:30 p.m.
- F. There is a meeting of the Hunterdon County Historical Alliance on Historic Bridges Scheduled for Saturday, January 16, from 9 a.m. - Noon at the Raritan Township Municipal Building - call 609:397-5363 or 908:244-7612 for details.

APPROVAL OF MINUTES

December 29, 2009, Regular Minutes were approved on a motion by Mr. Tatsch, seconded by Mrs. Cregar, and carried with one abstention, Mr. Martin, with one minor typing correction on page 5.

January 3, 2010, Reorganization Minutes were approved on a motion by Deputy Mayor Lenox, seconded by Mr. Martin, and carried unanimously with minor corrections on page 34 in the last paragraph of Mayor Kneski's comments, line 1, change "strong" to "grant" and on line 2, change "neighbors" to "neighboring communities"; same page, under Deputy Mayor Lenox's comments, second paragraph, line 3, change "co-worker" to "fellow state worker."

OPEN TO THE PUBLIC (for Comments from the Public for Items Not on the Agenda)

Mayor Kneski advised that anyone in the audience having comments on the Fiscor operation may want to hold them until there was discussion on the tree harvesting ordinance. The attorney would be providing an update, and the meeting would be open briefly for comments. The governing body was in agreement.

Frances Gavigan, 123 Wertsville Road, commented on the up-coming meeting with Lambertville and West Amwell on the shared services report for police services, asking for clarification. Mayor Kneski provided details about the original intent to participate in the study when there was a possibility that the NJ State Police were going to be charging for services. The presentation at the up-coming meeting will be an overview of the report, and all municipalities will be represented.

Ms. Gavigan mentioned the Township's interest in some form of enforcement and asked if these items were connected. Mr. Tatsch clarified that while the Township is under negotiations with an adjoining Township for traffic enforcement, it is not connected with the West Amwell and Lambertville study.

Ms. Gavigan had flyers for an up-coming County program, if there was interest. She also noted that in 1999 the state set aside \$250,000,000 for bridge work, and she provided information she acquired in County budget pages about bridge projects in the municipality and increased costs over the years. She mentioned that bills can be "bundled together" and she is continuing to investigate, suggesting that close attention be paid to the County. She quoted the "NPR, i.e. ..." "With transparency comes integrity." She also mentioned that Engineer O'Neal should be contacted about the Wertsville Road plans for a large drainage basin in front of The Ridge with respect to stormwater issues.

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

SPECIAL DISCUSSIONS

PRESENTATION ON EAST AMWELL TOWNSHIP MUNICIPAL ENERGY AUDIT John Marchifava, P.E, from Concord Engineering Group, was present.

Mr. Marchifava thanked East Amwell and its staff for their help in conducting the audit. He provided a handout to the governing body and audience outlining the East Amwell Municipal Building, Garage, and Trailer Audit he conducted. Highlights included the following: there are five pre-approved firms performing audits through NJ Clean Energy, and TRC is the program administrator. The state pays 75% of the audit costs and the remaining 25% is reimbursable upon implementation of the recommendations in the audit. The auditors look at energy usage and load profile, existing conditions, the building, HVAC, lighting, plumbing, etc.; they review existing records and files and go over operating practices with the DPW, including discussing extended hours. Items to address include energy conservation measures, renewable energy measures, energy procurement strategies, and installation funding options. Recommended energy conservation measures include the following: upgrading lighting in the offices and court

from T12 to T8 fixtures and incandescent to CFL lamp replacements; upgrade lighting in the garage from T12 to T8 fixtures and HID to T5HO High Bays and install an infrared heater for gas efficiency; upgrade lighting from T12 to T8 and replacing the furnace to an infrared heater in the trailer.

Mr. Marchiafava continued by calculating energy savings (based on current utility costs of \$28,000) of \$7,000, or 25%, by implementing the recommendations. He also spoke about the estimated installation cost of \$19,000, with a quick payback of 2.3 years or 3.6 years if other funding options are necessary. Additionally, renewable energy measures were considered, i.e., wind speed is not high enough, but a solar pv system on the roof would be an option, proposing a 37 kW system based on 57,000 kW production for consumption. This type of installation would result in a 50% utility bill reduction; based on a, estimate cost of \$330,000 to install, the calculation was a 11 year or less payback based on credits, renewable incentive programs, direct purchase or power purchase. Installing a direct digital control system in the office/court room is another consideration, especially for weekend and night use.

Next steps include implementing nothing or executing recommendations by conventional capital purchase, Energy Savings Improvement Program, doing work in-house, or taking part in New Jersey Clean Energy Programs, including the Direct Install program which pays 80% of the cost and requiring only 20% from the municipality. HD Lyons is the Direct Install contractor, who does the turnkey installation. Prioritization is a good next step, i.e., lighting is a simple change, and considering purchasing power may be a future consideration. Mr. Marchiafava explained the Energy Savings Implementation Plan, as outlined on the handout, mentioning that the Direct Install program is the best way to proceed if the work was not being done in-house.

Other Long Term Contracts include solar PV power purchase agreements, e.g., a 15 year term where the owner leases the building roof to a solar developer, who installs and maintains the equipment, selling the power to the property owner; roof structure is critical, and some comments were made about the existing roofs on the building and garage. Mr. Marchiafava concluded by providing useful website links for further information.

Mayor Kneski mentioned a program offered by PSE&G, similar to the Direct Install Program; he asked if JCP&L had such a program. Mr. Marchiafava mentioned the Direct Install Program, which he was familiar with, noting that it was just launched and revisions will be made as utility companies get on board. He noted that the state is proactive in energy efficiency.

Mayor Kneski asked about the audit reimbursement, i.e., what percentage of the work in the audit had to be done to get the additional 25% back from the state. Mr. Marchiafava was not sure, giving example figures of 25% of values, noting the importance of providing receipts for completion of work.

Mr. Martin asked how the Township building ranked in relation to others surveyed. Mr. Marchiafava mentioned that an EUI (energy use index) is the standard benchmark. In East Amwell, source energy was only 180 per square foot, 50% for this region, and "relatively good." He mentioned 21 municipalities were surveyed in 2009 and 2010 with very broad backgrounds. If all recommendations were implemented, Mr. Marchiafava believed the Township would be up around 65 - 75% efficiency. Adding solar power would also heighten the margins.

Mr. Tatsch asked about the infrared heaters, noting high costs for electric; Mr. Marchiafava explained the recommendation was for gas heat in the garage. He explained the use of infrared technology, which heats space and objects rather than air, and it would be beneficial, particularly in the large bay areas of the garage.

Mr. Tatsch asked about lighting upgrades, mentioning specific wattage and the use of reflectors. Mr. Marchiafava recommended using three T-8 lamps with or without reflectors to produce the same lumens either way. Cutting the number and type of fixtures will provide a substantial reduction in energy use.

Mr. Marchiafava appreciated the opportunity to report this evening and hoped that the report served the Township well.

Mayor Kneski opened to the audience for any questions.

Frances Gavigan asked about paybacks over the years. Mr. Marchiafava answered, adding additional information on light wattage and commented on energy projects for government facilities and schools going forward.

The Committee thanked Mr. Marchiafava for his report.

UPDATE FROM LIVING WATER LUTHERAN CHURCH - Member Terry Welsh was present.

Mr. Welsh, a resident at 4 Iron Horse Drive and a member of the Clawson Park Advisory Committee, was here as a Charter Member of the Church to thank this and previous Township Committees for their hospitality by allowing services to be held here. Mrs. Cregar recalled that she drew up the original agreement in 1999, and the Church was to be at the building for two years.

Mr. Welsh explained that Reverend Cimorelli was unable to be here tonight, and he read a January 13, 2010, letter into the record from Reverend Cimorelli to the Township Committee: "Living Waters Lutheran Church would like to extend a warm note of thanks and appreciation for allowing us to utilize the municipal building for worship and other functions related to our common life together. It is hard to believe that since July 1999, we have called your home ours. Your graciousness has not gone unnoticed and your kindness will not be forgotten. As we establish ourselves in the community, we pledge to remember the kindness shown us as we make our space available to the community at large. It is our hope and firm intention that Living Waters will continue to be an active partner in the area. Though we are not officially in your township boundaries, please know - and make it known to any who may ask - that our new building is open and available for public use. We invite you, as well, to stop by to see our new space, or come to worship with us any Sunday morning at 10:30. Thank you, again, for your generosity over these past several years."

Mr. Welsh mentioned a dedication service at the Church on January 24 at 3 p.m., inviting all to attend. He thanked Mr. Matheny and the Clerk for their assistance through the years.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS - None

ORDINANCE #10-02 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF EAST AMWELL TO AMEND AND SUPPLEMENT THE PROVISIONS OF CHAPTER 129 TREE HARVESTING TO PROTECT FOREST RESOURCES AND PROVIDE CONSISTENCY WITH SOURLAND MOUNTAIN ZONING DISTRICT ORDINANCES

(For the record: As stated under Agenda Review and Open to the Public, the ordinance is being tabled in light of the memo from Attorney Staples, and Attorney Cushing will give an update on the milling operation on Mountain Road.)

Mayor Kneski noted that Attorney Staples listed some substantive items to be addressed, and he recommended that the ordinance be referred back to the Planning Board to look at the questions raised and have Attorney Staples work with the planner to resolve issues.

Mr. Tatsch commented on previous discussions on the Mountain Road situation and asked the attorney to find out about the state forest management plan superceded local ordinances.

Mayor Kneski suggested turning the meeting over to Attorney Cushing and then opening to the public for brief comments.

Mr. Cushing outlined a brief history of the situation on Mountain Road, as follows: The Zoning Officer issued a summons for Mr. Fiscor's harvesting and timber processing operation, which addressed milling off-site trees in a commercial operation; he and the Zoning Officer met with Mr. Fiscor and his attorney to discuss the operation, which Mr. Fiscor believes is pursuant to his Forest Management Plan prepared in 2001; he and the Zoning Officer feel that importing trees is not a permitted action, and there is a question about the processing, although Mr. Fiscor and his

attorney believe it is an agricultural operation; a court hearing date of January 12 was adjourned pending Mr. Fiscor's agreement not to import lumber onto the property; the Township is investigating harvesting and processing on site as part of the forest management plan and permitted by zoning and the right to farm law; Mr. Cushing met with Planner Banisch about the first issue, i.e., could it be a conditional use although there is no Planning Board approval or interpretation by the Board of Adjustment; the second issue is whether it is a farming operation, noting that Mr. Jones (a neighbor) hired an attorney Ernie Lakind, who prepared his 1/13/10 letter and interpretation that it is a commercial farming operation; Mr. Cushing highlighted some aspects of the Lakind letter in detail; Mr. Cushing spoke about a possible question if the property has been a commercial farm since 1998 (prior to the Right to Farm Law) and whether to grandfather operations although not to grandfather broader operations.

Mr. Cushing stated that he will be hearing from Planner Banisch and looking at case law. Mr. Fiscor's attorney is still evaluating the letter from Mr. Lakind. Mr. Cushing said that if the milling operation is not permitted, Mr. Fiscor's operation must stop or he may choose to go to the CADB for interpretation. He further spoke about Mr. Fiscor's contractual agreement to supply lumber for an operation. Mr. Cushing concluded that the Township Committee will have to determine how to proceed when further information is supplied.

Mr. Cushing answered Mr. Tatsch's question about the forest management plan for the property, which was the removal of non-valuable trees and replacement of high quality trees to provide for a vibrant forest. The plan called for producing firewood, and Mr. Cushing's opinion was that milling fence posts may be part of the forest management plan. He concluded that the element to look at was whether or not the operation was an agricultural one, noting that the forest management plan does not go beyond the right to farm law.

Mr. Tatsch stated that based on what Mr. Cushing said, if the tree ordinance was in conflict with the right to farm law, then it would not be applicable. Mr. Cushing agreed.

The meeting was open to the public for comments.

Grey Jones, 170 Mountain Road, lives across from the Fiscor property, and he thanked and appreciated the Township for following through on the off-site lumbering operation. He supported forest management and stewardship. He further commented on zoning issues by having a commercial lumber milling operation in residential zones (Sourland or any other). He felt that his attorney, Mr. Lakind, addressed the issues.

Mr. Jones further commented on the intense noise of the operation, which affects him 75 yards from his bedroom and distracts from the beautiful nature of the environment. Additionally, the piles of scrap on the property is substantial, can be seen from the road, and is a forest hazard. The very substantial equipment pieces used for the operation were mentioned, which are large and very noisy; he believed all of this was degrading the value of the residences in the area. He mentioned that if the operation is not stopped, he may be leaving the area and would not be able to recoup the value of the home because of the lumbering operation across the street. He also concluded that if the operation is allowed to stand, there would be a potential for further milling operations to abound on many lots in every zone, "which would be a nightmare." Mr. Jones concluded that he was not objecting to forest management, but to the milling operation, and he thanked the Township for their assistance.

Craig Hubert, 191 Mountain Road, commented on credibility of the letter from Arnold Lakind. He also stated that East Amwell is lucky to have Mr. Cushing as an attorney since he is well respected by his fellow attorneys and the bar. Mr. Hubert continued, with the following highlights: he moved to Mountain Road from a more urban surrounding, and he enjoys the unique characteristics of the Sourlands, referencing a mission statement of East Amwell in protecting the rural characteristics of the land; he is concerned with the diminishment, having a personal and vested interest in the community; he provided detailed information on his family which includes four children; he also mentioned other children on the road and was concerned with the milling operation, which "is not square with local ordinances." Mr. Hubert commented on the heavy duty equipment using the road, which is "tough to traverse." He voiced concern for joggers, bicyclists, children on the road, the use of heavy equipment on the road, safety issues, and disturbance of "the bucolic nature of the community." He believed that Mr. Fiscor was determined to continue his operation, and he concluded that while he would

prefer an amicable resolution, he wished for "no horrific compromise of safety that results in injury or worse."

Scott Berger, 172 Mountain Road, has lived in the area for 7 years, loves the area, and has noticed the activities at the site, including large piles of lumber, significant noise and decreases in property value with the current operation; he believed that the negative effect is a concern. Mr. Berger also related an event that happened on a Saturday night, when he and his family were returning from Hopewell Borough and were unable to get to their home because the road was blocked by a large flat bed; the road was dark and the truck had no lighting. He questioned whether the Fiscor operation was forest management, commenting that many other neighbors who know Mr. Fiscor are unhappy but not willing to come forth.

Andrea Bonette, 17 Ridge Road, spoke about a forest stewardship bill passed on Monday with the purpose of maintaining a healthy forest but not requiring \$500 of wood to be produced each year. She also mentioned the devastation in Haiti, where trees have been removed and there is no food. Mrs. Bonette read a January 14, 2010 letter from the Sourland Planning Council, as follows:

"As you probably know, the Sourland Planning Council, a nonprofit grassroots organization, has been in existence since 1987 as the only organization entirely focused on the Sourlands. Our mission is to protect the ecological integrity, historic resources, and special character of the Sourland Mountain region. To that end, with the help of generous grants from the State Office of Smart Growth and the involvement of our five Townships, we are on the verge of creating a regional plan for the Sourlands. Years of work and thousands of hours of volunteer time have gone into getting the regional plan project to this point.

"It has come to our attention that huge logs are being trucked in, milled by powerful machinery, and trucked out again from the Black Briar mill on Mountain Road. We have searched the Black Briar website and have found the section called "What We Do" has been removed from the site as "Under Construction," although until recently there was information in this section about the milling business. However, a number of our Trustees have driven past the mill property in recent months. The members of our Board of Trustees have unanimously expressed serious concerns about this milling operation:

1. Whether he clears his own trees or gets them from elsewhere, it is unquestionable that large-scale removal of big old trees has a deleterious effect on wildlife habitat, aquifer recharge, prevention of erosion and stormwater runoff.
2. Given our current overpopulation of deer, it is unlikely that any clearcut areas in Central New Jersey will be able to reforest themselves because the starving deer gobble down nearly all the young trees.
3. The noise and the visual unsightliness of this operation detract significantly from the quiet, rural character of the Mountain. Worse, if more such operations should come into existence the Sourlands could conceivably become an industrial zone.
4. The effect of this noise and activity on the resident and migratory bird population and other nonhuman denizens of the Mountain cannot be anything but harmful.
5. The large trucks traveling along our narrow country roads have the potential for both road damage and traffic hazards.
6. There is a very real threat of insect infestation being spread by uninspected logs- even from within New Jersey. The Asian longhorned beetle arrived from China in the late 90's and has spread to Linden and other towns in northern New Jersey. The emerald ash borer was discovered in Michigan but is now to our west in Ohio and to our south in Maryland. The State Bureau of Forestry urges NO transport of wood from infested areas.
7. We believe any claims that this operation is protected by Right to Farm laws are very farfetched. There has been no evidence offered that every log imported to Black Briar (a) comes from a property with a legitimate woodland management plan and (b) has been culled in accordance with that plan. If not, the mill is a factory, pure and simple.
8. East Amwell Township ordinances, with respect to septic systems, wells, trees, lot clearing, stormwater, and impervious cover have long recognized the special nature of the 6000 Township acres which lie within the Sourlands, and this operation is in major conflict with those values.

“For these reasons the Sourland Planning Council asks East Amwell Township to reject the continuing operation of this mill.”

Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

Mayor Kneski commented on the efforts of Mr. Cushing working with other attorneys to eliminate additional trucking and reducing the level of operation. He "definitely did not want to see it migrate to other areas," noting it was not in the Master Plan or zoning regulations. He appreciated the public comments.

Mr. Tatsch again asked for clarification, i.e., if a forest management plan allows clear cutting and the present tree ordinance does not allow clear cutting, does the plan supersede local ordinances. Mr. Cushing explained that the forest management plan did not allow clear cutting, only the removal of certain specified trees for culling; if there was clear cutting allowed for a specific reason, the use of the wood is the second issue, i.e., the plan envisions that it will be sold as firewood on site, which is close to an agricultural use. Mr. Cushing also agreed that using the wood for fence posts for horses on site may be closer to the intent of the plan, although broader. He also mentioned right to farm regulations, noting previous discussions about the interpretation of industrial items; he mentioned that Mr. Lakind referred to the industrial classification, and Planner Banisch is focusing on the off-site issue.

Mr. Tatsch explained that his concern was the protection of the core forest in terms of a forest management plan if 90% of the land is culled. Mr. Cushing read details from the Forest Management Plan for Mr. Fisor's property for years 2000 - 2010, with 1 - 2 acres of trees per year to be marked by the forest tree consultant for removal for firewood. Mr. Cushing noted that he is still working with Planner Banisch. Getting input from the State Forest Management Division to see if the plan has been followed may be an option.

Mr. Martin asked whether clear cutting, if the foresters allow the property owners to do so, can be done in the Sourlands. Mr. Cushing commented on the regulations pertaining to forest management and comparing the ordinance to the requirements to get details of what is permitted and what controls are appropriate, and what is the obligation of the forest management individual. A suggestion was made to invite a member from the State come to a meeting to answer questions.

SPECIAL COMMITTEE REPORTS

UPDATE ON JANUARY 11, 2010 AD HOC BRIDGE COMMITTEE MEETING

Deputy Mayor Lenox and Committee member Tatsch reported on the first meeting of the ad hoc committee, as follows: approximately 10 people attended, trying to reach a consensus of what to present to the County, including business requirements for signs to reroute traffic during construction and having the shortest duration possible. The County will be asked to include penalties and incentives in the contracts. Design issues were also discussed, including elevations, and the County will be asked, if the bridge replacement is necessary, to replace it with a bridge similar to what is in place now. Mr. Tatsch stated that ultimately, the County can do what they want, but a compromise may be able to be reached. The intent is to have a meeting with the County prior to the February 2 public hearing on the plans to informally discuss issues with the County Engineer and two Freeholders.

Deputy Mayor Lenox commented on new issues, including a huge collection basin near the Trail Association access, which would be problematic. Malcolm Lowenhaupt, a member of the ad hoc committee, suggested shaving the upper part of the road and having the NJ DEP review the plans. Another member, Bob Petrolino, explained that there were no drainage issues now and suggested asking why the change was being proposed. It was noted that the County's basis for the repair is to address safety concerns, and Mayor Kneski commented on the possibility of speeding if the road is straightened near The Ridge. Deputy Mayor Lenox noted that some of the ad hoc committee members mentioned "horror stories" of traffic incidents.

Frances Gavigan, as a member of the ad hoc committee, also commented on having Dan Saunders (NJ State Historic Preservation Office) involved in discussions, noting that the Atkeson property is on a list of historic properties and the proposed project will encroach on the viewshed. Ms. Gavigan again mentioned specific increases in project costs for bridges, including one in East Amwell, where costs escalated immensely during the time of development through implementation.

STANDING COMMITTEE REPORTS

FARMLAND OPEN SPACE PRESERVATION Vice Chairman Dick Ginman was present during these discussions, and it was not necessary to go into executive session.

1) Funding Authorization for Second Appraisal on Property Owned by Bryce Thompson, Bl. 20/L. 17.01 & B.21/L.1 on Cider Mill Road: The January 7 interoffice communication from Judy Conard was noted, outlining the request. Mr. Ginman explained negotiations were proceeding with D & R Greenway, and there is a time element in which the County will be issuing letters to accept offers, and a second appraisal may be necessary to advance the application. The request is to formally asked for approval for the second appraisal if the application advances. There was a request for quotes about six months ago, and at that time, the second lowest quote was \$2,300 from Lyn Collins.

Mrs. Cregar made the motion to approve an expenditure of \$2,300 for a second appraisal, and it was seconded by Mr. Martin. Mr. Ginman asked about the possibility of an increase in cost over the past six months. The motion was amended as follows.

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RESOLUTION #21-10

BE IT RESOLVED that the Township Committee that they hereby authorize a second appraisal from the second lowest bid appraiser on properties owned by Bryce Thompson, B. 20/L. 17.01 and B.21/L.1 (84 acres more or less), as requested in the January 7, 2010, inter-office communication from Judy Conard at a cost not to exceed \$3,000.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously.

2) Zuegner, B.17/L.34, Dutch Lane: F/OSPC Administrator had previously provided her January 13, 2010, inter-office communication to the governing body. Mr. Ginman explained that this issue pertained to both the Zuegner and the Thompson properties, noting that the County option letter provides a floor price of \$9,500 per acre and not the certified value of the property, which is much higher. Mr. Zuegner's attorney was looking for a commitment that they will be paid the certified value figure, and this is also an issue with the Thompson property.

Three options were mentioned: 1) asking the County to re-write the options agreement to state that the higher value of the certified valuation would be paid; 2) send a letter from the Township guaranteeing that they will pay the difference in the certified value; 3) have a contract signed agreeing to such. Mayor Kneski commented on his understanding of the matter. Further comments were exchanged between Mr. Ginman, the Township Committee, and Attorney Cushing, and it was agreed that Mr. Cushing will speak with Archie Reid and Tom DiBianca, attorneys for Mr. Thompson and the Zuegners, to discuss their concerns and resolve them before the deadline for the applicants to sign the County agreements and before the next Township Committee meeting in February.

3) Gutowski/Paulson, B. 35.01/L.37, Authorization for Mayor's Signature on Certification for Approval of Preliminary Assessment: F/OSPC Administrator Conard received a January 8 email from Catherine Drake at Green Acres stating that the preliminary assessment

on the property had been approved and required the Mayor's signature on a certification. Motion was made by Mr. Tatsch, seconded by Mrs. Cregar, and carried unanimously to authorize the Mayor's signature.

Mr. Ginman provided a brief update on the status of the property, i.e., Bill Rawlyk from D & R Greenway advised him that the non-profit's attorneys are reviewing matters and further discussions will take place at the next board meeting. The property will complement the Cattail Brook assemblage, expanding trails from Somerset County into Hunterdon County to provide continuous trails across the ridge.

RECREATION COMMITTEE

1) 1/8 Email from Christine Rosikiewicz to Use the Municipal Building for Yoga Classes Sponsored by the Recreation Committee: The email explained that an occupational therapist or another yoga instructor want to hold free yoga classes sponsored by the Recreation Committee; the classes would take place in the large meeting room, and the Recreation Committee would make sure that the building is open and tables and chairs are returned to regular position after the sessions.

A motion was made by Deputy Mayor Lenox and seconded by Mr. Tatsch to permit the yoga classes. Mr. Cushing asked if the Township Committee would want to stipulate that the Township reserves the right at any time to revoke the grant of permission for any reason; Deputy Mayor Lenox amended her motion with this reservation, and it was seconded by Mr. Tatsch.

Further comments were made about the program, i.e., private yoga instructors will be leading the classes and may or may not hand out their business cards after the events. Insurance coverage was mentioned, noting that the program would be covered under the Township insurance policy, but Mr. Cushing suggested additional language in the motion to make the approval subject to approval by the insurance agent. Deputy Mayor Lenox further amended the motion to include this language, seconded by Mr. Tatsch, and it was carried unanimously.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE

1) Energy Audit: Mr. Matheny added comments about the energy audit discussed earlier in the meeting. He has already met with a representative from the New Jersey Clean Energy about the Direct Install program that Mr. Marchiafava mentioned earlier this evening. The program pays 80 percent of costs and the municipality pays 20 percent, and it is a brand new program. Mr. Matheny offered East Amwell Township to beta-test the program, and he will keep the governing body updated.

2) Permanent Appointment of Sean Hepler, Effective February 3, 2010: Mr. Matheny explained that Sean Hepler is completing his one year probationary period in early February, and he has been "an outstanding asset to the DPW." He further noted that the Department is "down one person, and Sean has been a phenomenal asset, and it would be most appropriate to appoint him to a permanent position, effective February 3."

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RESOLUTION #22-10

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby recommends the permanent appointment of Sean Hepler to the Department of Public Works, effective February 3, 2010, upon the completion of a satisfactory one year probationary period, as recommended by the Township Administrator

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously.

3) Contract Negotiations for Traffic Enforcement and East Amwell School Shared Services: These items will be discussed in executive session.

4) SHARE GRANT Application for East Amwell School Agreement: Mr. Matheny mentioned the intent of getting some funding for start up costs from the state grant, and a resolution was part of the application requirements.

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RESOLUTION #23-10

WHEREAS, the Township of East Amwell desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$35,000 to carry out a project to provide for the East Amwell Municipal and School Joint Equipment Purchase, which will include funds for the purchase of a power angle snow plow at an approximate cost of \$9,000, two zero-turn mowers at an approximate cost of \$24,000, and janitorial equipment including a floor scrubber and carpet cleaner in the amount of \$2,000;

BE IT RESOLVED

- 1) That the Township of East Amwell does hereby authorize the application for such a grant; and
- 2) That the Township of East Amwell recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of East Amwell and the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED that the person whose name, title, and signature appears below is authorized to sign the application, and that he or his successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Deputy Mayor Lenox, seconded by Mr. Martin, and it was carried unanimously to approve the resolution.

5) PEOSHA Audit: Mr. Matheny provided information on the "surprise" visit from the Department of Labor on December 15, with inspections done at the grit yard and in the DPW garage. A report has been received outlining a list of violations, which must be abated by March 2. Mr. Matheny detailed some of the minor violations along with some more serious ones, including changes to be made to the keylock entry recently installed on the inside door from the garage to the lunchroom. Mr. Matheny met with all members of the DPW to outline the report and notes were taken. A copy of the report was posted according to law, and activities are taking place to correct outstanding issues.

COMCAST 2010 QUARTERLY MEETINGS The Clerk explained that there were some previously suggested dates given to the governing body in December; however, no action was taken. Since the Township Committee will only be holding one regular meeting a month, new

suggested dates were being presented this evening: March 11; June 10; September 9, and December 9. Committee members agreed that these dates were acceptable, and Comcast will be notified.

Additionally, the January 5 letter from the NJ BPU indicates that they are still waiting for outstanding information from Comcast to proceed with approvals.

RESOLUTION TO ENTER EXECUTIVE SESSION This item will be held until after the second Open to the Public.

NEW BUSINESS

2010 TOWNSHIP COMMITTEE LIAISONS The 2009 list of liaisons was provided to the governing body, with minor corrections, i.e., moving Clawson Park from Mr. Tatsch to Mrs. Cregar, and adding bridges to Mr. Tatsch. Stormwater Management as a task responsibility will remain with Mayor Kneski.

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to approve the 2010 Township Committee Liaisons as presented.

SCHEDULING BUDGET MEETINGS Mayor Kneski sent a January 7 email to the Clerk asking that this item be discussed by the governing body. He explained that he wanted a consensus that budget meetings will not take place on the same evening as regular meetings; all Township Committee members were in agreement.

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, asked about the specific changes in the 2010 Township Committee liaisons, and they were explained to her.

Ms. Gavigan asked when she could pick up a package for her, which was coming from the County Engineer's office. She will forward the Clerk an email about this.

Ms. Gavigan asked about having the bridge plans for Wertsville Road available for the January 16 meeting in Raritan Township, mentioning specific people who would be present at this meeting. Mayor Kneski will bring the plans to the meeting, as requested.

Ms. Gavigan asked about the date for the next budget meeting; she was told that it would be on January 21. She mentioned a special budget session at the County on January 29, and she suggested that the governing body check the County website for information.

Ms. Gavigan mentioned that there were nine bridge projects in East Amwell (based on information she was researching), and four have been done. She spoke about accelerated costs from \$965,000 to \$2,425,000 for the Cider Mill and Welisewitz Road project. She also commented on increased costs for the Runyon Mill Bridge, with costs from the hundreds of thousands to the millions over the course of time. She is preparing a spreadsheet to track costs for fiscal management. She mentioned bridge repairs for safety issues as a primary reason for the work to be done.

Ms. Gavigan mentioned correspondence about the McGee/Seramba hearing, commenting on timing issues.

Motion by Deputy Mayor Lenox, seconded by Mr. Martin, and it was carried unanimously to close to the public.

UNFINISHED BUSINESS, Continued

RESOLUTION TO ENTER EXECUTIVE SESSION TO DISCUSS CONTRACTS, LITIGATION, AND TO RECEIVE ADVICE FROM THE TOWNSHIP ATTORNEY

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RESOLUTION #24-10

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

WHEREAS, East Amwell Township Committee is of the opinion that circumstances presently exist; and

WHEREAS, the governing body of the Township of East Amwell wishes to discuss contracts, litigation, and to receive advice from the Township Attorney; and

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then minutes can be made public;

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

By Order of the Township Committee,

Peter Kneski, Mayor

+++++ Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to approve the resolution.

Executive session began at 10:10 p.m. Attorney Cushing left during the executive session at 10:20 p.m.

The regular meeting resumed at 10:33 p.m.

ADMINISTRATIVE REPORTS

TREASURER LUHRS presented a transfer resolution.

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RESOLUTION #25-10

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the first three months of the succeeding fiscal year between line items of the municipal budget; and

WHEREAS, is has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following sums be transferred as follows:

	From	To
Municipal Clerk:		
Salaries and Wages	\$300.00	
Financial Administration		
Salaries and Wages	\$150.00	
Planning Board:		
Salaries and Wages	\$200.00	

Office of Emergency Management:		
Other Expenses	\$350.00	
Financial Administration		
Other Expenses		\$ 500.00
Affordable Housing Agency		
Other Expenses		\$ 500.00
TOTAL	\$1,000.00	\$1,000.00

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously.

Treasurer Luhrs presented the bills of the evening and a statement of cash on hand.

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the bills of the evening.

Treasurer's Resolution:

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RESOLUTION #26-10

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2009; and

WHEREAS, principal and interest will be due on various dates from January 1, 2010 to December 31, 2010, inclusive, on sundry bonds issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2010 to December 31, 2010, inclusive:

DEBT SERVICE - TOWNSHIP OF EAST AMWELL

Payment of Bonds	\$300,000.00
Interest on Bonds	\$211,593.00
Interest on Notes	\$ 16,900.00
Green Trust Loan	\$ 34,840.00
Total	\$563,333.00

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the resolution.

There were no resolutions from the Tax Collector. All other administrative reports were acknowledged without comment.

CORRESPONDENCE

There were no comments on correspondence.

ADJOURNMENT

There being no further business, a motion was made by Mrs. Cregar, seconded by Mr. Tatsch, and it was carried unanimously to adjourn the meeting at 10:35 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk