

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor C. Larry Tatsch, Deputy Mayor Patricia Cregar, and Committee members Linda Lenox, Peter Kneski, and Tim Mathews. 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 2, 2011, and a meeting notice published in the Hunterdon County Democrat issue of January 6, 2011. 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 9, 2011.

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

AGENDA REVIEW

Under New Business, three amusement game applications (Donna Cooke) will be added for the up-coming 4H Fair.

ANNOUNCEMENTS

Hunterdon County Office of the County Engineer will hold a public information meeting on August 17, 2011, between the hours of 6 p.m. - 7:30 p.m. at the East Amwell Municipal Building on the Resurfacing and Sidewalk Construction Project for County Route 579 and County Route 602 in Ringoes. Plans are on line at www.eastamwelltownship.com or in the Clerk's Office. Mayor Tatsch added that the Township received a grant for \$180,000 from the state for the project.

Municipal Offices will be closed on Monday, September 5, 2011, in observance of Labor Day.

Good Will Industries will be on site during the October 1, 2011, Recycling Depot on the Municipal Lot from 8 a.m. - 11 a.m.

Hunterdon County Utilities Authority will hold a computer and electronic collection day on Saturday, October 8, 2011, from 9 a.m. - 1 p.m. at the County Complex at 314 Highway 12, Flemington. Contact hcua@co.hunterdon.nj.us for details.

APPROVAL OF MINUTES

July 14, 2011, Regular Minutes were approved on a motion by Ms. Lenox, seconded by Mr. Kneski, and carried with one abstention, Mayor Tatsch, with the following corrections: page 3, under Sourland Alliance, last paragraph, last line, add after "safety perspective," "Mr. Mathews is in support of hunting although the document suggests otherwise." page 5, typo in second to last paragraph; page 6, under Block 38/Lot 3, second paragraph, line three, change "Mountain" to "Rileyville"; page 6, under Municipal Building Façade, line five, add new third sentence, "Deputy Mayor Cregar felt that the work should proceed since there was money in the capital budget to do so."

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

Mayor Tatsch said that any comments on tree harvesting should be held until the item is discussed on tonight's agenda, and he would open to the public at that time.

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

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS – None

SPECIAL DISCUSSIONS**PRESENTATION BY MEMBERS OF HUNTERDON AREA RURAL TRANSIT (HART) REGARDING THE CREATION OF A RAIL TRAIL (See 8/3 Email from Mayor Tatsch)**

HART Representatives John Stevenson (Coordinator of Community Bicycle & Pedestrian Safety Programs) and Tara Shepherd (Executive Director) were present.

Mayor Tatsch stated that the concept of a rail trail came up at a brainstorming meeting earlier in the year. He explained that the Township would not take ownership in anyway; there is an unused section of track for the Black River and Western railroad between East Amwell and Lambertville, and a large joint effort between federal, county, state, and municipal government would be necessary. He further explained that Dick Ginman spoke with Green Acres about the property, and there had been some preliminary attempts for an arrangement already and future contact may also be made.

Mayor Tatsch was looking for a consensus of the governing body to proceed by contacting Mayors in Delaware Township, West Amwell Township, and the City of Lambertville for their concurrence also. After that, the property owner will be contacted to explore options, such as acquiring an easement rather than purchase of land. Mayor Tatsch then contacted John Stevenson to discuss interest in the project, and John did a site visit, walking the rights-of-way through over-growth of brush. A PowerPoint presentation was prepared for tonight.

Tara Shepherd, Executive Director of HART, introduced herself and gave a brief overview of the goals of the non-profit organization to encourage van pooling, bicycling, and other initiatives with a majority of funding through the federal transportation money. John Stevenson came to HART last summer in the Community Bicycle and Pedestrian Safety Division, and he will provide information on his site visit.

Mr. Stevenson provided the presentation, including the following information: the line runs from Lambertville through Ringoes and up to Belvidere; the segment from Ringoes to Lambertville hasn't been used in 15 years since there are 1-2 bridges in disrepair and not strong enough to hold trains (and there is no funding for repair); the proposed rail trail would increase traffic to the Holcombe-Jimison Farmstead Museum in Lambertville and would tie into Clawson Park in Ringoes; the site visit showed numerous bridges, some of them in total disrepair that would be cost prohibitive to fix; while the area is quite scenic, it is quite overgrown and there is a lot of railroad tie damage; there was a grant to Black River and Western Railroad in 2008 for \$385,000 to repair a portion of the rails in Three Bridges; there are some preserved farms along the lines and it runs in proximity to Alexauken Creek.

Ms. Shepherd said that they would be calling Kean Burenga of Black River and Western Railroad after Labor Day to determine his interest. She stated that HART would be able to assist the municipalities with planning or help to look for funding or letters of support, and she asked that HART be considered as a resource.

Mayor Tatsch felt that Green Acres would be a good connection also.

Dick Ginman spoke about possible Green Acres involvement and the need to get the property owner on board. He mentioned Green Acres funding for rail rights from Phillipsburg to Milford as an example. Mr. Ginman also mentioned the right of way in the area, which belongs to Mr. Scibilia (not Princeton Hydro), and he mentioned specific right of way easement widths in West Amwell and Lambertville, stating that in some areas place the trails could run adjacent to the rails. Finding resources is important; having the neighboring communities involved and getting Mr. Burenga's interested are also important. Mr. Ginman referenced the Columbia Trail as an example of a scenic area for recreational use.

Mayor Tatsch felt that the creation of the trail may benefit businesses in Ringoes also, i.e., attracting the type of businesses suitable for the area, and it may do the same for Lambertville. The governing body had no questions for Ms. Shepherd or Mr. Stevenson, but a suggestion was made that Mr. Stevenson may want to meet with other municipal Mayors at some point.

Mayor Tatsch asked for consensus from the governing body members that he should reach out to the other municipalities about the prospect of the rail trail, and there was one.

The Committee thanked HART for their presentation.

SPECIAL COMMITTEE REPORTS - None

STANDING COMMITTEE REPORTS

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE Administrator Judy Conard and Vice Chairman Dick Ginman were present at this time.

1) Hunterdon Land Trust Funding & Easements on Drift, B. 27?133 & Estate of Hazel Harrison (See 7/27/11 Memo from J. Conard): Mrs. Conard explained the letter from Hunterdon Land Trust Alliance (HLTA) about the \$72,000+ grant from Duke Foundation towards the purchase of the Drift easement and problems associated with having the property close because of subordination problems with Wells Fargo Bank. The owner may not be able to make the September 15 deadline for use of funding, and HLTA would like to use the funds towards the acquisition of the Hazel Harrison property, which qualifies for the funding. HLTA would then like the municipality to pay the same amount towards the Drift property when it closes. CFO Judie McGrorey saw no problem with holding this money in a reserve. Mr. Mathews asked about facilitating the closing with Drift if the Township uses the funding on the other parcel; Mrs. Conard said that the problem would still exist, explaining that the problem is that Wells Fargo does not provide the specific paperwork that SADC requires for subordinations. By locking the grant funding for the other property, the Township will not lose the money. Mrs. Conard reminded the governing body that they agreed earlier in the year to participate in the acquisition of the Drift property, spelling out specific details. The Harrison property was obtained using bond funds from the 1990's. Mr. Mathews asked if the agreement could be "non-open-ended," i.e., would the money have to be held forever. Mrs. Conard answered that it was not definite, and HLTA asked to re-program the money. Mr. Drift was given an extension until September 2011 to proceed, but it is unclear whether he will be able to or not.

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RESOLUTION #119-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize Hunterdon Land Trust Alliance to redirect Duke Foundation funding in the amount of \$72,681.60 from the Drift property (B. 27/L. 33) to the Estate of Hazel Harrison property (B.31/L. 10 & 4), and the Township further agrees to apply an equal amount of funding to the Drift property closing when it occurs.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Ms. Lenox, seconded by Mr. Kneski, and it was carried unanimously to approve the resolution.

Mr. Cushing agreed with Mr. Mathews that it was a good idea to not leave the matter open ended. He recommended asking HTLA to provide, when they provide the check from Duke Foundation to the municipality, a letter listing the conditions of the fund, which will be mirrored in the trust account, with a time line for use of the funds for the Drift property.

2) Lang Property, B. 27/L.53 & 53.01: This item will be tabled until the executive session later in the evening under Unfinished Business.

HISTORIC PRESERVATION

1) Receipt of 8/1/11 Letter from Hunterdon County Open Space and Historic Trust Program re: Grant in the Amount of \$61,800 for Clawson House: Mayor Tatsch explained that

no conditions have been provided by the County yet, although the Historic Preservation Committee is already looking at options for siding and windows.

Mayor Tatsch recommended moving up the item on Tree Harvesting at this time.

UNFINISHED BUSINESS

TREE HARVESTING COMMITTEE

1) Tree Harvesting Committee Report & Resident Complaints about Harvesting on Stahl Property, B. 5/L. 1.06 & 2: Mayor Tatsch explained that he received phone calls about tree harvesting and on a Monday morning, he convened some members of the tree harvesting committee to discuss actions. He mentioned that further discussion will take place tonight, and it is not an easy subject, including the fact that farmers may have a right to cut down trees and the ordinance should be applied fairly as the Township moves ahead.

Mr. Mathews (who serves as a member of the tree harvesting committee) explained that the committee met a couple of weeks ago, with Bob Kadezabek (as Chair); member Frank Clair was absent. He explained that it was unclear how many trees were cut, the condition of the trees, and whether there was a violation. It was determined to be appropriate to send a letter to the property owner reminding him that an ordinance existed and the need to comply; there was no response. There were several more complaints regarding logging and road widening, and the Mayor called an emergency meeting of the tree harvesting committee, which Mr. Mathews participated in by phone. The conclusion was, on the advice of legal counsel, to send a letter suggesting a violation of the current ordinance. An enforcement date needed to be added and a recommendation that the property owner may want to check with the County Agricultural Advisory Board (CADB) was also added. The letter is on the agenda for discussion tonight; a question was raised as to who should sign the letter.

Diane Harrington, Boss Road, witnessed hearing trees falling all the time.

Mr. Cushing reviewed the letter, adding that the CADB may have a role in the process if the tree removal is a farm related activity; the property owner may have to proceed to the Board for a determination. Ms. Harrington believed that no trees would be left in place by that hearing. She mentioned that 8 acres of trees are gone already, and she questioned having an ordinance that could not be enforced. She was "heavy hearted...and time is of the essence."

Mayor Tatsch explained the Township Committee's concern also, noting that an ordinance and threat of prosecution usually stops activities, but not always. He agreed that moving ahead in a timely manner was important. Ms. Harrington asked about issuing a stop work order. Mr. Cushing said there is a "complicating factor" that farmers have certain rights under the right to farm law, i.e., farmers have certain rights that residents do not. Ms. Harrington said that the property owner had no crops; Mr. Cushing said that he may be farm assessed. Some comments were exchanged between the Mayor, the Attorney, and Ms. Harrington on farmland assessment. Mr. Kneski mentioned a letter sent to the property owner with no result; he asked about a second letter or an emergency court order to stop the harvesting until CADB made a determination; Mr. Cushing said that it would be expensive to get an injunction. He recommended the tree harvesting committee initiate a summons to be issued; the Township Committee could authorize the spending of funds. He also noted that the CADB would probably not hear the complaint for a month or two; Ms. Harrington urged prompt action now since 8 acres of trees are gone already.

Dart Sageser, 15 Welisewitz Road, commented on tree harvesting discussions at the Planning Board, the need to file a woodland management plan for wood lots, and if no woodland plan was on file, the right to farm issue was not germane. He suggested that the Board of Adjustment could delay its hearing until the issue is clear. Mr. Cushing said that the Board would have its own attorney, but there were certain time frames when action needed to be taken, and nothing in the Municipal Land Use Law would authorize such action against a landowner. Mr. Mathews spoke about the solar installation plan, stating that essentially the plan was started without approval. Mr. Cushing commented on the possibility of the property being a commercial farm, which could be determined by income.

John Seramba, 111 John Ringo Road, distributed pictures of the logging. He mentioned trucks from JCT Logging in Bangor, PA, hauling logs morning and afternoons from the property. He spoke about issues he had three years ago with moving 5,000 square feet of soil on his property and receiving a cease and desist notice, realizing he had no options. He did not believe that Mr. Stahl would respond to any letter sent to him and trees would be completely harvested by next week.

Mr. Cushing explained that the ordinance was structured to change enforcement from the Zoning Officer; it was not clear who enforces. Mr. Seramba felt that Mr. Stahl "was not a law abiding citizen" and spoke about removing soil at the end of a driveway easement. Mr. Cushing asked who took the pictures previously distributed; Mr. Seramba said his wife, and she would be willing to give testimony. Mr. Seramba spoke about a driveway widening, asking about a zoning officer visit on the property; the Mayor asked that the Clerk provide a copy of the Zoning Officer's email about the site visit to Mr. Seramba. Mr. Seramba commented negatively about Mr. Stahl's activities in a common easement; he believed all trees will be removed by next week.

Ted Harrington, 110 Boss Road, said that there would be 6 acres of tree stumps on the property soon. He further said that last September, he told the Zoning Officer about dirt being raised 8 feet on the property by heavy equipment. He believed that the property owner "does what he wants when he wants."

Dick Ginman, Mountain Road, suggested enforcement with the companies who are doing the work, who may be sensitive to the issue. Mr. Cushing said that this was a possibility and commented on the intent of notifying them about the permit process.

Ms. Harrington commented on permits to harvest trees and discussions about who would enforce; it was concluded that the tree harvesting committee would be the enforcing group.

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

Mayor Tatsch agreed that notifying the logging company would be appropriate, i.e., put them on notice that they may be in violation of the ordinance. It was recommended that the notice be faxed and delivered to them quickly. He asked Attorney Cushing about issuing a summons. Mr. Cushing said that procedurally, someone signs the complaint and the Court Administrator will issue a summons. There was testimony on record and the pictures of the site, so that the summons could be issued. The other issue is that the owner could go to the CADB for an interpretation, but that may take a long time. The tree harvesting committee, its chair, or another authorized person could sign the summons. Mr. Kneski asked how soon the harvesting would stop; Mr. Cushing said that the Judge could issue an injunction and a summons would not automatically mean that activities will cease. However, each day could be seen as a separate violation.

Mr. Mathews asked about having a concensus of the tree harvesting committee to sign the summons; it was agreed that the decision by the committee would not have to be unanimous. The tree harvesting committee should meet as soon as possible to authorize the Township Committee to proceed with the enforcement recommendation, i.e., to allow a summons to be issued with Mayor Tatsch signing it. Mr. Cushing commented on the tree harvesting ordinance being "a work in progress," and he agreed that the approach seemed a reasonable way to proceed.

Mayor Tatsch commented on the tree harvesting ordinance and the process in place. He would like to see the summons issued upon the recommendation of the tree harvesting committee and send a fax to the logger at the same time. Mr. Kneski agreed that both issues should be done in parallel, i.e., summons to the landowner and a letter and fax to the logger.

Mr. Mathews asked for an opinion from the Zoning Officer about his property inspection and whether there is a violation; the Clerk will contact the Zoning Officer about this.

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RESOLUTION #120-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby request that the tree harvesting committee be contacted to authorize the Township

Committee to write a summons to the landowner, Chris Stahl, and in conjunction the Township Clerk will fax to the logging company doing the harvesting a copy of the tree harvesting ordinance and note the violation on the property; if they do not cease their activities, which neighbors will provide input about, a summons will be immediately written for the logging company.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously to approve the resolution.

Ms. Harrington asked that action be taken quickly and she will let the Clerk know if tree harvesting continues. Mayor Tatsch thanked the attorney, the governing body, and residents for "an excellent approach to saving some trees."

(See Unfinished Business, Continued later in minutes for continued discussion on the tree harvesting committee.)

TOWNSHIP ADMINISTRATOR'S UPDATE:

1) Appointment of CFO and Staffing of Office: Early tonight the Township Committee entered executive session to meet the candidate for the position and discussed the memo prepared by Mr. Matheny. The synopsis was to hire Kathryn Monzo as the CFO. Mr. Matheny explained that since Mrs. Luhrs retired at the end of June, the Township has been in a shared services agreement with Tewksbury for up to 90 days only. Ms. Monzo has been CFO in Princeton Township for seven years, she is a certified Tax Collector in Hightstown, and has been CFO in Mansfield and in another area in the state. She has worked at the NJ DLGS and has state government experience. She will work 20 hours, with 10 hours in the building, i.e., Tuesday and Thursday nights from 5:30 p.m. - 8:00 p.m., and making up the difference on the weekend; she will also do work remotely via the internet; she is also familiar with the software used by the municipality. Mr. Matheny commented on Ms. Monzo's ability to do all the work of the CFO/Treasurer office in the 20 hours as a part time employee, and she will do the annual financial statement, which is usually done by the auditor.

Mr. Matheny mentioned office changes, noting that Ms. Monzo will be able to accomplish the work with the help of an Assistant Treasurer working 3 - 5 hours per week; therefore, the second Assistant Treasurer position of six hours a week will not be necessary and will be eliminated. The current CFO (Judie McGrorey) prepared an analysis showing the hiring options and financial implications.

Mr. Kneski recused himself from the discussions since he is a colleague of Ms. Monzo.

Mr. Mathews asked about evening and weekend office hours, particularly in the budgeting process when the CFO/Treasurer would need to meet with staff members. Mr. Matheny felt that the system will work, that most departments are not so large or complex to deal with, and that Ms. Monzo would be available by phone and come to meetings, when necessary. Mr. Mathews commented on the budget process with changes and modifications to budgets; Mr. Matheny explained that references confirmed that Ms. Monzo would "get the job done," regardless of hours. He also prepared a memorandum of understanding to outline the job requirements, which Ms. Monzo will endorse.

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RESOLUTION #121-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they do hereby appoint Kathryn Monzo as the CFO/Treasurer for the Township of East Amwell for a statutory four year term, according to N.J.S.A. 40A:9-140.10, for a twenty hour per week position with the job requirements outlined in the memorandum of understanding prepared by

the Township Administrator for signature. The position will commence the week of August 21, 2011.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and carried with four favorable votes.

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RESOLUTION #122-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby amend the 2011 Salary and Wage Ordinance as follows:

- Remove CFO/Treasurer Luhrs \$30,988
- Add CFO/Treasurer Monzo \$30,000 prorated for 2011

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried with four favorable votes.

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RESOLUTION #123-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby eliminate the position of a second Assistant Treasurer; and

BE IT FURTHER RESOLVED that they agree to provide two weeks notice with pay, effective August 12, 2011, to Assistant Treasurer Deborah Smith, who will be available by phone to the new CFO/Treasurer and not required to have office hours.

By Order of the Township Committee,

C. Larry Tatsch

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Mr. Matheny stated that the decision was not a reflection of the employee, noting that Ms. Smith was an "excellent employee"; however, it was a business decision since financial information should be accessed by the CFO/Treasurer and remaining staff.

Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried with four favorable votes.

Mr. Kneski returned to the dais at this time.

2) Additional Hours for Board of Health Secretary: Mr. Matheny reminded the governing body of staff changes when the previous Board of Health Secretary/Deputy Clerk left the state and the Board of Health position was cut to six hours from fifteen for both positions. The Chairman was reluctant at that time to cut the hours, but it was agreed since activities were slow at that time. An increase to ten hours is warranted at this time, and Acting CFO Judie McGrorey did an analysis to determine that the budget can handle the increase.

Mayor Tatsch mentioned some committees with under-funded secretarial budgets. He explained that the Board of Health is a judicial authority responsible for preparing ordinances, and

secretarial assistance is necessary for all legal aspects. The secretary is willing to put in the extra hours at this time. Mayor Tatsch commented that it was appropriate to increase hours at this time, although it is unclear whether hours would be cut back at some future point.

Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and it was carried unanimously to increase the Board of Health secretarial hours from six to ten hours.

3) Raritan Township July 2011 Police Report: The report showed 50 summonses in 17 hours of patrol. Mr. Matheny said that officers were sent to Rocktown Road for enforcement based on previous residential complaints. Mr. Kneski suggested patrol on Lindbergh Road, highlighting excessive speeds on the curved road; Mayor Tatsch agreed with surveillance at this location, and Mr. Matheny said that the DPW would agree.

4) Deer Carcasses: Mr. Mathews mentioned numerous deer carcasses and complaints from dozens of people in the Sourland area who are smelling decaying flesh. He researched chronic waste disease on the internet, a disease which causes deer to seek out water before they die. Mr. Mathews continued by saying that meat from the diseased animals is contaminated and dangerous to humans, and the carcasses in the woods are not related to hunting or car accidents. Mr. Matheny was asked to check with the Health Department and with NJ Fish and Game for further information and put something on the website about it.

RESOLUTION TO ENTER EXECUTIVE SESSION TO DISCUSSION FARMLAND ACQUISITION, PERSONNEL ISSUES, AND TO RECEIVE ADVICE FROM THE TOWNSHIP ATTORNEY

For the record, personnel issues were not discussed in this session. The memo about personnel issues (CFO staffing) was covered in the executive session at the 7:00 p.m. meeting.

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RESOLUTION #124-11

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 farmland acquisition and to receive advice from the Township Attorney; and

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

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

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Ms. Lenox, seconded by Mr. Kneski, and it was carried unanimously to approve the resolution.

Executive session began at 9:50 p.m.

The regular session resumed at 10:05 p.m.

FARMLAND PRESERVATION COMMITTEE, Continued

2) Lang Property, Block 27/Lots 53 & 53.01 (Refer to 8/5 Email from D & R Greenways):

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RESOLUTION #125-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the Farmland/Open Space Preservation Committee to approve an appropriation of up to \$3,000 for an appraisal for Lang property, Block 27/Lots 53 & 53.01, if contract negotiations warrant it.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried with one abstention, Mr. Mathews, on advice of counsel.

NEW BUSINESS

SOCIAL AFFAIRS PERMIT - ABC LICENSE FOR EVENT TO BE HELD ON STONY BROOK MEADOWS FARM, 82 STONY BROOK ROAD - See 8/9 Memo from Zoning Officer Present for this discussion were Laurie and Ann delCampo, property owners.

Attorney Cushing explained a request for an Alcoholic Beverage Control Social Affairs Permit for a benefit to be held at the delCampo property for Waldorf School Association of Princeton. The 65 guests will be served alcohol by a local vineyard, and meals will consist of local farm products (about 70 percent from the farm itself). The Zoning Officer has expressed some concern about it in terms of a commercial operation versus a farm. Mr. Cushing mentioned one point not in the legal opinion from his office, i.e., an ancillary use of a residential property, i.e., holding an event, such as a wedding or a political affair on the one's property. Mr. Cushing explained that the applicant (the School) met the criteria to be issued a social affairs license. The issue is whether it is a commercial farm or not, and the delCampos serving a dinner may not be a simple ancillary/accessory use to a resident.

Mr. Kneski read Section 110-3 of the Township Code, "...Agricultural use shall include the following activities but no be limited to them: ... Conducting agriculture related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm." Some comments were made about the parking issue, noting previous complaints from a neighbor triggered some concerns.

Mr. Cushing concluded that what was being proposed is in the scope of what the Township ordinance permits; he suggested that if it became a frequent occurrence, the delCampos should go to the CADB to get a determination. One of the concerns raised by the Zoning Officer was the proximity of the dinner to neighboring properties; there will be two tree rows between the event and the neighbors, and activities cannot be seen by immediate neighbors. The delCampos noted also that they have a lot of support from other neighbors in the area.

Mr. Mathews asked about the need for an ABC permit; Mr. Cushing explained that the event holders would be selling the beverages. Mayor Tatsch expressed support for innovative agricultural ideas, but noted the Zoning Officer's intention of citing the owners. Mr. Cushing suggested advising the Zoning Officer about the Township Committee's decision on the ABC license. He mentioned neighbor complaints, the advisability of getting a determination from the CADB if there is an issue (i.e., both sides would be heard), and the "reasonable" agricultural education program being proposed. Ann delCampo stated their interest in "communication and welcomed negotiations for everyone to win."

Mr. Cushing will reach out to the Zoning Officer to explain the Township Committee's decision that this is a reasonable use and see no issue at this time; there was a consensus of the governing body that this was appropriate.

Mr. Mathews suggested that the property owners should ask for donations rather than charge admission; Laurie delCampo explained the importance of covering overhead.

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RESOLUTION #126-11

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 Waldorf School Association of Princeton for an event to be held at Stony Brook Farm, 82 Stony Brook Road, Hopewell, New Jersey 08525 on Saturday, August 26, 2011.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

UNFINISHED BUSINESS, Continued

TREE HARVESTING COMMITTEE, Continued

Further discussion took place about the tree harvesting committee and the request from DPW Superintendent Kadezabek to be replaced as chair of the committee. Both Mayor Tatsch and Deputy Mayor Cregar believed that he was not the person to chair it. Mayor Tatsch suggested that the chair could relinquish his rights, by letter, to the committee who would appoint another in his place. Mr. Cushing did not feel that this was appropriate and suggested amending the ordinance to appoint the code enforcement officer to do it. Some discussion took place about a previous version of the ordinance with the Zoning Officer's unwillingness to enforce and relinquishment to the tree harvesting committee to enforce. Mr. Cushing agreed that more work had to be done on the ordinance, i.e., enforcement, applicability to farmland, property rights, etc.

The Committee exchanged comments about the ordinance and enforcement. Mr. Mathews reminded them that before elected, he understood that the Zoning Officer was not on board with the ordinance. Mr. Cushing commented on the need for objectivity to be an enforcer, and a Township Committee member should not enforce. The Zoning Officer should enforce, as part of his job responsibilities.

In the interim, the DPW Superintendent is chair of the tree harvesting committee until the ordinance is changed. There may be occasions when he will not be able to attend, and another member may be called upon to take charge. The Planning Board should be aware of the need to change the ordinance accordingly.

ADVICE FROM TOWNSHIP ATTORNEY ON OPRA REQUEST FOR STORMWATER MANAGEMENT COMMITTEE LEGAL OPINION

Mr. Cushing explained that the Clerk had an OPRA request for a legal opinion that his office prepared regarding the Stormwater Management Ad Hoc Committee. The letter was released in redacted form at that time it was written, and a requestor is now asking for an un-redacted copy. If the Township Committee waives their attorney-client privilege, the letter could be released in its entirety; however, the governing body agreed to keep privilege, and an un-redacted version will not be released.

Mr. Cushing left the meeting at 10:45 p.m.

RECEIPT OF 2010 AUDIT - CERTIFICATION AND RESOLUTION OF RECEIPT BY GOVERNING BODY

The Township Committee was given a copy of the audit at the July meeting and asked to review it.

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RESOLUTION # 127-11

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 2010 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, 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,

C. Larry Tatsch, Mayor

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

NJ DEPARTMENT OF TRANSPORTATION RESOLUTION TO AWARD CONTRACT TO MANNON EXCAVATING AND PAVING FOR DUTCH LANE PROJECT - see 8/2/11 email from Walt Wolf, Ferriero Engineering

While the governing body made the award at the July 2011 meeting for this project, the State of New Jersey asked for a language specific resolution to be approved, which was not available at the previous meeting.

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RESOLUTION #128-11
Form SA-22 11/98

BE IT RESOLVED that the Township of East Amwell hereby recommends to the New Jersey Department of Transportation that the contract for Dutch Lane Road Improvements in the Township of East Amwell, County of Hunterdon, be awarded to Mannon Excavating and Paving Co., Inc. whose bid amounted to \$230,029.00 subject to the approval of the Department. That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

Approved by the East Amwell Township Committee on July 14, 2011.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously to approve the resolution.

NEW BUSINESS, Continued

2011 BEST PRACTICES CHECKLIST FOR SUBMISSION BY SEPTEMBER 1, 2011

Acting CFO/Treasurer Judie McGrorey will submit the checklist to the State of New Jersey by the September 1, 2011, deadline, and the Clerk completed the form for submission. The Clerk must certify that the governing body reviewed the list at a public meeting, and there were some questions for the governing body to consider. On a question about considering the adoption of a pay to play ordinance, the Township Committee agreed that they would consider adoption of it, i.e., it pertains to contracts offered over the \$17,500 threshold but below the bid threshold. The Committee agreed that they would not require members to attend classes, although they were encouraged to do so.

Mr. Matheny asked if the governing body would be considering requests for proposals for professionals this year, noting that he did an informal survey last year, and professional service costs were in line with other municipalities. Mr. Mathews felt that it was good practice to put professionals on notice that their agreements were being considered and perhaps negotiated. Mr. Matheny explained that this was not an option in government, and he explained the request for proposals (RFP) option, which included having weighed criteria and criteria for hiring built in. Some committee members commented on continuing with the current professionals, stating the possibility of losing continuity if they are changed. Mr. Mathews commented on reserving the right not to execute agreements, and Mr. Matheny mentioned the time and costs involved in preparing RFPs. No changes will be made at this time.

4-H FAIR AMUSEMENT LICENSE APPLICATIONS FROM DONNA COOKE

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RESOLUTION #129-11

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 11-04; AG 11-05; AG-11-06

Donna Cooke, 41 Jerome Place, Wayne, NJ 07470
Hunterdon County 4H Fair/South County Park, 1207 Route 179,
Lambertville, NJ 08530
From August 24 through August 28, 2011, from 12:00 p.m. – 4:00 p.m.
And 5:00 p.m. – 10:00 p.m.
Shoot the Star Out; Spyro Water Gun Race; Fire-Fly Water Gun Race

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

OPEN TO THE PUBLIC

There being no members of the public present, motion by Ms. Lenox, seconded by Mr. Mathews, and it was carried to close to the public.

ADMINISTRATIVE REPORTS

CFO/TREASURER'S OFFICE

Bills of the evening and a statement of cash on hand were received. Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried unanimously to approve the bills of the evening.

Treasurer's Resolutions:

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RESOLUTION #130-11

WHEREAS, it has been determined by the Township Engineer of the Township of East Amwell that the following performance bonds 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(s):

Applicant(s)	Amount Refunded
Nextel/R. Stanzione, Esq.	\$3,996.00
Ringo's Rental	\$ 14.03
Amerada Hess	\$3,924.00
Three Kids Enterprises	\$ 105.75

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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RESOLUTION #131-11

WHEREAS, it has been determined by the Township Engineer of the Township of East Amwell that the following escrow funds 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(s)	Amount Refunded
Cellco Partnership/ R. Stanzione, Esq.	\$ 20.20
Ringoes Rental	\$246.84
Amerada Hess	\$206.80

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and carried unanimously to approve the resolutions.

TAX COLLECTOR HYLAND provided the July 2011 Report and no resolutions.

The Court and DPW July 2011 Reports were acknowledged with no comments.

CORRESPONDENCE

Mayor Tatsch asked for support of the resolution in remembrance of the 10th anniversary of 9/11 with a moment of silence at 1 p.m. on Saturday, September 11. Sirens will also be requested to ring at that time.

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RESOLUTION #132-11

East Amwell Township Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of the Township of East Amwell expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of East Amwell:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Township of East Amwell calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the Township of East Amwell encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Mr. Mathews, seconded by Ms. Lenox, and the resolution was approved unanimously.

ADJOURNMENT

There being no further business, motion by Ms. Lenox, seconded by Mr. Mathews, and it was carried unanimously to adjourn the meeting at 11:05 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk

