

The special 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 was also in attendance.

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a special meeting pursuant to a notice in the January 14, 2010 Hunterdon County Democrat. Notice of this meeting was sent to the Hunterdon County Democrat, Times of Trenton, Star Ledger, posted on the bulletin board, and filed in the Clerk's Office on January 11, 2010. The purpose of this meeting is to hold a public hearing on Ordinance 10-01 relating to COAH compliance, to discuss the budget, and to approve a resolution to enter executive session to discuss contracts. The public is invited to attend and comment during the open portion of the meeting.

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

The Clerk noted that personnel items will also be discussed in executive session when the Township Administrator's Contract is discussed.

PUBLIC HEARING

ORDINANCE #10-01: AN ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

As proof of publication, the Clerk provided the legal notice from the issue of January 10, 2010 of the Hunterdon County Democrat. The ordinance has been posted and available to the public since introduction at the reorganization meeting on January 3, 2010.

Jim Robbins, MHL and COAH Administrative Agent, was present at this time. He explained that Trenton required a resolution to look at different components of the COAH obligation to be complete by 2019. There are three types of projects, including supportive and special needs housing, accessory apartments on the same property as a residence, and a municipal affordable housing project of 26 units. The intent is to meet the Township's fair share requirement by 2018 based on growth, i.e., as the municipality grows, projects will be implemented. COAH has given its approval, and projects will be implemented based on the reflection of actual growth.

Mr. Tatsch added that it was good working with Mr. Robbins in 2009 to get the plan in place, and it was a joint effort with the Planning Board and Planner laying out details. Mr. Tatsch believed that the plan was workable, adding that he hoped that COAH would adjust the obligation based on their review of slow or no growth in 2011. He concluded that even if the municipality had to complete all units, the plan is workable. Mayor Kneski commended Mr. Tatsch for all his assistance in working with the Planner and Mr. Robbins.

Mr. Robbins added that the municipality is able to collect developer fees since December 9, 2009, including fees for residential and non-residential construction.

Motion by Deputy Mayor Lenox to open to the public for comments on Ordinance 10-01. There being no comments, a motion was made by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

Ordinance #10-01 was adopted on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously by roll call vote: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Deputy Mayor Lenox, yes; Mayor Kneski, yes.

Mr. Robbins thanked the governing body for their time and effort, stating that "it has been great working with Larry Tatsch," and he looked forward to further work with the Township.

2010 BOARD MEMBERSHIP CHANGES AND ADDITIONS

Motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously to make these changes in the 2010 Volunteers List: Agriculture Advisory Committee - Appoint John Pehinys; Farmland Open Space Preservation Committee: Move Bill duFosse back to Alternate I and move Fred Gardner to a regular member position for a three year term.

RESOLUTION TO ENTER EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION AND CONTRACTS WITH FARM LAND OPEN SPACE REPRESENTATIVES AND HUNTERDON LAND TRUST REGARDING BLOCK 27/LOT 33 F/OSPC Member Fred Gardner and Hunterdon Land Trust Alliance Member Kate Buttolph were present.

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RESOLUTION #26-10

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 land acquisition and contracts; 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

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

Executive session for farmland/open space and contracts began at 7:40 p.m. For the record, Treasurer Jane Luhrs was invited into the end of the executive session to provide financial information.

The regular meeting resumed at 8 p.m.

At the conclusion of the executive session, a motion was made by Mr. Tatsch to authorize bids to be sought for an appraisal for the Drift property, Block 27/Lot 33; the motion was seconded by Mrs. Cregar, and carried unanimously.

2010 BUDGET DISCUSSIONS Treasurer Jane Luhrs was present.

Handex Remediation: Mr. Tatsch summarized the remediation project at the municipal building, which has been going on for about 15 years. Monitoring wells are installed, results are submitted to the state, and every few years, Handex prepares a large report for the state. The cost is about \$6,000 a year for monitoring and analyses, and at one time there was an evacuation system to remove volatiles from the wells, among other items. There has been slowly decreasing levels of contaminants over the years, and there is one compound, benzene, which remains in the water samples. It has been steady for a number of years, and it is now slowly declining. The Township is looking for a No Further Action from the state, and last year, the Township asked Handex about requesting the state to look at data with contaminants decreasing. There was a problem with specific data, and last year was not a good year to make the request.

Handex believes this is a good time to appeal to the state, and they will have to write a report, which will cost \$5,000, and will include all data amassed to date.

Mr. Tatsch mentioned the specific state MCL requirements of 1 ppb of benzene; while the Township's MCL is 25 ppb, the report will indicate that the contaminant is slowly decreasing, and there is no migration. If the state agrees, the need for remediation and subsequent testing will be waived, saving the Township up to \$6,000 a year for all future years as the contaminant drops. If the state rejects the appeal, there may be a need for one further sampling at the end of the year at a cost of \$1,500, for a total budget for Handex in 2010 at \$6,500.00. Mr. Tatsch recommended that the Township notify Andy Drake at Handex that they wish the report to be written.

Mr. Martin and Mr. Tatsch exchanged technical information on benzene, with Mr. Tatsch adding that the contaminant is dropping 10-15% per year, and it will take a number of years to be completely gone through biological degradation, dilution from ground water, and evaporation. The levels were between 80 - 100 ppb some years ago, and convincing the state that the lower figures are indicative of a downward trend is important. The facts that there are no surrounding wells impacted, the contaminant is not moving off-site, and the contaminant is contained only in monitoring well 5 will be helpful information for the report. Mr. Drake believes that it is important to appeal to the state this year since there is decent supportive data. Mr. Martin asked about the possible response from the state, i.e., they may drop the monitoring program to once a year or every other year, or some other procedure; the intent is to appeal to the state as soon as possible.

Mrs. Luhrs explained that there is money in the temporary budget under buildings and grounds. If further funding is needed in that line item before the budget is adopted, the temporary budget can be amended up until March.

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RESOLUTION #27-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize Handex Remediation to prepare a report to the State of New Jersey, as discussed at the meeting of January 21, 2010, and that \$5,000 be earmarked for the report, funded through the Buildings and Grounds line item.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Martin, seconded by Mrs. Cregar, and it was carried unanimously to approve the resolution.

The Township Committee thanked Mr. Tatsch for all his assistance with this matter.

2010 Budget Packages were provided to the governing body for their review, and there were some packets available for the public in the audience. Mrs. Luhrs explained that the packet included an appropriations sheet and data compiled with individual budget sheets and background data for how the figures were determined.

Page 1 summarized operations in 2009 with revenues coming in as should or above. The only revenue shortage was the municipal court, which was down about \$5,000. The Township can only anticipate in 2010 what was taken in during 2009. She reminded the governing body that she lapsed \$115,000 into surplus at the end of 2009.

Mrs. Luhrs explained an estimated loss of \$175,000 in the surplus; anticipating the same amount of CMPTRA in 2010 and the same revenues, the assumption would be \$1,576,000 in revenue. Total appropriations, including all department requests, would be \$2,849,588; if no changes were made, the tax rate would be up from 14.9 to 16.1 cents, which was beyond the usual less than 2% increase the governing body looks for. She further explained the need to cut the budget by

\$79,000 to achieve a 1.7% increase. However, the 4% levy cap was also a problem; she suggested that the governing body send a letter to the state asking for a reprieve from the levy cap in 2010, noting that our surplus is dwindling. Mrs. Luhrs also noted that Assemblyman Erik Peterson is also looking for state mandates that are hindering municipalities; she believed that this is the number one "noose around the neck." She mentioned that the municipality will have to cut \$129,000 to get below the levy cap.

Some discussion took place about the levy cap, and there was an agreement that a letter be sent to the Governor about eliminating it.

Mrs. Luhrs continued by stating that she has provided a very preliminary packet for review; there was no change in salaries indicated although there is a small line for salary adjustments, if the governing body decided to move ahead. There were very few capital requests. It was explained that the last two columns on the cover sheet showed a .1517 or a .1485 tax rate, which was below the 2%; it was calculated with a reduction of appropriations by \$129,215 and would equate to a 1.70% increase. Reducing the debt service by \$50,000 was part of the equation.

Mrs. Luhrs explained that there were some areas "with no control," i.e., liability insurance, workers' comp, health benefits (up 18%), and pension (up 16-18%). She explained that there was no one place to cut \$25,000, and it will mean that the governing body will have to review each budget, cutting as they can. The intent of tonight's meeting was to provide an overview. Mrs. Luhrs suggested that the governing body take the budget packets home tonight and review. More budget meetings will be set up, and comments will be made on the budget at that time. Mrs. Luhrs also noted that state figures will not be available until April. On a question from Mrs. Cregar, Mrs. Luhrs explained the 4% tax levy cap as an amount the municipality is allowed to raise by taxes.

Mrs. Luhrs added a line for police enforcement (for traffic enforcement) in the 2010 budget in the amount of \$15,000. She also included \$30,000 for salary adjustments if the governing body agreed to an increase for staff in 2010 and to address some additional requests. If there was a 3% increase in salary (there was no increase last year), the amount would be \$22,000 more in the budget.

Mayor Kneski mentioned a key concern to save surplus, noting that other municipalities are also experiencing problems in this area. Mrs. Luhrs explained problems in trying not to use the surplus; however, there were no new revenues, permits and fees were flat, and departments already cut expenses last year. She mentioned that the state is also in a deficit with the Governor going into office with a \$1.9 Billion Dollar deficit.

Mr. Tatsch asked for an explanation on the 1.7% increase in relationship to the 4% cap, which Mrs. Luhrs answered.

The governing body agreed to review the materials provided tonight and discuss at the next meeting, which will be set up for the first week of February.

Mrs. Luhrs asked if there was any information on sharing services with the County for the recycling professional; Mr. Martin explained that the need for a certified recycling coordinator has been postponed for a year, and the Recycling Committee is still working on the ordinance and enforcement and coordinating issues.

OPEN TO THE PUBLIC

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

Angelo Lovisa, 342 Rileyville Road, asked about budget details on line items, including summer recreation and recreation projects. Mrs. Luhrs asked him to contact her for specific information, and he agreed to provide a list to her.

Tim Mathews, 72 Linvale Road, asked about the assumption that the governing body wants a 2 percent increase in the budget. Mayor Kneski explained that it was a policy to stay within that

parameter as a working tool. Mr. Tatsch explained that everyone heard tonight the 15% increases in liability and more in pension, with employees getting no raises last year to keep the operating budget modest. The governing body recognizes the need to keep budgets as low as possible yet continue operations. He said that the percentage was a modest amount, and it was "his personal philosophy of a maximum not to exceed."

There being no further comments, a motion was made by Mr. Martin, seconded by Mr. Tatsch, and it was carried to close to the public.

RESOLUTION TO ENTER EXECUTIVE SESSION

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RESOLUTION #28-10

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 personnel issues and contracts; 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

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

Executive session began at 8:55 p.m. The regular meeting resumed at 9:35 p.m.

There being no further business, motion was made by Mr. Martin, seconded by Mr. Tatsch, and it was carried unanimously to adjourn the meeting at 9:35 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk