

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

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 1, 2012, and a meeting notice published in the Hunterdon County Democrat issue of January 5, 2012. A copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, Times of Trenton, Star Ledger, Courier News, posted on the bulletin board, and filed in the Clerk's Office on November 6, 2012.

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

AGENDA REVIEW

An addendum to the agenda is located on the back table for the public and copied for the Township Committee.

The Public Hearing on Ordinance 12-12, will be moved up on the agenda, as the first ordinance heard.

(For the Record, after Unfinished Business was discussed, Mayor Kneski added the topic of Storm Clean Up under New Business.)

ANNOUNCEMENTS

Municipal Offices are closed on Monday, 11/12/12, in observance of Veteran's Day.

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. For the week of November 4th, it will be open around the clock for brush delivery.

Hunterdon County Utilities Authority will hold a hazardous waste clean-up day on Saturday, November 10th. For more information, email hcua@co.hunterdon.nj.us or call 908-788-1110.

Municipal Offices will be closed on Thursday, November 22, and Friday, November 23, 2012 for Thanksgiving.

The Annual Tree Lighting Event will take place on Sunday, December 9th at the municipal building at 4:30 p.m.

APPROVAL OF MINUTES

Motion by Mr. Sageser, seconded by Deputy Mayor Cregar, and carried with one abstention, Ms. Lenox, with the following corrections: page 5, paragraph 3, line 3, change Sageser to Slagle; page 23, paragraph 4, line 1, change "deference" to "differences"; page 31, second to last paragraph, line 2, change "electric" to "electronic." Later in the evening, Board of Health Chair/WQMP Member Tracy Carluccio offered two minor corrections on page 29 under WQMP, paragraph 2, line 3, change "200" to "2,000" and line 5, change "process" to "permit." Motion by Mr. Mathews, seconded by Mr. Sageser, and carried with one abstention, Ms. Lenox, to accept these changes.

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

Dick, Ginman, 125 Mountain Road, asked about the review of a memorandum of understanding on trail usage discussed at the last meeting. This item will be on the next agenda.

Frances Gavigan, 123 Wertsville Road, spoke about last night’s Freeholder meeting, noting a policy decision to have county workers pick up only that brush that falls on the county road, i.e., residents cannot pull brush or branches to the curb. She mentioned the possibility of FEMA money. She also asked that the discussion on the storm be moved up on the agenda. Mayor Kneski said that it would be moved up.

John Kelly, 298 Wertsville Road, spoke about tree debris on Rileyville Road. He was told that this would be part of the overall storm discussion.

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

CONSENT AGENDA

Release of Maintenance Bond for Bousum/Neely Partnership (B.8/L.26.01) – 10/5 Letter of Request and 10/26 Memo from Engineer O’Neal

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RESOLUTION #127-12

Be It Resolved by the Township Committee of the Township of East Amwell that they hereby authorize the release of the maintenance bond for B. 8/L. 26.01, based on the approval of Engineer O’Neal in his memo of 10/26/12.

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #128-12

America Recycles Day 2012

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey that they hereby acknowledge the importance of continued education and awareness about recycling, noting statistics that the national recycling rate has increased every year since 1980, with a current recycling rate in the United States at 34%.

AND BE IT FURTHER RESOLVED that the governing body encourages all its residents to share in celebrating America Recycles Day on November 15, 2012, and continue to do their part in increasing recycling in our community.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Deputy Mayor Cregar, seconded by Ms. Lenox, and carried unanimously to adopt the resolutions.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Public Hearings:

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.

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

The ordinance was reintroduced because of a procedural defect, i.e., two thirds of the governing body should have been affirmative; at the time there three affirmative, one no vote. Bonds were issued and the new ordinance will properly authorize them; without a proper vote, it may impact future bond sales.

Mr. Mathews was concerned that committee members were placed in an awkward position by having some members who may not be in favor of the vote being asked to vote affirmatively to approve the ordinance. Mr. Cushing said that these members could comment for the record that they were not in favor of the substance of the ordinance, while acknowledging the procedural glitch.

The meeting was open to the public for comment.

Steve Anasiewicz, 235 Rileyville Road, wanted to address the trees on Rileyville Road. Mayor Kneski explained that the meeting was only open at this time for comments on the ordinance.

Iлона English, 9 Runyon Mill Road, asked how the bonds were issued without the correct number of votes and voiced her concerns. She questioned oversight by the township and bond attorneys; the clerk acknowledged it was a clerical error on her part. She expressed her concern with the error, mentioning problems with township financial matters this past year.

Barbara Wolfe, 135 Wertsville Road, suggested that everyone vote their conscience, acknowledging the error. She commented on preservation being the essence of township for over 25 years, the intent to bond for purchase of development rights, having two municipal wide votes at 73% and 62% to support bonding, the desire to bond to spread the debt over time, noting bonds being paid off and some bonds completely retired. She commented on township support to preserve land and open space for 25 years, an article in NJ Monthly finding East Amwell as one of the best places to live, a lower property tax rate, the choice of people who want to live in this rural community with lower taxes due in part to bonding for preservation instead of development including schools. She believed it to be a "win-win" for landowners and residents, noting a property owner who chose development going into bankruptcy.

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

Motion to adopt Ordinance 12-12 was made by Mr. Sageser, seconded by Deputy Mayor Cregar, and carried by roll call vote: Ms. Lenox, yes; Mrs. Cregar, yes; Mr. Sageser, yes; Mr. Mathews, no; Mr. Kneski, yes.

The notice of adoption will be published in the November 15, 2012, issue of the Hunterdon County Democrat.

Deputy Mayor Cregar was excused from the meeting at this time due to her recent illness. She left the meeting at 7:55 p.m.

SPECIAL DISCUSSION

UPDATE ON HURRICANE SANDY AND POWER LOSS OEM Coordinator Gary Myers and OEM Council Member Charlie Soos were present.

Mayor Kneski outlined the program as follows: The Office of Emergency Management staff will give a detailed analysis of activities during the storm; he will give an update on discussions with state officials; Township Committee members will comment if they wish to do so, and the meeting will be open to the public, limiting comments to three minutes each without repeat comments. If time permits, people may speak again. Mayor Kneski said that he was in touch with JCP&L about attending the meeting tonight, including discussions with President Don

Lynch. Mr. Lynch said that due to the emergency situation, he preferred to keep his personnel and supervisors intact. Mr. Lynch will address the Township Committee at the next regular meeting either personally or by sending a top executive.

OEM Councilmember Charles Soos introduced himself as a volunteer member. He recalled being here a year ago, discussing Hurricane Irene. He explained the responsibility of the OEM, basically a coordination question to insure safety in the municipality with outsourced resources at the County or State level. He explained that the situation did not need any coordination of resources, such as was needed at the shore or Jersey City. He commented on the fire chief, the rescue squad, and others being on call, some injuries, an arson call, some carelessness, but all doing what they were explicitly required to do and doing it smoothly.

Mr. Soos highlighted the following: there was a meeting the weekend before the storm, including Mr. Soos, Gary Myers, Tim Mathews, the Mayor, and the Fire Chief. Mr. Anderson from JCP&L was available on speaker phone. Each municipality was to assess damage and problems, report them to the county; there would be someone from JCP&L at the county level who would expedite priority areas; Mr. Soos was unclear about what "priority areas" meant.

After the storm, the town was surveyed, a list was compiled and sent to the county to prioritize. Initially, there was good communication, but it became apparent that it was only one-side with municipalities not being told anything. There were no JCP&L trucks sighted in the township; however, today were 13 trucks seen "in the jug handle." There is still no power on Rileyville Road, which Mr. Soos and Mr. Matheny observed on their tour of the township today. Mr. Soos explained that the township was getting no feedback from JCP&L about what was "priority," which is frustrating. Only the power company can touch poles if wires are down. They are aware of a pole down on Back Brook also. The Mayor spoke with the Lt. Governor and Congressman Holt's office, and the BPU; the Township would like help in convincing JCP&L that small towns need service. Some of the issues involve feeder wires, and Mr. Soos felt that the JCP&L projections on line "are a lie." OEM technically is not involved with this matter, but they, along with the County, are trying to get a response from JCP&L. He concluded, "I don't know when you are getting power back," but when he has some credible information, he will pass it along.

At this time, all roads are passable, communication is fine, flyers have been handled out by Les Hamilton and Nancy Cunningham. There are three mechanisms of communication, the County's reverse 911, NJ Alert, and locally, the Nixle system. Over the course of the storm, there were 20 or 30 alerts through Nixle, which has been publicized in the Township for a year; only six people were registered prior to the storm, and the figure is now at 70.

Mr. Soos stated that there is a special needs and seniors program through the County Health Department, but there are no registrations from the township residents. Regarding life safety issues, the lines of communication with the County are fine, and there are no life threatening issues. Power is not in the purview of the OEM. The County is also unable to help with the power issue, and all municipalities "are in the same boat." Mr. Soos concluded that they do not know when power would be restored, and they don't know how to get it.

OEM Coordinator Gary Myers spoke about conference calls with OEM teams throughout the county and sharing information; he noted frustration in all the municipalities and at the county level also.

Mayor Kneski noted that the DPW cleared as many trees from the road that they could, but they could not touch trees with wires. Mr. Matheny elaborated that the DPW stayed off the mountain during the storm because of falling trees, but the local roads were cleared within a couple of days. There is a tree on Back Brook that they cannot touch because of wires; the DPW did what they could to push debris from the road for safe passage.

Mr. Matheny also noted that there are 76 people registered at Nixle. There are two call in numbers at the municipality: x14 for information as outlined in the flyers distributed to the public, thanks to Nancy Cunningham; x15 to get to OEM for return phone calls. Both lines make it clear that there are no emergency services at the municipality, and residents should call 911 in an emergency.

Mayor Kneski explained that the Saturday before the Storm, he declared a State of Emergency in the Township. He said that there was not great cooperation from JCP&L although there are daily conference calls with many mayors expressing their concerns; there has been no visibility in JCP&L, and projections for restoration are misinforming. He spoke about numerous emails, including communication with the Lt. Governor, BPU President Hanna, JCP&L President Don Lynch, and others. Mr. Hanna was also concerned with the frustration municipalities were having with JCP&L. Mr. Lynch was unable to send a representative to this meeting tonight but will send someone to a future meeting. Mayor Kneski believed that there would be a BPU investigation, and East Amwell will testify. He commented on the perception given by JCP&L about restoration before now with only “stragglers” waiting until Saturday or Sunday to be restored. He asked who in the audience did not have power; the majority of residents raised their hands. He also noted that the County has taken lead to have Verizon restore communications, but the power company has to address the wires first; specific areas of data loss were mentioned. Mayor Kneski commented on the force of the storm, which also knocked cell phones out.

Mr. Sageser asked about the Township’s self assessment that went to the County for JCP&L. Mr. Soos said that all information was forwarded, following protocol, including having people trapped on the mountain; Mr. Soos commented on being “lied to” about JCP&L involvement.

Mr. Mathews spoke to JCP&L representative Anderson a week later about a pole and transformer that were down. A representative called back and said that they had no record of power and a line down on Linvale Road since it was not reported. Mr. Anderson called back to say that the system cannot determine who’s house is out of power, and residents must call in to notify them. Mr. Mathews was amazed that the system is not digitalized. Mr. Myers commented that the DPW had roads open, and JCP&L had the list of what lines could not be moved. Mr. Mathews spoke about incompetence that JCP&L did not see the lines down upon drive-bys.

Mr. Soos spoke about a proposed plan of action to have strike forces composed of a local DPW employee, tree people, and JCP&L wiremen; the plan caught on throughout the county, but JCP&L does not work that way. According to a conversation with a Georgia energy truck employee, there was no master plan, no management, no structure, i.e., a linesman could drive 500 miles and be told “go fix something.”

Mr. Sageser mentioned a JCP&L spokesman’s remark about 1200 circuits to a substation with 1100 being out; Mr. Soos commented on them not being able to find the circuits.

Ms. Lenox spoke about a Facebook post from Peg Sullivan on Welisewitz Road, showing pictures of the damage at Wertsville Road and Van Lieus Road. Ms. Lenox emailed them to Mr. Anderson on day five and received no response. She also emailed him last year and never received a response. She commented on Mr. Anderson’s disposition, stating that the Township should demand that he be here. She believed that power would not get any better and asked how the Township could get PSE&G, which services Princeton and is powered all the time. She was concerned with seniors in their freezing cold homes and wanted a “real company” in East Amwell. Mr. Soos agreed that he saw a lot of PSE&G trucks around.

Mr. Sageser spoke about PSE&G rate increases and capital improvements. He spoke about the electric company taking money and not upgrading systems. He believed that the BPU and the state should have more aggressive regulations. He felt that it would not be fair to bring another company into a “decrepit” system and expect a different outcome; he believed that JCP&L should spend money to upgrade.

Mayor Kneski spoke about the Mayor of Robbinsville last year petitioning to have their electric power (delivered by JCP&L) taken over by PSE&G. There was no movement because JCP&L must want to give up the area, and PSE&G must accept it. JCP&L infrastructure is outdated; the BPU should first force JCP&L to upgrade the system, and they are not using funds to do so. PSE&G would have to front the money to upgrade, but it may not be that easy to do so. Mayor Kneski noted all mayors in the county were upset with JCP&L; however, the Governor’s office praised them for communicating with the BPU.

Ms. Lenox asked about a law suit against JCP&L. Mr. Cushing explained that options that he provided to the governing body on November 7, 2011. Options are limited, and the conclusion at that time was that the most effective movement was a political one, i.e., going to state representatives and invite them to the meeting when JCP&L is in attendance; communicate with the Governor, providing facts about suffering and inconvenience.

The meeting was open to the public for comments.

Steve Anasiewicz, 235 Rileyville Road agreed with Mr. Cushing that it would be important to have all Mayors come to one meeting, and one Township Committee cannot do it alone. He spoke about JCP&L representatives giving the same scripted speech in all municipalities, including Tewksbury and Robbinsville. He will have no power for close to a month, but the main reason he is here tonight is safety. Two trees came down on Rileyville Road, six households were trapped, he had to go to the hospital on Wednesday, and if a good Samaritan didn't cut trees for the ambulance, he would not have gotten out. He called the office here on Wednesday at 2, 3, and 4 p.m., with no answer. He believed that there should be someone there to answer a phone. He commented on the work last year by former Mayor Tatsch, "who did a wonderful job." He believed that the township should have a generator, while spending money on land improvements instead; he spoke about an inspection done by JCP&L of the utilities in the township and "not hearing word one" about them. He commented that OEM should have stopped at the houses of people who were trapped and asked if they were okay; no one stopped at his house to inquire; he was angry that people just walked away and asked if we were a community. He recommended getting all the local mayors to put pressure on JCP&L.

Mr. Mathews asked what it would take to have certification by the DPW to do triage work to cut trees with wires. Mayor Kneski also asked about contracting with a company who is able to do this.

Iлона English, 9 Runyon Mill Road, said it was Ground Hog's Day, i.e., same thing as last year. She recommended getting a copy of the power grids, taking photos of all the poles and charge JCP&L for criminal negligence. She believed that BPU is doing nothing. There should be a field analysis, block captains should be assigned to call ten people on a list. She believed that the township has to look internally for help, there is livestock here, under federal regulations for first responders, the township should be second on the list because of livestock, and the township is being ignored. There is a public health crisis with no water and on septic systems, asking how many five gallon flushes can one get with a tub of water. She commented on JCP&L sending a boom truck to assess the area ten days ago, all poles being rotten on the bottom, finding out who owns poles and forcing a replacement of them. She spoke about her plan: get a good lawyer, put all their utility fees in escrow, and tell JCP&L that they will get their money when they give us a power grid that they can leave on since "we are good people" like those in Bedminster, Colts Neck, Princeton, etc. Mr. Sageser commented that the Township should have a copy of the grid map.

Maureen Myers, Rainbow Hill Road, is also without power. She thanked the people on this side of the room (i.e., the Township Committee and OEM members), mentioning letters being circulated that they were doing nothing. She stated that some people do not know what the OEM and Committee do for them. She works in a middle school with 7th and 8th graders who were more quiet than the people in the audience tonight. She thanked the officials for what they are doing; she does not have power and shares the frustration of the residents, but she knows for whatever reason there is a break in the system, it is not the fault of the OEM or Township Committee.

Frances Gavigan, 123 Wertsville Road, said that she had power because she humiliated John Anderson about a tree that came down near her home. She commented on JCP&L billing with line charges and taxes for delivery systems; she spoke about a class action lawsuit for breach of contract in failure to deliver as a "way to get the mule's attention." She gave thanks to the Commonwealth of Virginia for not having the utility men pay union dues and commented on a lack of available poles in the area along with a system that goes back to the 1930's. She attended a freeholder's meeting last night and provided a letter to them, which she highlighted (as attached to this set of minutes). She mentioned that the county is working on getting FEMA funds now, concluding with a quote from Governor Cuomo, "Utilities are a privilege, and if they can't or won't deliver, get someone else who can."

Andrea Bonette, 17 Ridge Road, is out of power. She thanked the DPW for work the morning after the storm that allowed her tenant to get out. She spoke about an article in last year's Star Ledger about JCP&L money and a 101.5 discussion with a JCP&L executive ... the attitude is to do as little as possible and take the profits. She also asked what happened to former Mayor Tatsch's request for a maintenance plan. She concluded by stating that regulations were needed.

Philip Ward, 13 Runyon Mill Road, thanked Mayor Kneski for his discussion last Friday and Gary Myers for his daily conversations. He has wind and solar on his property and doesn't have to pay JCP&L lots of money; he hoped that everyone gets their power back.

Beverly Cramer, 100 Van Lieus Road, spoke about communication issues, noting that she has been without power for over a week, calls the township line and got the same message from November 3 through yesterday. She asked that someone help her, she has no power, no water, her husband cannot go to work so he can stay with her since she is "scared to death" to be alone, she sleeps "with a baseball bat and candle." She commented on Long Beach Island being a safer place to be since the National Guard has been called in. She is getting her information from a daughter who lives an hour north of London, England, and the Township could not update their phone message until Wednesday (yesterday). She has no power and cannot flush; she did not want to be told to go to a neighbor's. She believes East Amwell is as important as Long Beach Island and wanted the National Guard to be called in. She felt that security was most important now, and suing the utility should wait until there was time to do so.

Steve Anasiewicz asked if there were any repair facilities in Hunterdon County; he was told no. He believed that it was important to have one in the County, not just in South Jersey, Ohio, or Kentucky.

Iлона English, 9 Runyon Mill, said that JCP&L reduced their work force from 60 to 12 men.

Steve Anasiewicz said he worked in industry for 40 years and believed that "JCP&L did not care for anyone." He believed that they should "find a way to get rid of them, ... make a major effort to get rid of them. They don't care from Ohio...." He believed someone could have been killed.

Frances Gavigan, 123 Wertsville Road, spoke about redistricting and Shirley Turner is our Senator. She should be invited along with other representatives to see what can and will be done. She felt that there was a disconnect when Mr. Soos said everything was fine; on the night of the hurricane, there was damage to the fire engine and the rescue vehicle during an arson call, i.e., taxpayers and individuals were damaged by the electric company failing to trim trees and having wires entangled. The company should reimburse for damages. There was also a carbon monoxide poisoning on the mountain, so safety issues are a concern. She stated that she has a 250 gallon water truck to bring water to residents. She spoke about having a generator here and at the school; she believed that there should be tanks of water to bring around. She mentioned that Rowe Electric volunteered to get a generator for a gas station, but nothing happened.

Bob Cramer, 100 Van Lieus Road, was angry. He asked about the Mayor's group investigation of Hurricane Irene power issues and what were the results.

Former Mayor Larry Tatsch explained that 38 Mayors attended a meeting in Morristown, and over 100 testified at the BPU. Comments were written into the record, including the fact that rural towns depend on septic and wells and they should not "be on the bottom of the list." They requested better accounting by JCP&L about prioritization. He was also in contact with a former Chair of the BPU who lives in East Amwell, and she contacted some people. He agreed that nothing has happened. He is very frustrated with BPU and they never got back about a proposal. He also asked for reimbursement for Rileyville Road, when a pole leaning for years ended up breaking; he never heard back and his term expired in the meantime. He commented that power was taken from municipalities, and the BPU is now responsible for regulations; he stated, "Our hands are tied, we have very little authority."

Mr. Cramer spoke about communications, aside from the grid information, noting that it was not available because of homeland security issues. He asked about Comcast service, noting the

split in the municipality in Verizon and Comcast/Century Link telecommunications, the inability to call locally without toll calls, and the fact that East Amwell is in the very southern fringe of the grid. He voiced concern about Comcast communications, including not getting any response to concerns raised, and he wanted utilities in order.

Mr. Mathews asked if anyone saw any generators next to Comcast poles during this emergency; no one was aware of any. Mayor Kneski will inquire about this.

Iona English noted that Century Link never lost land line during the storm.

Andrea Bonette suggested that the League of Municipalities Conference next week would be a good time to discuss these matters; however, the Conference was cancelled.

Beverly Cramer, 100 Van Lieus Road, does not have WiFi and was told to go to Dunkin Donuts instead. She said that the School has WiFi and she believed residents should have the password to log on their service rather than to be sent to Dunkin Donuts. She was advised that the school does not have phone or internet services at this time.

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

Mayor Kneski stated that he was advised that the Rosemont-Rocktown Road area substation is being repaired, and it was hoped to be energized by tomorrow. There will be a boom helicopter in the area inspecting transmission lines and repairing them aerially.

Steve Anasiewicz commented on the height of the utility lines and specifics of such.

Frances Gavigan asked about getting the National Guards in the Mountain Zone, including having an army generator available.

Mayor Kneski thanked the public for their comments. There was a five minute recess at 9:29 p.m., and the meeting resumed at 9:34 p.m.

At this time, a motion was made by Mr. Mathews, seconded by Mr. Sageser, and carried with one abstention, Ms. Lenox, to accept corrections to the October 11, 2012, minutes, offered by Tracy Carluccio. (See Approval of Minutes above.)

CONTINUED PUBLIC HEARINGS/INTRODUCTION OF ORDINANCES

Continued Public Hearings:

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

Present for this discussion was Planner Joanna Slagle.

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

Ms. Slagle said that she would give a brief overview of the ordinance, including the following: The ordinance regulates large scale solar facilities; it will clarify language for the Planning Board and applicants; there are enhanced landscaping requirements, such as berms and site specific landscaping requiring sign-off; there is a 20% excess landscape requirement if appropriate in strategic areas to maximize buffering; siting of facilities in the agricultural district for farm and operation, including no concrete footings, limited grading, overall site cap of 50%, dual use of farm and solar, design guidelines on properties to maintain agricultural viability, and maintenance plans, such as native grasses and mowing. There have been no changes in the ordinance since introduction and Planning Board sign off on it last month.

Mr. Mathews read the White Paper on Solar provided by ANJEC, stating that the Township could be more restrictive for subsidized agricultural land. Ms. Slagle said that the farms would go before the SADC or CADB, not the Planning Board and only for on-site 110% energy; additionally right to farm and commercial farms have separate regulations limited to very specific criteria (shown on the SADC website). Ms. Slagle indicated that they took some guidance from SADC and right to farm actions in South Jersey.

Mr. Mathews asked if the Township was as restricted as could be; Ms. Slagle said that the Township was successful with the one applicant in the township and "got everything we required."

Mr. Sageser commented that it would pass as it stands, including Planning Board review and opinion that it would be defensible in the Sourlands. Ms. Slagle also noted that developments in the Sourlands would be limited because developers would have to use existing cleared land. Development cannot be prohibited in industrial zones by right. There are some regulations about properties abutting historic and preserved lands, which Mr. Sageser said that the Planning Board may look at in the future.

The meeting was open to the public for comment. There being no comments, motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously to close to the public.

Motion by Mr. Sageser to adopt Ordinance 12-09, seconded by Ms. Lenox, and carried unanimously by roll call vote: Ms. Lenox, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

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

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

Mr. Sageser commented on the ordinance before the Committee; Ms. Slagle said that the original version was adopted in 1998 or 1999. Details of the new ordinance include a three tier permit: under six trees, no permit required; from 6 - 20 trees (Tier A) requiring an application, given a best management book, and monitored; 20 or more trees (Tier B) requiring approval of a tree removal plan before harvesting, provided with a best management book, and provisions for replacement or remediation of removed trees with the ability to call in a forester for enforcement.

Mr. Sageser said that the goal was to make it simple and easy to take six healthy trees and any damaged/diseased trees down in a six month period without a permit; this should apply to the majority of property owners. Protection of properties on the mountain, where there is sensitivity to ecology, tree canopies, percolation, bird migration, etc. need to refer to best management practices before harvesting. Above 20 trees, there must be a management plan, stating that the plan could allow for clear cutting, if an approved plan. The cost for a Tier B permit is \$100; Tier A cost would be \$20. Mr. Sageser continued by referencing the ordinance now on the books, which people may have ignored, noting an operation off of Boss Road with impacts to neighbors. Mr. Sageser said that there were some concerns raised about enforcement or when to call in a forester for review at the applicant's expense, but he believed the ordinance "to be 150% more perfect than the last one."

Mayor Kneski asked Mr. Cushing if he read the note from Zoning Officer McManus, dated October 29, and if there was any merit to his concerns about constitutionality of the ordinance. Mr. Cushing agreed that Mr. McManus is a competent official, raising questions about enforcement actions, e.g., fines, jail, repopulating trees, etc., and whether a municipal judge would impose them. Mr. Cushing believed that a municipal judge may use these violations as guidelines to work out an issue with an offending individual, e.g., minimize fines and penalties if individuals follow guidelines. He spoke about a constitutional issue such as taking a property,

but Mr. Cushing did not see this as what the ordinance may be doing. If there is a violation of the NJ Department of Environmental Protection (DEP) regulations, Mr. Cushing was not aware of this, although Mr. McManus may be aware of some issue at that level. Mr. McManus's concern is that of enforcement. Mr. Cushing explained the history of the ordinance, i.e., an original version had the Zoning Officer as enforcer, which he protested; the tree harvesting committee was created in a different version of the ordinance (which Mr. Cushing and his firm did object to when they reviewed the ordinance), which was not successful ; it was once again concluded that the Zoning Officer should be enforcer. Mr. Cushing believed that the Zoning Officer was concerned about how to enforce the ordinance and how to figure out what trees were cut and when. Mr. Cushing respected Mr. McManus's ability and capacity as a lawyer addressing areas that could present problems, but Mr. Cushing did not see the merits of all the points being raised by Mr. McManus.

Mr. Mathews read from the Zoning Officer's memo that "he wanted nothing to do with it," reading the last sentence from the memo about the proposed ordinance being an experiment. Mr. Mathews questioned what the Township Committee was doing. Mayor Kneski felt that the sentence was taken out of context, explaining that as a Zoning Officer, the job requires taking an ordinance drafted by the Township and putting it into operation, with "bumps in the road." If a bump needs to be corrected, i.e., when issues come up, they are then corrected.

Mr. Cushing explained that the evolutionary process, agreeing that "one cannot be sure that they wouldn't find bumps in the road." Mr. Sageser said most of the effort went into what was appropriate for East Amwell property sizes and location with clear guidance on tree harvesting. He mentioned discretionary measures for failure to abide by the ordinance, i.e., fines, jail, etc., but when trees are gone, there is a tree fund set up. While the committee developing the ordinance did not want to see court intervention, the goal was to set standards to be advantageous for all.

Mr. Cushing mentioned the two exemptions, forest management and right to farm exemption, noting that an average owner would be allowed to take twelve trees down a year and there was an exemption for damaged or evasive trees.

Mr. Mathews spoke about the recent storm, i.e., "as a reality, ... trees [are] down already." He also asked about Mr. McManus's comment about civil rights laws, stating that he could not vote for something that would violate constitutional rights.

Mr. Cushing did an analysis of the constitution and what possible violations Mr. McManus would be referring to, highlighted as follows: Looking at all the amendments likely to be violated, include 1st (religion), not applicable; 4th (search), the Zoning Officer cannot go on the property without permission or without a warrant; 5th (takings aspect without due compensation), the attorneys do not see this as a violation with the 14th amendment having a similar clause. Mr. Cushing continued by stating that generally, on a taking or condemnation, there is a payment process or there may be a regulatory taking, but this ordinance does not specify a taking. If an ordinance over-regulates the property that it would reduce it to a \$0 value, it would have to be an incredible reduction of the property value, such as 90%. The attorneys looked at the ordinance with this aspect, and if a property owner sued and alleged a taking, it was not likely that a 90% reduction in value could be proved.

Mr. Cushing continued by stating the 8th amendment (excessive fines) did not apply; under the 14th amendment (taking or procedural due process), i.e., the government doesn't allow due process before it regulates a property, Mr. Cushing did not see this as being an issue since there would be opportunity for a hearing before a municipal judge. If there is a deprivation of property rights, there is a mechanism to be vindicated by a state proceeding (hearing), so it is not a taking. If a property owner is unhappy with the process, he/she can do a prerogative writ as a post deprivation remedy. If the government does something that shocks the conscience, it is a substantive violation. Mr. Cushing did not believe the ordinance took on that level. Mr. Cushing commented on the Zoning Officer's concerns, but Mr. Cushing did not see any constitutional violations.

The meeting was open to the public for comments.

Tracy Carluccio, 81 North Hill Drive, was here in support of the ordinance. She was glad that the Township was moving to have an ordinance in place, although it is not adequate to meet the goals of protecting water supply and ecological resources on the mountain. The purpose is to protect habitat in the mountain, which is important for the entire township. Across all boards, it is recognized that there is value in trees, clean air, woodland floors, etc.; she stated that water is “worth millions of dollars” and wells cannot be replaced. She noted the increase in property values by having small trees or being in proximity to forests or parkland. She was in favor of preserving trees and harvesting them correctly.

Ms. Carluccio continued by pointing out that there isn't a high water table in the area since there are headwaters here. Having trees and forests are “eco structures” and help absorb rain and reduce flooding. Having forest areas, even small woodlands, are important economically and are beneficial for health and public safety. She would have liked to see a stricter “forest stewardship” ordinance, but adopting this version was “a no brainer,” i.e., costs are low, benefits great.

Ms. Carluccio did acknowledge that the best management practices need work, and the state is also aware of this. The minimum best management practices do not provide enough stream protection, and this may be a good project for the Environmental Commission or the Planning Board to work on improvements. Regarding the types of trees for remediation, she believed the 2.5 inch caliper trees might be difficult to plant in the mountain zone, having lived in the mountains for 30 years and knowing difficulties in planting big trees. She suggested a mix of sizes of trees to mimic what exists there now. She agreed with the tree fund did not need to be developed before adoption of the ordinance, but she suggested development with input from professionals, such as foresters, arborists, etc., for types of trees, reasonable contributions, etc. She further agreed that the fund should be developed to make sure not to leave holes in the forest, i.e., plant trees elsewhere instead of where they were removed. She suggested looking and thinking about the ecological aspects of implementation. Regarding Tier B enforcement, she believed detailed identification and a removal plan should be prepared, similar to a site plan for development, and it would help with easier enforcement. She believed it was reasonable to be able to call in a professional since fees are paid by the applicant. She understood why the Zoning Officer would not be familiar with tree removal issues, but suggested that the Zoning Officer or another person could be sent to Cooke College for education.

Ms. Carluccio concluded that there were 90 square miles within the Sourland Mountains as the largest contiguous tract in central New Jersey, and as the first step in protecting trees, this is a “smart move”; she supported and encouraged adoption of the ordinance.

Andrea Bonette, 17 Ridge Road, spoke about the first tree ordinance as a “terrible, water downed” version, noting that previous Township Committee members didn't support it. She also stated that the Zoning Officer told her two years ago that he was “underpaid and overworked,” and she suggested that the Township needs a new Zoning Officer, which she thought should be considered. Mrs. Bonette concluded by saying that she supported everything Tracy Carluccio said, noting that the entire community is affected by trees. She concluded by saying, “We do not own the land, we are merely borrowing it from our grandchildren.”

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

Mr. Mathews said that he had some reservations. He also commented on practicality of planting of smaller trees, which may not survive; he spoke about money and managing a tree fund being a better option. He stated that he supported the ordinance, as a tree owner and living on the mountain, but with reservation.

Motion by Mr. Sageser, seconded by Ms. Lenox, and carried unanimously by roll call vote to adopt Ordinance 12-10: Ms. Lenox, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

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

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

The ordinance will allow for compensation for the CFO/Treasurer who will be working for an additional day, as previously discussed by the governing body, increasing the salary from \$30,000 to \$45,000. Mr. Sageser asked if this was through the end of this year; Mr. Matheny said that it was an indefinite time frame for as long as the employee will require three days to complete the work, and the issue will be revisited.

The meeting was open to the public for comment. There being no comments, motion by Mr. Sageser, seconded by Ms. Lenox, and it was carried unanimously to close to the public.

Motion by Mr. Mathews, seconded by Ms. Lenox, and it was carried unanimously by roll call vote to adopt Ordinance 12-11: Ms. Lenox, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

Attorney Cushing was excused from the meeting at 10:27 p.m.

An amendment to the Salary and Wage Resolution was presented.

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RESOLUTION #129-12

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

CFO/Treasurer Baldino
Change From: \$30,000/year
To: \$45,000/year

BE IT FURTHER RESOLVED that this resolution is retroactive to September 24, 2012.

By Order of the Township Committee,

Peter Kneski, Mayor

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

ORDINANCE 12-13 AN ORDINANCE APPROPRIATING THE SUM OF \$70,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

Mr. Mathews suggested that the purchase of a generator may be more of a priority for the township. Mr. Matheny explained that the truck would be used for plowing, that it was a mason dump, which is a big truck with a dump body, replacing a truck that no longer needs a key to start and has bad brakes. On a question from Ms. Lenox, it will be replacing a truck from the early 1990's.

Mr. Sageser did not want to rule out a generator, but felt the truck should be considered.

The meeting was open to the public for comments.

Larry Tatsch, 38 Welisewitz Road, noted that the truck being replaced has rotted out floorboards also. He reminded the Township Committee that they would not be able to switch the purchase to a generator until next year, and the funding for the truck is in this year’s budget.

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

Motion by Ms. Lenox, seconded by Mr. Sageser, and it was carried unanimously to adopt Ordinance 12-13 by roll call vote: Ms. Lenox, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

ORDINANCE #12-14 AN ORDINANCE APPROPRIATING THE SUM OF \$35,000 FROM CAPITAL FUND BALANCE FOR THE PURCHASE OF A MOWER FOR THE PUBLIC WORKS DEPARTMENT

As proof of public hearing, the Clerk provided the legal notice from the October 18, 2012, issue of the Hunterdon County Democrat. The ordinance has been available to the public since introduction on October 11, 2012.

The mower will be used for road edge mowing and will complement the fleet as a second unit.

The meeting was open to the public for comments. There being no comments, motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously to close to the public.

Motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously by roll call vote to adopt Ordinance 12-14: Ms. Lenox, yes, Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

Introduction of Ordinances

RESOLUTION AMENDING THE CAPITAL BUDGET FOR ACQUISITION OF LAND

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RESOLUTION #130-12

(As Attached to the Official Set of Minutes)

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously by roll call vote: Ms. Lenox, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Kneski, yes.

Present for discussion on the land acquisition ordinances were Farmland/Open Space Preservation Committee Chair Glorianne Robbi and Vice Chair Dick Ginman, along with Randy Pease, Esq., Land Preservation Specialist from D & R Greenway Land Trust.

ORDINANCE #12-15 AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT SOUTH HILL ROAD (BLOCK 35, LOTS 51 & 52), COMMONLY REFERRED TO AS THE “POLHEMUS PROPERTIES,” A JOINT FUNDING PROJECT WITH D&R GREENWAY, AS SET FORTH IN THE CONTRACT TO PURCHASE

Mr. Ginman reminded the governing body that the Township is working with D & R Greenway Land Trust on the acquisition of the two five acre lots off of South Hill. The parcels are land locked, adjacent to Cattail Brook, in an area already owned by D & R Greenways. Mrs. Robbi mentioned negotiations with the property owners for preservation for many years, that the acquisition will protect woodlands, and the cost to the Township is \$24,600 for the lots, plus \$2,000 for soft costs, sharing the full purchase price 50 – 50 with D & R Greenways.

Mr. Pease commented that Jim Ammon, Stewardship Director of D & R, is in favor of the acquisition, seeing value in protecting the land. Ms. Lenox asked about access from South Hill Road; she was told that the entrance is through the logging trail. Mr. Mathews asked about public access at this time; Mr. Ginman said that there will be trails extending to Hillsborough in Somerset County, and Mrs. Robbi said that the land (when acquired) would be accessible for passive recreation. Mr. Ginman commented on access from South Hill Road, going east into Cattail Brook area. He also mentioned that volunteers have started to make trails on Omick property from the Lang property, and the intent to link together a network.

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**EAST AMWELL TOWNSHIP
ORDINANCE #12-15**

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT SOUTH HILL ROAD (BLOCK 35, LOTS 51 & 52), COMMONLY REFERRED TO AS THE “POLHEMUS PROPERTIES,” A JOINT FUNDING PROJECT WITH D&R GREENWAY, AS SET FORTH IN THE CONTRACT TO PURCHASE

WHEREAS, the Township Committee of the Township of East Amwell, New Jersey wishes to acquire real property from Peter J & John C, Jr, Polhemus pursuant to N.J.S.A. 40A:12-1 et seq; and

WHEREAS, D&R Greenway will fund 50% of this acquisition and the Township of East Amwell will fund 50% of this acquisition pending final adoption and passage of Ordinance 2012-xx; and

WHEREAS, this land will be used for the public purpose of open space.

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

1. The acquisition of Block 35, Lots 51 & 52, which property is located in East Amwell Township, Hunterdon County, New Jersey is approved, as set forth in the Contract and the Mayor is hereby authorized to sign said contract subject to clear and marketable title. This approval is pursuant to N.J.S.A. 40A:12-1 et seq.
2. The real property being acquired is to be used for the public purpose of open space.
3. All ordinances or part of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. This Ordinance shall take effect after publication and passage according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC

Municipal Clerk

Introduced: November 8, 2012

Adopted:

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Motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously to introduce Ordinance 12-15.

The ordinance will be published in the November 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will take place at the regular Township Committee meeting on December 13, 2012, at 7:30 p.m.

ORDINANCE #12-16 AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT ROCKTOWN ROAD & 256 MOUNTAIN ROAD (BLOCK 31, LOTS 1 & 14.01), COMMONLY REFERRED TO AS THE "WIEDEMER PROPERTIES," AS SET FORTH IN THE CONTRACT TO PURCHASE

Mrs. Robbi explained that the Wiedemers came to the FOSPC meeting about selling their two small lots (combined total of 9.9 acres), and D & R did the negotiations. Two appraisals were done, and a Green Acres based certified value represents the purchase price of \$180,000. There are \$5,000 in soft costs, and using the Township's Green Acres grant, the Township will get half of the funding back from Green Acres, i.e., \$90,000. The Township will also use their Hunterdon County Open Space Funding in the amount of \$24,564.78, which is 10% from the East Amwell Township property taxes that goes to the County's fund. The final \$65,435.22 will come from the East Amwell Open Space Trust Fund. The property is adjacent to the Omick property, sitting on a triangle piece at Mountain and Rocktown Roads; a trail crew is already working in the vicinity.

Mr. Mathews asked about a firm commitment from Green Acres. Some discussion took place about a denial letter from Green Acres. Mrs. Robbi explained that they applied for more grant funding, noting that they Township already had \$197,000 in a previous allotment. The Township applies annually for more funding, but because the Township had not spent anything from the previous allocation, they were denied funding now. The Township will apply for more funding in the future.

Mr. Pease said that he previously worked for Green Acres and was familiar with their contract structure. He explained that contracts are written with a contingency of receipt of Green Acres funding.

Mr. Mathews spoke about an issue with debris on a neighboring property. The Wiedemers and the adjacent property owners are in discussions, being facilitated by Jay Watson of D & R Greenways. There should be a resolution before closing. Mr. Mathews asked "if the deal could be at risk"; Mr. Pease said that there were no guarantees. Mrs. Robbi reminded the governing body that the ordinance has to go before them again for a public hearing, and conversations are on-going, hopefully, there would be some resolution before then.

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**EAST AMWELL TOWNSHIP
ORDINANCE #12-16**

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT ROCKTOWN ROAD & 256 MOUNTAIN ROAD (BLOCK 31, LOTS 1 & 14.01), COMMONLY REFERRED TO AS THE "WIEDEMER PROPERTIES," AS SET FORTH IN THE CONTRACT TO PURCHASE

WHEREAS, the Township Committee of the Township of East Amwell, New Jersey wishes to acquire real property from Joseph P. & Christine A. Wiedemer pursuant to N.J.S.A. 40A:12-1 et seq; and

WHEREAS, NJ Green Acres will fund 50% of this acquisition (\$90,000); and Hunterdon County Open Space Trust Program will fund 10% of East Amwell Township's 2011 County Open Space Tax allocation (\$24,442.50); and the Township of East Amwell will fund \$65,557.50 of the total acquisition pending final adoption and passage of Ordinance 2012-xx; and

WHEREAS, this land will be used for the public purpose of open space.

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

- 1. The acquisition of Block 31, Lots 1 & 14.01, which property is located in East Amwell Township, Hunterdon County, New Jersey is approved, as set forth in the Contract and the Mayor is hereby authorized to sign said contract subject to clear and marketable title. This approval is pursuant to N.J.S.A. 40A:12-1 et seq.
- 2. The real property being acquired is to be used for the public purpose of open space.
- 3. All ordinances or part of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
- 4. This Ordinance shall take effect after publication and passage according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: November 8, 2012

Adopted:

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Motion by Mr. Sageser, seconded by Ms. Lenox, and it was carried unanimously to approve introduction of Ordinance 12-16.

The ordinance will be published in the November 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will take place at the regular Township Committee meeting on December 13, 2012, at 7:30 p.m.

The next two ordinances are expenditure ordinances for the two properties above.

ORDINANCE #12-17

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ORDINANCE #12-17 AN ORDINANCE TO PROVIDE FOR THE ACQUISITION OF, OR THE CONTRIBUTION TO THE PURCHASE OF REAL PROPERTY KNOWN AS BLOCK 35, LOTS 51 and 52 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$24,600.00 FROM THE OPEN SPACE TAX TRUST FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as general improvements to be made or acquired by the Township of East Amwell, New Jersey, for

the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$24,600.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide for, or contribute to the acquisition of real property known as the Polhemus Property and described on the Township tax map as Block 35, Lots 51 and 52 for open space, including all costs necessary therefor or incidental thereto.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition, contribution or improvements is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$24,600.00.

Section 4. Funding for said acquisition is provided by D&R Greenway (50%) in the amount of \$22,600; and East Amwell Township Open Space Trust (50%) in the amount of \$22,600.

Section 5. The sum of \$24,600 includes \$2,000 toward the payment of technical costs.

Section 6. The sum of \$24,600.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$24,600 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 7. The 2012 Capital Budget is hereby amended to conform with the provisions of this Ordinance. The resolution in the form promulgated by the Director of Local Government Services is on file with the Township Clerk and is available there for public inspection.

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

Section 9. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: November 8, 2012
Adopted:

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Motion by Mr. Sageser, seconded by Ms. Lenox, and carried unanimously to introduce Ordinance 12-17.

The ordinance will be published in the November 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will take place at the regular Township Committee meeting on December 13, 2012, at 7:30 p.m.

ORDINANCE #12-18

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ORDINANCE #12-18 AN ORDINANCE TO PROVIDE FOR THE ACQUISITION OF, OR THE CONTRIBUTION TO THE PURCHASE OF REAL PROPERTY KNOWN AS BLOCK 31 LOTS 1 and 14.01 IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$185,000.00 FROM THE OPEN SPACE TAX TRUST FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as general improvements to be made or acquired by the Township of East Amwell, New Jersey, for the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$185,000.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide for, or contribute to the acquisition of real property known as the Wiedemer Property and described on the Township tax map as Block 31, Lots 1 and 14.01 for open space and other municipal purposes in accordance with the Green Acres Program, including all costs necessary therefor or incidental thereto.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition, contribution or improvements is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$185,000.00.

Section 4. Funding for said acquisition is provided by New Jersey Green Acres Grant (50%) in the amount of \$90,000; Hunterdon County Open Space Trust Program (10% of East Amwell's 2011 allocation) in the amount of \$24,442.50; and East Amwell Township Open Space Trust in the amount of \$65,557.50. New Jersey Green Acres and Hunterdon County will reimburse the specified amounts to the Township of East Amwell.

Section 5. The sum of \$185,000 includes \$5,000, representing approximately 50 percent of technical costs including appraisals, surveys, environmental charges, and HUD-1 title costs.

Section 6. The sum of \$185,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$185,000 from the Open Space Tax Trust Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 7. The 2012 Capital Budget is hereby amended to conform with the provisions of this Ordinance. The resolution in the form promulgated by the Director of Local Government Services is on file with the Township Clerk and is available there for public inspection.

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

Section 9. This ordinance shall take effect immediately upon adoption according to law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: November 8, 2012

Adopted:

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Motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously to approve introduction of Ordinance 12-18.

The ordinance will be published in the November 15, 2012, issue of the Hunterdon County Democrat, and the public hearing will take place at the regular Township Committee meeting on December 13, 2012, at 7:30 p.m.

SPECIAL COMMITTEE REPORTS – None

STANDING COMMITTEE REPORTS - None

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE

1) Department of Public Works Update - Resolution to Hire Temporary DPW Employee:
Mr. Matheny explained that there was a special need to have a temporary employee for approximately the next three months. He mentioned that there may be a likely qualified candidate who is currently laid off and who has the skills necessary for the work. He asked for a resolution to look at an applicant and hire an adequate employee for the department. Mr. Mathews asked about advertising the position. Mr. Matheny explained that the Township can post the position on the bulletin board, but it is not required to advertise. Mr. Mathews would like to see the position posted and have requirements delineated. There is a job description for the position.

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RESOLUTION #131-12

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the Township Administrator to post the position of a temporary DPW employee and to negotiate a salary and hire an employee within the confines of the salary range stated in the 2012 Salary and Wage Ordinance for a temporary DPW employee.

By Order of the Township Committee,

Peter Kneski, Mayor

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

NEW BUSINESS

STORM CLEANUP

Mayor Kneski thought about the brush pick up after a storm last year but stated that the intensity of the debris this year has increased. Many people are still without power, and once they are restored, they will begin their clean up. Some comments were made about either discussing clean up at the next meeting or authorizing the Administrator to see what type of assistance was available. Mr. Sageser asked about FEMA reimbursement; Mr. Matheny said about 75-80 percent, stating that FEMA usually gives a start date and an end date for the disaster.

Mayor Kneski said that many residents are already bringing brush to the curb along with large logs and tree limbs. He would like to see whoever was hired to assist with clean-up be able to handle logs also. He suggested having the Administrator get estimates from two or three companies and “getting a game plan.” Mr. Matheny commented that the bid threshold is \$36,000, commenting that the Township would be obligated to pay for the services prior to federal reimbursement. The possibility of having the supplier offer discounted services to residents was suggested, with the hope that the contractor would do the Township’s work prior to taking on the residents’ work. There was a concern that winter weather may affect the clean up process, and a prolonged clean up may mean residents will drag more brush to the curb. All were in agreement that parameters would have to be established regarding sequencing of pick up and size of materials to bring curbside.

Some discussion took place on whether to approve a motion to proceed tonight. Mr. Mathews also previously provided the name of a contractor from Hopewell, who may quote. In the

interim, the grit yard will remain open through the weekend for residents to bring their brush. It was agreed that a recommendation would be made at the next Township Committee meeting.

OPEN TO THE PUBLIC

John Fischer, 109 Lindbergh Road, asked if there was any update about the property tax reassessment. Inspections are still on-going.

Mr. Mathews said that the inspector visiting his property had no ID, only a small slip of paper with some information on it.

Larry Tatsch, 38 Welisewitz Road, congratulated David Wang Iverson on winning the election to Township Committee “as a great asset to you [the Committee.]” He thanked the Township Committee for their work during the recent storm, building on work done last year, commenting on lessons learned, and more outreach to residents this year. Mayor Kneski thanked Mr. Tatsch for his role as Mayor last year “setting standards, which were built upon.”

Mr. Mathews suggested that an after action review meeting be scheduled to debrief and determine improvements to be made and reinstitute meetings with JCP&L. Comments were exchanged between Mr. Mathews, Mr. Tatsch, Mr. Fischer, and Mayor Kneski on JCP&L tree work, noting there was an eight page work list provided to the municipality and the need for JCP&L to respond to what had been completed.

Mr. Mathews spoke about a recent meeting with the County regarding wild fires, specifically on the mountain. A draft protection plan was provided to attendees, with feedback given for a final version. Information on statutes and regulations regarding open burning were also provided for the Township, and copies of brochures will be left for the public.

Mr. Mathews again asked for the after action review meeting to be held.

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

EXECUTIVE SESSION – None

ADMINISTRATIVE REPORTS

ASSISTANT TREASURER ANDREWS presented the bills of evening and a statement of cash on hand. Mr. Mathews asked for transparency regarding the attorney bills with summary information about topics covered being provided in future bill lists.

Mr. Mathews also recommended that the Township hold JCP&L bills and not pay them until power is restored to the residents. Mr. Sageser agreed that a letter should be sent to JCP&L that the Township is holding checks until they are satisfied that power is restored and the company is doing its job to the Township’s satisfaction. Some discussion took place on whether the company would shut off service, the number of notices the company would send before shutting off power, the affect on the Township’s bill paying protocol and auditor citations, etc.

Motion by Mr. Mathews, seconded by Ms. Lenox and carried unanimously to approve payment of the bills of the evening, holding the checks for JCP&L, sending the company copies of them, stating that the checks will be mailed upon satisfaction of power restoration.

TREASURER BALDINO

Treasurer’s Resolution:

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RESOLUTION # 132-12

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the current fiscal year between line items of the municipal budget; and

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following sums be transferred as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Amount</u>
FROM:		
20-100-1	General Administration S&W	3,600.00
20-100-2	General Administration OE	2,000.00
20-145-2	Revenue Administration OE	500.00
21-180-1	Planning Board S&W	2,000.00
21-185-1	Zoning Board S&W	2,000.00
21-185-2	Zoning Board OE	3,000.00
23-220-2	Employee Group Insurance I/S CAP	5,000.00
26-290-1	Streets & Roads S&W	5,000.00
26-290-2	Street & Roads OE	7,625.03
26-310-2	Buildings & Grounds OE	2,500.00
27-330-2	Public Health OE	5,000.00
28-370-1	Recreation S&W	<u>5,000.00</u>
	TOTAL	\$43,225.03

TO:		
20-120-1	Municipal Clerk S&W	6,725.00
20-130-1	Finance S&W	6,580.00
20-130-2	Finance OE	2,000.00
20-150-1	Tax Assessment S&W	0.03
20-155-2	Legal Services OE	20,000.00
20-165-2	Engineering OE	3,500.00
20-175-1	Historic Sites S&W	300.00
25-265-1	Fire Prevention S&W	500.00
26-305-1	Solid Waste Collection S&W	300.00
27-330-1	Public Health S&W	1,500.00
27-335-1	Environmental Comm S&W	300.00
31-440-2	Telephone OE	300.00
36-477-2	DCRP OE	300.00
36-478-2	Deferred Comp Plan OE	420.00
43-490-1	Municipal Court S&W	<u>500.00</u>
	TOTAL	\$43,225.03

By Order of the Township Committee,

Peter Kneski, Mayor

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

TAX COLLECTOR HYLAND presented her October 2012 report and a resolution to extend property tax payments in light of the recent storm.

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RESOLUTION #133-12

WHEREAS, Hurricane Sandy caused great devastation in East Amwell Township, and

WHEREAS, many of East Amwell’s residents were without electric power for an extended period;

THEREFORE, BE IT RESOLVED, that the interest period to pay fourth quarter 2012 taxes be extended until November 30th, 2012, after which time the interest for fourth quarter 2012 will be charged from November 1st, 2012.

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

Other Administrative reports were acknowledged without comment.

CORRESPONDENCE

Mr. Sageser commented on correspondence from United Federal Data, LLC about a request to put more wires on poles in the Township, saying he would provide a copy to Ms. Gavigan. There was a list of individual poles but not information on condition; he questioned why such information couldn’t be obtained from BPU and use as a basis for discussions with them. Mr. Mathews agreed that any leverage that can be used was important.

Mr. Mathews also spoke about a constituency of recreation people, who appeared at the Freeholder’s Meeting, as suggested by Mr. Ginman, to develop active recreation land owned by the County in West Amwell. Representatives from City of Lambertville, West Amwell Twp., and Delaware Twp. are also lobbying the Freeholders. Mr. Mathews was supportive of the grass roots movement.

ADJOURNMENT

There being no further business, motion by Ms. Lenox, seconded by Mr. Sageser, and carried unanimously to adjourn the meeting at 11:37 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk