

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, Charles Van Horn, and Peter Miller. 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 September 9, 2014.

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

A moment of silence in recognition of the anniversary of 9-11 was held.

AGENDA REVIEW

Under Special Discussions, table the Summer Playground Update until the next meeting.

Under Township Administrator's Update, add Update on Raritan Township Construction Shared Services Agreement.

Under Correspondence, add Attorney Cushing's 9-10 Email re: Foreclosed properties and recent legislation; also add the State Police August 2014 report.

Under Old Business, add an update from Township Administrator's Negotiating Team and under the Administrator's Update, the grant for the community wildfire protection plan will be mentioned.

For the Record, during the meeting, Mr. Matheny added the Historic Preservation Calendar to his report, and Mr. Cushing added a resolution for the Scibilia property before he left the meeting.

ANNOUNCEMENTS

Hunterdon County Utilities 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 or call 908-788-1110 for more information. They will also hold a hazardous waste clean-up day (same place, same time) on November 8, 2014.

APPROVAL OF MINUTES

August 14, 2014, Regular Meeting Minutes were approved on a motion by Deputy Mayor Wang-Iverson, seconded by Mr. Mathews, and carried unanimously.

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

Frances Gavigan, 123 Wertsville Road, spoke about mowing of noxious weeds and grassland on Monday and Tuesday on Cider Mill Road. She asked about the recent audit findings for 2013; Deputy Mayor Wang-Iverson said that he and Mr. Matheny talked with the CFO, and a draft report is expected shortly.

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

Mr. Mathews asked about discussions on noxious weeds at the Planning Board. Mayor Sageser mentioned an Agricultural Advisory report. Mr. Mathews mentioned the request from this Committee about the issue. Ms. Gavigan said that the Agricultural Advisory Committee would

be meeting on Monday; they are looking at ordinances elsewhere and asked the Planning Board for thoughts on thresholds to balance the needs of the farmer v. mowed lawns. The Agricultural Advisory Committee is holding a fall forum on October 23; Bill Millette will be there with discussions on a variety of topics, including farmland assessment, guidance on keeping small animals on small lots, etc. Mr. Mathews reminded Ms. Gavigan about recommendations for Mr. Kanach's original concern; Ms. Gavigan will speak with Mr. Kanach about them. She mentioned timing of mowing affecting farmers. Mayor Sageser asked about recommendations from the state; Ms. Gavigan mentioned Mr. Millette's recommendation for mowing by the middle of May before weeding and seeding and mowing a second time before winter. With grassland bird areas, such as Cider Mill, they should be mowed around July 15. She mentioned other model ordinances, including one from Burlington County.

The motion to close to the public was carried unanimously.

SPECIAL DISCUSSION

QUARTERLY PRESENTATION BY COMCAST

Molly Adams, Government Affairs Manager, was present. She mentioned back to school season and Comcast's Internet Essentials Program offering low cost internet to families qualifying for free/reduced lunch. Comcast made a three year commitment to the FCC for the program, and as long as there is a child in school, the program can be extended indefinitely. The cost is \$9.95 per month, includes low cost computer prices and free training, and the applicant must not be on the internet for 90 days prior to joining. If back billing is a problem, Comcast has an amnesty program this fall. Mr. Mathews asked if that meant the applicant must not be a Comcast customer for 90 days; Ms. Adams said yes, a Comcast customer. She also mentioned that there is good reception for the program in urban areas.

Deputy Mayor Wang-Iverson asked how many families in Hunterdon County participate in the program; Ms. Adams did not know. She noted that it is a good opportunity for families for broadband connectivity for jobs and schools, commenting on more and more on-line communications within school districts.

Ms. Adams also noted the recent addition of the South East Conference to the roster of sport. Additionally, the family tier package added HD programming. She continued by stating that Comcast now has X-1 cable boxes as a new technology. It displays tiles, as smart phones do, and includes better search options along with new features for sports and weather apps. Deputy Mayor Wang-Iverson asked about the charge for the X-1 box; Ms. Adams said that right now it has to be professionally installed although they are working on self-install kits. The box can be ordered on line or by phone call, and it will replace the existing digital boxes.

Deputy Mayor Wang-Iverson asked about maximum speed on the internet; Ms. Adams said it depends on whether it is residential or commercial. Residential is from 105 mgs to 500 mgs, adding there are blasts about 15 times over the past 3 years to increase speed. Mayor Sageser mentioned a problem at Princeton Hydro in the past where there was inconsistent or slow internet service; Mr. Clifton was going to look into it, and Ms. Adams was unfamiliar with the issue. Ms. Adams also noted that there were "challenges" with the internet, e.g., good lines to a building while operating an old computer.

Mr. Mathews commented on infrastructure changes; Ms. Adams said that Comcast is always upgrading and electronics are constantly being replaced. Deputy Mayor Wang-Iverson asked if everything was "fiber." Ms. Adams said it was "fiber" into the neighborhood with a node being about 300 houses, then co-axel to the house. Deputy Mayor Wang-Iverson asked if Fios was all fiber; Ms. Adams could not speak for the other company.

Frances Gavigan asked if there was a similar program to the Internet Essentials Program for seniors or disabled, adding that a petition could be prepared to request a senior discount rate and that it would be good public relations for Comcast in New Jersey. Ms. Adams said that there are often requests received at corporate level, and children need the internet for schools and their parents need jobs, but there are no senior-reduced programs available. She suggested that there were several levels of internet, including an economy level. Ms. Gavigan spoke about internet

connectivity problems and phone problems; she gave her address to Ms. Adams. Ms. Adams mentioned a “watch tower” program with Google drops to look at issues. Additionally, subscribers can check their speed on their account at Comcast.net.

Kendra Schroeder asked about getting an X-1 box; Ms. Adams said that a digital box could be swapped out.

The Committee thanked Ms. Adams for her appearance, and she left the meeting.

CONTINUED DISCUSSION ON UNFIT BUILDING ORDINANCE (See August 2014 Minutes for Background)

An undated letter from Raritan Township was mentioned in response to their review of the ordinance. Mayor Sageser mentioned that there were some concerns on the part of the Construction Official, including going beyond the normal code enforcement responsibilities in the shared service with public hearings, etc.

Mr. Cushing mentioned the ordinance which has been in force in the Town of Clinton for 30 years and being used in one instance. He did not see it as a huge involvement for the Construction Official; he believed that it would be the same amount of work under the construction code. He mentioned that the attorney could be responsible for notices, adding that the advantage to this ordinance is that the municipality saves thousands of dollars in legal fees with the ability to secure an automatic lien.

Mayor Sageser said that the Raritan Construction Official and their Administrator felt that there would be extra duty for the Construction Official; he mentioned a recent experience on Boss Road with State Police procedures required. The Mayor asked Mr. Cushing about using this ordinance in Clinton. Mr. Cushing mentioned some actions, including boarding windows to keep people out and a little work inside a dwelling. There was one serious case with a structure ready to fall on Route 31 that needed to be demolished; the Town’s governing body approved it and a lien was put in place. Mr. Cushing reminded the Township Committee that the Construction Official’s job includes identifying issues and what needs to be done under the Uniform Construction Code. The only additional work with this ordinance would be identifying the address of the property owner; either the Construction Official or the attorney would then notify the property owner to come to a hearing. The Board decides the course of action.

Mayor Sageser spoke about wording in the ordinance implying pricing, bidding, and buying. Mr. Cushing said that this was statutory language, and a township person could do this. He also said that the language could be changed.

Deputy Mayor Wang-Iverson asked about unfit v. unsafe language; Mr. Cushing said that this too was statutory and not significant. He also noted a case in Knowlton Township where a Construction Official did not support the ordinance, but eventually came around and requested its use.

Mayor Sageser also mentioned being on the verge of contract renegotiations for shared services with Raritan Township with a communication to Mr. Matheny that they would use the same format for renewal. The Mayor had a call from the Mayor of Raritan today, and he obtained a copy of the letter Mr. Matheny received. Mayor Sageser said that the Mayor of Raritan is happy with the arrangement and he was apologetic with the current difficulties. Raritan Township is making permanent hires in the Construction Office and should be back up to force as soon as possible.

Mr. Mathews said that he was looking at the renewal contract, which was put in the Committee folders tonight as background information. The agreement states that Raritan Township would have to be notified by October 1 if the Township was going to terminate the contract. Given the school situation, still without permits, he was concerned. Mr. Van Horn said that the School wanted permits for all phases, and they could have started the foundation. He stated that there were some disputes with the architect about a fire wall; he felt that it was not just between the school and the Construction Official. The contractors are also at odds.

Mr. Mathews commented on information from the school Superintendent about the school's wait for permits since April or May. Based on this, his own personal experience about the way his contractor was treated, and what he has heard from others, he felt that it was "worth looking around" to have construction in house again or look at neighboring towns. He was disappointed in just learning today that Raritan had to be notified by October 1; there would not be a lot of time to talk about renewal.

Mayor Sageser mentioned that the permanent staff issue wasn't previously resolved, and the Township could reserve their rights pending clear resolution. He said that they could say, "There is the intention to renew, however" Mr. Mathews agreed, stating a letter should be sent before October, to reserve the Township's right to terminate. Mayor Sageser will check with the Mayor of Raritan Township in a week, and Mr. Matheny will talk with the Administrator there. Mayor Sageser will make sure that they know that these are two different issues, the relationship with the Construction Office and the unfit building ordinance; he will make it clear to the Mayor that the Township will not require Raritan's employees to do something that they are uncomfortable with, and he will relay the experiences with the ordinances from other towns.

Mr. Cushing said that he could make changes to make it clear that the Construction Official doesn't have all the responsibilities. Mr. Mathews said that he has a lot of changes, adding that he was concerned with all the rights that were being given to an outside organization. He reference part 7, which allows the Construction Official to deputize anyone and allow them to look at and enter properties/dwellings, which he believed already existed in the construction code. He believed that the ordinance needed more thought before sending to Raritan Township, who he believed was "not performing great lately."

Mayor Sageser also had some comments to share with the attorney. He believed that the Uniform Construction Code was clear and the issue of complaints "set thresholds at odds." He did not want to imply that the Township was looking for substandard houses, and the large lot issue was mentioned. Mr. Mathews asked why the Township would be concerned with a house with a broken window on a large lot; Mayor Sageser said that there may be a safety or nuisance issue, which could come up at the hearing.

Mr. Cushing again stated that the language in the ordinance is statutory. He explained that the thought process (in the municipality where this was originally used) was that it was a model with as broad as possible powers as allowed by statute with the intent that the Construction Official would use good judgment with its applicability. If there were no complaints, the Construction Official would not initiate an investigation. If there was unreasonable application of the law, the Township would intervene, with Mr. Cushing providing anecdotal information on the decision of a previous East Amwell Township Committee on the aggressively pursued zoning violations which were inconsistent with the community.

Mr. Van Horn suggested that the Mayor and Mr. Mathews work with Mr. Cushing on a revised ordinance for a future meeting.

CONSENT AGENDA ITEMS – None

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Introduction of Ordinance:

ORDINANCE 14-06: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF EAST AMWELL, SPECIFICALLY CHAPTER 75, FEES, ADDING FEES FOR DELIVERY OF MULCH

Mr. Matheny explained that the ordinance would allow the Township to charge for delivery of mulch that is stored at the grit-yard. The mulch is free and available to the public at the grit-yard at no charge if residents pick it up.

Mr. Van Horn asked for cubic yard conversion for a mason dump and a loader full of material. This information will be available for the public hearing.

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ORDINANCE #14-06

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF EAST AMWELL, SPECIFICALLY CHAPTER 75, FEES, ADDING FEES FOR DELIVERY OF MULCH

BE IT ORDAINED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey that they hereby amend Chapter 75, Fees, of The Code of the Township of East Amwell, under section 75-1 Event fees and Miscellaneous Fees, as follows:

Add a new section under B. Miscellaneous fees shall be as follows:

B. (8) Fees for Department of Public Works Delivery of Mulch:

- (a) Mason Dump Load: \$ 50.00
- (b) Single Axle Truckload: \$100.00

C. This ordinance will become effective immediately upon publication.

By Order of the Township Committee,

Dart Sageser, Mayor

Introduced:

Adopted:

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Motion by Mr. Van Horn, seconded by Deputy Mayor Wang-Iverson, and carried unanimously to introduce Ordinance 14-06.

The ordinance will be published in the September 18, 2014, issue of the Hunterdon County Democrat, and the second reading/public hearing will be held at the regular meeting of the Township Committee on October 9, 2014, at 7:30 p.m.

Public Hearings – None

SPECIAL COMMITTEE REPORTS

CLAWSON PARK ADVISORY COMMITTEE

1) Request to Plant a Memorial Tree: Mr. Van Horn said that the Advisory Committee had a request from residents of the community to plant a tree at the park in memory of Pat Cregar, using donations. He polled the members of the Advisory Committee and members were overwhelmingly in favor.

Peg Sullivan, a member of the Advisory Committee, was present at this time. She explained that Pat Cregar was a good friend, and in memory of all the work she did in the community, she supported the efforts of Pat’s friends and family to plant a tree in the park. They were looking for support from the Township Committee to go forward. She did not have details yet, but an appropriate tree was being selected, and there would be a plaque for it. She mentioned a past meeting of the Advisory Committee about the appropriateness of plaques to be uniformly installed, and Mr. Matheny suggested establishing criteria for what was appropriate in the park.

Mr. Mathews recalled that there have been other requests for memorials in the past, and his concern was the intention of the park and being consistent with requests. Mr. Cushing said that the municipality could set standards of who is permitted to have a tree, adding that "Pat was a wonderful friend." He noted that she was a Township Committee member and a Clerk and would warrant a category on her achievements, i.e., a category for municipal officials would be one way to look at it.

Mr. Van Horn said that they were looking for the go ahead to proceed with this. He suggested the following criteria, i.e., a tree could be donated for any one from East Amwell as a memorial; it must be paid for by donations, not township money; planting by a nursery with a one year guarantee; the Township can remove the tree if it dies; the contact information of the donor must be available; on-going care must be by donors; the DPW Superintendent identifies location for the tree; trees will be spread throughout the park; a suggested planting is a Hawthorne, which is a native tree and beautiful in spring and fall.

Mr. Van Horn suggested approval of the request, adding that he did not believe that the park would be overwhelmed with trees. He added that the Advisory Committee will address the guidelines for anyone who wants to plant a tree.

Mr. Mathews suggested a native species of tree. He also suggested that the Boy Scouts may want to work on the donation plaques, adding that the plaques should not be a mowing problem. Mr. Van Horn commented on a Boy Scout project, which is being delayed at the park.

Mayor Sageser asked about maintenance of the trees; Mr. Van Horn agreed that the DPW might need to water the trees.

Further comments were exchanged, including the following: memorial benches at the park already exist, prepared as a past project; there was a previous tree request that was not approved; Mr. Mathews asked about past discussions where a suggestion was made to have a memorial at the municipal building for past officials – he suggested that this be revisited.

Motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to allow memorial trees in Clawson Park, based on the guidelines established by the Clawson Park Advisory Committee and approved by the Township Committee.

STANDING COMMITTEES

RECYCLING COMMITTEE

1) Appointment of New Member: Mayor Sageser said that Alison Castellano was interviewed earlier in the evening, and the governing body was "overwhelmingly impressed with her abilities." Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to approve the appointment of Alison Castellano as a member of the Recycling Committee.

HISTORIC PRESERVATION COMMITTEE

1) Resignation of Member Jennie Floyd: In her email of September 8, Jennie Floyd advised that she would be moving from East Amwell Township. Mayor Sageser commented on her service on the Historic Preservation Committee. Motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to accept the resignation with regret.

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE

1) 9-8 Request for Support for 11/4 Statewide Referndum on Long Term State Dedicated Source of Funding for Preservation and Conservation: Chairwoman Glorianne Robbi was present for this discussion. A memo explaining the request for continued support of long term state funding was previously provided to the governing body.

Mr. Mathews thought that the request for support should have been sought in order to get the question on the election ballot, and that by taking a position at this time, it would be electioneering. It is up to the residents to get out on November 4 and cast their vote.

Mayor Sageser mentioned it being an important enough issue that there was an official recommendation received from the State Agriculture Development Committee to vote on the issue, adding that the Township could pass a resolution of support. Mr. Mathews again stated that the time to support was to get it on the referendum, and it is now up to the voters.

Mrs. Robbi said that the Township’s legislative representatives approved the legislation and there was bipartisan introduction of SCR84. She also noted that the Township has in the past sent similar resolutions to New Jersey representatives, and it was a matter of leadership to do so. She stated that the Township has benefited from bond issues from New Jersey Preservation Trust with the first farm preserved by Bob Manners in 1989. She added that with Green Acre funding, the Township has been able to enhance parks and assist with further preservation over the past several years. She also mentioned that County funding from the State has been used, so the funds were not just for East Amwell Township. The intent is to support the referendum question in keeping New Jersey green.

Mr. Cushing commented that it was not an electioneering issue, but a policy issue, and the Township can decide if they feel it is important to support. Mr. Van Horn commented on the item being on the ballot and the governing body just taking a position to support or not.

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RESOLUTION #110-14

BE IT RESOLVED by the Township Committee of East Amwell Township that they commend State Legislators for their approval of Bill SCR84, which provides for a public question to be placed on the November 4th ballot asking voters to consider a constitutional amendment to dedicate a portion of existing State revenues to NJ’s preservation programs; and

BE IT FURTHER RESOLVED the Township Committee hereby supports the November 4th statewide ballot question to amend the constitution by reallocating 71 percent of the existing dedication of four percent of the State’s Corporate Business Tax (CBT) to provide continued State funding for open space, farmland, and historic preservation with the anticipated increase to six percent of the CBT by 2020; and

BE IT FURTHER RESOLVED that the Township Committee of East Amwell Township acknowledges the need for a dedicated State funding source as a continued means of conservation and preservation and recognizes both local and county dependence on this funding.

By Order of the Township Committee,

Dart Sageser, Mayor

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Motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried with one nay vote from Mr. Mathews.

BOARD OF HEALTH

1) Comments on Proposed Well Ordinance Amendment: Deputy Mayor Wang-Iverson said that a good explanation is that the purpose is to clarify language in the ordinance to make requirements more clear. There was redundancy in the previous version, and it clarifies the 20% rule for alterations or change of use specifications on gallons per day. There is also updated language to make it clearer for the public and the board.

Mr. Mathews mentioned the cover memo with wording that there were “not big substantive changes,” but he found item B confusing. Deputy Mayor Wang-Iverson explained that the 20% rule has been in the ordinance for four or five years, and the Board was attempting to clarify the requirements. Mr. Mathews still did not understand section B, asking who was the administrative authority reserving the right to require recertification. Deputy Mayor Wang-Iverson said the Board of Health, explaining that any increase of 20% capacity over the current use requires the well to be recertified and under 20% the Board can ask for recertification, especially on the mountain when even 10% would be a problem. The certification is based on the state code for bedroom usage, with Deputy Mayor Wang-Iverson giving specific calculations

per bedroom. If a resident wanted to add a bedroom, this would equate to a 20% increase. Even if the well was not previously certified, the known factor was the current usage. Mr. Mathews spoke about empty nesters (who may have unoccupied bedrooms). Deputy Mayor Wang-Iverson said that the capacity is for future use, i.e., for potential occupancy of all bedrooms.

Mr. Van Horn also mentioned a proposed change in language from “existing residential water wells” to “existing water wells” for other applications besides residences.

Mr. Miller referred to section E-1 regarding non-residential development, specifically the requirement of non-residential wells requiring the installation of a totalizing water meter with usage reports to the Board of Health. He felt that this would mean that many farmers would have to implement a system. His general concern was for the farming community and having less impact from regulatory requirements. He asked about the benefit of the meters. Deputy Mayor Wang-Iverson said that it would assist in making sure that the well is not over-used and affecting the water supply for neighboring properties. The totalizers have been used for Tabby’s Place, a doctor’s office, and possibly at the equine center.

Mr. Cushing asked about using the meter for farms or commercial use. Deputy Mayor Wang-Iverson said it would be for applications where water usage might be high. Mr. Cushing cautioned in terms of farming operations, there is a right to farm law, asking if it was vitally important to health issues or was it something that the Board might want to exclude. Deputy Mayor Wang-Iverson agreed that it was something that the Board could discuss, again stating that the intent is to monitor water usage where lots of water would be used, but he saw Mr. Cushing’s point about farming. Mr. Miller asked if the regulation could be restricted to a specific zone, i.e., the mountain district.

Mayor Sageser asked if the ordinance would be retroactive; Mr. Van Horn said proactive. Deputy Mayor Wang-Iverson said that the ordinance was not being fundamentally changed, and well tests with interference testing shall be applied to any well or alteration, if not exempted. Testing would be required if there was a change of use, such as an additional bedroom, etc. Mr. Mathews commented again on item B, as confusing, referencing “adding livestock,” i.e., if the Board of Health Chair doubled her herd of sheep and would require more drinking water, would her well have to be recertified. Deputy Mayor Wang-Iverson said that there would be no way to monitor concern in some areas, which often causes neighbor disputes. Mr. Van Horn added that a hydrogeologist would have to debate the issue.

Mr. Mathews spoke about recharge of the well; Deputy Mayor Wang-Iverson said recharge would depend on the fractures where the water would be drawn. Mr. Miller commented on testing on the creation of a new well. Mr. Van Horn spoke about the testing at New Market with interference testing done; the hydrogeologists were familiar with the rock fractures producing the water. Mr. Miller again commented on the prudence of testing isolated areas in a geological location. Deputy Mayor Wang-Iverson said no, because a large use in the valley zone could also affect neighbors.

Deputy Mayor Wang-Iverson again stated that the intent of the ordinance was to clarify the 20% language. Mr. Miller again referenced section E1 which was added. Mr. Van Horn said it was for new wells and alterations and just clarifies what is done now. On a question about monitoring the meters, quarterly reports are sent to the Board of Health in the beginning, changed to six month reports, and eventually annual reports. On a question of cost, Mr. Van Horn said that no one has ever objected to the meters.

Mr. Mathews felt that the middle of section B was still arbitrary regarding alterations and whether testing was required for increases under 20%, i.e., “under 20% the administrative authority reserves the right to require recertification ... if there is reasonable question as to adequacy of supply or a potential negative impact on water resources.” Deputy Mayor Wang-Iverson agreed that this language could be clarified.

Mr. Miller further commented on his concern that the ordinance may “bump up against the right to farm.”

Comments will be brought back to the Board of Health by Deputy Mayor Wang-Iverson and Mr. Van Horn.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE:

1) Clawson House Rehabilitation: Mr. Matheny said that the rehabilitation project was being re-bid, with the notice published today and a September 30th bid opening. The “boiler plate” documents were not adjusted, but the technical specifications were updated with assistance from Mayor Sageaser.

2) Brush Pick-up Status Report: Deputy Clerk Pam Dymek updated and color coded the map of the previous brush pick up districts, listing streets and weeks of zone pick up, beginning on September 29.

Delivering brush to the grit yard is still on hold; the Township is on the list for the tub grinder, which is expected by the end of the month. As soon as grinding is complete, mulch will be available to residents and there will be room to store more brush, although the Township is limited with the amount that can be stored with the NJ DEP permit in place. Mulch is free to residents to pick up, and residents can ask for delivery of the chips during curb-side chipping on a first come, first serve basis. Mr. Matheny explained that the truck can deliver them while in the chipping area rather than making the trip to dump them at the yard.

3) Hunterdon County Cooperative Resolution: Mr. Matheny explained that currently, the Township has been able to purchase road salt and has the ability to participate in the County’s chip seal program. The County is trying to expand with other opportunities, and a formal resolution to join the cooperative is required. The Township already belongs to the Somerset and Middlesex Regional School cooperatives, and the proposed resolution will allow greater opportunities for purchase. Mr. Matheny gave as an example the ability to purchase road materials through the County as one option; currently the Township bids their M & Rs, but if the County bids these items, the Township would purchase through the County. While the Somerset cooperative has these products now, the Township trucks would have to go to Perth Amboy for product.

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RESOLUTION #111-14

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF EAST AMWELL
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Hunterdon, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 11, 2014, the governing body of the Township of East Amwell, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of East Amwell.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

By Order of the Township Committee,

Dart Sageser, Mayor

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

4) Historic Preservation Calendar: Barbara Sageser, Chair of the Historic Preservation Committee, has advised that there is money in their budget to produce a calendar, similar to the one created by that Committee back in the 1990’s. A copy of the calendar was passed along to the governing body for review. Historic Preservation Committee member Frances Gavigan said that the intent is to subsidize cost for the calendar from the Historical Society and ads, and based on a cost of \$600 with production costs at a \$1.00 each, the intent is that the calendar will be self-funded. There are six members of the Historic Preservation Committee working on this project.

5) Raritan Township Shared Services Contract for Construction Services: Mr. Matheny commented that earlier in the meeting he forwarded the governing body a copy of the letter he received from Raritan Township regarding the shared services agreement and unfit building ordinance.

6) Grant Funding for the Community Wildfire Protection Plan: Mr. Mathews said that he spoke with John Schmidt at the NJ Forestry about the grant application due by the end of September. He provided him with the grant application and financial sheet, adding that the grant could be extended three months out. The fire company must fill out the application for the planned exercise and equipment (chainsaws), with potential funding of \$5,000. The Township must submit the application on behalf of the company. Mayor Sageser asked about out of pocket funding or in-kind services; Mr. Mathews said that the grant was mentioned in the plan. The information will be forwarded to Jesse Williams at the Fire Company to complete, and as long as the exercise is completed within 3 – 4 months, they will qualify for funding.

7) Resilient Energy Grants: Mayor Sageser reminded the governing body about receiving information on these grants for fuel cells. Mr. Matheny will contact the state for applications and reach out to resident Mike Strizki for assistance in applying. Mr. Mathews asked how this would affect Mr. Strizki’s ability to qualify for the work; he was advised that it would similar to the Princeton Hydro application on the Township’s behalf earlier in the year. Mayor Sageser futher stated that the grant was not for emergency power but for supplementary power. Mr. Matheny will look into “ground rules” for applying.

SCIBILIA PROPERTY, BLOCK 11, LOT 37, RESOLUTION TO AUTHORIZE PAYMENT

Mr. Cushing explained that the County is perfecting the subdivision and mylars were received by Mr. Scibilia’s attorney today for signature. The attorney asked for the \$700 that was promised his client at the time of subdivision. Mr. Cushing proposed a resolution of good faith to guarantee the payment upon final completion of the paperwork that’s acceptable to SADC, and he provided a copy of the proposed resolution. The resolution is to authorize payment upon completion of the process. He apologized for adding this item, but the matter just came up today, adding that the fees were a commitment previously negotiated with Mr. Scibilia for the Board of Adjustment fees he spent at the time of the lot line adjustment.

Mr. Van Horn commented favorably on the proposed resolution.

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RESOLUTION #112-14

WHEREAS, the Township of East Amwell (“Township”) purchased from P. Greg and Dena K. Scibilia (“Scibilia”) the development rights for Block 11, Lot 37, with the intention of conveying those development rights to the State of New Jersey and receiving funding for the purchase from the County of Hunterdon (“County”); and

WHEREAS, the State Agricultural Development Commission (“SADC”) raised certain title questions regarding the access driveway from Lot 37 to John Ringo Road (County Route 579) which resulted in the need for an Amended Deed of Easement to be executed by Scibilia; and

WHEREAS, in order to solve certain problems related to the title questions raised by the SADC an application to the East Amwell Board of Adjustment was necessary; and

WHEREAS, the Township agreed to pay certain costs incurred by Scibilia in connection with THE application in the amount of \$700, once the Township had secured all necessary approvals to convey the development rights for the property to the State of New Jersey; and

WHEREAS, it appears that most, if not all, of the necessary documents have been signed or are about to be signed by Scibilia and therefore it is appropriate to authorize payment of the amount of \$700 to Scibilia once the final documents have been submitted to and approved by the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of East Amwell the sum of \$700 is authorized to be paid to P. Gregory and Dena K. Scibilia once all necessary documents have been submitted to and approved by the State of New Jersey so as to allow the Township to obtain reimbursement for the development rights for the property.

By Order of the Township Committee,

Dart Sageser, Mayor

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

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

TOWNSHIP ADMINISTRATOR’S 2014 CONTRACT UPDATE FROM NEGOTIATING COMMITTEE

Deputy Mayor Wang-Iverson explained that he was out of town, and negotiations have just begun with a request made to Mr. Matheny to prepare a self-evaluation for 2014 up to the middle

of the year. This should be done within a few days, after which he and Mr. Van Horn will meet with Mr. Matheny to discuss. Deputy Mayor Wang-Iverson said that they hope to have a complete report and recommendation next month.

Mr. Mathews asked if the self-evaluation would be made available to the whole Township Committee; Deputy Mayor Wang-Iverson believed that it would be, the same way it was last year. He continued by saying that last year, Mr. Matheny, based on the job description in the ordinance, reviewed his accomplishments and issues within the job description, which was provided to the governing body at that time.

This item will be on the next agenda.

Mr. Miller wanted to mention for the record that he appreciated the opportunity being asked to serve on the negotiating team, but he declined the offer based on input he received from residents who do not think the Township needs an Administrator. Taking this input from the community and interpreting it was the reason for declining to negotiate. Mr. Miller believed that it may be more appropriate to examine the question of whether the Township still needs the expertise of what the Administrator is doing now, stating that earlier in the year with "finance lacking," to dovetail what the Deputy Mayor was saying and look at the whole picture, i.e., is this still the job description that is needed or have things changed. He spoke about policy and procedure and the structure of the organization, asking if goals had been achieved or administered at the level we have or from an organizational perspective. He added that based on the deficiencies with finance, dovetailing the responsibilities together might be considered. Mr. Miller concluded that he appreciated the offer to negotiate, but it would have been against the constituents to negotiate an on-going perspective, and he would work from an organizational perspective.

Mayor Sageser said that the self-evaluation will give the governing body a basis for discussions and resolution and is the best approach to whether re-evaluating the position is appropriate. Mr. Van Horn added that the current job description was used for 2013 and will be used for 2014 with performance based on that (i.e., in the ordinance). He said that it would be up to the Township Committee to modify the job description going forth.

OPEN TO THE PUBLIC

Motion by Mr. Van Horn and seconded by Mr. Mathews to open to the public for comment.

Tim Willy, a resident of East Amwell who did not provide his address, asked about the Raritan Township permitting process at the school. Mayor Sageser spoke about the issues being with a change over in the construction department, adding comments about the substantive issues between Raritan Township and the school's architect about the firewall as part of the delay. Mr. Mathews spoke about a letter from the School Superintendent today stating his frustration in delays in the permits. The Superintendent indicates that permits are coming "any day," and Mr. Mathews would tend to believe the Superintendent that the problem is with Raritan Township rather than the school's staff or contractors. Mr. Mathews will provide the letter if the Township Committee so wished.

Mr. Van Horn and the Mayor agreed that the process with Raritan has been a slow one. Mr. Wiley commented on the fence being in place and the fact that the project is a security one; he added that Raritan can take up to 30 days to issue permits, and he provided his opinion on Raritan Township's power to issue permits, adding that he would be able to contact the Department of Community of Affairs, if need be. He spoke about dealing with Raritan Township as a resident and also as a contractor, again stating a permit should be issued in 30 days for a commercial job. Mayor Sageser said that it should be 21 days for the school. Mr. Wiley continued by stating that the school is paying money for an architect and contractors to do the work, and the children are "bothered" by conditions, asking again why the project is not moving. He reiterated that it is a security matter.

Mayor Sageser asked why the School did not take a permit for an early foundation to keep the job moving forth. Mr. Mathews commented on his discussions a few months ago when Superintendent Stoloski wanted to start on the foundation and it was denied. The Mayor and Mr.

Mathews exchanged comments on this matter, with Mr. Mathews stating that he “would give the benefit of the doubt” to the Superintendent’s statement, and permits are late.

Mr. Wiley again spoke about his frustrations with Raritan Township permitting, especially since this is a security issue, stating it is taking too long. Mayor Sageser spoke about correspondence he saw between the architect and Raritan Township, arguing a point. He agreed that no one was happy with the situation, and there have been some management issues in the Construction Office, which causes problems for East Amwell. Mr. Wiley is in construction business, and he speaks with people in the industry. He spoke about problems getting permits in Lawrence Township, and he said that it is getting like that here. He said that he used to be able to get a permit from [past East Amwell Township Construction Official] Stew Doddy “in 20 minutes without being put through the wringer.” He concluded that something had to be done about the school project for security for his children, which has dragged on enough and is affecting the children. Mr. Mathews added that the project impacts their recess yard.

Mr. Mathews spoke about the letter being sent to Raritan Township by October 1 regarding their contract. He said that there were no clauses about “SLA” (service level agreements) or penalties, or any clause usually found in a performance contract. Mayor Sageser felt that this was difficult to do with a statutory inspector, and it couldn’t be done when the construction official was an employee. Mayor Sageser said that his frustration was that there was no one in Raritan in charge, and there have been assurances to resolve this. Mr. Matheny said that the temporary people are no longer there, and Raritan Township has been responsive to current issues; additionally, they are advertising for more help.

Mr. Wiley spoke about his personal business, and he provided anecdotal information about a job at Pete’s Bike Shop and putting up a seven foot wall for a chiropractor with expensive permits. He again said that his concern is “our kids ... and a security issue.” Mayor Sageser agreed that there were issues; he asked if the State’s school division could provide input.

Frances Gavigan, 123 Wertsville Road, spoke about her dealings and frustrations with Raritan Township, adding that her dealings with Phil Izzo were a positive experience, she was aware of unhappy people on staff. She spoke about eliminating the in-house construction office in East Amwell for financial reasons, and at the time, she spoke against it. She believed that it remains a source of frustration and suggested bringing it back in-house as a prudent use of funds and providing better service to the municipality. She believed that Raritan Township looked at it as extra work.

Ms. Gavigan spoke with Mr. Cushing this evening regarding an OPRA request to find out about performance issues of the Administrator. She suggested the Township Committee look at the Code book, Section 24-20, to list the general responsibilities of the Administrator. She commented on bills of the evening issues, including payroll delays, [former CFO] Al Steinberg’s audit findings, asking if various accounts have been reconciled, whether the Administrator is over-seeing the CFO, checking bills for payment, supervising performance, doing annual employee evaluations in a timely fashion, etc. She mentioned specific forms generated for the evaluations, and she would be looking for information on names and dates of the reviews. She further commented on various CFO issues, such as the bills being straight, a late fee for the State pension, etc., and asked how the negotiating committee can proceed without meaningful review or analysis. She mentioned the loss of a FOSPC coordinator with eminent qualifications, and opined on this matter. She commented on the Township Committee’s authority to do something, to get construction back to the township and provide services to the public, to look at what is being paid for, to speak privately to employees about the township, stating that the Township Committee were the bosses and citizens were bosses on November 4.

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

ADMINISTRATIVE REPORTS

TREASURER’S OFFICE provided the bills of the evening. Motion by Mr. Van Horn and seconded by Deputy Mayor Wang-Iverson to approve the bills. Mr. Mathews asked about three bills, i.e., \$562.00 for Heritage Consulting (a bill that was previously held for payment at a

summer meeting but was approved by FOSPC for payment), a bill for A.A.S.L.H, which was a bill for Historic Preservation Membership dues in the amount of \$115.00, and a bill from Cornerstone Printing in the amount of \$524.08 for printing of a quantity of the walking tour guidebooks (not just one booklet, as the bill list read). The motion was carried unanimously.

TAX COLLECTOR HYLAND provided her August report and affidavit of tax bill mailing.

MUNICIPAL COURT ADMINISTRATOR HOOVEN presented her August report.

DPW SUPERINTENDENT SILVERTHORN provided the August activity report. Mayor Sageser mentioned the work on Van Lieus Road, and Mr. Mathews asked about the open trenches. Mr. Matheny commented on the work installing pipes and catch basins, adding that the DPW cannot fill the trenches with rip-rap. He added that the DPW needs more pipes and basins, but there is no money to do it, and driveways were done first – the crew will close what they can, but they cannot do it all. Mayor Sageser asked about painting a line along the ditch, and Mr. Van Horn suggested putting up metal reflector stakes; Mr. Matheny will check with the DPW Superintendent and the engineer on this.

Mr. Mathews mentioned a boulder sitting in the road since the winter, which is near his house at 72 Linvale Road. The DPW will be asked to address it.

WEST AMWELL POLICE REPORT was mentioned, noting that 50% of the summonses are written on John Ringo Road. Mr. Matheny felt that the police were successful in that area, but he will tell them to patrol other areas. Mr. Van Horn suggested Lindbergh and Wertsville Roads. Mr. Miller asked about the violations issued; Mr. Matheny explained that there may be some reduction from speeding tickets to violations without points. On a question from Mr. Van Horn regarding summonses, Mr. Matheny said yes, there were issued but they could be dismissed in court.

CORRESPONDENCE

There were no comments on correspondence.

RARITAN TOWNSHIP CONSTRUCTION OFFICE, CONTINUED DISCUSSION

Mr. Van Horn said he had a general statement based on comments made tonight - it would behoove the Township to consider alternatives to the Raritan Township situation, adding that it was not just the school but a wide spread complaint. He felt that there was no reason to believe that Raritan would correct the situation, adding that pressure could not be applied to a statutory position, and there were limits to what could be done.

Mayor Sageser said that he spoke with Mr. Matheny the other day about what the alternatives might be and what was tried before, and having the state do it was one alternative, but they were further away and provided less hours. Some municipalities that have used the state include Princeton Borough, West Amwell and Hopewell Borough. Comments were exchanged at length by the governing body, including the following: many construction officials share multiple towns; municipalities with large budgets may have their own construction officials with earlier and shorter hours, which allow them to work part time elsewhere; Mayor Sageser explained that when Stew Doddy worked here, his salary was predicated on The Ridge at Back Brook development with salary based on fees – when the development was complete, the staff in construction still maintained a higher salary but it was not supported by in-coming fees; Mr. Van Horn commented on Raritan Township not representing East Amwell citizens very well; Mr. Mathews commented on having citizens get permits in-house without a drive; governing body members debated one hour a week in-house v. getting permits all day in Raritan Township; Mayor Sageser felt that pressure should be kept on, adding that there may be officials willing to take on extra towns and do so quickly; Mr. Matheny explained the problems at Raritan Township with temporary employees filling in and the expectation of process improvements going forth with the new hires; Mr. Matheny added that prior to this time, there were a lot of compliments from the public about Raritan Township's service, including inspections at all times of the day rather than between 11 a.m. – 1 p.m. daily; Mr. Miller commented on varying needs, with the School's large project and Raritan Township falling down on the job; Mayor Sageser commented

on other jobs coming along, i.e., Peacocks and new houses on Boss Road; Mr. Mathews asked about metrics and reports regarding construction, e.g., if there were only 10 permits in aggregate a month, then it may be beneficial to have someone in the office one day a week – the Clerk will provide the reports given to the Tax Assessor monthly for Certificate of Occupancies and Permits issued; Mayor Sageser explained that there would have to be a team of officials to cover building, electric, fire, plumbing, and HVAC.

Further comments included the following: Mr. Matheny explained that the Township was in the hole \$60,000 after fees when the construction office was in-house, adding that the expectation is that fees cover the department. Because of fluctuations in building, the Township was in the hole between \$55,000 and \$60,000 for a couple of years, which contributed to the decision to move to Raritan Township. Mr. Miller spoke about having service in house and having an employee one day a week. Mr. Matheny noted that the East Amwell Township construction officials were regular employees of Raritan Township and had to do inspections on their lunch hours with the cooperation of Raritan Township, not as a shared service agreement. Mayor Sageser mentioned information from the Raritan Township Mayor that they are unionized, along with being state certified construction officials, and Mr. Matheny detailed the unions at Raritan. The issue of the Raritan Township Police's decision to withdraw from East Amwell was mentioned (due to internal strife in the ranks, not the union).

ADJOURNMENT

There being no further business, motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to adjourn at 10:06 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk