

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

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

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

AGENDA REVIEW

Prior to the introduction of ordinances, there will be a resolution to cancel unexpended ordinances for Clawson Park and a resolution to amend the capital budget.

Ordinance 10-16 has been modified to provide for the purchase of an FTR Reporter 5.4 Digital Recording System without microphones; the appropriation total will be \$4,000.00 rather than \$10,000 from the Capital Improvement Fund.

Ordinance 10-17 has been modified to include an appropriation of \$222,000 rather than \$210,000 from the Open Space Trust Fund. This change includes soft cost expenses.

Under Administrative Reports, the Treasurer has also included the September 9, 2010, Appropriation Account Summary and the August 2010 Revenues.

Add the following correspondence: 9/7 Letter from Attorney MacWilliam with Closing Documents for the Gutowski/Paulson property, B.35.01/L.37; 9/8 Response from Tax Assessor & Treasurer to the League of Municipalities' 9/2 Memo on County Tax Board Appeals Survey; 9/9 League of Municipalities re: DCA Checklist Clarifications Forthcoming.

ANNOUNCEMENTS

The East Amwell Historical Society invites all residents to their Book Launch/Wine Tasting Party on Sunday, September 19, 2010, from 2 – 5 p.m. at the Unionville Vineyard. The book, part of the "Images of America Series," is a pictorial history of East Amwell Township. Mayor Kneski commented on the great work done on the book.

Good Will Industries will be at the October 2nd Recycling Depot from 8 – 11 a.m. on the municipal lot.

Hunterdon County Utilities Authority will hold an electronics collection day on Saturday, October 9, 2010, from 9 a.m. – 1 p.m. at the County Complex.

Hunterdon County Utilities Authority will hold a hazardous waste cleanup day on Saturday, November 13, 2010, from 9 a.m. – 1 p.m. at the County Complex. For information on either County event, email hcua@co.hunterdon.nj.us or call 788-1110.

APPROVAL OF MINUTES

August 12, 2010 Regular Minutes were approved on a motion by Mr. Tatsch, seconded by Mrs. Cregar, and carried with one abstention, Mr. Martin, with a correction on page two, under public hearing on Ordinance 10-13 (i.e., proof of publication, July 15; introduction on July 8).

August 12, 2010 Executive Minutes (Land Acquisition) were approved on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and carried with one abstention, Mr. Martin, with a minor typing correction on page one, paragraph ten, line 12.

August 12, 2010, Executive Minutes (Attorney Advice) were approved on a motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and carried with one abstention, Mr. Martin.

August 19, 2010, Special Minutes (The Ridge at Back Brook) were approved on a motion by Mr. Martin, seconded by Mr. Tatsch, and carried with two abstentions, Deputy Mayor Lenox and Mrs. Cregar.

September 1, 2010, Special Minutes (Resolution to Enter Executive Session) were approved on a motion by Mrs. Cregar, seconded by Mr. Tatsch, and carried with one abstention, Mr. Martin, with corrections in the last two sentences (i.e., regular meeting resumed at 7:45 p.m. and ended at 7:47 p.m.)

September 1, 2010, Executive Minutes (Attorney Advice on Employee Claim) were approved on a motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried with one abstention, Mr. Martin.

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

Frances Gavigan, 123 Wertsville Road, spoke about delays on the Dutch Lane bridge repair (E-166), which should be complete by the end of September or beginning of October, a month ahead of schedule. There are delays in consulting plans for Bridge E-174 until the end of the month; plans will show all details, including retention ponds, trail crossings, etc.; there will be an opportunity for people to walk the site and hear their feedback. The culvert work (E-163, between Route 202/31 and Route 179) will not be done until after the Harvest Fest, i.e., next week and the road will remain closed six weeks.

Mayor Kneski asked about the delays on Bridge E-166; Ms. Gavigan said it involved getting state approvals, including State Historic Preservation Office approval for colors. There is a reluctance on the part of the County to open Dutch Lane sooner.

Ms. Gavigan also commented on Barbara Hay getting Planning Board approval.

Tim Mathews, 72 Linvale Road, "had the pleasure of reading" the Comprehensive Farmland Preservation Master Plan and had questions on Chapter 5, page 10, paragraphs 3 & 4 about bonding activity. He met with Treasurer Luhrs about this and she too was "intrigued" by the numbers. He asked that the Township Committee ask the authors to cite the sources of how they got their numbers. Mayor Kneski directed staff to do so.

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

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Public Hearings:

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

As proof of publication, the legal notice from the August 19, 2010, issue of the Hunterdon County Democrat was provided. The ordinance has been available to the public and posted since introduction on August 12, 2010.

Mayor Kneski stated that there were enforcement issues that need to be clarified, and there would no action on the ordinance tonight. He stated that while tabling the adoption, he would

be opening the meeting to the public for comments, and the public comments will be reviewed in with the ordinance.

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

Frances Gavigan, 123 Wertsville Road, said that putting a five tree limit on cutting without a permit in Valley Zone could interfere with farming operations; she also felt that enforcement is a problem. She acknowledged exceptions for safety, dead, or storm damaged trees, but she felt that not having an exception of a percentage of area for farms would be an unnecessary hardship on the agricultural community; she asked that some "reasonable" language for farms be included, noting that correcting the issue in the Sourlands is now a regulation applied to the whole township. Mr. Cushing referred Ms. Gavigan to Section 129-4, Definitions, for particular information. Ms. Gavigan continued by stating further definition is necessary, that there could be issues between neighbors on who determines whether trees can be cut down or not (diseased, invasive, etc.), whether a permit is needed, etc. On a question from Mr. Cushing, Ms. Gavigan stated that the Planning Board was aware of her concerns.

Tim Mathews, 72 Linvale Road, referenced section 129-7, wherein permits are not required for clearing or clear-cutting of not more than a total of two acres for construction. He asked if no permits were necessary, did the best management practices apply. Mr. Cushing agreed that this was ambiguous; the fact a property owner is exempt from a permit does not necessarily exempt him from best management practices. There were some discussions with the Planning Board about this, and Mr. Cushing's office deferred to the Planning Board attorney on this; he agreed that this is a good point to have clarified. Mr. Mathews asked about requiring a permit for any cutting; Mr. Cushing said that the thought process was to have protection rather than ambiguity, and the Sourland Mountains is a sensitive environmental area, with "more onerous requirements" leaving more flexibility in the non-Sourland area.

Mr. Mathews commented on having ten acres of property under forest management, wherein they inventory an acre of land with perhaps 10-12 species in an acre. If a similar property in the area was not under forest management and had the same proportion of trees, the owner could "cherry pick" trees to be removed and "punch a hole in the canopy." Mr. Cushing commented on the regulations trying to protect as many trees as possible.

John Hyland, 152 Mountain Road, read from Section 129-7C, "Permits are not required... [for] any cutting of trees performed as part of on-going timber stand improvement work prescribed by a state-approved forest management plan." He felt the word "prescribed" implied scientific accuracy. He compared it to the medical use of the word, noting the connotation of precision and very little latitude. He explained that foresters prepared ten year plans, marking trees at their discretion, and the word "prescribed" implies more accuracy than there is in the plan. Mr. Cushing explained the choice of word simply means an approved plan, stating that the word is also a legal term, meaning "dictated by" or "approved." He agreed that the word was not a significant change to the ordinance, and the word "approved" could be substituted for "prescribed."

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

Some discussion took place on how the governing wished to proceed, i.e., hold the ordinance for a vote at a future meeting or continue the public hearing at that meeting. The Township Committee agreed that they would not know the changes that will be proposed by the Zoning Officer and Planning Board; if there are substantial changes, the ordinance will have to be readvertised. If the changes are non-material, the governing body could continue with the adoption. Mayor Kneski commented on sending emails to the parties stating that the matter would be on the October 14 agenda.

Mr. Cushing agreed that the governing body could approve the minor change (i.e., "prescribed" to "approved"), and they could continue the public hearing at the October 14, 2010, meeting. Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously.

AMENDMENT TO THE 2010 OPEN SPACE TRUST FUND

The Open Space Trust Fund (for the record, previously amended 4/26/10) is being amended to include the appropriations for the safety turf at Clawson Park and the purchase of the Zuegner development easement. The public was advised that the money is in the fund already and is being utilized for appropriate expenses.

