

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 Tim Mathews and Dart Sageser. Committee member Linda Lenox was absent. 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 October 9, 2012.

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

AGENDA REVIEW

Township Committee members should note that in their packets tonight – there is a new version of the solar ordinance (12-09) provided earlier today by Planner Joanna Slagle. Disregard the one that is attached is the full packet of ordinances provided on Tuesday, October 9.

Under Standing Committee, Township Committee Liaison to the Recycling Committee, Tim Mathews, will address some items from that committee.

Under Twp. Administrator's report, add a 10-10-12 Memo on Shared Services. Also add a resolution for Submission of the 2013 NJ DOT Municipal Aid Grant for Road Work on Lindbergh and Stony Brook Roads.

Add the following correspondence: 10/10 Email from Attorney Cushing on Appeal of COAH regulations update.

Under Administrative Reports, add an update on the 10-11-12 Tax Sale from Tax Collector Hyland.

ANNOUNCEMENTS

- A. The Grit-yard is now open the first Saturday of the month from 8:00 – 11:00 a.m. for residents to bring branches/brush for chipping and to pick up mulch. This will continue for the next couple of months.
- B. Election Day is on Tuesday, November 6, 2012, with polls open from 6 a.m. – 8 p.m. All East Amwell Township polls are located at the municipal building.
- C. Hunterdon County Utilities Authority will hold a hazardous waste clean-up day on Saturday, November 10th. For more information, email hcu@co.hunterdon.nj.us or call 908-788-1110.

- D. There will be a public meeting at the Hunterdon County Complex on October 23, 2012, at 6 p.m. to provide information on a Manners Road construction project – plans are on file in the Clerk's Office.

APPROVAL OF MINUTES

September 13, 2012, Regular Minutes were approved on a motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried with one abstention, Mayor Kneski, with a typing correction on page 1.

September 13, 2012, Executive Minutes (COAH, Personnel, Litigation, Land Acquisition, Executive Minutes, Atty. Advice) were approved on a motion by Mr. Mathews, seconded by Mr. Sageser, and carried with one abstention, Mayor Kneski.

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

Iona English, 9 Runyon Mill Road, commented on March 16, 2011, Township Committee minutes (meeting with the Amwell Valley Rinoges Rescue Squad) wherein squad members spoke about requirements to return funds slated for a new building and contacting large donors about refunds. Ms. English spoke about donating \$30,000 for a new building, and she was never contacted about using these funds for renovations to an existing building. She was aware of another large donor who was also not contacted. She spoke about her graduate course in finance, stating that when a use for which donations are made does not occur, donors must be contacted and given the option to approve another use or get the funding and transfer to another non-profit. Ms. English wanted it on the record that she was never contacted, and she will contact the squad to ask that the money be refunded to be redirected to another non-profit. She is not supportive of using the money for renovations to the existing building, and she believes that the fire company and rescue squad should be combined because of redundancy. She was appalled to read the comments in the minutes, has received no letter from the squad, and wanted a list of who received the letters and their responses. She also commented on inaccurate statements about tax filing. Mayor Kneski commented on a settlement matter and the possibility of reaching out to donors; Mr. Cushing said that he was not involved with the matter.

John Seramba, 111 John Ringo Road, said that Ms. English was correct, and she should request in writing, to have the amount she donated given back to her to get a 1099. Ms. English spoke about redirecting to another non-profit, the Red Cross, without the 1099 requirement. Mr. Seramba agreed, again asking that she put her request in writing and noting that letters were sent out to donors last November. Ms. English concluded that some of the largest donors did not get letters; they have supported fire and rescue for years; this is a troubling situation; and the non-profits will have to open their books, which she will pursue.

Ms. English spoke about mediation between landowners and involvement by Attorney Cushing. She said that the Township Committee had a policy about situations such as one she was

involved with contiguous property owners not being dealt with by the Township since they are private matters. She believed that it was now an arbitrary policy, and the Township Committee should not be getting involved in private disputes now and not paying the Township Attorney for this. Mayor Kneski asked if her situation involved a board or officer of the Township. Ms. English commented on official policy and not being capricious and arbitrary and spending tax dollars on a tragic situation. She concluded that the Township should not be paying legal fees for this type of situation.

Andrea Bonette, 17 Ridge Road, commented on public notification, asking why no police reports can be obtained locally, mentioning the Democrat also not getting reports about East Amwell. She mentioned a recent burglary on Stony Brook Road in Hopewell, across from #50, that took place in daylight. She said that there were no reports about this on Nixle nor on United Alert. She asked that public safety issues also be available to the public.

John Seramba, 111 John Ringo Road, was concerned upon reading Planning Board and Board of Health minutes showing an appointed Planning Board member coming to the Board of Health and threatening to sue the municipality. He suggested that this matter be looked into, adding that member "Ed Feinberg" should be replaced; Mr. Seramba has a concern that there may be a conflict on having this individual serving on a board making planning decisions and threatening lawsuits. Mr. Seramba suggested that Attorney Cushing should be asked to provide a legal opinion and look into the matter.

Mr. Sageser explained that Mr. Feinberg recused himself from "all Planning Board meetings." Mr. Seramba understood that, but he still believed that the attorney should look into the comment that a lawsuit may be filed against the township.

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

CONSENT AGENDA

There were no items to address.

PUBLIC HEARINGS/INTRODUCTION OF ORDINANCES

Mayor Kneski asked the Attorney if he would be able to vote on the capital ordinance for computer equipment even though he did not attend the last meeting. Mr. Cushing asked if he read the ordinance, which he did; Mr. Cushing saw no problem on the vote.

Public Hearing:

ORDINANCE 12-08 AN ORDINANCE TO PROVIDE FOR PURCHASE OF AND INSTALLATION OF COMPUTER EQUIPMENT AND SOFTWARE FOR THE FINANCE DEPARTMENT AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF EAST

AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

The Clerk explained that the ordinance was introduced at the September 13, 2012, meeting, presented the September 20, 2012, public notice from the Hunterdon County Democrat, and noted that it was posted and available to the public since introduction.

Mr. Matheny said that the ordinance would allow for the purchase of Edmunds software, a widely and extensive used finance software program, and for a new computer in the finance department.

Treasurer Karen Baldino, in the audience, said that the computer and software in the office are old, and the new equipment and software will streamline duties. Mr. Mathews asked if it would address the general ledger maintenance; Ms. Baldino said that it would automatically update the general ledger, reducing existing work from seven steps to one, and creating more accuracy in the office.

There being no comments from the public, motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and it was carried unanimously to close to the public.

There were no comments from the governing body.

Motion by Deputy Mayor Cregar and seconded by Mr. Mathews to adopt Ordinance 12-08, and it was carried by roll call vote: Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

Introduction of Ordinances:

ORDINANCE 12-09 AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FURTHER AMENDING SECTIONS 92-100 AND 92-101 OF CHAPTER 92 (LAND MANAGEMENT) OF THE ORDINANCES OF THE CODE TOWNSHIP OF EAST AMWELL REGARDING SOLAR AND PHOTOVOLTAIC ENERGY FACILITIES.

Planner Joanna Slagle was present during this discussion. She said that she would provide an overview of the changes as a follow up to last month's meeting. She explained that the Planning Board adopted regulations regarding the installation of major and minor facilities, fine tuned them and amended them last year. They hoped that this is the final amendment. Last night, the Planning Board discussed the Township's concerns from their last meeting. In summary, the changes included clarification to language for both the applicants and the boards; enhanced landscaping provisions requiring an inspection before the solar project gets a CO (i.e., this will allow for additional landscaping in key areas if a deficiency is found in the field) – a cap is in place for this; allows for landscaping berms if deemed appropriate; 50% overall site cap for solar facilities in the Amwell Valley District to protect agricultural viability, soils, scenic viewshed, and character; long term maintenance plans to protect lands that may go fallow, including a

prepared schedule for summer mowing, planting of native grasses, etc.; the allowance for a farm to continue its operation without a use variance on the same lot as the solar operation if key items are addressed; the requirement of a construction staging plan.

Ms. Slagle said that the Planning Board discussed the Township Committee’s concerns about the cap on the landscaping for major facilities and agreed to a 20% cap, e.g., on a larger facility with 2000 trees, there would be a requirement of 400 more. Referring to the minor facilities, the Planning Board agreed to remove the terminology about the glare. Mr. Sageser added that the Planning Board took the Township Committee’s concerns under advisement; they felt that the ordinance being proposed was a strong one. Mr. Sageser also commented on an article in the New Jersey Planning Official’s newsletter about a growing sense of legislative efforts to control or eliminate the “beneficial use” language, e.g., to protect farming areas (while it may have great value, it is difficult to create in areas like the valley, etc.).

Mr. Mathews pointed out a typing error on page two, i.e., wording should be “major,” not “minor. Mr. Sageser mentioned that the draft ordinance reviewed by the Township Committee last month had a 10% landscaping cap for major developments, and Ms. Slagle put in 50%, which was the highest amount discussed. The Planning Board opted for 20%, which was included in tonight’s ordinance.

Mr. Mathews asked what happened when the solar use ends; Ms. Slagle referred to the full ordinance, which includes a decommissioning plan.

Mr. Mathews asked about the discussion on keeping developments from the perimeter of properties. Mr. Sageser said that 50% limit to the size of a solar development and setbacks encourage ways to maximize preserved farmable land – the Planning Board did not want to change any SADC requirements. Ms. Slagle also mentioned setbacks from the property line and from residences in the ordinance for protection – she mentioned allowing flexibility to the Planning Board to locate the facility in the best possible site.

++++
ORDINANCE 12-09 AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FURTHER AMENDING SECTIONS 92-100 AND 92-101 OF CHAPTER 92 (LAND MANAGEMENT) OF THE ORDINANCES OF THE CODE TOWNSHIP OF EAST AMWELL REGARDING SOLAR AND PHOTOVOLTAIC ENERGY FACILITIES.

WHEREAS, the Township of East Amwell is desirous of amending and supplementing existing ordinance provisions, adopted by ordinances 11-02 and 11-07, pertaining to the installation of solar or photovoltaic energy facilities and structures in a manner that better serves the public interest and general goals and objectives of the East Amwell Township Master Plan; and

WHEREAS, the Township of East Amwell seeks to achieve uniformity and balance in the application of standards for the utilization of lands to be used for solar and photovoltaic energy facilities and structures with the Township’s existing land use provisions that require the

retention of open lands in conjunction with the conversion of lands occupied by agricultural use, forests, streams and riparian corridors, steep slopes and natural resources lands including floodplains, wetlands and wetland transition areas to non-agricultural use; and

WHEREAS, the East Amwell Township Committee and Planning Board acknowledges and recognizes that existing ordinance provisions that permit the use of certain lands for solar and photovoltaic energy facilities and structures will disproportionately allow for the conversion of land to these uses without providing an adequate balance of open lands as would be the case if certain lands in the Township were converted to residential use under the Township's open lands and lot size averaging provisions seeks to establish balance in the application of standards for the use of lands converted to residential use and/or to solar and photovoltaic energy facility use; and

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of East Amwell as follows:

Section I. Conditional use standards for major solar or photovoltaic energy facilities or structures amended and supplemented.

Portions of Sections 92-100 of ARTICLE VII, Zoning Provisions, of CHAPTER 92, Land Management, of the Code of the Township of East Amwell Township, regarding the use standards for major photovoltaic energy facilities and structures, previously amended and supplemented by the adoption of Ordinance 11-02 and Ordinance 11-07, are hereby further amended and supplemented as follows (additions are underlined thus; deletions are in brackets [thus]):

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

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

- (4) [No structure or other portion of the facility shall be visible from the public view or historic site as defined in §92-4 and/or from any historic district, site and/or building listed or eligible for listing on the State and National Registers of Historic Places.] All Structures or other portions of the facility shall be adequately screened from the public view or historic sites as defined in §92-4.
- (5) Major solar and photovoltaic energy facilities applicants shall submit a landscaping plan conforming to the requirements of §92-46, “Buffers and Landscaping,” and subject further to the requirements set forth herein below:
 - (b) To the greatest extent possible, applicants shall use natural topography and existing vegetation to screen the facility and structures from public view and the view of any adjoining uses on a lot having a common lot line with the lot on which such facility or structure will be located.

- (c) A [visually impenetrable] landscape buffer shall be installed outside the fence around the facility to shield the facility and all related accessory structures and parking areas from public view and the view of any adjoining uses on a lot having a common lot line with the lot on which such facility or structure will be located. A vegetative buffer not less than 50 feet in width, with at least 3 rows of trees, shall be provided, which may consist of existing vegetation, new plantings, or a combination thereof providing year-round screening. The buffer shall include native evergreens in the rear interior rows with [and] a mix of deciduous and evergreen trees planted in the front exterior row. Trees should be at least 8 to 10 feet in height at time of planting, planted 10 feet on center in staggered [double] rows. Bush or shrubs shall supplement the landscape buffer areas in order to conceal ground level visual penetration.
- (d) In the event that the topography of the site prevents adequate screening from adjoining uses through the vegetative 50 foot landscape buffer alone, the applicant, at the approving Board's discretion, may be required to provide a berm on which the landscape buffer is to be built. The required landscaped berm shall include the provision of adequate and appropriate drainage facilities. A grading and drainage plan as outlined in §92-100B(9) shall be submitted.
- (e) All landscaping shall be inspected by the Township Planner after installation to ensure adequate screening has been provided prior to issuance of a Certificate of Occupancy. In the event that the landscape buffer does not adequately screen the facility from view of adjoining uses, the applicant shall be required to provide additional landscaping in strategic areas to address any deficiencies. Additional trees provided shall be limited to no more than 20% of the total number of trees provided in the landscape buffer.
- (6) The preservation of agricultural activities and agriculturally viable soils is key to long-term farming in the Township, therefore, in the Amwell Valley Agricultural District, construction of solar facilities are subject further to the requirements set forth below:
- (a) [the following n] No soil containing Prime Farmland and Farmlands of Statewide Significance as identified by the USDA Natural Resources Conservation Service shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed. [Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and install equipment.]
- (b) Within areas containing Prime Farmland and Farmlands of Statewide Significance, there shall be no concrete footings constructed or used for solar or photovoltaic panel racking systems or other structures to support panels, however concrete pads for inverters and similar equipment, and concrete footings for security fence may be constructed within areas containing these soils.

- (c) Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to that necessary to construct access roads, inverter and switching equipment and pads, parking areas and construction trailers and associated facilities.
- (d) On all tracts of land 40 acres or greater in size, there shall be provided deed restricted lands, which shall not be occupied by any component of the major solar or photovoltaic energy facility, and shall be deed restricted until decommissioning of the facility is complete, subject to the following regulations:
- i. no major solar or photovoltaic energy facility shall occupy more than 50% of the gross tract area; the remaining 50% of gross tract area shall be dedicated as either agricultural deed restrictions as set forth in §92-91.J(2) through (11) or deed restricted from further development.
 - ii. Farm structures and not more than one residential dwelling supporting continuing farm operations on the restricted lands portion of the site shall be permitted, provided however that areas occupied by farm buildings, the residential dwelling, and appurtenant residential areas shall not be counted toward the overall 50% gross tract area restricted requirement.
 - iii. Restricted Lands Guidelines. The following guidelines should be considered in determining the configuration and location of the restricted lands:
 - (a) Restricted lands shall be contiguous allowing for the most valuable agricultural or restricted lands to be utilized in an efficient manner. The solar or photovoltaic energy system and facilities should be situated on the tract nearer the outer portions, not centrally located, of the site in a manner that reduces negative impact on agricultural activities or presence of restricted lands and allow for the greatest amount of contiguous agricultural or restricted area.
 - (b) Restricted lands shall be configured in such a manner as to facilitate agricultural use. Factors such as, but not limited to, proximity of the restricted lands to adjacent tracts containing farming operations, the ability to create large contiguous tracts of restricted lands or farmland and the desirability of maximizing separation between the solar or photovoltaic energy facility and existing off-site residential units should be considered.
 - (c) In order to maintain the rural character and scenic viewsheds of the Township, as perceived from the public rights-of-way, restricted lands should be located in such manner as to preserve scenic vistas and preserve the rural character of farmsteads, barns and homesteads after development.
 - (d) Where tracts include existing farmland operations, designated lands should be configured to preserve such uses, to the greatest extent possible, in order to facilitate the continuation of farming.
 - (d) Proposed roads should be located with the portion of the property utilized for the major solar or photovoltaic energy facility. It is the intent of this subsection to keep restricted lands portion of the tract continuous and free of roadway intrusions; however, adequate access must be provided to the restricted lands area.
 - (e) Restricted lands created as a result of these regulations may be used for recreation, agriculture, or resource conservation. No buildings or structures shall be constructed or maintained on the deed restricted open lands except

such structures that are accessory to the agricultural, natural resource conservation or restricted lands use.

- (10)A Maintenance Plan and Land Surface Management Plan shall be submitted [for approval by the Township Planner,] that sets forth provisions for the continuing maintenance of the entire site including all solar panels and associated equipment, [and] required plantings, area not devoted to solar production, including a schedule of specific maintenance activities to be conducted. On-site, but outside of the solar facility, shall be maintained to a level that will discourage successional growth or the establishment of invasive species. Planting of warm weather native grasses which allow for mid to late summer mowing, providing beneficial critical habitat to native bird species and other wildlife, is encouraged. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.

[(13)Solar Facility Impact Statement

- (a) A solar facility impact statement shall be included with each application for a ground mounted solar energy installation, and shall identify any negative impacts associated with the proposed facility in relation to:

- i. Noise
- ii. Glare
- iii. Property values
- iv. Stormwater runoff
- v. Floodplains
- vi. Steep slopes
- vii. Wetlands and wetland buffers
- viii. Countryside aesthetics
- ix. Continued farming on the property

- (b) Measures proposed to mitigate or eliminate the negative impacts in (a) above shall be described in detail, along with any associated costs.]

(13)Construction Staging and Sequencing Plan shall be provided which details all pertinent information related to construction activities including, but not limited to:

- (a) Timing of construction activities for the course of the project
- (b) Days and Hours of construction activities
- (c) Location of Parking and loading areas
- (d) Location of truck washing areas
- (e) Location of construction trailers and associated facilities
- (f) Location of topsoil stockpile areas
- (g) Designated truck routes to and from the site
- (h) Temporary lighting
- (i) Site security

Section II. Use standards for ground mounted minor solar or photovoltaic energy facilities and structures amended and supplemented.

Section 92-101, currently entitled “Conditional Use Standards for Ground Mounted Minor Solar or Photovoltaic Energy Facilities and Structures,” of ARTICLE VII, “Zoning Provisions,” of CHAPTER 92, “Land Management,” of the Code of the Township of East Amwell Township, created pursuant to Ordinance No. 11-02 and 11-07, is hereby amended and supplemented as follows (additions are underlined thus; deletions are in brackets [thus]):

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

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

(2) Ground mounted minor solar and photovoltaic energy facilities and structures shall not be visible from the public view or historic sites as defined in §92-4. [and/or from historic resources, including districts, sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.]

(3) Installations shall be sited behind existing vegetation and natural topography, which shall be supplemented as necessary with landscaping to shield the installation from public view. If it is determined that additional landscaping is required to adequately screen the installation, applicants shall submit a landscaping plan satisfactory to the Township Planner to screen the facilities and structures from adjoining residential uses.

[(4)Ground mounted minor solar and photovoltaic energy facilities and structures applicants shall submit a landscaping plan satisfactory to the Township Planner to mitigate any resulting glare and to screen the facilities and structures from adjoining residential uses]

[(5)4]The preservation of agricultural activities and agriculturally viable soils is key to long-term farming in the Township, therefore, in the Amwell Valley Agricultural District no Prime Farmland and Farmlands of Statewide Significance as identified by the USDA Natural Resources Conservation Service shall be removed from any site upon which ground mounted minor solar or photovoltaic energy facilities and structures are constructed. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to [construct access roads and] install equipment. Within areas containing Prime Farmland and Farmlands of Statewide Significance, there shall be no concrete footings constructed or used for solar or photovoltaic panel racking systems or other structures to support panels.

[(6)5]The Sourland Mountain District is intended to protect the fragile environmental resources prevalent in the Sourland Mountain. These include large contiguous forests, limiting geology, critical habitat, and steep slopes. Minor ground mounted solar facilities and structures shall be limited to existing cleared areas as shown on 2008 NJDEP aerial photographs.

Section III. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict

Section IV. Severability.

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

Section V. Effective Date.

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

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

++++
Motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and it was carried unanimously to introduce Ordinance 12-09. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

ORDINANCE #12-10 AN ORDINANCE AMENDING CHAPTER 129, TREE HARVESTING, OF THE CODE OF THE TOWNSHIP OF EAST AMWELL TO PROTECT FOREST RESOURCES AND PROVIDE CONSISTENCY WITH THE SOURLAND MOUNTAIN ZONE DISTRICT REGULATIONS

Ms. Slagle explained that a subcommittee of the Planning Board had been working on crafting the ordinance to provide additional protection in tree removal. Mr. Sageser added that there has been an ordinance on the books for many years but “had many flaws and failures in protecting concerns in the Township ... with issues in the Sourlands... with a concern that trees are important ecology in the Sourlands for bird migration and tree canopy sensitivity.” He further explained that the ordinance did not give clear guidelines on rights and limitations. The main effort is not to regulate small scale removal with a threshold of trees that can be removed over months. There is an exemption for diseased and invasive trees and allows for woodland management plans; the intent is the protection of the health of the forest and to use best management practices. The ordinance also allows for monetary compensation in the absence of trees, e.g., there are two tiers of tree removal, with a permit fee based on the threshold of removed trees, and it allows a property owner decide on remediation or donation if a fund is established. Mr. Sageser explained that the idea is to encourage healthy forest management and discourage the removal of an excessive number of trees; it gives authority to issue permits and review timbering with an opportunity to have a forester review at the applicant’s expense. He concluded that the committee reached out to foresters and the state for feedback in creating the ordinance, that the municipality is in a delicate ecological area with recent bad examples of harvesting, and a stronger ordinance was needed.

Dick Ginman was at the Planning Board meeting last night and provided pictures of radical tree removal on Mountain Road that the proposed ordinance may have protected.

Mr. Mathews felt that the ordinance was “much improved,” but he was confused by the different tiers. He also mentioned a concern that it is not easy to plant trees, noting that planting three times a total caliper might mean planting a thousand trees, which “would be a challenge.”

Mr. Mathews asked why the best management practices were not used with harvesting in either tier. Mr. Sageser explained that the best management practices would have no meaning for small removal, and the intent is for larger events. Mr. Mathews spoke about providing a copy of the manual to harvesters. Mr. Cushing commented that the manual was not required for Tier A removals, only Tier B.

Mr. Mathews asked about section 129-8, item 4 regarding replacement of dead trees, particularly about deer grazing problems. He asked if the clause was a reasonable one. Mr. Sageser said that the tree fund would create an alternative. Mr. Cushing felt that there was no practical mechanism to determine if deer ate the trees, and he suggested this would be something to consider. He said that usually in larger developments, a performance and maintenance bond would be required and the engineer would enforce; there is no such condition in this ordinance. Mr. Sageser spoke about the intent of the ordinance, acknowledging that the committee could not

anticipate everything. He mentioned Tier A and its criteria to address small operations and Tier B for more than 6 trees on one acre with permits and fees involved along with a review by a forester.

The Committee discussed the tree fund, as listed on page 4. It currently had a blank amount for expenditures to be approved by the governing body if the fund is set up. There is also a provision in the ordinance that if the Zoning Officer (who is the enforcement agent) needs to, he may contact a forester. The inference is that the applicant pays for it. Mr. Sageser asked about the possibility of using the fund to pay for the forester if the applicant defaults. Mr. Cushing said that this might be a suggestion.

Further comments were made about the intent to set up the fund in the future, but the real issue to protect the forest is immediate. Mayor Kneski agreed that moving forth with the ordinance and setting up the fund later would be prudent. Some discussion was held on the amount that generates Township Committee approval; Mr. Cushing eventually suggested removing the whole sentence until the fund is created.

Mayor Kneski thanked Ms. Slagle and the Planning Board for their work over the past five years. He asked if she saw a memo from the Zoning Officer today about some concerns he had with the draft. Mr. Sageser suggested that Attorneys Cushing and Staple comment on the memo.

+++++

ORDINANCE 12-10
AN ORDINANCE AMENDING CHAPTER 129, TREE
HARVESTING, OF THE CODE OF THE TOWNSHIP OF EAST
AMWELL TO PROTECT FOREST RESOURCES AND
PROVIDE CONSISTENCY WITH THE SOURLAND
MOUNTAIN ZONE DISTRICT REGULATIONS

WHEREAS, the Mayor and Township Committee recognize that trees are an important ecological and economic resource; and

WHEREAS, the Mayor and Township Committee further recognize that conserving forest resources will protect the Township’s water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply; and

WHEREAS, the Mayor and Township Committee have worked closely with the Planning Board to develop revisions to the Township’s Tree Harvesting Ordinance that are consistent with best management practices specifically and with the Township’s land development ordinances generally; and

WHEREAS, amendments to Chapter 129 of the Township Code are required to clarify the application of tree harvesting regulations; and

WHEREAS, this ordinance is enacted to protect the health and safety of the residents of the Township pursuant to *N.J.S.A. 40:48-2* and not as a land use ordinance;

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

Section 1. The Code of the Township of East Amwell is hereby amended by repealing the current Chapter 129 and replacing it with a new Chapter 129 as follows:

§ 129-1 Purpose.

This chapter is intended to advance East Amwell's adopted policies and regulations to preserve, protect and enhance the sensitive forested areas of the Township by ensuring that tree removal practices comply with best management practices. The Township recognizes the necessity of conserving forest resources in order to protect its water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply in this sensitive area.

§ 129-2 Intent and findings.

A. The intent of a Tree Harvesting Ordinance using the Best Management Practices Manual prepared by the New Jersey Division of Parks and Forestry (BMP Manual) is to provide a means by which harvesting of trees:

1. Is properly planned and executed.
2. Creates conditions favorable for reproduction/regrowth without loss of soil/nutrients.
3. Minimizes adverse natural environmental impact.
4. Is conducted according to best management practices for forestry.
5. Protects surface- and groundwater quality and quantity in the forest ecosystem.
6. Protects and/or enhances species diversity.

B. The Township Committee of East Amwell Township finds that improper techniques/practices could result in environmental degradation and a reduction in the ecological and economic value of the forest as well as damage to roads and road rights-of-way, and streams within the Township. The Township Committee further finds that all tree harvesters should follow the recommended tree harvesting practices prescribed in the BMP Manual.

§ 129-3 Title.

This chapter shall be known as the "East Amwell Tree Harvesting Ordinance."

§ 129-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

TREE

A woody perennial plant, with well-defined stem or stems, and a crown where any stem has a minimum diameter of 4 inches measured at 4 feet.

TREE HARVEST

The cutting of trees in excess of five trees in any six-month period and classified based on the following criteria:

Tier A Tree Harvest

The removal of up to 20 trees per tax lot where fewer than 7 trees are removed from any one acre.

Tier B Tree Harvest

The removal of over 20 trees per tax lot or over 6 trees in any one acre.

§ 129-5 Compliance with State BMP Manual required.

All Tree Harvests shall comply with the BMP Manual a copy of which is on file in the Municipal Clerk's office.

The BMP Manual shall be used as a guide to identify relevant information to be provided with an application to obtain a permit. Only relevant sections of the BMP need be addressed.

129-6 Permit required.

A. Any Tree Harvest unless exempted herein requires a permit. The person or entity seeking a permit shall obtain and complete a Tree Harvesting Permit Application from the Municipal Clerk's Office for Tier A and Tier B Tree Harvests. The application must be signed by the property owner and any commercial entity performing the harvest. The fee for a Tier A Tree Harvest Permit shall be \$20 and the fee for a Tier B Tree Harvest Permit shall be \$100. A copy of the BMP Manual will be provided to the applicant. The permit application for either a Tier A or Tier B Tree Harvest shall include the location, block and lot, acreage, type and number of trees to be harvested.

B. A Tier A permit shall be issued by the Municipal Clerk upon submission of a completed application and payment of the permit fee.

C. Prior to issuance of a Tier B Tree Harvest permit, the applicant shall provide a detailed tree identification and removal plan to the Zoning Officer or his designee for review and approval which plan shall include:

1. Location of tree canopy within the property boundaries.
2. Location of individual trees with a caliper equal to or greater than 4 inches, identified by size and species within the area of development/limit of disturbance.
3. Clear labeling of the area intended for tree removal.

4. Tree protection details and limit of disturbance line.
5. Reference to applicable sections of the BMP Manual.
6. Remediation consistent with Section 129-8.

The Zoning Officer or his designee shall notify the applicant and the Municipal Clerk of the approval or disapproval of the plan.

D. A Tier B permit shall be issued by the Municipal Clerk upon submission of a completed application, receipt of approval from the Zoning Officer or his designee as set forth in subsection C above and payment of the permit fee.

E. The permit shall be prominently posted during the tree removal operation and be visible from the road at the entrance to the property.

F. The permit holder shall give five business days' notice to the Municipal Clerk when the work is to begin and also give notice to the Municipal Clerk when work has been completed.

G. The Zoning Officer or his designee may monitor and conduct site inspections during regular business hours of all tree harvesting conducted pursuant to a Tier A or Tier B permit. The application for a permit constitutes the grant of permission by the property owner to the Zoning Officer or his designee to enter the property for inspection for compliance with this ordinance.

H. Permits shall expire 2 years after the date of issuance.

§ 129-7 Activities not requiring permits.

Permits are not required for the following activities, which shall not be considered Tree Harvests:

A. Removal of trees that present a hazard to the safety of persons or property.

B. Removal of trees that are diseased, dead or storm damaged.

C. Removal of trees to eliminate invasive species including, but not limited to, thorn apple, autumn olive, honey locust, poison sumac, and multi flora rose.

D. Providing that a building permit has been obtained, clearing or clear-cutting of not more than a total of two acres of a residential lot for the construction of a dwelling/outbuilding/drive, except in the Sourland Mountain District, where clearing shall adhere to § 92-89I.

E. Removal of any tree growing on property used as a nursery, garden center, Christmas tree farm or orchard, only if such use complies with zoning laws.

F. Any cutting of trees performed as part of ongoing timber stand improvement work in compliance with a State approved woodland or forest management plan.

G. Removal of any trees on a farm property with documented protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and a State approved woodland or forest management plan.

§ 129-8 Tree Replacement

A. The replacement of trees removed from a property, either pursuant to a Tier B Tree Harvest Permit or in violation of this Chapter, shall comply with the following provisions:

1. If a Tree Harvest is conducted in compliance with a permit, the total caliper of trees planted shall equal the total caliper of trees harvested. If a Tree Harvest is conducted without a permit required by this Chapter or otherwise in violation of this Chapter, the total caliper of trees planted shall equal up to 3 times the total caliper of trees harvested.
2. All replacement trees shall be of nursery grade quality, balled and burlapped and not less than 2-1/2 inches caliper.
3. Replacement trees shall be consistent with the type and species removed from the site and shall be planted in accordance with accepted nursery practice.
4. Replacement trees that die within the first three years after planting shall be replaced.

B. Township Tree Fund. Should the Township create a Tree Fund pursuant to §129-9 below, the Township, at the request of the applicant and in its sole discretion, may permit the applicant to make a monetary contribution to be deposited in said Township Tree Fund in lieu of the planting of replacement trees. The contribution shall be based on a current quote from a local nursery, including the cost of planting, and shall be deposited in the Township Tree Fund prior to the Township issuing any building permits.

§ 129-9 Tree Fund

A. The Township may establish a Township Tree Fund. If the Township does not establish a tree fund, all sections of this ordinance providing for contributions or the payment of penalties to such a fund shall not apply.

B. All funds collected from an applicant as a contribution in lieu of replanting trees shall be deposited in a dedicated account clearly designated as the East Amwell Township Tree Fund. All funds so deposited shall be used exclusively for the planting and maintenance of trees. This fund may be used to plant trees on public property and rights-of-way, including but not limited to public parks, public schools and public buildings.

C. The Tree Fund shall be administered by a designee of the Township Committee, who shall report to the Township Committee on a quarterly basis detailing the amount of money in the Fund and the total cost location and size of all plantings to be paid for from the Fund proposed for the next quarter.

§ 129-10 Violations and penalties.

Any landowner, lessee, logger, agent or other person violating this chapter shall be subject to one or more of the following: a fine not to exceed \$1,250, a term of imprisonment of not to exceed 90 days, remediation as set forth in Section 129-9 of up to 3 times the total caliper inches illegally removed, or a period of community service not to exceed 90 days and will not be issued a new permit or license in the Township of East Amwell for said property or any property owned/leased by same entity or principal, until all violations are remediated.

Each day tree harvesting continues in violation of this chapter after written notice has been served on the property owner, shall be considered a separate, distinct violation.

Penalties shall reflect the extent of the violation and the associated environmental damage so as not to unduly penalize one time, minor infractions.

§ 129-11 Enforcement by Zoning Officer.

A. The Zoning Officer’s responsibilities shall include, but are not limited to:

1. Review and approve all Tier B permit applications.
2. Monitor all Tree Harvest permits.
3. Visit the site prior to and at completion of the tree harvest.
4. Verify that an appropriate permit application has been filed and that harvesting has been conducted in conformity with the BMP Manual.
5. Inspect site for road damage, road right-of-way damage or obvious environmental degradation.

B. If a professional opinion is needed, the Zoning Officer may retain the services of the Township Engineer, a Professional Forester who is on the New Jersey Department of Environment Protection list of state-approved foresters, or appropriately credentialed environmental experts. The cost of the professional’s time will be paid for by the permittee; provided that the Zoning Officer will not retain the services of a professional without establishing an escrow fund into which the applicant has deposited an amount reasonably necessary to cover any professional fees as determined by the Zoning Officer.

TABLE 1 Summary of Applicability, Fees and Requirements

Number of Trees to be Removed	Permit Requirements	Permit Cost	Remediation
Fewer than 6 in a 6 month period (129-4)	No permit required		
Any number consistent with a state approved forest management plan (129-7(F))	No permit required		
Any number at a nursery, garden center, tree farm or orchard (129-7(E))	No permit required if in compliance with zoning laws		

Clearing to the legal limit for dwelling, outbuilding or drive (129-7(D))	Building permit required.		
Any number consistent with the Right to Farm Act and a State approved woodland or forest management plan. (129-7(G))	No permit required		
Any number that are hazardous, invasive, diseased, storm-damaged, or dead (129-7(A)(B)(C))	No permit required		
<u>Tier A</u> The removal of up to 20 trees per tax lot where fewer than 7 trees are removed from any one acre (129-4)	Tree Harvesting Permit required	\$20	
<u>Tier B</u> The removal of more than 20 trees per tax lot or over 6 trees in any one acre. (129-4)	<ul style="list-style-type: none"> • Tree Harvesting Permit required • Plan addressing BMPs required • Advanced review and approval required(129-8) • Remediation required (129-9) 	\$100 plus cost of consultant	<ul style="list-style-type: none"> • Nursery stock with a 2 1/2 inch minimum caliper. • Total caliper inches planted must be at least equal to total caliper inches of trees removed (129-9)

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

+++++
Motion by Mr. Mathews and seconded by Deputy Mayor Cregar to introduce Ordinance 12-10, with the changes suggested tonight; the motion was carried unanimously. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

ORDINANCE 12-11 AN AMENDMENT TO THE 2012 SALARY AND WAGE SCHEDULE

Mr. Matheny explained that the ordinance is based on changing the salary range for the CFO, based on discussions last month to increase her salary.

+++++
ORDINANCE 12-11 AN AMENDMENT TO THE 2012 SALARY AND WAGE SCHEDULE

BE IT ORDAINED by the Township Committee of the Township of East Amwell that they hereby amend Ordinance #12-07, The 2012 Salary and Wage Schedule, as follows:

Section One:

Under SALARIED,

<u>Remove</u>	Treasurer/CFO	\$14,790 – 36,101
<u>Replace with</u>	Treasurer/CFO	\$14,790 – 45,000

Section Two:

This ordinance shall become effective upon publication, according to law, and be retroactive to September 24, 2012.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

+++++
Motion by Mr. Sageser, seconded by Mr. Matheny, and carried unanimously to approve introduction of Ordinance 12-11. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

ORDINANCE 12-12 BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF THE ACQUISITION OF DEVELOPMENT EASEMENTS IN TWO FARMS LOCATED WITHIN THE TOWNSHIP FOR AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$310,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$295,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mayor Kneski asked if the ordinance required full membership vote; the letter from Bond Counsel advises that the ordinance could be introduced by majority of attendance vote.

Farmland/Open Space Preservation Coordinator Glorianne Robbi noted that the funding was for the Zuegner and Drift Farms and ratifies a previous ordinance.

+++++
ORDINANCE #12-12

BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF THE ACQUISITION OF DEVELOPMENT EASEMENTS IN TWO FARMS LOCATED WITHIN THE

TOWNSHIP FOR AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$310,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$295,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of East Amwell, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$310,000, including the sum of \$15,000 as the down payment required by the Local Bond Law. The down payment is now available from the Open Space Reserve.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$295,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Township's share of the acquisition of development easements in two farms located within the Township for the preservation of farm land and open space. The acquisition of the development rights in a farm known as the Drift Farm consisting of approximately 54.1 acres and described on the Township tax map as Block 27, Lot 33 will be undertaken in accordance with a funding program assembled by the Hunterdon Land Trust Alliance involving proposed funding from the Federal Farm and Ranchland Program in the amount of \$157,429.90, the Duke Foundation (via Conservation Resources, Inc.) in the amount of \$72,681.60 and the Township in the amount of \$69,888.50 for a purchase price of \$300,000, all in accordance with an agreement with the Township. The acquisition of the development rights in a farm known as the Zeugner Farm consisting of approximately 77.5 acres and described on the Township tax map as Block 17, Lot 34 will be undertaken with funding in the approximate amount of \$604,500 from the State Agricultural Development Committee, \$201,500 from the County of Hunterdon and \$201,500 from the Township of East Amwell, for a purchase price of \$1,007,500, all in accordance with an agreement with the Township. The agreements will ensure the preservation of the open space and farmland in perpetuity for the benefit of the Township and its inhabitants.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$295,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Mayor, the Chief Financial Officer, the Township Attorney and other appropriate representatives of the Township (the "Township Representatives") are hereby authorized to participate in the acquisition of the easements as described more fully in Section 3 hereof on behalf of the Township and jointly with the Federal Farm and Ranchland Program, the Duke Foundation (via Conservation Resources, Inc.), the State Agricultural Development Committee and the County of Hunterdon. The Mayor of the Township is further authorized to execute the agreements and related documents and agreements, including documents and agreements necessary to receive the grant necessary for the purposes described in Section 3(a), and the Township Clerk is authorized to attest such execution in forms recommended by the Township Attorney. The signatures thereon shall provide conclusive evidence that the forms of the contracts have been so approved. The Township Representatives are authorized to do all things necessary and to execute any such documents as may be reasonably necessary to implement the agreements.

(f) This ordinance supercedes ordinance no. 11-04 of the Township to the extent it may be deemed to be in effect, and any actions purported to be taken thereunder are hereby deemed to be taken pursuant to this ordinance and are hereby ratified and reconfirmed.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This ordinance supersedes and repeals ordinances #10-17 of the Township finally adopted September 27, 2010, and all actions taken or expenditures made pursuant to ordinance #10-17 will be deemed to be taken and expended pursuant to this ordinance.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

++++
Motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried with one no vote by Mr. Mathews to introduce the ordinance. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

Continued Discussion

PURCHASE OF DUMP TRUCK AND MOWER AND UPDATE ON CAPITAL BUDGET – 10/5/12 Memo from Treasurer/CFO Karen Baldino (See 9/13/12 Minutes for Background)

Ms. Baldino said that based on her findings, the Township has the funds to finance the dump truck and mower through the capital budget. With regards to an ordinance for Dutch Lane, it was explained that it was adopted as an ordinance anticipating funding and the project is complete. The Township only had to fund \$33,797.84 of the project.

Mr. Mathews asked about approval of the project, stating that the governing body was only given a list of generic requests for funding. Ms. Baldino commented on itemization in her memo of 10/5/12, including unexpended funds from the 2011 capital budget. All new capital projects were listed in the 2012 budget, with any unexpended funds in the previous year going to fund the new projects or go towards debt. The 2011 Dutch Lane project in a bond ordinance was adopted in anticipation of authorizing debt and borrowing funds; however, the Township had enough

cash that a bond was not necessary. Ms. Baldino mentioned the adopted 2012 budget, which included a capital budget sheet, which agrees with the list she provided to the governing body.

Mr. Matheny explained the justification for the purchase of the truck – it is an early 1990’s large mason dump truck used for snow plowing and heavy jobs; the transmission and brakes are old and “a maintenance drain.” Plans are unknown now, but they could include trading it in for the new truck or selling/auctioning it on an approved Ebay style sale. Mayor Kneski commented on his previously requested list of capital items in the Department of Public Works, noting that putting off purchase of vehicles is a “problem down the line.” The truck is really old and beyond a useful life; in the instance of this vehicle, when it breaks down, the Township cannot service its residents.

The Township Committee members agreed that they did not previously see the five year capital budget page prior to introduction. Ms. Baldino explained that the figures listed on the five year plan are only a planning tool and will be changed with next year’s budget.

Introduction of Ordinances, Continued:

ORDINANCE #12-13
TOWNSHIP OF EAST AMWELL
COUNTY OF HUNTERDON

AN ORDINANCE APPROPRIATING THE SUM OF \$70,000 FROM
CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF
A DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT

Section 1. The sum of Seventy Thousand Dollars (\$70,000.00) presently in the Capital Improvement Fund is hereby appropriated for the purchase of Dump Truck for the Public Works Department.

Section 2. In connection with the amount authorized in Section 1 hereof, the Township makes the following determinations:

- (a) The purchase described in Section 1 hereof is not a Current Expense and is an improvement which the Township of East Amwell may lawfully make as a general improvement.
- (b) The period of usefulness of the purchase described in Section 1 as listed in NJSA 40A2-22 (Periods of Usefulness) for which obligations may be issued is 5 years.

Section 3. This ordinance shall take effect 10 days after final publication according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:
Adopted:

Motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried unanimously to approve introduction of Ordinance 12-13. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

ORDINANCE #12-14
TOWNSHIP OF EAST AMWELL
COUNTY OF HUNTERDON

AN ORDINANCE APPROPRIATING THE SUM OF \$35,000 FROM
CAPITAL FUND BALANCE FOR THE PURCHASE OF
A MOWER FOR THE PUBLIC WORKS DEPARTMENT

Section 1. The sum of Thirty Five Thousand Dollars (\$35,000.00) presently in Capital Fund Balance is hereby appropriated for the purchase of a Mower for the Public Works Department.

Section 2. In connection with the amount authorized in Section 1 hereof, the Township makes the following determinations:

- (c) The purchase described in Section 1 hereof is not a Current Expense and is an improvement which the Township of East Amwell may lawfully make as a general improvement.
- (d) The period of usefulness of the purchase described in Section 1 as listed in NJSA 40A2-22 (Periods of Usefulness) for which obligations may be issued is 5 years.

Section 3. This ordinance shall take effect 10 days after final publication according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced:

Adopted:

Motion by Mr. Sageser and seconded by Deputy Mayor Cregar to introduce Ordinance 12-14.

Mr. Matheny explained that it was not a ride on mower, but a road edge mower that will attach to an older tractor in the fleet. He explained that the Township owns a large road edge mower, and when it breaks down, operations stop. Replacement of the cutting blades is expensive and time-consuming, and the blades may not be available in the future. Having a second mower will be beneficial in expediting road edge mow, i.e., something that the farmers have notified the Township about in high vegetative growth seasons.

The motion to introduce Ordinance 12-14 was carried unanimously. The ordinance will be published in the October 18, 2012, issue of the Hunterdon County Democrat, and the public hearing will be held at the November 8, 2012, regular Township Committee meeting at 7:30 p.m.

SPECIAL DISCUSSION

CFO/TREASURER BALDINO UPDATE ON CORRECTIVE ACTION PLAN AND SUBMISSION OF COMPLETED BEST PRACTICES

Ms. Baldino explained the plan for the three findings in the recent audit: 1) Inter-funds showed \$430,000 on the balance sheets from funds, including current and open space, which were not

turned over at the end of the year. There were no missing funds, only one account owing another one. Inter-funds were liquidated, and she will keep tabs on the accounts this year, including transfers, as necessary. 2) A general ledger will be kept up to date, and once the Edmunds System is in place, keeping the ledger will be easier. 3) The ordinance introduced tonight with specific language change will satisfy the compliance issue with the bond ordinance from 2011.

Mr. Mathews asked about getting a point on the best practices checklist for providing a correction action plan; Ms. Baldino said that if the same questions are on the list next year, this may qualify for a point for 2012. The best practices checklist was submitted about two weeks ago with enough affirmative answers that it will not affect receipt of state aid. One question on the list was whether or not the Township Committee mandates its members to take classes. There were only 7 no answers so that the Township should expect to see 100% of their aid. Ms. Baldino also mentioned that in worst case scenario, municipalities would only see a loss of 5% of their aid.

Ms. Baldino was thanked for her work.

UPDATE FROM HISTORIC PRESERVATION COMMITTEE CHAIR BARBARA SAGESER ON THE STATUS OF THE CLAWSON HOUSE PROJECT FUNDED BY HUNTERDON COUNTY OPEN SPACE TRUST FUNDS

Mrs. Sageser explained that an architect was hired for the grant for the exterior rehabilitation of the house. A subcommittee was formed, including liaisons to The Friends of Clawson and a Princeton Historical Society member, to work on the project. There was a site visit with many pictures taken. The project is being done in phases, and the submission for the second County grant (for March 2012) was based on some of the documents from the first grant. The County awarded money to go forward, although not the entire amount requested. Interim reports due at the County were submitted, along with paperwork to the State Historic Preservation Office for project authorization on a publicly owned building. Part of the state submission included information on archeology, and Ms. Sageser was able to submit information on some excavations done on the site. One advantage given the project was the ability to use hard-plank rather than original siding for the house. Ms. Sageser commented on competition for limited funds. The application to the County was to add plumbing back into the plans and put an entry in the rear (where plywood sits now). During a site visit, the County noticed water in the basement, and instead, funding was provided to “attack the basement issues and surface issues of grading as site preparation for a coming addition.” The County encouraged an application for a next phase next year. The architect was sent a letter for a proposal on basement and grading.

Ms. Sageser commented on the evolution over time with some differences between the state and county on what to keep. She has turned over all research and the architect’s assessment to both entities to help them understand the development of the building and hoped for some resolution in short time. She also spoke about another interim report being due this month and “a few hurdles to go over.”

Mayor Kneski thanked Ms. Sageser for a good job.

SUMMER PLAYGROUND REPORT FROM KATHY VEITH, SUMMER PLAYGROUND SUPERVISING DIRECTOR Present were Kathy Veith and Summer Playground Director Yvonne George.

Ms. Veith believed that the end result of her survey, which was distributed to the governing body, was that it was a very successful pilot year. She highlighted the calendar of events, which included outdoor and art activities daily with contests and prizes. There were 116 children registered, with a decreased attendance as the month proceeded; there was an average of 60 children per day for half of the program, which was manageable for the number of adult counselors. Ms. Veith mentioned the nurses report of only 24 visits this year in contrast to 156 last year, and she stated that safety was a number one priority.

Ms. Veith explained the survey that was sent for both parent and student response, receiving 18 responses back. Response was positive for the most part. An inventory was done of supplies, which were placed in the school shed; the inventory will be the basis of what is needed if the program goes forward. Counselors are willing to come back next year, and Ms. Veith believed that the survey “speaks for itself.”

Mayor Kneski appreciated the directors’ efforts in providing a great program. Ms. Veith mentioned minimal issues with parents regarding the need to sign in and about the fee. She noted that there were only 3 “write ups” during the program.

Mr. Mathews agreed that the program answered the concerns of safety, security, and structure. He asked when Ms. Veith needed to know if the program was continuing. Ms. Veith asked for a response soon so that the directors could begin planning for next year and be given a budget from which to work. She mentioned having to borrow balls from the school rather than having their own; however, there was a large art supply left over.

CFO/Treasurer Baldino will review the recreational trust account for the next meeting to see how much money came in and what went out.

SPECIAL COMMITTEE REPORTS – None

STANDING COMMITTEE REPORTS

RECYCLING COMMITTEE

1) Newsletter: Mr. Mathews distributed copies of the 2010 Spring Newsletter previously provided by Recycling and Environmental Commissions. The Recycling Committee highly recommends a newsletter be put into next year’s budget as an effective means of communication for items, such as the grit yard opening.

2) Resolution for November 15 – America Recycles Day: A request was made to the governing body to consider adopting this resolution; it will be on the agenda for the November 8 meeting.

3) Broken Tape Player: Mr. Mathews mentioned that the tape player used by the secretary broke in the middle of their meeting. The Recycling Committee would like to see the equipment replaced with an MP3 unit. Mr. Matheny spoke about a recorder in the office that uses SD cards with “a learning curve” to operate. Another unit will be acquired.

4) Grit Yard Open for Brush: The Recycling Committee discussed the grit yard being open during the depot days, and they felt that it should be closed during winter months. Mr. Matheny mentioned that in January, people may be bringing their holiday trees to the yard. Mr. Mathews said that there was no resistance from the Recycling Committee members to opening and closing the yard, but since the pilot program was complete, they thought it would be better to keep it open seasonally. Mr. Matheny said that there has not been a big issue with any extra dumping or damage during this trial period, and the volunteers only open and close the yard. Mayor Kneski recommended just continuing the process of keeping the yard open on depot days.

FARMLAND/OPEN SPACE COMMITTEE

Members agreed to defer to the Amwell Valley Little Baseball League members, who were waiting to speak.

UNFINISHED BUSINESS

AMWELL VALLEY LITTLE BASEBALL LEAGUE – 10/5 REQUEST FOR CAPITAL EXPENSES AND 10/5 EMAIL FROM CHUCK BACON ABOUT REPLACEMENT WATER FOUNTAIN Present were AVLBL President Alan George, 47 John Ringo Road, and Fields Coordinator Chuck Bacon, 20 Harvest Hill Drive.

Mr. George explained that the presentation was a continuation of their requests in April or May for capital projects. The list of capital projects included repairs of T-1 dugout roofs; in-ground batters mats for batting cages; replacement of an ice machine; general repairs/maintenance of snack shack, including electrical repair, plumbing, extraction fan, etc.; 2 portable defibrillators; replacement batting cage nets for a total of \$15,000 – 20,000. In addition, the League would like the Township to purchase perimeter fencing and have the DPW erect it annually rather than having the League rent it at a cost of \$2,765.40 for prevailing wage costs or \$1,445 for standard labor.

Mayor Kneski explained that usually capital requests would be considered during the budget season, i.e., for 2013, so no decision would be made tonight. The League would be considered at the same time all other departments are requesting 2013 funds. Mr. George explained that there was some urgency for repairs that may not be able to wait until next year and asked about the process for consideration now. Treasurer Baldino offered that the capital budget could be amended with a public hearing and adoption; however, capital ordinances would have to be introduced and adopted in the same calendar year. Mr. George explained that the baseball season would already be started by April, when the budget is adopted. He mentioned the high costs with paying prevailing wages for fence installation; by having the DPW install purchased fence, prices would be half the cost for a non-reoccurring expense. Portable defibrillators would be used by baseball and soccer and could be used by the DPW. Work on the snack shack includes plumbing and electric items that need to be addressed as a safety issue prior to the baseball season, including addressing water on the floor. Dugouts are not a safety issue.

Discussion continued, with the following highlights: the possibility of using surplus funds in capital or maintenance to address critical areas at the end of the year was mentioned; Mr. Sageser asked about ownership of the snack shack and dugouts; if so, he agreed that they were capital issues although nets and baseball mats were a “grayer” area; Mr. Matheny spoke about the fences and whether DPW or volunteers should install if the materials went out to bid; use of items by one single entity (baseball) was mentioned; Township officials or employees do not go into the snack shack although the insurance inspector and health inspector looks at it annually – bubbled shingles were discovered during the insurance inspection, and the DPW re-shingled and addressed the ridge vent on top of the roof, which may have caused the heating problems with the refrigerator unit. Mr. Mathews spoke about the dugouts being on township property, i.e., fungible items would be users’ material, while structures are the township’s and should be repaired as a normal course of maintenance. Mr. Sageser was concerned if there were serious electrical and plumbing problems not addressed quickly.

Further discussion included a suggestion by Mr. Mathews to decide how much over-site the ball league would have and what the Township would do to maintain items on their property and agree on a maintenance plan, including listing prioritized work. A recommendation was made to have a contractor look at what needs to be done in terms of work including plumbing and electricity, on what activities a Recreation Committee would utilize, and to consider items in the budget. Some Committee members felt that the building maintenance should be a Township item, while cooking is the league’s responsibility. Mr. Cushing cautioned that if safety items were identified, the Township would be liable and need to address them. Mr. Matheny will initialize the process of identifying the items to be addressed.

Mr. Bacon spoke about receiving a letter from Highland Claim Service for restitution of \$5777 for an accident, i.e., he backed into the water fountain while on volunteer time. He asked about looking at other plumbers or other alternatives for water rather than a fountain that was not working, mentioning wells and possible contaminations. Mayor Kneski explained that the insurance company reimbursed the township for replacement, and the letter from Highland Claims was independent as an issue with Mr. Bacon. Mr. Bacon questioned the cost for replacement of a unit not working in the last five years. Mr. Matheny explained that the municipal well (which the fountain is part of) is tested at required intervals, similar to testing done at Clawson Park. A question was raised whether it was ever tested for arsenic. Board of Health Chair Tracy Carluccio was in the audience and explained that there are county and state regulations for reporting and basic monitoring every so often on public buildings and schools, but no requirement for arsenic testing. She spoke about new standards with a lower threshold for arsenic, mostly in the mountain area. If there was arsenic in a water supply, a treatment

system would be necessary. The clerk will check with the well testing company about arsenic testing requirements.

Mr. Bacon again mentioned replacing a water fountain had not been working for years. Mr. Matheny explained that the Township paid \$800 a few years ago to get fountain repaired; there is a hold button on the unit to protect frost in the drain, which takes a while for the water to appear, and people may have thought that it was not working. Mr. Bacon thanked the Committee for their time.

STANDING COMMITTEES, Continued

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE Chair Glorianne Robbi and Vice Chair Dick Ginman were present for this discussion.

1) 10/3 Memo on Four Projects: Hay, Wiedermer, Polhemus and Plimpton: Mrs. Robbi explained that since 1989 over 200,000 acres of land have been preserved in the state with voters in support of funding. She mentioned early bonding efforts in order to get a “collection of farms with numbers of farmers interested.” At a recent SADC meeting, she learned that the last approved bond (from 2009) has \$73,000,000 read “to kick in and be authorized.” Green Acres will be parceling the funding out to municipalities who have projects. Since 1989, East Amwell has preserved 4,851 acres, utilizing state and municipal bond dollars for it. Additionally, the County receives some of its funding money from SADC for its applications.

The four project areas were outlined:

Hay, B. 21/L. 16.03, 24 acres/Rainbow Hill: Mrs. Hay previously preserved 56 in 2010 and has submitted a municipal planning incentive grant for an additional 24 acres. The property is in proximity to other preserved land. The Township’s request is to have two appraisals of the property at a cost not to exceed \$6,000. Mr. Mathews asked if this property was being considered even if it was less than 40 acres (usual minimum size lot for consideration); Mrs. Robbi said yes, since the owner previously preserved 56 acres.

Wiedermer, B. 31/L. 1 & 14.01, 10 acres/corner of Rocktown/Mountain Roads: The property is across from the recently preserved Lang property and contiguous to Omick property, running close to the Harrison property and near the LaPorte property (all preserved). The two lots do not meet minimum zoning requirements, and D & R Greenways believes them to be “positive parcels to acquire.” A Green Acres appraisal was sought, and the Township may consider using its Green Acres funds to acquire, i.e., \$90,000.00. The property would be jointly managed by East Amwell and D & R Greenways. FOSPC recommends using the Township’s share of the Hunterdon County Open Space Fund for acquisition, i.e., \$24,564.78. The Township would also need to use \$65,435.22 from the East Amwell Open Space Trust Fund; a request was made Nature Conservancy for this additional funding, but they cannot assist.

Mr. Mathews asked about any signage that might be utilized for preserved lands across Rocktown Road. He was advised that D & R Greenways would handle this. Mr. Ginman mentioned the application for grant funding for trails near the Omick property; no word has been received yet. Mr. Mathews asked if there were any challenges or liability with crossing Rocktown Road; he was told no. Mrs. Robbi mentioned a complaint from a neighbor about debris from last year’s storm on the neighbor’s property – D & R Greenways was alerted and this will be a condition for closure.

Polhemus, B. 35/L. 51 & 52, 10 acres/interior lots off North Hill Road: (For the record, in August 2012, the Township Committee approved a resolution expressing its intent to approve funding up to \$25,000, partnering with D & R Greenways on 50% purchase with them.) The proposal is to use \$24,600 of the East Amwell Open Space Fund reserves to pay 50% of the cost of appraised land value (\$22,600) plus \$2,000 towards payment of appraisal and other costs to close. It was noted that previous discussions with D & R Greenways was that this acquisition was not a good candidate for use of Green Acres funding.

Plimpton Estate, B. 38/L. 3, 26 acres/Rileyville Road: Mr. Ginman explained that the acquisition would expand the road frontage area and provide additional parking for the preserves

on either side of Rileyville Road. The application scored high at the County level. The Township's goal is to use 50% of Green Acres funds, 20% from County funds, and looking for 20% from another source. The request is for one appraisal not to exceed \$3,000.

Mr. Mathews asked about a referenced "trail loop"; Mrs. Robbi provided specifics about the area, noting also that the estate would like an exception for the house.

2) Memorandum of Understanding for Block 41/Lots 44 & 45 (Rambling Pines): Mr. Ginman explained that volunteers were interested in opening trails at Rambling Pines as a public easement. He had access to an agreement used by parks officials at Washington's Crossing State Park, and he used it as the basis for an agreement with Rambling Pines. Mr. Ginman had some concerns with obligations outlined in the memorandum, e.g., liability; who should be listed on the agreement, etc.; he asked for attorney review of the document. Mrs. Robbi commented on the possible creation of a trail group, similar to the Clawson Park advisory committee. She mentioned that there are people who are willing to work on trails on the Omick and this property; naming the trails will also be a future item.

A recommendation was made to forward it to the attorney for comment and then to the insurance company for their input.

Separate motions were entertained for the items mentioned in the October 3rd FOSPC memo.

++++
RESOLUTION #119-12

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby authorizes the following appraisals for properties being considered for acquisition:

HAY, B.21/L.16.03; Up to \$6,000 for Two Appraisals

PLIMPTON, B. 38/1.3, Up to \$3,000 for One Appraisal

By Order of the Township Committee,

Peter Kneski, Mayor

++++
Motion by Deputy Mayor Cregar, seconded by Mr. Mathews, and carried unanimously to approve the resolution by roll call vote, Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

++++
RESOLUTION #120-12

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby supports the acquisition of Wiedermer Property, Block 31, Lots 1 & 14.01, ten acres on the corner of Rocktown and Mountain Roads, utilizing the following funding option:

50% paid from East Amwell Green Acres Grant	\$90,000.00
Utilizing Hunterdon County Open Space 2011	
Funds – 10% allocation to East Amwell	\$24,564.78
Payment from East Amwell Open Space	
Fund Reserves	\$65,435.22
Total	\$180,000.00

By Order of the Township Committee,

Peter Kneski, Mayor

+++++
Motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried unanimously to approve the resolution by roll call vote, Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

+++++
RESOLUTION #121-12

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal Master Plan and/or restoration of county owned historic facilities:

WHEREAS, the Governing Body of East Amwell Township desire to obtain Open Space Trust Funds in the amount of \$24,564.78 to fund the following project(s):

Partial payment for fee simple acquisition of approximately 9.94 acres of land known as Block 31, Lots 1 and 14.01 on the East Amwell Township tax map currently owned by Joseph and Christine Wiedemer. This property is an addition to the Omick Preserve and Lang Parcels.

NOW, THEREFORE, the Governing Body of East Amwell Township resolves that:

1. Judith Conard is authorized to (a) make an application to the County of Hunterdon for Open Space Trust Funds (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program, and (c) act as the principal contact person and correspondent of the above named municipality
2. If the county of Hunterdon determines that 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, applicable Freeholder Board policies and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state local government rules, regulations and statutes thereto.

NOW THEREFORE, be it further resolved, by the East Amwell Township Committee:

1. That the Township Administrator of East Amwell Township is hereby authorized to execute any documents and agreements with the County of Hunterdon known as the Preservation of Block 31 Lots 1 and 14.01 known as the Wiedemer Property
2. That the Municipality has its share of funds if required in the amount of \$65,435.22
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulation in its performance of the project and that this resolution shall take effect immediately.

By Order of the Township Committee,

Peter Kneski, Mayor

+++++
Motion by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried unanimously to approve the resolution by roll call vote, Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

+++++
RESOLUTION #122-12

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the use of the East Amwell Township Open Space Trust to acquire, in conjunction with D & R Greenway, the Polhemus properties, Block 35, Lots 51 & 52, ten acres

off of North Hill Road, utilizing \$24,600 for 50% of the cost of the appraised land value of \$22,600 plus \$2,000 toward payment of appraisal and other costs to close.

By Order of the Township Committee,

Peter Kneski, Mayor

++++
Motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and carried unanimously to approve the resolution by roll call vote, Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

Mayor Kneski thanked Mrs. Robbi and Mr. Ginman for their presentation.

NEW BUSINESS

HUNTERDON COUNTY PLANNING BOARD 8/29/12 MEMO RE: PROPOSED AMENDMENT TO HC WATER QUALITY MANAGEMENT PLAN (WQMP) – PHASE I Board of Health Chair and Member of the Ad Hoc Committee on WQMP Tracy Carluccio was present for this discussion.

Ms. Carluccio spoke about the NJ DEP request two years ago to work on water quality management plans (WQMP) for rural communities, with the ability to have the county work with municipalities to create it. The East Amwell Township engineer was involved with map review, there were meetings with the county for input, and the state process was followed. Black and white copies of the map were provided to the governing body for review, although Ms. Carluccio suggested looking at the color version in the link provided by the County for a clearer image. She stated that the new map has not changed from what was in place, formalizing all the features the Township already had with no expansion. She pointed out the East Amwell Township School, The Ridge at Back Brook, and Rambling Pines Day Camp, along with South County Park. The remainder of the municipality is on individual sewage septic systems.

Ms. Carluccio suggested the removal of South County Park from the Plan since the County withdrew its permit request from the state and decided to build a system that would not exceed 2,000 gallons a day volume; she also highlighted Township and State discussions at the DEP in 2010 and thereafter about the change, which was approved with conditions by the Board of Health in 2011. There was an official “revoking of the permit” in 2012, and the Fairgrounds are now independent from the WQMP. Ms. Carluccio has spoken with Ken Bogan at the Hunterdon County Planning Board office on how to present the Township’s comments. A suggestion was to sign the proposed statement of consent with a cover letter explaining the request to remove South County Park. Ms. Carluccio mentioned a public hearing on the County plan and a 15 day public comment period thereafter.

Mr. Mathews asked about the reduction in volume at the park. Ms. Carluccio explained that a septic system was never constructed on site. The original sized system was downsized, will have very limited use, and be pumped on a regular schedule; well water testing is an additional condition.

After some discussion, it was agreed that rather than sending a letter in addition to the statement of consent, a third point be added to the statement to remove the Hunterdon County Fairgrounds from the WQMP map.

++++
RESOLUTION #123-12

STATEMENT OF CONSENT

A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED “Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)”

WHEREAS, the Board of Chosen Freeholders of Hunterdon County desires to provide for the orderly development of wastewater facilities within Hunterdon County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on September 4th, 2012 for the above Amendment has been prepared by the Hunterdon County Planning Department;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of October, 2012, by the governing body of the Township of East Amwell that:

1. The Township of East Amwell hereby consents to the amendment entitled “Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)”, and publicly noticed on September 4, 2012, prepared by the Hunterdon County Planning Department, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.
3. East Amwell Township requests that Hunterdon County Fairgrounds be removed from the map since Hunterdon County has withdrawn its NPDES permit #NJ0151408 and the NJDEP revoked the permit in April 2012.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Ms. Carluccio was thanked for her participation and her report.

UNFINISHED BUSINESS, Continued

TOWNSHIP ADMINISTRATOR’S UPDATE

1) Contract for Shared Court with Franklin Township: Mr. Matheny reminded the governing body that they had previously approved a resolution to sign a shared services agreement. Franklin and Delaware Townships also approved resolutions, and the agreement has been approved by the AOC. Starting in January, Franklin Court will be sharing court with the East Amwell-Delaware Court.

2) Raritan Township Police Report for September 2012 (17 Hours/40 SummonsesZ0: Mr. Mathews spoke with a West Amwell Township Office, Zac Rich, who asked if East Amwell would be interested in discussing coverage by their force. Mr. Matheny spoke about costs being the same in Raritan Township and not looking elsewhere at renewal times; he also cautioned about receiving the same level of enforcement from a smaller force (i.e., 5 – 6 officers in West Amwell v. 38 officers in Raritan Township), noting difficulties in getting traffic enforcement on Rocktown Hill Road in West Amwell by their own department. At the Mayor’s recommendation, Mr. Matheny will speak with the Police Captain in West Amwell about logistics, while being cautious about the existing working relationship with Raritan Township.

3) Request from DPW for Increase in Clothing Allowance in 2013: Mr. Matheny explained that the current allowance is \$250 per year, established a number of years ago. (For the record, the amount is \$200.) The DPW explained in their memo that boots now cost about \$100, and they need both summer and winter footwear and other clothing items. Their request will be added to the requests for the 2013 budget, with Mayor Kneski stating that the allowance would be cheaper than paying for uniforms and was “reasonable.”

4) State Police Confidential Activity Reports for June, July, August 2012: Mr. Matheny has been in contact with the new Kingwood Station Commander, Casey Dienes, who is a Hunterdon County resident. Some discussion took place on whether the confidential report was public record. Mr. Matheny noted that there were only 15 people who signed up for Nixle alerts, and prosecutor's information is on the Township's website (although this may not be updated in a timely fashion). Other items briefly discussed included Democrat reporter access to State Police reports; a Star Ledger report on excessive confidentiality of State Police; whether the Station Commander would allow public access to their monthly reports, etc. Mr. Matheny will ask the Commander for input.

Mr. Cushing commented that he had no items to discuss in executive session, and he was excused from the meeting at 11:05 p.m.

5) 10/3/12 Request from Amwell Valley Trail Association re: More 25 Mile Per Hour Speed Signs: Mr. Matheny reminded the governing body that the Township purchased and the Trail Association reimbursed them for a number of 25 mph signs with horse symbols. The letter to the governing body was a copy of a letter submitted to the Hunterdon County Engineer. The Clerk did meet with Mrs. Buckwalter and suggested Mrs. Buckwalter provide a copy of the trail map and meet with the Township DPW Superintendent to discuss location of signs and clarify what type of signs she is looking for.

6) 10/4/12 Request from Resident K. Belgrave for Speed Control on Lindbergh Road: Mr. Matheny spoke at length with Ms. Belgrave and advised her about use of the speed trailer on that road. The letter was prepared before he met with her, and she wanted to see what the governing body could do about the speeding issue. Mr. Mathews asked about possibly closing the road for unsafe conditions, including inspecting the road periodically when it is temporarily closed. Mr. Matheny will bring these requests to the NJ DOT and the Township attorney for input.

7) New Safety Sign Obtained from Hunterdon Area Rural Transit: Mr. Matheny gave an explanation on how he obtained a new safety sign to be used in the village area.

8) Resolution to Submit NJ DOT 2013 Municipal Aid Program Grant Application: The application was formally submitted through the SAGE system, and a resolution authorizing the Mayor's signature must be submitted within 30 days of application. The grant application would be for the completion of work on Lindbergh Road and work on Stony Brook Road (grant amount of \$324,000).

+++++

RESOLUTION #124-12

Resolution: Approval to Submit a Grant Application and Executive a Grant Contract with the New Jersey Department of Transportation for the MA-2013, East Amwell Township 2013 Road Improvement Program

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of East Amwell Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-East Amwell Township – 00269 to the New Jersey Department of Transportation on behalf of East Amwell Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of East Amwell and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

By Order of the Township Committee,

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

SUPPORT FOR 5/17 SENATOR PENNACCHIO LEGISLATION ON TRANSPARENCY IN GOVERNMENT – REQUEST FROM MR. MATHEWS (See June – September 2012 Minutes for Background)

Mr. Sageser read the statement and bill being proposed, which included the establishment of a website and a nine member commission to oversee it. Anyone accepting state money would be required to submit particular information for the site. Mr. Sageser felt that while it may be helpful, it would be expensive and would involve municipal assistance in providing information. He felt that the information maybe available elsewhere (beyond a created website). Deputy Mayor Cregar agreed to entertain another resolution. Mayor Kneski and Mr. Sageser felt that the Township would be required to do extra paperwork, and it would be unclear what amount of detail would be involved. Further comments were exchanged about what information would have to be posted, the fact that the information (although it may not be all on one website) would be available to the public, the website may be another bureaucracy, and the League of Municipality is against the legislation.

While Deputy Mayor Cregar would support a resolution, Mayor Kneski recommended holding off on one now and monitoring the legislation. Mr. Mathews went on record supporting the legislation to provide more transparency in government.

OPEN TO THE PUBLIC

There being no public comments, a motion was made by Deputy Mayor Cregar, seconded by Mr. Sageser, and carried unanimously to close to the public.

EXECUTIVE SESSION – None

ADMINISTRATIVE REPORTS

ASSISTANT TREASURER ANDREWS presented the bills of the evening and a statement of cash on hand. Motion by Mr. Mathews, seconded by Mr. Sageser, and it was carried unanimously to approve payment of the bills.

TREASURER BALDINO presented resolutions:

++++
RESOLUTION # 125-12

CANCELLATION OF CAPITAL ORDINANCE BALANCE

WHEREAS, certain Capital appropriation ordinances have funding that are no longer necessary;

WHEREAS, it is necessary to formally cancel said balances;

WHEREAS, the Chief Financial Officer has recommended that the following balance be cancelled:

Ordinance 2010-21 – Dutch Lane Improvement Project \$101,202.16

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Chief Financial Officer is hereby authorized to cancel the amount of \$101,202.16 as listed above to Deferred Charges – Unfunded.

By Order of the Township Committee,

Peter Kneski, Mayor

+++++
RESOLUTION #126-12

CANCELLING BALANCE – 2012 CLEAN COMMUNITIES GRANT

WHEREAS, the Township of East Amwell anticipated as revenue in its 2012 municipal budget the sum of \$11,800 for the 2012 Clean Communities Grant, and

WHEREAS, a like sum of \$11,800 was appropriated in its 2012 municipal budget for the 2012 Clean Communities Grant, and

WHEREAS, the final grant amount received in 2012 for the Clean Communities Grant totaled \$11,547.26, and

WHEREAS, the Chief Financial Officer has recommended that the following balances be canceled:

Grant Receivable – 2012 Clean Communities Grant	\$252.74
Appropriated Reserve – 2012 Clean Communities Grant	\$252.74

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Chief Financial Officer is hereby authorized to cancel the above balances.

By Order of the Township Committee,

Peter Kneski, Mayor

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

TAX COLLECTOR HYLAND provided her September 2012 report and no resolutions.

October 11, 2012, Report on Tax Sale from Collector Hyland: “We held our 2012 Tax Sale for unpaid 2011 taxes today. There were premiums paid in the amount of \$29,200. This amount will remain with the Township until redemptions are made. One property, Block 17, Lot 1, assessed to Robert Klienschmidt was struck off to the Township, at the rate of 18%.”

Mr. Mathews asked for an explanation about the statement about the Klienschmidt property being “struck off to the Township.” Mr. Matheny explained that there were no bidders on this property, and the lien goes to the Township itself at a rate of 18%, i.e., if someone eventually wanted to foreclose on the property, the Township would require 18% interest on the back taxes.

Other Administrative Reports were accepted without comment.

CORRESPONDENCE

The Clerk pointed out three items, i.e., the 9/14 Hunterdon County Library Response that they would not be putting a drop-box for returned books on municipal property; however, Friends of the Library may be working on this item. The 9/25 proposal from Amy Grant for Consulting Arborist Services/Tree Inventory and the string of emails (9/28 – 10/8) from Christian Plunkett indicate that the Environmental Commission would be hearing a presentation from Mr. Plunkett on a shade tree ordinance. Some comments were exchanged about a request by Mr. Plunkett for Planning Board or Township Committee approvals. Mr. Sageser mentioned that some municipalities do have shade tree ordinances, which he found out about when researching the tree harvesting ordinance.

ADJOURNMENT

There being no further business, motion by Deputy Mayor Cregar, seconded by Mr. Mathews, and it was carried unanimously to adjourn the meeting at 11:31 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk