

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor Peter Kneski, Deputy Mayor Patricia Cregar, and Committee members Linda Lenox, Tim Mathews, and Dart Sageser. Township Administrator Timothy Matheny and Attorney Richard Cushing were also in attendance.

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 1, 2012, and a meeting notice published in the Hunterdon County Democrat issue of January 5, 2012. 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 10, 2012.

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

Mayor Kneski welcomed the public to the first regular 2012 Township Committee meeting and wished everyone a happy and prosperous New Year!

### **AGENDA REVIEW**

(For the record, there was an executive session added at the end of the meeting, prior to the Administrative Reports.)

### **ANNOUNCEMENTS**

Municipal Offices will be closed on Monday, January 16, 2012, in observance of Martin Luther King, Junior's Birthday.

2012 Dog Licenses are now due. Cost is \$12/altered-spayed dogs and \$15/non-altered-non-spayed. After March 1, there is a \$25 per dog late fee assessed. A rabies clinic will take place on Saturday, January 21, 2012, from 1 - 4 p.m. at the municipal garage.

Reorganization Meetings for Boards/Committees are posted on the Township website and on the Township Bulletin Board.

Christmas trees can be brought to the grit yard through the month of January. All trim should be removed.

### **APPROVAL OF MINUTES**

December 8, 2011, Special Minutes (Interviews) were approved on a motion by Deputy Mayor Cregar, seconded by Mr. Mathews, and carried with one abstention, Mr. Sageser.

December 8, 2011, Regular Minutes were approved on a motion by Deputy Mayor Cregar, seconded by Mr. Mathews, and carried with one abstention, Mr. Sageser.

December 8, 2011, Executive Minutes (Land Acquisition, Township Administrator's Contract, pending litigation, and attorney advice) were approved on a motion by Mr. Mathews, seconded by Ms. Lenox, and carried with one abstention, Mr. Sageser.

December 29, 2011, Special Minutes (Insurance) will reflect that Deputy Mayor Cregar was not present. Motion by Mr. Mathews, seconded by Mayor Kneski, and carried by majority vote, with Mr. Sageser, Ms. Lenox, and Deputy Mayor Cregar abstaining.

December 29, 2011, Regular Minutes were approved on a motion by Mr. Mathews, seconded by Deputy Mayor Cregar, and carried with two abstentions, Ms. Lenox and Mr. Sageser.

December 29, 2011, Executive Minutes (Township Administrator's Contract) were approved on a motion by Mr. Mathews, seconded by Deputy Mayor Cregar, and carried with two abstentions, Ms. Lenox and Mr. Sageser.

January 1, 2012, Reorganization Minutes were approved on a motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and carried with one abstention, Ms. Lenox, with two minor typos on page 21.

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

Diane Harrington, 110 Boss Road, said that last August, she and her husband came to discuss 12 acres of trees cut by Chris Stahl related to the tree harvesting ordinance. Mayor Kneski said that the item would be discussed under a later item regarding her letter about the development. Ms. Harrington said her comments did not relate to her letter. Mr. Cushing agreed that she should be allowed to speak.

Ms. Harrington said at that time, the attorney said that they could press charges, not the Township Committee or Tree Harvesting Committee. There was a court date for this past Monday, the Judge wanted to know where the Tree Harvest Committee was, and the Harringtons were not even allowed to speak before the case was dismissed. She said that the Township Committee should take action and notify the Tree Harvesting Committee to take action.

Mr. Cushing explained that there was some reluctance on the Tree Harvesting Committee's part to sign a complaint and there was a question about who would do it. He said that a citizen who was aggrieved could sign. Mr. Cushing looked at the Judge's ruling on the ordinance, and he believed that the ordinance should be amended to reflect that statement. He stated that the recitation of the facts was correct. He also noted that part of the issue is that the ordinance "is a work in progress," and there has been considerable discussion and debate by the Planning Board on the content. This item will be further discussed later in the meeting.

Ms. Harrington asked whether there would be action taken. Mr. Cushing agreed that this is "a fair point" and that the Committee would decide later in the meeting.

Frances Gavigan, 123 Wertsville Road, was at the court hearing when the Judge agreed that Ms. Harrington had no standing. She spoke about citizens against government, egregious acts including blocking berms at the Serambas, digging Margaret Case's land for logging trucks, removing soil near telephone poles causing damage, etc. She spoke about appearances of outrageous behavior occurring without impunity and about expensive, intimidating processes for residents. She spoke about providing pictures of a blocked berm.

Ms. Gavigan spoke about a conflict of interest on the solar project that existed for sometime. She believed a policy was necessary to train citizens and individual contractors about conflicts and potential conflicts. She commented on a wetlands study on the Pehinys property, noting solar developments all visible from historic districts and adjoining properties, adding that there were a number of issues to see what is to be preserved and protected. Ms. Gavigan spoke about a County Planning Board meeting on 8/13 when the right of way on Boss Road was discussed. She spoke about the need to keep the County "in the loop." She spoke about not depending on citizens in the process of government and a new opportunity to do better in the new year.

Ms. Gavigan concluded by speaking about preserved property, including an issue with Scibilia property loans and with the Drift application on rigid positions by mortgage holders and SADC, suggesting a compromise must be made in order not to lose funding or land and asking for Township Committee support.

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

**INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS**

**Introduction of Ordinance**

ORDINANCE 12-01: AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO DESIGNATE THE POSITION OF PURCHASING AGENT

Mr. Matheny explained that the position should be designated by ordinance, that the governing body did a resolution in the past, and the Township Administrator ordinance has language that says the Township Administrator is the Purchasing Agent – the ordinance was passed before the state certification program came about. The State provided a sample ordinance, which was reviewed by the Township Attorney. Mr. Matheny continued by explaining the fact that a municipality does not have to have a QPA but that would limit the bid threshold to \$17,500 from the QPA threshold of \$36,000. Quotes are also based on 15% of the threshold, and he remarked that the bid process "is expensive."

Mr. Sageser asked about consideration of a clause for a maximum expenditure with committee approval. Mr. Cushing explained that he and Mr. Matheny had a different point of view on this. With the QPA designation, up to \$36,000 in purchases can be made without oversight by the governing body. In his experience, in smaller municipalities, governing bodies like to have a little more oversight. The suggested language by Attorney Staples is that the governing body could have pre-approval for a certain amount. The other option is to allow the QPA to proceed with the purchases up to the bid threshold without pre-approval based on the fact that the budget is the determining factor approved by the Township Committee. Mr. Cushing explained that Mr. Matheny's argument is that the pre-approval clause should not be in the ordinance but in a policy.

Mr. Matheny explained that the QPA position was approved by the state for a quicker and smoother manner in purchasing, stating that the Township bids once or twice a year, usually for roads. He stated that most municipalities are looking for the higher thresholds for streamline purchase. He noted that the Township budgets are self correcting, that large purchases would be in capital projects, and there would be ordinances in place. He spoke about the state law to expand the purchasing agent position and to provide expertise to do so. He reminded the governing body that he is at the meetings each month, and governing body members are made aware of purchases. He provided an example of a truck purchase last year that could have been problematic, had he not had the authority to spend. He believed that a policy could be enacted to have pre-approval, should the governing body want it.

Mr. Mathews asked if the ordinance was required by statute; Mr. Cushing said yes, he thought so. Mr. Mathews asked if the Township adopted the ordinance for the QPA, would they be required to have one. Mr. Cushing said no, that the Township could go out to bid for purchases.

Mr. Sageser believed that having a policy about purchasing would be appropriate. Mr. Cushing was not aware of any problems with purchases here or in any other township where he works. Mr. Matheny also noted that the threshold changes every five years, and tying the threshold into the ordinance would mean publication again.

Mr. Mathews felt that it was reasonable to include language that over the quote threshold, pre-approval should be obtained. Mr. Matheny reminded the Committee that purchases are on the bill list for approval, and pre-approval would delay purchases. Mr. Mathews asked if there were any urgent purchases; Mr. Matheny said sometimes, giving the ramp repair in front of the municipal building as one example. Mr. Sageser spoke about making the prior approval a policy issue. Deputy Mayor Cregar believed that the ordinance should be introduced as prepared this evening. Ms. Lenox said that in the event of an emergency, a special meeting could be called. Mayor Kneski said that there have been no problems in the past and agreed with Deputy Mayor Cregar. Mr. Sageser spoke about budget amounts with known maximums. Some more comments were exchanged.

Mr. Mathews made a motion to introduce the ordinance with clarifying language provided by the Township Attorney: "For any purchase over the statutory quote threshold, the Purchasing Agent shall obtain the approval of the governing body prior to awarding a contract." Ms. Lenox seconded the motion, and a roll call vote was taken: Ms. Lenox, yes; Mrs. Cregar, no; Mr. Mathews, yes; Mr. Sageser, no; Mr. Kneski, no.

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, SPECIFICALLY CHAPTER 24, OFFICERS AND EMPLOYEES, ARTICLE VII, DESIGNATION OF THE POSITION OF PURCHASING AGENT

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

1. There is hereby created the position of Purchasing Agent for East Amwell Township
2. The Purchasing Agent shall be appointed by the Township Committee of East Amwell Township.
3. The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
4. The Purchasing Agent shall have, on behalf of the Township Committee of the Township of East Amwell, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township of East Amwell.
5. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
6. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
7. This ordinance shall take effect immediately upon final passage and publication as required by law.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

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Motion by Mr. Sageser and seconded by Deputy Mayor Cregar, to introduce the ordinance. A roll call vote was taken: Ms. Lenox, no; Deputy Mayor Cregar, yes; Mr. Mathews, no; Mr. Sageser, yes; Mr. Kneski, yes.

The ordinance will be published in the January 19, 2012, issue of the Hunterdon County Democrat. The second reading and public hearing will be held at the next regular Township Committee meeting on February 9, 2012, at 7:30 p.m. and the public will be heard.

(For the record, the ordinance was not published, upon advice from the Township Attorney.)

**SPECIAL DISCUSSIONS - None**

**SPECIAL COMMITTEE REPORTS - None****STANDING COMMITTEE REPORTS**

1) Additional Committee/Board Appointments for 2012: The Clerk provided a handout showing some corrections to be made to the reorganization minutes. At the December 8 meeting, Mr. Sageser said that he would not be on the Environmental Commission, and appointments were based on this. However, at the reorganization meeting, he agreed to continue to serve and the following corrections were necessary: Dart Sageser will be appointed to a three year term and will serve on the Planning Board as the Township Official for one year; Edward Feinberg will move up to the unexpired 2 year term on the Environmental Commission; Jeff Bradstreet will change from the Alternate II to the Alternate I position. Mr. Sageser spoke about his reorganization appointment to the Chair position on the Environmental Commission, stating that he would prefer not to serve in that capacity and did not feel it was appropriate for a Township Committee member to do so. It was agreed that the colleagues on the Environmental Commission should discuss the Chairman appointment and notify the Mayor for the next Township Committee meeting. The Chairman position will remain vacant at this time. Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried unanimously to approve these changes.

Mayor Kneski spoke about interviewing two candidates earlier this evening. Gail Skupien applied for the Mayor's Designee position on the Planning Board. She is a resident on Mountain Road and is interested in serving. Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and it was carried with one abstention, Mr. Mathews, to approve the appointment of Gail Skupien for the one year Mayor's Designee appointment.

Pamela McGovern was interviewed for the Recycling Committee and the Historic Preservation Committee. Representatives from both Committees sat in on the interviews to review the resume and qualifications. Motion to appoint Ms. McGovern to the Recycling Committee (regular member) and Historic Preservation Committee – Class C (Alternate II) were approved on a motion by Ms. Lenox, seconded by Mr. Sageser, and carried with one abstention, Mr. Mathews.

**PLANNING BOARD:**

1) 1/7 Letter of Appeal from Residents Diane and Theodore Harrington re: "Failed Public Hearing Process re: SunEdison Company Solar Project on C. Stahl Farm": Residents Diane and Ted Harrington were present for this discussion. Mayor Kneski thanked the Harringtons for coming forward, noting that they would only be discussing the tree harvesting matter, not the Planning Board issues.

Mr. Cushing explained that the Harringtons came to the Township Committee meeting in August to discuss the tree clearing near their house without ordinance compliance. He noted some concerns about enforcement, i.e., an original version of the ordinance named the zoning officer; subsequently, the tree harvesting committee became the enforcers. When the Harringtons came forth, the Chairman of the tree harvesting committee had some hesitations about signing a complaint and asked if the Township Committee would sign. Mr. Cushing at that time suggested that the Harringtons could file their own complaint as aggrieved parties; he stated that the Municipal Court Judge read the ordinance differently than he did, which he discussed with Planning Board Attorney Norman. Mr. Cushing mentioned two options: 1) the tree harvesting committee could sign a summons and complaint; 2) amend the ordinance that allows an aggrieved party to have standing to do so. The Planning Board is looking at this and is in the process of updating the ordinance.

Mayor Kneski acknowledged that the Harringtons "have been through an ordeal" and changing the ordinance to allow have them file again "doesn't make sense." He believed that an official or the tree harvesting committee should file the complaint for the violation of the ordinance. He believed that some action should be taken.

Mr. Mathews asked about the letters sent to the property owner and the logger, in which next steps were mentioned. The Clerk did not believe the letter was ever sent to the property owner with the court complaint filed instead, and the logger did not respond to the Township's letter.

Mr. Sageser spoke about the authority to levy violations and fines. He has been on the Planning Board tree harvesting subcommittee for the revisions, with a goal of getting proper procedures in place, including having the Zoning Officer play a role in the ordinance. He stated that "in fairness to the process, there has never been a situation like this." He liked the idea of something in the new ordinance to permit citizens to register complaints. He also mentioned another complication, i.e., the right to farm and farmland assessment and the property owner's right to income as part of their operation. It was noted that in this case, there was no woodland management plan/forms in the Tax Assessor's Office.

Mr. Mathews stated that the enforcement committee met twice (once in person and once by phone). Action was taken at each meeting, i.e., a letter to Mr. Stahl and a letter to the logger. Comments were made about the reluctance of the DPW Superintendent in being Chair of the Committee and taking action. Mr. Cushing felt that the Township Committee should authorize him to take action and remind him about indemnification and insurance coverage for any actions taken as Chair of the committee. He suggested that the governing body do a resolution to have the tree harvesting committee take appropriate legal steps and show their support of the action.

Further discussion took place, including the following: Mr. Sageser felt that responsibilities and authorities needed to be spelled out in the revised ordinance; Mr. Cushing recommended "an enforcement administrator," noting that the tree harvesting committee is not administrative in character, that it would make sense to have a designated professional, and that the DPW representative may not be comfortable in the role; Mr. Sageser said that the review committee thought that the Zoning Officer "makes the most sense" although the Zoning Officer has no expertise in trees; Mr. Cushing spoke about factual information for decisions of a Zoning Officer, who can issue summonses based on third part evidence - having the facts from the Harringtons is important for the Zoning Officer and/or tree harvesting committee.

Mr. Harrington asked about a farmer who may choose to clear 8 - 12 acres for crops, such as corn, i.e., doesn't the farmer need soil conservation permission? Mr. Cushing was not sure if a permit was necessary. The tree harvesting ordinance excludes the need for a permit for removal of "nursery, garden center, Christmas tree farm or orchard, only if such use complies with zoning laws." Mayor Kneski stated that even if a property is a farm, soil conservation would be involved.

Mr. Harrington noted that no one was able to stop it (i.e., the harvesting), stating "something's broken," i.e., the owner and logger failed to adhere to the ordinance without any Township Committee or tree harvesting committee involvement. Mr. Cushing suggested that the tree harvesting committee meet and issue a summons; he said that he would prepare a resolution this evening. Mayor Kneski agreed with Mr. Cushing's recommendation and asked for approval of the resolution. Mr. Cushing agreed to prepare one while the meeting was in session for approval tonight.

Further comments were exchanged between Mr. Harrington and Mayor Kneski regarding Soil Conservation's involvement and regulations; Mr. Harrington would have to go to Soil Conservation to determine if there was a violation for non-compliance.

Ms. Harrington asked about the letter to the logger indicating that there was a fine per day for non-compliance. Mr. Cushing explained that once the summons is issued, with the Judge looking for the tree harvesting committee to do it, the Judge will determine penalties after reviewing the ordinance. Ms. Harrington asked how they would know when a decision is made; Mr. Cushing agreed to work on the resolution while the meeting continued.

Frances Gavigan, 123 Wertsville Road, spoke about clarification on right to farm. She said that it was the policy of Hunterdon County Ag Development to defer to local ordinances. She made the suggestion that the tree harvesting committee have a hearing and collect evidence from the Harringtons and other neighbors, including widening the driveway, plans to take down trees for panels, reviewing the Environmental Impact Statement, and other items that will be useful to proceed with the summons. She spoke about the property going out of farmland assessment with roll back taxes, which was part of the record. She commented on loss of mature forest.

Mr. Cushing worked on the resolution while the meeting continued.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE

1) Rutgers Cycling Team Insurance & Communication to Residents: The email from George Ghanim was read into the record: "The Rutgers University Cycling team will be hosting a bicycle race in East Amwell and Hillsborough on March 3, 2012. With the permission of the town and state police, we will be partially closing several roads for the duration of the race. The roads described below and shown on the attached map will be partially closed as the racers pass through and open to vehicular traffic once the racers are out of the vicinity. We advise all residents and drivers to be attentive and careful while driving on, or through the course. This is for the safety of both the racers and your cars. The Rutgers University Cycling Team apologizes for any inconvenience and encourage residents to come out and spectate. For more information, contact Adam Nawrot (848-391-5124. Roads in Hillsborough were listed and Roads in East Amwell include Wertsville, east of Rileyville; Rileyville between Wertsville and Ridge; Ridge; Lindbergh between Ridge and Zion, then over to Hillsborough Twp." The insurance certificate was acceptable to the insurance company, noting that East Amwell Township must be named as an added insured.

2) Farmland/Open Space Preservation & Historic Preservation Committee Secretarial Positions: Based on discussions with Christine Rosikiewicz, she agreed to take both positions after the last meeting.

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RESOLUTION #22-12

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby amend the existing 2011 Salary and Wage Resolution, effective January 9, 2012, as follows:

- Remove Historic Preservation Committee Secretary Pittore \$13.10/hour
- Replace Historic Preservation Committee Secretary Rosikiewicz \$14.00/hour
  
- Remove F/OSPC Recording Secretary Pittore \$13.10/hour
- Replace F/OSPC Recording Secretary Rosikiewicz \$14.00/hour
  
- Change AAC Secretary Rosikiewicz from \$11.91 to \$14.00/hour
- Recreation Committee Secretary Rosikiewicz from \$12.51 to \$14.00/hour

By Order of the Township Committee,

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Peter Kneski, Mayor

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

3) Wells Fargo Insurance Services as Risk Management Consultant: Mr. Matheny explained that as part of the PAIC renewal, this resolution was requested.

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RESOLUTION #23-12

RISK MANAGEMENT CONSULTANT

WHEREAS, East Amwell Township has resolved to join the Public Alliance Insurance Coverage Fund ("PAIC") following a detailed analysis; and

WHEREAS, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws

and Risk Management Plan; and

WHEREAS, the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

NOW THEREFORE, BE IT RESOLVED that East Amwell Township does hereby appoint Wells Fargo Insurance Services as its Risk Management Consultant in accordance with the Fund's Bylaws.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

4) Animal Control Officer Coverage for 2012: (See 12/29/11 minutes for background): Mr. Mathews attended a recent meeting and brought Mr. Matheny up to speed. The Clerk from West Amwell also emailed a copy of a rough draft of a shared services agreement, which was also provided to Mr. Cushing. The Clerk will provide a copy to the insurance agent as was suggested at the last meeting. The agreement would include three municipalities (West Amwell, Lambertville, and East Amwell) at \$6,000 per town and mileage. Emergency calls and responses will have to be worked out. Mayor Kneski asked about cost savings; Mr. Matheny said that current ACO service was a little over \$8,300 now. The new agreement would also require a contract with a veterinarian to keep dogs for seven days and put down if needed.

Mr. Mathews spoke about the meeting with Mayor DelVecchio (Lambertville) and Mr. Fisher (West Amwell), mentioning mileage reimbursement "for delivering a head." If equipment is needed, costs may or may not be split four ways since Delaware Township has its own agreement with the same person. The ACO would take on some enforcement, e.g., issuing summonses and fines for unlicensed dogs.

5) Confirmation of Edward Martin as East Amwell/Delaware Township Municipal Court Judge: The State sent a notification dated January 9, 2012, that Edward Martin had been confirmed by the Governor as Judge of the Joint Court. The court schedule has been changed to hold evening court at 5 p.m. with Judge Martin in attendance. The S & W resolution will be changed to reflect the appointment.

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**RESOLUTION #24-12**

BE IT RESOLVED that the 2011 Salary and Wage Resolution will be amended as follows:

Remove Judge Petronko, Effective January 1, 2012	\$8,827.00
Replace with Judge Martin, Interim Judge as of January 1, 2012 and changed to Judge Martin, effective January 9, 2012	\$8,827.00

By Order of the Township Committee,

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Peter Kneski, Mayor

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

6) Raritan Township Police December 2011 Report: There were 8.75 hours of patrol with 9 traffic summonses issued. Some discussion took place with the following highlights:

Mr. Matheny anticipated that there would be some lighter patrolled months and heavier months in some instances. The agreement calls for 16 hours of patrol a month; Mr. Matheny also noted that December may be a "big vacation time." When the program originally started, there were about 50-60 summonses in a month.

**DISCUSSION ON TOWNSHIP ADMINISTRATOR'S 2012 TERMS AND CONDITIONS OF THE POSITION**

Mr. Mathews advised that as he mentioned at the December 8, 2011, meeting, he subsequently met with staff, discussed the matter with Mr. Cushing, discussed the matter with Mr. Matheny, and shared his observations with Ms. Lenox. He met for 15 - 30 minutes with each staff member over the course of a week, had two discussions with Mr. Cushing for clarity and guidance, and spoke with Mr. Matheny for an hour and a half after the ACO meeting. He shared general observations with both Ms. Lenox and Mr. Matheny. The primary question to staff was if the position of Township Administrator was no longer here, what would be the impact on the day to day work. All staff were very complimentary of Mr. Matheny and thankful to have him, but they would be able to continue their jobs. The only issue would be "who to go to" if an issue came up. He asked about the need for a Township Administrator being prevalent, noting that policies and procedures are in place, and there is an improved state of affairs; he asked if the Township needed the same level of care and improvement and whether there was a need for the position as it exists. If it is considered for economic reasons, based on the budget, a suggestion of looking at the deferral or elimination of the position for a time to see how it continues, the Township Committee would have to be more available when staff needed them to facilitate discussions. Ms. Lenox agreed. The question raised was the continuation of the position, and if decided that it would not exist, how would functions be covered.

Mr. Sageser said that the staff would obviously say that they did not want a boss. Mr. Mathews explained that the response "was not like that," i.e., the question was if the position did not exist, what would be the impact to their jobs. All employees were free to say what they wanted to say, noting that all of them are professionals and know what to do any day. Mayor Kneski agreed, stating "our staff members are terrific and can function... doing a marvelous job...." He mentioned a small component of areas where staff does not get involved, e.g., as certified purchasing officer, grant writing, etc. He noted that he works in municipal government, and without this position, work would fall to engineers and planners at "astronomical" cost for grant writing, road projects, and work with engineers, etc.

Mr. Mathews looked at all municipalities in Hunterdon County, and there were only three (including East Amwell) with Administrators, with one as a combined Clerk/Administrator. He stated that he was not making decisions, that he was fact gathering, and others were free to do evaluations based on information they received.

Mr. Mathews asked when the budget meeting would take place; Mayor Kneski is working with the CFO on this. He stated that they usually begin in November or December, but since there is no specific information on the state regarding dollar amounts, it is important to have this information for the meetings. He will providing information on the budget meetings very soon.

**STANDING COMMITTEE REPORTS, Continued**

**RESOLUTION FROM ATTORNEY CUSHING FOR TREE HARVESTING COMPLAINT**

Mr. Cushing read his resolution into the record at this time. (For the record, the correct Ordinance citation is #10-19, not #10-14, and it has been changed accordingly in this set of minutes.)

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**RESOLUTION #25-12**

WHEREAS, Ordinance 10-19 requires that a person who engages in tree harvesting secure a permit prior to tree harvesting;

WHEREAS, a purpose of Ordinance 10-19 is to preserve, protect, and embrace the sensitive forested areas of the Township by ensuring that tree removal practices comply with Best Management Practices for logging; and

WHEREAS, a finding of the Mayor and Township Committee under Ordinance 10-19 is that improper techniques and practices could result in environmental degradation and a reduction in the ecological and economic value of the forest as well as roads and streams in the Township; and

WHEREAS, Diane and Theodore Harrington have advised the Township that Christopher Stahl, owner of Block 5, Lots 1.06 and 2, and his contractor, Mountain Top Logging, LLC, have removed trees from a twelve (12) acre area, without having secured a permit pursuant to Ordinance 10-19 and without having supplied evidence of compliance with Best Management Practices for logging; and

WHEREAS, tree harvesting without a permit appears to be a violation of Ordinance 10-19;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee hereby request that the Tree Harvesting Committee take the following steps:

- 1) Review the evidence submitted by the Harringtons and what others have submitted about alleged violations of Ordinance 10-19;
- 2) Evaluate whether the actions taken by Christopher Stahl and Mountain Top Logging, LLC. violated Ordinance 10-19; and
- 3) If the Tree Harvesting Committee concludes that there have been violations of Ordinance 10-19, then the Tree Harvesting Committee cause to be issued a complaint or complaints as appropriate, based on the number of days violations have occurred.

BE IT FINALLY RESOLVED that the Township Committee agrees to indemnify and hold harmless the members of the Tree Harvesting Committee from any liability or claims that may arise from their actions in accordance with Section 24-5 of the Code of East Amwell Township.

By Order of the Township Committee,

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Peter Kneski, Mayor

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The Committee briefly commented on the wording. Mr. Mathews added that coaching of the Chairman of the Tree Harvesting Committee is warranted. Mr. Cushing offered to do so, and the Mayor agreed.

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

**RETURN OF PERFORMANCE BOND TO MANNON EXCAVATING COMPANY UPON APPROVAL OF MAINTENANCE BOND FOR DUTCH LANE ROAD PROJECT**

The Clerk relayed that the maintenance bond submitted by Mannon Excavating was reviewed by Attorney Kopen and found to be satisfactory.

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**RESOLUTION #26-12**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby approve the release of the performance bond from Mannon Excavating Company for

road repairs done on Dutch Lane, upon the receipt of the maintenance bond, approved by Attorney Kopen.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

**NEW BUSINESS**

**APPOINTMENT OF 2012 LIAISONS**

Mayor Kneski advised the governing body that he had the new list prepared as presented this evening, but he offered each committee member the opportunity to change as they preferred. The governing body members reviewed the list, and the final copy was developed. Mayor Kneski agreed that he would like to keep the DPW liaison position for at least this year since he will continue to work on the five-year road plan.

On a question about the function of the liaison, Mayor Kneski explained that if there is a committee or employee question, the assigned Township Committee members are the specific member to speak with, i.e., the liaisons are "conduits as the outside source to the Township Committee."

2012 Liaisons

Mr. Sageser: Zoning Officer; Building & Construction; Township Engineer; Local Public Assistance, COAH, Fire Company, Board of Health, Environmental Commission

Mr. Mathews: Tax Assessor, Tax Collector; Auditor; Recreation, Animal Control, OEM, Summer Playground, Tree Harvesting, Website, Bridge Ad Hoc

Mrs. Cregar: Deputy Clerk, Recycling Committee; Senior Citizens, East Amwell School, Historic Preservation, FOSPC, Clawson Park

Ms. Lenox: Treasurer; Court Administrator; Board of Adjustment, Planning Board; Rescue Squad; Agricultural Advisory

Mr. Kneski: Township Clerk, Township Attorney; Township Administrator; Department of Public Works; W.Q.M.P. (Wastewater); Stormwater Management; Municipal Building; Traffic; Meszaros Project;

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

**RESOLUTION TO ENTER EXECUTIVE SESSION**

Mr. Cushing indicated that there was an immediate matter that he had to bring to the attention of the governing body tonight. The item will be added after the next Open to the Public item.

**RAFFLE LICENSE #12-01 FOR THE EAST AMWELL TOWNSHIP SCHOOL PTO - BASKET RAFFLE ON MARCH 24, 2012**

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**RESOLUTION #27-12**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the East Amwell Township School PTO, 43 Wertsville Road, Ringoes, NJ 08551; and

WHEREAS, the organization has made application to hold a basket raffle at the East Amwell Township School, 43 Wertsville Road, Ringoes, NJ 08551 on Saturday, March 24, 2012, with drawings beginning at 7:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that Raffle Licenses #12-01 be approved and processed for the East Amwell Township School PTO.

By Order of the Township Committee,

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Peter Kneski, Mayor

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

**OPEN TO THE PUBLIC**

John Fischer, 109 Lindbergh Road spoke about police enforcement and asked if any enforcement was done on Lindbergh Road, providing anecdotal information about speeders he has encountered on that road. He volunteered his driveway for surveillance, indicating that the best times to patrol would be at rush hour in the morning and at night. He gave specific location information for his property. Mayor Kneski also commented on speeders he has encountered while traveling on that road. Mr. Matheny will contact Raritan Township to "beef up patrols." Mr. Sageser suggested use of a "dummy police car" as was done in Hopewell Township.

Nancy Cunningham, 14 Wertsville Road, found the conversation on the Township Administrator position "interesting," noting her experience as an executive director of employees - her employees did a "good job and did their own jobs without me ... they have their job descriptions" and noted that employees do their jobs if an organization is running well. She asked about the one and a half hour interview Mr. Mathews had with Mr. Matheny about his job and whether there was benefit for the Township. Mr. Mathews said that he answered all questions in his discussions. Ms. Cunningham suggested looking at what one does in the job description of a position.

Andrea Bonette, 17 Ridge Road, agreed with traffic conditions on Ridge and Lindbergh. She recalled information she provided to a past Township Committee about a citizen's patrol in Westfield, NJ. Two citizens would watch traffic, one recording with a radar detector; the other would write down the license plate information. A warning letter would be sent to violators, and if the police subsequently discovered the offender again, violations would be issued. Mrs. Bonette did a traffic study some years ago at Lindbergh and Ridge Roads; one fourth of the cars were from Pennsylvania. The Township Committee at the time was not interested in a similar monitoring program as Westfield because they thought that too many residents would be issued tickets.

Mrs. Bonette also commented on the tree logging bill approved by the Senate, but deferred by the Assembly into 2012. She thanked the governing body for their support (see 12/29 minutes for background), stating that she would be working with the other four Sourland Mountain municipalities for their support.

Frances Gavigan, 123 Wertsville Road, spoke about the Township Administrator's report. She mentioned herself as "an unofficial ear from both sides... hearing complaints of unhappiness..." She spoke about room for improvement although "on the whole a good job." She spoke about actions for financial reasons, including having a set day for the Administrator, having him present for Tuesday evening hours, discussing certain percs such as looking at phone bills that the community could afford. She stated that it was "not a personal thing... Mr. Matheny accomplished a lot and ... [I] appreciated what you brought to the table." She spoke about

discussing contracts as a collaborative process, noting her concerns that it is a financial issue that should be discussed at budget meetings.

Ms. Gavigan looked at a \$58.00 bill for deer carcass removal on the bill list; she recommended utilizing the county prisoners to do pick up, to work on brush removal, etc. She also mentioned entering budget season, finances, a restart with SunEdison, and the Ferriero engineering bills, highlighting the amounts indicated on tonight's bill list, half coming from private citizens and some coming from developers working in the township. She has spoken with contractors who tell her that construction in East Amwell is 25% higher than anywhere else. Mayor Kneski said that much of the money comes from escrow accounts, explaining at length the use of mounded septic systems. Ms. Gavigan mentioned efficiency of scale and an opportunity to look at other engineers, including Van Cleef, to determine cost efficiencies.

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

**NEW BUSINESS, Continued**

**RESOLUTION TO ENTER EXECUTIVE SESSION TO RECEIVE ATTORNEY'S ADVICE**

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**RESOLUTION #28-12**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, East Amwell Township Committee is of the opinion that circumstances presently exist; and

WHEREAS, the governing body of the Township of East Amwell wishes to receive advice from the Township Attorney; and

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

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

By Order of the Township Committee,

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Peter Kneski, Mayor

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

Executive Session began at 10:10 p.m.

The regular meeting resumed at 10:20 p.m., and Mr. Cushing left the meeting at this time.

**ADMINISTRATIVE REPORTS**

TREASURER MONZO provided the bills of the evening and a statement of cash on hand. Motion by Deputy Mayor Cregar and seconded by Ms. Lenox to approve the bills. Mr. Mathews brought up the point Ms. Gavigan raised with the engineering bills. He asked about the selection practice, suggesting a periodic change of professionals - perhaps every other year or so - to provide some level of competitiveness. Mayor Kneski mentioned the possibility of rates changing over time; he also spoke about losing consistency with new professionals and paying for one's "learning the curve." Comments were made about an opportunity to see Van Cleef Engineering's duplicate work on the Stahl application "as a good barometer" of costs.

The motion to approve the bills was carried unanimously.

There were no resolutions.

TAX COLLECTOR HYLAND provided her monthly report and her annual 2011 report. There were no resolutions.

Other administrative reports were noted without comment.

**CORRESPONDENCE**

Correspondence was noted without comment.

**ADJOURNMENT**

There being no further business, motion by Ms. Lenox, seconded by Mr. Sageser, and it was carried unanimously to adjourn the meeting at 10:25 p.m.

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Teresa R. Stahl, RMC/CMC  
Municipal Clerk