

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor Dart Sageser, Deputy Mayor David Wang-Iverson, and Committee members Tim Mathews and Charles Van Horn. Committee member Peter Miller 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, 2014, and a meeting notice published in the Hunterdon County Democrat issue of January 9, 2014. 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 August 12, 2014.

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

### **AGENDA REVIEW**

Under Standing Committee Reports, table appointment of Recycling Committee Member until the next meeting.

Under Unfinished Business, Township Administrator's Update, add item 7, Brush Removal and item 8, Meszaros Property/Letter from EDA.

Under New Business, add an amendment to the NORWESCAP agreement for COAH to modify the service period for the existing agreement from July 1, 2014 to June 30, 2015. Also add a request from the Mayor to establish an ad hoc committee on libraries in East Amwell.

Under correspondence, add the 8/12 League of Municipalities Update on various topics and the 8/11 NJ DOT letter on grant availability and deadlines.

### **ANNOUNCEMENTS**

Municipal Offices will be closed on Monday, September 1, 2014, in observance of Labor Day.

Hunterdon County will hold a computer and electronics collection day on Saturday, October 11 from 9 a.m. – 1 p.m. at the County Complex. Email [swrs@co.hunterdon.nj.us](mailto:swrs@co.hunterdon.nj.us) or call 908-788-1110 for more information.

The grit yard is temporarily closed for dumping brush. Materials on site will be chipped as soon as possible, and the yard will re-open. Watch for announcements on the website at [www.eastamwelltownship.com](http://www.eastamwelltownship.com)

### **APPROVAL OF MINUTES**

July 10, 2014, Special Meeting Minutes (Interview) were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Wang-Iverson, and carried unanimously.

July 10, 2014, Regular Meeting Minutes (Budget) were approved on a motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried unanimously with one correction on page 13, under DPW report, line 1, change "presented" to "provided."

July 10, 2014, Executive Meeting Minutes (Scibilia/Land Acquisition) were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Wang-Iverson, and carried unanimously.

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

Mr. Van Horn made a motion to open to the public.

Frances Gavigan, 123 Wertsville Road, asked about a quorum of Township Committee members who attended the Board of Adjustment meeting on Tuesday, speaking about it as a potential unnoticed meeting and the possibility of intimidating the Board. She was specifically concerned about the situation being the basis for someone who was inclined to challenge the decision.

Mr. Cushing commented on his assumption that no comments were made by the governing body members, which they agreed. He mentioned that it would be an Open Public Meetings Act violation if there was a majority of the members present with the intent of discussing public business. Separately attending the meeting (with members adding that they were there as citizens), he believed that it was "okay." He also commented on the appearance issue but as long as they were not putting the Board of Adjustment under "undue influence ... without comments," it was not an issue. He noted some arguments that governing body members should not go to Board of Adjustment meetings because of its quasi-judicial role with applications. He also asked if the Board of Adjustment sends D-variance appeals to the governing body in this municipality (i.e., the Municipal Land Use Law allows this option); it was not clear, but he will review the municipal ordinances. If they did hear appeals, there may be a conflict.

Ms. Gavigan said that she was not making any inferences, additionally commenting on her observance of the behavior of County Freeholders who carefully make sure a quorum of members are never present at outside board meetings. She commented on "perception being a reality." Mr. Cushing agreed with Ms. Gavigan's comment on perceptions.

Jamie Maribito, 92 Back Brook Road, spoke about a meeting when a neighbor, Pam Wells, appeared before the Township Committee and made slanderous remarks. Ms. Maribito spoke about her family and their farming operations in the township. She wanted to draw the Township Committee's attention to a set of minutes (March 27, 2014) wherein Ms. Wells made a statement that the state police were called because her son was firing a shotgun within 400 feet of her property. Ms. Mirabito explained that her son is a minor and is very upset with the statement. She would like the minutes expunged, explaining that the statement was untrue, that a minor was specifically mentioned, and it may affect his future aspirations.

Mr. Cushing said that because a minor is involved, it may be best to retroactively amend the minutes with substitute language to delete the minor's name. He did not think that the minutes would disappear. Ms. Mirabito asked that draft minutes also be corrected, adding that her son found out about them when a student at Hunterdon Central handed him a copy in a classroom. She wanted to raise the Township Committee's awareness, stating that her family actively farms, including her middle son who is very active in the field. She stated that the remarks were very upsetting; there were no grounds for them, and the minutes were far wider spread than a town record book.

Mr. Cushing explained that this was part of the age we live in. He was very sensitive to what Ms. Mirabito wanted to convey, but he added that the governing body cannot shut down the public when they speak because of their first amendment rights. He said that even if something slanderous is said, the governing body does not vindicate rights; this must be done privately, although it may not be practical in this situation. He again commented on the action that the governing body would take to correct the minutes. Ms. Mirabito asked about the amount of time that Ms. Wells was allowed to go into depth; Mr. Cushing explained that there were lawsuits for cutting short the amount of time people may speak.

Mr. Cushing will work with the Clerk for the best possible correction. It was confirmed by Ms. Mirabito that the state police were not called for a firearms violation, although they were called to remove the neighbor from the Mirabito property. Ms. Mirabito appreciated the governing body's response to the "on-going upsetting situation."

Frances Gavigan, 123 Wertsville Road, said that she was present at the March meeting and spoke with Ms. Wells. She believed that some of the statements she made were, in her opinion, not credible. She wanted this statement to be part of the current record. She also suggested that the Township may be able to speak with the webmaster to pull down items that "ghosted into things." She also believed that a policy should be developed regarding minors or allegations unproved in the future. She mentioned this as a case of cyber-bullying.

Motion by Mr. Van Horn, seconded by Deputy Mayor Wang-Iverson, and carried unanimously to close to the public.

Motion by Mr. Mathews to amend the March 27, 2014, minutes to remove the name of the minor alleged to have done something, and replace it with something more generic. Some discussion took place on Google searches and changing links to the files, which would affect (break) the search. Deputy Mayor Wang-Iverson stated that in the interim, someone could have downloaded the existing files and printed copies. The motion was seconded by Mr. Van Horn, and carried unanimously.

## **SPECIAL DISCUSSION**

### **PROPERTY MAINTENANCE (see June/July 2014 Minutes for Background)**

Mr. Cushing provided a sample ordinance entitled “An Ordinance Adding a Chapter Entitled ‘Buildings, Unfit’ of the General Ordinances of the Township of East Amwell, County of Hunterdon, and State of New Jersey.” He explained that the ordinance creates a local level authority with statutory rights to deal with unfit buildings under the Uniform Construction Code (UCC), adding that the Construction Official has certain rights regarding unfit buildings. With the proposed ordinance, there is a provision to allow the municipality to impose a lien for any monies expended by the municipality in order to deal with the unfit properties. Mr. Cushing further explained that the ordinance is nothing more than the UCC requirements but adding a due process and a more formal procedure with remedies. The added language allows the municipality to rehabilitate a property upon governing body approval.

Mayor Sageser referenced language in the proposed ordinance under “Complaints,” stating that a public authority or a petition of at least five residents could authorize the Construction Official to take action. Mr. Cushing has never seen the petition in use, stating that practically, if a defective building was discovered, the Construction Official could initiate the process with notices, etc.

Mr. Mathews was concerned about the need for permits and fees for construction review, and in this model, it would not be cost effective for the Construction Official. Mr. Cushing agreed that there was no fee provision, but there is an obligation on the part of the Construction Official to look at dangerous buildings, and the process is the same with or without the ordinance. Mr. Mathews spoke about complaints from residents about the length of time to get permits, and he felt that there was no economic incentive for the Construction Official to take on more work. Deputy Mayor Wang-Iverson asked if there should be some “buy-in” from construction; Mr. Cushing said it was not required, but on a practical side, it would be a good idea. He provided anecdotal information about a Construction Official who originally rejected the ordinance in another town, but he eventually felt that “it was a good idea.”

Mr. Cushing reiterated that the process was the same, i.e., if there was a dangerous building, the Construction Official would have to act. If there was an imminent danger, the Township could do the work and apply the lien. In another circumstance, without the ordinance, the Township may spend money, sue the property owner, and may not recuperate the money. The Construction Official’s actions were the same either way under the Code with the curative action by the governing body to include the lien with the ordinance.

Deputy Mayor Wang-Iverson gave an example of an open foundation complaint. Mr. Cushing explained that with the ordinance, the Township would have no more rights than the UCC regulations. The Construction Official will investigate and apply certain standards; if there is a violation, the property owner is cited. Mr. Van Horn stated that the Construction Official has authority under N J statutes and would have to act; Mr. Cushing agreed that the Construction Official has to act now (even without the ordinance), but the ordinance would be another tool.

Mr. Mathews spoke about a “pent up situation” with maybe 20 issues; if the Township adopted the ordinance and residents react and bring up 20 items, that would be “20 unsolicited requests for work beyond what is in the queue for fee work and would create a bubble.” Mr. Van Horn said that the 20 items may pop up anyhow, and there would be no lien. Further comments were exchanged by the governing body and the attorney, with the following highlights: Mr. Mathews spoke about property owners showing progress on repairs, including as little as putting on a

couple of shingles; Mr. Cushing said that the ordinance would not give any more relief (except the lien) and that the Construction Official must do what he believes is reasonable under his judgment; Deputy Mayor Wang-Iverson spoke about outstanding violations, noting one property owner that could not be located; Mr. Cushing added that the Township could do the work and place the automatic lien on the property – he also commented that the Township should determine if they are getting the enforcement they think that they need.

Mr. Mathews asked, as an example, if the Township remedied an open foundation; Mr. Cushing that the lien could be applied, and if there was no payment on the lien for six months, the lien could go up for tax sale, and the money/interest accrues the same rate as a tax certificate. He cautioned, however, that there may be a problem if the owner left and the lien exceeds the value of the property.

Mayor Sageser believed that the ordinance would encourage owners or agents to improve the deficiencies. Mr. Cushing reminded the governing body that the Construction Official would determine if an owner is making progress. The Mayor explained that the goal is to rehabilitate fire damaged and foreclosed properties with broken windows, etc.; he also added that he would like to see the word “aesthetically” replaced with “functionally” in the first paragraph of the ordinance.

Mr. Mathews noted that Canadian Thistle wasn’t addressed in this ordinance, adding that this was part of the original discussions about foreclosed properties that Mr. Kanach brought to the Township’s attention a while ago. Mayor Sageser commented that the Board of Health did not feel it was under their purview, and the Construction Official does not handle this type of complaint. The matter was referred to the Agricultural Advisory Committee for further discussion. Frances Gavigan, Chair of the Agricultural Advisory Committee, was in the audience and commented on information [farmer and Ag Advisory Member] Bill duFosse had about a twenty-five cent fine per plant for the weed and getting further information from the State Department of Agriculture. Mayor Sageser said that he would like to see what the procedure at the State involves.

Mr. Mathews would like the Agricultural Advisory Committee to formally discuss the matter and come back to the governing body with a recommendation or conclusion on whether the Township should “take on the issue.” He mentioned his original recommendation of having the Board of Health broaden its nuisance definition to include pollution by noxious weeds, but the Board of Health did not think it was in their scope of authority. The Township Committee wanted guidance from the Agricultural Advisory Committee on the importance of this issue and whether a noxious weed ordinance was warranted.

Mayor Sageser commented that the ordinance prepared by Mr. Cushing and reviewed this evening will be on the next meeting agenda for action.

**CONSENT AGENDA ITEMS**

A.B.C. PERMIT FOR SOCIAL AFFAIR AT THE AMWELL VALLEY FIRE COMPANY (HARVEST FEST ON SEPTEMBER 6, 2014 OR RAIN DATE OF SEPTEMBER 7)

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**RESOLUTION # 98-14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to granting Special Permits for Social Affairs for the Amwell Valley Fire Company from the New Jersey Division of Alcoholic Beverage Control for the annual Harvest Fest to be held at the Amwell Valley Fire Company, Post Office Box 76, Ringoes, NJ 08551 on Saturday, September 6, 2014 (Raindate, Sunday, September 7, 2014).

By Order of the Township Committee,

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Dart Sageser, Mayor

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AMWELL VALLEY FIRE COMPANY: RESOLUTION FOR APPROVAL OF FIREWORKS  
DISPLAY FOR HARVEST FEST ON 9/6/14 (Rain date 9/7/14)

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**RESOLUTION # 99-14**

WHEREAS, there is a Harvest Fest in East Amwell Township held each fall at the Amwell Valley Fire Company in Ringoes; and

WHEREAS, there has been a request for a resolution of approval from the governing body of the Township of East Amwell to have a fireworks display at the event; and

WHEREAS, an application for a permit to the New Jersey Department of Community Affairs, Division of Fire Safety, has been made by the Amwell Valley Fire Company for a fireworks display on Saturday, September 6, 2014, with a rain date of Sunday, September 7, 2014;

WHEREAS, Garden State Fireworks, a New Jersey operator approved by the Amwell Valley Fire Company, will be displaying the fireworks and complying with the requirements of the New Jersey Division of Fire Safety's permit; and

WHEREAS, a certificate of additional insured has been obtained from the Amwell Valley Fire Company's insurance carrier, naming East Amwell Township to their coverage;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell that they grant permission for the public fireworks display in the municipality at the 2014 Harvest Fest.

By Order of the Township Committee,

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Dart Sageser, Mayor

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THE RIDGE AT BACK BROOK: 3 SOCIAL AFFAIR A.B.C. LICENSES:

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**RESOLUTION # 100-14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Special Affairs Permit for a Social Affair being granted to NJ CAR, 856 River Road, Trenton, NJ 08628, for an event to be held at The Ridge at Back Brook, 211 Wertsville Road, Ringoes, NJ 08551, on September 15, 2014.

By Order of the Township Committee,

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Dart Sageser, Mayor

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**RESOLUTION # 101 -14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Special Affairs

Permit for a Social Affair being granted to Saint Peter’s Foundation, 254 Easton Avenue, New Brunswick, NJ 08901, for an event to be held at The Ridge at Back Brook, 211 Wertsville Road, Ringoes, NJ 08551, on September 8, 2014.

By Order of the Township Committee,

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Dart Sageser, Mayor

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**RESOLUTION # 102 -14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Special Affairs Permit for a Social Affair being granted to The Midland Foundation, 94 Readington Road, North Branch, NJ 08876, for an event to be held at The Ridge at Back Brook, 211 Wertsville Road, Ringoes, NJ 08551, on October 6, 2014.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried unanimously to approve the resolutions under the Consent Agenda.

**INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS**

Introduction of Ordinances:

**ORDINANCE 14-06: 2014 SALARY AND WAGE ORDINANCE**

The Clerk explained that CFO Hart just provided the ordinance and resolution before the meeting started – the range in the ordinance has not been changed from the 2013 Salary and Wage Ordinance except the line for the Township Administrator. The 2014 Salary and Wage Resolution that he provided did fit into the current 2013 Salary and Wage Ordinance, and the CFO was recommending that the resolution be adopted based on last year’s ordinance. Mr. Hart believed that a new salary and wage ordinance should be introduced at the beginning of next year and just adopt the 2014 resolution now.

Mr. Matheny explained that the resolution included a 2% increase for employees, and the intent of adopting a salary and wage ordinance each year is to adjust the range with the allowed percentage on the bottom and on the top so that the range and COLA figure move together. Adopting the resolution without the ordinance pushes employees out of the range.

Deputy Mayor Wang-Iverson suggested that the ordinance could be introduced next month and adopt the resolution as long as the employees do not move out of the scale. Mayor Sageser commented on replacing an employee in a category, and if the range was too constrained, it would not keep up. Mr. Matheny agreed that it would take a couple of years to outgrow the scale. Mr. Mathews felt that the market drives what you pay for a job and employee reviews could be larger than the range, so it made good sense to treat them separately. Mr. Matheny stated that performance raises were never given, that employees were in a certain place in the range, and sometimes, independently, individual chairs would request additional compensation that was reviewed on a “one-off basis.” He stated that there was no other way to move in the range, with the range moving and employees staying within the middle of the range. New individuals are added to the resolution by name and title and fit within the range. Mayor

Sageser asked why the bottom of the range also changes; Mr. Matheny explained that it keeps the range from getting too large.

The Clerk noted that some of the figures on the resolution were incorrect, and various figures were reviewed, with the following highlights: Township Administrator Matheny’s salary does not change at this time (until his contract is negotiated); Zoning Officer Secretary Andrews should be \$18.96 (2% on existing \$18.59 per hour); Ag Advisory and Historic Preservation Committee secretary Brighthaupt receives \$15.00/hr. as a new employee; Farmland/Open Space Preservation Recording Secretary and Administrator are vacant with no values assigned; Violations Clerk Williamson receives \$7.50/hr. as a new employee. Some discussion took place on the Board of Health witness pay, explaining that it is Larry Tatsch, not David Wang-Iverson, who is the witness. Mr. Matheny also commented that the witness is no longer paid through the Salary and Wage ordinance but paid through their budget. The Clerk asked if the Board of Health already had a separate ordinance outlining the fees that the well witness receives; she was told yes. Some Committee members agreed that they like to see the witness fees listed in the salary and wage resolution.

It was also noted that the resolution is retroactive to January 1, 2014. Further comments were exchanged by the governing body. Mr. Matheny suggested that the Township Committee approved the resolution for the 2% increase with a notation that the specific adjustments were being made and that the Clerk be given authority to review the figures again to make sure of accuracy.

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**RESOLUTION #103 -14**

**2014 SALARY ANDWAGE RESOLUTION BY TITLE**  
**2%**

BE IT RESOLVED by the Mayor and Township Committee of the Township of East Amwell that the salaries and compensation for 2014 employees shall be as follows:

<u>Position</u>	<u>Salary/Compensation</u>
Mayor Sageser	\$ 3,473
Township Committee Members Miller, Mathews, Wang-Iverson, Van Horn	\$ 3,015
Township Administrator Matheny	\$60,690
Tax Assessor Busher	\$31,734
Tax Collector Hyland	\$36,261
Treasurer/CFO Hart	\$35,000
Municipal Clerk Stahl	\$54,260
Payroll Clerk Stahl	\$2,550
Zoning Officer McManus	\$12,941
Magistrate Martin – East Amwell’s ½ share	\$ 9,368
Magistrate Martin – Franklin Twp	\$ 4,000
Court Administrative Officer Hooven – ½ share	\$23,629
Court Administrative Officer Hooven - Franklin Twp	\$5,000
Director of Public Assistance Kuhl	\$3,686
Public Defender Troy	\$ 1,150
Public Defender Troy - Franklin Twp	\$ 500
Prosecutor Ballard	\$11,957
Prosecutor Ballard- Franklin Twp	\$4,000
DPW Superintendent Silverthorn	\$73,000
COAH Municipal Housing Liaison Robbins	\$ 4,495

HOURLY:

Alternate Zoning Officer Miller	\$ 35.00/hour
DPW Employee Adamow	\$ 22.31/hour
DPW Employee Godwin	\$ 18.94/hour
DPW Employee Duckworth	\$ 18.94/hour
DPW Employee Barrick	\$ 19.38/hour

Assistant Treasurer Rosikiewicz	\$ 19.89/hour
Planning Board Administrative Officer Andrews	\$ 21.56/hour
Board of Adjustment Administrative Officer Andrews	\$ 21.56/hour
Zoning Secretary Andrews	\$ 18.96/hour
Board of Health Secretary Rosikiewicz	\$ 19.89/hour
Agricultural Advisory Secretary Brighthaupt	\$ 15.00/hour
Historic Preservation Secretary Brighthaupt	\$ 15.00/hour
Recreation Secretary Prendamano	\$ 15.00/hour
Violations Clerk –Court Williamson – ½ share	\$ 7.50/hour
Recycling Coordinator Prendamano	\$ 15.00/hour
Environmental Commission Secretary Prendamano	\$ 15.00/hour
Deputy Clerk/Assistant Tax Collector Dymek	\$ 20.30/hour
Rabies Clinic Secretarial Staff	\$ 20.00/hour
Summer Playground Directors Scott; Hornsby; Shambaugh Stafford	\$245.53/weekly
Summer Playground Supervising Director Veith	\$296.53/weekly
Board of Health Witness Tatsch	
Up to 2 hours	\$ 50.00
More than 2 hours, up to 8 hours in one day	\$120.00
Over 8 hours, for each hour or fraction of hour	\$ 25.00
Surcharge for Saturday or Sunday	\$100.00
Inspectors Buchanan – Smoke/Carbon Monoxide Detector Inspection	\$ 25.00
Substitute Secretarial and/or Substitute Secretarial Services for Board/Committee Meetings	Current Hourly Rate or \$16.00, which- Ever is higher

BE IT FURTHER RESOLVED that salaries will be effective upon adoption of the resolution, retroactive to January 1, 2014, or the date of hire for those employees hired for a new position in 2014 or date of salary rate change for those employees who may have had a rate change earlier in 2014.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously.

The Township Committee agreed that they would wait until January for the new ordinance.

**Public Hearings:** None

**SPECIAL COMMITTEE REPORTS** – None

**STANDING COMMITTEE REPORTS**

RECYCLING COMMITTEE

1) Resignation of Member Jeff Bradstreet: The 8/7 letter from Mr. Bradstreet was acknowledged, citing his reasons for resigning. The Township Committee was grateful for his offer to continue to work the depots and for continuing to serve on the Environmental Commission. Motion by Deputy Mayor Wang-Iverson, seconded by Mr. Mathews, and carried unanimously to accept the resignation with regret.

**UNFINISHED BUSINESS**

TOWNSHIP ADMINISTRATOR’S UPDATE:

1) Resolution for Sale of Surplus Property: Mr. Matheny explained that the intent is to use the currently owned backhoe as a trade-in for the new equipment. The item needs work and could have also been sold on Muni-bid. While the amount through trade “is a little less,” Mr. Matheny discussed this with the CFO and was advised that by reducing the number by not bonding as much, the remainder goes to surplus and “is a better way to do it.”

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**RESOLUTION #104-14**

**RESOLUTION OF THE TOWNSHIP OF EAST AMWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, the Township of East Amwell has determined that the property described below is no longer needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36 [7], a contracting agent may include the sale of personal property no longer needed for public use as part of specifications to offset the price of a new purchase; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36[6], the estimated fair value of this property does not exceed the applicable bid threshold and may be sold at private sale without advertising for bids;

NOW, BE IT RESOLVED by the Township Committee of the Township of East Amwell do hereby authorize Qualified Purchasing Agent Timothy Matheny to initiate the sale of the Township’s owned 1998 Caterpillar 426c, Serial Number 6XN01871, as the basis of a trade-in towards the purchase of a new backhoe/loader offered by Jesco, Inc. through the Middlesex Regional Educational Services Commission Cooperative.

By Order of the Township Committee,

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Dart Sageaser, Mayor

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2) Resolution to Authorize Purchase of a Backhoe through Middlesex Regional Educational Services Commission Cooperative: Mr. Matheny explained that there was funding available in a bond ordinance for the purchase of the backhoe. At the Township’s request, the Cooperative added a John Deere unit to the bid list. The original price was \$178,792 for the equipment with the specifications that the Township was looking for; through the Cooperative, there was a 38.5% discount (\$68,834.92) to reduce the cost to \$109,957. Minus the \$20,000 trade in allowance for the existing machinery brought the cost to \$89,957. The Township also added a 60 month, 2,000 hour warranty (bumper to bumper labor and parts) at a cost of \$2,078 for a final cost of \$92,035.08.

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**RESOLUTION #105-14**

BE IT RESOLVED by the East Amwell Township Committee that they hereby authorize the Township Administrator to prepare a purchase order for Jesco, Inc. in the amount of \$92,035.08 for the purchase of a new 2014 John Deere 310SK Backhoe Loader, with options as listed in the August 6, 2014 quote # Q06946, through a contract offered by the Middlesex Regional Educational Services Commission Cooperative and including a trade-in of current equipment as part of the package.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Mr. Van Horn made the motion to approve both the trade-in resolution and the purchase resolution, seconded by Mr. Mathews, and carried unanimously by roll call vote: Mr. Van Horn, yes; Mr. Wang-Iverson, yes; Mr. Mathews, yes; Mr. Sageser, yes.

3) 7/15 Bid Result for Clawson House Rehabilitation: Mr. Matheny referred the governing body to his 8/6 memo regarding the bid opening for the rehabilitation of the historic house. Three contractors picked up the bids and only one returned it to be opened on July 15. The bid by DeSapio Construction was \$164,800, which exceeded the grant (i.e., \$100,000). Mr. Matheny recommended that the bids be rejected. Mr. Cushing commented that his firm did review the bids at Mr. Matheny’s request, and there were no other flaws in the bid documents. The intent was to reject the bids because the amount exceeded the appropriation, and the Township wants to change the scope of the specs for accuracy in bidding. The issue was discussed with the Mayor and with the Chair of the Historic Preservation Committee.

Mayor Sageser said that the changes would not be substantial, based on his architectural experience, but the changes will include pulling out the electrical service and clarification on window specifications. He also commented that on the next go-round, a portion of the windows should be removed so that the contractors can see what they are bidding. He also noted that having the poison ivy removed was helpful. He commented on a second bidder who arrived at the opening eight minutes late. The architect has had some experience with that contractor with window restoration. Mayor Sageser commented on difficulties with rehabilitating historic homes with restoration or replacement. Mr. Van Horn commented on impossibilities of meeting expectations with the money that’s allotted. The architect may have technical spec revisions by next week.

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**RESOLUTION #106 -14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby reject the bid received on July 15, 2014, from DeSapio Construction Inc. in the amount of \$164,800 for the rehabilitation of Clawson House. Pursuant to N.J.S.A. 40A:11-13.2, the bid is rejected because the amount substantially exceeds the Township’s appropriation for the work, and the Township wants to substantially revise the specifications for the services.

BE IT FURTHER RESOLVED that the Township Administrator is authorized to re-bid the project.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Motion by Mr. Van Horn and seconded by Deputy Mayor Wang-Iverson.

Mr. Mathews asked how much the revisions by the architect will cost; Mayor Sageser said that there would be no cost for the revisions.

Motion to adopt the resolution was by unanimous roll call vote: Mr. Van Horn, yes; Mr. Wang-Iverson, yes; Mr. Mathews, yes; Mr. Sageser, yes.

Mr. Cushing recommended that the resolution be amended to include authorization for the Administrator to re-bid the project. Mr. Van Horn amended the resolution, seconded by Deputy

Mayor Wang-Iverson, and it was carried unanimously (underlined portion of the adopted resolution).

4) PAIC Insurance – Reservation of Rights Letter of 8/1/14: Mr. Matheny reminded the governing body that they participate in a joint insurance fund (JIF) through a three-year contract, and the current contract is expiring on December 31, 2014. A new agreement will be entered into in January 2015. The contract automatically renews unless the Township gives notice that they are looking at other options and reserving their right to cancel. Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to approve the submission of the letter to PAIC.

5) Township Administrator’s 2014 Contract: Mayor Sageaser wanted to set up a bi-partisan subcommittee to meet with the Administrator and discuss the 2014 contract. He suggested that Deputy Mayor Wang-Iverson serve since he has worked closely with him on financial matters. Since Mr. Mathews declined last year, the Mayor recommended having Mr. Miller negotiate. If Mr. Miller declines, Mr. Van Horn will be asked to serve.

Mr. Mathews did not wish to participate, and he believed that it was inappropriate to assign Mr. Miller without him being present. Mr. Cushing commented that there was no legal issue involved but rather a “politeness” issue. Mayor Sageaser asked the Clerk to notify Mr. Miller of the request to serve.

6) Services Offered by Living Waters Lutheran Church: Mr. Matheny explained an offer from Living Waters Lutheran Church to perform some work for the Township as part of a community service day. There would be 20-30 people participating, and they were looking for a highly visible project; they asked the Administrator and Clerk for ideas. Mr. Matheny had asked them to consider painting the outside of the building, but they agreed that the job was not suitable for the volunteers. Mr. Matheny asked the governing body for any ideas.

Mayor Sageaser commented on recent input from Planner Joanna Slagle about what other communities do with local volunteers who help residents not capable of maintaining their properties. He also noted that Kirkpatrick Church did a work day where volunteers cut grass in a neighborhood. He suggested that the two churches might connect to see how this was done.

Mr. Mathews also said that the Recycling Committee wanted to build a permanent shed with doors and shelves for a recycling exchange, i.e., people would leave materials such as wires/cords that they don’t want and take items that they need. Some comments were whether this could be a one day project, whether permits would be needed, and where would the shed be located. Mayor Sageaser also commented on his experience with churches and donations that may or may not be usable.

Mr. Cushing mentioned that some municipalities have stream or road clean ups. He was told that East Amwell Township does have these types of events already.

Mr. Matheny again asked that the Committee think of possible ideas, and he noted that the Church may have some ideas of their own as well.

7) Brush Removal: Mr. Matheny commented on discussions with the Mayor about curb-side brush pick up, and he provided a directional sheet with information to be posted on the website. Chips would be available to residents whose names were on a list. The DPW is still waiting for a date to mulch the materials currently located at the yard. Mr. Matheny mentioned the need to only store a set amount at the yard, based on NJ DEP permitting requirements. There is also a potential for too much mulch to catch fire. Nurseries will take the chips, and there has been some discussion about providing residents with truck loads of mulch straight to their homes for a cost, e.g., a mason dump (about 5 bucket loads from a backhoe) would be delivered at a cost of \$50.00 and a big single axle truckload would cost \$100.00. The work would be done by the DPW crew during regular business hours, and the fee ordinance would have to be amended. Residents who want to pick up chips or mulch may continue to access the grit yard and take them at no cost.

Mr. Matheny continued by stating that the local nurseries take the chips that are collected and use them for their balled trees, providing specifics about Rutgers Nurseries use of the material

and the help that they provided during Hurricane Sandy. He reiterated that there has to be a DEP permit to store materials on site at the yard.

Some discussion took place about the flyer Mr. Matheny prepared; it was originally set up with voting districts, but it was unclear whether people would remember their districts. The current version showed three township areas with one designation as east or west of 202; it was agreed that more detail was needed to add to locations and a colored map would be produced for the website and the VIP (although the VIP would not be in color).

The fee ordinance will be amended for the next meeting to cover costs for delivering mulch. Mr. Matheny said that a date has yet to be set for the tub grinder at the yard. He reiterated that all work would be done by the DPW staff, and the curbside program will begin on September 29.

On an aside, Mr. Matheny mentioned that the DPW Superintendent may be working with the County's Inmate Labor Assistance Program "as a trial run" to fix and paint bathrooms at Clawson Park.

8) Meszaros Property/Letter from NJ EDA: Mr. Matheny explained that the Township received the state grant to do work on the site, and former Mayor/Township Committee member Larry Tatsch was involved. The state has some grant money left and was asking if the Township planned on using it. Mr. Tatsch provided his opinion, noting that it was not his decision, suggesting that if we continue using the funds, the Township would have to appoint a licensed site remediation professional (LSRP) and pay annual fees to the DEP. He felt that the state would look at this as the Township's taking responsibility, and it is not our site. Mr. Tatsch recommended not proceeding with any more work.

Mayor Sageser spoke about researching vanadium on the internet, with the substance being a by-product of motor oil and rarely occurring in nature. He agreed that the Township did not want to take on responsibility of the site.

Mr. Cushing agreed that the Township should not be the responsible party and should deny the funding because of it. Mr. Mathews recommended that Mr. Cushing prepare the response for the state.

REQUEST FROM FREDERICK W. FASSETT, B. 17/L.35.16 REQUEST FOR REFUND OF TAXES FROM MAY 31, 2013 AS A DISABLED VET (See June & July 2014 minutes for back-ground information)

The Clerk had provided various possible resolutions for consideration, based on past discussions; she added that at the least, Mr. Fassett was to be refunded \$1,075.29 (i.e., taxes paid from June 2, 2014), according to the Assessor and Collector.

Committee members discussed options at length, with one option being to return all the East Amwell taxes from May 31, 2013, and asking others (i.e., the schools, County, fire district) to consider returning their portion of taxes. Mr. Van Horn and Deputy Mayor Wang-Iverson said that the Township has no control over the other entities and only collects the taxes; the others may not have budgets to fund the credits.

Mr. Mathews said that whatever is done will set a precedent; Mr. Cushing agreed. Mr. Cushing explained that the Township could grant an exemption, as one option – to return just the municipal share from the date of application; the Township would be setting a precedent but they could change it in the future with an explanation of why they were doing so. He gave an example from another municipality for a female veteran for whom taxes were refunded with an explanation for doing so.

Mr. Mathews commented on dates "being out of our hands," i.e., veterans may apply for benefits years after they qualify and backdate; he spoke about consequences for everyone. He commented on being declared exempt on one day, and he asked how far the municipality had to look back. Mr. Cushing gave another example of a case in Pohatcong where a substantial amount was at risk.

Further discussion took place, with the Committee agreeing that the taxes had to be refunded from June 2 when the Assessor acted on the application, and going forth, the property would be exempt. Deputy Mayor Wang-Iverson provided a printout entitled "Impact of Fassett Property Tax Relief" which showed a four dollar impact on the tax rate. Mr. Mathews asked that this worksheet be kept to use during budget discussions.

A recommendation was made to consider refunding all taxes in the quarter in which the Assessor approves the exemption, and this would be a clear precedent to follow.

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**RESOLUTION #107-14**

WHEREAS the Tax Collector of East Amwell Township has been shown proof and in accordance with the Tax Assessor agrees that Frederick Fassett, owner of Block 17, Lot 35.16 in the Township of East Amwell, is totally and permanently disabled as a result of service to the United States, and has been so declared by the Veteran's Administration, and,

WHEREAS in accordance with N.J.S.A. 54: 4-3.32, the governing body of any municipality may refund the amount of taxes collected on any property which would have been exempt from taxation, from the date of application and,

WHEREAS Mr. Fassett has been declared totally and permanently disabled, and had made a completed application as a disabled veteran as of June 2<sup>nd</sup> 2014,

THEREFORE BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey that Mr. Fassett's property be exempted from all property taxes from the beginning of the quarter in which the Tax Assessor receives and approves the property owner's request for exemption (June 2, 2014), and they authorize that all taxes for that quarter that have been paid by Mr. Fassett be returned to him, and,

BE IT FURTHERMORE RESOLVED that the property be tax exempt as long as it is owned and occupied by Frederick Fassett or by his surviving spouse in accordance with the continuance of the right to exemption.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Motion by Mr. Mathews, seconded by Mr. Van Horn, and carried unanimously by roll call vote to approve the resolution: Mr. Van Horn, yes; Mr. Wang-Iverson, yes; Mr. Mathews, yes; Mr. Sageser, yes.

Mr. Cushing left the meeting at 9:20 p.m.

**NEW BUSINESS**

**NATIONAL MULTIPLE SCLEROSIS SOCIETY'S NJ METRO CHAPTER BIKE RIDE ON SEPTEMBER 14, 2014**

Mr. Mathews spoke about traffic control and cleaning up after the ride, noting past groups who followed these guidelines and also notified residents on the roads. He would have no objection to the ride if there was the same level of control. He also saw this as a potential revenue source for the Township. There was a suggestion made to list the requirements asked of prior bike groups to provide to future groups. The Clerk recalled that there was really only one group that the Township asked to notify residents, and she would look at their approval to see how this was accomplished (i.e., flyers or signs on the road prior to the event).

Mayor Sageser mentioned added correspondence from the 8/11 NJ Department of Transportation, referencing different types of grants that were available, including bikeways

grants. He commented on the possibility of making some improvements in the hamlet areas to include curbs and bike paths on defined areas, such as Wertsville Road or Lindbergh Road (the later which is in the Township’s purview), to “channelize traffic.” He suggested speaking to the engineer for his opinion, and he added that the Historic Preservation Committee might see this as an opportunity to get “cobblestone crosswalks” in historic areas. Mr. Mathews added that signage would also be important.

Deputy Mayor Wang-Iverson mentioned another bicycle group for a diabetes’ group that uses the roads and marks them up. Committee members agreed that a standard form with terms and conditions should be prepared for any group requesting use of the roads.

Motion by Mr. Mathews, seconded by Deputy Mayor Wang-Iverson, and carried unanimously to allow the group to proceed with their ride, contingent on adhering to the general rules and regulations regarding clean up and notification.

AN AMENDMENT TO THE NORWESCAP AGREEMENT FOR COAH

The Clerk reminded the governing body that they signed an agreement with NORWESCAP last year for rehabilitation of five units to meet part of the COAH requirements. The original agreement was for one year, and the amendment will extend it from July 1, 2014 to June 30, 2015.

Some discussion took place between the Mayor and Deputy Mayor regarding discussions at the Board of Adjustment meeting with respect to the Peacock property. Deputy Mayor Wang-Iverson also mentioned conversations with the Planner that if NORWESCAP didn’t have any projects, the Township could discontinue the relationship and assign the funds elsewhere. It was noted that there was one pending project with NORWESCAP, according to a recent email.

Mr. Matheny spoke about discussions he has had with the Zoning Officer and the Tax Assessor about collection of COAH fees. The Township collects one half of the COAH fee when the property owner applies for a permit; the second half should be collected before the Certificate of Occupancy (CO) is given by the building department. There are four COs that have been issued without collecting the fee in the amount of \$1,200. Mr. Matheny suggested to the Assessor that she write a letter to the owners stating that upon checking their records, the fees are owed in order to have the files complete. Mayor Sageser suggested collecting all the fees up front for projects; Mr. Matheny said that sometimes people take out permits and never complete the work. He also noted that according to the Assessor, in Raritan Township, additions do not “hit” the COAH fee level.

Mayor Sageser further commented on developer bonuses that the owner of Peacock’s may have qualified for, if he had considered COAH housing. Some discussion took place, with the following highlights: COAH is still in flux at the state; Mr. Robertson (owner of Peacock’s) would have been asked to lock in to deed restricted housing for 30 years and would have been subject to lost revenue for that period.

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**RESOLUTION #108-14**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they do hereby authorize the Mayor to sign the August 2014 amendment to the existing contract between East Amwell Township and NORWESCAP, signed July 17, 2013, with the sole purpose of modify the service provision time period from, retroactively, July 1, 2014 through June 30, 2015.

By Order of the Township Committee,

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Dart Sageser, Mayor

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Motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried unanimously to approve the resolution.

#### LIBRARY IN EAST AMWELL AND ESTABLISHMENT OF AN AD HOC COMMITTEE

Mayor Sageser explained that he has been in beginning conversations about exploring the possibility of having the County Library relocate back in East Amwell Township, and it would be helpful to have an informal working group. Don Reilly and Dick Ginman have spoken with the Library Board and would like to expand the conversation with the Freeholders to explore opportunities. If there was land available, the Mayor felt that it would be nice to build a facility similar to the North Branch Library, using the fairgrounds or adjacent property. Mayor Sageser suggested the group of Tim Mathews, Don Reilly, Dick Ginman, and himself to informally explore possibilities and report back. Mr. Mathews agreed to serve.

#### OPEN TO THE PUBLIC

The meeting was open to the public for comments; there were none.

#### EXECUTIVE SESSION - None

#### ADMINISTRATIVE REPORTS

##### TREASURER/CFO'S OFFICE:

Bills of the evening were approved on a motion by Mr. Van Horn and seconded by Deputy Mayor Wang-Iverson.

Mr. Mathews commented that he was satisfied that the professionals were supplying sufficient detail, and he did not need to see further copies of the separate bills at this time.

Mr. Mathews commented on the bill for soccer field lights in July, stating that at the Recreation Committee meeting, he was told that the lights are not turned on during the summer. Mr. Matheny commented on paying a base fee for light, adding that there was a key pad replacement and computer parts for the irrigation system were installed. He also reminded the Committee that a surge when the lights are turned on is also expensive.

Mr. Matheny told Mr. Mathews that he received his email about looking at the soccer fields, and he is getting a policy together. The policy will include items such as how to use the fields, how to assign them, consistent with the school policies, etc. The draft was sent to the East Amwell School Superintendent for input. Mr. Matheny's initial thought was that if there is a primary user, such as the South County Soccer League, there should be a fee to use them or they must contribute in some manner. If there was in-kind assistance, such as paying for aeration, there had to be some type of credit for the value. If there was a one-time request to use the fields, there will be a fee for the use.

Mr. Mathews spoke about discussions at the Recreation Committee, wherein the soccer league laid claim to the fields for a month. The Recreation Committee negotiated the use of the fields by both soccer and field hockey. It was noted that the fields were designed for multi-use, and even lacrosse can be played on them.

Mr. Matheny said that the policy would be forth-coming after review. The Recreation Committee will also be asked to comment. Mr. Matheny was asked about his previous intent of turning off the electricity to the lights; he said that the cost to turn the lights back on is \$75, which is cheaper than paying at least \$225.00 per month year round.

Mayor Sageser asked if the intent was still to keep one field fallow each year, and if so, would it be cheaper to separate the lights onto two circuits. Mr. Matheny explained that Rowe Electric said that there is only one switch on the lights with a circuit breaker; comments were made about

hitting the circuit breaker and using half the switch as a more economical means than replacing the system at a cost of \$3,000.

The motion to approve the bills of the evening was unanimous.

Treasurer's Resolution:

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**RESOLUTION #109 -14**

WHEREAS, the Public Works Supervisor of the Township of East Township has approved the refund of the following driveway bond,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of East Amwell that the Treasurer is authorized to issue a refund check to following applicant:

Applicant	Amount of Refund
Alice Lauyer	\$2,500.00

By Order of the Township Committee,

\_\_\_\_\_  
Dart Sageser, Mayor

+++++ Motion by Mr. Van Horn, seconded Mr. Mathews, and carried unanimously to approve the resolution.

TAX COLLECTOR, MUNICIPAL COURT, AND DPW REPORTS were noted for filing.

ZONING OFFICER REPORT for 2013-14 was noted with significant activity.

STATE AND WEST AMWELL POLICE REPORTS were also acknowledged. On a question about only 4 speeding tickets being issued by West Amwell, Mr. Matheny explained that other summonses were written, many for non-moving violations. He also asked the governing body to let him know if there is a specific location that they would like to see the West Amwell Police situated on patrol.

**CORRESPONDENCE**

Committee members discussed the notice from the State that they did not qualify for the hazard mitigation grant for generator funding. The letter also indicates that there is funding for "resilient energy technologies," including fuel cells. The Committee recalled a presentation by a resident with extensive knowledge about fuel cells. Mr. Mathews asked if the person helped with the grant application, how would it affect his ability to receive the grant. Mayor Sageser said that he would have to bid the work, similar to how Steve Souza helped on a previous grant application and would need to bid the work if the grant is received. Mr. Matheny will re-read the letter to determine if the Township qualifies (i.e., may be related to federal funding available for "Sandy" related municipalities).

Mr. Mathews pointed out the letter from the NJ DEP regarding forest management, speaking about a district wide forest plan and guidance. Mayor Sageser suggested sending the letter to the Environmental Commission to determine their interest.

The notice from the NJ Department of Transportation on grant availability was briefly discussed, specifically in relationship to bikeways and streetscapes. Mayor Sageser suggested talking to the engineer about this. Mr. Matheny also noted that the Township usually applies for municipal

aid, although it was not granted for a couple of years. The possibility of having the engineer reapply this year with enhanced information was mentioned. Mayor Sageser said that he will bring this topic up at the Planning Board, i.e., getting a more creative vision as part of traffic calming at intersections. Mr. Matheny added that the safe streets category applies to school areas, noting that he discussed this with the engineer in the past.

Elizabethtown Gas information only pertained to rate increases, with some governing body members and Frances Gavigan in the audience commenting on a public hearing in Hopewell Township regarding a pipeline coming to the area.

#### **ADJOURNMENT**

There being no further business, motion by Mr. Van Horn, seconded by Deputy Mayor Wang-Iverson, and carried unanimously to adjourn the meeting at 9:55 p.m.

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Teresa R. Stahl, RMC/CMC  
Municipal Clerk