

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 Peter Kneski, Linda F. Lenox and Tim Mathews. Township Administrator Timothy Matheny, CFO Jane Luhrs and Attorney Richard Cushing were also in attendance.

In compliance with the Open Public Meetings Act, Christine Rosikiewicz 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 January 11, 2011.

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

AGENDA REVIEW

There are seven additions under Correspondence:

1. E-mail from Richard Cushing, Subject: S-1/A-3447
2. 01/11 NJLM, Re: State of the State Address
3. 01/11 NJLM, Re: S-1 (COAH Reform Bill) Goes to Governor
4. 01/11 NJLM, Re: Legislative Recap
 - I. S-1451 Revisions to the Redevelopment Law
 - II. Bills Passed Both Houses
 - III. Other Bills Passed Senate
 - IV. Other Bill Passed Assembly
5. 1/12 NJLM, Re: League's Education Foundation Launches Mayor's Book Club
6. 01/11 TOWNSHIP OF WEST AMWELL: Subject: Ordinance 2, 2011-AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES
7. 01/13 COMCAST, Re: Channel Changes

Under Introduction of Ordinances, move the discussion of Thompson property, which is now under Farmland/Open Space, to take place prior to the introduction of Ordinance 11-03. Note that the name of Ordinance 11-03 is as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN INTEREST IN REAL PROPERTY KNOWN AS BLOCK 21, LOT 1 AND BLOCK 20, LOT 17.01 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$435,000.00 THEREFOR FROM THE OPEN SPACE TAX TRUST FUND, AND AUTHORIZING TRANSFER OF THE PROPERTY TO D&R GREENWAY LAND TRUST TO MAINTAIN THE PROPERTY AS OPEN SPACE.

Also, prior to introduction of Ordinance 11-03 there will be a temporary capital budget resolution and a Hearing on the 2011 Open Space Trust Fund. The Township Committee will also have a brief discussion on using the trust fund to hire a historic preservation professional to evaluate a house located on a preserved property prior to holding the public hearing on the Fund.

ANNOUNCEMENTS

- A. Municipal Offices will be closed on January 17, 2011, in observance of Martin Luther King Junior's Birthday.
- B. The East Amwell Township Committee encourages all interested residents to volunteer for available positions on boards and committees. Information forms are on the back table and are also available at www.eastamwelltownship.com. Emails of interest may also be sent to tstahl@eastamwelltownship.com.
- C. East Amwell Rabies Clinic will be held one day only on Saturday, January 22, 2011, from 1:00 – 4:00 p.m. at the municipal garage.
- D. Christmas Trees may be brought to the grit yard on John Ringo Road during the month of January. All trim should be removed from the trees.
- E. A reminder: The East Amwell Township Committee will hold their regularly scheduled meetings on the second Thursday of the month, and the next regular

meeting will be held on February 10, 2011, at 7:30 p.m.

Mayor Tatsch announced the passing of Mr. Joseph T. Sowsian. Mr. Sowsian passed away at the age of 80 on his birthday on January 2, 2011. He was a longtime farmer in East Amwell and will be greatly missed. Mayor Tatsch offered his condolences to Mr. Sowsian’s family.

APPROVAL OF MINUTES

- A. December 9, 2010 Executive Meeting Minutes: Mr. Kneski made a motion to approve the December 9, 2010 executive meeting minutes. Mrs. Cregar seconded the motion; all were in favor with Mr. Mathews abstaining. The December 9, 2010 executive meeting minutes were approved.
- B. January 2, 2011 Reorganization Meeting Minutes: Mr. Kneski made a motion to approve the reorganization meeting minutes; Ms. Lenox seconded the motion. All were in favor, the January 2, 2011 reorganizational meeting minutes were approved with one typographical correction; the name “Rocco” on page one.
- C. December 29, 2010 Regular Meeting Minutes: Mr. Kneski made a motion to approve the December 29, 2010 regular meeting minutes; Deputy Mayor Cregar seconded the motion. All were in favor, with Ms. Lenox and Mr. Mathews abstaining. The December 29, 2010 regular meeting minutes were approved.
- D. December 29, 2010 Executive Committee Meeting Minutes: Mr. Kneski made a motion to approve the December 29, 2010 executive meeting minutes, all were in favor, with Ms. Lenox and Mr. Mathews abstaining. The December 29, 2010 executive committee meeting minutes were approved.

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

Mayor Tatsch opened the meeting to the public. Seeing none a motion was made by Mr. Kneski to close to the public, seconded by Ms. Lenox. All were in favor; the meeting was closed to the public.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

- Public Hearings: None**
- Introduction of Ordinances**

A. ORDINANCE 11-01

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**TOWNSHIP OF EAST AMWELL
ORDINANCE 11-01**

An Amendment to the 2010 Salary and Wage Schedule

BE IT ORDAINED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, as follows:

SECTION ONE: The 2010 Salary and Wage Schedule shall be amended as follows:

Under Salaried:

Change COAH Municipal Housing Liaison Rate of Pay from \$7,946-8,694 to \$4,160-8,694.

BE IT FURTHER ORDAINED that this change is retroactive to January 1,2011.

PUBLISHED: January 20,2011 Issue of the Hunterdon County Democrat

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

Larry Tatsch, Mayor

Introduced:
Adopted:

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Mayor Tatsch explained that the township employs a COAH Liaison. Due to changes in COAH, and the possible elimination of COAH, the Township Committee believes this liaison will not be working as many hours this year as in previous years. The township worked with the COAH liaison to reduce the salary rate to make it consistent with the amount of work likely to occur this year.

Deputy Mayor Cregar made a motion to adopt Ordinance 11-01. Ms. Lenox seconded the motion.

- Mr. Peter Kneski: yes
- Deputy Mayor Patricia Cregar: yes
- Mayor C. Larry Tatsch: yes
- Ms. Linda Lenox: yes
- Mr. Tim Mathews: yes

This notice will be published in the January 20, 2011 issues of the Hunterdon County Democrat and the public hearing will be at the regular meeting of the Township Committee on February 10, 2011.

B. ORDINANCE 11-02

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TOWNSHIP OF EAST AMWELL
ORDINANCE 11-02

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF EAST AMWELL, SPECIFICALLY "ZONING, CHAPTER 92" OF THE GENERAL ORDINANCES OF THE TOWNSHIP.

Section I

CHAPTER 92 – Land Management, of the Ordinances of East Amwell Township, **ARTICLE III, Definition, §92-4. Terms Defined** is hereby amended and supplemented with the following new definitions:

SOLAR ENERGY SYSTEM is hereby deleted and replaced by the following definitions:

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE, MINOR - A fuel cell, solar or photovoltaic panel or system of panels for the collection of energy and conversion to electric energy, which is located on the power beneficiary's premises; is designed and intended primarily to offset up to 110% of the beneficiary's requirements for energy consumption on site as documented through the submission of power company electricity usage bills or another form of documentation acceptable to the East Amwell Township Zoning Officer; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or,

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE, MAJOR - A system of fuel cells, solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

Section II

CHAPTER 92 – Land Management, of the Ordinances of East Amwell Township, **ARTICLE VII, Zoning Provisions**, permitted “**Accessory uses**” and “**Conditional uses**” in §92-89.C and D, the Sourland Mountain District; §92-91.C and D, Amwell Valley Agricultural District; §92-94 C and D, the Residential District; §92-95 the Village District; §92-96 C and D, the Local Business District; and §92-97 C and D the Highway Office District are hereby amended and supplemented, by adding the following new subsections, as follows:

(Sourland Mountain District)

§92-89.C.

- (4) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-89.D.

- (6) Major solar or photovoltaic energy facilities or structures in accordance with §92-100 provided that total lot clearing is limited to no more than 30,000 square feet, as identified in §92-89.I.

(Amwell Valley Agricultural District)

§92-91.C. [amended as follows]

- (3) Windmills and similar devices that convert renewable wind ~~and solar~~ energy into usable energy sources
- (9) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-91.D.

- (7) Major solar or photovoltaic energy facilities or structures in accordance with §92-100.

(Residential)

§92-94.C.

- (3) Windmills and similar devices that convert renewable wind ~~and solar~~ energy into usable energy sources
- (7) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-94.D.

- (5) Major solar or photovoltaic energy facilities or structures in accordance with §92-100.

(Village District)

§92-95.C.

- (4) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-95.D.

- (3) Major solar or photovoltaic energy facilities or structures in accordance with §92-100.

(Local Business)

§92-96.C.

- (3) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-96.D.

- (3) Major solar or photovoltaic energy facilities or structures in accordance with §92-100.

(HO-Highway and Office District)

§92-97.C.

- (3) Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” above the edge of the roofline or above the highest point of the roof surface or structure.

§92-97.D.

- (2) Major solar or photovoltaic energy facilities or structures in accordance with §92-100.

Section III

CHAPTER 92 – Land Management, of the Ordinances of East Amwell Township, ARTICLE VII, is hereby amended and supplemented by adding the following new §92-100 “Conditional Use Standards for Major Solar or Photovoltaic Energy Facilities or Structures”:

§92-100 “Conditional Use Standards for Major Solar or Photovoltaic Energy Facilities or Structures”

A. The Township recognizes the importance of alternative and renewable energy sources to long-term environmental sustainability and that renewable energy sources are recognized by the State of New Jersey as inherently beneficial uses to the citizens of this State. The Township believes there needs to be a balance between the development of alternative energy systems and local land use goals to protect agricultural and natural resources of East Amwell Township.

B. All major solar or photovoltaic energy facility or structure installations shall comply with the following conditional use standards:

- (1) Major solar or photovoltaic energy facilities and structures shall conform to the requirements for a principal structure in the zone in which such facilities and structures are to be located, except at follows:

District	Minimum Lot			Minimum Yards			Maximum Building Height (feet)
	Area (Acres)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	
Sourland Mountain	20	500	500	150	150	100	10
Amwell Valley Agricultural Residential	20	400	400	150	150	100	10
Highway and Office	20	300	250	150	75	100	10
Local Business	20	150	150	50	50	50	10
Village	20	150	150	50	50	50	10

(2) No portion of major solar or photovoltaic energy facilities and structures shall occupy any areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas.

(3) Major solar and photovoltaic energy facilities and structures shall not be visible from the public view as defined in §92-4 and/or from historic resources, including districts, sites and buildings listed or eligible for listing on the State and National Registers of Historic Places. In order to accomplish the same:

- (a) Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.
 - (b) To the extent achievable, solar and photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
- (4) Major solar and photovoltaic energy facilities applicants shall submit a landscaping plan in accordance with §92-46 "Buffers and Landscaping". Facilities and structures, and any resulting glare, shall not be visible from adjoining residential uses or zones, and shall be screened by a combination of berm(s), landscaping and fencing. Safety fencing, or a barrier, shall be installed behind the required landscaping at a height of 7 feet, or as approved by the Township Engineer.
- (5) The preservation of agricultural activities and agriculturally viable soils is key to long-term farming in the Township, therefore, in the Amwell Valley Agricultural District:
 - a. no soil containing Prime Farmland and Farmlands of Statewide Significance as identified by the USDA Natural Resources Conservation Service shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and install equipment.
 - b. Any lands qualifying for farmland assessment may not exceed a ratio of 1 acre of coverage devoted to solar energy generation facilities, structures and equipment to 5 acres of land devoted to agricultural or horticultural operations.
- (6) Soil erosion control, soil stabilization. All ground areas occupied by the Major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization. Ground cover shall be maintained using mechanical means or through the planting of appropriate ground cover. The use of stone or herbicides for the ongoing maintenance of ground cover shall be prohibited.
- (7) A grading and drainage plan shall be submitted which shall show the existing and proposed grading and drainage patterns.
 - (a) A grading and drainage plan shall be submitted under the seal of a licensed professional engineer and shall provide the details necessary to adequately demonstrate to the reviewing agency engineer that no stormwater runoff or natural water shall be so diverted as to overload existing drainage systems, increase stormwater runoff to adjacent properties, or create flooding or the need for additional drainage structures on other private properties or public lands.
 - (b) Prior to issuance of a Certificate of Occupancy and/or placing the facility on-line, an as-built grading and drainage plan, prepared by a licensed professional surveyor shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.
- (8) A Maintenance Plan and Land Surface Management Plan shall be submitted for approval by the Township Planner, that sets forth provisions for the continuing maintenance of all solar panels and associated equipment and required plantings, including a schedule of specific maintenance activities to be conducted. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.

- (9) Major solar and photovoltaic energy facilities and structures and alternative energy systems shall not result in reflective glare as viewed from ground level on adjoining properties.
- (10) Sound levels from the energy system shall not exceed 40 dBA when measured from any site property line.
- (11) Solar Facility Impact Statement
- a. A solar facility impact statement shall be included with each application for a ground mounted solar energy installation, and shall identify any negative impacts associated with the proposed facility in relation to:
 - i. Noise
 - ii. Glare
 - iii. Property values
 - iv. Stormwater runoff
 - v. Floodplains
 - vi. Steep slopes
 - vii. Wetlands and wetland buffers
 - viii. Countryside aesthetics
 - ix. Continued farming on the property
 - b. Measures proposed to mitigate or eliminate the negative impacts in (a) above shall be described in detail, along with any associated costs.
- (12) Decommissioning Plan – All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon Abandonment and/or in conjunction with removal of solar energy systems. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of solar energy systems a permit for removal activities shall be obtained from the East Amwell Township construction official. The decommission plan shall include provisions to:
- (a) Restore the surface grade and soil after removal of aboveground structures and equipment.
 - (b) Restore surface grade and soil.
 - (c) Restore soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
 - (c) The Plan may provide for the retention of access roads, fences, gates or buildings in place and/or may provide for restoration of agricultural crops or forest resource land.
 - (d) If the property owner fails to remove the facility in accordance with the decommissioning plan, the Township may remove such. All costs incurred by the Township in connection with same shall be a first priority lien, enforceable pursuant to municipal tax lien statutes.

Section IV

CHAPTER 92 – Land Management, of the Ordinances of East Amwell Township, ARTICLE VII, is hereby amended and supplemented by adding the following new §92-101 “Conditional Use Standards for Minor Solar or Photovoltaic Energy Facilities or Structures”:

§92-101 “Conditional Use Standards for Ground Mounted Minor Solar or Photovoltaic Energy Facilities or Structures”

- A. The Township recognizes the importance of alternative and renewable energy sources to long-term environmental sustainability and that renewable energy sources are recognized by the State of New Jersey as inherently beneficial uses to the citizens of this State. The Township believes there needs to be a balance between the development of alternative

energy systems and local land use goals to protect agricultural and natural resources of East Amwell Township.

B. All minor ground mounted solar or photovoltaic energy installations shall comply with the following conditional use standards:

- (1) No portion of any minor ground mounted solar or photovoltaic energy facilities and structures shall occupy any areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas.
- (2) Ground mounted minor solar and photovoltaic energy facilities and structures shall not be visible from the public view as defined in §92-4 and/or from historic resources, including districts, sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - (c) Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.
 - (d) To the extent achievable, solar and photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
- (3) Ground mounted minor solar and photovoltaic energy facilities and structures applicants shall submit a landscaping plan. to mitigate any resulting glare, shall not be visible from adjoining residential uses or zones, and shall be screened by a combination of berm(s), landscaping and fencing. Landscaping Plans shall be approved by the Township Planner.
- (4) The preservation of agricultural activities and agriculturally viable soils is key to long-term farming in the Township, therefore, in the Amwell Valley Agricultural District No Prime Farmland and Farmlands of Statewide Significance as identified by the USDA Natural Resources Conservation Service shall be removed from any site upon which ground mounted minor solar or photovoltaic energy facilities and structures are constructed. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and install equipment.

Section V Severability

If any section, subsection, sentence clause, phrase or portion of this Ordinance for any reason are held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section VI Effective Date

This Ordinance shall take effect, following final passage, upon publication of notice of final passage and the filing of a copy with the Hunterdon County Planning Board.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

Attest: _____

Teresa R. Stahl, RMC/CMC

Municipal Clerk

Introduced: 1/13/11

Adopted:

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Mr. Cushing explained that Ordinance 11-02 is an ordinance to regulate solar activities and development of solar activity in the township. The ordinance defines solar energy systems and provides sections for each different district of the township i.e. Amwell Valley, Sourlands. Conditional use standards, maintenance, lot requirements, surface management and site plan issues are also addressed.

Mayor Tatsch referred to Item 5B of the ordinance regarding solar panels on preserved farms; one acre of coverage to five acres of land is allowed. The SADC has a five acre maximum allowed.

Mr. Kneski explained that this ordinance recognizes the concern that the township does not presently have an ordinance on the books to protect the community. The ordinance can have future modifications from the Planning Board.

Mayor Tatsch added that compliance with SADC requirements is necessary for farm assessment; the SADC requirements supersede the ordinance.

Further comments were made by Mayor Tatsch, Mr. Kneski and Mr. Cushing. Mr. Kneski noted that it was an important ordinance and necessary for regulation and protecting the community.

Mr. Kneski made a motion to introduce Ordinance 11-02. Ms. Cregar seconded the motion.

Roll call vote:

- Mr. Peter Kneski: yes
- Deputy Mayor Patricia Cregar: yes
- Mayor C. Larry Tatsch: yes
- Ms. Linda Lenox: yes
- Mr. Tim Mathews: no

This notice will be published in the January 20, 2011 issue of the Hunterdon County Democrat and the public hearing will be at the regular meeting of the Township Committee on February 10, 2011.

C. Ordinance 11-03 Thompson: AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN INTEREST IN REAL PROPERTY KNOWN AS BLOCK 21, LOT 1 AND BLOCK 20, LOT 17.01 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$435,000.00 THEREFOR FROM THE OPEN SPACE TAX TRUST FUND, AND AUTHORIZING TRANSFER OF THE PROPERTY TO D&R GREENWAY LAND TRUST TO MAINTAIN THE PROPERTY AS OPEN SPACE.

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TOWNSHIP OF EAST AMWELL
ORDINANCE 11-03

WHEREAS, there is within the Township of East Amwell (the "Township") certain real property known as Block 21, Lot 1 and Block 20, Lot 17.01 on the official tax map of the Township (the "Property"); and

WHEREAS, the Township has determined that there is a need to acquire said Property for open space and/or other public purposes, and that such acquisition is in the best interest of the Township; and

WHEREAS, D&R Greenway Land Trust, Inc. ("D&R") is a nonprofit entity whose purpose is to identify and acquire lands in central New Jersey for preservation of open space; and

WHEREAS, the Township has committed to support D&R's acquisition of the Property and to contribute to various costs incurred in connection with the acquisition of the property, in return for which the Township will obtain an ownership interest in the Property; and

WHEREAS, D&R and the Township have reached an understanding for the Township to obtain an ownership interest in the Property; and

WHEREAS, the Township has determined that D&R is better suited than the Township to undertake the long-term maintenance of the Property and the preservation of its unique open space properties; and

WHEREAS, the permanent maintenance and preservation of the Property will be best served through the Township's conveying of the Property back to D&R while reserving for itself a reverter interest in the Property permitting it to recoup its investment in the Property or take back title to the Property in the event it is not properly maintained and preserved by D&R; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40A:12-1 et seq. to acquire properties and easements on properties for public purposes; and,

WHEREAS, a satisfactory deed from D&R as the owner of the Property shall be submitted to the Township upon closing of title on the Property.

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

Section 1. The Township of East Amwell is hereby authorized to acquire the Property for open space and other municipal purposes including all direct and indirect costs necessary therefor or incidental thereto.

Section 2. The Mayor of the Township and the Clerk of the Township are hereby authorized and directed to take all reasonable, necessary, and lawful steps to acquire an interest in the Property including execution of all necessary documents.

Section 3. It is hereby determined that the acquisition of the Property is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said acquisition is \$435,000.00.

Section 4. The sum of \$435,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$435,000.00 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. Payment of consideration by the Township of \$429,000.00 shall be made directly to D&R at the closing. The remaining funds will be available to cover the indirect costs of acquisition of the Property, including legal fees and advertising costs.

Section 6. After the Township acquires an interest in the Property, the Mayor of the Township and the Clerk of the Township are hereby authorized and directed to take all reasonable, necessary, and lawful steps, including execution of all necessary documents, to transfer that interest in the Property to D&R subject to the Township’s retaining a right of reverter in the Property in the event it is not properly maintained and preserved by D&R.

Section 7. The 2011 Temporary Capital Budget will be established by resolution to conform with the provisions of this Ordinance. The resolution will be in the form promulgated by the Director of Local Government Services and will be on file with the Township Clerk and available for public inspection.

Section 8. No debt of any kind is authorized for this undertaking.

Section 9. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section 10. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

Attest: _____

Teresa R. Stahl, RMC/CMC

Municipal Clerk

Introduced: 1/13/11

Adopted:

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Mayor Tatsch opened a discussion on e-mails with attachments from Glorianne Robbie regarding Cidermill Road Green Acres Support.

Mr. Kneski reclused himself by leaving the meeting room, as he has in past discussions, since he resides adjacent to the property. Mayor Tatsch asked for anyone involved in the discussion to move forward.

Ms. Glorianne Robbi, Committee Chair of the Farmland/Open Space Preservation Committee, explained that Delaware and Raritan Greenway Land Trust has agreed to purchase 89.312 acres on Cider Mill Road. In November FOSPC had requested Township Committee allot \$400,000 from Green Acres funds to put towards this purchase. At the December closing the acreage increased necessitating an additional \$13,659 from Green Acres Funds. It was noted that the property is surrounded by preserved farmland and this purchase will almost deplete the Green Acres grant.

Mayor Tatsch inquired if using funds increases the chance of additional funds being received in the future; Ms. Robbi and Mr. Ginman replied, yes, that it does.

Mayor Tatsch noted that this property will be the largest parcel of land in the valley open to residents.

Mr. Bill Rawlyk from D&R Greenway explained that D&R would co-own and manage the property with the state. There will be a trail network, refuge for endangered grassland birds and agriculture (hay crops). Presently the land is in CRP which does not allow for harvesting of the hay. The land will be a demo site and serve as an example of preserving wildlife and farming at the same time. The beautiful views and views of surrounding preserved farms were noted.

Mr. Mathews inquired how the parking area would be managed. Mr. Rawlyk explained that the parking area would be close to the road allowing it to be safe and easy to manage. There will be an information kiosk and trail maps available. Mr. Mathews asked if the Road Department would maintain the lot; Mr. Rawlyk replied that they would not. It was noted by Mayor Tatsch that the Road Department does not maintain the parking on Ridge Road. Ms. Lenox asked if the Trail Association can use the land; Mr. Rawlyk replied that they could and the land is already being used for riding.

Mr. Mathews inquired about the funding as the Township usually provides fifty percent of the funds for new acquisitions. Ms. Robbi replied that the township does not have to match in this acquisition as D&R has secured grants for the remaining fifty percent. Mr. Rawlyk explained that Lopica provided a partial donation which greatly reduced the township's share.

Mr. Cushing said that tonight was an introduction of the ordinance; it will be adopted at a future meeting. At adoption the state will pay the township and the township will close on the property. There will then be a second closing to transfer the property back to D&R.

Mr. Ginman commented that D&R has been a successful partner for many years and has preserved a tremendous amount of land in the Sourland Mountains.

Mr. Rawlyk explained the environmental assessment, specifically historic pesticide testing which is routine on all acquired farmland if there will be active recreation on the land. As this land is being used for passive recreation there is no need for historic pesticide testing. Mr. Mathews inquired if pesticides are suspected or if this is routine, the cost of the testing and how testing would be funded. Mr. Rawlyk replied that this testing is routine and the cost is ten thousand dollars. He explained that the land will never be used for active recreation. Mr. Rawlyk does not believe pesticides were used on the land in the past ten years. Mr. Tatsch noted that it is unlikely that there are a large amount of pesticides on the property now as over time pesticides dilute and degrade and are non-detectable. The key point is that the land is deeded for passive recreation.

Resolution 22-11

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2011 Open Space Trust Hearing

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

\$ 435,000.00 Acquisition of Farmland Down

Payments	
Soft Costs	\$ 6,000.00
Green Acre Acquisition	\$429,00.00

\$1,000.00	Historic Preservation	\$1,000.00
	Other Expenses	

\$472,000.00 TOTAL TRUST FUND APPROPRIATIONS

OPEN TO THE PUBLIC FOR COMMENTS

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Mrs. Luhrs explained that in order to utilize the Open Space funds a public hearing must be held on what the funds are being used for. Open space tax money is used to maintain Clawson Park, the soccer fields and recreation maintenance.

Mrs. Luhrs went over the appropriations. The \$429,000 will be a “pass through” but needs to be shown under Open Space Trust Funds. The appropriations will total \$472,000.

Mayor Tatsch noted that the appropriations are not from the general budget as they are strictly Open Space funds provided by the Open Space Tax.

Mayor Tatsch opened the meeting to the public for comments on the Open Space Trust Fund. As no members of the public came forward Deputy Mayor Cregar made a motion to close to the public; Ms. Lenox seconded the motion. All were in favor; with Mr. Kneski abstaining as he had recused himself. The motion was carried.

Ms. Lenox made a motion to approve the Open Space Trust Fund. Deputy Mayor Pat Cregar seconded the motion. All were in favor; with Mr. Kneski abstaining as he had recused himself. The motion passed.

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Resolution 23-11

**RESOLUTION CONSTITUTING THE 2011 TEMPORARY CAPITAL BUDGET
OF THE TOWNSHIP OF EAST AMWELL**

WHEREAS, the Township of East Amwell desires to constitute the 2011 temporary capital budget of said municipality by inserting therein the authorization for providing funding for open space acquisition ;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of East Amwell authorizes as follows:

Section 1. The 2011 temporary capital budget of the Township of East Amwell is hereby constituted by the adoption of a schedule to read as follows:

**Temporary Capital Budget of the
Township of East Amwell County of
Hunterdon, New Jersey
Projects Schedule of 2011**

1. Open Space

Project	Method of Financing Estimated Cost	Grants in Aid and Other Funds
Acquisition of an Interest in Real Property Known as Block 21, Lot 1 And Block 20, Lot 17.01 and Authorizing Transfer of the Property to D&R Greenway Land Trust	\$435,000.00	\$435,000.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2011 temporary capital budget, to be included in the 2011 permanent capital budget as adopted.

I certify the above at a meeting held on January 13, 2011

By order of Township Committee,

C. Larry Tatsch, Mayor

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Mr. Cushing explained Ordinance 11-03. This ordinance will authorize acquisition of the Cider Mill Road property and authorize the sale of the property. The township is receiving the property from Green Acres; the township will take the title then convey it to D&R Greenways. The ordinance maintains interest in the property for the township via a rite of reverter, a clause in the deed that allows the township to take the property back if the state of New Jersey and D&R Greenways do not use the property for open space.

Mr. Cushing explained that the resolution authorizes the township to create a temporary capital budget in order to be in compliance with the law since the 2011 budget has not yet been established.

Ms. Lenox made a motion to pass the Resolution constituting the 2011 temporary budget of East Amwell Township. Deputy Mayor Cregar seconded it. All were in favor with Mr. Kneski abstaining; the motion carried.

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NOTICE OF INTRODUCTION
TOWNSHIP OF EAST AMWELL
ORDINANCE 11-03

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN INTEREST IN REAL PROPERTY KNOWN AS BLOCK 21, LOT 1 AND BLOCK 20, LOT 17.01 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$435,000.00 THEREFOR FROM THE OPEN SPACE TAX TRUST FUND, AND AUTHORIZING TRANSFER OF THE PROPERTY TO D&R GREENWAY LAND TRUST TO MAINTAIN THE PROPERTY AS OPEN SPACE.

WHEREAS, there is within the Township of East Amwell (the “Township”) certain real property known as Block 21, Lot 1 and Block 20, Lot 17.01 on the official tax map of the Township (the “Property”); and

WHEREAS, the Township has determined that there is a need to acquire said Property for open space and/or other public purposes, and that such acquisition is in the best interest of the Township; and

WHEREAS, D&R Greenway Land Trust, Inc. (“D&R”) is a nonprofit entity whose purpose is to identify and acquire lands in central New Jersey for preservation of open space; and

WHEREAS, the Township has committed to support D&R’s acquisition of the Property and to contribute to various costs incurred in connection with the acquisition of the property, in return for which the Township will obtain an ownership interest in the Property; and

WHEREAS, D&R and the Township have reached an understanding for the Township to obtain an ownership interest in the Property; and

WHEREAS, the Township has determined that D&R is better suited than the Township to undertake the long-term maintenance of the Property and the preservation of its unique open space properties; and

WHEREAS, the permanent maintenance and preservation of the Property will be best served through the Township’s conveying of the Property back to D&R while reserving for itself a reverter interest in the Property permitting it to recoup its investment in the Property or take back title to the Property in the event it is not properly maintained and preserved by D&R; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40A:12-1 et seq. to acquire properties and easements on properties for public purposes; and,

WHEREAS, a satisfactory deed from D&R as the owner of the Property shall be submitted to the Township upon closing of title on the Property.

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

Section 1. The Township of East Amwell is hereby authorized to acquire the Property for open space and other municipal purposes including all direct and indirect costs necessary therefor or incidental thereto.

Section 2. The Mayor of the Township and the Clerk of the Township are hereby authorized and directed to take all reasonable, necessary, and lawful steps to acquire an interest in the Property including execution of all necessary documents.

Section 3. It is hereby determined that the acquisition of the Property is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said acquisition is \$435,000.00.

Section 4. The sum of \$435,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$435,000.00 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. Payment of consideration by the Township of \$429,000.00 shall be made directly to D&R at the closing. The remaining funds will be available to cover the indirect costs of acquisition of the Property, including legal fees and advertising costs.

Section 6. After the Township acquires an interest in the Property, the Mayor of the Township and the Clerk of the Township are hereby authorized and directed to take all reasonable, necessary, and lawful steps, including execution of all necessary documents, to transfer that interest in the Property to D&R subject to the Township’s retaining a right of reverter in the Property in the event it is not properly maintained and preserved by D&R.

Section 7. The 2011 Temporary Capital Budget will be established by resolution to conform with the provisions of this Ordinance. The resolution will be in the form promulgated by the Director of Local Government Services and will be on file with the Township Clerk and available for public inspection.

Section 8. No debt of any kind is authorized for this undertaking.

Section 9. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section 10. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

Attest: _____

Teresa R. Stahl, RMC/CMC

Municipal Clerk

Introduced: 1/13/11

Adopted:

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Deputy Mayor Cregar made a motion to introduce Ordinance 11-03; Ms. Lenox seconded the motion. All were in favor with Mr. Kneski abstaining; the motion carried.

This notice will be published in the January 20, 2011 issue of the Hunterdon County Democrat and the public hearing will be at the regular meeting of the Township Committee on February 10, 2011 at 7:30p.m.

SPECIAL DISCUSSION

Mr. Kneski returned to the dais at this time.

- 1: Marty Alexander from the Fire Department to discuss possible ordinances for lock boxes and exotic pets

Mr. Alexander explained that forty percent of fire department calls are for alarm activations. He displayed the large amount of keys he has to sort through to enter a businesses if an alarm goes off. Mr. Alexander is recommending all residences and business have a "Knox Box" installed on premises. A Knox Box is a key storage box; firefighters would use a secure master key to open it to obtain the key to enter a residence or business. Mr. Alexander provided examples of property

damage done to buildings on alarm activation calls. He also told of an incident in Georgia where the fire department answered a call, could not gain entry to the home, checked outside using thermal imagery and then left the premises assuming it was safe. The home burned down resulting in a fatality.

Mr. Alexander said the firefighters are in a “no-win” situation; if they do not force entry a home can burn down, if they force entry they can cause unnecessary property damage.

Mr. Tatsch inquired regarding residents using the Knox Box as in a previous discussion the Fire Department was only recommending the Knox Box for businesses. Mr. Alexander replied that most of the calls they receive are for residential properties. He believes it would be best to use it on both residences and businesses. The cost of the box is approximately \$300. Mayor Tatsch noted that other townships only require businesses to have them.

Mr. Mathews inquired if the Fire Department has tried an outreach program. Mr. Alexander replied that two residents in town use the Knox Box; he believes people won't use them unless it is forced. He expressed that it is not fair to property owners to break down doors.

Mr. Mathews inquired about home based commercial enterprises. Mr. Alexander replied that it is a “grey area” as you do not know what equipment people may have and everyone with an alarm system should have a Knox Box.

Mr. Kneski expressed concern that if adopted it would be mandatory for residents to spend \$400 on a box and approximately \$100 on installation on the rare case there may be alarm activation. Mr. Alexander suggested a mechanism where it would be required to install a Knox Box if the fire department has to respond three times to the same property. Currently there is no recourse for false alarms.

Mr. Alexander presented decals that could be put on a resident's front door to let firefighters know there are exotic pets in the house. Recently firefighters in town entered a residence where there were snakes present. The sticker does not mean the fire fighters won't enter the property but would allow the department to choose the best individual to fight the fire i.e. one who can handle snakes if snakes are present.

Mayor Tatsch asked if this has been adopted anywhere else; it hasn't. Mr. Kneski inquired about enforcement; Mr. Alexander replied that it would be voluntary, it is strictly for safety, they will not charge for the stickers. Mr. Kneski noted that if an ordinance was passed residents would be required to comply.

Mayor Tatsch asked if a letter to residents has been considered; Mr. Alexander said letters regarding mailbox numbers are sent and residents do not follow the recommendations for those.

Mayor Tatsch commented that these are good discussions and there are a number of issues Township Committee should discuss. He asked Deputy Mayor Cregar to provide information, perhaps from neighboring townships. The scope of a Knox Box ordinance needs to be considered and action held off until a future meeting. He asked about sample ordinances to determine how appropriate they would be for East Amwell. Mayor Tatsch thanked Mr. Alexander.

2. Appointment of 2011 Township Committee Liaisons

Mr. Kneski provided a chart of 2011 Township Committee Liaisons. He noted that he made some minor changes from last year and that it is a “working document” at this point.

Ms. Lenox made a motion to approve the 2011 Township Committee Liaisons; Mr. Kneski seconded it. All were in favor; the motion was carried.

3. Discussion with Treasurer Luhrs re: Banking Relations and Update on the Budget Process

Mrs. Luhrs has not requested proposals for banking since 2008. The township's current bank is not paying interest and beginning to pass costs onto depositors including payroll and armored car service. This will result in costs of \$8000 which is not budgeted for. Mrs. Luhrs will investigate other banks.

Mrs. Luhrs provided each township committee member with a budget folder in their packet. All requests from Boards are in the packet. The first budget meeting will be February 1st 2011.

4. Tree Harvesting Committee Appointment

Mayor Tatsch recommended Mr. Mathews be appointed to the Tree Harvesting Committee.

Mr. Kneski made a motion to appoint Mr. Mathews to the Tree Harvesting Committee; Ms. Lenox seconded the motion. All were in favor; the motion was carried.

SPECIAL COMMITTEE REPORTS – None

STANDING COMMITTEE REPORTS

A.) Farmland/Open Space Preservation Committee

Mayor Tatsch asked all involved with the Drift property to come forward.

Mr. Dick Ginman, Vice Chair for FOSPC, Ms. Glorianne Robbi, Chair, FOSPC and Ms. Kate Buttolph from Hunterdon Land Trust came forward.

Mr. Ginman acknowledged that the township is “blessed” to have two partners in preservation. He explained that the Drift Farm is across from East Amwell School and adjacent to other preserved farmland. There is a horse rink on the property that will not be included in preservation. He added that this is a very good deal with very visible land and will provide a “belt” of preserved farms on Wertsville Road. The property was subject to proposed development years ago. East Amwell would provide \$69,888 and an additional \$4000 (for half of soft costs). HLTA will be providing roughly that same amount for Zugner Farm which the township has already approved funds for. Mr. Ginman suggested the township look at it as a “freebie”.

Ms. Buttolph echoed that this is a good property to preserve. Back Brook runs behind it. The total acreage is sixty-one acres (54.1 acres preserved with a seven acre exception).

Mrs. Luhrs said funding could either come from Open Space funds or by issue of a Bond Ordinance. She explained that Zugner Farm was funded by Open Space Trust because time was of essence; there is time to change to a bond as the property hasn't closed.

Mr. Ginman stated that it is “absolutely essential” they close in March. The other participants have extended their deadlines to March; he would like to comply for fear of losing their participation.

Mayor Tatsch explained that it is better to bond than use open space funds because of the way the state's 2% cap is structured; open space funds are outside of the 2% cap. Any money needed to maintain Clawson Park, the soccer fields, etc. can come out of open space funds rather than general revenue so it is advantageous to have open space funds available. The low interest rates make it a favorable time to bond.

Mr. Mathews asked what the balance of the open space funds was; Mrs. Luhrs replied approximately one million dollars. The interest rate on bonding would be a little over 1%.

Mr. Mathews stated that the choice is to spend what we have at the risk of not having it in the future or bond more future debt. The present township debt is six million dollars; the state allows twenty million dollars. Mr. Cushing explained that the philosophy of bonding is to pay for an asset over the life of the asset and balance out the cost over the bonding period.

Mayor Tatsch explained that there will not be an ordinance tonight as there needs to be a discussion whether the funds will come from open space or bonding. The amount needed is approximately \$305,000. Mr. Mathews stated that another option is to not do it.

Mayor Tatsch believes bonding is the best way to fund it. Mr. Kneski said he would not want to see the open space funds deleted as he would like to see the Clawson House rehabilitated. He would recommend the bonding, especially with the interest rates being so low. Mayor Tatsch added that funds may be needed for the Mezaros property. Mr. Mathews expressed concern about “widening the gap” as the current income coming in from the open space trust is not enough to cover the open space debt.

It was noted that some debt is retiring and there is \$188,000 from a property being settled that will go into the open space trust.

Mr. Kneski made a motion to authorize bond council to fund the ordinance; Ms. Cregar seconded the motion. There were four votes in favor, with Mr. Mathews opposed. The motion carried.

Mr. Ginman asked for confirmation that this process would not delay the closing; Mrs. Luhrs explained that the ordinance can be introduced at the budget meeting on February 1, 2011; adopted at a special meeting on February 24, 2011 and in effect by March 23, 2011; after that time a check would be ready.

B.) Recycling Committee

- 1.) E-mail from Joyce Corboy Re: Acceptable Material for the 2011 Depot

C.) Recreation Committee

- 1.) Resignation of Linda Beck Effective November 11, 2010

Ms. Lenox made a motion to accept Ms. Beck’s resignation with regrets; Mr. Kneski seconded the motion. All were in favor; the motion passed.

D.) 2011 Additional Appointments and Discussion of Interview Process

Mr. Charles Van Horn interviewed with the Township Committee earlier tonight; he is primarily interested in serving on the Board of Health. Mayor Tatsch said he was a “good candidate” and all agreed. Mayor Tatsch recommended Mr. Van Horn be appointed the open Alternate II position on the Board of Health.

Mr. Kneski made a motion to appoint Mr. Charles Van Horn to the Alternate II position on the Board of Health; Ms. Cregar seconded the motion. All were in favor with Ms. Lenox abstaining as she was not present at the interview. The motion passed.

There have been several applicants for the Planning Board including residents who applied last year when there weren’t openings, residents currently on other committees and residents who have interviewed in the past. The process in the past was to not interview a candidate if they already were serving on a committee or had been interviewed in the recent past. There was a consensus to interview every applicant in the context of the position they are requesting.

Mayor Tatsch requested two interviews be set up at 7:00p.m. on February 1, 2011 before the special meeting and three at 6:45p.m. before the regular February meeting. One interview could be conducted before the special meeting at the end of February if necessary.

UNFINISHED BUSINESS

A.) Township Administrator’s Update

- 1.) Raritan Township Construction Complaint

Mr. Matheny received a complaint regarding actions by a Raritan Township Construction Official. This official is not an East Amwell Township employee therefore the township has no control over the employee or reinforcement ability. It is a complicated situation as there are numerous issues and both a tenant and landlord involved. There were concerns when an inspector came to the property; the inspector has since retired. Mr. Matheny

provided a copy of the complaint to Mr. Phil Izzo, the new construction official for Raritan Township.

2.) E-mail from Fred Gardner, Re: Road Salt

Mr. Matheny noted that Mr. Gardner could not attend the meeting and read the following e-mail for the record at Mr. Gardner’s request:

“This morning at about 8:00a.m. a township truck came up North Hill Road spreading salt. Another truck came up and back at noon with the spreader running. I would like the Township Committee to not the following considerations –

- There was less than ¼” of dry powder on the ground at 8:00 and perhaps 2” at noon;
- No snowplowing was done on the road at any time that we saw, although Greg Manners cleared our driveway with his tractor plow in about five minutes;
- North Hill Road is an absolutely straight road with no cross traffic;
- The road runs roughly north and south and unlike Welisewitz or Rainbow Hill roads , has almost no overhanging trees; it therefore gets full sun for much of the day;
- Except for the bottom of the road, where it runs into Wertsville Road, and a few places where ditches have clogged up in the past, there is a little risk of icing on the road, and that comes not from snowfall but from freezing after accumulation of runoff, which can be encouraged by applying road salt;
- Most of the wells for the houses on the road are in the front yards, within perhaps 100 feet of the road and are therefore within easy range to be contaminated by road salt.

My wife and I consider road salting under most conditions to be wasteful and damaging to our rural community’s environment, although we recognize that there are road areas which are unusually subject to icing and which need special attention with sodium or preferably calcium chloride. Those areas should be identified and treated in accordance with a limited strategy. What we viewed today appeared to be part of a general salt broadcasting in lieu of plowing on a road with minimal safety concerns. Under the conditions outlined above, we are concerned and upset by today’s waste of money and unnecessary endangerment of our good water supply- Fred Gardner, 46 North Hill Road, Ringoes, NJ 08551 /Friday 1/7/11.”

Mr. Matheny reported that he spoke to Road Superintendent Bob Kadezabek regarding this e-mail. Mr. Kadezabek told Mr. Matheny that the roads cannot be plowed with limited snow but something must be done to keep the roads safe and passable. Even if the roads are plowed there are tire ruts in the road which will fill with ice; the only way to keep the road from becoming dangerous is to salt. North Hill Road is a long and hilly road with many residents; there are also runoff issues. Mr. Kadezabek is very cognizant that residents are sensitive to salt use and felt this is a scenario where his best judgment must be used.

Mayor Tatsch also spoke to Mr. Kadezabek and he agreed to use the minimum amount of salt necessary. Mr. Tatsch explained that while it may appear to be sunny day that could rapidly change. The traffic on a road must be taken into account along with future weather and minimizing the trips by the Road Department to the road. Mayor Tatsch noted that this is very difficult; it can’t be predicted what will happen and the road needs to be available for deliveries and emergencies. The ruts on North Hill Road make it difficult to plow. Mr. Gardner’s comments will be kept in mind and minimal salt will be used on North Hill Road and other township roads.

NEW BUSINESS

A. Napriorkowski Subordination

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RESOLUTION NO. 24.11

TOWNSHIP OF EAST AMWELL

Mayor Tatsch	yes
Mr. Mathews	yes

The motion was passed.

Mr. Cushing left the meeting at this time.

OPEN TO THE PUBLIC

Diane Harrington, 110 Boss Rd.: Ms. Harrington inquired if there will be any further public discussion on solar panels. Mayor Tatsch replied the public can comment and at the February 10, 2011 Township Committee meeting. Ms. Harrington asked about the addition of “surgical modifications” and noted that there were several omissions. Mayor Tatsch replied that he only brought up one issue; the SADC and the maximum number of solar panels that can be on a preserved farm. Since the SADC requirements supersede the ordinance that omission does not affect what a farmer can do on preserved land. Ms. Harrington inquired about setbacks. Mr. Kneski replied that at the Planning Board meeting many questions and comments were raised by the public regarding other items that would be incorporated into the ordinance. The Planning Board wants to move forward as there is not any ordinance right now. Public comments were noted and will be revisited. He reiterated that the ordinance needs to be “massaged” but that it’s important it be “on the books” if any applications are submitted to the township. Mayor Tatsch asked if the Planning Board could present at the February Township Committee Meeting.

Ms. Harrington referred to a letter dated December 22, 2010 she put in the mail drop of the municipal building for the Township Committee regarding the draft solar ordinance. This letter was not received by Township Committee. It was noted that she composed another letter on December 8, 2010 to the Planning Board.

Nancy Cunningham, 14 Wertsville Road: Ms. Cunningham asked Mr. Mathews why he voted against the solar ordinance. Mr. Mathews replied that he did not have enough information.

Eloise Carrera, 100 Boss Road: Ms. Carrena said that there are other details that need consideration in the solar ordinance and noted that if “something is being put into place” setback requirements should be stated. She commented that this is a “huge omission”.

Mr. Kneski refereed to the table on page three of the ordinance where setback is defined and briefly discussed the setback amounts with Ms. Carrena. The Planning Board will most likely be at the next Township Committee meeting to answer questions.

Mayor Tatsch requested the Planning Board discuss with the Township Committee the setback requirements with regard to the SADC setback requirements before the next Township Committee meeting.

It was noted at this time that Ms. Harrington’s December 22, 2010 was distributed to the Planning Board but not to the Township Committee. It will be included on the next Township Committee meeting agenda.

Nancy Schier, Clinton Township: Ms. Schier is a former resident of East Amwell who now resides in Clinton. She explained that she had the construction complaint on a rental property she owns in East Amwell. She inquired about the role of East Amwell and Raritan townships and whether the homeowner or contractor should get the building permit. She was told by Raritan that it was her responsibility as the homeowner to secure the building permit and that she could have to go to court and be put in jail. She was not notified that the furnace was being inspected at her property. Her tenant has maligned her in three towns and called an assemblyman. She was told by Mr. Izzo that the inspector, Mr. Ball, came to her property to inspect the furnace but that was all, the other complaints were home maintenance issues. Ms. Shier wants there to be oversight, she believes this may be a personal attack and this incidence has caused a lot of trouble. She wants to know if the inspector should have called her before he went to inspect her property.

Mayor Tatsch provided background on the construction office; East Amwell worked with Raritan Township to do the township’s construction work as the East Amwell construction office was not generating enough revenue from fees to cover expenses. Raritan now collects fees for East Amwell construction permits. Mayor Tatsch noted that the same person performed inspections for both Raritan and East Amwell.

Mr. Kneski explained that the construction official is responsible for issuing permits and that applications can be submitted by the renter, owner or contractor; although in most cases the homeowner submits the permit. It is the owner’s responsibility to ensure permits were obtained.

Ms. Shier said that she was told on New Year’s Eve that she had to come to Raritan to pay the permit fee as there were no permits or fees paid. The contractors reported that the inspector said everything was fine. When Ms. Shier called the inspector to confirm that everything was alright he “bullied her” and told her she acted illegally. Ms. Shier said she has had a “run in” with the inspector in the past and it “could have been a personal thing”.

Mayor Tatsch said Mr. Ball no longer works for East Amwell or Raritan. He offered his personal apology to Ms. Shier for whatever transpired with Mr. Ball that was inappropriate. If Mr. Ball was still employed by either township we could investigate but he no longer is.

Mr. Kneski asked Mr. Matheny where we stand on this issue with Raritan to bring closure. Mr. Matheny said the only issue remaining is the final inspection that is still needed.

Mr. Kneski asked Ms. Shier to have the contractor call Mr. Izzo directly to schedule the final inspection to secure the final certificate of approval.

Ms. Shier would like to know how the inspector got into the house without letting her know and if a tenant can call and “make them come out”. Mr. Matheny explained that the tenants complained that work was being done without permits so the inspector would be remiss not to go to the property.

Mrs. Shier said the inspector told her there were violations including cracked windows. Mr. Matheny said there was no list of violations, only a final inspection is needed, as per his conversation with Mr. Izzo. Mr. Kneski reiterated that there is no list; the tenant has also spoke to him on the phone and that he feels for Mrs. Shier in the situation she is in.

Mrs. Shier thanked the Township Committee.

Frances Gavigan, 123 Wertsville Road: Ms. Gavigan thanked the Township Committee for agreeing to interview her. She announced that SI passed and will be “COAH back with a new name” but without the support. Mayor Tatsch replied that Governor Christie may veto it. Ms. Gavigan said the number mentioned to determine the COAH requirement is ten percent of a township’s housing stock; East Amwell would require one hundred and sixty units minus the units we currently have.

Regarding solar panels Ms. Gavigan said that there are not yet any SADC regulations; nothing is published in the register. The earliest would be February and that would only apply to Right to Farm. For preserved farms there is one acre maximum proposed. She also noted that the setbacks proposed assume everything is flat and unique.

Ms. Gavigan commented on the construction complaint and referred to “intense discussions” and “two sides of the story”.

Mr. Kneski made a motion to close the meeting to the public; Ms. Lenox seconded the motion. All were in favor; the motion passed.

ADMINISTRATIVE REPORTS

A. TREASURER LUHRS:

-Resolutions:

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EAST AMWELL TOWNSHIP
RESOLUTION 25-11
JANUARY 13, 2011

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2010; and

WHEREAS, principal and interest will be due on various dates from January 1, 2011 to December 31, 2011, inclusive, on sundry bonds issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2011 to December 31, 2011 inclusive:

DEBT SERVICE - TOWNSHIP OF EAST AMWELL

Payment of Bonds	\$345,000.00
Interest on Bonds	\$158,056.00
Interest on Notes	\$ 9,790.00
Green Trust Loan	\$ 34,840.00
 Total	 \$547,686.00

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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EAST AMWELL TOWNSHIP RESOLUTION 26-11
January 13, 2011

WHEREAS, N.J.S.A. 40k:4-58 permits appropriation transfers during the first three months of the succeeding 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:

	From	To
Streets & Road Maintenance:		
Salaries & wage	\$750.00	
Gasoline: Other expenses		\$750.00

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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Deputy Mayor Cregar made a motion to approve the two resolutions; Mr. Kneski seconded it. All were in favor; the motions were approved.

- Bills of the evening and statement of cash on hand
Deputy Mayor Cregar made a motion to approve the bills of the evening and the statement of cash on hand; Ms. Lenox seconded the motion. All were in favor; the motion was approved.

B. Tax Collector Hyland
There were no resolutions.

C. Court Administrator Hoover:
Nothing to report.

D. DPW Superintendent Kadezabek: December 2010 Road Activities Report
There were no questions or comments on the December 2010 Road Activities Report.

CORRESPONDENCE

NJ League of Municipalities
-1/7 Read Across America Proclamation

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RESOLUTION # 27-11

WHEREAS, the citizens of East Amwell Township stand firmly committed to the promoting of reading as a catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, East Amwell Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA'S Read Across America, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW, THERFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell calls on the citizens of East Amwell Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2011;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

I certify that this is a true resolution adopted by the East Amwell Township Committee at their meeting on January 13, 2011.

Teresa R. Stahl, Municipal Clerk

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Deputy Mayor Cregar made a motion to endorse the Read Across America Proclamation; Ms. Lenox seconded it. All were in favor; the motion was passed.

ADJOURNMENT

Mr. Kneski made a motion to adjourn at 10:33p.m.; Ms. Lenox seconded the motion. All were in favor, the motion was passed.

Christine A. Rosikiewicz