

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 August 10, 2010.

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

### **AGENDA REVIEW**

Under Special Committee Reports, add an update from Committeeman Tatsch re: Bridge Work on Wertsville Road.

Under Farmland Open Space Preservation, item 5, the executive session will also include discussion of Block 27/Lot 33.

Under Unfinished Business, item C, there will be an executive session with the Township Attorney.

Under New Business, item B, there are two games licenses from Donna Cooke.

New Correspondence: 8/4 Resolution from West Amwell re: Shared Services for Police

### **ANNOUNCEMENTS**

Municipal Offices will be closed on Monday, September 6, 2010, in observance of Labor Day.

### **APPROVAL OF MINUTES**

July 8, 2010 Regular Minutes were approved on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and carried unanimously with one correction on page 2, paragraph 4, line 1, add "body" after the word "governing."

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

Andrea Bonette, 17 Ridge Road, 609-466-0641, asked numerous questions:

- She asked about a bill on the 6/10 agenda for \$282.00 for the Montego Bay Resort and Conference Center; Mr. Matheny explained that this was for the FBI conference, which is allowed in his contract. He further explained that he did not attend the conference, and the Township was reimbursed. On a question about who reviews Mr. Matheny's time cards, Mayor Kneski said that he and Committee member Tatsch have reviewed them, and they are in order.

- She asked about Deputy Mayor leaving the June 10 Township Committee at 8:47 p.m. to attend a CADB meeting, noting that "there was an uproar when she was involved [with an issue] when she was Chair of Stormwater Management." Deputy Mayor Lenox explained that she came to the Township Committee meeting first to make sure she did not miss the entire meeting and left to attend the CADB meeting since she was also Chair of the Agricultural Advisory Committee; it was the first time she has done this.

- She asked about Mr. McManus being away from his position for thirty days and coming back to the position. Mayor Kneski explained that there is a 30-day requirement to be away from the position upon retirement. Mr. Cushing added that when a person wishes to retire in the pension system, there is a 30-day gap before resuming employment - there is also a requirement that one does not earn more than \$15,000. Mrs. Cregar explained her position as School Board Treasurer, and she had to do the same thing when she retired from the municipality.

- She asked about website content, noting that an article from Toni Robbi entitled "Notes from the Woods" is on the website but she was denied an opportunity to post an article. Mr. Matheny explained that there have been a number of requests to put information on the website from municipal groups, including the Grange. Mr. Cushing was previously asked for advice, and it was agreed that only Township information would be posted. Mr. Robbi's article was part of the Environmental Commission page. Mayor Kneski asked staff to look into this matter.

Mrs. Bonette commented on the July 8 minutes wherein Maria Andrews spoke during a discussion on salt. Mrs. Bonette said her comments did not pertain to salt but about the DPW Superintendent, and Ms. Andrews does not live in East Amwell and lives with Mr. Kadezabek.

Mrs. Bonette provided information to the Clerk on combined Planning Board and Board of Adjustments in other municipalities; she asked that information be sent to the Township Committee for consideration in saving money.

Mrs. Bonette asked about outstanding ordinances that the engineer was to address concerning consistency with stormwater management; a recommendation was made to ask Mr. Martin about this.

Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried to close to the public. Since there was still a member of the public who wanted to speak, motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to open to the public again.

Richard Spiegel, 1 Mountain Road, told an anecdotal story about him as a young boy and a shoe box he owned and a lesson his father taught "in getting even and picking battlefields." He explained that he was willing to debate on any topic, and instead, a letter was read into the record (in June 2010) without his knowledge. He believed it would have been the ethical thing for the Township Committee and the Mayor to invite him to the meeting. Mr. Spiegel commented "on doing nothing wrong," that discussions on a contract took place and a vote was taken in open public. He believed that the Township Committee violated the Open Public Meetings Act, that they did not know OPRA, and he felt that it showed character on the part of the members who did not voice opinions. He concluded that he was disappointed with the Mayor who should have advised him that there was a topic on the agenda, and an apology would be in order.

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

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

### **Public Hearings:**

ORDINANCE 10-13: AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, TO AMEND CHAPTER 24, (OFFICERS AND EMPLOYEES), ARTICLE IV, TOWNSHIP ADMINISTRATOR, TO CHANGE THE AMOUNT OF UNPAID BALANCE OF SALARY UPON REMOVAL

As proof of publication, the legal notice from the July 15, 2010, issue of the Hunterdon County was provided. The ordinance was available to the public and posted since introduction on July 8, 2010.

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

Tim Mathews, 72 Linvale Road, asked for an explanation of the ordinance. Mayor Kneski noted that the ordinance will now reference the Township Administrator's annual contract so changes do not have to be made to future ordinances.

Richard Spiegel, 1 Mountain Road, questioned whether it was an amendment to increase severance from three to six months, noting that the Township Committee already increased the severance. He explained that the existing ordinance allows for three months, which is in the state statute. Mayor Kneski again stated that the ordinance will reference the contract so that the ordinance does not have to be amended when changes are made. Mr. Spiegel referenced N.J.S.A. 4A9:148, noting that without resolution the Township Committee decided by majority vote to extend severance from three to six months. He questioned changing the ordinance without an amendment, and he asked if the change was based on case law.

Mr. Cushing clarified for the record that when the Township hired the Township Administrator, there was some discussion at that time about providing either six or three month's severance; it was agreed at that time that since Mr. Matheny was a new employee, the Township did not want to give more than the minimum of three months. Mr. Cushing recently talked with Mr. Spiegel about this matter, and Mr. Cushing's position is that the mandatory three months is "a floor" and the interpretation is that the statute does not say that the municipality cannot pay more than three months.

Mr. Spiegel read from Title 1 about the purpose and structure of statutes, and he asked Mr. Cushing if the statute [pertaining to the Township Administrator] was either ambiguous, absurd, not clear, or not plain to read. Mr. Cushing said no to all. Mr. Spiegel continued that the statutes must be enforced as written; he also read some unidentified case law. Mr. Cushing explained again the interpretation that the base is that the municipality must pay three months, but the law says nothing about paying more than that. Mr. Spiegel continued speaking about having judges look at the statutes and about overturning laws if unconstitutional. Mr. Cushing explained that judges often look at areas of the law for determination; in this particular situation, however, there are no cases to interpret this statute.

Mr. Spiegel asked Mr. Matheny why it was so important to have the six rather than three months severance. Mr. Cushing explained that Mr. Spiegel could ask a question, but Mr. Matheny does not have to answer. Mr. Matheny believed that it was inappropriate to discuss contracts during a public hearing on an ordinance.

Fred Gardner, 46 North Hill Road, said it was his understanding that questions should be addressed to the Mayor and not people not on the Township Committee. Mr. Cushing said he was correct, that questions should be directed to the Chair, but past practice has allowed answers to come from others on the dais. He felt that it was unfair to put an employee on the spot. Mr. Gardner felt that normal procedure should be respected.

Mr. Spiegel commented that when the ordinance was put together, it was agreed that the Township Administrator would sit on the dais and answer questions.

Tim Mathews stated that employees were doing a terrific job without raises and asked if there was an increase for severance for any other employees. He was advised that no other employee is eligible for severance.

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

Ordinance 10-13 was adopted on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously by roll call vote: Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

### **Introduction of Ordinance**

ORDINANCE 10-14 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF EAST AMWELL TO AMEND AND SUPPLEMENT THE PROVISIONS OF CHAPTER 129, TREE HARVESTING, TO PROTECT FOREST RESOURCES AND PROVIDE CONSISTENCY WITH SOURLAND MOUNTAIN ZONING DISTRICT ORDINANCES

Mayor Kneski explained that the ordinance recognizes the inconsistencies in the existing tree harvesting ordinance. The Clerk noted that the ordinance has been reviewed by the Planning Board and also went through attorney review by Lorraine Staples. Members of the Planning Board will be present at the September meeting to answer questions at the public hearing.

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TOWNSHIP OF EAST AMWELL  
ORDINANCE 10-14

AN ORDINANCE AMENDING CHAPTER 129, TREE HARVESTING, OF THE CODE OF THE TOWNSHIP OF EAST AMWELL TO PROTECT FOREST RESOURCES AND PROVIDE CONSISTENCY WITH THE SOURLAND MOUNTAIN ZONE DISTRICT REGULATIONS

WHEREAS, the Mayor and Township Committee recognize that trees are an important ecological and economic resource; and

WHEREAS, the Mayor and Township Committee further recognize that conserving forest resources will protect the Township’s water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply; and

WHEREAS, the Mayor and Township Committee wish to ensure that sound management practices are followed in the harvesting of trees within the Township; and

WHEREAS, amendments to Chapter 129 of the Township Code are required to address an inconsistency with the provisions of the Sourland Mountain Zone District; and

WHEREAS, this ordinance is enacted to protect the health and safety of the residents of the Township pursuant to *N.J.S.A. 40:48-2*;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of East Amwell in Hunterdon County as follows:

Section 1. The Code of the Township of East Amwell is hereby amended by repealing the current Chapter 129 and replacing it with a new Chapter 129 as follows:

§129-1 Purpose

This ordinance is intended to advance East Amwell’s adopted policies and regulations to preserve, protect and enhance the sensitive forested areas of the Township by ensuring that tree removal practices comply with Best Management Practices. The Township recognizes the necessity of conserving forest resources in order to protect its water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply in this sensitive area.

§129-2 Intent and findings.

A. The intent of tree harvesting ordinance using Best Management Practices Manual (BMP) is to provide a means by which logging:

- (1) Is properly planned and executed.
- (2) Creates conditions favorable for reproduction/regrowth without loss of soil/nutrients.
- (3) Minimizes adverse natural environmental impact.
- (4) Is conducted according to Best Management Practices for forestry.
- (5) Protects surface and ground water quality and quantity in the forest ecosystem.
- (6) Protects and/or enhances species diversity

B. The Township Committee of East Amwell Township finds that improper techniques/practices could result in environmental degradation and a reduction in the ecological and economic value of the forest as well as damage to roads and road rights-

of-way, and streams within the township. The Township Committee further finds that all timber harvesters should follow the recommended timber harvesting practices prescribed in the BMP Manual.

#### §129-3 Title.

This chapter shall be known as the "East Amwell Tree Harvesting Ordinance Using Best Management Practices."

#### §129-4 Definitions

Tree Harvest – the cutting of trees in excess of 5 trees in any six month period and excluding the removal of trees:

- that present a hazard to safety or structures
- that are diseased, dead or storm damaged
- to eliminate invasive species including, but not limited to, thorn apple, autumn olive, honey locust, poison sumac, and multi flora rose.

#### §129-5 Compliance with state BMP manual required.

All Tree Harvests shall comply with BMP Manual, as prepared by the New Jersey Division of Parks and Forestry and on file in the Clerk's office.

#### §129-6 Permit required

- A. Any Tree Harvest unless exempted herein.
- B. The permit shall be posted during the tree removal operation and be visible from the road at the entrance to the property.
- C. The landowner/lessee or their agent shall apply to the East Amwell Zoning Officer for a tree removal permit and obtain a permit at a cost of \$5 and be given a copy of Best Management Practices (BMP) Manual. The permit application shall include the location, block and lot, acreage, type and number of trees to be harvested. Upon receipt of the fee and the completed application the Zoning Officer shall issue the permit.
- D. The permit holder shall give five business days notice to the Municipal Clerk when the work is to begin and also give notice to the Municipal Clerk when work has been completed.
- E. All work shall be subject to inspection by the Zoning Officer pursuant to §129-9 below.

#### §129-7 Activities not requiring permits.

Permits are not required for the following activities, which shall not be considered Tree Harvests:

- A. Clearing or clear-cutting of not more than a total of two acres of a residential lot for the construction of a dwelling/outbuilding/drive, except in the Sourland Mountain District, where clearing shall adhere to Section 92-89:I.
- B. Removal of any tree growing on property used as a nursery, garden center, Christmas tree farm or orchard, only if such use complies with zoning laws.
- C. Any cutting of trees performed as part of on-going timber stand improvement work prescribed by a state-approved forest management plan

#### §129-8 Violations and penalties.

Any landowner, lessee, logger, agent or other person violating this chapter shall be subject to one or more of the following: a fine not to exceed \$1,250, a term of imprisonment of not to exceed 90 days, or a period of community service not to exceed 90 days and will not be issued a new

permit or license in the Township of East Amwell for said property or any property owned/leased by same entity for principal, until all violations are remediated. Each day tree harvesting continues in violation of this Chapter shall be considered a separate, distinct violation. Penalties shall reflect the extent of the violation and the associated environmental damage so as not to unduly penalize one time, minor infractions.

§129-9 Enforcement by the Zoning Officer.

- A. The Zoning Officer’s responsibilities shall include, but are not limited to:
  - (1) Monitor the permit.
  - (2) Visit the site prior to and at completion of operation.
  - (3) Verify that an appropriate permit application has been filed and that harvesting has been conducted in conformity with the BMP Manual.
  - (4) Inspect site for road damage, road right-of-way damage or obvious environmental degradation.
- B. If a professional opinion is needed, a forester will be hired and paid for by the permittee. These charges shall be an additional remediation charge to the permittee.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

Introduced: August 12, 2010

Adopted:

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

The ordinance will be published in the August 19, 2010, issue of the Hunterdon County Democrat, and the public hearing will be held on September 9, 2010, at the regular Township Committee meeting at 7:30 p.m.

**SPECIAL DISCUSSION - None**

**SPECIAL COMMITTEE REPORTS**

**CLAWSON PARK:**

1) Proposal to Eliminate Deposit Requirement for Non-Profit Groups: Mrs. Cregar explained that the ad hoc committee discussed the issue in May and reported back to the governing body that they unanimously voted to abolish the \$500 fee for non-profit organizations. The fee is required for any group over 40 people requiring a permit to use the park. She mentioned problems with non-profit groups gathering the \$500 deposit, although the deposit is returned after the event if there is no damage. Groups would still be required to sign liability

waivers. Mr. Tatsch opined that non-profit groups would be more careful with their surroundings than other groups, therefore reducing the damage that may occur.

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to eliminate the deposit fee for non-profit groups.

Mrs. Cregar said that the ad hoc committee would be meeting in the fall to make changes in the ordinance, including addressing residents who want to put memorial items in the park.

2) Playground Areas/Mulch Replacement: Mr. Matheny explained that during insurance inspections, the Township is always cited for the mulch in the "tot lot" and older childrens' playgrounds. There is drainage work under the mulch, which the DPW will do. Playground requirements include a certified mulch or a surface rubber mat surface. There is safety turf on the state contract list, which would be a benefit, i.e., it's a permeable material, it meets ADA requirements; it stays dry after rain; it requires less maintenance than mulch, which should be raked frequently and must stay a uniform height; debris can be blown off or the material can be hosed down.

The cost of the material on state contract would be \$25,888 for the tot lot, and \$37,800 for the larger playground for a total cost of \$63,688. The material should last for 15-20 years, however, and would eliminate the need for repeated purchase and maintenance of the mulch. There is money in the Open Space Trust Fund, which can be used for recreation purposes, and Mr. Matheny asked the governing body to consider the investment.

Mr. Cushing added that playground accidents are common, and there are many cases dealing with the use of mulch and whether it is 8 inches or not; he stated that mulch compaction is a real problem.

Mr. Matheny continued by stating that the Township should be doing more to maintain the mulch, and the DPW was holding off on the drainage until a decision was made on mulch. The material on site is rotting, is mosquito infested, and is breaking down. Deputy Mayor Lenox asked if there was a more economical material available, and Mr. Matheny explained that previous quotes he received were higher, giving specific information.

Mrs. Cregar and Mr. Tatsch were in support of the purchase, and there may or may not be existing ordinances to cover expenses. Mr. Matheny was directed to speak with Treasurer Luhrs and move forward. Mayor Kneski felt that the project was useful and would address a liability issue, including answering insurance company concerns. Mr. Tatsch stated that the issue has been discussed for several years, and this is a good alternative and good use of Open Space Trust Fund funds, commenting that it may draw more people to the park.

**BRIDGE UPDATE FROM COMMITTEE MEMBER TATSCH:** Mr. Tatsch, as Bridge Liaison, commented on the current bridge project on Wertsville Road. He visited the site and spoke with a Supervisor. He explained that the structures are in place, although in need of decking on both bridges. Good progress is being made, the project is ahead of schedule, and depending on weather conditions, the project might be complete by early October. He felt that "it was pretty impressive with what they've done."

Mayor Kneski commented on monitoring detour routes and felt that they were working; he has been on Back Brook during peak hours with minimal traffic since the detour route is quicker.

## **STANDING COMMITTEE REPORTS**

**FARMLAND/OPEN SPACE PRESERVATION:** Chair Glorianne Robbi, Vice Chair Dick Ginman, and member Fred Gardner were present during the presentation.

1) 7/15 Request from County for Mayor's Signature on Cost Share Agreement for Block 3, Lots 3 & 3.04 (Furrow's End Farm/Rynearson): Mrs. Robbi explained that the application was originally approved in 2006 by the municipality and the county. Mrs. Rynearson has signed the paperwork to proceed as quickly as possible. If the governing body approves the Mayor's signature, she will bring the paperwork to the County Counsel tomorrow in time for the next

Freeholder meeting. The SADC is holding money from 2001, and FOSPC Administrator Judy Conard has been keeping SADC up to date on progress.

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**RESOLUTION #111-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize Mayor Peter Kneski to sign the Municipal/County Cost Share Agreement, as provided by Attorney Cushing on July 16, 2010.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

2) Update on Gutowski/Paulson Property, Block 35.01/Lot 37: Mrs. Robbi commented on signing and closing on the property, with FOSPC being very excited since it is near other open space properties in the area and “will be another piece of the puzzle.”

Mr. Tatsch added that he first spoke with Ms. Gutowski in 2008 about the Meszaros property, mentioning that it would be a legacy to her and her sister to preserve their property, which was in pristine condition. She asked about preservation, and Mr. Tatsch explained that thereafter, D & R Greenways, FOSPC, and the Township Committee worked to get a “very favorable sale price for the heavily forested, pristine, ideal building lot with the preservation being an excellent opportunity for everyone.”

Mayor Kneski commented on using Open Space Trust Funds, and Mrs. Robbi also noted that Green Acres funding will pay for 50% of the appraised value and 50% of soft costs.

Mr. Gardner commented on providing the sisters with some pictures of the property and some form of appreciation for their efforts. Mr. Tatsch commented that the sisters had previously asked about naming the property after their father, Mr. Lupica, and he suggested calling the property Lupica Preserve, which D & R may continue to use if they take possession of the property. Mrs. Robbi commented on D & R’s concern with names of developers, but she believed if the Township named the property, D & R may be inclined to accept the name; she agreed that it would be a small gesture to use that name. Mrs. Robbi also noted that the Mayor and Mr. Tatsch prepared letters of appreciation, which were provided to the sisters when they came for the closing.

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**RESOLUTION #112-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that the 16.30 acres of land, formally known as the Gutowski-Paulson property, recently purchased by the Township of East Amwell for preservation be hereafter known as the Lupica Preserve.

By Order of the Township Committee,

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Peter Kneski, Mayor

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Mayor Kneski questioned whether approving the resolution would become a standard request for other property owners preserving land. Mr. Ginman felt that there was no real problem, and it would provide an advantage to name the property Lupica Preserve in the long run by providing “mental geography” when locating the property.

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

3) Zoffinger, Block 37/Lot 15: Second Appraisal by Tom Rodriguez: The first of two appraisals was awarded in June 2010 on the Spring Hill Road property, and a second lowest bidder was Tom Rodriguez at \$1600. Mr. Ginman exchanged comments with the Mayor about not doing the second appraisal unless the property owner is interested. (For the record, the second appraisal was done.)

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**RESOLUTION #113-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the following award for an appraisal on Block 37/Lot 15:

Tom Rodriguez Associates  
74 Lambert Road  
Stockton, NJ 08559  
In the amount of \$1,600.00

By Order of the Township Committee,

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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.

4) Zuegner Property, Block 17/Lot 34: Request for Final Funding Approval for Easement – see 8/9/10 Memo from G. Robbi: Mrs. Robbi explained that the Township has been quite interested in preserving this 77+ acre property on Dutch Lane since it is a highly developable piece of land. The CMV (certified value) is \$13,000 per acre for a total cost of \$1,600,850. SADC will contribute 60% (\$604,110), the County will contribute 20% (\$201,370), and the Township will also contribute 20% (\$201,370).

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**RESOLUTION #114-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby commit to the cost share agreement of 20%, which is the amount of \$201,370, for the purchase of a development easement on Block 17/Lot 34, based on the fair market value of \$13,000 per acre for 77.45 acres of land.

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 unanimous roll call vote to approve the resolution: Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

5) Resolution to Enter Executive Session to Discuss Land Acquisition – Thompson Property/Cider Mill Road (B.21/L.1 and B.20/L.17.01) and Drift Property, B. 27/L. 33

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**RESOLUTION #115-10**

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

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

WHEREAS, the governing body of the Township of East Amwell wishes to discuss land acquisition; and

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.

Mayor Kneski recused himself from discussion since he owns property near the Thompson property and left the meeting room. Deputy Mayor took over the meeting at this time.

Executive session began at 9:00 p.m.

The regular meeting resumed at 9:30 p.m.

6) Resolution for Preliminary Expenses for Acquisition of Farmland and Open Space:

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**RESOLUTION #115-10A**

WHEREAS, the Township Committee of the Township of East Amwell acknowledges the continuing requirements of preliminary costs to determine the scope and cost of the proposed acquisition of open space and farmland;

NOW, THEREFORE, BE IT RESOLVED that the amount of \$20,000.00 shall be appropriated from the Open Space Trust Fund to the Reserve for Preliminary Expenses for the Acquisition of Farmland and Open Space.

By Order of the Township Committee,

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Linda F. Lenox, Deputy Mayor

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

7) Request for Second Appraisal on Thompson Property, Cider Mill Road (See Background Material from FOSPC, including 7/27 letter to appraisers and 8/9 memo from G. Robbi):

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**RESOLUTION #116-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that, based on the recommendations of the Farmland/Open Space Preservation Committee, they hereby authorize two appraisals on B.21/L.1 and B.20/L.17.01 (89+/-) acres of property belonging to Thompson/Lanwin Development Corporation, as follows:

Norman Goldberg  
44 Leigh Street  
Clinton, NJ 08809  
In the amount of \$2,250

Richard Carabelli (Martin Associates)  
123 Franklin Corner Road, Suite 203  
Lawrenceville, NJ 08648

In the amount of \$2,500

By Order of the Township Committee,

\_\_\_\_\_  
Linda F. Lenox, Deputy Mayor

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

Mayor Kneski returned to the dais at this time. He asked that an item under New Business be moved up on the agenda at this time since there was someone in the audience to discuss it.

**NEW BUSINESS**

RAFFLE LICENSE #10-04 FOR THE COALITION FOR ANIMALS, INC: FOR A 9/26 EVENT TO BE HELD AT THE UNIONVILLE VINEYARD (RAINDATE 10/3/10) Steve Ember, Treasurer for the Coalition, was present at this time. He commented on the excellent work that the Coalition has been doing with subsidizing the rescue of animals for over 14 years, providing sanctuary and providing meals for animals. He commented on providing services to the local community, i.e., humans and animals are family, and the group wanted to provide education information. He stated that if there were any local families experiencing financial difficulty, the Coalition would like to help by adding their names on the list to share the proceeds of the event. Mr. Ember provided some information about the Dog Walk to take place at the Unionville Vineyard, suggesting that the Township may want to have table space at the event. He invited all governing body members to attend the event, adding that perhaps one of the committee’s grandchildren may want to pull the raffle ticket. The Clerk asked for clarification on what time the raffle would be drawn; Mr. Ember said 1:45p.m. (For the record, Mr. Ember called the Clerk after the meeting to change the drawing time to 2:30 p.m.)

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**RESOLUTION #116-10A**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the Coalition for Animals, Inc., 20 Peterson Road, Hillsborough, NJ 08844; and

WHEREAS, the Coalition has made application to hold a 50-50 drawing on September 26 (raindate October 3, 2010) at the Unionville Vineyard, 9 Rocktown Road, Ringoes, NJ 08551;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, that raffle license number #RL10-04 be approved and processed.

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 resolution.

**UNFINISHED BUSINESS**

**TOWNSHIP ADMINISTRATOR’S UPDATE**

1) Zoning Office Update – Richard McManus returned to service on August 1, 2010: Mr. Matheny explained that according to the governing body’s previous resolution of intent, Mr. McManus returned to work on August 2, after being gone for the month of July. He recommended approving a resolution for rehiring Mr. McManus, based on his same salary.

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**RESOLUTION #117-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that, based on their resolution of intent (#77-10) of May 13, 2010, they hereby approve a resolution to rehire Zoning Officer Richard McManus based on his prior salary for that position.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

2) NJ DOT Grant Application for Sidewalks in the Village of Ringoes –Request for Resolution of Support: The DOT grant has been submitted for the joint municipal/county project of sidewalks in the village area. An application was submitted and rejected last year for the project. Mr. Matheny said that the project is “shovel ready” once funding is obtained.

+++++

**RESOLUTION #118-10**

Approval to submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Pedestrian Safety Improvements for the Village of Ringoes

BE IT RESOLVED that the Township Committee of the Township of East Amwell formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011 00180 to the Department of Transportation on behalf of East Amwell Township; and

BE IT FINALLY RESOLVED that Mayor Peter Kneski and the Township Clerk area hereby authorized to sign the grant agreement on behalf of the Township of East Amwell and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

3) Raritan Township Police Department – June/July 2010 Reports: Mr. Matheny commented on Raritan Township being “on track” and meeting or exceeding expectations, noting 55 summonses in under 20 hours. He commented on the flexibility of coverage being an effective tool.

4) Resolution to Acknowledge Receipt of Audit:

+++++

**RESOLUTION #119-10**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the annual Report of the Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Township of East Amwell as

per the requirements of NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of the Audit, and specifically the sections of the annual audit entitled Recommendations, as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body, who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, of both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, hereby states that it has complied with N.J.A.C 5:30-6.5 and does hereby submit a certified copy of this resolution and required affidavit to said Board to show evidence of said compliance.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

+++++  
Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the resolution. Governing body members then signed the certification of receipt of the audit for the state.

5) East Amwell Township School Shared Services Agreement: Mr. Matheny explained that the final version of the agreement has been reached. It will allow the school to help out with janitorial, mowing services and IT assistance, and East Amwell Township will assist with snowplowing, mechanical work on equipment, and other items.

Mayor Kneski commented on focusing on this agreement for months, which will benefit both the municipality and the school; he thanked Mr. Matheny for orchestrating the agreement.

+++++  
**RESOLUTION 120-10**

**SHARED SERVICES AGREEMENT**  
**BETWEEN THE TOWNSHIP OF EAST AMWELL AND**  
**THE BOARD OF EDUCATION OF THE TOWNSHIP OF EAST AMWELL**

**FOR VARIOUS SERVICES**

THIS AGREEMENT, is made this 12<sup>th</sup> day of August 2010, between the TOWNSHIP OF EAST AMWELL, a municipal corporation in the County of Hunterdon, State of New Jersey, having its principal offices at 1070 Route 202, Ringoes, New Jersey, 08551, (hereinafter referred to as the "Township"); and the BOARD OF EDUCATION OF THE TOWNSHIP OF EAST AMWELL, a body politic and corporate of the State of New Jersey, (hereinafter referred to as the "Board of Education"), with offices at 43 Wertsville Road, Ringoes, New Jersey 08551 (referred to collectively as the "Parties").

WHEREAS, the Parties have determined that it would be to their mutual benefit to share certain specific services where each party has the equipment, supplies, or manpower to be able to provide those services to the other party without impairing its ability to provide those services for its own needs; and

WHEREAS, the Parties have further determined that there are certain services that are outsourced by each party that the other party could provide at a cost savings; and

WHEREAS, the Parties recognize that the sharing of equipment and/or manpower with the other party under circumstances where the party providing the services can perform the work with little or no disruption to their existing duties could save both Parties money by reducing the need for equipment purchases and the hiring of additional personnel; and

WHEREAS, the Parties recognize that while the exchange of services will not be perfectly equal, each party will benefit from the overall improvement in efficiency and savings achieved; and

WHEREAS, the sharing of these services will benefit the taxpayers of the Township by increasing the efficiency of Township and Board of Education employees and decreasing the costs; and

WHEREAS, this Agreement is authorized pursuant to *N.J.S.A. 40A:65-1, et seq.*; and

WHEREAS, both Parties have approved the Agreement by resolution;

NOW, THEREFORE, IN CONSIDERATION of the promises, covenants, terms and conditions set forth, it is mutually agreed as follows:

**I. SERVICES TO BE PROVIDED BY THE TOWNSHIP**

1. Winter Snow Plowing. The Township will provide snow and/or ice removal for all paved areas used for vehicular access to or parking at the East Amwell School (the "School"). Salt, sand, or other standard materials used on the public roads of the Township may be used on the paved areas as needed and agreed to by both Parties. The Township will provide snow clearing as an extension of similar work on the Township roads near the School.

a. When the School is open, the Township will complete the snow removal contemplated by this Agreement prior to the arrival of staff and students.

b. When the School is closed, the Township will provide snow removal that permits access for essential staff through the horseshoe drive at the front of the School with the remainder of snow/ice removed at a later time. At a minimum, the snow removal contemplated by this Agreement will be completed before the arrival of staff and students on the next school day.

c. The Board of Education will be responsible for snow removal for all sidewalks and any other areas that require hand shoveling at the School.

2. Grass Cutting Equipment. The Township shall make available to Board of Education employees who have demonstrated proficiency in its use, lawn mowing equipment owned by the Township for use at fields and facilities maintained by the Board of Education when required for the proper maintenance of those fields and facilities. Township lawn mowing equipment shall be

available to the Board of Education only when that equipment is not being used to maintain Township property.

3. Routine Mower Maintenance and Minor Repairs. The Township will assist the Board of Education with routine maintenance of the grass mowing equipment owned by the Board. Repairs to such equipment within the scope of the expertise of the Township Department of Public Works ("DPW") staff will also be provided. Minor parts needed for such repairs that are routinely stocked by the DPW will be provided without charge. More costly parts or parts not stocked by the DPW will be purchased by the Board of Education with the DPW providing assistance with respect to part numbers, part descriptions, suppliers, and like information for the purchase. When a repair is beyond the expertise of the DPW staff, the Township will notify the Board of Education which will make its own arrangements for such repair.

4. Access to Truck(s) and/or Trailers. In the event that the Board of Education requires the use of a vehicle larger than the one it owns for the transport of equipment or furnishings, the Township agrees, upon adequate advance notice, to assist in such transport by using a larger Township-owned vehicle to transport the equipment or furnishings for the Board of Education.

## II. SERVICES TO BE PROVIDED BY THE BOARD OF EDUCATION

5. Mowing Manpower. As permitted by their responsibilities at the School, employees of the Board of Education will be assigned by the Board to assist the DPW with mowing at fields and facilities maintained by the Township. Such areas include, but are not limited to, ball fields near the Municipal Building and grass areas at Clawson Park. Equipment and fuel will be provided by the Township. The work will be scheduled by the Township to permit the DPW staff to be assigned to road-critical tasks. It is understood that Board of Education employees will have limited availability at the beginning and end of the mowing season when school is in session.

6. Custodial Services. The Board of Education custodial staff will provide custodial services for the Township Municipal Building. Until the expiration of the Township's cleaning contract in effect as of the date of this Agreement, this will consist of one routine cleaning per week including, but not limited to, vacuuming, general dusting, restroom cleaning, and trash removal. After the expiration of the Township's cleaning contract, the Parties may agree to increase the cleaning provided by the Board of Education custodial staff to two cleanings per week. In addition, when requested by the Township and as permitted by their responsibilities at the School, the Board of Education custodial staff will provide special services at the Township Municipal Building such as floor scrubbing and waxing and window washing.

7. Information Technology Assistance. The Board of Education's on-staff Information Technology (IT) professional will provide IT services for the Township. This will consist of (a) general oversight of the Township's technology infrastructure with recommendations for repairs and/or upgrades as required; (b) confirming that anti-virus software is installed on all equipment, is functioning, and is current; (c) assistance with equipment performance issues such as fragmentation of disk drives, removal of pop-ups or mal-ware; (d) assistance with software problems such as Microsoft Outlook connection issues; and (e) recommendations for improved IT practices. This assistance is to be provided on a periodic basis as permitted by the IT professional's responsibilities at the School. The Township releases from liability and waives its right to sue the Board of Education and its employees and officers, including the IT professional, for any and all claims for economic loss that the Township may suffer because of negligent provision of IT services pursuant to this paragraph.

8. Summer Playground Program. The Board of Education will continue to host the Township's summer playground program at the School. In addition, the School Nurse, when on site for other purposes, will be available at no fee to participants in the summer playground program if the need arises.

## III. GENERAL TERMS

9. Coordination of Services. The Superintendent of the DPW for the Township and the Director of Custodial Services for the School shall coordinate and cooperate on all issues requiring scheduling of personnel, services, or equipment to effectuate the intent of this agreement. The Superintendent of the School and the Township Administrator shall have final

say for their respective public bodies on matters of scheduling of personnel, services, or equipment.

10. Cost of Services. It is expected that the provision of services outlined in this Agreement will not require an exchange of funds between the Parties. If a proposed service would exceed minor or routine expense, the public body receiving the service will be advised that the service falls outside the scope of this Agreement so that arrangements can be made for purchases or payments through the public body's normal purchasing channels.

11. Evaluation of Agreement. The Superintendent of the School and the Township Administrator shall meet periodically during the term of this Agreement to discuss the effectiveness and efficiency of the Agreement. The Agreement may be amended, in writing, with the consent of both Parties based on these discussions.

12. Insurance. Employees of the Township providing services to the Board of Education pursuant to this Agreement will be considered employees of the Township at all times whether on Board of Education property or Township property. The Township will provide workers compensation, liability and motor vehicle insurance related to services provided by Township employees. Similarly, employees of the Board of Education providing services to the Township pursuant to this Agreement will be considered employees of the Board of Education at all times whether on Board of Education property or Township property. The Board of Education will provide workers' compensation, liability and motor vehicle insurance related to the services provided by the Board of Education employees. Each party agrees to list the other as an additional insured on the applicable policies. Each party agrees to provide minimum insurance coverage as follows:

Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury and property damage liability, \$2,000,000 products and completed operations annual aggregate; \$1,000,000 personal injury and advertising injury and \$2,000,000 general policy aggregate.

Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. Coverage extends to owned, non-owned and hired automobiles.

Workers' Compensation: Statutory coverage in compliance with the Compensation Laws of the State of New Jersey. Coverage shall include Employer's Liability with minimum limits of \$1,000,000 each accident, \$1,000,000 disease-policy limit, \$1,000,000 each employee.

Excess Insurance/Umbrella: \$5,000,000 each occurrence/aggregate.

In addition, the School shall provide Professional Liability insurance for its nursing professionals with a minimum coverage of \$1,000,000 each claim/annual aggregate limit of liability. Policies may be written on a claims-made basis. All policies shall include waivers of subrogation for property loss.

13. Payment of deductibles. Out-of-pocket expenses caused by repairs of damage to equipment or property that come under an insurance policy deductible shall be the responsibility of the entity operating the equipment at the time that the damage occurs.

14. Indemnification and Hold Harmless. Each party shall indemnify, defend, and hold harmless the other party, its agents, servants and employees, from and against any and all claims, liability, damages, and/or expenses, including reasonable attorney fees, arising out of or resulting from or in connection with any negligent or willful act or omission of any agent, servant and/or employee of the indemnifying party.

15. Term. This agreement shall become effective on \_\_\_\_\_ and shall continue in effect for a period of one year unless either party to this Agreement gives thirty days written notice of its intention to terminate its participation in the Agreement. This Agreement may be renewed for successive one-year periods upon mutual agreement and execution of a written addendum.

16. Binding Agreement. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

17. Entire Agreement. This Agreement represents the entire agreement between the parties and may not be supplemented, amended or revised unless in writing and signed by the parties to the original agreement.

18. Severability. If any part of this Agreement shall be held to be unenforceable, the remainder of this Agreement shall remain in full force and effect.

19. Waiver. Failure to insist upon strict compliance with any of the terms, covenants or conditions of this Agreement at any time shall not be deemed a waiver of such term, covenant or condition at any other time; nor shall any waiver or relinquishment of any right or power herein at any time be deemed a waiver or relinquishment of the same or any other right or power at any other time.

IN WITNESS WHEREOF, the Township of East Amwell and the Board of Education of the Township of East Amwell have caused this Agreement to be signed and attested to by their respective officers and their respective seals to be affixed hereto the day and year first above written.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

6) OEM Grant Application: Mr. Matheny explained that there were March and April storms for which FEMA funding was made available. The Township will be able to get 75% of funding for storm overtime, equipment use, and removal of debris under reimbursement to the municipalities, with submission of paperwork. The Township's expenses were \$8,800, and it is anticipated that \$6,300-\$6,400 will be forth-coming. OEM Member Charlie Soos and Mr. Matheny met with FEMA representatives recently to discuss this matter.

7) 2010 Benefits Schedule – Change Mileage Allowance from .505 to .50 cents per mile:

++++  
**RESOLUTION #121-10**

BE IT RESOLVED that the 2010 Benefits Resolution be amended as follows:

Section Three: Employees will receive a mileage allowance at the rate of \$0.50 per mile, subject to the submission of a properly approved voucher to the Treasurer. Mileage shall be computed while on official township business and not for commuting back and forth to work. Mileage for uniform fire code inspections or that of the Assessor or Zoning Officer shall be computed round trip from home to job site or from municipal building to job site, using the lesser distance.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

8) 7/15 County Engineer Letter to Jennifer Bausmith re: Route 514: Mr. Matheny commented on correspondence from a resident on Route 514 about keeping trucks off the road and a possible jake braking ordinance to control the trucks. Hopewell Township enforced an ordinance and experienced problems. Mr. Matheny contacted Raritan Township, who advised that while they considered an ordinance in the past, it was not a viable option. The trucking industry and the NJ DOT support jake braking as a safe way to slow vehicles down.

Mayor Kneski spoke with Ms. Bausmith, and they will take a “wait and see approach” and see if there are other alternatives. Weight restrictions have to be approved by the state and may be difficult to get. Mayor Kneski thanked Mr. Matheny for the update.

9) Professional Services for Auditor: Mr. Matheny commented on speaking with Treasurer Jane Luhrs regarding money saving options. The state, while it does not mandated it, suggests that a financial statement and an audit be done by two separate firms. Mrs. Luhrs obtained some information from other municipalities, and it was determined that this was not necessarily a cost savings potential. Mr. Matheny brought this to the governing body to let them know that these types of things are being reviewed.

10) Back Brook Road Improvements - Core Sample Testing to be Done By Craig Testing Laboratories: The Back Brook Road project is complete, and there is a state requirement to complete core sample testing, which the engineer is overseeing.

11) Request to West Amwell Township Mayor Molnar for Traffic Control Assistance on Rocktown Hill and Rocktown Roads: Mr. Matheny commented on communication between a resident on Rocktown Road about traffic problems with motorists going up Gulick Road and using Rocktown as an access to Route 31. He has spoken with Lieutenant Bartzak about this. A letter was also sent to Mayor Tom Molnar, and he will discuss it with the Lieutenant next week and get back to East Amwell Township for discussion. The DPW located the speed trailer on the road, and the resident advises that there is a reduction in speed in the direction where the speed trailer is located.

12) 2010 Salary and Wage Resolution to Add Peter Buchanan as a Substitute For Smoke Detector Inspections: Mr. Matheny explained that Pete Ball is doing the fire inspections but will be retiring at the end of the year. Right now, there is a substitute [Phil Izzo], and Peter Buchanan is also interested in substituting. Mr. Matheny felt that it was a good idea to include Mr. Buchanan in the resolution in anticipation of Mr. Ball’s retirement.

+++++

**RESOLUTION #122-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby amend the 2010 Salary and Wage Resolution to include the following:

Change Fire Subcode Official Ball or Substitute Izzo  
Smoke Detector Inspections to:

Fire Subcode Official Ball or Substitute Izzo or Substitute Buchanan  
Uniform Fire Code Inspections \$25.00 per inspection

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

**REFINANCING BONDS: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$2,650,000 PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS**

Mr. Matheny explained that Treasurer Jane Luhrs has been working on the refinancing process and there is a new Bond Rating with Moody’s. There is a negative statement due to the fact that

surplus is depleting; however, this is what the state requires with the levy cap restrictions. Mr. Matheny stated that the original figure of overall savings over the course of years has increased, and the Township is looking at a \$193,000 savings, i.e., about a \$20,000 a year savings over the next ten years. Committee members commended Mrs. Luhrs for all her efforts in this project.

+++++

**RESOLUTION #123-10**

**RESOLUTION DETERMINING THE FORM AND OTHER  
DETAILS OF NOT TO EXCEED \$2,650,000 PRINCIPAL  
AMOUNT OF REFUNDING BONDS OF THE TOWNSHIP OF  
EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW  
JERSEY AND PROVIDING FOR THE SALE AND THE  
DELIVERY OF SUCH BONDS**

BE IT RESOLVED 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 (referred to herein as the "Township") hereby authorizes the sale of an amount not to exceed \$2,650,000 Refunding Bonds (the "Bonds") by virtue of its final adoption by a two-thirds majority of its full membership on July 8, 2010 of a bond ordinance entitled, "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."

Section 2. The Bonds are hereby authorized to be sold to Powell Capital Markets, Inc., Roseland, New Jersey, as underwriter (the "Underwriter") in accordance with the purchase contract to be entered into by and between the Underwriter and the Township (the "Purchase Contract") in accordance with this resolution. The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor or the Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Township with the Underwriter in a form satisfactory to McManimon & Scotland, L.L.C., Bond Counsel for the Township ("Bond Counsel") for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution and otherwise in accordance with and subject to approval of the refunding bond ordinance by the Local Finance Board. The signature of the Mayor or Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the callable outstanding general improvement bonds of the Township originally issued in the principal amount of \$1,600,000, dated March 1, 1998, which bonds maturing on or after March 1, 2009 (the "1998 Refunded Bonds") were and are redeemable at the option of the Township now in whole or in part on any date to be determined in the Purchase Contract (the "1998 Redemption Date") at par (the "1998 Redemption Price"), plus in each case accrued interest, if any, to the 1998 Redemption Date and by redeeming all or a portion of the callable outstanding general improvement bonds of the Township originally issued in the principal amount of \$2,500,000, dated February 1, 2001, which bonds maturing on or after February 1, 2012 (the "2001 Refunded Bonds") are redeemable at the option of the Township in whole or in part on any date on or after February 1, 2011 (the "2001 Redemption Date") at par (the "2001 Redemption Price"), plus in each case accrued interest, if any, to the date fixed for redemption. The 1998 Refunded Bonds and the 2001 Refunded Bonds may be collectively referred to herein as the "Refunded Bonds." The 1998 Redemption Date and the 2001 Redemption Date may be collectively referred to herein as the "Redemption Dates." The 1998 Redemption Price and the 2001 Redemption Price may be collectively referred to herein as the "Redemption Prices."

Section 4. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Prices of the Refunded Bonds on their respective Redemption Dates, and the interest due on the Refunded Bonds through their respective Redemption Dates, all in accordance with the Local Finance Board approval;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about March 1 of each year, commencing on or about March 1, 2011 and thereafter as set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each March 1 and September 1 until maturity, commencing on or about March 1, 2011 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity;

(E) The Bonds shall be numbered consecutively from R-1 upward and shall mature in such principal amounts as determined in the Purchase Contract;

(F) The Bonds shall not be subject to redemption prior to maturity;

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to conform the Bonds to the requirements of the Purchase Contract.

**THE FOLLOWING IS THE BOND FORM FOR INFORMATION ONLY – DO NOT COMPLETE OR SIGN**

REGISTERED  
NUMBER R- \_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

TOWNSHIP OF EAST AMWELL,  
IN THE COUNTY OF HUNTERDON

REFUNDING SCHOOL BOND

DATED DATE	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
__/__/10	03/01/__	_____ %	_____

TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) and to pay interest on such sum from the Dated Date set forth above at the Rate of Interest Per Annum specified above semiannually on the first days of March and September in each year until maturity commencing on March 1, 20\_\_\_. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the February 15 and August 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue are not subject to redemption prior to their stated maturities.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey and a refunding bond ordinance of the Township finally adopted August 12, 2010 and entitled, " 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."

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY

ATTEST:

By: \_\_\_\_\_ (Facsimile)  
Mayor

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_ (Facsimile)  
Chief Financial Officer

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Township Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Township Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 7. Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Township are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 8. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-

entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Township authorizes the Chief Financial Officer to act and determine on behalf of the Township whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 11. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

- (a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2010, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) the Township's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;
- (b) if any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:
  - (1) Principal and interest payment delinquencies;
  - (2) Non-payment related defaults, if material;
  - (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) Substitution of credit or liquidity providers, or their failure to perform;
  - (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
  - (7) Modifications to rights of security holders, if material;
  - (8) Bond calls, if material, and tender offers;
  - (9) Defeasances;
  - (10) Release, substitution, or sale of property securing repayment of the securities, if material;
  - (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other

proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

Section 11. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 12. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 13. In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 14. The Township hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter within the earliest of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

Section 15. The Chief Financial Officer, with the advice of the Underwriter and Bond Counsel, is authorized to arrange for bond insurance if advantageous based on the advice of the Underwriter to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Township necessary to do so.

Section 16. The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 17. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the bonds based upon the recommendation of Bond Counsel to pay such costs.

Section 18. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Dates, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. Bond Counsel and/or the Underwriter on behalf of the Township are authorized to reserve and purchase open market treasury securities and/or United State Treasury—State and Local Government Series (SLGs) for deposit with the escrow agent. All of the principal amount and interest earnings on the open market treasury securities and/or SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Dates and pay the Redemption Prices on the Refunded Bonds on the Redemption Dates. The Township hereby authorizes the Chief Financial Officer with the advice of Bond

Counsel to select a bank to serve as escrow agent and authorizes the Mayor and/or Chief Financial Officer to enter into an Escrow Deposit Agreement with such escrow agent in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGs and cash, if any.

Section 19. The Township hereby authorizes the Chief Financial Officer to select a firm, on the advice of Bond Counsel, to serve as verification agent to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Dates and pay the Redemption Prices on the Redemption Dates; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

Section 20. The Township Clerk, Chief Financial Officer and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements, and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 21. This resolution shall take effect immediately upon approval of the refunding bond ordinance by the Local Finance Board.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

RESOLUTION TO ENTER EXECUTIVE SESSION Mayor Kneski suggested finishing New Business and Opening to the Public before entering into executive session.

**NEW BUSINESS, Continued**

**4H FAIR AGRICULTURAL GAMES FOR DONNA COOKE**

Donna Cooke applied for two games for the up-coming 4H Fair, which came into the office today.

++++  
**RESOLUTION #124-10**

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 10-04; AG 10-05:

Donna Cooke, 41 Jerome Place, Wayne, NJ 07470  
Hunterdon County 4H Fair/South County Park, 1207 Route 179,  
Lambertville, NJ 08530  
From August 25 through August 29, 2010 from 12:00 p.m – 4:00 p.m.  
And 5:00 p.m. – 10:00 p.m.

Water Race; Roll the Ball

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

AMWELL VALLEY FIRE COMPANY SPECIAL A.B.C. LICENSE FOR ONE DAY EVENT ON 9/11/10 FOR HARVEST FEST (Rain Date: 9/12/10)

++++  
**RESOLUTION #125-10**

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 September 11, 2010, (rain date of September 12, 2010) for an event to be held at the Amwell Valley Fire Company.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

AMWELL VALLEY FIRE COMPANY REQUEST FOR FIREWORKS DISPLAY AT HARVEST FEST ON 9/11/10 (Rain Date - 9/12/10)

As part of the Harvest Fest each year, the Fire Company arranges for fireworks; they submitted all necessary paperwork, including insurance and liability information.

++++  
**RESOLUTION #126-10**

WHEREAS, there is a Harvest Fest in East Amwell Township held each fall at the Amwell Valley Fire Company in Ringoes; and

WHEREAS, there has been a request for a resolution of approval from the governing body of the Township of East Amwell to have a fireworks display at the event; and

WHEREAS, an application for permit to the New Jersey Department of Community Affairs, Division of Fire Safety, has been made by the Amwell Valley Fire Company for a fireworks display on Saturday, September 11, 2010, with a rain date of Sunday, September 12, 2010;

WHEREAS, Garden States Fireworks, a New Jersey operator approved by the Amwell Valley Fire Company, will be displaying the fireworks and complying with the requirements of the New Jersey Division of Fire Safety's permit; and

WHEREAS, a certificate of additional insured has been obtained from the Amwell Valley Fire Company's insurance carrier, naming East Amwell Township to their coverage;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell grants permission for the public fireworks display in the municipality at the 2010 Harvest Fest.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

**RELEASE OF PERFORMANCE BOND, BLOCK 8/LOT 26.01 - MIDATLANTIC EQUINE CENTER - See 8/9 Memo from Engineer O'Neal**

Engineer O'Neal, in his 8/9/10 memo, recommended the release of the performance bond upon posting of the maintenance bond approved by the Township Attorney.

++++  
**RESOLUTION #127-10**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, that they hereby authorize the release of the performance bond for Block 8, Lot 26.01, based on the 8/9/10 memo from Engineer O'Neal, upon the approval by the Township Attorney on the form of maintenance bond and posting thereof.

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

**HUNTERDON COUNTY MUNICIPAL ALLIANCE RENEWAL APPLICATION FOR 2011**

The Clerk explained that East Amwell, as one of the sending districts to Hunterdon Central Regional High School, has participated in the Municipal Alliance since at least the 1990's. This is the annual contract for renewal.

Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to participate in the 2011 Alliance program.

**OPEN TO THE PUBLIC**

Frances Gavigan, 123 Wertsville Road, spoke about following:

- Regarding the Performance Bond for Mid-Atlantic - she saw the facility during the County Farmers' Picnic, and she believes that they are doing a "phenomenal job, are a real asset, and help support the farm community." She asked the governing body to consider sending a letter to the Governor to support the equine activities at the Meadowlands for the entire farming community - it is a \$1,000,000,000 business and losing the racing industry will be bad for the economy. She was asked to send information to the Clerk about this.

- She asked about patching work at the rescue squad; Mr. Matheny outlined the scope of work that the DPW completed, which was more than originally planned.

- The County has agreed not to close Wertsville Road near the culvert project until after the Harvest Fest. The section should be closed for six weeks at the end of September through Halloween.

- The Totten Bridge is ahead of schedule and may be open earlier than anticipated. She mentioned problems with residents moving signs and sandbags from Wertsville Road to Losey Road and the potential for damage by doing so. Resident Whitehead called the State Police about this but they did not respond until the next day.

- She asked about the status of Raritan Township police patrols, stating that residents would like to see them on Wertsville and Rileyville Roads also.

- The County provided a 40 mph horizontal design [for Wertsville Road] and folks are happier with this proposal. They would still like to see speed limits lowered, and Dr. Shenoda is making a case for this. She spoke about equestrian signs, noting that the DOT does not approve posting of them (i.e., the yellow and black sign with a 25 mph recommendation). She would like to see the Township get more of these signs, some of which were stolen, and if the County is unwilling to have them posted, she and some other residents are willing to post them on their property. Mr. Glynn suggested something similar to "Welcome to the Headwaters Area" signs on major roadways in East Amwell, such as Manners, Rileyville, near Hillsborough, etc. to raise awareness of the area. She did not believe that the County would oppose posting these signs. She commented again on slowing down speed limits, and she commented that "Joel bought into the horizontal design." She commented on providing feedback on the design by the end of the month.

Mr. Matheny spoke about the horse signs, commenting on the Township purchasing the signs and placing on individual properties. The Clerk will provide Mr. Matheny information on the equine signs previously purchased [by the Amwell Valley Trail Association].

- Mrs. Gavigan thanked Jane Luhrs for her services, and she suggested that the Township begin now to put something together to thank her and commend her for her services. She also mentioned post retirement benefits for her.

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

Mr. Tatsch commented on the governing body's discussions in the past about having welcome signs posted at the entrance points to East Amwell Township, asking if the County would allow them on their roads. Both Attorney Cushing and Mayor Kneski believed that they would. Some discussion took place on purchasing a few signs and incrementally adding to them, depending on the expense.

**UNFINISHED BUSINESS, Continued**

RESOLUTION TO ENTER EXECUTIVE SESSION:

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**RESOLUTION #128-10**

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 receive advice from the Township Attorney; and

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

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

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

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

Executive session began at 10:25 p.m.

The regular session resumed at 10:55 p.m., and Mr. Cushing left the meeting at this time.

**ADMINISTRATIVE REPORTS**

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

Mrs. Luhrs also provided a July 2010 Budget Summary and a July 2010 Revenue Report.

Treasurer's Resolutions:

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**RESOLUTION #129-10**

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 05-34 Harrison-Crisafulli	\$12,417.75	Open Space Trust Fund

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

+++++

**RESOLUTION #130-10**

WHEREAS, it has been determined by the Board of Health of the Township of East Amwell that the following overpayment of septic alteration fees 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 applicants:

Applicants	Amount Refunded
Bayer-Risse Engineering	\$200.00
Wilfred D. Harrison	\$ 25.00

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

+++++  
**RESOLUTION #131-10**

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 Committee of the Township of East Amwell that the Treasurer is hereby authorized to refund the following amount to the applicant:

Applicant	Amount Refunded
T-Mobile Northeast LLC	\$ 4,969.00

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

+++++  
**RESOLUTION #132-10**

WHEREAS, it has been determined by the Planning Board of the Township of East Amwell that the following escrow fee 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 amount to the applicant:

Applicant	Amount Refunded
Amwell Valley Fire Company	\$2,878.89

By Order of the Township Committee,

\_\_\_\_\_  
Peter Kneski, Mayor

+++++  
Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to approve the Treasurer's resolutions.

TAX COLLECTOR HYLAND presented the July report and the July 26, 2010 Affidavit of Tax Bill Mailing on July 22, 2010. She provided no resolutions.

All other administrative reports were noted for filing.

**CORRESPONDENCE**

Mayor Kneski asked the governing body to consider the resolution for Women's Equality Day provided by the Department of Community Affairs.

+++++  
**RESOLUTION #133-10**

WHEREAS, August 26, 2010 marks the 90th anniversary of the ratification of the 19th Amendment, guaranteeing women's right to vote; and

WHEREAS, the beginning of the debate over a woman's right to vote began at the world's first Woman's Rights Convention in Seneca Falls, NY in 1848; and

WHEREAS, the campaign continued for seventy-two years highlighted by the extraordinary efforts of New Jerseyan Alice Paul; and

WHEREAS, support for the movement grew and on August 26, 1920, the final state ratification for the amendment was passed and the enfranchisement of women became law; and

WHEREAS, this date also marked the re-enfranchisement of women in New Jersey after an absence of 113 years; and

WHEREAS, this year’s 90th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women’s right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

WHEREAS, it was the hope of our Foremothers who fought and died for Women’s Suffrage that future generations of women would use that hard-won vote to make this a better world and to fight for full equality and justice for women; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell that August 26, 2010, the 90th anniversary of the constitutional affirmation of women’s right to vote in the United States, be celebrated by governing agencies at the local, state, and national level, as well as by educational institutions, workplaces, civic organizations, places of worship, and communities throughout the nation, with programs, events, proclamations, performances, parades, conferences, and other special ceremonies worthy of this uniquely important and historic occasion.

By Order of the Township Committee,

\_\_\_\_\_

Peter Kneski, Mayor

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

Mayor Kneski commented on correspondence from Assemblywoman Spencer about a bike race in the area; it was noted that the race took place on 8/8/10 and would involve traveling on Route 518 and Route 179.

Mayor Kneski also noted information from PSE&G regarding vegetation management on lines near John Ringo Road and Toad Lane.

The Clerk noted that Comcast provided their check in the amount of \$15,000, i.e., a grant negotiated during contract negotiations for extending the contract to them.

**ADJOURNMENT**

There being no further business, a motion was made by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to adjourn the meeting at 11:02 p.m.

\_\_\_\_\_  
Teresa R. Stahl, RMC/CMC  
Municipal Clerk