

A special meeting of the East Amwell Township Committee came to order at 7:30 PM. Present were Mayor C. Larry Tatsch, Deputy Mayor Patricia Cregar, and Committee members Peter Kneski and Tim Mathews. Committee member Linda Lenox was absent. Township Administrator Timothy Matheny and Treasurer/CFO Jane Luhrs were also in attendance.

In compliance with the Open Public Meetings Act, a copy of notice of this meeting was filed in the Clerk's Office, posted on the bulletin board, and sent to the Hunterdon County Democrat, Times of Trenton, and Star Ledger on February 8, 2011, and published in the February 10, 2011, issue of the Hunterdon County Democrat. The purpose of this meeting is to hold a public hearing on a bond ordinance, Ordinance #11-04, for acquisition of an agricultural easement and to continue discussions on the 2011 budget.

The public is invited to attend and comment. Action may or may not be taken.

PUBLIC HEARING

ORDINANCE 11-04 BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF THE ACQUISITION OF DEVELOPMENT EASEMENTS IN TWO FARMS LOCATED WITHIN THE TOWNSHIP FOR AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$310,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$295,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mr. Kneski asked if this ordinance applied to the Cider Mill property; it does not.

As proof of publication, the legal notice from the February 10, 2011, issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since introduction on February 1, 2011.

Mayor Tatsch explained that the ordinance would authorize the issuance of a bond up to \$295,000, or whatever is necessary, for the easements on the Drift and Zuegner properties.

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

Frances Gavigan, 123 Wertsville Road, asked the logic in having enough money to purchase, yet still going out for bond. Mrs. Luhrs explained the philosophy over time to bond for land in order to use the Open Space Trust Fund (OSTF) for other purposes, such as parks and recreation maintenance, including salaries for mowing; the Township receives just over \$300,000 for the tax fund; by bonding and spreading debt into the future, it will allow the trust fund to last longer. Mayor Tatsch mentioned a very low interest rate for the OSTF, and bonding will be a very low rate also; he agreed with the fact that spreading the debt over time is appropriate; he noted that the current debt is under \$6,000,000, while the state would allow the Township to have \$20,000,000 in debt; he mentioned more immediate needs for the OSTF and keeping funding for unanticipated needs, e.g., repair of the Clawson House, the Meszaros remediation, etc.

Ms. Gavigan commented on interest rates and costs and the philosophical thought of future debt for residents, speaking of "a slippery slope and robbing Peter to pay Paul." Mayor Tatsch stated that if no further bonding is done, current debt would be paid in full by 2023, noting that the process is a sound one, and using the money for park and field maintenance is appropriate.

Ms. Gavigan concluded that she was raising a point of concern about paying over time.

Richard Ginman, 125 Mountain Road, mentioned that money from the state, i.e., 60% from the Garden State Trust fund, would be coming back to the municipality for purchase of easements.

Nancy Cunningham, 14 Wertsville Road, mentioned the consistent policy by the Township Committee to bond for farmland purpose has proven its merits over the years, including having a the lowest municipal taxes for the size of the township. She felt that it was an "excellent" idea to bond and paying off the debt in 12 years for the taxes saved and farms preserved was "unbelievable."

Les Hamilton, 23 High Mowing Road, felt that it was prudent to keep cash on hand so that if opportunities come forth, the Township will be able to move quickly; he felt that developers will be coming back, and he supported what was being proposed.

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

Motion by Deputy Mayor Cregar, and seconded by Mr. Kneski to adopt Ordinance 11-04.

Mr. Mathews asked Mrs. Luhrs to clarify the intent of the ordinance. Mrs. Luhrs explained that the ordinance authorizes the debt; when she needs to borrow, she will borrow X amount and probably go to a note sale. The goal is not to borrow until the bond anticipation note sale next year; by that time, reimbursements will be coming back, and the Township will know how much they will need to borrow. Mayor Tatsch confirmed that the ordinance does not require the borrowing, if the Township changes its mind, and Mrs. Luhrs commented on raising funds in next year's budget.

Mr. Kneski asked about reimbursements. Mrs. Luhrs explained that if the Scibilia money comes back, the Township may not need to borrow the majority of funds, and, additionally, the Duke money is coming back. A decision will not be made until 2012 when the Township decides how to go forward; she also provided information on the bond anticipation notes due in May.

Mr. Mathews asked about open space debt ratings; Mrs. Luhrs explained that the debt is closer to \$5,000,000 instead of \$6,000,000 with \$895,000 in short term debt. She also said that the Township saved over \$20,000 last year by reinvesting debt. Closings on the properties must be completed by March, and with proper structure and use of reimbursements, the Township may not have to borrow (although authorization through this ordinance is necessary).

Mayor Tatsch called for a vote on Ordinance #11-04: Mr. Mathews, no; Deputy Mayor Cregar, yes; Mr. Kneski, yes; Mr. Tatsch, yes. The ordinance was carried by majority vote.

The adoption notice of the ordinance will be published in the March 3, 2011, issue of the Hunterdon County Democrat.

2011 BUDGET DISCUSSIONS

Review of individual department sheets took place at this time.

Bob Kadezabek, DPW Superintendent, was present to speak about his Department budget, including page 24, the Operating Budget, with the following highlights: \$7,000 was added for over-time salaries due to severe winter conditions; \$20,000 was added for additional salt purchase (raising it from \$20,560 to \$41,120); the Township did not qualify for state aid during the winter storms; rolling stock and calcium chloride remained the same at \$3,000 each; \$10,700 was allocated for equipment repairs; while the tub grinder rental for residents' brush (instead of curb side chipping) was formerly taken from the repair line item, it has been taken out of this budget, and clean communities funding will be used for the program.

Other DPW items included the following: \$1,000 was left in the budget for storm expenses (e.g., rentals, if needed); Mr. Matheny elaborated on about \$5,000-6,000 in FEMA funding for the March 2010 storm, which has not yet been received; there will be no cinders purchased this year, and there is about 75 tons left in storage; on a question about switching some road repair maintenance to capital, Mrs. Luhrs stated \$60,000 was taken out for subsurface repair last year, but the operating budget must still be funded; \$5,000 was taken out of this budget line for sweeping this year, but funding was left the same to cover patching after a "bad winter"; some discussion took place between Mr. Kneski and Mr. Kadezabek on chip sealing roads and a previous intent by former Township Committees to adhere to a five year improvement project (which did not occur).

Mrs. Luhrs mentioned funding for the five year capital plan prepared by the engineer in November, including two sections of Rocktown Road. Some discussion on repair location took place.

Road signs included \$1,500 for replacement signs; there are new state requirements for signs, which will have to be met; there was a separate ordinance for road signs last year, which was in addition to this line.

The \$7,000 for winter over-time was briefly discussed. Mr. Mathews asked about comp time for the Department; Mr. Kadezabek and Mr. Matheny provided reasons why this would not apply, e.g., limited staff, fair labor laws, etc.

Mrs. Luhrs concluded that there was a 2% increase in the road OE budget with the addition of the \$27,000 (salt and over time). Mr. Mathews asked about the forth-coming \$6,000 in FEMA aid; Mrs. Luhrs said it would go to surplus. Mrs. Luhrs also noted the snow trust, which has \$7,500 in it for use in November or December of this year.

Page 27 - Vehicle Maintenance was increased from \$12,750 to \$15,000 to account for the repair of a transmission, which just went down.

Page 40 - Gasoline was increased from \$15,000 to \$18,000 to account for price increases. Mr. Kadezabek stated that he uses \$800-900 per month for diesel, although January costs were excessive.

Mr. Kadezabek was thanked for his appearance tonight.

Angelo Lovisa, Chairman of the Recreation Committee, was present at this time to review this budget.

Mayor Tatsch commented on his position about charging for summer playground; Mrs. Luhrs obtained information from some neighboring municipalities, including Raritan (\$140) and Delaware Townships (\$60/one; \$80/two; \$100/three or more children for a two week program). Lawrence Township has a full day program with a cost of \$250 per week. Further discussion took place with the intent of charging a fee being proposed to cover costs of the program, i.e., \$4,620 for salaries and \$1,300 for supplies; a fee of \$75-80 per child would cover the \$6,000 expense. Processing the money and applications would have to be worked out; but conceptually, there was no objection to charging fees. The Clerk asked if the Township was considering a sliding scale for multiple children; no comments were made about this. Mr. Lovisa noted that this program is not actually part of the Recreation Committee budget.

The actual Recreation Budget was reviewed with the following highlights: the spring egg hunt line showed \$400; three movie nights were budgeted at \$1,100, based on an increase in cost and depending on what movies are chosen; \$300 was left in the line for advertising; volleyball program, including nets and balls had \$200 in the line; a bus trip to a ballgame had \$250 in the line; adult basketball had \$100 in the budget for replacement balls and nets; \$150 was in the legal advertising line and \$500 was earmarked for the holiday tree lighting program. Field maintenance now comes out of the Open Space Trust Fund; Mrs. Luhrs stated that the figures for maintenance in the Recreation Department's budget is consistent with what was used last year.

Some discussion took place on movie night attendance and costs; it was agreed that the program will be cut back to two movie nights. Some comments were made about charging admission or accepting donations; however, Mr. Matheny advised against this. The bus trip was also briefly discussed, and a recommendation was made to see if enough of the public is interested in participating via a web survey and scheduling the trip for next year.

The Recreation Committee budget was cut by \$550, i.e., \$250 for the bus trip and \$300 for one movie night.

Mr. Lovisa was thanked for his attendance this evening.

Gail Glashoff, a member of the Planning Board, was present to discuss this budget. She asked if the Administrative Officer for the Board was hourly or salary; Ms. Andrews is an hourly employee.

Ms. Glashoff commented on the budget as follows: \$100 for advertising was appropriate; a reduction in dues/meetings/training/courses was made from \$400 to \$300; problems related to late billing by the planner were noted – it was agreed that the Planning Board, who hires the planner, should send a letter requesting prompt billing; Ms. Glashoff felt that the line items for LMO/Master Plan and the Planner should remain at \$7,000 and \$5,000 – leaving a buffer for work and not knowing what will have to be accomplished in a given year were mentioned, e.g., work on the Amwell Valley Agricultural District and Historic Preservation are two possible areas of work for the Planner; a decision was made to leave this line as is with the possibility of returning to it at a future budget meeting.

Other Planning Board budget items were considered: cutting the engineering line from \$4,500 to \$3,000 was recommended since escrow accounts for applicants will cover engineering costs; leaving \$2,500 for the attorney was a reasonable estimate; eliminating \$500 in the budget for stormwater consultant work because the Township will look into charging property owners without escrow accounts a flat fee, perhaps \$100, for engineer reviews for stormwater.

Ms. Glashoff was thanked for her attendance.

The Township Committee took a two minute break from 9:05 p.m. to 9:07 p.m.

Kendra Schroeder, Chair of the Board of Adjustment, was present to discuss this budget. Board member Nancy Cunningham was in the audience during this discussion.

Salary and Wage for the Zoning Officer in 2010 was reduced because he was not employed for a period of time; the salary for the position is currently set at \$11,955. The other expenses line was reduced from \$300 to \$200. The legal line item will remain at \$4,000, and dues/training will remain at \$400. Some discussion took place about the legal lawsuits line item, which was changed earlier by the Treasurer and Administrative Officer from \$3,000 to \$2,000; it was further reduced to \$1,000 with the thought that transfers could be made in November, if necessary.

Some discussion took place about an outstanding payment of attorney bills for the Fiscor hearing last year; the escrow account was in arrears, but the Board of Adjustment was ready to hold a hearing and proceeded on the assumption that the applicant would pay the bill. The applicant's attorney was contacted to encourage his client to pay the fees or the matter may go to collections. It was felt that the matter would be rectified before the next meeting. Mr. Kneski felt that the legal lawsuits line item should be moved back to \$2,000 rather than cutting it to \$1,000. Further discussion took place about the need to pay the Board of Adjustment attorney for 2010 work; Mrs. Luhrs explained that she would have to transfer the money into the account by the March 10th meeting, if this were to be done. Further discussion took place about how this matter evolved, and the need to have escrow funds in place for future applications. Mayor Tatsch concluded that the attorney should be paid, that the escrow fund may be replenished or the Township may consider collections. Ms. Glashoff and Mrs. Luhrs exchanged comments on tracking escrow accounts and billing processes.

The Township Committee thanked Ms. Schroeder for appearing this evening.

Mrs. Luhrs referred to two sheets she handed out tonight, dated 2/24, showing budget changes from 1/13/11 to 2/24/11 and a sheet where she backed into the tax rate with a 2% increase. Appropriations would be set at \$2,395,000 if cuts were made as shown on the first sheet. Mr. Mathews asked to go on record indicating that did not agree to a 2% tax increase; Mrs. Luhrs explained that they had to have a "starting point." She explained that the tax rate would increase from 2010 at .1502 to .1532 in 2011 with her changes. Revenues were better than expected, and state aid remains the same as last year (no decrease); surplus was also higher than she anticipated. By cutting the budget, increased tax collections, added assessments in October, and cancelling \$50,000 in December, Mrs. Luhrs anticipated \$100,000 in surplus this year. By switching banks (to Hopewell Valley Community Bank), she also anticipated \$25,000 in interest this year. Revenues were good last year, and the good collection rate reduced the receipts from

delinquent taxes from \$257,000 to \$231,799. Mrs. Luhrs mentioned other changes in the budget, including the following: salary adjustments with office changes was a decrease of \$19,750; ADP reduced its fees to \$3,500 and another payroll company is coming in to give another quote, which ADP may or may not match; group insurance was reduced \$325 because of a fewer number of employees; road salaries and other expenses were increased by \$27,560 (as outlined earlier in the evening); the recycling newsletter was eliminated to save \$1,200; vehicle maintenance was increased \$2,250; Board of Health salaries were reduced by \$4,000; electricity was reduced by \$2,000, but gasoline was increased by \$3,000; social security was reduced by \$1,000 because of less employees; defined contribution was reduced by half; a suggestion of \$62,296 was listed for capital improvements because no one requested capital funding this year, and the capital budget has not yet been discussed; bond interest was set at \$1,725 and the reserved for uncollected taxes was lowered by \$20,000. The changes above equate to \$47,519 less in the proposed budget, which will equate to a 2% tax increase and will keep the municipality under the 2% tax levy cap.

Mr. Mathews asked to see a scenario with a zero percent tax increase. Mrs. Luhrs also mentioned that there is \$10,000 in the budget for employee raises calculated at 2%; she also mentioned a bill from the NJ DEP for \$6,899 for oversight of the municipal building underground storage remediation project over the past several years. Mayor Tatsch elaborated on the discovery of a leaking tank in 1993, subsequent remediation processes from Handex Remediation at a cost of about \$4,000-6,000 per year, and the intent of receiving a No Further Action letter from the state by having Handex file a report and request last year. Mayor Tatsch felt that it was important to pay this outstanding bill to acquire the No Further Action letter.

COAH RESOLUTION FOR HOUSING TRUST FUND

The resolution is required by COAH in order to transfer the funds from TD Bank to Hopewell Valley Community Bank.

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RESOLUTION #38-11

This Escrow Agreement made this 24th day of February, 2011, by and between the Council on Affordable Housing (COAH) and East Amwell Township and Hopewell Valley Community Bank (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, on September 23, 2009, COAH approved the East Amwell Township Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of East Amwell Township's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on November 12, 2009, the governing body of East Amwell Township adopted Ordinance No. 09-12, the Development Fee Ordinance of East Amwell township, amending the Municipal Code; and

WHEREAS, on November 24, 2009, COAH approved the East Amwell Township Spending Plan establishing standards for the expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing

program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires East Amwell Township, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, East Amwell Township and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and East Amwell Township hereby designate Hopewell Valley Community Bank (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by East Amwell Township, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the CFO/Treasurer of the Township of East Amwell consistent with the spending plan approved by COAH.

2. Escrow Account

East Amwell Township shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable

housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the East Amwell Township Housing Trust (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from East Amwell Township. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by East Amwell Township or any other party, (b) any other obligation owed to the escrow agent by East Amwell Township or any other party, or (c) any claim which the escrow agent may have against East Amwell Township or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of East Amwell Township as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the CFO/Treasurer of East Amwell Township, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by East Amwell Township from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to East Amwell Township that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by East Amwell Township until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of East Amwell Township. COAH shall provide the East Amwell Township municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of East Amwell Township and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection

- with East Amwell Township's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
 - d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
 - e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
 - f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with East Amwell Township's affordable housing program on activities not permitted by COAH;
 - g. Revocation of certification; or
 - h. Other good cause demonstrating that the revenues are not being used for the approved purpose.
5. Standard of Care; Indemnification
The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. East Amwell Township shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.
6. Records and Accounts
The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and East Amwell Township, or their respective designees, at any reasonable time. East Amwell Township shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.
7. Notices
All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:
- a. If to COAH: New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
 - b. If to Municipality: Municipal Clerk and Chief Financial Officer
East Amwell Township
1070 Route 202/31
Ringoes, New Jersey 08551
 - c. If to Bank: Hopewell Valley Community Bank
1080 Old York Road
Ringoes, New Jersey 08551
- Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.
8. Further Assistance
The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

DEPUTY CLERK POSITION

Mr. Matheny explained that he proceeded, as directed, by the Township Committee in eliminating the Office Assistant position and in following the policy manual on work force reduction, Pamela Dymek was offered the Deputy Clerk position with a revised job description to include some of the Office Assistant duties. If approved tonight by the governing body, Mrs. Dymek's new position will begin on February 28, with a salary of \$18.75 per hour. He explained that while originally presented as a 30 hour a week position, he would recommend an increase in hours to 32.5 hours to cover all hours when the building is open.

RESOLUTION #39-11

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby accept the recommendation of Township Administrator Matheny for the appointment of Pamela Dymek to the position of Deputy Clerk for a one year probationary period; and

BE IT FURTHER RESOLVED that the 2010 Salary and Wage Resolution be amended as follows:

Position	Salary/Compensation
Remove Deputy Clerk Fritsch	\$18.46/hour
Replace with Deputy Clerk Dymek	\$18.75/hour
Remove Office Assistant Dymek	\$17.19/hour

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

The Clerk asked the Township Committee to amend the authorized bank signatures resolution to include Mrs. Dymek's name.

RESOLUTION #40-11

BE IT RESOLVED that Resolution #36-11 amending Resolution #16-11 to authorize bank signatures be further amended to include the name of Pamela Dymek as Deputy Clerk and authorized signature on certain Township Checks, as noted in the original resolution.

By Order of the Township Committee,

C. Larry Tatsch, Mayor

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

OTHER BUDGET ITEMS

Another meeting will be set up to continue budget discussions, including the capital budget. The intent is to introduce the budget at the April 14 Township Committee meeting. Mayor Tatsch asked that the cuts discussed this evening be incorporated into the proposed budget and asked the Treasurer to provide a scenario with a zero percent tax increase for the next budget meeting. The Clerk will set up the budget meeting later in March, and the brainstorming meeting will be moved to April.

Mr. Mathews asked how a combined Planning Board and Board of Adjustment meeting would work and the cost effectiveness of doing so. It was noted that the current Administrator handles both boards and would still have the same amount of work. Mrs. Luhrs did not have information on this, and a suggestion was made to ask Ms. Glashoff, who is a member of the NJ Planning Officials' Association. Board attorneys have already been hired this year, and they are only paid if they are used for board matters. Additionally, having the new solar ordinance and trying to combine boards this year may not be feasible.

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, suggested looking into moving the Zoning Officer position to Raritan Township since construction applicants must go there anyway. She spoke about the receipt of a local grant for pedestrian crosswalks and working with Hunterdon County to work on plans in-house as a shared service to save money. She also commented on reduced assessment values in municipalities and the affect it would have in the budget process.

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

ADJOURNMENT

Mr. Kneski made a motion to adjourn, seconded by Deputy Mayor Cregar. Mrs. Luhrs will give new budget pages with the change sheets only. Some comments were made on whether or not Mr. Kadezabek and Mr. O'Neal have to update the five year plan, which was updated in November. Mr. Mathews did not see Rocktown Road as a priority road for repair. The motion to adjourn was carried unanimously at 10:11 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk

DRAFT - NOT YET APPROVED