

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 Judith Kopen 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 March 6, 2012.

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

AGENDA REVIEW

The Committee welcomed Attorney Kopen, who was in attendance this evening as legal counsel.

Under Public Hearings, table item B, 2012 Open Space Trust Fund Hearing, until the April Meeting.

The Request from Amwell Valley Little Baseball League for Signs on Municipal Property for a Local Vineyard will be moved up to Special Discussion after Introduction of the Budget. At that time, they will also present their request for a car wash on the municipal property.

Under Correspondence, add the 3/7 Attorney-Client Privilege Letter and 3/8 Letter from Lorraine Staples on GRC Complaint 2009-275 (McGee v. East Amwell Twp.). Also, add the 3/5 Letter to Administrator Matheny from Peter Tarricone from Wells Fargo Insurance in Response to the Statewide Complaint.

Under Standing Committee Reports, appointment of the Environmental Commission and Planning Board members will be deferred until the next meeting. The Recreation Committee item will move to position A since there are representatives present to discuss their items.

ANNOUNCEMENTS

- A. 2012 Dog Licenses are now over due. Cost is \$12/altered - spayed dogs and \$15/non-altered/non-spayed, and there is a \$25 per dog late fee assessed.
- B. Day Light Savings Time begins at 2:00 a.m. on March 11, 2012. Remember to set clocks ahead one hour.
- C. Municipal Offices will be closed on Friday April 6, 2012, for Good Friday.
- D. The Annual Roadside Clean up Day is scheduled for Saturday, April 14, 2012. Contact Blaine Hummel at 609-466-2907 to register for a road.
- E. The Annual Township Clean Up Day is scheduled for Saturday, April 28, 2012. Permits are available in the Clerk's Office: Cost for permits is as follows: car, \$15; SUV or mini-van, \$25; and truck, \$35.
- F. East Amwell Township will sponsor a summer playground in 2012. Details are being developed at this time.

APPROVAL OF MINUTES

February 7, 2012 (Budget): Motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and carried with one abstention, Ms. Lenox, to approve the minutes with the following corrections: page 4, paragraph 6, first line, change "Bigger" to "Baseball"; page 7, paragraph 4, line 1, add

"as an example" after "recycling secretary"; page 7, paragraph 6, line one, change "commented" to "questioned" and on line two, add Mayor Kneski and Mr. Matheny that" before "secretarial hours"; page 7, paragraph 8, line 2, change "Mr. Bacon" to "Mr. Miles."

February 9, 2012, Special Minutes (Interviews): Motion by Deputy Mayor Cregar, seconded by Mr. Mathews, and carried unanimously to approve the minutes.

February 9, 2012, Regular Minutes: Motion by Mr. Mathews, seconded by Ms. Lenox, and carried unanimously to approve the minutes with the following corrections: page 10, paragraph 7, last sentence, "suggesting that Mr. Matheny would not negotiate a 50% reduction in pay and working 40 hours per week on his own"; on page 12, paragraph 8, line 1, change "no" to "limited."

February 9, 2012, Executive Minutes (Land Acquisition and Attorney Advice): Motion by Mr. Mathews, seconded by Ms. Lenox, and carried unanimously to approve the minutes with one correction on page 1, paragraph 5, line 1, add "Ms. Conard thought that" before "it will be another...."

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

Andrea Bonette, 17 Ridge Road, spoke about an issue not affecting East Amwell Township. She explained that the County does not allow any partisan, political, or religious meetings inside any county meeting area, e.g., the Library, Echo Hill Park, etc. Cumberland County is the only other county that has this policy. She noted that East Amwell has opened its doors to political and church groups. She will be pursuing this matter, including writing a letter to the newspaper.

Motion by Ms. Lenox, seconded by Mr. Mathews, and carried unanimously to close to the public.

PUBLIC HEARINGS/INTRODUCTION OF ORDINANCES

Public Hearings:

ORDINANCE 12-01: 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 IV, TOWNSHIP ADMINISTRATOR AND ARTICLE VII, DESIGNATION OF THE POSITION OF PURCHASING AGENT

As proof of publication, the legal notice published in the February 16, 2012, Hunterdon County Democrat was displayed. The ordinance has been posted and available to the public since introduction of the ordinance on February 9, 2012.

The Clerk explained that the ordinance was a recommendation from the State of New Jersey to establish the separate position. Mayor Kneski further explained that having a Qualified Purchasing Agent (QPA) benefits the township by allowing a higher bid threshold.

Mr. Mathews stated that the Township Committee members who voted to introduce the ordinance abandoned language recommended by the attorney to require Township Committee approval on purchases above bid thresholds. Mr. Sageser also commented on the term "qualified" not being in the title. Mr. Matheny said the term qualified is located in the ordinance itself.

Ms. Lenox agreed with Mr. Mathews about his concerns, stating that it allows the Purchasing Agent "free reign," and the Township Committee would not be knowledgeable about purchases.

The meeting was open to the public for comments.

Richard Spiegel, (Mountain Road), asked Mr. Matheny if he recalled in 2006 when then Treasurer Jane Luhrs was asked about becoming the Purchasing Agent. She only needed one course at that time, but she did not have the time to do it.

The Clerk asked to read a letter into the record from a resident who provided it by fax and wanted it to be read. Ilona English, 9 Runyon Mill Road, Thursday, March 8, 2012: "I would like to go on the record to reflect that I oppose any decision to have the Business Administrator also named Purchasing Agent for the Township. As a resident of East Amwell and a Financial professional, I find it unacceptable to have someone in charge of buying for the Township who has oversight on a higher level for the general business of the Township. I would prefer to have the Clerk handle the Purchasing and have the Business Administrator have oversight review on the process."

Richard Spiegel asked if the ordinance would mean an increase in salary; Mayor Kneski stated that this has not yet been discussed. Mr. Spiegel felt that the Treasurer could be the Purchasing Agent, stating that she was salaried; he also commented on Ms. English's letter. He suggested checking with the Treasurer to see how far along she may be in the process, stating that it may be more economical to pursue.

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

Mr. Mathews voiced concern that the ordinance clearly stipulates checks and balances, and by having the same person serve in both positions, it would give the individual "carte blanche" without oversight.

Mr. Matheny commented on legislation for the QPA to make it a requirement. Mr. Sageser felt that it was more efficient for the Township Administrator to be the QPA in order to have more leeway. He spoke about the Treasurer not being responsible for preparing bids, which would go to the Township Administrator anyhow. He was comforted that the purchase amounts were not big and there was always a line item in the budget; he was supportive of the current operations, stating that the higher threshold saves money and the QPA would also have to go with the lowest qualified bidder.

Mr. Matheny spoke about the previous CFO being adamant that purchasing by the CFO not be done since the CFO certified funds and that employee should not have oversight. Additionally, he explained that anything over the bid threshold had to be approved by the Township Committee, and RFPs could not be solicited without a governing body resolution; also, the CFO certifies funds even on the smallest level.

Mr. Mathews reminded the governing body of Mr. Cushing's proposed language in the ordinance to have the governing body review anything over the quote threshold. He commented on the Rutgers transaction last year (i.e., removal of brush from roads), which was in the \$5,000 range, and the governing body was not allowed to know about it and had to read about it in the newspaper. He believed that at a certain level, such as the quote level, purchases should come to the governing body. Ms. Lenox agreed.

Mr. Sageser felt that the advice from the attorney was that in a larger jurisdiction there might be an issue; Mr. Mathews disagreed. Deputy Mayor Cregar agreed with Mr. Sageser.

Motion by Mr. Sageser and seconded by Deputy Mayor Cregar to adopt Ordinance 12-01.

Mr. Mathews made a motion to open to the public again and seconded by Ms. Lenox. The motion was not carried with a vote of two for (Mr. Mathews and Ms. Lenox), three against (Mrs. Cregar, Mr. Sageser, Mr. Kneski).

The motion on the floor to adopt Ordinance 12-01 was approved upon roll call vote: Ms. Lenox, no; Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, no; Mr. Kneski, yes.

OPEN SPACE TRUST FUND HEARING - This item will be tabled until the April meeting.

Introduction of Ordinances:

ORDINANCE 12-02: AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, SPECIFICALLY CHAPTER 75, FEES, TO INCLUDE FEES FOR SUMMER PLAYGROUND

Mr. Matheny explained that summer playground will continue this year with a fee structure. Before fees can be charged, the fees ordinance must be adjusted accordingly. After lengthy discussions with the ad hoc committee, they concluded on a cost of \$40.00 per child for the four week program if paid by June 15; after that time, the fee will change to \$50.00 per child. Another fee will be assessed for late pick-up, i.e., the program ends at 11:45 a.m. with a grace period until 12:05 p.m. The first assessment will be \$5.00 and after that, \$10.00 for each incident with a possible dismissal from the program if too many incidents. Mr. Mathews agreed that the fees were fair and nominal; the program will have better security, administration, and structure with fees to offset expenses to the township. He believed that it "was a good blend of controls and improvements."

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EAST AMWELL TOWNSHIP
ORDINANCE #12-02

AN AMENDMENT TO THE CODE OF EAST AMWELL TOWNSHIP, SPECIFICALLY CHAPTER 75, FEES, TO INCLUDE FEES FOR SUMMER PLAYGROUND

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

§ 75-1. Event fees and miscellaneous fees

Add under B. Miscellaneous fees

(7) Fees for Summer Playground:

- (a) Participation fee per attendee for the four week program: \$40 if paid by June 15; \$50 if paid after June 15. Once the fee is paid, there will be no refunds for days missed.
- (b) A fee will be assessed per attendee for late pickup after 12:05 p.m. for each day that the late pick up occurs. The child will not be allowed to participate in the program unless the fee is paid for each occurrence. First late fee will be \$5.00; each subsequent late fees will be \$10.00.

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

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

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Motion by Mr. Mathews, seconded by Deputy Mayor Cregar, and carried unanimously to introduce the ordinance.

The ordinance will be published in the March 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will be at the regular Township Committee meeting to be held on April 12, 2012, at 7:30 p.m.

ORDINANCE 12-03: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

The ordinance allows municipalities to exceed a certain cap and create a bank; if not used, the excessive amount can be used for future expenses. Mr. Mathews asked if this is a requirement or a convenience; Mr. Matheny left the meeting to locate Ms. Monzo for a better explanation.

Mayor Kneski introduced the new CFO/Treasurer Kathryn Monzo to the public. Ms. Monzo explained that the ordinance creates an additional one percent cap on the 2.5% limit on spending, is based on COLA. It is not a requirement, but it is beneficial because it increases the spending cap to 3.5% for the year. If the municipality does not budget to cap, the difference can be banked and used in future years, if necessary. The ordinance is necessary to establish the cap bank; if the Township considers this for 2012, it would increase the cap to around \$1.6 Million while the proposed budget is \$1.2 Million. If, in future years, the Township had a problem reaching a threshold, i.e., could not fit an appropriation under the regular cap, it gives leeway, e.g., for expenditures not under the Township’s control. She stated that the ordinance allows the municipality some leeway and is a good option, which she would recommend, commenting that it was unknown what state changes would bring next year.

Mr. Mathews wanted to make it clear that the Township was proposing a flat budget with no tax increase. Ms. Monzo commented that the cap bank is a component of the budget by increasing the budget by 3.5% and allowing the Township to have some control on spending caps in future years.

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ORDINANCE 12-03
EAST AMWELL TOWNSHIP CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and ,

WHEREAS, the Township Committee of the Township of East Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of East Amwell hereby determines that a 3.5% increase in the budget for said year, amounting to \$46,825.56 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of East Amwell hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of East Amwell, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final

appropriations of the Township of East Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$46,825.56, and that the CY 2012 municipal budget for the Township of East Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

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Motion by Ms. Lenox, seconded by Deputy Mayor Cregar, and it was carried unanimously to introduce Ordinance 12-03.

The ordinance will be published in the March 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will be at the regular Township Committee meeting to be held on April 12, 2012, at 7:30 p.m.

Ms. Monzo left the meeting room at this time.

SPECIAL DISCUSSIONS

QUARTERLY PRESENTATION BY COMCAST Rob Clifton, Director of Government Affairs, was present.

Mr. Clifton spoke about three months of routine business, adding that the finalization of all digital service will be complete by the end of May, noting also some channel improvements. He mentioned taking care of Mr. Kneski’s problem (from a previous meeting). Mr. Mathews asked about faster DVRs in relationship to the upgrades; Mr. Clinton responded positively.

Sue Posselt, 55 Cider Mill Road, spoke about past efforts to be put into the phone book only to see that they’ve been taken out again and was referred to her phone provider for an answer. Mr. Clifton will check on this.

Frances Gavigan, 123 Wertsville Road, commended the installation crew who provided her with service. She asked about the local government channel with respect to historical society and committee presentations and advertisements along with formatting requirements; Mr. Clifton suggested she call him to get the local access coordinator to provide input – there is some lead time involved. Ms. Gavigan also asked about airing governmental meetings and how it is done. Mr. Clifton recalled that the Township negotiated for a local channel, either 14 or 24, and it is up to the Township to use it. Mr. Spiegel, in the audience, noted that the programs are delayed, i.e., about two weeks out. Mr. Clifton stated that live programs are expensive, and it is up to the

Township to decide to tape. Mr. Spiegel commented that public meetings can also be filmed without an ordinance.

Chuck Bacon, 20 Harvest Hill Drive, spoke about contacting Comcast to run cable a while ago and was quoted a price of \$3,000; the price now has escalated to \$6,000. Mr. Bacon asked about digging the trench himself; Mr. Clifton believed that some residents have been allowed to trench, and he suggested that Mr. Bacon call him to further discuss.

Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried unanimously to close to the public. Mr. Clifton was thanked for his appearance tonight.

INTRODUCTION OF 2012 BUDGET

Treasurer Kathryn Monzo was present during this portion of the meeting. She explained that the budget was developed over several meetings, and the rate is flat and within caps. The spending cap would allow up to \$1,640,000 and the Township’s budget is only \$1,387,000 – having departments keep budgets tight is helpful. The tax rate is \$.1502, the same as last year, and as an example, a house with an average assessment of \$450,000 would pay \$675.68 as their municipal portion of the budget. She was open to any questions.

Mayor Kneski thanked the staff, committees, and boards for “sharpening their pencils” in preparing their budgets. Mayor Kneski also spoke about the calculation for uncollected taxes, which was based on 98% collections, and he thanked the residents for “paying the taxes.”

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RESOLUTION #32-12
Introduction of the 2012 Budget
(as attached to the original set of minutes)

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Mathews, seconded by Ms. Lenox, and it was carried unanimously by roll call vote to approve the resolution to introduce the budget: Ms. Lenox, yes; Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

The budget summary will be published in the March 22, 2012, issue of the Hunterdon County Democrat, and the public hearing will be at the April 12, 2012, Township Committee meeting at 7:30 p.m.

REQUESTS FROM AMWELL VALLEY LITTLE BASEBALL LEAGUE Alan George, President of the League, and Board Members Chuck Bacon and Chris Thompson were present for this discussion.

Mr. George asked the governing body for their support for three projects, commenting on tight budgets and attempts to generate revenue, including team sponsorships, tournaments, signs, etc. The League wished to hold a car wash on the municipal property, being well aware of environmental issues and planning to use “green” detergent. The car wash will be a community event, not just a car wash. Mr. Bacon spoke about going back to the members of the association for additional funds and having the car wash for additional revenue as not to be a financial strain on members. Mr. Thompson mentioned that the teams would be helping with this event, and they are aware of environmental concerns.

Mayor Kneski personally had no problem with the proposal, but he mentioned strict stormwater management regulations, including using green products, having sufficient insurance and naming the Township as an added insured. Mr. Mathews spoke about the indemnity language on the Township’s application for use of municipal facilities. Ms. Kopen explained the indemnification agreement to hold harmless the Township from any liabilities in connection with the event.

Mr. George then referenced the agreement between the Township and the Little League to erect signs that should not advertise alcohol or tobacco on Township property. However, a local vineyard, Old York Cellars, would like to advertise their business; Mr. George argued that the League is encouraging sports and would be advertising the business itself. Mayor Kneski asked about putting that particular sign at the firehouse field; Mr. Bacon said that the company may want to purchase a second sign for the municipal field. Ms. Kopen read from the agreement between the Little League and the Township, saying that the agreement could be modified in writing upon approval of parties to do so; this would be an appropriate way to permit the sign. Mr. Sageser commented on making modifications appropriate for a local business; Mayor Kneski cautioned about opening it up to other businesses selling liquor or other items; Mr. George stated that the League would not want to do anything inappropriate, noting that there was only one other vineyard in the Township; and Mr. Bacon commented on the advertisement being for a local agricultural business. Ms. Kopen also pointed out that the agreement refers to team sponsors, while Mr. George indicated that they were “sign sponsors.” Mayor Kneski concluded that the sign would be limited to the firehouse field for the present. Mr. Sageser said that he did not object to amending the lease to be more “friendly” than what is now written, but it would take time.

Mr. George explained the third project being considered for next year was the purchase of bricks for contributions to the club, which would be installed on the blacktop just in front of the snack shack and to the left of the soccer fields. There are no development plans yet, and they will be prepared later. Mr. Mathews said that Zoning Officer McManus did not see any problems with the concept. Mayor Kneski asked that plans be presented when they are complete.

On the request to hold a car wash, the League representatives thought that the date might be the second Saturday in May and would check their calendar to find out and let the Township know. There was a consensus of the governing body to allow the event, provided all paperwork was in order, including insurance coverage, and there was no conflict on that day.

SPECIAL COMMITTEE REPORTS – None

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE:

1) Handling Responsibilities in Absence of Committee: Angelo Lovisa, who served as Chair in 2011, was present.

Mr. Lovisa explained that the Committee currently does not have enough members to make quorum, and the first event that they usually hold is the egg hunt. A decision is necessary on whether to hold it or not. Mr. Lovisa had a plan to proceed with the help of the Recreation Committee secretary, who will spend 12-15 hours on the project, including shopping on Amazon to purchase candy and trinkets. Volunteers will be organized, the school will be contacted to use their facility, and notices will be sent to the VIP and posted. Mr. Lovisa spoke about money being in the budget for the hunt, including \$500 for purchases; last year’s “trinkets” (purchased from Oriental Trading Co.) were unsatisfactory, and many items were broken when the eggs were dropped. Costs may be a little higher this year since items cannot be purchased from BJ’s Wholesale (i.e., won’t accept vouchers); Mr. Lovisa anticipated that the cost would be up from \$500 to about \$650. The secretary’s 12 – 15 hours may be “a wash” since there haven’t been any meetings yet. He explained the set up of the egg hunt, which “works well at the school.” A date has not yet been set, noting that Kirkpatrick Church is holding their event on March 31.

Additional members for the Committee are still being solicited. Comments were made about trying not to overdraw line items that cannot be transferred until the end of the year.

Motion by Ms. Lenox, seconded by Mr. Mathews, and it was carried unanimously to authorize the annual Easter Egg Hunt, as outlined above.

On a question from the Clerk about processing field use forms in the absence of the Recreation Committee (part of the requirements in the Parks Ordinance), Ms. Kopen stated that the Township Committee has within its powers to authorize the use of the fields.

ADDITIONAL APPOINTMENTS FOR 2012 BOARDS/COMMITTEES:

1) Tree Harvesting Committee - Appointment of Member in Absence of Regular Member: The Clerk explained that the appointee from the Environmental Commission has been out on extended leave since the middle of last year. The Mayor agreed that the Environmental Commission should be asked to appoint someone in his absence, and they recommended Toni Robbi. Motion by Mr. Mathews, seconded by Deputy Mayor Cregar, and it was carried unanimously to appoint Toni Robbi as the Environmental Commission member on the Tree Harvesting Committee to fill the position until Frank Clair returns.

2) Environmental Commission and Planning Board Membership: This item will be tabled until the next meeting.

HISTORIC PRESERVATION COMMITTEE

1) Request for Support of Application for Hunterdon County Funding for Clawson House Rehabilitation, Phase 3.

Frances Gavigan, who is a member of the Historic Preservation Committee, spoke about the application being made for the rehabilitation to the house at Clawson Park as the next phase. She highlighted the house from the 1850's, explaining her experience of walking through it with the architect. Mayor Kneski spoke about supporting the phased project; Mr. Sageser explained it as a multi-phased project and mentioned the possibility of other grants coming up. A letter of support from the Clawson Park Advisory Committee was also solicited.

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RESOLUTION #33-12

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space, Recreation, Farmland and Historic Preservation Trust Fund and established a Historic Preservation Grant Program to provide County funds in connection with the acquisition of historic properties and the preservation of historic properties, buildings, structures facilities, sites, areas or objects, in Hunterdon County; and

WHEREAS, the Township of East Amwell desires to further the public interest by obtaining funding in the amount of \$65,000 from the County of Hunterdon to fund the following historic preservation project, as described here:

Clawson House Rehabilitation – Phase 3: Entry Addition Installation at a cost of \$65,000 (*project cost*);

NOW, THEREFORE, the governing body/board resolves that the East Amwell Township Mayor or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such Historic Preservation Grant Funds,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, adopted Freeholder Board Policies and the Procedures Manual for the Historic Preservation Grant Program adopted thereto, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County funds in accordance with such adopted Policies and Procedures, and rules, regulations and applicable statutes;

NOW, THEREFORE, BE IT FURTHER RESOLVED, BY THE Township Committee of the Township of East Amwell

- I. That the Mayor of the above named body or board is hereby authorized to execute any documents and agreements with the County of Hunterdon known as Clawson House

Rehabilitation – Phase 3: Entry Addition Installation (*project name*);

- 2. That, in the event the County of Hunterdon's funds are less than the total project cost specified above, the applicant may have the balance of funding necessary to complete the project;
- 3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
- 4. That this resolution shall take effect immediately.

By Order of the Township Committee,

Peter Kneski, Mayor

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

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE This item is being held until executive session.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE

1) Animal Control Officer (See 12/29, 1/12, and 2/9 Minutes for Background): An agreement between four municipalities has been vetted, and East Amwell is the first one to sign it. Ms. Kopen said that she spoke with Attorney Staples who asked that one item be brought up in executive session, but the agreement would be ready to sign.

Mr. Mathews spoke about item C4 regarding not asking for equipment costs, which was previously discussed in negotiations. Originally, mileage was discussed for “transporting heads,” and now reads 55 cents for mileage. Some comments were exchanged about this, with Mr. Mathews concluding that the cost of mileage may offset the agreement to split equipment costs (no longer in the agreement) and may be less. A decision on the agreement will be reached after executive session later in the meeting.

2) Summer Playground Update: The fees ordinance was introduced tonight, based on recommendations from the ad hoc committee. The program will run from July 2 to July 27 on Monday through Friday from 9:00 a.m. – 11:45 p.m. with late fees assessed if the child is not picked up before 12:05 p.m. The plan is to have a more secure sign in/out system in place and a process for paying fees will be established. The ad hoc committee will get the information out through the school to allow for early registration. Mr. Mathews explained that the new four week program will support the cost of the fifth person as a manager to oversee the program. Ms. Monzo provided a mechanism to bank the fees (in a trust account) to account how much the fees cover, so that going forward, the cost for operating the program will be neutral.

3) Training Session for Volunteers: Mr. Matheny highlighted some of the topics covered during the February 29 training session, including OPRA, the Open Public Meetings Act, electronic messaging, purchasing constraints, etc., having everyone “on the same page moving forward.” Mayor Kneski thanked Mr. Matheny for the PowerPoint presentation, appreciating all his efforts and time to make it work.

4) Soccer Field Lights and Billing: Mr. Matheny conversed with representatives from JCP&L about the billing system, receiving information about charges for 3 phase power for commercial systems. Basic charges consist of paying the fee for use or paying a fee based on the average use over the prior 11 months, whichever is higher. The company rechecked the bills and the Township received around \$280 credit. Mr. Matheny also suggested that he could speak with John Anderson for further information. Mr. Mathews asked if the soccer lights would be under the solar contract for the school; Mr. Matheny said that they were covered in one version of the plans he saw, but he is not sure with the current plans - he will check on this.

5) State Police February 2012 Report: Mr. Matheny explained that the update is similar to the type of report that they did for the township several years ago. Mr. Mathews commented on the report being “sobering.” Mr. Matheny reminded the governing body that the Township is not the clearing house for police information.

6) Raritan Township Police February 2012 Report: There were 19 tickets in 19 hours. Mr. Matheny stated that the numbers are falling off, but the police are still patrolling.

7) FEMA Update: Mr. Matheny spoke about providing information to Gary Myers on getting information in before the deadline – there have been numerous submissions in different fashions. FEMA representatives will be in East Amwell Township next week for final input, and Mr. Matheny thought that the Township should get something back.

9) Correspondence from Peter Tarricone: Mr. Matheny reminded the governing body that this item was added to the agenda earlier in the meeting.

10) Reassessment Process: Mr. Matheny spoke with Tax Assessor Marianne Busher about the reassessment process. She will need someone to help her with inspections, and the cost maybe around \$40,000. He checked into exemptions for professional services, and these contracts do not have to be bid; the cost can also be carried over 5 years. Ms. Monzo will do a resolution and ordinance for the next meeting. Mr. Matheny said that he would be getting three quotes for the work, noting that the size of the project is “small in the scheme of what they do.” Mr. Mathews spoke about the deadline for proceeding with the work. Mr. Matheny said that the deadline was April 1 to apply, but the Township can always decide not to move forward. There was a consensus of the Township Committee to move forward, including preparing a spending ordinance.

UPDATE FROM TREE HARVESTING COMMITTEE ON COMPLAINT FROM THE HARRINGTONS (See 1/12 and 2/9 Minutes for Background)

Mr. Mathews explained that the Tree Harvesting Committee (Bob Kadezabek, John Perehynys, Tim Mathews, and Toni Robbi, while not a member, sat in for the Environmental Commission) met with the attorney and had a long discussion after looking at the evidence. There was a lot of input and the conclusion was that while there was a violation, i.e., a permit was required, because of the right to farm issues, the amount of legal dialog and energy involved would be large and costly, and there was a question as to whether the Township would prevail. The Tree Harvesting Committee decided not to move forward, and they would ask the Planning Board to readdress the tree harvesting ordinance to clear up the ambiguities with the right to farm regulations and the ability to cut down trees. Several of the members, including one who is a farmer, agreed that a farmer has the right to cut down trees on a farm. Mr. Mathews concluded that it was an unfortunate situation; however, they agreed that it would be difficult to enforce the ordinance.

Mr. Mathews also noted the letter of resignation from the Chair, Bob Kadezabek, stating that now the entire enforcement issue is in question.

Mr. Sageser has been working with the Planning Board subcommittee in trying to update the ordinance, understanding the difficulties with interpreting it, noting that the research done with the County Agriculture Development Board (CADB) and Bob Millett indicates that the right to farm regulations do not prevent regulating activities, but they could be repealed unless there was a plan filed for farming, including a state woodland plan. The owner of the harvested land did not have a state woodland plan.

Mr. Mathews said that the violation determined, i.e., the owner did not get a permit, could go to court, but Mr. Cushing felt that the probability of success was low, it would be costly, and it would take time.

Mayor Kneski was concerned that the Township would not do anything, i.e., the Township has an ordinance, and he was uncomfortable with “letting it go.” He was concerned about setting a precedent, and Mr. Mathews agreed. Mayor Kneski asked to revisit the matter when Mr.

Cushing is present, and Mr. Mathews agreed, along with the rest of the committee. Mr. Sageser commented on penalties in the ordinance that should be considered.

Ted Harrington, 110 Boss Road, said that the situation started last August, then said it started last July 13; the matter has been going on quite a while with the logging company cutting down trees and only removing some of them. He mentioned state police involvement and tree cutting before the solar application came up in September; Mr. Harrington said “that is the only reason he (the property owner) cut them ... not to farm... the trees are still there ... until they rot ... or he might have sold the trees.....”

Mayor Kneski appreciated the Harringtons’ patience and agreed that he would “not stop pursuing alternative restitution or action with this particular incident.” He agreed that he would like to see some resolution; he wanted to talk with Mr. Cushing about options.

Diane Harrington, 110 Boss Road said that the trees are still there, that what the governing body does or does not do will set a precedent, and she did not believe that the Township Committee should be passive.

Frances Gavigan, 123 Wertsville Road, spoke about evidence she provided to the Township Committee. She stated that one of the members of the Tree Harvesting Committee has a conflict since he is a member of the CADB, if there would be an appeal, and “is a solar applicant.” She commented that this is not a single incident, suggesting it was a “three act play” noting that the property owner altered the entrance to the property on John Ringo Road adjacent to a historic cemetery, and took soil from a berm to improve access for logging trucks. The Harrington complaint was the second act, and a third act was during the recent hurricane during which time she has photographs, when the property owner cut cable wires affected by a downed tree, causing the Serambas to be without cable for weeks and depositing debris on the Seramba property. She stated that “rules don’t apply to Stahl, ... and beyond reasonable doubt ... [trees were removed] for orchestration for solar development, not cleared for crops.....,” and also noting recent robberies by someone out of Mr. Stahl’s house. She thanked the Tree Harvesting Committee for the good report.

Mayor Kneski referred to the 3/5 letter from Bob Kadezabek resigning from the Tree Harvesting Committee. Mr. Sageser mentioned that the ordinance was written to include a staff member on the committee, although there was the ability to consult with foresters for advice. The Clerk reminded the governing body that this is the second time Mr. Kadezabek attempted to resign, but previously, the attorney advised that he could not do so. Mayor Kneski asked if the resignation was due to frustration on the part of Mr. Kadezabek; the Clerk said yes. Mayor Kneski stated that the DPW Superintendent would have to stay on the committee until such time that the ordinance was changed, suggesting that it be changed in a reasonable amount of time. Mr. Sageser noted the Planning Board’s other activities, such as the solar application taking a fair amount of time.

Mr. Mathews asked about enforcement under a new ordinance for the current complaint. Mayor Kneski explained that the governing body could not make a change to the existing ordinance without referring it back to the Planning Board for evaluation. The DPW Superintendent will be advised that he cannot unilaterally decide to resign, based on how the ordinance is written; however, the Planning Board will be asked to do due diligence and hastily revisit the tree harvesting ordinance. Deputy Mayor Cregar asked if the DPW Superintendent was consulted about the ordinance; Mr. Sageser said yes, along with the Zoning Officer and both felt that it was beyond their expertise – however, the ordinance does allow for consultants to assist. Mr. Mathews said that some of the pictures reviewed at the Tree Harvesting Committee meeting showed logs that were rotting, and all agreed that they did not know if they were damaged or not since they were not tree experts.

Mr. Mathews asked whether the current enforcement committee would have to act on this matter even if a different ordinance with another enforcement agent is put into place. Mayor Kneski said that a decision would be made later, but he did not see anything happening in one or two months.

TOWNSHIP WIDE REASSESSMENT: This matter was brought up under the Township Administrator’s Update.

APPOINTMENT OF TOWNSHIP COMMITTEE MEMBERS TO REVIEW 2012 TOWNSHIP ADMINISTRATOR'S CONTRACT (See 2/9/12 Minutes for Background)

Mayor Kneski suggested appointing Mr. Sageser and Mr. Mathews to work with the Township Administrator to look at a reasonable contract and report back to the Township Committee to decide what to put in place. Mr. Mathews said that he would be happy to volunteer but could not be unbiased since he has a different perspective on the position and on negotiating the terms and conditions of the contract. He asked if Mr. Matheny would accept this; Mr. Matheny stated that it was up to the governing body to decide, not him.

Mr. Sageser stated that the majority of the committee agreed to go ahead with the Administrator's position; negotiating a reasonable contract is a next step. Mr. Mathews reminded the governing body that he was clearly opposed to keeping the position, and negotiating a contract may be a challenge. He suggested that Deputy Mayor Cregar might prefer to negotiate. Deputy Mayor Cregar did not believe three people should serve on the negotiating team, and Mr. Mathews explained that she would sit in his place, which she agreed to do. Mr. Sageser commented on having a decision for the April meeting, based on the previous decision to extend the current contract until May 1.

RESOLUTION TO ENTER EXECUTIVE SESSION This item will be tabled until after the second Open to the Public portion of the meeting.

NEW BUSINESS

REQUESTS FROM UNIONVILLE VINEYARD Jennifer Tanner, Director of Sales and Marketing, was present at this time. Steve Ember, Coalition for Animals, was also in attendance.

Ms. Tanner thanked the Township Committee for all their support over the past year and passed out information on prize winning vineyard selections. She stated that Judy Worrell was unable to attend this evening to present her request for a social affairs license on June 23, 2012, but noted that NJ State Police and NJ ABC approvals have been obtained. The event is a fund raiser for children's music programs and local dance troops.

1) 5K Run on September 29, 2012 (See 2/29 email from Ms. Tanner):

Ms. Tanner said that originally her plan was to hold the event on Township roads. Upon further investigation, she discovered that there has never been a vineyard run, and she has decided to develop the run on the vineyard itself. The event will benefit the local fire and rescue teams, and it will be held on the morning of September 29, the same day as the pet festival. She is also looking at other charitable events, including working with the March of Dimes. There will not be a rain date for the event.

Ms. Tanner spoke about blue and white signs on the highway directing traffic to the vineyard. The signs are rented for \$1200 and can be accessed through njlogos.com. Mr. Mathews explained that the discussion earlier in the evening (with the Little League) pertained to having baseball sponsored signs on municipal fields. Ms. Tanner did not think it as appropriate to have vineyard signs on the fields.

2) Raffle License #12-02 – Coalition for Animals Event to be Held on Saturday, 9/29 and Application for Special Permit for A.B.C. Social Affair for World for Originalities, Inc. on Saturday, 6/23/12: Mr. Ember explained that the pet festival is a community event that has been held at the Vineyard the last couple of years. The goal is to raise money to help keep families with financial needs together, including families with animals in East Amwell. Mr. Ember stated that the group needs to raise more money before they can offer local assistance. However, he would like to notify residents discretely about their program, including assistance with vet bills, etc. There were 300 people in attendance last year, and the previous year, the weather was bad. Ms. Tanner will be providing better publicity this year, and Mr. Ember hoped for a great community event, including working with schools or civic organizations.

Deputy Mayor Cregar suggested approving the three resolutions at one time. While the race would not need Township approval since it is on private grounds, the resolution will only be to support the race.

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RESOLUTION #34-12

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the efforts of Unionville Vineyard in holding a 5K run on the Vineyard property on September 29, 2012, in order to raise funds for the local fire company and rescue squad.

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #35-12

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the Coalition for Animals, PO Box 611, Somerville, NJ 08876/20 Peterson Road, Hillsborough, NJ 08844; and

WHEREAS, the organization has made application to hold a 50-50 raffle at the Unionville Vineyard on Saturday, September 29, 2012, with drawings beginning at 11:00 a.m.;

NOW, THEREFORE, BE IT RESOLVED that Raffle Licenses #12-02 be approved and processed for the Coalition for Animals.

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #36-12

BE IT RESOLVED By the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to granting a Special Permit for a Social Affair from the New Jersey Division of Alcoholic Beverage Control for an event to be held at the Unionville Vineyard, 9 Rocktown Road, Ringoes, NJ 08551, on June 23, 2012, for the following organization:

World of Originality, Inc. for the
Fourth Annual Local and Legend Music Festival
P. O. Box 183
Hampton, NJ 08827
From 12:30 – 8:00 p.m.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried unanimously to approve the three resolutions.

OPEN TO THE PUBLIC

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

Frances Gavigan, 123 Wertsville Road, thanked the governing body for a flat budget and asked if the reassessment was voluntary or mandatory. Mayor Kneski explained that the Assessor recommended an in-house reassessment based on the economy and price of homes. The State allows an in-house reassessment rather than a full revaluation. Ms. Gavigan cautioned about having a stock of higher end houses in East Amwell and a potential risk of disproportionately increased taxes for the residents; she suggested outreach to the county about this. Ms. Gavigan commented on the County having difficulty in getting a “water” permit for the new design on Wertsville Road and the possibility of being forced back to the original design if it cannot be issued. She also mentioned the item under Correspondence from PSE&G regarding permits for installing new gas mains, suggesting that it should be investigated. She concluded by thanking Mr. Matheny for the State Police report, suggesting it be put on the website along with other Township correspondence where agendas and minutes are posted.

Motion by Ms. Lenox, seconded by Mr. Mathews, and carried unanimously to close to the public.

UNFINISHED BUSINESS, CONTINUED

RESOLUTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION AND TO RECEIVE ADVICE FROM THE TOWNSHIP ATTORNEY ON POSSIBLE LITIGATION, CONTRACTS, AND A GRC COMPLAINT

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RESOLUTION #37-12

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 discuss land acquisition and to receive advice from the Township Attorney on possible litigation, contracts, and the GRC complaint; 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,

Peter Kneski, Mayor

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

There was a very brief recess, and the executive session began at 10:27 p.m.

The regular meeting resumed at 11:30 p.m.

ANIMAL CONTROL OFFICER AGREEMENT

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RESOLUTION #38-12
(As Attached to this Original Set of Minutes)

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried unanimously to approve the shared services agreement.

Attorney Kopen left the meeting at this time.

MAYOR’S UPDATES on 1/21/12 HUNTERDON CENTRAL REGIONAL HIGH SCHOOL BUDGET MEETING AND ANNUAL MAYORS’ LEGISLATIVE DAY ON 2/8/12

Mayor Kneski said that all the information on the budget meeting has been published in the Hunterdon County Democrat already. He felt that the Mayor’s Legislative Day was insightful, including receiving important information on the release of the December 14 report on the NJ BPU website regarding the investigation of PSE&G and JCP&L storm related activities. The report included recommendations for improvements in communication, manpower support, and vegetative management. Mr. Sageser commented on being unable to find the report on the NJ BPU website.

ADMINISTRATIVE REPORTS

TREASURER MONZO presented a statement of cash on hand and the bills of the evening. Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and it was carried unanimously to approve the bills of the evening. Mr. Mathews commented that the problem he brought up at the last meeting (unclear bills) has not been corrected; the Clerk will again check with the Treasurer on the matter.

TAX COLLECTOR HYLAND presented her February 2012 report and a refund resolution.

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RESOLUTION #39-12

WHEREAS, there had been an overpayment in the amount of \$2,073.82 for 1st Quarter 2012 for Block 23/Lot3; 32 Manners Road assessed to Christopher and Barbara Pauley and;

WHEREAS this amount has been requested by Christopher and Barbara Pauley for refund to them;

THEREFORE, BE IT RESOLVED by that the Treasurer be authorized to prepare and mail a check in the amount of \$2,073.82 to be refunded to them.

By Order of the Township Committee,

Peter Kneski, Mayor

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

CORRESPONDENCE

Mr. Mathews asked about the correspondence from Hunterdon County regarding the unrestricted weight on the new bridge on Wertsville Road. Comments were exchanged about the desire to allow traffic to use the road, including tractor trailers, and the possibility of having an unrestricted limit on the next bridge being installed on that road.

ADJOURNMENT

There being no further business, motion by Ms. Lenox, seconded by Mr. Mathews, and carried unanimously to adjourn the meeting at 11:40 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk