

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 November 8, 2011.

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

AGENDA REVIEW

Under the Township Administrator's Report, add the 11/7 proposal from Engineer O'Neal for Clawson Park Drainage Review and Discussion on Removal of After-storm Vegetative Matter. Under Correspondence, add the 11/9 Letter from Mayor Tatsch to NJ Department of Agriculture Secretary Fisher re: Scibilia Property.

ANNOUNCEMENTS

Municipal Offices will be closed on the following days: November 11, 24, and 25, 2011

There are two regular Township Committee Meetings in December - 8th and 29th

Holiday Tree Lighting will take place on Saturday, December 10, at 4:30 p.m. at the municipal building.

Results from the November 8 General Election: Doreen Holley, 536; Janis Grover, 533; Patricia Cregar, 721; Dart Sageser, 684. Mayor Tatsch congratulated the newly elected officials.

APPROVAL OF MINUTES

October 13, 2011 Minutes were approved on a motion by Deputy Mayor Cregar, seconded by Mr. Kneski, and carried unanimously with the following corrections: on page 3, add the following sentence after sentence two: "Mr. Mathews commented that reinforced poles may have been back-feeding residents with power." On page three, a typo in line 14; page 3, paragraph two, line 1, change "and" to "which could be"; on page 8, second paragraph from end, add "yes."

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

Mayor Tatsch commented on the second power failure the residents experienced, noting an extensive discussion after the introduction of ordinances. He asked residents to hold comments on the topic until that portion of the meeting.

Glorianne Robbi, Lambertville-Hopewell Turnpike, (also Chair of FOSP/C) spoke about the celebration last week on the new grassland preserve on Cider Mill Road. She displayed a map of the area, adding the following comments: D & R Greenways is proposing a trail system through the 89 acres, it was a complete outright fee simple purchase. She provided anecdotal information about a proposal in 1979-80 to create a township road to allow traffic from Cider Mill to Rainbow Hill Road for enhanced development; she commented, "We've come along way." The Township's Green Acres funding, about \$400,000 was used for the purchase, matched 50% of the total from pollution funds that the State collects. No other Township monies were used for the purchase. She mentioned work done by previous D & R member Bill Rawlyk, along with a staff member of the County Park system who identified numbers of birds on the site, and negotiations with the owner occurred. The property is located at the S-curve on

Cider Mill and is open to the public even before the development of the trails. Mrs. Robbi mentioned a Monmouth poll taken, which showed strong support for farmland and open space, i.e., 65% polled supported protection of farmland, which was the same response in a 2000 poll.

Mrs. Robbi mentioned an agenda item, i.e., the letter from the State Agriculture Development Committee (SADC) regarding a road easement on Boss Road for the Jorgensen property. Rights to the 63 acre parcel have been purchased directly by SADC. She mentioned working locally with the owner a few years ago, but the state took over the acquisition because of its location near other agricultural land.

Mayor Tatsch referenced the Cider Mill property as an excellent bird habitat, mentioning "perfectly cued" blue heron, which flew over during the ceremony. He identified other types of wildlife seen during the event, stating (the property) ... "was an amazing site."

Sue Posselt, Cider Mill Road, mentioned her comments to the Comcast representative at the last meeting about easily converting line ups from the lower channels to the HD channels. She said that there was no easy way to convert them.

Richard Spiegel, Mountain Road, commented on an interesting article by Mr. Matheny in the Hunterdon County Democrat about a generator and transfer switch and asked where he got the information. He was advised that Mr. Matheny received a proposal from Rowe Electric to use for budgetary purposes. Mr. Spiegel did not believe that the Administrator should be discussing policy, which was the governing body's role. Mr. Spiegel questioned a note slipped by Mr. Cushing to Mr. Matheny; Mr. Cushing said that the note said, "Be patient." Mr. Spiegel explained his role while serving on the Township Committee during 2005 - 2007, stating that the topic of a generator was heavily discussed and he did a lot of work on the matter, which was resolved. He said that there were grant opportunities to obtain funding for a transfer switch, and the lowest quote he received was \$23,000 - the Township would then look at renting a generator and under the OEM, the Township would be able to get one in an emergency event as a first responder. Mr. Spiegel elaborated on the decision being made based on the fact that generators need to run each week and would cause a disturbance to the neighbors. Mr. Spiegel further commented on seeing the \$88,000 quote in the newspaper and the fact that there is a 220 panel in the basement that could be transferred to a 440 panel and \$23,000 would pay for a transfer switch to meet the Township's needs. He suggested that the Administrator do more research.

Mayor Tatsch explained that the proposal was obtained only as an estimate for budgetary consideration and the \$23,000 for a transfer switch was consistent with what was quoted by Rowe Electric. He explained that the Township was not intending to spend \$88,000 for a generator, and that Mr. Rowe previously offered to give an estimate for budgeting purposes, noting Mr. Rowe's familiarity with doing work in the building. Mayor Tatsch agreed that the rental suggestion was a good one, and no decision has been made yet.

Iona English, 9 Runyon Mill, questioned the 125 kilowatt system, providing knowledge of generators that she owns; this size system would produce a tremendous amount of electricity. She suggested seeking guidance from other installers and look at what the Township plans on running. She commented on providing information in a public domain such as a newspaper and causing hysteria. She felt that it unprofessional for the attorney to pass notes; Mr. Cushing explained that the public does not establish policy and that part of his role is to provide advice to the public officials. Ms. English concluded that more research should be done on what was needed for the municipal building and get other quotes.

Doreen Holley, 86 Stony Brook Road, congratulated the newly elected officials, stating that the EADA was great at getting votes. She asked for an apology from Mrs. Cregar and Mr. Sageser about a flyer sent out stating that she lied about speaking with Fred Brown; she said that she did speak with him. She approached Mrs. Cregar asking if she was aware of the literature (she was) or endorsed it, and Ms. Holley asked for a public apology for the lie. Mayor Tatsch said that this was a political matter and this was not the place for discussions about the matter.

Ms. Holley previously spoke with Mr. Cushing about a petition pertaining to power issues. She stated that some residents were without power for 10 days during the tropical storm and 8 days with the recent event. People on medical devices are first and livestock is second, and she believed JCP&L ignored the township. She put together a petition to restore societal benefits

for infrastructure. She explained that the funding was originally intended for restoration in the event of nuclear power issues for transformers, wires, etc., and in 1999, the money was used for "EDECA" and solar projects to use for grid stabilization for power companies. Governor Christie took these funds and put them into the general tax coffers. The petition asks BPU to restore these funds to address the infrastructure for the mountain.

Tim Mathews said that he would be speaking to the Township Committee as a resident and identified his address as 72 Linvale Road and congratulated Mrs. Cregar and Mr. Sageser, stating that he was not running for office. He mentioned Ordinance 11-03 introduced in January and passed in February as a preservation ordinance that he voted yes for. He stated that this was the only ordinance for preservation that was on the agenda which he has served on the Committee. He spoke about Ordinance 11-04, a bond ordinance voted on in February for which he voted no. Mr. Mathews mentioned an article in the Hunterdon County Democrat from Mrs. Cregar stating that he voted no on preservation ordinances. He believed that the article had two unfactual statements that address his integrity, and that he is a member of the Township Committee and he was not a candidate for office. Deputy Mayor Cregar said that a number of residents asked her if he was running since they received a letter from him. Mr. Mathews explained that he sent the letter because of literature sent by the EADA, one piece that read, "...Last year's candidate has voted against land preservation initiatives to protect farmland, natural resources and the Sourlands despite his campaign promise for preservation." Mr. Mathews mentioned a second letter with the names of Peter Kneski, Larry Tatsch, and Les Hamilton on it, which read "The Local Republican Party consistently blocks protective zoning ... and despite campaign promises in his first two months of office has voted against preservation." Mr. Mathews said that "he would expect a higher level of integrity in her next term" and stated that "he would be watching everything that the Township Committee in those chairs will be doing for the next two years."

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

Ms. Lenox asked Ms. Holley if she could sign the petition as a resident; Ms. Holley said yes.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

ORDINANCE 11-13 AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, SPECIFICALLY CHAPTER 75, FEES, TO INCLUDE FEES FOR ZONING OFFICER PERMIT REVIEWS FOR CONSTRUCTION AND FEES FOR STORMWATER MANAGEMENT REVIEWS, AND CHAPTER 6, CHARES FOR COPIES OF TOWNSHIP RECORDS

The proposed fees are being set for zoning officer review only to help defray costs; neighboring municipalities already have these types of fees in place. The copies fees will be consistent with state regulations.

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ORDINANCE 11-13

AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, SPECIFICALLY CHAPTER 75, FEES, TO INCLUDE FEES FOR ZONING OFFICER PERMIT REVIEWS FOR CONSTRUCTION AND FEES FOR STORMWATER MANAGEMENT REVIEWS, AND CHAPTER 6, CHARGES FOR COPIES OF TOWNSHIP RECORDS

BE IT ORDAINED by the Township Committee of the Township of East Amwell, that they hereby amend the Code of the Township of East Amwell, Chapter 75, Fees, as follows:

§ 75-1. Event fees. **Change heading to Event fees and miscellaneous fees**

Add under B. Miscellaneous fees

(6) Fee for Zoning Officer Review of Construction Permits:

(a) \$30 for decks, fences, sheds, finished basements, interior renovations, oil tanks, A/C units, wall and ground signs, and other accessory structures.

(b) \$50 for additions (residential and non-residential).

(c) \$125 for single family residential (new structure).

(d) \$75 for stormwater reviews sent to the Township Engineer.

BE IT FURTHER ORDAINED that Chapter 6, Charges for Copies of Township Records, be amended as follows:

§ 6-2. Basic charges.

Remove the second sentence: “Except as otherwise provided by law or regulation, the fee assessed for duplication of such government record embodied in the form of printed matter shall be the following: first to 10th page, \$0.75 per page; 11th to 20th page, \$0.50 per page; all pages over 20, \$0.25 per page.”

This ordinance shall take effect upon publication, according to law.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

Introduced: November 10, 2011

Adopted:

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Motion by Mr. Kneski and seconded by Ms. Lenox to introduce Ordinance 11-13. Mr. Mathews recalled the statement made by the Zoning Officer at a recent meeting that it was a lot easier not to deal with fees, asking what he meant. Mayor Tatsch mentioned that it is easier not to deal with fees and that other municipalities do charge them. The motion to introduce Ordinance 11-13 was carried with four affirmative votes and one no vote by Mr. Mathews.

The ordinance will be published in the November 17, 2011, issue of the Hunterdon County Democrat, and the public hearing will be on December 8, 2011, at the regular Township Committee meeting beginning at 7:30 p.m.

ORDINANCE 11-14 AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON

When the Township Committee discussed the best practices list from the State of New Jersey to receive state aid, this was one of the items that they agreed that they would consider. It is based on the model ordinance on the State's website, and many other municipalities have already adopted it. Mr. Cushing had an opportunity to review it prior to introduction.

Mr. Cushing explained that the ordinance is appropriate, and it would be up to the governing body to decide whether \$300 is an acceptable amount or change it. The \$300 is the figure suggested by the state. Mr. Mathews asked about clause D to exclude individuals - he believed that it should read Township Committee rather than Mayor. Mr. Cushing reminded the governing body that the language mirrors the state statutes on Pay to Play. The Clerk indicated that the ordinance formalizes the current in place practice of notifying professionals yearly that they are required to disclose contributions to the municipal candidates and political parties. It was also noted that election laws cover contributions.

Mr. Mathews questioned introducing the ordinance, stating it would be good to encourage compliance without an ordinance. The best practices checklist was discussed as a method of grading a municipality in conjunction with discretionary aid. The Clerk will research the checklist to determine if the Township still makes the mark to receive full aid even if they do not adopt this ordinance. The governing body agreed to table the ordinance for future consideration.

SPECIAL DISCUSSION

POWER OUTAGE ISSUES DURING RECENT SNOW STORM

Update on Conditions and Activities During October Snow Storm, Including Emergency Meeting Held on 10/30, Discussion on JCP&L Services, Attorney Suggested Actions, and Resolution for League of Municipalities: Mayor Tatsch explained the devastation with almost 1200 homes without electricity on the day after the storm. He spoke about gathering a group of people, including fire, rescue, and Township Committee representatives to take action to mitigate the situation, including declaring a state of emergency and letting JCP&L know (which did not make a difference). There was better communication, including messages on the website and on the municipal door and Township Committee presence in the building until 6 p.m. for a number of days, potable water available at Clawson Park, free showers at Retro Fitness Gym, and by Saturday, most electricity to homes was restored although there was some localized outages until Sunday or Monday. Mr. Cushing was asked for options that residents could pursue, i.e., switching from JCP&L, suits to recover expenses, etc. Mayor Tatsch spoke with a former BPU president who lives in the township, and she put him in touch with Ken Sheehan, the chief counsel for BPU, who provided some guidance but could not be present tonight.

Mr. Cushing explained that residents could sue JCP&L for damages, speaking about a decision in the appellate court in 2000, establishing the principle that they could be sued in court. There were two appellate cases around issues of whether you can have a class action suit and a counter action of financial resources to oppose it. The class action status would have to have very homogeneous class in the exact situation and not separate complaints, such as slow action, fallen trees, lines not maintained, etc. and there would be different classes of damages - he noted that there would have to be enormous damages for individuals to justify an expensive lawsuit. Class action hearings would be held in Superior court with many lawyers involved, and small claims awards could be sought by individuals with claims under \$3,000 at a cost of \$22.00 to file suit.

Mayor Tatsch asked Mr. Cushing his advice on whether the company would settle a certain amount of claims. Mr. Cushing could not predict, stating that huge defendants like to find test cases and determine how to proceed (i.e., settle, fight, etc.). In small claims court, it would have to be determined that JCP&L was guilty of wrong-doing or not - business decisions must be made, and lawyers would be involved.

Mr. Cushing explained another option of going to the BPU and petitioning them for relief, i.e., an informal petition by writing a letter stating the grievance or by formal petition with a fee of \$25.00 to file a specific form. If there is a non-power situation, they will "hound" the utility, but it is unclear whether BPU has any more success than an individual. If there is no power and they have complaints filed, they have an option to analyze to determine whether or not the utility has properly responded and provided resources. He referenced an example of Long Beach Island power outages with the BPU hiring experts to analyze infrastructure and ordering JCP&L to build more. A more extreme action would be for the municipality to create a utilities authority and supply power itself, providing an example of Madison doing this but not being productive.

A fourth option, which was most effective, was to reach groups who are customers and mobilize a group to act as a voice for all the people who have suffered, and fight with contributions per municipalities for a "war chest" to get the word of consumers out for JCP&L and BPU to come up with some relief. Mr. Mathews asked about a class action suit in civil court; Mr. Cushing said that there were specific rules for class actions that would not take place in civil court, i.e., the rights of the group against the rights of the corporation with a balance to be struck.

Mayor Tatsch spoke with Mr. Sheehan about the possibility of going to PSE&G. JCP&L would have to be willing to sell their infrastructure, including poles, lines, transformers, substations, etc. and if PSE&G felt that they were substandard, they may not want to purchase them. The Township may want to pursue this and see if there could be a hearing, but he reminded the Township Committee that what the residents were looking for was reliable power no matter who it came from.

Gary Myers, OEM Director, was in the audience during this discussion; he had no comments at this time.

Iiona English, Runyon Mill Road spoke about JCP&L's dealings with livestock, special needs and elderly people; she questioned what happened with people who assumed that they would be assisted since their names were on a list that did not seem to be on file anywhere. Ms. English was also concerned about low voltage electricity causing brown-outs. She felt that the Township should demand flow meters be used in the township to measure flow for several months. She commented on Jack Balint (a deceased resident and previous Township Committee member) having a flow meter in the past and flow "was all over the place." She believed that JCP&L equipment was "horrendous," there was a need for a task force to video all of their equipment in the township, and she believed that the company did not have the infrastructure to support the township's current needs. She felt that the company violated the trust of the people by not taking care of them during the recent emergencies, that the company should be made aware of the brown-outs and flickering happening all the time and the need to replace equipment because of the voltage issues. She believed that the rural area was not getting the service as other municipalities, and she suggested not paying estimated bills provided by the company in an effort to affect their cash flow as a means of getting their attention. She believed that JCP&L clearly violated what they are required to provide according to the BPU, and it is getting worse since First Energy took over because there is no physical presence in the state. She was scared and worried for the safety of residents, including special needs children and the elderly.

Mr. Cushing suggested listing the basis for a petition, e.g., for the livestock, there were certain steps that the company did not take, etc. He also spoke about the power variations, suggesting that more analysis should be done by experts and by metering, noting it would be valuable for the BPU to differentiate rural and other areas.

Mayor Tatsch commented on low power on the mountain in the 70's, as low as 105 volts, which he registered with a multi-meter; at that time the company did monitor and made changes. Mayor Tatsch stated that he has never heard that animals were on a priority list for the electric company, mentioning the County Animal Recovery Team (CART) as a good resource for residents, working with the OEM. He also mentioned that JCP&L representative John Anderson did provide a list of four names on the critical care list, which he checked on during the snow storm.

Mr. Mathews asked about the date for the assessment, mentioning the email from Mr. Anderson. Mayor Tatsch listed some changes on Lindbergh and Ridge regarding distribution and additional fuses, and he agreed that Mr. Anderson should stay on track with the assessment. The meeting with the ad hoc committee and Mr. Anderson is being set up.

Richard Spiegel, Mountain Road, commented on JCP&L violation of the tariff, mentioned that he tried to put in a claim and received a letter of denial very quickly. He suggested filing suit about violating the tariff and the burden of proof would be on the company. He also spoke about the infrastructure in the township, with response that it was 50-50 ownership between the electric company and the phone company. He suggested that the attorney prepare a resolution in East Amwell, working with the Mayor of Robbinsville, who already appealed to JCP&L to pay damages, elaborating on this. Mr. Spiegel also recommended that the BPU take over JCP&L and buy their infrastructure. He spoke about all utilities having tariffs and some tariffs include penalties - he asked Mr. Cushing about "favorite nation" tariffs.

Mayor Tatsch had contacted the Robbinsville Mayor, discussing the possibility of getting a critical mass aggrieved by JCP&L and work for changes through the BPU, e.g., getting a minimum of local crews in emergencies for better response time, etc.; the Mayor of Robbinsville is willing to help.

Mr. Cushing spoke about the potential for a lawsuit, suggesting filing a petition with the BPU, who can assist although they do not award damages. He said that petitions were an excellent idea, but do not expect an apology for not coming quickly. He suggested substantial complaints, such as a non-functioning substation, noting that it would be difficult to prove that the company could get power restoration in two days rather than seven days due to fallen trees.

Mr. Spiegel asked about a class action lawsuit, suggesting that information could be collected on computers and have towns ban together in greater scale. He also spoke about discussions he had with out-of-town workers who told him that they waited to work until power was shut down – this is handled differently in their states. He mentioned also that an out-of-town worker received a seat belt ticket during the event.

Frances Gavigan, 123 Wertsville Road, did not lose power during the storm; she said she was one of the four people on critical care list, commenting on providing Mr. Anderson information she received from JCP&L at a previous meeting and not getting a response from him. She spoke about gathering metrics on the power company's response to this event and the tropical storm and JCP&L's actions on known issues and then doing a comparison to look at patterns of outages. She spoke about the Agricultural Advisory Committee meeting when CART attended, noting that the municipality should be prepared and then go to the County for help. She also mentioned information on generators provided by Rowe Electric and reaching out to Hess to provide power to them so that residents would have access to gasoline. She mentioned that the local fire company has a tank for potable water for horses and mentioned that the Ag Advisory Committee is setting up a process to have residents email them to build an inventory of resources and those in need. She commented on providing JCP&L "an earful" about problems she and Russell Whitehead encountered during the tropical storm and also on receiving a denial letter for a claim she made with them. She commented on sending JCP&L citizen complaints, uploading them to Trenton and the media as well.

Doreen Holley, 86 Stony Brook Road, suggested working with the power company versus a lawsuit. She asked if the Township issued a cease and desist for cutting trees, mentioning costs could come to the residents. Mayor Tatsch explained past complaints about butchering trees and the Township working with JCP&L to do a careful job but never requesting them not to trim. Ms. Holley mentioned receiving a notification that there would be trimming done on November 1. Comments were also made about more damage during this storm than the tropical storm Irene and more widespread power outages.

Mr. Mathews spoke about pushing branches with plows, noting lots of branches being down and being too much for residents to handle themselves. He was concerned, especially with the mountain region, that this may cause a fire hazard well into the spring.

John Fisher, 109 Lindbergh Road, spoke about trimmers coming by a week before the storm but it didn't help much. He thanked the DPW members for all their work over the last week, particularly on his road and Ridge Road.

Gary Myers, OEM Coordinator, met with FEMA last Friday. There are two categories for Irene vegetative removal, i.e., 75% for labor only on over time for tree removal and equipment usage for over time and straight time. He suggested vegetative removal on weekends and keeping good documentation. Mr. Mathews asked about renting equipment; Mr. Myers said that the information does not say anything about that. There is also a category C for road systems to cover all straight and over time for repairs and equipment for road damage. Mr. Myers commented on "running a bond to hire outside contractors for vegetative cover removal and be reimbursed 75% for Irene." Mr. Mathews asked if this was for Irene or for the recent storm. Mr. Myers spoke about public health and welfare of the community and was unclear what would be covered for the recent storm.

Doreen Holley asked about the additional 25% in the budget for vegetative removal. It was explained that transfers in the budget could be made after November 1 and other line items would be considered. Mr. Matheny commented on the vehicle maintenance line being used and other issues, such as over time that has accumulated to reduce line balances. Ms. Holley asked what lines in the budget had surplus; she was told that there were some. Mr. Mathews asked how long the funding would be available for Irene, asking if it could be six months; Mr. Myers said that it would be "iffy."

Frances Gavigan suggested getting rental equipment and talking with George Wagner to have prisoners “lift and chop.” She also suggested having the public work with the township and community, and she and some others would be willing to help.

Maureen Myers asked about rate increases with JCP&L, commenting that low wattage is an important issue, but trees and downed lines are an "Act of God," and raising rates was not a good thing. Mayor Tatsch said that BPU Counsel Sheehan said that there were rumors about a rate increase, but there have been no formal applications from any utilities.

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

As an “fyi,” a resident called the office today to say that his home was without power again on 11/8/11 from 4:30 a.m. - 7:30 a.m.

Mayor Tatsch explained that there is a proposal for the up-coming League of Municipalities Convention to request that JCP&L change the way they operate to prioritize rural municipalities, i.e., urban areas have water and sewer, while rural areas operate on septic and well, which is a danger to health conditions. The League has the resolution for consideration, and it will be memorialized tonight.

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RESOLUTION #148-11

Resolution Urging the Board of Public Utilities to Require that Power Restoration for Areas with Well Water and Septic be Prioritized as a Critical Operation

WHEREAS, in August New Jersey was hit by Hurricane Irene, a large and powerful hurricane that left extensive flooding and wind damage along its path; and

WHEREAS, as a result of Hurricane Irene thousands of New Jersey residents were left without essential utility services; and

WHEREAS, the lengthy wait of electric restoration resulted in the Board of Public Utilities (BPU) holding public hearings to investigate and review thoroughly the conduct of all utilities and their parent companies during Hurricane Irene; and

WHEREAS, during those public hearings municipal officials learned that utilities restore power first to critical operations such as hospitals, then to areas in which the greatest number of customers continuing to all customers are restored; and

WHEREAS, residents again experienced a prolong wait for electric restoration following an unusual October snowfall; and

WHEREAS, in certain municipalities, generally rural, residents do not have public water and/or sewer but well water and septic systems which require electric to properly function and when power is lost the residents lose their water and sewer system creating a severe public health crisis; and

WHEREAS, those municipalities who have well water and septic may not be the most populated, however, the lost of electric power is critical as it creates a public health and welfare issue;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, hereby urges that the Board of Public Utilities promulgate regulations and policies to prioritize that areas serviced by well-water and septic be considered critical areas for restoration during power outages ; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the President and members of the Board of Public Utilities, the Commissioner of the Department of Health and

Senior Services, the Commissioner of Environmental Protection, the Lieutenant Governor and the Governor of State of New Jersey.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Mr. Kneski and seconded by Deputy Mayor Cregar to approve the resolution. Mr. Mathews asked to include livestock in the resolution. Mr. Kneski and Deputy Mayor Cregar amended their resolution, which was carried unanimously.

SPECIAL COMMITTEE REPORTS - None

STANDING COMMITTEE REPORTS

RECYCLING COMMITTEE

1) Resignation of Member Janelle Wilkinson: Ms. Wilkinson provided her email of 10/11/12, stating her reasons for resignation. Motion by Ms. Lenox, seconded by Mr. Kneski, and carried unanimously to accept her resignation with regret.

2) Appointment of Member Erica Johanson: Ms. Johanson previously served on the Recycling Committee and is willing to serve again. Chair Will Harrison has expressed his interest in having her appointed, and it was agreed by the governing body that there was no need to interview her again. Motion by Ms. Lenox, seconded by Mr. Kneski, and it was carried unanimously to appoint Erica Johanson to the vacated seat on the Recycling Committee.

RECREATION COMMITTEE

1) Resignation of Member Christine Rosikiewicz: Ms. Rosikiewicz sent an email dated 11/2/11 resigning as a member of the committee, effective December 31, 2011. Mayor Tatsch said that she has been an outstanding member, handling many activities, including the tree lighting event. Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and it was carried unanimously to accept the resignation with regret.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE

1) Removal of After-storm Vegetative Matter: Mr. Matheny explained that the DPW crew has been spending a lot of hours on removal. They've been working on Lindbergh and Ridge Roads, highly affected areas, and still working on the roads. DPW Superintendent Kadezabek got some estimates to help with clean-up, e.g., \$800 and \$1200 and one contractor cannot do the work for a month. Mr. Matheny is working with a local company to supplement the DPW work. The grit yard is open and a tub grinder will be used at some point. The last time the grinder was used, the cost was \$3,000, and the amount of material now is larger. The DPW will be going through the town to pick up debris from the storm as "a one shot deal," but it may take employees up to six weeks to do so. Mr. Mathews asked about hiring a temporary road crew to assist. Mr. Matheny explained that there were no chippers to rent.

Mayor Tatsch commented on being fair to all residents and figuring out how to notify residents; Mr. Mathews suggested a letter be sent to them. Mr. Kneski suggested setting up focus areas; Mr. Mathews suggested picking a road a week and notifying residents. Mayor Tatsch said all roads would be done, and a number of residents have already brought their brush to the grit yard.

Further comments were exchanged by the governing body and Mr. Matheny about the clean up with the following highlights: an additional crew will be used for about four days to work in designated areas; the mountain was a priority, particularly since trees were blocking road passage; a recommendation was made to have the DPW Superintendent work with the contractor to assign roads; notifying the residents was a matter of concern; the governing body discussed how much brush could be removed and specific size for brush removal; Mr. Matheny noted that the public must be patient since the scope of the operation was large; the possibility of getting reimbursement for expenses was mentioned; a question was raised as to whether the contractor was bonded and insured – Mr. Matheny said that the local company was legitimate. A recommendation was made to place a notice on the Township website, send information home via the school, and put signs on roads. Mr. Matheny will speak with the Treasurer about the additional expense of brush pick up and there was consensus of the governing body to authorize up to \$5,000 for the work.

2) Shared Services Agreement with East Amwell Township School: Mr. Matheny explained that the original agreement was approved last year and the proposed one is the same.

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RESOLUTION #149-11

ADDENDUM TO SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EAST AMWELL AND THE BOARD OF EDUCATION OF THE TOWNSHIP OF EAST AMWELL FOR VARIOUS SERVICES

THIS AGREEMENT, made this 15th day of November, 2011, by and between the East Amwell Board of Education, which has offices located at 43 Wertsville Road, Ringoes, NJ 08551 (hereinafter referred to as the “Board”) and the Township of East Amwell, which has offices located at 1070 Route 202, Ringoes, NJ 08551 (hereinafter referred to as the “Township”)

WITNESSETH:

WHEREAS, the Board and Township are parties to a Shared Services Agreement dated August 12, 2010 (hereinafter referred to as “the Agreement”), wherein the Township agreed to the sharing of services and manpower including winter snow plowing, grass cutting equipment, routine mower maintenance and minor repairs and access to truck(s) and or trailers and the Board agreed to mowing manpower, custodial services, information technology assistance and summer playground nursing services;

WHEREAS, the parties are desirous of memorializing changes to the Agreement;

NOW THEREFORE, it is hereby agreed by and between the parties that Paragraph 15 shall be amended to read as follows:

- 15. Term. This agreement shall become effective immediately, shall continue in effect through June 30, 2012, and shall automatically renew July 1, 2012 and each successive July 1 thereafter unless either party to this Agreement gives thirty days written notice of its intention to terminate its participation in the Agreement.

IT IS FURTHER AGREED, by and between the parties, that all other terms and conditions set forth in the Agreement and not specifically addressed in this Addendum shall remain in full force and effect.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

3) Request from SADC re: Road Right of Way on Boss Road for B. II/L3 (Jorgensen): The property is being preserved through a direct State acquisition, and they have asked the municipality about any potential rights of way that they may require. DPW Superintendent Kadezabek worked with Engineer O'Neal, and both agree that the current right of way is sufficient.

Motion by Mr. Kneski, seconded by Deputy Mayor Cregar, and it was carried unanimously to authorize the clerk to notify SADC that the current right of way is satisfactory.

Mr. Cushing left the meeting at 10:05 p.m.

4) Authorization and Signature for Change Order for Dutch Lane Road Repair: The change order on the project reflected the fact that the work was completed at a lesser cost than anticipated.

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RESOLUTION #150-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the Mayor to sign the Change Order for Dutch Lane, a copy of which is attached to the original set of minutes.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

+++++

Motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously.

5) POP/FSA Program: Mr. Matheny explained the state requirement to have a program in place for these benefits, i.e., the POP plan establishes a means to pay for medical benefits with pre-tax dollars, and the FSA (Flexible Spending Account) allows employees to set aside up to \$2,500 for co-pays, procedures, and medical costs per year as pre-tax dollars. Mr. Matheny provided details of the FSA plan, noting that employees pay the full amount over the course of the year. The Township pays only the administration costs, which are around \$1,000. The company provided a program for employees earlier today to explain options, and the governing body will be asked to endorse a resolution at the December 8 meeting.

6) Raritan Township October Police Report: The report showed 27 summonses written this month for 16-17 hours of patrol. There has been some appearance on Rocktown Hill, Snyderstown, and Wertsville Roads.

7) Proposal for Engineering & Surveying Services for Grading and Drainage Analysis-Clawson Park: Mr. Matheny explained that Deputy Mayor Cregar asked to have this matter discussed by the governing body. Engineer Dennis O'Neal submitted his November 7 proposal at a cost of \$3,500 to detail solutions for walking trail erosion, water going on to neighboring properties, driveway ruts, and stormwater issues. Deputy Mayor Cregar advised that the ad hoc committee has previously discussed the problems and are in support of correcting problems. Mr. Mathews asked if there were legacy issues or maintenance; Mr. Matheny said both, noting that the walkway is eroding and steeper inclines are developing and commenting on another engineer involved in the park development.

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RESOLUTION #151 -11

BE IT RESOLVED by the Township Committee of East Amwell that they hereby authorize the expenditure of funds to have the Township Engineer prepare a report on Clawson Park, based on his November 7, 2011, proposal, at a cost of \$3,500.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

+++++
Motion by Deputy Mayor Cregar and seconded by Mr. Kneski to approve the resolution. Mr. Kneski added that this matter was discussed a few years ago, and there was a concern about the safety and liability issues of the walking trails. Mr. Mathews suggested remediation of the problem by not having as many paths or limiting activity if the problem cannot be fixed, and the engineer should tell the governing body if this is the case. The motion was carried by unanimous vote.

(For the record, read the end of the Open to the Public comments below, wherein Mr. Mathews withdrew his support for this proposal.)

NEW BUSINESS

2012 REORGANIZATION DATE FOR TOWNSHIP COMMITTEE

The Township Committee discussed the matter briefly, with Deputy Mayor Cregar preferring January 1 and Mr. Mathews preferring not to hold it on the holiday because of family activities. Mr. Sageser, in the audience, agreed to have it on January 1. Motion was made by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried unanimously to hold reorganization on January 1 at 2 p.m., based on the availability of Attorney Cushing.

REQUEST FROM RUTGERS CYCLING FOR RACE ON MARCH 4 USING COUNTY AND LOCAL ROADS

A brief discussion took place about the proposed all day event, noting that some large bicycling events in the past have interfered with residents and farmers' use of the roads. A recommendation was made to ask the organizers to come to the next meeting to discuss the issues, including providing specific assurances that water bottles would not be left on the road and traffic would not be blocked. Mr. Mathews asked whether this was geo-tourism and whether a zoning permit should be required to review the plan.

OPEN TO THE PUBLIC

Iiona English, 9 Runyon Mill Road, explained that she devoted three years to the development of Clawson Park, working with engineers from Lord Worrell Richter, and the Township Committee at the time recommended that Dennis O'Neal review the work. She explained that Mr. O'Neal changed the drainage plans prepared by Lord Worrell Richter and four months of work was lost in redoing the plans for Mr. O'Neal's signature. These plans "flipped" the drainage locations, and she questioned paying the engineer again to look at problems created by his firm. She said that Mr. Matheny was not factual in his comment about another engineer involved in the park's development, noting that Mr. O'Neal was involved all along. She said that "we, as taxpayers paid Dennis for redesign which he had a final say on and everything was done as it should be, and he should not charge to review it." Ms. English commented on being overruled (when working on the park), that park and landscaping specialists were involved, that they had two Green Trusts to develop the park with a list of obligations to build and a lot of time and work involved, and Mr. O'Neal's firm wanted it flipped. She felt that Mr. O'Neal should look at the park "gratis" now, questioning paying him again for a park he redesigned that has drainage issues. She suggested that Mr. Matheny look at past bills and not make statements that Engineer O'Neal was not involved in the work. She felt that the problems with the lower retention basin toward Iron Horse were caused because of the way Mr. O'Neal wanted the park designed.

Ms. English spoke about her involvement in developing the park, working with the state in acquiring funding, and working extremely hard for years. She mentioned the deposition Mr. Matheny made that "she ran some numbers on the park" and was insulted by the comments, asking for an apology. She said that if the Township had to pay for her services, it would be

over \$500,000, noting her experience in developing office buildings and skyscrapers. She concluded that the drainage issues at the park were because of changes Mr. O'Neal required, and she did not want to see him paid again. She noted that she and former Township Committee member Jack Balint developed Clawson Park.

Ms. English also commented on a new East Amwell Township truck that did not have a seal on it, stating it violates an agreement made by a previous Township Committee that all trucks have seals on them.

Frances Gavigan, 123 Wertsville Road, said that as a follow up regarding blocking the berm from Seramba property onto Stahl's property, she had some digital photos of what he spoke about on the phone and distributed copies directly to the governing body members. She mentioned water backing up on the Seramba property and Swanzer property. Comments were made about work being done on the Stahl property done in conjunction with a Soil Conservation District plan. Ms. Gavigan elaborated on the photos and suggested an objective look at the facts and pictures.

Ms. Gavigan was a Friend of Clawson Park and can attest to being told things in a similar fashion (as mentioned by Ms. English). She also felt that the engineer should not be paid any more, suggesting looking at the files and seeing that the drainage issues near Iron Horse are caused by a property owner's failure to maintain a swale and berm. Mr. Mathews asked if this was Mr. O'Neal's opinion, and Ms. Gavigan said she did not know.

Kevin Ostrander, Old York Road, asked about the level of impact the new ordinance for zoning fees would have on him and construction plans. Mayor Tatsch explained that Raritan Township handles all construction issues now. Mr. Ostrander commented on taxes in New Jersey, fostering pride in the community, assessing another fee, and considering while moving forward to provide less burden on residents. Mayor Tatsch commented on being sensitive, but looking for new sources of revenue in light of state funding cuts, noting the new fee would be for services rendered and not pose an additional tax on property owners, i.e., a fair way to have people benefiting from the service paying a little more. Mr. Ostrander spoke about types of improvements that increase assessments, thereby providing revenue to the municipality; he did understand the need to balance the budget and taxes. Mayor Tatsch explained that other municipalities also charge zoning fees and the proposal is for a nominal fee to pay for services provided.

Mr. Ostrander also appreciated the mobilization with brush pick up (although he has already handled his brush), commenting on living in East Amwell for nine "very pleasurable" years.

Mr. Mathews commented on fees for offsetting costs for the Zoning Officer, noting that he is already paid a set amount.

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

Mr. Mathews asked to change his vote on the Clawson Park proposal, in light of comments made by the public, suggesting finding another engineer with an unbiased opinion. Mayor Tatsch commented that perhaps the changes Mr. O'Neal made in the development plans were beneficial and the original plans may have been worse.

The minutes will reflect that Mr. Mathews withdrew his support of paying the Township Engineer for a site review and work on Clawson Park.

ADMINISTRATIVE REPORTS

TREASURER MONZO provided a transfer resolution.

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RESOLUTION #152-11

WHEREAS, N. J.S.A 40A:4-58 permits appropriation transfers during the last two months of the current fiscal year between line items of the municipal budget, and

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following sums be transferred as follows:

	<u>From</u>	<u>To</u>
General Administration:		
Salaries & wages	650.00	
Financial Administration:		
Salaries & wages	9,000.00	
Historic Sites Committee:		
Other expenses	300.00	
Agricultural Advisory Commission:		
Other expenses	75.00	
Streets and Roads Maintenance:		
Salaries & wages	9,000.00	
Historic Sites Committee:		
Salaries & wages		300.00
Agricultural Advisory Commission:		
Salaries & wages		75.00
Employee Group Insurance:		
Other expenses		10,000.00
Uniform Fire Code:		
Salary & wage		500.00
Other expenses		150.00
Vehicle Maintenance:		
Other expenses		<u>8,000.00</u>
	<u>19,025.00</u>	<u>19,025.00</u>

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Motion by Deputy Mayor Cregar, seconded by Mr. Kneski, and it was carried unanimously.

Bills of the evening and a statement of cash were provided. Motion by Deputy Mayor Cregar and seconded by Ms. Lenox to pay the bills. Mr. Mathews asked about \$2,000 for postage; the clerk explained that money is expended periodically to replenish postage, and the cost for the recent storm mailing was around \$500 - 600. Mayor Tatsch reminded the Township Committee that he has never taken his annual salary as a justification to authorize the expense. Mr. Mathews also asked about money for 4H prizes - this is part of the requirements for keeping stormwater certification. The motion to pay the bills was unanimously approved.

Treasurer's Resolutions:

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RESOLUTION #153-11

RESOLUTION
FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION - NJS 40A:4-87

Certified to Director of the Division of Local Government Services

WHEREAS, NJS 4QA4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of East Amwell in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$61,800, which is now available from Hunterdon County

BE IT FURTHER RESOLVED that the like sum of \$61,800 is hereby appropriated under the caption Miscellaneous Revenues-Public and Private Revenues Offset with Appropriations: Hunterdon County Historic Preservation Grant-Clawson House; and

BE IT FURTHER RESOLVED that the above is a result of funds from Hunterdon County Open Space, Recreation, Farmland Preservation and Historic Trust Fund.

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.

All other administrative reports on the agenda were noted without comment.

CORRESPONDENCE

The Hunterdon County Solid Waste (SWAC) report will be on the next agenda.

ADJOURNMENT

There being no further business, motion by Mr. Kneski, seconded by Ms. Lenox, and it was carried unanimously to adjourn the meeting at 10:52 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk