

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 October 12, 2011.

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

### **AGENDA REVIEW**

New Items of Correspondence include the following: 10/5 Governor's Letter regarding Program on October 26 for OEM Coordinators and Volunteers; 10/11 Resolution from Tewksbury re: Tree Clearing by JCP&L; 10/11 Letter from Township to NJ State Agriculture Secretary re: Scibilia Property; Letter from Mayor re: Hurricane and Power Failure; 10/11 Resolution from Kingwood re: OPRA.

### **ANNOUNCEMENTS**

A. FEMA Offices are still open at Hunterdon County Complex on Route 12 to register claims after Hurricane Irene.

B. General Election Day is Tuesday, November 8, 2011, from 6 a.m. to 8 p.m. All polls are located at the municipal building. Reminder: East Amwell Township's Legislative District has been changed from 23 to 15, and a sample ballot is on the Township's website.

C. Hunterdon County Utilities Authority will hold a hazardous waste clean-up day on Saturday, November 12 from 9 a.m. – 1 p.m. at the County Complex. Contact [ajohnson@co.hunterdon.nj.us](mailto:ajohnson@co.hunterdon.nj.us) or call 908-788-1110 for information.

D. There will be a Farmland Open Space Forum on October 26, 2011, at 7:30 p.m. at the municipal building on the topic of open space and recreation. The public is invited to attend.

E. There is also an Agricultural Advisory Forum on October 17, 2011, at 7 p.m. at the municipal building to discuss animal safety and installation of generators.

### **APPROVAL OF MINUTES**

September 8, 2011, Minutes (Regular) were approved on a motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried with three minor typing corrections on page 7 and 8.

October 5, 2011, Minutes (Special/JCP&L) were approved on a motion by Ms. Lenox, seconded by Mr. Kneski, and carried unanimously to approve with a correction to the minutes to include the statement from Mr. Mathews about requesting JCP&L to consider a reduction in resident bills to about 75% of the monthly total for time without power during the hurricane.

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

Andrea Bonette, 17 Ridge Road, offered a correction on the 9/8 minutes on the top of page 7 – the resident did not die at home. Mrs. Bonette also noted that there have been recent bear sightings on Ridge Road and Lindbergh Road, and it may be the same small black bear.

Mrs. Bonette spoke about attending a meeting last night and watching a movie entitled Gasland. She stated that more than 15 million people drink from the Delaware River, and she explained the crux of the movie about water being destroyed by gas drilling and fracking. There is a program at the War Memorial Theatre on November 21, at 10 a.m., and federal representatives will be present. She provided information to the Clerk about the issue, asking the governing body to take a stand.

Mayor Tatsch said that there was a resolution offered by Readington Township on the agenda, and the governing body might consider such a resolution when they review correspondence.

Ted Harrington, Boss Road, asked why there was a tree harvesting ordinance that could not be enforced by the Township while the court would accept a citizen complaint. Mayor Tatsch said that the attorney would be here soon, but explained that the way the ordinance was written, the Township Committee could not file complaints as public officials, nor could the Tree Harvesting Committee. He agreed that it was unfortunate, noting that this was the first tree harvesting case with complaints being made. The ordinance is currently being revised at the Planning Board, and the enforcement issue is being improved.

Mr. Harrington asked about clear cutting and moving earth unless there was a construction project. Mayor Tatsch explained that there are soil conservation regulations and stormwater management regulations, the latter for which there is an ordinance with oversight requirements; he explained further that the case Mr. Harrington was referring to did not trigger a disturbance requiring the Zoning Officer's involvement.

Mr. Harrington asked if there were different regulations for homeowners and farmers. Mayor Tatsch said that it would depend on the situation. Mr. Harrington continued by asking how many trees were too much, then stating that he went to the Planning Board and was advised to speak with the Township Committee about not being able to do anything about the tree clearing on the property. Mayor Tatsch explained that the enforcement section in the ordinance was flawed. Mr. Harrington stated that the farmer had no permits and cut down all the trees without recourse. Mayor Tatsch said it was a complex situation, i.e., a farmer has a right to use the land as he/she wishes, and in most cases, the County Agriculture Development Board (CADB) would waive any regulations the Township has if farmers cut for an agricultural reason. Mr. Harrington said that the farmer already made an application for a use other than farming, and he asked the Mayor why he thought the trees were removed. Mayor Tatsch explained that CADB does not look at the other application, which was not yet approved, only the fact that the property is a farm. He concluded that the farmer had farmland assessment, it is unclear how the development application will progress, and the Township cannot speculate.

Mrs. Bonette asked why there were no VIPS in the bins in the foyer; they are on the front counter of the Clerk's Office.

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

## **INTRODUCTION OF ORDINANCES – None**

## **SPECIAL DISCUSSIONS**

COMCAST QUARTERLY UPDATE Molly Adams, Government Affairs Manager, was present.

Ms. Adams explained that she was present for the quarterly meeting in compliance with the municipal agreement to listen to any questions from the public and governing body.

Mr. Kneski asked how Comcast fared after the last storm. Ms. Adams explained that in general in New Jersey, there was a lot of flood damage and trees tipping in northern and central New Jersey. Comcast provides service to 300 municipalities, and Comcast was out fairly early (preparing on Wednesday and Thursday before the event), using standby generators when

necessary. She explained that oft times, Comcast must wait until the electric company gives the go ahead if there are power problems involved.

Mr. Mathews spoke about generators strung on Linvale Road, complimenting the company. Ms. Adams explained the use of power supplies and mobile generators, and she will relay the compliment to the technicians. Mr. Mathews commented that reinforced poles may have been back-feeding residents with power. Ms. Adams explained that while the crews working on the generators are not electricians, they are all trained on proper safety protocol and adhere to set procedures.

Mayor Tatsch commented on Comcast lines still on the ground which could be vandalized on Lindbergh Road after the storm – he contacted Rob Clifton about this, and the request was forwarded to Ms. Adams who handed it off to their technical department for action.

The meeting was open to the public for comments.

Andrea Bonette, 17 Ridge Road, contributes to Channel 13 in New York and mentioned that the line up on the channel does not follow the program guide. Ms. Adams said that Comcast sends the signal, and whatever the station sends goes on the air; she guessed that the guide goes to print before the station decides what to put on the line up.

Sue Posselt, Cider Mill Road, said that the 800 channels are better than channels 2, 4, 7, etc. Ms. Adams explained that the 800s are for high definition (HD) channels. Ms. Posselt asked for an easy way to find the channels. Ms. Adams said that not everyone has HD televisions, and she suggested that Ms. Posselt program her remote to find her favorite channels. Ms. Adams provided a lengthy explanation on Comcast's being the biggest cable provider in New Jersey, the changes for smaller providers, such as RCN and Patriot, and the difficulties in standardizing line ups below the 100s. Ms. Posselt asked if there would be a change in the future, and Ms. Adams did not believe so. Ms. Posselt thought that she would try to build a list from the website, but believed that it would be difficult. Ms. Adams agreed to provide Ms. Posselt with a compact listing that she thought would help.

There were no further comments from the audience or the dais, and Ms. Adams was thanked for her assistance.

#### DISCUSSION WITH ZONING OFFICER RICHARD MCMANUS REGARDING PROPOSED FEES

Zoning Officer Richard McManus was present.

Mayor Tatsch recalled previous discussions about the basis for the fees with the Township Committee suggesting that Mr. McManus could help with the answers. Mr. McManus explained that the intent was to have the applicant pay for part of his salary and expenses, stating that it was "lots easier not to deal with fees and paperwork," noting that many other municipalities already charge such fees on the value of the development, e.g., a single family dwelling fees is more than a deck. He noted that many people would expect nominal fees. Mayor Tatsch understood the philosophy to be an attempt to recover costs of the Zoning Officer's salary for reviewing applications and zoning issues, i.e., a developer fee for services rendered and not being paid by the rest of township through taxation. Mr. McManus understood the law of fees to match up costs with fees in approximate and aggregate, mentioning the current system of higher Planning Board fees to cover the lower end of the fees. He felt that it was impossible to say how long a particular application took for review because of all the variables, including type of plan, sophistication of the applicant, education process, etc.

Mr. Kneski asked if some of the fees could be lowered. Ms. Lenox believed that the stormwater fee should be higher to help cover costs. Mr. McManus felt that there were very few stormwater reviews with most of them coming with subdivision or site plan applications and covered by escrow fees at that level. He believed that there were three separate applications in 2.5 years, and he was unaware of what the engineer charges on his end. He noted that turn-around time was quick with minor changes, and the developers had no problems.

Mr. Mathews asked about getting paid for delivering services. Mr. McManus suggested that this would not work unless the fee was "extraordinarily high." He explained that his work is beyond the document itself, i.e., to advise, educate, etc., and "not related to a unitary nature of a single

application.” Mr. Mathews asked if there were calculations of work done last year to determine what fees would have been collected. Mr. McManus did not calculate, stating that there were about 100-120 permits last year. He explained that there are different types, and it is hard to say how much time was spent on each, noting that sometimes, he is “thinking all the time if the problem is interesting....” Mr. Mathews asked if the current situation was fine; Mr. McManus said yes, that the high end land use applications are picking up costs for the low end.

Mayor Tatsch agreed that it was the nature of the job not to know who will show up. Mr. McManus liked if residents made preliminary inquiries before information was put on paper to correct or deny. He explained that he had very few denials over his four years, i.e., applications are amended rather than denied. Mayor Tatsch reiterated the need for discussions with residents whether or not they submit applications and the need for office hours even if no one comes in. Mr. McManus agreed that there were many conversations with residents “without putting anything on paper.”

Mr. Kneski summarized that the Zoning Officer position is more than just issuing permits, including interaction with residents, such as generalized discussions on permitted uses. The fees being proposed were only for specific permits and not meant to cover zoning officer costs 100%, but to help defray costs and to be paid by specific individuals using the zoning office services.

Mr. Mathews asked about paying permit fees already. Mr. McManus said that these fees would be for construction permits; he reminded the governing body that Raritan will not even consider permit applications for specific items, such as decks, unless there is an approved zoning permit. Mr. Mathews was advised that construction fees go to Raritan Township; if a zoning fee is collected, it would come to East Amwell.

Mayor Tatsch explained that the zoning office fee would be for review of only those applications requiring such review, i.e., only about 25 or 30% of all construction applications, i.e., those which would change the footprint of what is on the ground or a change of use, such as residential to commercial or a change from one to two family dwellings.

Mayor Tatsch asked what the governing body wished to do, i.e., defer, move ahead, or not introduce the fee ordinance. Deputy Mayor Cregar asked what the advantage would be; Mayor Tatsch said that the fee could be applied to next year’s budget. Mr. Matheny reminded the Township Committee that the state is mandating that municipalities provide health care “cafeteria plans” which the township must fund, and the Township should be looking for reasonable ways to help the budget.

Motion by Deputy Mayor Cregar to introduce the zoning officer fee ordinance in November. Mr. Kneski seconded the motion. Some discussion took place about the proposed amounts, doing some comparisons to other municipalities and looking for reasonable fees. Mr. Mathews said that he did not want to see any additional burden to tax payers at this time; Mayor Tatsch said that all taxpayers would be paying for the services if there was no fee set. The fees were acceptable, except that the stormwater management fee will be raised to \$75 and the single family dwelling fee would be reduced from \$150 to \$125.00 Deputy Mayor Cregar amended her motion with the new fees, and Ms. Lenox seconded by motion. The motion was carried with four affirmative votes and one no vote by Mr. Mathews.

## **SPECIAL COMMITTEE REPORTS**

### **CLAWSON PARK COMMITTEE UPDATE**

Deputy Mayor Cregar asked for clarification on ad hoc vs. advisory committees; it was explained that neither of them can spend money nor are subject to open public meeting requirements, including public noticing.

Deputy Mayor Cregar provided the following update: seven members attended and agreed that there would be spring and fall meetings going forth; there was a lot of discussion on the flower bed with no conclusion reached; the driveway near the flowerbed has large potholes that need repair – the DPW will fill with stone; trails are also in need of repair – the engineer will provide

options, and Mr. Matheny noted that they must adhere to specific stormwater regulations. Deputy Mayor Cregar thought that costs for options would be available by Spring.

**STANDING COMMITTEE REPORTS**

**FARMLAND/OPEN SPACE PRESERVATION**

1) Amendment to Green Acres Project Agreement (see 9/15 letter from State of NJ): The State of New Jersey agreed to increase the Township’s grant by \$330,000 to \$1,425,000. The Township maximizes the use of this fund by partnering with other entities, such as D & R Greenways, to minimize township costs. Green Acres is aware of East Amwell’s “frugal” and “serious” interest in preservation. It was further explained that the Township usually pays for soft costs and each project using the funds comes to the Township Committee for approval. Deputy Mayor Cregar commented on Green Acres being aware and supportive of East Amwell’s preservation efforts.

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**RESOLUTION #140-11**

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES ENABLING  
RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of East Amwell has previously obtained a grant of \$1,095,000 from the State to fund the following project: Open Space and Recreation Plan

WHEREAS, the State and the Township of East Amwell intends to increase Green Acres funding; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations, and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Township of East Amwell:

1. That Mayor C. Larry Tatsch or the successor to the office of Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$1,425,000; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$330,000; and
3. That in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar, seconded by Mr. Kneski, and carried unanimously by roll call voteto approve the resolution: Mr. Mathews, yes; Ms. Lenox, yes; Mr. Kneski, yes; Ms. Cregar, yes; Mr. Tatsch, yes.

2) 9/22 Receipt of Funding from Hunterdon Land Trust for H. Harrison Property: Mayor Tatsch said that this item was listed as information only, noting that the Township Committee will commit the same amount for Drift property, if warranted. It was explained that

they are facing the same problem as another property owner, the Scibilias, i.e., Wells Fargo Bank will not provide the state accepted language for a subordination, required by the NJ State Agriculture Development Committee (SADC). Mr. Drift is trying to acquire a mortgage with a different institution.

BOARD OF HEALTH

1) Resignation of Member Tim Martin, effective September 20, 2011: Mr. Martin’s email advises that he must resign his position immediately. Mayor Tatsch said that he worked with Mr. Martin for many years on the Board of Health, and “he was an excellent contributor...and responsible for the salt monitoring program,” explaining the program of monitoring about 9 residents for impact by salt use on roads. Mayor Tatsch said, “...it was a loss to the Board of Health and (he) would recommend accepting the resignation with regret, sending a letter of appreciation to Tim.” Motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried to accept the letter of resignation.

ENVIRONMENTAL COMMISSION

1) Resignation of Member and Chair Sue Parsons, effective Decembe 31, 2011: Mayor Tatsch expressed his sorrow at seeing Ms. Parsons, a long serving member of the Commission, leave. Her work on the conservation easement project and her work as Chair of the Committee were also mentioned. Motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously to accept Ms. Parsons’ resignation with regret, effective December 31, 2011.

HISTORIC PRESERVATION

1) 9/14 Receipt of Hunterdon County Open Space and Historic Preservation Trust Fund Grant Agreement for Signature: Chairwoman Barbara Sageser was present during this discussion.

Ms. Sageser explained a brief overview of work, noting that applications for assistance have been submitted in the past, and in January 2011 it was thought that some county funding might be available. The proposal was to work at keeping weather out, siding, roof repairs, and to look for donations for future renovations. Existing drawings were used to get a cost breakdown from a contract to install hardi-plank and windows at an estimate of \$61,800. The existing plans show a proposed two story dwelling and addition including a handi-capped accessible ramp in the back; using the drawings to anticipate additions, including the ramp, over the course of time is proposed. Ms. Sageser also mentioned future grant deadlines for next year

Mayor Tatsch summarized that having the architectural drawings will help in the planning process for future applications. Ms. Sageser spoke about phasing the rehabilitation process by category and preparing a schematic plan to go forth, looking for work that can be completed at smaller costs and making choices acceptable to the State Historic Preservation Office, which is something that the Historic Preservation Committee has been encouraged to do.

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**RESOLUTION #141-11**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the Mayor to sign the Historic Preservation Grant Agreement with the County of Hunterdon for the Exterior Reconstruction of the Clawson House, Block 14, Lot 15, with an amount of \$61,800 being provided by the County for work.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar and seconded by Mr. Kneski to approve the resolution to authorize the Mayor to sign the County's grant agreement.

Mr. Mathews asked about getting the money from the County and not doing anything with it. Ms. Sageser explained that the money granted was a small amount, i.e., X amount of money for siding and windows. There will have to be some architectural drawings prepared since the current drawings are for a two story house with an addition, and the intent is to side the existing house without the addition and put in windows with the intent of planning for the future.

Mayor Tatsch explained that the grant does not cover soft costs, such as architect specs for siding and windows, framing, etc. He explained that before going to bid for the work to be done, specs would have to be produced. He believed that Ms. Sageser was suggesting, as part of the process of specifying, that the process be thought out in phases in an effort to plan ahead for continued work on the house if future grants were received, e.g., to eliminate the need to rip down siding to put in windows or put on an addition, etc.

Ms. Sageser spoke about getting information from two architects and about "smart use of resources."

The motion to sign the grant application was approved unanimously.

## **PUBLIC HEARINGS**

### **THIRD AMENDMENT TO THE 2011 OPEN SPACE TRUST FUND FOR FUNDING FOR SOFT COSTS FOR CLAWSON HOUSE GRANT**

Mayor Tatsch reminded the governing body that they needed to amend the trust fund to accommodate the need for architectural and other soft costs expenses associated with the County grant for Clawson House. He asked Mr. Matheny to provide some information on the process of selecting the architect.

Mr. Matheny said that Ms. Sageser was "phenomenal" in getting information. He explained that since he was a Qualified Purchasing Agent (QPA), he can authorize work without quotes up to \$5,400 and the Township does not have to go out to bid until over \$36,000. He reminded the governing body of the need to pay prevailing wages.

Ms. Sageser spoke about the two architects contacted, i.e., Terry Golda, who did the original drawings, and Chris Pickell, who is active in Flemington and does small office buildings of character. Mr. Pickell offered positive feedback to the Historic Preservation Committee on use of the second floor of the house for offices and storage of the Quick Collection to maximize use of the building. She also explained that the Historic Preservation Committee recently applied for and received a mini grant to have the Quick Collection reviewed by the State under a CAPES program, and she provided details. Mr. Pickell sits on the Hunterdon Cultural and Historic Commission and is familiar with the history of architect in the United States, and he would be able to guide East Amwell in its work.

Mr. Mathews asked about the Quick Collection, and Mayor Tatsch explained the memorabilia purchased from former resident, Mr. Quick, years ago. Ms. Sageser further explained that a grant to re-do the Ringoes pamphlet was redirected to arranging for web service and upload of the Quick Collection, with member Jennie Floyd spearheading the project. The project includes producing digital records of various items, including 200 slides of fires in East Amwell and other items currently stored in boxes in the basement, making items accessible to the public for viewing. The Historic Committee found additional copies of the Ringoes pamphlet in the basement files and will copy and disseminate the existing information.

Ms. Sageser commented on it being difficult to phase in plans but felt it was a tremendous step in making progress on the house. She appreciated the Township Committee's support.

Mr. Matheny stated that \$7,500 was being authorized from the Open Space Trust Fund for the project.

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**RESOLUTION #142-11**

**Third Amendment to the 2011 Open Space Trust Hearing (10/13/11)**

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 2011 Open Space Trust Fund will be used for the following:

--	Development of Lands for Recreation and Conservation:		
	Recreation Fields	--	
\$ 36,000.00	Maintenance of Parks & Lands for Recreation and Conservation:		
	Clawson Park Maintenance	\$25,000.00	
	Soccer Field Maintenance	\$ 6,000.00	
	Recreation Fields Maintenance	\$ 5,000.00	
<del>\$ 435,000.00</del>	Acquisition of Farmland		
<del>\$ 450,000.00</del>			
<b>\$ 499,000.00</b>	<b>Down Payments</b>	<b>Adding</b>	<b>\$15,000.00 \$30,000</b>
	Soft Costs		<del>\$ 6,000.00</del> <b>\$40,000</b>
	Green Acre Acquisition		\$429,00.00
<del>\$1,000.00</del>	Historic Preservation		<del>-\$1,000.00</del>
<b>\$8,500.00</b>	<b>Soft Costs for Clawson House Rehabilitation</b>		<b>\$8,500.00</b>
	Other Expenses		--
<del>\$472,000.00</del>	TOTAL TRUST FUND APPROPRIATIONS		
<del>\$487,000.00</del>			
<del>\$536,000.00</del>			
<b><u>\$543,500.00</u></b>			

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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The meeting was open to the public for comments on the amended Open Space Trust Fund. There being no comments, motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried unanimously to close to the public.

Motion by Ms. Lenox and seconded by Deputy Mayor Cregar to approve the amendment to the Open Space Trust Fund. The motion was carried unanimously by roll call vote: Mr. Mathews, yes; Ms. Lenox, yes; Mr. Kneski, yes; Mrs. Cregar, yes; Mr. Tatsch, yes.

Mayor Tatsch commented on the "tremendous job Historic Preservation is doing," including obtaining partial grant funding for the Clawson House and moving ahead on obtaining other grants. He offered Ms. Sageser his appreciation, stating, "Please convey our thanks to the Historic Preservation Committee for their hard work." Ms. Sageser commended members Dave Harding and Kat Cannelongo for all their work on grants over the years, noting that this was a first success, and they have learned what to do to strengthen future applications.

Deputy Mayor Cregar suggested that Ms. Sageser write something for the VIP about the grant for the house.

**UNFINISHED BUSINESS**

**TOWNSHIP ADMINISTRATOR’S UPDATE**

1) Resolution for Submission of NJ DOT Grant for 2012 Municipal Aid (See 9/8/11 Minutes for Background): Mr. Matheny reminded the governing body that they agreed to have the engineer submit the application for the grant by the 9/23 deadline. The signed resolution must be submitted within 30 days of electronic grant submission.

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**RESOLUTION #143-11**

Resoltuion: Approval to submit a grant application and executive a grant contract w ith the New Jersey Department of Transportation for the East Amwell Township 2012 Road Improvement Program Project

NOW, THEREFORE, BE IT RSOLVED that Council of East Amwell Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-East Amwell Township-00387 to the New Jersey Department of Transportation on behalf of East Amwell Township.

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

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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

2) Summer Playground Ad Hoc Committee: Mr. Matheny said that he met with the three volunteers on the committee and conveyed the dilemmas of cost and operation, also mentioning concerns about staffing. A questionnaire, which Mr. Mathews helped to review, was sent out today to 300 parents of school children and responders will be tracked. The ad committee understood the Township's concerns; if there is no support for the program, they understand that the Township "might move past it." Mr. Mathews added that the survey is available electronically, and the ad hoc committee will analyze results.

3) Route 518 Update: The bridge on the Mercer County line was hit during the recent storm, and Hunterdon County will replace the bridge. There is a lot of concrete work involved, and it may be out for six months. There is a lot a traffic on Stony Brook and Linvale Roads now, and Raritan Township Police have been asked to patrol in the area.

Mayor Tatsch spoke about the bridge on Rileyville Road (Greenwood Avenue) - the bridge is ready, but there is an issue with lighting. Mr. Kneski deals with Mercer County Engineers and advised that lighting is provided by PSE&G and is not yet activated. Additional landscaping and striping is also needed, and he understands that the bridge will be open in a couple of weeks.

4) Dutch Lane Update: The overlay work provided by an NJ DOT grant (done by Mannon Paving) was completed by the deadline. An email concern was raised about ditches and lack of shoulders. DPW Superintendent Kadezabek advised that there were never any

shoulders on the road, and the DPW will ditch in the spring. Mayor Tatsch commented that the road "looks good and two cars can easily pass."

5) Request from County for Final Comments on Sidewalks in Ringoes Project: Discussion took place about the intended sidewalks around Dilts House, a future office development, where the developer wants to retain the trees. The Planning Board would not like to see the trees moved either (i.e., add character to the Village area). There have been conferences about this, and Tim Johnson (developer) and Ed Kopp (County Engineer's Office) recently conferred. The latest plan is to save the maple and remove the black walnut tree. The County is working on the plans and handling the process. Mr. Kneski spoke with the County Engineer's Office about soliciting comments from residents. The Clerk advised that only two people commented during the 30 day period after the County's meeting, and these comments were forwarded to the County.

6) Generator Proposal for Municipal Building: Mr. Matheny received a proposal from Rowe Electric for \$87,957 for the full building, including some outlets in each room and rewiring the building. He also looked into some grant funding after the storm, but the Township was not eligible. The figure will be used for the budget process, and other grants through FEMA may be looked for.

Mr. Mathews suggested installing a transfer switch and looking at Kohler to subscribe to get a generator when needed, i.e., if there was a risk in the Northeast corridor. The unit would be plugged in when necessary, and the subscription service fee and fuel would be the only cost. Mr. Mathews explained that this type of operation is used in corporate.

The cost for the generator alone in the Rowe proposal was \$46,000. Some comments were made about emergency management grants requiring a generator on site for application, and specific fuel requirements were mentioned. The proposal that was solicited was for budgeting purposes only. Mr. Mathews asked about using the proposal for future grant applications. Mr. Matheny agreed that it was helpful to have the information.

Mayor Tatsch suggested splitting circuits and going with a lesser unit as an alternative to consider. Mr. Matheny explained that the object is to have the building suitable for the Office of Emergency Management to operate, not to use the building for other uses. Mr. Mathews thought that \$15,000 would establish a good basis for a temporary installation.

7) 2011 Salary for Agricultural Advisory Secretary: Mr. Matheny explained small committee budget lines, and this was similar to the Historic Preservation issue raised at the last meeting. In Historic Preservation's case, there was money in the operating line item to transfer; there is minimal money in Ag Advisory's for a transfer. Administratively, the switch can be done; however, the governing body would have to determine if they would fund additional money for the secretarial expense. There is about \$54.00 left, which would cover the secretary for one more meeting (i.e., the Committee meets every other month). Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried unanimously to authorize moving ahead to cover secretary salary for another meeting, which may mean adding additional funding for the November meeting. A recommendation was made to be careful on time spent for minimal transfer. Mr. Matheny explained that the over-expenditure was no one's fault, and changes in chairmanship after budgets have been establish may sometimes be an issue; he explained that all committees "try to get a job done."

8) Municipal Court Contracts - Governing Body Approval to Sign: Two contracts were presented for the Delaware Township Joint Court and the Stockton Borough Shared Court. Delaware Township asked to add an additional point to the previous three year contract, clarifying that court security is provided by Delaware Township Police, and both East Amwell and Delaware pay 50% of the cost.

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**RESOLUTION #144-11**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby agree to execute a three year contract with Delaware Township for the Joint

Municipal Court for the term January 1, 2012 through December 31, 2014, a copy of which is attached to the original set of minutes.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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Motion by Ms. Lenox, seconded by Mr. Mathews, and carried unanimously to approve the Mayor's signature on the joint court contract.

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**RESOLUTION #145-11**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby agree to execute a three year contract with Delaware Township and Stockton Borough for the Shared Municipal Court for the term January 1, 2012 through December 31, 2014, a copy of which is attached to the original set of minutes.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar, seconded by Mr. Kneski, and carried unanimously to approve the Mayor's signature on the shared court contract.

Mr. Matheny explained that the Governor will be making a recommendation for the new municipal court judge soon, and it was unclear whether it would be an immediate appointment or a January appointment. Mr. Cushing explained that process of assignment for judgeship coverage.

9) CPWM Exemption (Certified Public Works Manager) - Application for Renewal: Mr. Matheny explained that the Township applied for and received an exemption to have a certified employee in 2006. The exemption was good for five years. Functions of the Department have not changed, and it was agreed to apply for another exemption. Mayor Tatsch commented favorably on the work of DPW Superintendent Bob Kadezabek, saying "he does an amazing job... (and gets) ... resident comments on the quality of work he does... and (he) appreciates his efforts."

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**RESOLUTION #146-11**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that the governing body hereby requests that the Director of the Division of Local Government Services allow an exemption to East Amwell Township from the requirement to appoint a Principal Public Works Manager; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of East Amwell respectfully submits to the Director of the Division of Local Government Services an application for municipal exemption based on the fact that East Amwell Township conducts minimal public works activity, as outlined in their application for exemption.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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

10) Employee POP and FSA Programs (State Mandated Programs for Insurance Costs): Mr. Matheny explained the state requirement to offer programs to employees for pre-tax dollars to be used for health care and other costs. He sat in on a meeting with HeartStone with set up costs of about \$1,000 and \$1000 to run the program for the 8 or 9 eligible employees. There are other companies, including Lincoln Financial, who run programs. A spreadsheet was prepared by Treasurer Monzo showing options for "Choice Strategies or OCA," and specifics about each program were mentioned. A resolution will be required by the governing body in November to implement a program. Mr. Matheny further explained that the FSA program could also include child care costs taken out pre-tax; employees would have to decide how much money they wanted to put into the program knowing that if they do not use the money they anticipate using, they lose it. It was also unclear about how many employees would take advantage of the programs. Action will be taken at the November meeting.

11) Raritan Township Police September 2011 Report: Summons are down, and Mr. Matheny felt that people are getting the message that there is police presence in the municipality and reducing speeds.

12) Rebate from Elizabethtown Gas: Mr. Matheny reported that the municipality was fortunate to receive a rebate check from Elizabethtown Gas for in excess of \$1,300 for the energy saving upgrades that the Township did to the municipal building using grant funding.

13) Fatal Accident in Ringoes: Mr. Matheny spoke to the State Police about the fatal accident in the village area. A 17 year old male hit a pedestrian in the crosswalk. A careless driving summons was issued, and there are three summonses still with the Prosecutor's Office. Mr. Matheny mentioned a possible citation that may be issued.

Mr. Matheny commented on getting the County and State to update the area and the Township placed signs in the road for everything to be in good condition; he stated that there was nothing else the Township could have done. Mayor Tatsch commented on the hard work in updating crosswalks and "it would have been a lot worse situation if we didn't have everything in place," including well-marked crosswalks.

#### OCTOBER 5, 2011 POWER OUTAGE MEETING AND UPDATE ON JCP&L

Mayor Tatsch said that it was appropriate to notify residents what happened after the storm and plans for the future, and he prepared a letter to be sent to the residents. He felt that it would help the residents to understand the problems and beneficial for good communication.

John Anderson from JCP&L sent an email today, which was copied for the Township Committee on the dais, and he expected a reliable report on matters by October 28. The subcommittee will meet thereafter. Mayor Tatsch highlighted some issues, including addressing issues on Lindbergh Road and setting up an alternate feed. There was an alternate feed on Ridge Road in the past that "fell to the wayside"; it will be re-established. The link for tariff information was made available, and a list of critical care people (four of them) was provided to the governing body. Other issues were read from the email: residential service problem at 531 Route 31; Rileyville and Saddle Shop Road pole being hit by cars; Wertsville and Rileyville Road pole is still split; broken stands in guy wires; restoration after Irene; ice and water availability.

Mr. Mathews said that his point about providing estimated bills, which he made at the previous meeting, i.e., during the month of August it affected about 75% of the utilization and bills were for the full month of August in September. He suggested estimating a 75% bill for about a quarter of the month, suggesting that the company will probably defer reading meters because of cost of mitigation, and still continue to send estimate bills; the public will end up subsidizing the business, which will not "get trued up until later." This item will be forwarded to John Anderson for JCP&L's consideration.

## OFFICE OF EMERGENCY MANAGEMENT

1) Development of an Incident/Emergency Response Committee and Subcommittee to Review Comments for BPU (per discussion at AAR meeting on October 4): Mayor Tatsch spoke about the meeting with the Office of Emergency Management, and he noted that Mr. Mathews prepared some good guidance and wrote up some suggestions. An ad hoc committee will be formed to review items developed from the AAR report and implement what is possible. Some items include better communication between the governing body and the residents and to escalate a response if an incident becomes lengthy, i.e., certain things to make life easier on residents after several days.

Mr. Mathews explained that the theory is as follows: OEM is designated for a particular level of an event. Since the past incident did not reach that level, it was "business as usual." The protocol will be developed for a response to a middle level event, including conference calls with the governing body, predefined tasks to be codified, and have a more active response in outages. With certain criteria, the state and county will be called in. Pre-established protocol will be developed, including communication controls for call in or call out availability to residents and use of web based solutions is also a goal. More accurate information, e.g., availability of CART service, will be put in place. He asked that the AAR information be included in the minutes for the record.

Mayor Tatsch felt that another function of this committee would be to work with JCP&L and be a liaison to the power company to deal with calls for persistent issues with power. He believed that the dual function of the ad hoc committee would be a good idea, to deal with a shorter term issue and a longer term issue of dealing with JCP&L and other utilities. Mr. Mathews agreed that it was a "great idea to incorporate folks who presented ideas" to the governing body.

Mayor Tatsch made the following recommendations for the ad hoc committee: the Mayor, whoever is in term; Mr. Mathews, Mr. Matheny, Charlie Soos representing OEM (or Gary Myers if Mr. Soos could not assist); two members of the public who spoke, i.e., Tamara or Greg Lee (who have had a number of problems with JCP&L) and Beth Kais (who had some real concerns). Mayor Tatsch felt that a small committee would be more appropriate.

Mr. Mathews agreed to participate but asked to be removed from his responsibilities of serving on the tree harvesting committee.

Motion to approve the creation of the ad hoc committee with the members noted above was approved on a motion by Ms. Lenox, seconded by Mr. Kneski, and carried unanimously.

Mr. Mathews asked about sending the letter to residents now or waiting until there is more concrete information after the meetings with JCP&L. Some discussion took place on this, with Mr. Mathews suggesting waiting until after November 9. Comments included having very upset people notified now; the fact that it may be construed as a political item; the need to provide important factual information, etc. Mr. Kneski thought it was important to send now, and he had no problem sending the letter now; Deputy Mayor agreed.

OCTOBER 5, 2011, MEMO FROM ZONING OFFICER RE: STONYBROOK MEADOWS FARM SAAMP, B. 41/L.40.05

Mayor Tatsch said that this was for information only.

DISCUSSION ON AN ORDINANCE FOR MONITORING UNDER-AGE ALCOHOLIC BEVERAGE USE ON PRIVATE PROPERTY - See June 2011 Letter from Hunterdon County Prosecutor

Mr. Matheny explained that this item was on an agenda a few months ago with no action taken. It would provide an advantage to state police to intercede if there was an underage activity taking place on private property (ages 18-20) - they cannot access the site unless there is another violation. He felt that it was a beneficial tool to use. Mr. Mathews asked why an ordinance was necessary. Mr. Cushing explained that having such an ordinance would keep the matter a

local violation in a non-criminal range and not a part of a person's permanent record. The prosecutor put the ordinance in place for municipal consideration, and it was noted that not all municipalities have chosen to adopt it. He also commented on problems with dealing with religious elements, i.e., some families from religious or other cultures serve alcohol to minors.

Mayor Tatsch concluded that the governing body had three options, do nothing; defer; take action to introduce the ordinance. Mr. Kneski would like to defer, stating that there are other rules out there and he was not in favor of regulating private homes. Ms. Lenox would not like to see any ordinance.

Mayor Tatsch asked if there have been problems with the underage drinking. Mr. Matheny said that the governing body would probably not hear about them.

Mayor Tatsch concluded that the material should be held for background information if there was an issue in the future. No action will be taken.

Deputy Mayor Cregar asked Mr. Cushing which municipalities did not adopt the ordinance. He relayed that Town of Clinton deferred, and he believed that Hampton Borough also did not adopt.

**NEW BUSINESS**

**RELEASE OF PERFORMANCE BOND/POSTING OF MAINTENANCE BOND - MANNON EXCAVATING COMPANY - LINDBERGH ROAD REPAIR PROJECT**

The Clerk explained that the maintenance bond is at the attorney's office for review, and she asked for authorization to release the performance bond upon satisfactory posting of the maintenance bond. Additionally, the check for release on the agenda tonight will be held until the maintenance bond is finalized.

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**RESOLUTION #147-11**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that, upon recommendation of the Township Engineer, they hereby approve the release of the performance bond for Mannon Excavating Company upon the satisfactory posting of a two year maintenance bond, approved by the Township Attorney and based on the company's agreement for the 2011 Lindbergh Road Repair Project.

By Order of the Township Committee,

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C. Larry Tatsch, Mayor

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

Mr. Cushing left the meeting at this time.

**OPEN TO THE PUBLIC**

Frances Gavigan, 123 Wertsville Road, spoke about a program on Monday night (October 15) at 7 p.m., i.e., the Agricultural Advisory Fall Forum. The topic will be emergency response. Rowe Electric will provide information on setting up generators with flip switches and safety issues. Karen Turner will speak about evacuations and protocols. County OEM Officer George Brandon will discuss CART (County Animal Rescue Team). Issues include responsibility, education, emphasis on moving forward, animal safety, establishing a volunteer network, etc. Ms. Gavigan is working on an inventory of farms based on the Tax Assessor's farm assessment list and also list of people with generators. She asked that the Township Committee be represented at the meeting on the 15<sup>th</sup>.

Ms. Gavigan asked about the reference to Stony Brook Farms earlier in the meeting. She participated in their event in August, which had a good attendance. Deputy Mayor Cregar handed her a copy of the information.

Dart Sageser, 15 Welisewitz Road, mentioned the emergency generator for the municipal building, noting many code implications contributing to the high price; he believed that a 125 kilowatt generator was too big, mentioning huge buildings that could be run by that size equipment.

Mr. Sageser spoke about a threshold level for zoning fees, suggesting \$250,000 or a single family dwelling. He spoke about his own experience going through zoning for an addition, and it was "a great job completed in two sessions." He believed that the threshold was the issue, and serious reviews should be compensated, e.g., solar applications, etc.

Mr. Sageser mentioned six months of working on the tree harvesting ordinance, including discussions with Bill Millet at the County Agriculture Development Board about rights under the right to farm laws. Any solar panel installation over 10 acres is out of farmland assessment; very sizable applications have a potential positive impact on commercial assessment.

Mayor Tatsch spoke about the generator, stating that if based on amperage on panels, the building's use is below that because of the energy efficiency materials being used, causing about 1/3 less power than five years ago. He said that it was appropriate to do an accurate assessment of what is being used. Mr. Matheny commented that Bob Rowe knows the municipal building and the proposal was based on that. The amount was only a budgetary number to use. If the intent was to reduce the scope, tracking all the lines was an issue and a number of decisions would need to be made on what should be functional during an emergency, e.g., air conditioning and lights for the OEM personnel.

Frances Gavigan commented on checking into a generator costing \$4,500 and "more for bells and whistles." She thought that a unit costing around \$8,500 would work for emergency air conditioning, lights, electronics, security, sump pump, etc. Identifying core elements should be part of the plan to determine what to utilize. She commented on being without power for 6 days. She also spoke about fees and thresholds, noting that the average homeowner is "cranky" about more government fees. She further mentioned that Karen Turner spoke with someone hired by JCP&L to do an inventory of poles.

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

## **ADMINISTRATIVE REPORTS**

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

TAX COLLECTOR HYLAND provided her monthly report

COURT ADMINISTRATOR HOOVEN provided her monthly report.

DPW SUPERINTENDENT KADEZABEK provided his monthly report.

## **CORRESPONDENCE**

The invitation from the Governor for a program for Emergency Management and responders on October 26 was mentioned. Mr. Mathews suggested inviting Marty Alexander (Amwell Valley Fire Company). He will be contacted about attending the program, along with Gary Myers and Charlie Soos. Mr. Mathews may also attend.

Mayor Tatsch mentioned a communication from Suffolk Wireless LLC regarding leasing land for communications networks. Mr. Matheny explained that such an opportunity would be considered a concession and would need to go out for bid; he thought that the letter was from a "scouting" company, not the providers themselves.

The resolution from Tewksbury Township regarding JCP&L cutting too many trees was mentioned, but no action was taken.

Discussion took place about the resolution adopted by Readington Township. In 2005 a law was passed to exempt companies hydro-fracking from complying with EPA regulations. The law did not take into account waste, pollution of air or water, including chemical fluids that may remain. Mayor Tatsch asked about supporting the resolution. Mr. Mathews stated that he would like more facts before voting on a resolution. A suggestion was made to defer, get more facts, and possibly bring up at a future meeting.

#### **ADJOURNMENT**

There being no further business, motion was made by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously to adjourn the meeting at 10:50 p.m.

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Teresa R. Stahl, RMC/CMC  
Municipal Clerk