

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 June 8, 2010.

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

### **AGENDA REVIEW**

Under Special Discussion, Award of Back Brook Road bid, add the 6/10 email from Attorney Kopen authorizing the award of the bid to the low bidder. Under Introduction of Ordinances, table introduction of Ordinance 10-12, the Tree Harvesting ordinance, until the July meeting, and change the number for the Bond Ordinance to #10-12. Under Standing Committees, Farmland/Open Space, add an award of appraisal contract for Zoffinger, Block 37/Lot 15.

### **ANNOUNCEMENTS**

- A. Municipal Offices will be closed on Monday, July 5, 2010, in observance of Independence Day
- B. Summer Playground will take place at East Amwell Township School beginning on June 28 through July 30, 2010 (closed on July 5). The program is for East Amwell children who have completed Kindergarten through 8<sup>th</sup> grade. Contact the Clerk for Details.
- C. Hunterdon County Utilities will hold a household hazardous waste cleanup day on Saturday, July 10, from 9 a.m. – 1 p.m. at the Hunterdon County Complex. Contact [hcu@co.hunterdon.nj.us](mailto:hcu@co.hunterdon.nj.us) for further information.

### **APPROVAL OF MINUTES**

May 13, 2010, Regular Minutes should reflect that the following members were present: Mayor Kneski, Ms. Lenox until 8:47 p.m.; Mrs. Cregar, and Mr. Tatsch. Minutes were approved on a motion by Mrs. Cregar, seconded by Mr. Tatsch, and carried with two abstentions, Deputy Mayor Lenox and Mr. Martin.

May 13, 2010, Executive Minutes (Acquisition, Litigation, Potential Litigation, Attorney Advice) were approved on a motion by Mr. Tatsch, seconded by Mrs. Cregar, and carried with two abstentions, Deputy Mayor Lenox and Mr. Martin.

May 27, 2010, Special Minutes (Budget public hearing and amendment to the budget) were approved on a motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and carried with one abstention, Mr. Martin.

June 3, 2010, Special Minutes (Public Hearing on Ordinance #10-11) were approved on a motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and carried with two abstentions, Mrs. Cregar and Mr. Martin.

### **OPEN TO THE PUBLIC**

Glorianne Robbi, 158 Lambertville-Hopewell Turnpike, and Chairman of the Farmland/Open Space Preservation Committee (FOSPC), read a portion of the 2006 Master Plan concerning the

importance of preserving farmland and open space and maintaining an agricultural character by promoting agricultural industry and promoting an agricultural land base. She commented on the completion of the Comprehensive Farmland Open Space Plan mandated by the State Agriculture Development Committee to qualify for continued grant funding of \$750,000. The product was the culmination of four years of work by FOSPC, including efforts by FOSPC Administrator Judy Conard, Vice Chairman Dick Ginman, FOSPC and Planning Board member Fred Gardner, and Glorianne Robbi. The Planning Board and Agricultural Advisory Committee have approved the plan, and it will be sent to the SADC in electronic form for the June meeting. East Amwell is the fourth of ten municipalities in Hunterdon County to receive SADC approval of their Plan. Mayor Kneski thanked FOSPC for their work, and Mr. Tatsch recommended that a letter of appreciation be sent to them.

Frances Gavigan, 123 Wertsville Road, thanked Linda Lenox for attending the County Agriculture Development Board (CADB) meeting last month. She asked about changing the Township Committee meetings to the third Thursday of the month. Mayor Kneski said that this was discussed at the April meeting; meetings are held earlier in the month to allow the scheduling of a special meeting later in the month, if necessary. Township Committee members may be excused from a meeting if there is another meeting that they must attend.

Ms. Gavigan reported on the CADB meeting and presentations by Dr. Qui, including reports prepared by him. Dr. Qui will look at the Seramba property. Ms. Gavigan also commented on the Comprehensive Farmland Open Space Plan and asked that an electronic copy be put on the website. She also thanked District 4.

Glorianne Robbi mentioned an article from Michele Byers, Executive Director of the New Jersey Conservation Foundation, about the Governor's intent to phase out the Payment in Lieu of Taxes (PILOT) program. This program provides revenues in lieu of taxes to municipalities with open space and farmland. Mrs. Robbi asked that the governing body send letters to the Governor and legislative members to support the continuation of the program. There was a consensus that a letter be sent under the Mayor's signature.

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

## **PUBLIC HEARINGS/INTRODUCTION OF ORDINANCES**

### **Public Hearings:**

#### **ORDINANCE #10-09 AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 120 OF THE CODE OF EAST AMWELL TOWNSHIP CONCERNING RECYCLING**

As proof of publication, the legal notice from the May 20, 2010 Hunterdon County Democrat was provided; the ordinance has been available to the public since introduction on May 13, 2010.

Language suggested by Mr. Tatsch was added to the ordinance at the time of introduction. Mr. Martin explained that East Amwell is "well ahead of the curve" in recycling, but state and county mandates require amendments to the existing ordinance to encourage a higher percentage of recycling, a recycling coordinator and enforcement for companies and individuals.

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

Fred Gardner, 46 North Hill Road, was supportive of maximizing recycling and the enforcement aspect; he asked how the public would be informed. Mr. Martin spoke about the need for education, and he noted that the enforcement aspect has not been worked out. A letter was sent to the County asking about a shared services agreement to enforce and to educate, but this has not yet materialized. Locally, the Recycling Committee has notified businesses to provide their tonnage reports to the municipality, noting that there is a lot of unreported recycling.

Tim Mathews, 72 Linvale Road, asked about reported recycling. Mr. Martin explained business recycling, including getting recycling slips which would county towards local grants.

Mr. Tatsch also noted that the recycling ordinance was state mandated.

Fred Gardner commented on the business recycling in the township; Mr. Martin commented on getting tonnage estimates, which the Recycling Committee works on.

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

Mayor Kneski commended the Recycling Committee and Mr. Martin.

Ordinance 10-09 was adopted on a motion by Mr. Tatsch, seconded by Mr. Martin, and carried unanimously by roll call vote: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

**ORDINANCE 10-10 THE 2010 SALARY AND WAGE SCHEDULE**

As proof of publication, the legal notice from the May 20, 2010 Hunterdon County Democrat was provided; the ordinance has been available to the public since introduction on May 13, 2010.

Treasurer Luhrs said that the ordinance did not change from the 2009 ordinance.

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

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

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

**CONTINUED PUBLIC HEARING ON AMENDED 2010 BUDGET (See 5/27 Minutes for Background.)** Treasurer Luhrs was present during this time.

The legal notice from the June 3, 2010, Hunterdon County Democrat was provided as proof of publication for the continued public hearing. Mrs. Luhrs said that the State authorized adoption of the budget tonight.

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

Fred Gardner, North Hill Road, felt that the Township Committee “did a wonderful job, and it was remarkable, considering that there was a loss of state funding. East Amwell struggles at a level not to raise taxes significantly for the taxpayers, and ... Congratulations!” There was a round of applause for the governing body.

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

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**RESOLUTION #88-10**

2010 Adoption of the 2010 Budget  
(As Attached to this set of minutes)

By Order of the Township Committee,

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Peter Kneski, Mayor

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Motion by Mr. Martin, seconded by Mr. Tatsch, and carried unanimously by roll call vote: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

Mayor Kneski thanked the governing body, Mrs. Luhrs, all boards committees, and staff on keeping a flat budget and hoped for accomplishment of the same feat in 2011. Mrs. Cregar quipped about the Treasurer not being able to retire.

**Introduction of Ordinances**

As stated earlier, the tree ordinance will be held until the July meeting so that the attorney can further review it.

**DISCUSSION WITH TREASURER LUHRS ON REFUNDING OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS**

Mrs. Luhrs explained the process of paying off old debt from 1998 and 2001 with interest rates of 4-5% and possibly getting 1-2% interest rates in today's market. A municipality must have at least 3% interest to do so. An ordinance must be introduced and adopted and an appointment set with the Local Finance Board for their approval; bond counsel will assist. If the state approves, a prospectus is prepared and bond rating is reviewed by Moody's as some steps. There is no charge to the Township, except for publication, until the Township "gets to the point of savings." Initial cost of bonds is \$85,000, and the municipality could save \$97,000 over a period of time with long term bonds. The Township must decide whether to introduce and adopt the ordinance; thereafter, Local Finance Board will decide whether or not the Township can proceed. If they agree, the next step would be to get pricing from who would buy the bonds and how much to bond and see at least a 3% present value savings. Bond counsel prepared a time line with looking at a July 14 hearing at the Local Finance Board. Mr. Tatsch asked about call options; Mrs. Luhrs will find out about this. Mr. Tatsch asked if the process had to go out to bid; Mrs. Luhrs said no, noting that Powell Capital and Bond Counsel have been working together, and another company contacted did not return a call. There was a consensus to proceed.

**ORDINANCE #10-12**

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**EAST AMWELL TOWNSHIP**

**ORDINANCE 10-12**

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP, DATED MARCH 1, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,600,000, AND ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP, DATED FEBRUARY 1, 2001, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,500,000, APPROPRIATING \$2,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,650,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

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. The Township of East Amwell, in the County of Hunterdon, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding bonds of the Township originally issued in the principal amount of \$1,600,000, dated March 1, 1998 (the "1998 Bonds") and to refund all or a portion of the outstanding bonds of the Township originally issued in the principal amount of \$2,500,000, dated February 1, 2001 (the "2001 Bonds").

While the first call date for the 1998 Bonds was March 1, 2008, the 1998 Bonds maturing on or after March 1, 2011 (the "1998 Refunded Bonds") now may be redeemed at the option of the Township in whole or in part on any date (the "1998 Redemption Date") at a redemption price equal to 100% of such 1998 Refunded Bonds, plus unpaid accrued interest, if any, to the 1998 Redemption Date.

The 2001 Bonds maturing on or after February 1, 2012 (the "2001 Refunded Bonds") may be redeemed at the option of the Township in whole on any date or in part on any interest payment date on or after February 1, 2011 (the "2001 Redemption Date") at a redemption price equal to 100% of such 2001 Refunded Bonds, plus unpaid accrued interest, if any, to the 2001 Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$2,650,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. 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 \$2,650,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$2,390,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Township.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Township Clerk and other appropriate representatives of the Township are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Township to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the 1998 Bonds and the 2001 Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

By Order of the Township Committee,

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Peter Kneski

Attest: \_\_\_\_\_

Teresa R. Stahl, RMC/CMC

Introduced:

Adopted:

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Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously by roll call vote to introduce Ordinance 10-12: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

The ordinance will be published in form in the June 17, 2010, issue of the Hunterdon County Democrat, and the public hearing will be held at the next regular meeting on July 8, 2010, at 7:30 p.m.

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**RESOLUTION 89-10**

**RESOLUTION OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, the Township of East Amwell, in the County of Hunterdon, New Jersey (the "Township") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 for its review and approval of a refunding bond ordinance in order to provide debt service savings to the Township; and

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish this purpose;
- (b) the purpose is for the health, the welfare, the convenience or the betterment of the inhabitants of the Township;
- (c) the amounts to be expended for the purpose are not unreasonable or exorbitant; and
- (d) the purpose is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

By Order of the Township Committee,

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Peter Kneski, Mayor

+++++ Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously by roll call vote to approve the resolution: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

Mrs. Luhrs left the meeting at this time.

**SPECIAL DISCUSSIONS**

COMCAST CABLE: Quarterly Presentation Molly Adams, Government Affairs Manager, was present at this time.

Ms. Adams commented on taking public concerns back to the company for resolution. She was delighted to finally receive state certification of renewal. The company requires two documents, i.e., the local ordinance approved several years ago and state certification, received in mid-May 2010 (which would have gone into effect in 2008, when the last certificate expired). The Township entered into a ten year agreement. Mayor Kneski mentioned a \$15,000 one time grant for entering into the contract. There were no comments from the Township Committee. The meeting was open to the public.

Glorianne Robbi, Lambertville-Hopewell Turnpike, asked about other cable providers in the area. Ms. Adams explained the non-exclusive agreement Comcast has, so other companies can solicit services. She explained that it was a very capital intensive industry and competitive. She mentioned the statewide franchise by Verizon, providing service where they have phone service; she suggested that people call Verizon directly to answer questions about their service.

Tim Mathews, 72 Linvale Road, asked about other companies, such as Vonnage, using Comcast cable lines. Ms. Adams explained Comcast as the conduit over which other internet services, such as Vonnage, Skype, and "streaming video" may be received. Comcast itself uses all its frequencies and bandwidth, so that these other providers cannot use Comcast frequencies; she explained that it was a very technical and very complex issue.

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

The Committee thanked Ms. Adams for her presentation.

AWARD OF BACK BROOK ROAD BID (Bid Opening on June 2, 2010, at 10:00 a.m.)

For the record, there were seven bidders: Mannon Excavating & Paving Co., \$97,725; Renda Roads, \$107,625; Schifano Construction Corporation, \$107,010; Hale Built, \$118,920; DeSantis Construction, \$113,895; Z Brothers, Inc., \$105,750; Top Line Construction, \$106,965. Treasurer Luhrs provided the certification of funds in the amount of \$97,725. Engineer O'Neal provided a bid tabulation and letter authorizing award to the low bidder, and Attorney Kopen provided a 6/10 email agreeing that the award could be made to the low bidder with provision of a subcontractor document.

Mr. Matheny said the funding would be from grant money left over from last year's Back Brook Road and Lindbergh Road projects, the engineer estimated the work at \$111,000, and the low bid was under \$98,000.

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**RESOLUTION #90-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that the following bid for the Back Brook Road Improvement Project be awarded:

Mannon Excavating  
356 Highway 31  
Flemington, NJ 08822

In the Amount of up to \$97,725.00

By Order of the Township Committee,

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Peter Kneski, Mayor

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Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried by roll call vote: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

C. DISCUSSION WITH AMWELL VALLEY LITTLE LEAGUE REPRESENTATIVES This item will be held until later in the meeting when representatives are present.

**SPECIAL COMMITTEE REPORTS - None**

**STANDING COMMITTEE REPORTS**

FARMLAND OPEN SPACE PRESERVATION: Chairman Glorianne Robbi, Vice Chairman Dick Ginman, and Member Fred Gardner were present.

- 1) 6/2 Request for Funding for Green Acre Appraisals for Carluccio/Thompson (B.35/L.63), Johanson (B.40/L.33); Polhemus/Roth (B.35/L.51 & 52)

The Clerk explained that the request from Mrs. Conard was not for additional funding of \$10,000, but would actually identify properties referenced in the March 13, 2010, Resolution 42-10, wherein blanket approval was given to FOSPC (up to \$12,000) to find suitable properties for acquisition with Green Acre funding. Mrs. Robbi explained a pre-meeting with D & R Greenways and Green Acres as part of the pre-approval process. She also outlined the Green Acre payment process, including 50% of cost of properties for conservation and 50% of soft costs if applications go through. Green Acres is very encouraging for further preservation in the area, and Mr. Ginman said that future funding looked promising. The properties identified will compliment an existing trail system. Mr. Gardner commented on the location of the lots at the far end of North Hill Road and would benefit the municipality by reducing traffic on the high maintenance road.

- 2) Request for Surveys for Zuegner (B.17/L34) and Paulson/Gutowski (B.35.01/L.37) and for Appraisals for Zoffinger (B.37/L.15): Spreadsheets showing the quotes for the surveys and appraisals were reviewed by the governing body. Quotes for surveys were received from Bohren and Bohren (\$6,650 and \$2,900, or \$8505 for both); LGA Engineering (\$14,750 and \$9700 or \$22,738 for both); Van Cleef Engineering (\$9,100 and \$6,100 or \$13,680 for both); and Heritage Consulting (\$8,000 and \$6,750 or \$13,000 for both). The award will be the two surveys to be done by Bohren and Bohren.

An appraisal for the Zoffinger Property, Block 37, Lot 15 was solicited with the following appraisers providing quotes: Rick Carabelli, \$2,250; Lyn Collins, \$1,800; Tom Rodriguez, \$1,600; John Musnuff, \$2,500. The award will be made to Lyn Collins of Orbaker and Associates.

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**RESOLUTION #91-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell hereby authorizes the following award for surveys to be done on Block 17/Lot 34 and on Block 35.01/Lot 37:

Bohren & Bohren  
260 Highway 202/31  
Flemington, NJ 08822  
In the Amount of \$8,505

By Order of the Township Committee,

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Peter Kneski, Mayor

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**RESOLUTION #92-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell hereby authorizes the following award for an appraisal to be done on Block 37/Lot 15:

Lyn Collins  
C. L. Orbaker and Associates, Inc.  
P. O. Box 752  
Flemington, NJ 08822

By Order of the Township Committee,

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Peter Kneski, Mayor

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

**UNFINISHED BUSINESS**

**TOWNSHIP ADMINISTRATOR’S UPDATE**

1) Winter Road Treatments - Continued Discussion: Mayor Kneski spoke about a separate discussion with Environmental Commission and Board of Health at the July meeting, asking for input from Mr. Matheny tonight. Mr. Matheny referenced his "bullet-point" list of salt issues, including the following highlights: grit is hard to find, expensive, does not melt ice, needs reapplication and excessive use, requires more trips to the yard and expenditure of more fuel and overtime costs. There are laws mandating the number of hours DPW workers can work, and salt melts ice; an example of significant ice conditions on Snyderstown Road was referenced. Complaints about grit left on lawns are often received. Having private plowers for snow storms is not practical. State Police often call about safety complaints about grit left on roads, and DPW members are called at all hours to apply salt. White residue left on roads after application is from calcium chloride, a sticking/bounce agent, not the salt itself. Past grit/salt mixes were not ideal since the grit is useless and does not give much traction, and road sweeping afterwards can cost between \$7,000-9,000. Grit is now a hazardous material and difficult to get rid of, and finally, the insurance company provided directives on exploring all possible methodologies to remediate dangerous conditions.

Mayor Kneski said that the discussion will continue at the next Township Committee meeting, and the DPW Superintendent will be required to be present.

**SPECIAL DISCUSSIONS - Continued**

DISCUSSION WITH AMWELL VALLEY LITTLE BASEBALL LEAGUE REGARDING PARKING ISSUES AT THE MUNICIPAL BUILDING AND USE OF PUBLIC ANNOUNCEMENT SYSTEM Scott Ciarrocca, President of the League, was present during this discussion.

Mr. Ciarrocca said that the annual tournament will start tomorrow, and there will be at least three games every night for the next two weeks, including weekends. He apologized for the use of the PA system during the night game in May, stating that some members may not have known about the restriction. The PA system will be used during the tournament, but not in early morning.

Discussion took place about the parking problems, with the Mayor asking that the lower lot be used first and use of the municipal lot only for overflow since it interferes with municipal business. Mr. Ciarrocca spoke about parking on grass and the lower lot as a first step and the possibility of blocking off some spaces in the front row for municipal use. Mayor Kneski suggested signs to direct individuals to park at the alternate lot and identify the upper lot as overflow parking.

Mr. Tatsch said that leaving spaces for municipal use is not an option, commenting on his recent presentation on a Thursday at the end of May and having no parking spots available for municipal business while the lower lot was empty. Over the years different options were

pursued, cones, ropes, etc., but nothing seems to work. The governing body suggested that Mr. Ciarrocca find a way to enforce, e.g., have the lot manned and direct people to leave the first row open for municipal business; they noted that leaving municipal parking is a requirement, not an option. Mr. Ciarrocca will notify teams by email to use the lower lot and grassy area first for parking. Mayor Kneski wanted to encourage the recreational activities, adding that he would not want to resort to ordinances and fines for parking in place at this time. Parking in fire lanes is also not permitted, and parents should be advised. Car pooling was briefly discussed, but may not be a viable option.

**UNFINISHED BUSINESS, Continued**

TOWNSHIP ADMINISTRATOR'S UPDATE, Continued:

2) Township Committee Direction on Requests for Proposals (RFP) for Professionals: Mr. Matheny commented on state recommendations for consideration of competitive contracting for professionals, although it is not mandatory at this time. RFPS would require preparing proposals, setting weight criteria, setting up judging committees, etc. If the governing body would want to consider this for next year, steps must be taken now rather than waiting until November. There would be significant work in preparing proposals, setting clear methodology for selection, advertising, etc. Mrs. Cregar found value in having the same professionals each year. Mr. Martin spoke about validity in starting a program and polling boards to see if they were interested. Mr. Cushing stated that boards choose their own professionals although the Township Committee can set policy. Mayor Kneski recommended that information be solicited from other municipalities to see what they pay for their professionals as a starting point, and there was a consensus to do so.

3) Website Issues will be held until later since Recreation Member and Secretary Christine Rosikiewicz was supposed to be present for discussion.

4) Purchase of Truck from State Bid: This item will be tabled since the F350 Ford Truck that the DPW was interested in is off of state bid effective May 28 and may not go back on the list until November. Morris County may have the vehicle in their Cooperative, but the cost to join the Cooperative is \$1,000. Mr. Matheny will research the truck further.

5) Construction Office: Letters were sent to the employees stating June 30 is the last day for the Department. A resolution of acknowledgement of years of service was prepared. Mayor Kneski asked that Construction Employees attend the next meeting to present it in person.

6) Request from Board of Health for Engineer's Input on B.11/L.8: The Board of Health has no line item for engineering and no escrows for review. This item pertained to a septic design with a request to tie a curtain drain into the Township's storm drain, and Engineer O'Neal was requested to review.

7) Engineer's Opinion on Letter from Dr. Bacon: This item referred to a letter from Dr. Bacon concerning the drainage on Clawson Park. Engineer O'Neal spoke with Dr. Bacon to address his concerns, and the property owner will contact his own engineer for further consultation. The work was done amicably and at a reasonable cost.

8) Resolution to Establish Copy Costs for OPRA Requests: New OPRA directives provided input on how to calculate reasonable costs on an annual basis. Mr. Cushing advised that the ordinance would have to be rewritten, and he recommended that language be added that a resolution would be done each year in January to provide a calculation for costs, according to advice from Government Records Council. Since July 1 is the deadline to establish costs, a resolution will be approved this evening, and the ordinance will be revised as soon as possible.

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**RESOLUTION #93 -10**

Be It Resolved by the Township Committee of the Township of East Amwell that, effective immediately, they hereby set the following fees:

Compact Disks	\$ .66
Charges for Copies for the Public	\$.04

By Order of the Township Committee,

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Peter Kneski, May

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

9) NJ Clean Energy Program: A check in the amount of \$4,586.00 reimbursement for the energy audit was received from NJ Clean Energy, based on the Township's commitment to complete 25% of the items identified in the audit. Mayor Kneski thanked staff for their work. Mr. Matheny provided details on the Direct Install Program, which will pay for 80% of the items identified in a second audit, while the municipality is responsible for 20% (i.e., total estimate of around \$76,000, and Township is responsible for about \$14,000). There is another federally funded program with a potential payment of up to \$20,000, which the Township may qualify for, and the company hired for Direct Install will work on this application. Items to be replaced include lights, heaters, etc. Mr. Matheny was thanked for his efforts.

10) Alternate Zoning Officer: Bob Miller has agreed to handle Zoning Officer responsibilities as the Alternate Zoning Officer at a fee of \$35.00 per hour. He may be able to provide some office hours and will be available by phone through the month of July.

11) FEMA: Mr. Matheny and OEM Member Charlie Soos met with FEMA representatives today. There is a possibility of getting 75% of equipment usage, overtime, and debris removal costs, up to \$8,000, for winter storm damage.

3) Website Policies, Including Recreation Committee's Request for Email Server List and a Request from a Community Group for Links and Posting of Community Information: This item took place without a Recreation Committee member present since Mr. Tatsch had information as their Liaison. The request was for an email service list to advise people by email of event cancellations due to bad weather. They also want to update their own page and include pictures. Recreation members have been planning this for over a year, and they included money for an opt-in email service list in their advertising budget. The cost would be a one time set up fee of \$150, and the Committee will try to keep their budget tight as possible this year. The intent is to have immediate communication by email if an event is cancelled. Mr. Tatsch was supportive of the request, noting that only one or two people from the Committee will be authorized to make changes to the website. Additionally, he suggested a removal sign for Clawson Park that indicates events are cancelled; Mr. Matheny is working with Recreation on this sign or a banner. Mr. Martin asked a question about the current email service list on the site. Mayor Kneski recommended a disclaimer on the Recreation website that the Recreation Committee is solely in charge of the site.

Mr. Matheny said that the other issue is the use of the website by community groups, and he is looking for information from Attorney Cushing on policies. Mr. Cushing commented on a case involving a link to a site with copyrighted material on it, and the entity with the link was liable. Mayor Kneski said that community links would not be allowed now and will be considered in the future.

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to authorize the Recreation Committee to ask City Connections to set up an email server for their use for the purpose of notification through an opt-in email system for receipt of emails for events and cancellations notices under their jurisdiction.

**DISCUSSION ON TOWNSHIP ADMINISTRATOR'S 2010 CONTRACT (See May 27, 2010, Minutes for Background).**

Mr. Tatsch read a prepared statement into the record on The Disclosure of Confidential Information: "In April 2006, I, as a member of the East Amwell Township Committee, was

asked by the Mayor and Committee to negotiate the terms of a contract with our candidate for the position of Township Administrator. Mr. Rich Spiegel was a member of the Township Committee at that time. His term expired on December 31, 2007. As a starting point, I used a contract template that was based on contracts with administrators in other municipalities.

“In creating a contract that was acceptable to the Township Committee and that would be presented to our candidate Administrator, I developed a draft for discussion and review by our Township Attorney and Township Committee. This draft was being revised with comments received by our attorney; it was *the* key document for confidential contract negotiations.

“During the open-to-the-public part of the special Township Committee meeting of May 27, 2010, Mr. Spiegel produced a copy of the confidential contract draft that was under revision and included comments from our attorney. Mr. Spiegel specifically addressed a portion of that document that had then been under attorney review and pertained to issues discussed in the Township Committee’s most recent contract negotiations.

“As a member of the Township Committee, Mr. Spiegel was aware at the time that these negotiations were confidential. He should still be aware of that fact and it is clear that the topic he attempted to discuss is very pertinent to present day negotiations. His disclosure has the potential of adversely affecting contract negotiations between the Township Committee and Township Administrator.”

Mr. Cushing explained that the issue was a discussion of contracts, and the statute calls for three months minimum separation reimbursement if an Administrator is terminated immediately or the municipality may provide three months' notice so that the employee can solicit other employment. Three months is the minimum, and Mr. Cushing noted that municipalities may decide to allow a longer period, based on their long term experience and confidence in the Administrator, and it is their right to do so. He reminded Mr. Tatsch and the governing body that his previous advice (mentioned in Mr. Tatsch's statement) was that some language was broadly stated, and he provided different language. Mr. Cushing agreed that the Township can amend their ordinance to six months.

Mr. Martin asked about the former official disclosing confidential information. Mr. Cushing outlined executive sessions, wherein information is confidential for an amount of time, and he mentioned the moral expectation that a governing body member not release information. He said that this does happen and there are no punishments, and he mentioned first amendment rights. He further mentioned discussions, such as employment issues, in executive session and the expectation of rights of privacy or potential lawsuits may occur; no punishment occurs although the issue of publicly disclosing information is a matter of good judgment.

Mr. Martin asked about holding onto confidential documents, noting he shreds his copies. Mr. Cushing explained that it is a matter of style for the individual official, although the Clerk is under Division of Archives and Records Management (DARM) regulations.

The governing body agreed to hold the Open to the Public Portion of the meeting before going into executive session.

## **OPEN TO THE PUBLIC**

Tim Mathews, 72 Linvale Road, commented on the \$150 for the notification and suggested that the Township consider a cell phone notification system, similar to the Schools, for emergency events.

Mr. Mathews requested the Committee to consider putting draft minutes on the website with agendas. Mayor Kneski explained the intent to provide draft minutes at meetings so the public would know the correct information when changed at the meeting.

Frances Gavigan, 123 Wertsville Road, would like to see draft minutes on the website also, citing the monthly meetings making public information less timely. She commented on the cost of copies and reinforcing the public's right to know, and she commented on Dr. Senoda, private funding raising, and getting the word out about donations, possibly on the website.

Deputy Mayor Lenox was in favor of posting draft minutes, and Township Committee members agreed.

John Seramba, 111 John Ringo Road, said that after he left the Raritan Township Committee, he was required to sign a five year confidentiality agreement. Mr. Cushing commented on first amendment rights. Mr. Tatsch said that the episode was a rare occurrence in the Township.

Mr. Seramba spoke about a comment by Dave Bond at the CADB about hearing neighboring complaints. He also suggested that a tally of the amount of grant money Mr. Matheny acquired for the Township be shared with the public.

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

**UNFINISHED BUSINESS, Continued**

**RESOLUTION TO ENTER EXECUTIVE SESSION**

A Rice Notice was signed by Pamela Dymek for discussion in executive session.

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**RESOLUTION #94-10**

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 litigation, potential litigation, contracts, personnel, 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,

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Peter Kneski, Mayor

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

Executive session began at 10:00 p.m. Mr. Cushing left the meeting at 10:20 p.m.

Regular session resumed at 10:30 p.m.

**NEW BUSINESS**

2010 ALCOHOLIC BEVERAGE CONTROL LICENSE RENEWALS FOR AMWELL VALLEY FIRE COMPANY (1008-31-002-001) AND BREANNEX, INC. (HARVEST MOON INN) (1008-32- 001-006)

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**RESOLUTION # 95 -10**

WHEREAS, the Amwell Valley Fire Company, 22 Ringoes Road, Ringoes, New Jersey 08551 has applied for the renewal of their Club License #1008-31-002-001; and

WHEREAS, the application has been submitted in proper order, the appropriate fees submitted and no complaints have been filed with the Municipal Clerk obtaining to the granting of the renewal of this license; and

WHEREAS, the Township Committee finds that the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and regulations promulgated hereunder, as well as municipal ordinance and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the renewal of the Club License for the Amwell Valley Fire Company be approved, and

BE IT FINALLY RESOLVED that this renewal shall be effective July 1, 2010, and the Municipal Clerk is hereby authorized to sign and seal said license certificate on June 30, 2010, and deliver the same to the Amwell Valley Fire Company on that date.

By Order of the Township Committee,

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Peter Kneski, Mayor

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**RESOLUTION # 96-10**

WHEREAS, Stan and Theresa Novak applied for the renewal of the Plenary Retail Consumption License - number 1008-32-001-006 with "Broad Package Privilege" for said premises, The Harvest Moon Inn, and

WHEREAS, the application has been submitted in proper order, the appropriate fees submitted and no written complaints have been filed with the Municipal Clerk objecting to the renewal of this license, and

WHEREAS, the Township Committee finds that the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes and regulations promulgated thereunder, as well as municipal ordinances and conditions consistent with Title 33,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of East Amwell, County of Hunterdon, State of New Jersey, that the renewal of the Plenary Retail License for Brennex, Inc. under the name of The Harvest Moon Inn be approved and is hereby granted, subject to the following conditions:

a) It shall be noted on the license that "This license bears the 'Broad Package Privilege' pursuant to P.L. 1948, Chapter 98 (N.J.S.A. 33:1-12.23) and N.J.A.C. 13:2.35.1 et. se. (formerly state regulations No. 32)."

b) This renewal shall be effective July 1, 2010, and the Municipal Clerk is hereby authorized to sign and seal said license certificate on June 30, 2010, and deliver the same to the Harvest Moon Inn on that date.

By Order of the Township Committee,

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Peter Kneski, Mayor

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Motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the 2010 ABC Licenses.

ALCOHOLIC BEVERAGE CONTROL SOCIAL AFFAIR PERMIT – AMWELL VALLEY FIRE COMPANY FOR FUND RAISER EVENT TO BE HELD AT THE RIDGE AT BACK BROOK ON JULY 12, 2010

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**RESOLUTION # 97-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Special Permit for a Social Affair being granted to the Amwell Valley Fire Company (Club License #1008-31-002-01) from the New Jersey Division of Alcoholic Beverage Control for an event to be held on July 12, 2010, for an event to be held at The Ridge at Back Brook with alcohol being served on the premises of the Fire Company.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

LICENSE FOR AMUSEMENT GAMES FOR 4H FAIR: JUDITH WOTASEK FOR AMUSEMENT GAMES AG 10-01 (DARTS), AG 10-02 (BASKETBALL), AG 10-03 (FISHING) AUGUST 25, 2010 - AUGUST 29, 2010 FROM 11 A.M. – MIDNIGHT

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**RESOLUTION #98-10**

WHEREAS, South County Park, property belonging to the County of Hunterdon, is located in the Township of East Amwell; and

WHEREAS, South County Park is now the location of the annual Hunterdon County 4H Agricultural Fair, and amusement games play an important part in the entertainment at the fair;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell approves the following amusement game applications, which conform to local ordinances:

Applications # AG 10-01; AG 10-02; AG 10-03:

Judith Wotasek, 207 Byram Kingwood Road, Stockton, NJ 08559  
Hunterdon County 4H Fair/South County Park, 1207 Route 179,  
Lambertville, NJ 08530  
From August 25, 2010 through August 29, 2010 from 11 a.m. – 12 a.m.  
Darts; Basketball; Fishing

By Order of the Township Committee,

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Peter Kneski, Mayor

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Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to approve the games of chance licenses.

**ADMINISTRATIVE REPORTS**

Treasurer Luhrs provided the bills of the evening and a statement of cash on hand. Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the bills of the evening.

Treasurer's Resolutions

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**RESOLUTION #99-10**

WHEREAS, it has been determined by the Board of Health of the Township of East Amwell that the following witness fees can be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, that the Treasurer is hereby authorized to refund the following amounts to the applicant:

Applicant	Amount Refunded
Michael Dorio, Jr.	\$650.00

By Order of the Township Committee,

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Peter Kneski, Mayor

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**RESOLUTION #100-10**

WHEREAS, it has been determined by the Zoning Board of Adjustment of the Township of East Amwell that the following escrow fees can be refunded;

NOW, THEREFORE, BE IT RESOLVED, by the Township of East Amwell that the Treasurer is hereby authorized to refund the following amounts to the applicant:

Applicant	Amount Refunded
Robert Geis	\$173.33

By Order of the Township Committee,

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Peter Kneski, Mayor

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

Tax Collector Hyland provided the May Tax Collector's Report.

Tax Collector Resolutions:

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**RESOLUTION #101-10**

WHEREAS, the certified 2010 tax rate may be delayed by the Tax Board of Hunterdon County, and

WHEREAS, this amount is needed for the property tax bills to be printed, and

WHEREAS, there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged;

THEREFORE, BE IT RESOLVED that pursuant to N.J.S.A. 54:4-66 et seq. the payment without interest for third quarter 2010 taxes will be extended to at least twenty-five days from mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1, 2010.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

All other reports were received without comment.

**CORRESPONDENCE**

The report from David Kyle and Shirley Bershad about the plant sale was acknowledged. A letter of appreciation will be sent from the governing body.

**ADJOURNMENT**

There being no further business, motion by Mr. Tatsch, seconded by Mr. Martin, and it was carried unanimously to adjourn the meeting at 10:38 p.m.

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Teresa R. Stahl, RMC/CMC  
Municipal Clerk