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An Amendment to the 2010 Open Space Trust Hearing – September 9, 2010

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

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

--	Development of Lands for Recreation and Conservation:	
	Recreation Fields	--
\$ 36,000.00	Maintenance of Parks & Lands for Recreation and Conservation:	
56,000.00	Add Salaries and Wages	\$20,000.00
	Clawson Park Maintenance	\$25,000.00
	Soccer Field Maintenance	\$ 6,000.00
	Recreation Fields Maintenance	\$ 5,000.00
\$126,000.00	Add: Clawson Park Capital Improvements	\$70,000.00
\$ 30,000.00	Acquisition of Farmland	
	Down Payments	--
	Soft Costs	\$30,000.00
	Green Acre Acquisition	--
\$250,000.00	Development Right Easement	\$220,000.00
--	Historic Preservation	-----
--	Other Expenses	-----
\$ 66,000.00	TOTAL TRUST FUND APPROPRIATIONS	
86,000.00		
\$376,000.00		

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

Motion by Mr. Tatsch, seconded by Mr. Martin, and it was carried unanimously by roll call vote to approve the amendment to the 2010 Open Space Trust Fund: Mr. Martin, yes; Mr. Tatsch, yes; Mrs. Cregar, yes; Ms. Lenox, yes; Mr. Kneski, yes.

Introduction of Ordinances:

CAPITAL RESOLUTIONS PRIOR TO THE INTRODUCTION OF ORDINANCES

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RESOLUTION #136-10

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 05-13 Clawson Park Phase 3	\$ 3,505.93	Open Space Tax Trust Fund
Ordinance 06-18 Clawson Park 2006 Phase	\$ 26,761.91	Open Space Tax Trust Fund

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #137-10

WHEREAS, the local Capital Budget for the year 2010 was adopted on June 10, 2010; and

WHEREAS, it is desired to amend the adopted Capital Budget for the year 2010;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell Township, County of Hunterdon, New Jersey, that the following amendment to the adopted Capital budget be made:

CAPITAL BUDGET (Current Year Action)			
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2010			
Project Title	Estimated Total Costs	Capital Improvement Fund	Grants Other Funds
Open Space			
From	\$2,400,000		\$ 28,100
To	\$2,620,000		\$248,100
Office Equipment			
From	\$100,000	-0-	
To	\$104,000	\$4,000	
Clawson Park Improvements			
From	\$ 40,000		\$ -0-
To	\$110,000		\$ 70,000
Total- All Projects			
From	\$5,331,900	\$147,000	\$ 28,100
To	\$5,625,900	\$152,000	\$318,100

5 YEAR CAPITAL PROGRAM-2010-2014
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project Title	Estimated Total Costs	Funding Amounts 2010
Open Space		
From	\$2,400,000	\$1,263,500
To	\$2,625,500	\$1,483,500
Office Equipment		
From	\$ 100,000	-0-
To	\$ 104,000	\$ 4,000
Clawson Park Improvements		
From	\$ 40,000	-0-
To	\$ 110,000	\$ 70,000

Total- All Projects		
From	\$5,331,900	\$1,550,400
To	\$5,625,900	\$1,844,400

5 YEAR CAPITAL PROGRAM –2010-2014
Summary of Anticipated Funding Sources and Amounts

Project Title	Estimated Total Costs	Capital Improvement Fund	Grants in Aid and Other Funds
Open Space			
From	\$2,400,000		\$120,000
To	\$2,620,000		\$340,000
Office Equipment			
From	\$ 100,000	\$100,000	
To	\$ 104,000	\$104,000	
Clawson Park Improvements			
From	\$ 40,000		\$ 40,000
To	\$ 170,000		\$ 170,000
Total- All Projects			
From	\$5,331,900	\$2,091,900	\$ 960,000
To	\$5,625,900	\$2,095,900	\$1,180,000

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services within three days after the adoption of this project for the 2010 Capital Budget.

By Order of the Township Committee,

Peter Kneski, Mayor

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

ORDINANCE 10-15 AN ORDINANCE TO PROVIDE FOR FUNDING FOR CAPITAL IMPROVEMENTS TO THE MARION CLAWSON MEMORIAL PARK WHICH INCLUDES THE PURCHASING AND INSTALLATION OF SAFETY TURF RUBBER SURFACING ON PLAYGROUNDS AS GENERAL IMPROVEMENTS FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$70,000.00 WHICH INCLUDES AN APPROPRIATION OF \$70,000.00 FROM OPEN SPACE TAX TRUST FUND

Mr. Matheny explained that the intent is to use the \$70,000 for surfacing of the two playground areas at Clawson Park, the tot lot and the larger children’s play area. The insurance company has cited the municipality for not having certified mulch installed, and the mulch requires routine grooming and does not drain well. The attorney also previously pointed out liability issues with children’s playgrounds. The DPW will do drainage repair work including stone and a French drain; the safety turf will be installed on top and allows water to drain through so children are able to play on it “in minutes.” Cleaning can be done with a hose or blower; more material will be required on the bigger playground since playground equipment is taller and requires more cushioning. The ordinance covers material, installation, and materials for preparatory drainage work.

Mr. Tatsch recalled that Mr. Matheny also previously gave his opinion that the material will pay for itself over time since there will not be a need for replacing mulch frequently and there will be less time for maintenance and work. The residents will also see a safer product and this will allow for better use of the facilities; he was in favor of the purchase.

Mrs. Cregar asked when the work would be done; Mr. Matheny explained that the Township Committee would need to schedule a special meeting at the end of September in order to get the work done at the beginning of October. If they waited until the next regular meeting, the work could not be started until the end of October, and weather conditions may be a hindering factor. A suggested date of September 27 for the special meeting was offered.

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TOWNSHIP OF EAST AMWELL
ORDINANCE 10-15

AN ORDINANCE TO PROVIDE FOR FUNDING FOR CAPITAL IMPROVEMENTS TO THE MARION CLAWSON MEMORIAL PARK WHICH INCLUDES THE PURCHASING AND INSTALLATION OF SAFETY TURF RUBBER SURFACING ON PLAYGROUNDS AS GENERAL IMPROVEMENTS FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$70,000.00 WHICH INCLUDES AN APPROPRIATION OF \$70,000.00 FROM OPEN SPACE TAX TRUST FUND

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as general improvements to be made or acquired by the Township of East Amwell, New Jersey. For the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$70,000.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide funding for capital improvements to the Marion Clawson Memorial Park, which will include but not be limited to the purchase and installation of safety turf rubber surfacing on playgrounds.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$70,000.00.

Section 4. The sum of \$70,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$70,000.00 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. The 2010 Capital Budget is hereby amended to conform with the provisions of this Ordinance. The resolution in the form promulgated by the Director of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. No debt of any kind is authorized for this undertaking.

Section 7. This ordinance shall take effect immediately upon adoption, according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: September 9, 2010

Adopted:

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Motion by Mrs. Cregar, seconded by Mr. Martin, and it was carried unanimously to introduce Ordinance 10-15.

The ordinance will be published in the September 16, 2010, issue of the Hunterdon County Democrat, and the public hearing will take place at a special meeting of the Township Committee to be scheduled for Monday, September 27, 2010, at 7:30 p.m.

ORDINANCE 10-16 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF AN FTR REPORTER 5.4 DIGITAL RECORDING SYSTEM AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$4,000.00 FROM THE CAPITAL IMPROVEMENT FUND

Mr. Matheny explained that the recording system used in the meeting room is mostly for the court's benefit and must be approved by the Administrative Officers of the Court. The current system was purchased four and a half years ago, and annual maintenance costs are \$930. He looked at replacing the existing system with a new system as a capital improvement and having maintenance costs included in the proposal to protect future budgets. The system to be purchased is an upgrade to the existing system, and it will allow easier production of wave files and also allows MP3 production, plus provide other upgraded features; the cost is \$3,300. Mr. Matheny looked at purchasing microphones, which would have added an additional \$2,000 in cost. Maintenance costs per year on both would be \$1,500 or \$1,200 without the microphone coverage. The last maintenance on the current system was in 2007 when a compact disc driver was replaced. Mr. Matheny felt that at \$225 per hour for labor and parts, repairs on the system would not reach the \$1,500 maintenance agreement level in a year. Staff discussed the purchase and all agreed that while microphones would be nice, the current equipment is satisfactory. Mr. Tatsch asked about purchasing microphones outside of the company; Mr. Matheny provided information on costs and models, stating that an independent purchase would almost be the same cost. Mr. Tatsch asked about having Delaware Township pay for part of the system as a shared court; Mr. Matheny noted that Delaware Township pays East Amwell for maintaining the court building and equipment.

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TOWNSHIP OF EAST AMWELL
ORDINANCE 10-16

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF AN FTR REPORTER 5.4 DIGITAL RECORDING SYSTEM AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$4,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as general improvements to be made or acquired by the Township of East Amwell, New Jersey. For the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$4,000.00 said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide funding for the purchase of a FTR Reporter 5.4 Digital Recording System, including recording management software.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$4,000.00.

Section 4. The sum of \$4,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$4,000.00 from the Capital Improvement Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. The resolution constituting the 2010 Capital Budget is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Director of

Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. No debt of any kind is authorized for this undertaking.

Section 7. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: September 9, 2010

Adopted:

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Motion by Mr. Tatsch, seconded by Mr. Martin, and it was carried unanimously to approve the introduction of Ordinance 10-16.

The ordinance will be published in the September 16, 2010, issue of the Hunterdon County Democrat, and the public hearing will take place at a special meeting of the Township Committee to be scheduled for Monday, September 27, 2010, at 7:30 p.m.

ORDINANCE 10-17 AN ORDINANCE TO PROVIDE FOR THE ACQUISITION OF A DEVELOPMENT RIGHT EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 17 LOT 34 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$220,000.00 THEREFOR FROM THE OPEN SPACE TAX TRUST FUND.

The Ordinance below allows the municipality to fund the Zuegner property from the open space tax fund (for the record, see August 2010 minutes for cost share agreement).

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TOWNSHIP OF EAST AMWELL
ORDINANCE 10-17

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION OF A DEVELOPMENT RIGHT EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 17 LOT 34 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$220,000.00 THEREFOR FROM THE OPEN SPACE TAX TRUST FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as general improvements to be made or acquired by the Township of East Amwell, New Jersey. For the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$220,000.00 said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to acquire the development right easement on certain real property described on the Township tax map as Block 17, Lot 34 (Zuegner) in the Township of East Amwell, including all costs necessary therefor or incidental thereto.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of East Amwell, but rather

a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$220,000.00.

Section 4. The sum of \$220,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$220,000.00 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. The 2010 Capital Budget is hereby amended to conform with the provisions of this Ordinance. The resolution in the form promulgated by the Director of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. No debt of any kind is authorized for this undertaking.

Section 7. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: September 9, 2010

Adopted:

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Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and it was carried unanimously to introduce Ordinance 10-17.

The ordinance will be published in the September 16, 2010, issue of the Hunterdon County Democrat, and the public hearing will take place at a special meeting of the Township Committee to be scheduled for Monday, September 27, 2010, at 7:30 p.m.

SPECIAL DISCUSSION

QUARTERLY PRESENTATION BY COMCAST REPRESENTATIVES Robert Clifton,
Director of Government Affairs, was present.

Mayor Kneski asked Mr. Clifton about any upgrades being addressed; Mr. Clifton explained that Comcast has completed its digital roll out promised after their acquisition of Patriot Media. There have been intermittent issues with some schools, and they are working with East Amwell School on acquiring a box. Operations are "smooth" now after the initial transmission changes, and call volumes are down, i.e., no system-wide or wide-spread complaints and only individual household complaints.

Mr. Clifton reminded the governing body that the BPU approved the franchise on May 24, 2010, and on July 23, 2010, Comcast provided the \$15,000 grant to East Amwell; Comcast has complied with their contractual terms, including attending these on-going meetings.

Mr. Tatsch asked about channel arrangements, noticing digital channels in the 800's and also in the 150-160 range as duplicates. Mr. Clifton explained that the 800's are mostly the high definition channels, and some people do not have high definition equipment. The high definition channels in the 100's may be part of blocks of channels that Comcast has, e.g., Home Box Block, History Block, "Kid's" Block, etc.

The meeting was open to the public for questions and comments.

Tim Mathews, 72 Linvale Road, asked if he was able to get Verizon FiOS if it was offered and he wanted to do so; Mr. Clifton noted that Comcast has a non-exclusive agreement with the

Township, and residents are free to choose their provider. The companies cannot share or “ride” each other’s lines, however, since they are proprietary; most cable providers will not build new infrastructure in towns with existing cable service because of overhead costs. Verizon does have a state wide system approval, and they are required to provide service to all municipalities within a certain time frame; currently they are in about 300 municipalities.

Mr. Mathews asked about getting Philadelphia games instead of New York games in the channel lineup. Mr. Clifton explained that the “DMI” is determined by placing a pin in a New Jersey map in the New York area, drawing a circle, and if the municipality falls within a certain circle, that determines the viewing area as a FCC mandate. East Amwell falls within the New York DMI, and residents cannot “opt out” for a Philadelphia area. Early in the Comcast programming, they were carrying both areas, but once the DMI was determined, Comcast had to remove the Philadelphia line up.

There being no further questions, motion by Deputy Mayor Lenox, seconded by Mr. Martin, and it was carried unanimously to close to the public.

The Township Committee thanked Mr. Clifton for attending the meeting tonight.

SPECIAL COMMITTEE REPORTS - None

STANDING COMMITTEE REPORTS

HISTORIC PRESERVATION COMMITTEE Chairwoman Kat Cannelongo was present.

1) East Amwell History Book and the formation of the East Amwell Historical Society:

Ms. Cannelongo reminded the governing body that she was in front of the Township Committee several months ago asking for support for the book that they were writing. While very supportive, Mr. Martin wanted to see the book first before committing funding. Ms. Cannelongo explained that they were able to produce the book without Township assistance by forming the East Amwell Historical Society, an incorporated entity, with the help of a team of Historic Preservation Committee members.

Ms. Cannelongo presented the first copy of “Images of America – East Amwell” to Mayor Kneski. There was a round of applause from the audience. There will be a supply of books available for sale at the Harvest Fest on September 11, 2010, and there is a Book Launch/Wine Tasting Party at Unionville Vineyards on Sunday, September 19, from 2:00 p.m. – 5:00 p.m. for the entire town to meet the authors and support the Vineyard, who is the Society’s first business member. The books will sell for \$21.99, and the Society can pick only one vendor where the proceeds come back to the Township. Arcadia, the publisher, will also put the books in other venues, and the Township will receive royalties. There will also be a book signing on October 2nd at Borders in Flemington.

The Township Committee congratulated the Historical Society on their success.

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE Vice Chairman Dick Ginman was present.

1) Scibilia Property, B. 11/L. 37: Request for Assistance from Township Attorney on Answering Subordination Question from Bank (See 9/1 Memo from Judy Conard).

Mr. Ginman commented on issues with the property, and this is the last hurdle to recoup the state funding. Mr. Cushing explained at length that it was necessary for his firm to have the numbers of the mortgage loans in order to get any information or processing papers from the bank. Attorney Lori MacWilliam prepared a memo to Judy Conard outlining steps to discuss with Mr. Scibilia. Once the attorney has the account numbers, they can proceed. Mr. Ginman explained that Mr. Scibilia is anxious to proceed, and Mrs. Conard will take the lead. Mr. Cushing complimented Mrs. Conard on assisting Mr. Scibilia through this long process.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE:

1) 8/23 Letter from NJ Clean Energy re: Receipt of EECBG Rebate Program & 8/25 Report in NJ Biz re: First Municipality in State to Receive this Funding, and Installation Status Update: Mr. Matheny noted that Mayor Kneski first brought the NJ Clean Energy Funding to the Township's attention, and subsequently, the municipality was able to leverage EECBG funds with Direct Install Funds to have the \$70,000 work performed at no cost to the municipality.

Mayor Kneski referred to the NJ BPU 8/24/10 news release, reading a portion of it: "...East Amwell First New Jersey Municipality to Take Advantage of Energy Efficiency and Conservation Block Grant Rebates, East Amwell started the grant application process through NJCEP's Direct Install Program, which identified areas of improvements in energy efficiency including lighting and HVAC systems and programmable thermostats in the municipal building. Total project costs are estimated at \$71,916 and will be significantly offset by \$57,533 in NJCEP incentives. East Amwell then applied for an EECBG in the amount of \$14,383 to fully subsidize the remaining project costs. Once the upgrades are complete, the township will realize estimated annual utility savings of approximately \$10,800. These State and Federal incentives give all New Jersey municipalities an opportunity to take advantage of today's most energy efficient measures to reduce energy usage and save taxpayers' money, said NJBPU President Lee A. Solomon. I applaud East Amwell for taking a leadership role in clean energy and maximizing the available incentives." Mayor Kneski thanked Mr. Matheny and staff for their great work.

Mr. Tatsch asked about replacement of the HVAC; Mr. Matheny stated that the company is waiting for the equipment to arrive. It was noted that Renee Kiriluk-Hill from the Hunterdon County Democrat was in the audience, and she was previously given press releases on this and the Shared Services Agreement with the School.

2) Shares Services Kick Off Meeting with East Amwell Township School Representatives: Mr. Matheny spoke about the 8/31 kick-off meeting he had with School representatives Ed Stoloski, Judy Holladay, Norm Matthews, and East Amwell representatives Peter Kneski, Bob Kadezabek and two other men. Bob Kadezabek and Norm Matthews will work out details, and school representatives did come to the municipal building today to do some janitorial work. Mr. Tatsch asked about IT assistance from the school; Mr. Matheny thought that it might be limited to providing information to us on where to take our units for repair and providing minor help. Mr. Tatsch and Mayor Kneski both spoke favorably about the development of this agreement, which was being considered for a few years.

3) Refunding Bond Sale Update: Mrs. Luhrs told Mr. Matheny that the Township would be saving about \$20,000 per year with the refinance. The Township just received a check in the amount of \$13,024.02 for soft costs reimbursement, which will be put into the capital account. Mr. Matheny commended Jane Luhrs for all the work she did "to make this happen."

4) Rocktown Hill Road Traffic Activity: Mr. Matheny commented on correspondence from a resident on Rocktown Road about speeding on Rocktown Hill and Rocktown Roads, particularly with people who are using these roads as a shortcut to Route 31. The area is under West Amwell Township for enforcement, with East Amwell Township having a small stretch of the road. The speed trailer was recently used, and it was very effective in reducing speeds on the one side of the road; data indicated that there was not much speeding. Mr. Matheny concluded that it was appropriate to ask West Amwell Township for enforcement and to use the speed trailer also.

5) Close Out of Spring Hill Road Project: Engineer O'Neal indicates that the project is complete. Final figures will be provided to the Treasurer; state money will go directly to Montgomery Township (lead agency in the grant), and East Amwell will pay their final portion when figures are determined.

6) Recycling Committee Volunteers – Recycling at the 4H Fair: The Clerk reminded the governing body that this is the second year that East Amwell volunteers have taken responsibility for recycling at the County fair. Mr. Martin spoke about Environmental Commission and Recycling Committee involvement, including work done by Mike Petrus, to get the County to

agree to encourage recycling. The possibility of having Dumpsters at the fair next year was a possibility; this year, however, Mike Petrus brought all cardboard recycling back to the municipal grounds in time for the recycling depot. Committee members commended the volunteers for their initiatives, with Mr. Matheny concluding, "Hats off to Mike Petrus!"

7) Raritan Township-August 2010 Enforcement Monthly Report: There were over 70 summonses written in 18 hours of enforcement this month. Committee members commented on the public's enthusiasm for having the police presence, the assertiveness of officers in writing the summonses, new technology for electronic tickets as a time saving mechanism, and having "the word out" to commuters about the police presence. Mayor Kneski questioned whether the re-opening of Wertsville Road would have a reduced effect on tickets, i.e., commuters are speeding while using the detour; Mr. Tatsch commented on a different mix of drivers in summer months. Mr. Matheny advised that the police are frequenting the areas that the municipality requested, and there is presence on both county and local roads with opportunity to issue summonses to "plenty of violators."

8) Closing of Bridge E-163 (Wertsville Road): The work involves a culvert repair on Wertsville Road (between Route 202/31 and Route 179). A call from the County today indicates that the road will be closed on September 20 for five weeks. There will be no detours since it is a small stretch of road. The governing body asked that Mr. Matheny make sure that the County place a "No Through Traffic" sign on Route 202/31 South so people will not enter the jug handle and use the municipal lot to turn around.

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

NEW BUSINESS

SPECIAL AFFAIRS SOCIAL PERMITS FOR TWO EVENTS TO BE HELD AT THE RIDGE AT BACK BROOK FOR MIDLAND FOUNDATION AND HEALTH RESEARCH & EDUCATIONAL TRUST OF NJ Shelly Narducci, Business Manager of The Ridge, was present in the audience.

The governing body agreed that there was sufficient explanation at the August 19, 2010, meeting about the golf course special affairs permits, and they had no further questions about these permit applications.

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RESOLUTION #138-10

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 Special Permits for Social Affairs being granted to the following organizations from the New Jersey Division of Alcoholic Beverage Control for events to be held at The Ridge at Back Brook:

The Midland Foundation
P. O. Box 5026
North Branch, NJ 08876
October 4, 2010

Health Research & Educational Trust of NJ (HRET)
760 Alexander Road
Princeton, New Jersey 08543
October 12, 2010

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.

OPEN TO THE PUBLIC

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to open to the public for comments. There being no comments, motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

UNFINISHED BUSINESS, CONTINUED

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

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RESOLUTION #139 -10

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

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

WHEREAS, the governing body of the Township of East Amwell wishes to discuss litigation and 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. Martin, and it was carried unanimously to approve the resolution.

Executive session began at 9:06 p.m.

The regular session resumed at 9:30 p.m., and Mr. Cushing left the meeting at this time.

ADMINISTRATIVE REPORTS

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

Mrs. Cregar commented on the amount of paper used to prepare paper copies of the bill list, and Mr. Tatsch added the appropriations list. A request was made to ask the Treasurer to send the bill list electronically before the meetings and perhaps leave only a few paper copies for the Committee to share on the dais.

Mrs. Luhrs also provided a revenue report for August 2010 and the September 9, 2010 appropriation summary.

Treasurer's Resolutions:

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RESOLUTION #140-10

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

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

Applicant	Amount Refunded
Dennis Della Penta	\$25.00
Michael Mikulicz	\$25.00
Susan Robichaud	\$25.00

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.

TAX COLLECTOR HYLAND presented her monthly report but no resolutions.

COURT ADMINISTRATOR HOOVEN presented the court activity report.

DPW SUPERINTENDENT KADEZABEK presented the August activities report. Mr. Tatsch commented on the Department doing a lot of work.

CORRESPONDENCE

Mr. Tatsch provided information on the 8/18/10 Handex correspondence wherein a report was submitted to the NJ DEP requesting a "No Further Action Designation" for the municipal building. The report will be used in an attempt to convince the state that the contaminant levels are continuing to drop (benzene is currently 22 ppb). If the DEP agrees with the findings, the Township may be able to stop their sampling and save a few thousand dollars per year. The consultant believes that this is a reasonable request; however, the Township may not hear from the State for several months.

Some discussion took place about the request for a checklist to be completed for the State. The Treasurer has to certify the answers by October 1, and answers may be tied into the amount of state funding that will be provided next year. Comments included the fact that Frenchtown Borough refused to sign the checklist and sent an objection letter; municipal managers are not satisfied with the questionnaire, especially since there is no credit given for areas that do not apply in a municipality; Mr. Matheny commented on receiving a list of criteria that is arbitrary and should have been presented to the municipalities before-hand instead of with-holding funding based on the answers one provides now. The Clerk mentioned the new correspondence from the League this evening, which indicated that clarification would be forth-coming and municipalities would not be penalized for not answering non-applicable questions.

A recommendation was made to have the Treasurer and the Administrator fill out the questionnaire as a drill to see how the municipality ranks. If the ranking results in a loss of any funding, the Mayor will write a letter of objection to submit with the checklist.

ADJOURNMENT

There being no further business, a motion was made by Deputy Mayor Lenox, seconded by Mr. Martin, and it was carried unanimously to adjourn the meeting at 9:43 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk

DRAFT MINUTES - NOT YET APPROVED