

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, and C. Larry Tatsch. Committee member Timothy Martin was absent. 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 March 9, 2010.

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

AGENDA REVIEW

Three items of correspondence were added: 3/9 Montclair State University Invitation to Red Tape Review Group Public Hearing on 3/23/10; 3/8 Hunterdon County Planning Board re: Open Space, Farmland Preservation and Historic Preservation Policy of 2008; and 3/11 League of Municipalities Alert on SCS for S-1 Abolishing COAH and Time of Decision Vote.

ANNOUNCEMENTS

- A. Hunterdon County will hold a household hazardous waste clean-up day on Saturday, March 13, 2010, from 9 a.m. – 1 p.m. at the County Complex. (A computer and electronics day is scheduled for April 10th at the same location, same time.) Call 908:788-1110 for details or email @co.hunterdon.nj.us
- B. Day Light Saving Time begins on Sunday, March 14, 2010, at 2:00 a.m. Move your clocks ahead one hour.
- C. The Township Committee will hold special meetings at 7:30 p.m. on Wednesday, March 17, and on Monday, March 29, to discuss the 2010 budget. The public is invited to attend.
- D. The Recreation Committee will hold their annual Egg Hunt at the municipal field on March 27th at 11 a.m. Rain date is on April 3rd at the same time.
- E. Municipal Offices will be closed on Friday, April 2, for Good Friday.
- F. The annual roadside clean up event will be held on April 17, 2010 – Call Blaine Hummel at 609:466-2907 or email at blaine.hummel@erm.com to register for a road.
- G. School Board Elections will be held on April 20, 2010, from 7:00 a.m. – 9:00 p.m. All polls are located at the East Amwell Township Building.
- H. The annual clean up day will take place on Saturday, April 24, 2010, on the municipal lot from 8 a.m. until noon. Permits may be purchased at the municipal building during regular hours: \$15.00/car; \$20.00/SUV; \$35.00/truck.

APPROVAL OF MINUTES

February 4, 2010, Special Minutes (Budget) were approved on a motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and carried unanimously with one typing correction.

February 11, 2010, Special Minutes (Stormwater Management) were approved on a motion by Mrs. Cregar, seconded by Mr. Tatsch, and carried unanimously with one typing correction.

February 11, 2010, Regular Minutes were approved on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and carried unanimously.

February 11, 2010, Executive Minutes (Possible Litigation, Litigation, Contracts, Attorney Advice) were approved on a motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried unanimously.

February 11, 2010, Executive Minutes (Contracts) were approved on a motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and carried unanimously.

February 23, 2010, Special Minutes (Budget) were approved on a motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried with one abstention, Mrs. Cregar.

February 23, 2010 Executive Minutes (Personnel and Contracts) were approved on a motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried with one abstention, Mrs. Cregar.

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

John Seramba, 111 John Ringo Road, spoke about the "VIP" article attacking Mr. Matheny. He stated that Mr. Matheny "does an excellent job, and he is appalled with the attack." He was appalled that salary information, although public, was provided in the article, and he found Mr. Matheny "helpful and courteous," does an excellent job with confidentiality and security, and he assures "that files are given to the community at any time when they want them."

Frances Gavigan, 123 Wertsville Road, mentioned the Township Committee's change over to monthly meetings and past discussions on draft minutes. She noted that draft minutes are not posted until two days before a meeting, making them "stale," and she suggested that the governing body change the structure by providing draft minutes more promptly in order to keep the public informed.

Dick Ginman, Mountain Road, asked for comments on a newspaper article about extended police service. Mayor Kneski stated that public comments would be made at some point.

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

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Public Hearings:

ORDINANCE 10-03: AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, CHAPTER 92, SECTION 92-20, FEES AND ESCROWS, TO INCREASE THE ESCROW FEE FOR BULK VARIANCES

As proof of publication, the Clerk provided the legal notice from the February 18, 2010, issue of the Hunterdon County Democrat. The ordinance has been posted and available to the public since introduction on February 11, 2010.

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

The ordinance is a recommendation from the Board of Adjustment to increase the escrow fees for bulk variance to cover professional costs.

Frances Gavigan, 123 Wertsville Road, mentioned on attending many Board of Adjustment hearings and finding people "hit" with bulk variances since the local ordinances are unduly restrictive, commenting on "8%" sending many people to the Board of Adjustment and providing specifics on trying to configure smaller size lots for development and boards telling applicants what to build, etc. She spoke about the number of variances required by people who already live and work here.

Mayor Kneski explained the need to have the escrow fees cover the professionals, including the need for stormwater management review. Mayor Kneski and Ms. Gavigan exchanged comments on stormwater reviews; Ms. Gavigan added anecdotal information on a detention pond being proposed on a county road project. Ms. Gavigan suggested getting information from the Board of Adjustment Administrative Officer for instances of occurrences. She also noted a property on Boss Road with hefty fees associated with the installation of a septic system and restructuring; she concluded that "people were being harmed..." and the Township should consider looking at burdens being created for residents, especially in the Sourlands. Mayor Kneski suggested that Ms. Gavigan provide her comments to the Planning Board.

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

Ordinance 10-03 was approved on a motion by Mrs. Cregar, seconded by Mr. Tatsch, and carried unanimously by roll call vote: Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

2010 OPEN SPACE TRUST FUND HEARING

As background information, the Clerk explained that the Township must annually hold a public hearing to explain how the tax fund is being utilized. While the hearing usually takes place when the budget is introduced, there is some urgency in getting funding in place to proceed with soft costs for preservation. The fund will be amended further once the budget has been prepared. Mayor Kneski noted that the funding is available, and the mechanism on using the funds is through the public hearing.

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2010 Open Space Trust Hearing

Purpose: as designated by N.J.S.A. 12-15.7, the tax may be used for acquisition of lands for recreation and conservation purposes, development of lands acquired for recreation and conservation purposes, maintenance of lands acquired for recreation and conservation purposes, acquisition of farmland for farmland preservation purposes, historic preservation of historic properties, structures, facilities, sites, areas or objects for historic preservation purposes, payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes above. During the budget process each year, a public hearing is held on the allocation of funds raised by the open space tax.

The 2010 Open Space Trust Fund will be used for the following:

--	Development of Lands for Recreation and Conservation:	
	Recreation Fields	--
\$ 36,000.00	Maintenance of Parks & Lands for Recreation and Conservation:	
	Clawson Park Maintenance	\$25,000.00
	Soccer Field Maintenance	\$ 6,000.00
	Recreation Fields Maintenance	\$ 5,000.00
\$ 30,000.00	Acquisition of Farmland	
	Down Payments	--
	Soft Costs	\$30,000.00
	Green Acre Acquisition	--
--	Historic Preservation	--
	Other Expenses	--
\$ 66,000.00	TOTAL TRUST FUND APPROPRIATIONS	

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

There being no comments from the public, motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to close to the public.

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the 2010 Open Space Trust Fund allocations, as outlined above.

Introduction of Ordinances

ORDINANCE 10-04: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR CALENDAR YEAR 2010 AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

The ordinance is introduced and adopted annually to allow the municipality to extend the budget appropriation limits by an additional one percent and to bank the cap.

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ORDINANCE #10-04
EAST AMWELL TOWNSHIP

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR CALENDAR YEAR 2010 AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of East Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the East Amwell Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 54,326.06 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the East Amwell Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of East Amwell, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of East Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 54,326.06, and that the CY 2010 municipal budget for the Township of East Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

By Order of the Township Committee,

Peter Kneski, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC
Municipal Clerk

Introduced:

Adopted:

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Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to introduce Ordinance 10-04. The ordinance will be published in the March 18, 2010, issue of the Hunterdon County Democrat, and the public hearing will be set for the regular Township Committee meeting on April 8, 2010, beginning at 7:30 p.m.

Amendment to the Temporary Capital Budget

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RESOLUTION #40-10

WHEREAS, the Township of East Amwell desires to constitute the 2010 temporary capital budget of said municipality by inserting therein the appropriation for the Resurfacing of a portion of Back Brook Road in the Township of East Amwell;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell as follows:

SECTION 1: The 2010 temporary capital budget of the Township of East Amwell is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget of the
Township of East Amwell
County of Hunterdon, New Jersey

Projects Schedule of 2010
Project

1. Road Improvement Projects

Project	Estimated Cost	Method of Financing	
		Capital Improvement Fund	Debt Authorized
Resurfacing of a portion Of Back Brook Road	\$160,000.00	\$21,000.00	\$139,000.00
TOTAL ALL PROJECTS	\$160,000.00	\$ 21,000.00	\$139,000.00

SECTION 2: The Clerk be and is authorized and directed to file two certified copies of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2010 Temporary Capital Budget to be included in the 2010 Permanent Capital Budget as adopted.

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 by roll call vote: Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes, Mr. Kneski, yes.

ORDINANCE 10-05: BOND ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, TO PROVIDE FOR THE RESURFACING OF A PORTION OF BACK BROOK ROAD, APPROPRIATING \$160,000 THEREFORE, INCLUDING \$139,000 AVAILABLE FROM GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND REAPPROPRIATED FROM CAPITAL ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP AND \$21,000 AVAILABLE FROM THE CAPITAL IMPROVEMENT FUND, AND AUTHORIZING THE ISSUANCE OF \$139,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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ORDINANCE 10-05

BOND ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, TO PROVIDE FOR THE RESURFACING OF A PORTION OF BACK BROOK ROAD, APPROPRIATING \$160,000 THEREFORE, INCLUDING \$139,000 AVAILABLE FROM GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND REAPPROPRIATED FROM CAPITAL ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP AND \$21,000 AVAILABLE FROM THE CAPITAL IMPROVEMENT FUND, AND AUTHORIZING THE ISSUANCE OF \$139,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

WHEREAS, the Township of East Amwell, in the County of Hunterdon, New Jersey (the "Township") was awarded New Jersey Department of Transportation grants totaling \$400,000 for road improvements to Back Brook Road and Lindbergh Road by means of capital ordinances number 08-13 and 08-20; and

WHEREAS, the projects were completed for less than the originally anticipated amount and the Township has received approval from the New Jersey Department of Transportation to reallocate the remaining \$139,000 of grant funds in order to complete the overlay of the middle portion of Back Brook Road;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. It is hereby determined, with the approval of the New Jersey Department of Transportation, that \$139,000 of the grant funds made available from the New Jersey Department of Transportation and appropriated by means of capital ordinances number 08-13 and 08-20 for the improvement to Back Brook Road and Lindbergh Road are no longer necessary for the original purposes for which the funds were authorized and appropriated, and such funds are hereby reappropriated for the purpose described in Section 4 hereof.

Section 2. The improvement described in Section 4 of this bond ordinance is hereby authorized to be undertaken by the Township as a general improvement. For the improvement or purpose described in Section 4, there is hereby appropriated the sum of \$160,000, including \$139,000 available from grants from the New Jersey Department of Transportation and reappropriated from capital ordinances previously adopted by the Township pursuant to Section 1 of this ordinance and including \$21,000 available from the capital improvement fund as a down payment available to pay costs not covered by the grants. A 5% down payment is not required pursuant to N.J.S.A. 40A:2-11(c) because the project funded includes the grant funding. The \$21,000 down payment is now available by virtue of

provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 3. In order to finance the cost of the improvement or purpose not covered by application of the down payment or the reappropriated funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$139,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 4. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the improvement and overlay of the middle section of Back Brook Road, including acquisition and installation of all materials, equipment and appurtenances and all work necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 3 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the

authorization of the bonds and notes provided in this bond ordinance by \$139,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$32,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 8. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. The New Jersey Department of Transportation grant moneys received for the purpose described in Section 4 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used. The New Jersey Department of Transportation grant funds shall be used to pay direct costs of the project.

Section 10. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

By Order of the Township Committee,

Peter Kneski, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC
Municipal Clerk

Introduced:
Adopted:

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Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously by roll call vote to approve introduction of the ordinance. The ordinance will be published in summary in the March 18, 2010, issue of the Hunterdon County Democrat, and the public hearing will take place at the regular meeting of the Township Committee on April 8, 2010.

SPECIAL DISCUSSION**PRESENTATION BY REPRESENTATIVES FROM COMCAST CABLE - 1st Quarterly Meeting in 2010**

Molly Adams, Comcast Government Affairs Manager for the Northern Area, was present at this time. She asked the public to state any concerns or comments they may have.

Sue Posselt, Cider Mill Road, thanked Comcast for helping her to get her address corrected in the phone book after four years. Ms. Posselt explained problems she is experiencing with equipment by not allowing a viewer to tape one program and watch another, which she was able to do in the past. Ms. Adams agreed to take her phone number and have a customer service representative follow up. She also explained that there is new digital video recording equipment available to replace VCR equipment.

Dick Ginman, Mountain Road, asked if there was a cost associated with the new equipment; Ms. Adams said yes, noting that the equipment had more features. She also noted that this did not preclude the viewer from using a VCR.

Glorianne Robbi, Lambertville-Hopewell Turnpike, explained that she has basic limited service and experiences bad reception on Channels 2 and 4; she asked if she would qualify for a free digital converter box to assist. Ms. Adams will have a technical person look at the service issues and could not guarantee free equipment. Ms. Adams agreed to get Mrs. Robbi's phone number too.

Tim Mathews, 72 Linvale Road, spoke about Comcast providing 2 digital converters to customers, and Ms. Adams explained that "limited basic" was a lower level service, not qualifying for the free converter box. Ms. Adams gave a brief overview of the need to have the converters when analog signals went to digital last year; she further explained that Comcast is providing many more digital stations over the course of time. Ms. Adams noted that the bottom channels, under Channel 25, did not change as broadcast channels. She agreed that she would have someone look into Mrs. Robbi's problems.

Mr. Tatsch addressed Ms. Posselt's recording problem by noting that she was able to tape and watch another show when signals were analog; now that the system is digital, she would need a second digital box for the VCR. He also answered Mr. Ginman's question about cost for digital video equipment, which was \$15.95 per month for rental and acted as a hard drive to store programming information.

The Committee thanked Ms. Adams for her appearance this evening.

WINTER ROAD TREATMENT DPW Superintendent Bob Kadezabek was present during this discussion. (See 2/23/10 minutes for background information.)

As background information, Mayor Kneski explained that a decision was made in the past to treat roads with both cinders and salt, and there was some mixed reaction from the public. Now that the program is established, it is a good opportunity to look at the program and any possible changes to be made. A list of treated roads, as maintained by the DPW, was previously provided to the governing body.

Mr. Matheny explained when the former DPW Superintendent was on site, a decision was made to use salt on a trial basis on certain roads; it was a salt and cinder mix, and there was an allowance for discretionary use on dangerous intersections, such as Van Lieus and Old York. Last year there was limited storm activity, and there were no real problems, except for a couple of instances where 1.5 inches of ice might form. This year there have been numerous storms with considerable accumulation. The roads with a light application of salt "are pretty clear and dry quickly," and grit covered roads are "troublesome." He explained the recent problems on Snyderstown Road where grit (but no salt) was applied, and combined with the shade from trees, it required significant DPW overtime using a grader to chip hard packed ice. Problems with grit application were mentioned, i.e., cars pushing it, more snow, and more grit in layers. Once snow melts, tons of grit remains. It is especially problematic in cul-de-sacs, with Mr. Matheny

providing pictures of a property where there is about a half ton of grit on the grass and the resident expects the DPW to remove the stone. Other problems include the fact that grit is harder to get since it is not commonly used, it is expensive and sometimes premiums must be paid. Clean up costs also include sweeper rental at \$90.00 per hour and DPW man-hours to provide water. Getting rid of the stone is also an issue since it is now potentially hazardous material. Mr. Matheny commented on the state using 300 tons of salt on 9 miles, while the Township treats 58 road miles and would use only 101 tons.

Mr. Kadezabek explained that getting stone is harder to do, and it is expensive, noting that the Township paid \$10,500 for grit, with 585 tons of grit being applied and only 101 tons of salt. He recently ran out of grit, and the Department "did what they could with salt, using only a little." He mentioned the safety factor, noting that the Township was not just dealing with residents but the general public use of the roadway, which must be safe. He concluded that having roads covered with ice after 8 or 9 days "is crazy."

Mayor Kneski commented that the governing body was asking staff for recommendations to expand salt use on the roads that are experiencing problems and not necessarily getting away from grit in totality. He mentioned environmental concerns, using the bare minimum and expanding the roads based on problems determined and complaints received.

Mr. Matheny stated that the salt/grit mix was a compromise or "eyewash," i.e., there is no real value to the mix since the salt does the work and the grit must still be swept at a cost. Mr. Kadezabek agreed, noting that money for grit and sweeping, totaling about \$20,000, could be used elsewhere in the budget.

Mr. Tatsch asked about the salt in the mix; Mr. Kadezabek said it was equivalent to 1/3 lb. per square yard, or less "salt on the road than on a steak." Mr. Tatsch clarified that Mr. Kadezabek was indicating that the grit in the mix was not effective; he asked if the amount (i.e., about a ton a mile) could be reduced to 1/2 ton per mile if the grit was eliminated, and Mr. Kadezabek agreed, stating that different storms require different applications.

Mr. Tatsch asked how many roads were being suggested for salt usage; Mr. Kadezabek recommended looking at the developments, including Harvest Hill, Holcombe Park, Iron Horse, Larison, Melbourne, and Fox Hunt. He also mentioned public comments he hears about road conditions and paying taxes.

Mayor Kneski suggested briefly opening to the public for comments.

Richard Spiegel, 1 Mountain Road, explained how he and former Township Committee member Kurt Hoffman chose the roads for salt usage, based on accessibility and need for fire and first aid response. He also commented on pulling out underground pipe, using Rocktown Road as an example, where a 24 inch pipe was stone engorged. He provided statistics of grit usage, e.g., if 600 tons are applied, sweeping will net 200 tons and the remainder accumulates in streams and other locations. He mentioned brine usage in Montgomery and Princeton, although Mayor Kneski explained brine is not used in Princeton. Mr. Spiegel said that brine is used in Philadelphia, Hamilton, and Hillsborough, and he advocated its use. Mr. Kadezabek reminded Mr. Spiegel that rock salt must be used with brine, and it would be expensive to retrofit a truck to apply the brine. Mr. Spiegel spoke about stone accumulation near his property, and Mr. Kadezabek also mentioned stone accumulation in the municipal parking lot. Mr. Kadezabek explained to the governing body that if the DPW had to clean up all the stone, they wouldn't be able to do their regular work until July.

Angelo Lovisa, 342 Rileyville Road, asked why there was such a resistance to salt; Mr. Tatsch explained the Township's dependence on well water and the known fact that excessive use of salt over time can pollute ground water and wells. Mr. Tatsch provided his original reluctance to using salt as an environmental issue, agreed to the sparing use of the salt/grit mix, and is now considering other options. Mr. Lovisa commented on the well contamination issue as being theoretical, noting that Oakland (where he formerly lived) always used salt, had six or seven community wells close to roads and never experienced salt contamination. Mr. Tatsch explained the differences between deep community wells and more shallow residential wells, and Mayor Kneski commented on the environmental concern of protecting streams and waterways and balancing road safety. Mr. Tatsch mentioned the on-going well monitoring

program for sodium levels, with a fourth sampling being done soon. He felt that it was beneficial to the Township Committee to see if there is any correlation in an increase in sodium in the wells. There has been no trend so far, and there will be more confidence in expanding the program after results are determined.

Frances Gavigan, 123 Wertsville Road, offered her well on a County road for a comparison sample since the County uses salt on its roads. She also mentioned previous complaints by resident Bill duFosse about mowing edges on Van Lieus and having weeds infiltrate hay crops, causing a liability. She suggested "judicious expansion" of the salt treatment, and without the grit issues, the DPW could be available for other tasks.

Tim Mathews, 72 Linvale Road, explained that the aquifer is the source of water, and neighbors in other communities may be affecting the water supply already.

Les Hamilton, 23 High Mowing Road, serves on the Board of Health and was a previous member of the Environmental Commission, having reviewed significant information on salt. He stated that salt corrodes, grit gets into pipes, salt gets into streams and eventually (even if not right away) gets into wells. He believed in minimal safety and felt that too much grit was being used because peoples' expectations are that they want dry roads rather than driving slowly and making accommodations for winter roads. He would like to see salt only used where there are dangerous conditions; he voiced concern about an expansion of salt use, and he was not supportive of grit usage. Mayor Kneski explained that the Township was not looking to eliminate grit but looking at expansion of salt application on roads. Mr. Hamilton explained that as a former Mayor he heard many complaints from residents about road conditions. He further commented on road conditions on Route 518 where salt is used and there was thick ice on the road for a period of time since sunlight and increased temperatures were needed to melt the ice. He asked that the environmental concerns not be discounted, mentioning in West Amwell wells contaminated and ruined because of improper salt storage near them. He recommended looking again at the application process, noting that salt will corrode equipment, and he would be happy to be involved in the matter.

Dick Ginman, Mountain Road, spoke about people's expectations, noting during the 40 plus years of residing here, he never had a problem getting into Trenton to work, that he was happy with the way the DPW operates, and in some suburban municipalities, it was more difficult to traverse.

Mr. Spiegel spoke as an experienced iron-worker for 40 years, mentioning green laminates on road which stands up to salt, the fact that there are no concrete roads in the municipality, blacktop for salt storage sheds is mandatory, and steel is coated from corrosives. Mr. Hamilton, as an engineer, explained that salt will corrode steel and coatings erode.

Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to close to the public at 8:50 p.m.

Mr. Kadezabek and Mr. Matheny were directed to work on the recommendation of roads to add for salt application and to discuss roads where salt and grit are currently used and recommend which roads to eliminate the grit. They were directed to use as minimal amount as could be effectively used. Mr. Kadezabek noted that with 58 miles of road, using 200 tons of salt is "light and next to nothing." A list of roads will be brought back to the Committee for further discussion.

The Committee thanked Mr. Kadezabek for his appearance tonight.

SPECIAL COMMITTEE REPORTS

AD HOC BRIDGE COMMITTEE UPDATE Deputy Mayor Lenox explained that the site visit on the Wertsville Road project will be held at 4:30 p.m. on March 31, i.e., a good time of the day for the County to see traffic activity. Mr. Tatsch commented on seeing County workers putting stakes in the ground to visualize the project scope.

STANDING COMMITTEE REPORTS

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE

Resolution to Enter Executive Session to Discuss Farmland/Open Space Preservation and Contracts:

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RESOLUTIN #41-10

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 acquisition of land 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 8:53 p.m., and Farmland/Open Space Preservation Members Glorianne Robbi, Dick Ginman, and Angelo Lovisa were present during the session.

The regular meeting resumed at 9:37 p.m.

1) Gutowski/Paulson, B. 35.01/L. 37: Mr. Cushing explained that the Township Committee elected to enter into a contract to purchase the property, and the Township Committee will be making a motion to authorize the Mayor and Clerk to execute a contract in a form acceptable to the municipal attorney and the seller's attorney for the purchase of the property for the amount previously agreed upon with funding through Green Acres. Motion was made by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously by roll call vote: Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

2) Zuegner, B. 17/L. 34 (See 2/15 Email from Attorney Cushing and 3/3 Inter-office Communication from Judy Conard for background). Mr. Cushing briefly explained that there have been appraisals with a certified value determined by the state in the amount of \$13,000 per acre. An option agreement prepared by the County as a standard form of agreement guaranteed only up to \$9,500 per acre of value. Discussions with the attorney revealed the seller's concern that they would be offered lower than the \$13,000 per acre value. The Farmland/Open Space Preservation Committee believes that circumstances are extremely remote that would happen since the state has already certified the value. The seller's attorney wants a commitment from the municipality that they will make up the difference if the County offers a lower figure. As a matter of information, it was explained that funding contribution is usually 60% from the state, 20% from the county, and 20% from the municipality.

A motion was made by Mrs. Cregar, seconded by Mr. Tatsch, and it was carried unanimously to authorize Mr. Cushing to write a letter to the seller's attorney indicating that the Township would guarantee that they will make up the difference if the county fails to provide the funding for the \$13,000 per acre certified value.

3) 3/9 Email from Judy Conard Requesting Appraisals for Zoffinger, B. 37/L. 15 and Requesting Additional Appraisal Funding for Two Green Acre Projects: Mr. Ginman explained that Green Acres has provided \$600,000 funding, some of which is being used for the Gutowski/Paulson property. Green Acres has indicated that they will pull the funding if it is not used. A map was provided to the governing body showing the location of the Zoffinger property near the border of Montgomery Township. The property will complement an existing trail system which spans from Montgomery Township to Stony Brook, and it would be a key link. The property was looked at several years ago, but it was purchased by a private party, who is now willing to have a bargain sale. The property is a 21 acre parcel of vacant land, and FOSPC was asking for funding for two appraisals at a cost of up to \$6,000 to try to acquire with the Green Acres funding. D & R Greenways is expediting the negotiations.

A second part of the request is to have authorization to do appraisals on additional properties that D & R Greenways may be interested in acquiring. They would be properties in proximity to existing preserved land, and appraisals would not be authorized unless FOSPC deemed it advisable and there was clear indication of acquiring the land at a reasonable price and sufficient Green Acres funds were available. Funding would for the appraisals would come from the Open Space Trust Fund, and Green Acres funds would cover up to 50% of the soft costs (along with 50% of the appraised value), if acquisition occurs. The request was for \$12,000 for two appraisals on two properties.

Mr. Tatsch felt that acting on the whole request is consistent with the Township's goals and FOSPC's goals of preservation. While some parcels are not yet identified, the fact that FOSPC would consider connections with other preserved land would make sense.

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RESOLUTION #42-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, that they hereby authorize two appraisals for the Zoffinger property, Block 37, Lot 15 at a cost not to exceed \$6,000, for possible acquisition with Green Acres Funding; and

BE IT FURTHER RESOLVED that the governing body also authorizes funding of up to \$12,000 for two appraisals on two lots to be determined by the Farmland Open Space Preservation Committee for preservation using Green Acres Funding and brought to the attention of the Township Committee; and

BE IT FURTHER RESOLVED that funds for these appraisals be taken from the Open Space Trust Fund.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously.

UNFINISHED BUSINESS

TOWNSHIP ADMINSTRATOR'S UPDATE:

1) PEOSHA Inspection: Mr. Matheny reminded the governing body about the Department of Labor inspection in December where areas were identified as violations. Abatement work was done, and correspondence was exchanged with Inspector Lipski at the State to his satisfaction. A final letter from the state indicates satisfactory compliance.

2) Board of Health Administrative Officer Update: Carolyn Fritsch accepted the position of Board of Health Administrative Officer under conditions outlined in the February 23, 2010 minutes, and her hours/rate changed effective Monday, March 8. She will working 25 hours per week, i.e., 15 hours in Board of Health and 10 hours in the Deputy Clerk position.

3) Approved 2010 Dues for Clerk: Permission for fees in excess of the policy manual for the various organizations for the Clerk was granted by the Administrator.

4) Direct Install Audit: The firm doing the work with the Direct Install program did a site visit of the building and will be providing figures by next week. They received a copy of the Energy Audit for their information, and they did their own audit to see the work to be addressed. Mr. Matheny explained that bulbs and ballasts may be replaced, but not necessarily fixtures and no new fixtures would be installed. Mr. Matheny will bring the findings back to the governing body for their action at a regular or special meeting. He commented on the program which provides 80% of the cost with the municipality being responsible for only 20%, noting a quick turn around in the process.

5) 3/3 Email from TRC Energy Services on Audit Costs: The email from TRC allowed municipalities to sign a letter guaranteeing that they would complete the recommendations of the energy audit by the deadline, and the remaining 25% of the audit costs would be returned to the municipality now rather than waiting until the recommendations were completed. The letter was signed and returned to TRC this week.

6) Request from Ringoes Grange to Include a Community Calendar on the Website: Some discussion took place about the email request from the Grange to put information about an event on the Township website. City Connections was asked to provide a policy for such applications, which was reviewed by Mr. Matheny. Based on the information from City Connections, Mr. Matheny prepared an email policy for consideration, including allowing non-profits and other groups to provide a synopsis of the event and date, send the information to the Clerk seven days before the event, and appeals for posting would go to him.

Mayor Kneski would prefer to allow links to the organization's websites rather than posting on the Township website, i.e., to save time and money. Mr. Matheny shared the Mayor's concern, but in some instances, such as the Grange, they have no website, and it is a community organization. There is no cost to the Township, and posting is a matter of a mouse click by the Clerk. Mr. Matheny felt that the policy adapted from City Connections would be adequate.

Mr. Cushing voiced concern about the exemptions listed in the policy, noting that the bulletin board is not a forum for issues, but a bulletin board of events, and the Township cannot discriminate based on content. He mentioned first amendment issues, and he suggested that if an organization was a 501C charitable organization which was municipally based, the notices could be posted. Mr. Cushing provided anecdotal information about litigation in Washington Borough as an example, and he concluded that it was important to treat all entities in the same manner, including political organizations.

Mr. Matheny asked about adding links to the website, noting that in some instances, questionable material may come up; Mr. Cushing recommended checking with City Connection for link policies.

The conclusion was that Mr. Matheny and Mr. Cushing would work on the community calendar policy and bring something back to the next meeting for consideration. The Grange will be notified that nothing can be posted until the policy has been adopted.

7) Traffic Enforcement: Mr. Matheny explained that the governing body asked him to look into traffic enforcement in East Amwell. It is not part of the joint study with West Amwell Township and City of Lambertville, which was done by a state grant, and East Amwell Township will still retain New Jersey State Police coverage.

Mr. Matheny spoke about a contract with Raritan Township for traffic enforcement in East Amwell Township, noting that he and the Raritan Township Chief of Police came to terms four months ago. A contract is being reviewed by Attorney Lorraine Staples and being considered by Raritan Township on March 16th. The Hunterdon County Prosecutor's Office will also be reviewing the contract. There should be a few weeks lead time to prepare tickets for East Amwell Township, once the contract has been signed.

Mayor Kneski commented on residents' concerns about speeders on connector roads, and he spoke about the Township's desire to have a shared service agreement for enforcement over the

past months. Mr. Matheny spoke about the positive effects of the contract, i.e., slower traffic speed and public safety. The contract is limited to four hours of enforcement per week, designed in free form for hours of coverage, summons will be brought to the court, and one half the revenue will stay in East Amwell Township (i.e., currently, with state police, there is no revenue for the municipality and half of it goes to the state). The cost to East Amwell Township will be \$15,000 per year, and the contract was compared to one between Rocky Hill and South Bound Brook, although in those municipalities, they split the court fees and provide more coverage. The contract will be for a one year term with options to continue. Mr. Tatsch and Mr. Matheny spoke about tickets and the need for aggressive ticket writing for the real traffic problems in the Township.

COMPLAINT FROM HUGH MCGEE RE: REFERENCE TO DRAINAGE EASEMENT ON HIS PROPERTY (SEE 2/11/10 MINUTES FOR BACKGROUND INFORMATION) Hugh McGee (for the record, 11 Rosemont-Ringoes Road) was present.

Mayor Kneski explained that Zoning Officer McManus has indicated that the actual information about the drainage easement came from prior surveys the property owner submitted for certain improvements on the property, which are on record in the Building Department.

Mr. McGee stated that drainage easements must exist on deeds and not by notes on drawings. He felt that the Zoning Officer should have spent due diligence going to the County Clerk's Office to determine the existence of the easement. He spoke about the Mayor's reliance on staff to interpret and enforce and to do their jobs honestly; he felt that the determination was not accurate and the easement was falsely identified, indicating that county agencies held the easement.

Mayor Kneski showed a copy of the 2004 County Health Department record showing a 25 foot easement on it, and he stated that it was not up to the Zoning Officer to research it since it was shown on the plan. Mr. McGee stated that the plat was submitted to the Health Department and the Zoning Officer for approvals, an old plan was submitted, and problems were created by misinterpretation, which could have been avoided if records were checked.

Mr. Cushing explained that the Zoning Officer was making a zoning determination, saw factual information in the file, and made a determination; he is not the code officer nor responsible for general enforcement. Mr. McGee spoke about providing information to the governing body and asking how they were going to correct a problem. He mentioned an April 2009 Serafin diversion which was altered and in June 2009 water from the diversion came onto his property. He felt that the Township had to deal with the issues.

Mr. Cushing explained that unless it was a municipal involvement, i.e., the municipality creates a municipal drainage easement, the current situation is a neighbor dispute which belongs in Superior Court for the Judge to decide. He was not aware of Township responsibility because of the neighbor complaint. Mr. McGee asked if there was a public safety issue. Mr. Cushing explained that the Township does not know about the right to divert the water, and he further explained that the Township Committee is not the ombudsman for disputes. Mr. McGee returned to the audience.

John Seramba, 111 John Ringo Road, apologized to the taxpayers, stating that he wants to work with Mr. McGee as an individual and not use the governing body's time. The CADB hearing will be in May, and he "is really tired of the situation and complaints." He mentioned that the berm on his property has never been compromised, the ditch has been dug deeper, and he got rid of the farmer and planted ornamental trees to help. He spoke about the harassment and slander his family has endured. He mentioned a Hunterdon County ordinance in effect since 1955 which states that any water on County Route 604 is the responsibility of the property owner from where the water comes from. There have been three meetings with County representatives, and they are waiting to see how the May CADB progresses. He further spoke about his frustrations, and he will let Mayor Kneski know about the results of the CADB meeting.

CHANGE IN 2010 TOWNSHIP COMMITTEE LIAISONS

A request was received from the Farmland Open Space Preservation Committee to have Patricia Cregar act as their Liaison since she is a member of that committee. Mrs. Cregar agreed to serve as their liaison, and Deputy Mayor Lenox agreed to take the Fire Company as her responsibility. There was a consensus of the governing body to accept this change.

2/19 LETTER FROM WEST AMWELL MAYOR TOM MOLNAR ON SHARED SERVICES

Mayor Kneski commented on the letter from Mayor Molnar stating that he may not have known about the previous shared service meeting with Delaware Township and East Amwell Township. The Clerk had been directed to send minutes of that meeting to Mayor Molnar.

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

NEW BUSINESS

UPDATE FROM MAYOR KNESKI ON 2/24/10 MAYOR'S 18TH ANNUAL LEGISLATIVE DAY IN TRENTON Mayor Kneski reported on the legislative day on February 24, indicating that the Governor and staff were present. There was a briefing from the Governor on topics, including unfunded mandates and the burden of cost to municipalities. The Governor has a review team looking at this issue. The primary discussion was focused on taxes, freezing of school funding, and the advice to use school surplus to make up for lost funding. Arbitration for paid fire and police was also discussed, i.e., the tax burden with salary increases and the 4% cap levy when salaries may be increased 6%. Mayor Kneski said it was a good meeting.

RAFFLE LICENSE RA10-01: EAST AMWELL TOWNSHIP SCHOOL PTO: 50%-50% RAFFLE TO BE HELD ON MAY 26, 2010 The Clerk explained that this is an annual request from the PTO as a fund raiser, although the format of the drawing has changed this year from a calendar to a 50-50 draw raffle.

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RESOLUTION #43-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the East Amwell Township School PTO, 43 Wertsville Road, Ringoes, NJ 08551; and

WHEREAS, the East Amwell Township PTO has made application to hold a 50/50 raffle on May 26, 2010, at 3:00 p.m. at the East Amwell Township School;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, that raffle license number #RA-10-01 be approved and processed.

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.

OPEN TO THE PUBLIC

Angelo Lovisa, 342 Rileyville Road, asked about the authorization for sampling of wells discussed at a previous meeting. Mr. Tatsch explained that the Handex sampling in December showed consistency with other 2009 samplings, and the value of benzene was 28ppb. On the

strength of that sample, the consultant believes an appeal to the state would be prudent to convince the state to discontinue sampling. This would result in a \$6,000-8,000 cost savings to the municipality annually. The Township may not know until the summer what the State decides.

Tim Mathews, 72 Linvale Road, asked about item 10-A.1 (Zuegner) regarding the guarantee funding. Mr. Tatsch explained the continued process over the years that the County would accept the certified appraisal of a property; however, this year the County contracts were written to offer a low figure of \$9,500 per acre. Since the County has always accepted the certified value, and since the state has already set the value at \$13,000 per acre, he felt that there was a slim chance that the County would ask for another appraisal on the land and would meet the certified value. The attorney for the seller is asking for verification that the municipality would make up the difference if the County does not (i.e., between \$9,500 and \$13,000). The usual apportionment of cost for development rights is 60% from the state, 20% from the county, and 20% from the municipality. Mr. Tatsch further explained that the Township felt that this “was a good piece of property” and there was only a slight risk that the County would renege on their standard policy. He noted that it was important to acquire rights when they are offered at a good price, and even if there was another appraisal by the County (e.g., the value came in at \$12,000 rather than \$13,000 per acre), the difference for the Township to pay the County’s share would not be that great.

Frances Gavigan, 123 Wertsville Road, commented on the agreement with Raritan Township and the fact that the police would be providing traffic enforcement for four hours per week. She mentioned that Old York Road is half in Raritan Township and half in East Amwell; she asked if the officers would be able to write tickets in East Amwell when they were patrolling on the Raritan side.

Ms. Gavigan, as a follow up to Mr. Mathews’ question, commented on the fact that the County attorney would not give the assurance to the property owner about the easement funding; she also mentioned that the property ranked high in the County’s ranking system. She asked about a deed realignment on another preserved property and getting “\$90,000 out of limbo.” The governing body stated that revisions are being made to the plans.

Ms. Gavigan mentioned speaking with Zoning Officer McManus about the earlier agenda item (McGee Complaint). She also found Mr. Matheny “to be professional and helpful ... and brings value in keeping foxes out of hen houses, helping a township in disarray and litigation, and is a force of restraint.” People in the office talk to her, and they think highly of Mr. Matheny. She would like to see him have set hours, however.

Ms. Gavigan asked how long minutes were kept; Mrs. Cregar and the Clerk said forever. Ms. Gavigan then asked about electronic tapes, noting that web minutes only go back to 2008. It was noted that the previous website, maintained by a volunteer, had limited capacity for storage. The previous website also noted that the Clerk would have back copies of minutes. Migration to the new website may have only included minutes back as far as 2008. Mr. Cushing explained that records retention are based on New Jersey Division of Archives and Management regulations. Ms. Gavigan asked that the Township consider keeping electronic minutes forever.

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to close to the public at 10:50 p.m.

Committee members took a three minute recess.

UNFINISHED BUSINESS, Continued

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

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RESOLUTION #44-10

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, potential 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

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

Executive session began at 10:53 p.m. Mr. Cushing left the meeting during the executive session.

The regular meeting resumed at 11:30 p.m.

ADMINISTRATIVE REPORTS

Treasurer Luhrs presented some resolutions.

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RESOLUTION #45-10

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, it 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
Revenue Administration:		
Other Expenses	\$ 600.00	
Planning Board:		
Other Expenses	\$ 1,000.00	
Uniform Construction Code:		
Salaries & wages	\$ 800.00	
Streets & Road Maintenance:		
Other Expenses	\$ 2,000.00	
Solid Waste Collection:		
Salaries & Wages	\$ 200.00	
Electricity: Other Expenses	\$ 500.00	
Street Lighting:		
Other Expenses	\$ 400.00	
Gasoling: Other Expenses	\$ 500.00	
General Administration:		

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RESOLUTION #48-10

WHEREAS, certain capital appropriation ordinances have funding that are no longer necessary;

WHEREAS, it is necessary to formally cancel said balances:

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 unexpended balances be canceled:

	Amount	Cancel to:
Ordinance 08-16 Road Projects	\$49,957.36	Capital Improvement Fund
Ordinance 09-08 Capital Road Improvements	\$20,593.07	Capital Improvement Fund
Ordinance 09-06 Road Equipment	\$ 1,594.72	Capital Improvement Fund

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 to approve the resolutions.

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RESOLUTION #49-10

WHEREAS, the Township of East Amwell (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008 , and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 76-PD-Lincoln-120709.

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

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 endorsing the 457 plan, which was being changed because of state requirements.

Bills of the evening were approved on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and carried unanimously.

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

CORRESPONDENCE

Mayor Kneski asked that the governing body consider the resolution from the New Jersey Department of Community Affairs regarding Women's History Month.

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RESOLUTION #50-10

RESOLUTION DESIGNATING THE MONTH OF MARCH AS "WOMEN'S HISTORY MONTH"

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

WHEREAS, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to:

- ◆ ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- ◆ identify, implement, measure and coordinate programs that address the needs of NJ women.
- ◆ engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

NOW, THEREFORE, BE IT RESOLVED by the Governing Body in the Township of East Amwell, State of New Jersey, that March 2010 is designated as "Women's History Month" under the National Women History Project’s 2010 theme, “Writing Women Back into History.”

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.

Mayor Kneski also recommended approving the resolution submitted for the Silver Star Families of America for wounded veteran recognition.

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RESOLUTION #51-10

WHEREAS, the Township of East Amwell has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrificed by our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag; and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Country with Silver Star (Service) Banners, Flags and care packages; and

WHEREAS, The Silver Star Families of America’s sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the sacrifices for this nation; and

WHEREAS, the Mayor and Township Committee of East Amwell wish that the sacrifice of so many in our Armed Forces never be forgotten;

NOW, THEREFORE, I, Peter Kneski, Mayor of the Township of East Amwell, do hereby proclaim my appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1 as Silver Star Banner Day as the permanent and official day to honor the wounded and ill soldiers of East Amwell Township.

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.

The Township Committee acknowledged the great recognition by New Jersey Monthly in the March 2010 edition, citing East Amwell Township as the one of the Top 100 Towns, listed as number 15. Mr. Tatsch also remarked that we were number 1 in Hunterdon County towns.

ADJOURNMENT

There being no further business, motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to adjourn the meeting at 11:33 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk