

The regular meeting of the East Amwell Township Committee was called to order at 7:34 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, Deputy Clerk Pamela Dymek 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 November 11, 2014.

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

AGENDA REVIEW - None

ANNOUNCEMENTS

The municipal building will be closed on Thursday and Friday, November 27 and 28, 2014, for Thanksgiving Holidays.

The Holiday Tree Lighting is scheduled for (CORRECTED DATE) Saturday, December 6, at 4:30 p.m. at the municipal building. Mayor Sageser invited the public to participate in the festive event.

APPROVAL OF MINUTES

October 9, 2014, Special Meeting Minutes (Resolution for Executive Session/Personnel) were approved on a motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously.

October 9, 2014, Executive Minutes (Personnel/Finance Office) were approved on a motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried unanimously with one correction on paragraph 4, change Deputy Mayor Wang-Iverson to Mr. Matheny making comments.

October 9, 2014, Regular Meeting Minutes were approved on a motion by Deputy Mayor Wang-Iverson, seconded by Mr. Van Horn, and carried unanimously with a correction on page 10, Clawson House bids, change minutes to read "will be held until the next meeting" rather than the November meeting. On page 11, under the PennEast Pipeline, change sentence from "the work on the pipeline will take place next July" to "the approval of the pipeline will take place next July."

October 22, 2014, Special Meeting Minutes (Finance Office Update and Bid Award) were approved on a motion by Deputy Mayor Wang-Iverson, seconded by Mr. Mathews, and carried unanimously.

Mr. Mathews congratulated both Mr. Sageser and Mr. Van Horn on their re-election to Township Committee.

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

Glorianne Robbi, 144 Lambertville-Hopewell Turnpike, wanted to note that on November 4th, question two on the ballot was approved across the state and also here in East Amwell to continue preservation and conservation. She also thanked the majority of the Township Committee for providing leadership by voting to support the question. Mayor Sageser asked if such a referendum ever lost in New Jersey; Ms. Robbi said no, but this year there was a higher

percentage of approval than in 2009. Mayor Sageser commented on it being remarkable that in one of the densest states in the union, everyone supports open space.

Frances Gavigan, 123 Wertsville Road, congratulated Mr. Sageser and Mr. Van Horn on winning and on the organizational structure and all the people working on the election. She commented on a number of items on the agenda that may not be open to comment, particularly the 2013 audit by Mr. Swisher, and she asked if there were questions that could be posed, especially in light of the comments/recommendations and its affect on bonding. She mentioned Morris County having similar “general ledger” issues and problems with SEC filing laws. Mr. Van Horn believed that Ms. Gavigan was going beyond the question, adding that the item was on the agenda. Ms. Gavigan asked if an opportunity to ask questions would be available.

Mayor Sageser asked Ms. Gavigan to briefly ask her questions now. She asked if there was anything on the consent agenda; she was told nothing. The bill list shows fees for items on the agenda, but there was no way to address them. She also mentioned a capital ordinance for roads and asked if this was an inter-fund balance issue. With respect to the audit, Ms. Gavigan found another late fee from PERS on the bill list, speaking about past late fees also incurred. A League of Municipalities hotel bill was also on the bill list, and Ms. Gavigan asked why the Clerk wasn’t been offered hotel accommodations at the League also since she requires continuing education credits. Ms. Gavigan said that there is “a phrase in the ordinance” about the best practices inventory, and she asked if this was what was referenced in the audit; Mayor Sageser said no, but Ms. Gavigan would understand when that portion of the agenda was reached. She asked about a contract/performance on the agenda and suggested that it be moved to the last public portion of the meeting. Ms. Gavigan mentioned letters from other municipalities about PennEast, saying she brought this topic up with the Freeholders; they were requesting transparency and opportunity, which is not apparent. Her question to the Freeholders was would opposition from municipalities not affected at this time be helpful, and they said yes. Ms. Gavigan asked for a resolution/statement in opposition.

Mr. Van Horn said that the agenda states that this time is for items not on agenda, and Ms. Gavigan could comment later on the Freeholder’s remarks, and he did not believe her editorializing was fair to the public at this time. Ms. Gavigan provided her comments about her right to speak. Mayor Sageser commented on allowing Ms. Gavigan to raise a few concerns, adding that she would have an opportunity to speak later.

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

SPECIAL DISCUSSION

PRESENTATION OF THE 2013 AUDIT – Robert Swisher, Suplee, Clooney & Company was present at this time.

Mr. Swisher explained that this was the first year that the firm was auditing East Amwell Township, so it took a little longer to get the work completed. The audit is a financial and compliance audit, not a department analytical or operations audit. They look at assessment risk, looking at specific items and asking questions of the CFO and the Clerk. They look for checks and balances along with controls – controls are tested to see if they work. The firm is required to offer an opinion, adding that the financial statements are stable. There were some recommendations made, and there is a corrective action plan being offered by the CFO. Mr. Swisher did meet with the CFO and the Township Administrator to review the plan, and he will help the CFO to correct items going forward.

Mr. Swisher further stated that overall, financial wise, the fund balance is up from 2012 as “a good thing.” He commented on managing surplus as being important, particularly with the 2% levy cap, i.e., if you use too much and do not regenerate, you cannot raise taxes and would have to cut services. Deputy Mayor Wang-Iverson asked about guidelines; Mr. Swisher suggested that 5% of the total budget is a rule of thumb used by some municipalities. He further suggested that if the township was considering bond rating for the future, it should plan to hold surplus at 5 – 10%. Mr. Swisher spoke about having \$295,000 in surplus and only using \$129,000 in the budget, stating that many of his clients use up to 90% of their surplus, and East

Amwell “is better off” and will be able to handle any problems next year with the reserve. He suggested maintaining the same surplus for a couple of years as good practice and good for bond rating too.

Mr. Swisher again stated that the Township was in good financial shape and the non-compliance issues were attributed to not having a continuous CFO. He believed that the office is stabilized and will correct itself, commenting on a new CFO with a “good handle on things who he will help get back in line with some minor corrections.” Answering the previous question from the audience about the recommendations and affect on bond rating, Mr. Swisher said that they would not have an effect, adding that the Township is not looking at bond ratings at the present time. He believed that keeping a CFO in the position will eliminate a majority of the recommendations by next year. He commented that the recommendation about keeping the general ledger may affect the NJ Division of Local Government Services decision to allow the Township to self-review their budgets, explaining this state requirement further.

Mr. Mathews asked about the encumbrance system. Mr. Swisher explained that the finance office must first encumber and then order, once they know that funds are available. The audit uncovered some purchase orders where invoices were dated prior to the purchase order date, and this is a common problem in many towns. Mr. Swisher commented that the lack of a continuing CFO may have impacted the problem. Deputy Mayor Wang-Iverson said that the Administrator did send a memo about this. Mr. Swisher again stated that he reviewed the recommendations with the CFO and Township Administrator, with none being too significant. He reiterated that the Township was financially in good shape.

Mayor Sageser asked if Mr. Swisher saw the final corrective action plan prepared by the CFO; he had not. Mr. Swisher stated that the auditors would be back in the office on Monday and they would be back in March after the Annual Financial Statement was complete; he further commented on CFO Pasqua getting 2014 numbers up-to-date. Mr. Swisher agreed to stay during Ms. Pasqua’s presentation, and he was thanked for his appearance this evening.

UPDATE ON THE FINANCE OFFICE – CFO Margaret Pasqua was present at this time.

Ms. Pasqua commented on “huge help” with the auditing firm’s assistance using the Edmunds system, adding that manual and general ledger numbers in the system being matched. The Edmunds representative has been on site and will come again, and Ms. Pasqua was able to do more this week, adding that she has completed cash receipts through today and current and capital bank reconciliations through October.

Deputy Mayor Wang-Iverson asked about the chart of accounts in the Edmunds system; Mr. Swisher commented on the need for fine tuning, adding that the system must be set up correctly or will result in posting errors. The main goal of the general ledger is prove cash and reconciliations; proving each month is also important. Ms. Pasqua commented on cash receipts put into the system, although not a lot, but the system wasn’t updating the cash balance, only the line item balance. Everything had to be pulled out and redone. Deputy Mayor Wang-Iverson again asked if the system was fundamentally okay; Mr. Swisher added that accounting systems must be approved by the State of New Jersey, and Edmunds is one of the biggest vendors. Once there is more familiarity with the system and it has been straightened out, he believed that there would be no further discussion about the system next year.

Mayor Sageser asked if Mr. Miller had any questions. Ms. Pasqua said that she is “still playing catch up” with a goal of starting procedures at year’s end. She has some different ideas for streamlining and ease. She mentioned one issue with deposits made within 48 hours, adding that in small municipalities such as East Amwell, there should be more control. When Pam Dymek was out, no deposits were made, and while it should fall to finance, this may happen when there are more employees in that department. Mr. Swisher suggested writing down procedures and responsibilities, adding checks and balances within the township without additional cost.

Mr. Miller commented on his interest in Ms. Pasqua’s early analysis along with the comments in the audit. He would like to see a plan on how to address the lack of controls and looked forward to seeing other points for the long term benefit of the township and its processes. Mr. Swisher agreed to work with Ms. Pasqua, adding that the firm would be back in January or February. Mr.

Swisher added that his wife (who is helping Ms. Pasqua with the Edmunds system) was a former CFO and had worked with Ms. Pasqua in Hunterdon County years ago. He agreed that having more controls in place was important.

Mr. Mathews asked if the year-end work was part of the scope of work under the current contract; Mr. Swisher said yes. Ms. Pasqua added that this was something she did in the past and intends to do in the future, just not this year.

Mr. Swisher said that he could be called if any questions come up. Mayor Sageser asked how many other towns Mr. Swisher knew that had as much CFO experience as East Amwell; Mr. Swisher said that the township was unique.

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RESOLUTION #122-14

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the annual Report of the Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Township of East Amwell as per the requirements of NJSA 40A:5 -6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of the Audit, and specifically the section of the annual audit entitled Recommendations, as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of the local governing body, who after A date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certificated copy of this resolution and required affidavit to said Board to show evidence of said compliance.

By Order of the Township Committee,

Dart Sageser, Mayor

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

PRESENTATION OF HISTORIC PICTURES FOR THE TOWNSHIP – Presentation by Historian Jim Davidson

Mr. Davidson congratulated Mr. Sageser and Mr. Van Horn on their re-election, adding that he, too, was elected to serve on the high school board of education, running unopposed.

Mr. Davidson mentioned a number of accomplishments of the Historic Preservation Committee this year, including the following: display case in the lobby; cemetery tour; ghost talk; walking tour in the Ringoes area with two house tours and a brochure created by Dave Harding; a recent East Amwell then and now program; a free calendar for the public which will be out by the end of the year and the first one in 15 years; a house tour that sold out in 12 hours.

Mr. Davidson presented to the governing body six pictures to be hung in the Township building lobby, including one of Peacock’s store, the Washington Hotel, Kirkpatrick Church, Amwell Valley Fire Company, the Lindbergh House, and a property on Wertsville Road. Mr. Davidson invited the Township Committee to attend up-coming events.

Mayor Sageser told Mr. Davidson that “he was an asset to the community, and we really appreciate your enthusiasm, commitment, and sense of history.” Mr. Davidson commented on many sharp people on the Historic Committee, adding that they have an email d-base with over 400 names since May. He added that they are adding a bus to the tour on December 7th. It was noted that the Holiday Tree Lighting is on a different day, December 6th.

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

Mayor Sageser asked Mr. Cushing about the comments made and whether they were incorporated. He mentioned waiting until after the Ringoes study was complete for any comments or concerns, with a hearing yesterday (which Mr. Mathews and Deputy Mayor Wang-Iverson attended), and nothing was heard. The Mayor continued with the question about noxious weeds, adding that something needs to be addressed with abandoned buildings authority. He mentioned difficulties for farms with more leeway than suburban areas, and he believed that it was worth the effort to address foreclosed deteriorated buildings and set higher standards for other houses, similar threshold to unfit buildings with so many complaints, adding that an inspection could be done. He suggested creating an ordinance with a standard consistent with adjacent properties, not the farm in the middle, but applicable to a house. The Agricultural Advisory was working on the noxious weeds issue, but he asked about factoring in the expanded domain.

Mr. Mathews suggested limiting the ordinance to health and safety, which he believed was the intent, with weeds not being a safety issue; he was “okay” with separate ordinances. Mayor Sageser asked Mr. Cushing to check the adjustments and take it into account the comments, then circulate the ordinance for discussion at the next meeting and possible adoption next year.

Deputy Mayor Wang-Iverson asked if the Township had to adopt a bank ordinance, per statute; Mr. Cushing agreed to send down a form of ordinance he had prepared for another town for review and see what the Township was comfortable with. He suggested that this would give options for abandoned, foreclosed buildings. Mayor Sageser asked about setting standards for abandoned buildings without standards for all buildings; Mr. Cushing had trouble with that, i.e., different standards for occupied or unoccupied buildings. On a comment from the Mayor on mowing every two weeks during growing season, Mr. Cushing said that this was a different

issue. Mayor Sageser spoke about an unfit building with the ordinance applying and approaching the bank as foreclosing agent. Mr. Cushing asked about applicability to an abandoned building on a ten acre tract where the back of the lot was not mowed; Deputy Mayor Wang-Iverson spoke about an invasive species issue with seeds blowing. Mr. Cushing spoke about an abandoned building with overgrown weeds, while the house next door is occupied with the same conditions. The Deputy Mayor said that occupancy in that case is immaterial, with Mr. Cushing agreeing. Deputy Mayor Wang-Iverson said that there would be a property owner to approach in the one case, while the foreclosed property made it difficult to deal with the bank. Mr. Cushing agreed that would be an independent regulation.

Mayor Sageser was not aware of “truly abandoned buildings.” Mr. Cushing mentioned multiple concepts, e.g., the question of enforcement (abandoned building ordinance); the question of maintenance and cutting, i.e., the noxious weeds problem only, etc. Mayor Sageser commented on aesthetics and weed growth being problematic, adding that the banks would take responsibility under the proposed ordinance. The unfit building ordinance and mowing requirement combination was important to him. Mr. Cushing mentioned that one was enforcement while the other was standards being set, and setting the ordinance for all properties, abandoned, vacant, etc. He asked what standard was being set, i.e., mowing particular portions of the property in specific zones, adding that the point could be argued.

Mayor Sageser understood the fairness issue, but solving the problem of foreclosed properties was the focus. He spoke about woodlots in the mountain zone and saw no advantage to complicate the issue. Mr. Cushing asked what standards would be used for identifying properties for maintenance; Mayor Sageser suggested standards, such as mowing the lawn, and legitimately addressing the standards everywhere, not just on foreclosed properties. Deputy Mayor Wang-Iverson asked about defending such an ordinance; Mayor Sageser questioned who would challenge.

Mr. Van Horn said that two things were being suggested: 1) getting a copy of the state ordinance for foreclosed ordinances – the bank will have to notify the township about the foreclosure and who to notify with assessable fines. 2) The bank’s grass cutting to a certain level is not part of the ordinance. Mr. Cushing agreed, stating it was a procedural law to compel the bank to abide by the township’s ordinance. Mr. Cushing asked what kind of ordinance the township wanted to create and asked about fairness in creating different standards for foreclosed and occupied properties. Mayor Sageser was in favor of the different standards, and some discussion took place between the Mayor and Mr. Van Horn on the height of the grass to be cut and the poor jobs done by contractors for foreclosed properties, citing 57 Snyderstown Road as an example. Mayor Sageser spoke about a foreclosed, abandoned house on Lakeview Drive, suggesting an ordinance to make the property “contemporary.” On a question from the Deputy Mayor, Mayor Sageser did not expect to tie all of this into the unfit ordinance.

Mr. Miller suggested tying this together, saying the intent is to tie the state ordinance to the township ordinance with the hope to incorporate some concept of maintenance under some sort of non-vague standard, e.g., suitable for resale. Mr. Van Horn explained that anything could be sold for the right price. Mr. Miller suggested not setting specific details. Mayor Sageser suggested consistency with adjacent properties within a parameter.

Mr. Mathews asked about banks renting foreclosed properties, and would there be maintenance requirements. Mr. Cushing provided anecdotal information on someone who took over foreclosed properties illegally and maintained them. Mayor Sageser speculated on the new state ordinance, and he asked that Mr. Cushing provided examples of other ordinances to consider.

CONSENT AGENDA – No items were presented.

PUBLIC HEARINGS/INTRODUCTION OF ORDINANCES

Public Hearing:

ORDINANCE 14-07: AN ORDINANCE TO PROVIDE FOR LEVELING AND SUBGRADE RECONSTRUCTION OF VARIOUS TOWNSHIP ROADS AS GENERAL IMPROVEMENTS FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$75,000.00 FROM THE CAPITAL IMPROVEMENT

Mayor asked for comments on the ordinance. An unidentified person in the audience asked if it was work already done or to be done. Mr. Matheny said it was for work to be done, saying that the ordinance would be in place for the Department of Public Works to do work for bigger sections of road, such as the work on Van Lieu's Road, done within a prior ordinance of this type.

Mayor Sageser closed the meeting to the public.

As proof of publication, Mrs. Dymek provided the legal notice from the October 16, 2014, issue of the Hunterdon County Democrat, adding that it was posted and available to the public since introduction on October 9, 2014. The ordinance was adopted by roll call vote: Mr. Sageser, yes; Mr. Wang-Iverson, yes; Mr. Mathews, yes; Mr. Van Horn, yes; Mr. Miller, yes. Mrs. Dymek noted that the notice of adoption would be published in the November 20, 2014, issue of the Hunterdon County Democrat.

Introduction of Ordinances – None

SPECIAL COMMITTEE REPORTS – None

STANDING COMMITTEE REPORTS

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE

1) Resignation of Dick Ginman (also resigning from Clawson Park Advisory Committee and other Township activities): Mayor Sageser commented on Mr. Ginman's letter of resignation. Mr. Van Horn made a motion to accept his resignation and acknowledge his many years of service to the Township, adding that the Township has benefitted greatly from his volunteer activities. Mr. Mathews seconded the motion, which was carried unanimously.

2) Request for Resolution for Utilization of Hunterdon County Open Space Trust Fund: Mayor Sageser said that the resolution was in the packet tonight. FOSPC Chair Glorianne Robbi was in the audience and briefly explained that the County sets aside 10% of the municipalities' open space tax collected annually. Municipalities may utilize the funds, upon request, for land use, farmland preservation, historic, etc. For two years, the Township did not request their funds, which must be requested by December 31. So now there is \$46,465.72 being requested for a completed project of the farmland preservation of Barbara Hay property located on the corner of Rainbow Hill and Wertsville Road, which closed on August 28, 2014. The Township's share of this was around \$67,000 (i.e., 20% cost to the Township), and the Open Space Trust Fund will be used to reimburse the Township towards its expense. Mrs. Robbi continued by stating that the last time the Township used the funds in 2011 was for reimbursement.

Mayor Sageser confirmed that every year 10% the tax the Township pays towards the County's Open Space Tax is held for the municipality's use, and if not used, he asked if it accrued. Mrs. Robbi said yes, adding that the municipality must ask to bank the funds. She added that the tax percentage used to be 20%, but that has changed. Mr. Mathews asked for another justification of its use as the match for Clawson House; Mrs. Robbi said that it must be for a completed project. She said that when she first became aware of the funding, the County's Open Space Committee was (and still is) the review committee for funds. They are meeting Monday morning, so the application must be in tomorrow, based on the resolution she has prepared. Mayor Sageser, for future reference, commented on the potential to use the funds next year for the completed Clawson House; Mrs. Robbi said that it might be a good idea to find out from the County about this. Mayor Sageser questioned why open space and historic preservation were mixed together; Mrs. Robbi thought that the Committee would be looking for something solid, e.g., development or conservation easements.

Mrs. Robbi highlighted the property, located on Rainbow Hill Road, that was being considered for reimbursement. Mayor Sageser commented other preserved property on Welisewitz Road, connecting to Rainbow Hill Road.

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RESOLUTION # 123 -14

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

WHEREAS, the Governing Body of East Amwell Township desire to obtain Open Space Trust Funds in the amount of \$46,465.72 to fund the following project: Purchase of development easement, farmland preservation; Block 21, Lot 16.03

Reimbursement of debt incurred for expenses on easement acquisition for property belonging to Barbara Hay (Block 21 lot 16.03) acquired with partial funding from East Amwell Township per cost sharing agreements with Hunterdon County and the State Agriculture Development Board as part of the traditional Planning Incentive Program for acquisition of farmland easements.

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

1. Timothy Matheny is authorized to (a) make an application to the County of Hunterdon for Open Space Trust Funds (6) provide additional application information and furnish such documents as may be required for the Municipal Grants Program, and (c) act as the principal contact person and correspondent of the above named municipality.
2. If the county of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board policies and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state local government rules, regulations and statutes thereto.

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

1. That the Township Administrator of East Amwell Township is hereby authorized to execute any documents and agreements with the County of Hunterdon known as the Preservation of Block 21, Lot16.03 (Barbara Hay) and that the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulation in its performance of the project and that this resolution shall take effect immediately.

By Order of the Township Committee,

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.

PLANNING BOARD

1) Appointment of Member: Mayor Sageser said that John Buckwalter was interviewed earlier this evening, and he is qualified for an open Alternate position on the Planning Board, not the Township Official position. Mr. Mathews asked about the qualification for the Township Official position, and Mayor Sageser said it was a good question, asked numerous times before. There is a question of whether it could be someone on another board, or a staff member, with the

Mayor suggesting that perhaps the Zoning Officer would make sense. The Mayor was not sure why there has been such difficulty in filling this position, and he asked Mr. Cushing for his input. Mr. Cushing commented that it could be anybody under the statute, but there were some tricky disqualifications concerning an Environmental Commission or School Board member. Theoretically, the Zoning Officer could serve, but he agreed with the Mayor that it is conceivable that a matter could come before the Planning Board and cause a conflict. The Administrator could serve, adding that anyone (except for the governing body) could serve except for the special categories. On a question from the Mayor about a fire company member, Mr. Cushing asked if the fire company was a township entity; when told no, he said that this member would not be a Township Official.

Mr. Mathews brought up the question because the Mayor said that Mr. Buckwalter would not qualify for the Township Official position. The Mayor added that the position has been vacant for a number of years. Mr. Cushing suggested that someone from Farmland/Open Space could serve or a member of the Board of Health although there is special requirements if it is an Environmental Commission member.

Deputy Mayor Wang-Iverson confirmed that the Township Official position was not being filled. Mayor Sageser explained that Maria Souza resigned as an alternate, and that is the position being filled. Motion by Deputy Mayor Wang-Iverson to appoint John Buckwalter to the vacant alternate position on the Planning Board and seconded by Mr. Van Horn. Mr. Mathews had no objection, but he did not think it was fair unless he heard the whole interview, so he abstained. Mr. Miller also abstained since he was not present at the interview meeting either.

Mayor Sageser asked if there was any further attorney business before the Administrator's Update. Mr. Cushing said that he sent an email earlier today to the governing body with some good news for an up-coming executive session. Mr. Cushing left the meeting at 8:48 p.m.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE

1) Best Practices Inventory: Mr. Matheny said that this was mentioned at the last meeting, and the inventory has been submitted to the state. It is a list of 50 questions from the state with yes, no, not applicable, and prospective answers, with prospective being that the municipality is thinking about or going to do something about a topic. A prospective is a positive response, and Mr. Matheny further explained that the electronic submission controls what responses may be used in terms of non-applicable or prospective, e.g., questions concerning police or large road projects/safety controls would be non-applicable. Mr. Matheny explained that the Clerk, the Administrator, and the CFO work on the document, and collectively work on submission and certification. Questions vary from year to year, so there is no clear answer. Mr. Matheny, as an example, referenced a question about procurement cards (p-cards), adding that the municipalities cannot have credit cards but can have p-cards, which are a form of credit card and have limited use, which he briefly explained. Deputy Mayor Wang-Iverson felt that the question was "pushing the use of p-cards," and Mr. Matheny agreed, adding that he did not understand why, although it has limited use and must be watched and structured. Mayor Sageser asked how the Hess card worked; Mr. Matheny said that it is used as a draw-down. The card identifies user and amount, so it is well controlled. Mr. Matheny said that technically, the Township has an account with Hess, but they have draw-down purchase order, adding that this is a "gray area."

Mr. Matheny spoke about another question on the survey regarding Township Committee training, adding that the Township Committee did not want to require this in the past. Mr. Matheny said that the Township Committee actually did this with the training with the insurance company this year. Mr. Matheny also mentioned a couple of finance office questions which will probably be yeses in the future, i.e., in relationship to time frames.

Mr. Matheny concluded that the Township qualified for full funding without the 5% last payment funding being withheld, based on the answers provided this year. Deputy Mayor Wang-Iverson said that the score at the end of the survey was 84%, which was passing. Mr. Matheny said that below 80%, the penalty would kick in incrementally.

Mr. Mathews asked about question 12, internal accounting controls, in lieu of the current situation, he asked if this is fully accurate. Mr. Matheny said that it was, adding that it was looking at gross controls without loss. He read the question, adding that there is a purchasing process in place, i.e., there are two people in the finance office for review. He said that the forty eight hour deposit is still an issue, adding that in the past there was a deposit service offered every other day to the township. He commented on the amount of staff the Township has, and everyone is doing the best they can, with most time the deposits made in forty-eight hours. Ms. Pasqua previously commented that this should originate from finance, and without the assistance in finance, this might be an issue.

Mr. Mathews commented on the observation that the encumbrance accounting system was not being followed, which could cause inaccuracies and a lacking internal control. If Ms. Pasqua stood by that comment, he would be assured. Ms. Pasqua, still in the audience, said that this would never be 100% perfect because one would never know about bills coming through or something might come up. She commented that "things can get a lot better than they are right now." Mr. Mathews asked if she was comfortable with the comment; Mr. Matheny added that the auditor's statement did not say there wasn't one in place, but there were problems with the process. Mayor Sageser suggested that the problem was with those less familiar with the process than staff; Mr. Matheny agreed that this is a problem, adding that he sent a memo to volunteers to reiterate the policies, but sometimes situations occur, e.g., a truck breaks down and needs to be fixed when the CFO is not on site. Mr. Matheny said that the process is in place, and money is not being spent "willy-nilly" without paying attention.

Mr. Mathews read the statement from the audit as follows, "In effect, the controls that minimize the possibility of over-expenditures and unauthorized purchases are not in operation." He questioned if that was accurately reflected in the response, adding he was okay with it if the CFO, as a professional, was okay with it.

Mr. Matheny added that this survey had to be discussed at a public meeting, and Mayor Sageser confirmed that the survey was already submitted.

2) Curbside Brush Pick-up: Mr. Matheny said it was complete with 31 stops in Zone 1; 37 stops in Zone 3; and less in Zone 2. Mayor Sageser commented on a good balance with most people handling brush on their own property or bringing it to the grit yard. Mr. Van Horn mentioned a fence at the yard, and Mr. Matheny spoke about a complaint to the State Police about the fence, adding a tractor trailer may have backed into it and caused over \$500 in damage.

3) Appointment of Jeff Godwin as Permanent Employee, Effective 12-2-14: Mr. Matheny said that Jeff Godwin was hired last year and was a former Hunterdon County employee. He said that "he was a good, active member of the DPW and reportedly doing a good job," according to the DPW Superintendent, with a recommendation to be taken off probation on 12-2-14. Mr. Matheny said that he interacts with him occasionally, and "Jeff seems to be a good guy."

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RESOLUTION #124-14

BE IT RESOLVED by the Township Committee of the Township of East Amwell that Jeff Godwin hereby be taken off probationary status and appointed as a permanent employee, effective December 2, 2014, upon satisfactory recommendation from the DPW Superintendent and Township Administrator.

By Order of the Township Committee,

Dart Sageser, Mayor

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

4) Current Job Postings: The Farmland/Open Space Preservation Committee Administrator position is still open. Mr. Matheny has been working with Glorianne Robbi to find the right person for the position. Mayor Sageser noted that Mrs. Robbi has been doing some of the work herself to keep activities on-going.

5) Assistant Treasurer Position: Mr. Matheny said that this was discussed at the past meeting, and the process has been taking place. There were eight applications for the position (based on a memo he had previously provided to the governing body). He explained that he and the CFO interviewed six of the candidates, and they agreed on a candidate, Charlene Santo. Ms. Santo is a resident of Raritan Township, who has 25 years of book-keeping experience in the private sector, which the governing body previously suggested may be beneficial. She is familiar with accounts payable/accounts receivable, vendors, and other financials. References were very good. She also has familiarity with 1099's, providing Mr. Matheny with some of her specific knowledge about them. The recommendation is to hire her as a one year probationary employee, as per the policy manual, and the CFO will continue to work more days with the Assistant Treasurer in the office for 2 days or 12 hours. The candidate only wants to work two days since she works elsewhere two other days, although she has the third day available in the beginning if there is more work to do (or would be willing to come in during the evening). The candidate wanted her salary to be in the middle of the range, which was over \$22.00, and the recommendation he was making was \$20.00 per hour. Mr. Matheny believed that the candidate would accept that. She would not have any benefits, and in 2015, she would qualify for time off, according to policy.

Mr. Matheny asked if the Township Committee would accept the recommendation. Mr. Van Horn moved that Charlene Santo be hired as the Assistant Treasurer with the terms as outlined by the Administrator. Mr. Miller seconded the motion.

Mr. Mathews asked about references and due diligence. Mr. Matheny said that there were three references, as listed in his memo, with two being people who knew her over 20 years and one over 6 years, all with positive comments. On a question of whether they were work-related, Mr. Matheny said that they were people for whom she did work, including a friend of her son's in real estate and appraisals in Florida. Mr. Matheny continued by highlighting the positive comments made by the references. Mayor Sageser and Deputy Mayor Wang-Iverson commented on the resume provided by Ms. Santo, adding that she was a long time employee at some of the places; Mr. Matheny highlighted part of the resume with specific dates. Mr. Mathews asked if any Google searches or Social Media was used; Mr. Matheny said no.

Mr. Mathews asked why the candidate would not be given what she asked in salary, noting comments he has heard that the Township does not pay their financial people sufficiently, and this may be why the Township does not retain people in that department. Mr. Matheny said that historically, he had direction from the Township Committee to "get reasonably priced employees." Additionally, in keeping with the rest of the staff and what they are making, it would turn scales upside down with people on staff for 10-12 years only making \$21.00 an hour. Also, the DPW men are making less than \$20.00 hour. Mr. Matheny said that if the Township chooses to bring this employee in at that amount, it was fine, but they would have to look at everybody's salary. Mr. Mathews did not agree, adding that there was criticality of positions, and this is a critical position, adding that employees in the past have agreed that the pay is an issue. Deputy Mayor Wang-Iverson disagreed, saying that the CFO's have never left because of salary, adding, "We can agree to pay more, if it is decided upon, but the statement that they left because of salary is simply not true." Deputy Mayor Wang-Iverson and Mr. Mathews exchanged comments about this, with Mr. Mathews asking why not give the candidate the additional \$2.00 per hour "to excite them to come here."

Mr. Van Horn said that he would amend the motion to allow the Administrator to negotiate the best salary for this employee. Deputy Mayor Wang-Iverson said that the other issue is keeping the candidate's salary in line with the rest of the staff. Mr. Van Horn asked if the CFO had a feeling, one way or the other. Ms. Pasqua could see both sides of it, adding that the Township Committee would have a lot of unhappy people if they bring the candidate in at the higher salary, but if that is what the job warrants and keeps them here, she could see that too.

Mayor Sageser commented on people with different roles and asked about moving people up in scale. Deputy Mayor Wang-Iverson asked about equity adjustments. Mr. Matheny said that is looked at when people change jobs or move jobs/take additional jobs. There is no method to move within the scale other than cost of living increases. One example was when the Assistant Treasurer and Board of Health Secretary was the same person, one salary was moved up higher and lowered one to be the same to eliminate a trend to billing for the more profitable position.

Mr. Van Horn said that the candidate has many years of experience, which should be brought into consideration as a reason to pay more, adding that he would have done so as justification for the \$22.00 per hour. Mr. Matheny said that this is different direction than he has received before, adding that as he replaces employees going forth, he may be hiring some with lesser experience than staff, and paying them more. Mr. Van Horn commented that in this case, the person being hired has a lot more experience than the person previously in place.

Mr. Miller asked about the rate being offered in comparison with the previous employee; Mr. Matheny said that the previous employee was at \$19.50 per hour with a cost of living in mid-year. Mr. Mathews added that the previous employee had no previous experience in that department. Mr. Miller said that there was more of a need to keep the right person, and a few more dollars would be worth it. Committee members also stated that there were only limited hours for the position also. Mr. Matheny said that he was not against the negotiations. Mr. Mathews said that when he offers positions, he makes them exciting for the candidates who are grateful and work with a different attitude (i.e., lesser money, lesser initiative). Mr. Mathews suggested amending the motion to go with \$22.00 an hour.

Mr. Van Horn asked how Mrs. Dymek felt about this; she commented that she did not even make that pay rate. Mayor Sageser said that the Township has only addressed cost of living increases and have not looked at positions and people's experience. He suggested that given the challenges in the finance department, he was supportive of the higher salary. He also suggested looking at other staff members also to see if they have advanced and taken on more responsibility and evaluate the range. Deputy Mayor Wang-Iverson said that it is always the case of people from the outside making more than incumbents with larger organizations making equity adjustments up to the level of new employees. He agreed that the Township could undertake this, but it would cost money. Mr. Matheny spoke about his experience with the DPW employees working 40 hours a week "on the cheap" with great qualifications and taking three years to get \$1.00 per hour more. Deputy Mayor Wang-Iverson commented on equity adjustments for employees as a "great thing," but he was not sure if the Township could afford it, particularly with the caps on the taxes. To do something like this would require a revenue increase to work within the cap to manage salary. Mr. Mathews commented on the range where someone with good experience would be paid higher than someone with minimal experience, adding that people can train to improve their skills, adding that bringing someone in who was energized to get the job done was important.

Mr. Matheny said that in fairness to the staff, there were people that should have raises for their work but come to work excited and do their job. He understood Mr. Mathews' hope to have someone "hungry and happy to be here," but there are people not complaining and doing their jobs and have loyalty to East Amwell – he concluded that "they deserve what you are talking about also." Deputy Mayor Wang-Iverson said that he agreed, but he did not know how to pay for it and would agreed to everyone having a merit raise, if that was not an issue, adding difficulties with the budget constraints. Mr. Matheny commented that he was trying to protect the interests of the township with the negotiations.

Mr. Van Horn acknowledged that he offered to amend the motion to have the Administrator negotiate the salary but agreed to a set salary. He did not want to get involved with the negotiation issue because the Township Committee should not be negotiating. The consensus is that the Administrator should consider more than \$20.00 per hour, whether \$1.00 per hour more, \$22.00 or \$22.50 per hour. Mayor Sageser said that the candidate should be paid closer to what she was asking for, based on her experience, with different parameters, such as the DPW "who does a great job but it is a skill level with a fair amount of candidates out there who turn over regularly, not a lifetime gig." Mayor Sageser said that the Administrator would negotiate the salary, with there being a consensus of the Committee to approve the amended motion.

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RESOLUTION #125-14

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby wishes to hire Charlene Santo as the Assistant Treasurer to work a total of 12 hours a week, beginning the week of November 17, 2014, as a one year probationary employee at a salary to be negotiated by the Township Administrator.

By Order of the Township Committee,

Dart Sageser, Mayor

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The amended motion, made by Mr. Van Horn, seconded by Mr. Miller, was carried unanimously.

Mr. Van Horn commented on the ranges not meaning a whole lot since the Township only gave a cost of living increase, adding that employees cannot move within the range if they are already here. To his way of thinking, there should be opportunities to move within the range and ranges would move in the future. He was not supportive of across-the-board merit increases, but done by individual review of job responsibilities and how well they were carried out. Deputy Mayor Wang-Iverson said that East Amwell is a public sector with common knowledge amongst everyone. Mr. Van Horn commented on this being more common in private sector as well with more morale problems caused by trying to hide information. Mr. Mathews commented on published grade and salary range of all employees at his company. Mr. Matheny commented on statutory employees where specific employees must all receive the same salary increase, per law. Mayor Sageser suggested dedicating some of the budget time to discuss options and constraints. Mr. Van Horn commented on the statute not having the same ranges for DPW and Assistant Treasurer; Mr. Matheny agreed, saying there were different ranges for different reasons, highlighting the CFO range as an example along with a retired employee who came back at a lesser salary. Mr. Matheny agreed that this should be considered going forth, adding that at the next meeting, the candidates for the CFO would be discussed.

The Mayor asked if Ms. Santo would begin work immediately, if negotiations were successful. Mr. Matheny believed that she would be in the office Wednesday and Friday of next week.

Mr. Mathews asked when the Assistant Treasurer position was removed from the website; Mr. Matheny said after 30 days, when the Township stopped accepting applications. Mr. Mathews asked if this was normal procedure; Mr. Matheny explained that the Township must post for two weeks, but they run ads for some positions on the League of Municipalities' website and felt that the time range was appropriate for this position. If there were no candidates, then a job may be posted longer.

6) 10-27 and 10-31 Proposal from Hunterdon County re: County-Administered Animal Control Officer Services: Mr. Matheny explained that the Board of Health is also dealing with this item, and Mr. Matheny forwarded a memo to them. He explained that the County is considering providing ACO services to all municipalities, and Mr. Matheny has spoken with the County's Purchasing Agent, who "is not sure that this will fly." The cost to the municipality will be about \$2.00 per capita, and Deputy Mayor Wang-Iverson felt that the cost would be around \$9,000, which is higher than the agreement in place with ACO Nate Barson. Mr. Matheny forwarded a memo to the County, outlining the Township's history of coverage and stating that if it were cost effective, they would be open to consideration. It was also noted that the County is talking with Nate Barson and former ACO Tom Dodd for coverage. Deputy Mayor Wang-Iverson asked if Mr. Barson were to do the County's work, would it affect the arrangement East Amwell has with him now; Mr. Matheny said no, adding that there was a discussion at the last meeting about Mr. Barson's coverage next year.

7) Fuel Cell Technology Grant Application: Mr. Matheny reminded the governing body

that this is the item that Mr. Strizki previously brought up. Mr. Matheny met with Mr. Strizki about grant information he located. Emails were exchanged, and Mr. Matheny is waiting for a response from Mr. Strizki. The grant information shows a deadline of 12-8, and there have been missed opportunities for webinars and questions/answers for the grant. Additionally, the information provided says the applicants will only receive 30% of the project's total installed cost; after deducting 50%. Mayor Sageser suggested that Mr. Matheny keep working with Mr. Strizki to find a suitable grant at no cost to the Township. Mr. Matheny commended Mr. Strizki on his knowledge in the field.

CONTINUED DISCUSSION ON RARITAN TOWNSHIP CONSTRUCTION OFFICE AGREEMENT AND OTHER OPTIONS

Mr. Van Horn said he and Mr. Matheny met with Delaware and West Amwell Townships and received input from Raritan Township. He would like to continue with the same type of shared agreement and hoped that the governing body could agree at this meeting. Mr. Van Horn outlined meetings with Delaware Township and West Amwell Mayors and Technical Assistants in Construction. He further explained that the Technical Assistant in West Amwell is new and has been helpful in clearing up many open permits; their Mayor was very complimentary of the work completed.

A second meeting in West Amwell was held with the Deputy Mayor with the Construction Official on the phone. West Amwell also passed a resolution for the shared service with East Amwell. Mr. Van Horn was impressed with West Amwell, saying that there were similar in size to East Amwell Township, they have a list of inspectors, and have office hours 10 a.m. – 4 p.m. on Monday, Tuesday, Thursday and 10 a.m. – 8 p.m. on Wednesday. Inspections are done from 5 – 7 p.m. on Tuesday and Thursday, fire inspections on Thursday from 5 – 7 p.m., and electrical inspections from 4 – 6 p.m. on Tuesday and Thursday. He believed that contractors don't have a problem with these hours and residents prefer these hours. The computer system that West Amwell is different from what is used in Raritan Township, and the Technical Assistant would have no problem with the transition. Mr. Van Horn said that West Amwell wants to expand their department and doing East Amwell's work will help to justify the expansion. He was confident that West Amwell wanted the business, and he commented at length on working with a smaller municipality as something that residents may appreciate. He did not believe the commute to West Amwell would be any different than a commute to Raritan Township.

Deputy Mayor Wang-Iverson asked about open permits; Mr. Van Horn said that West Amwell already reviewed the list of open permits and had no problem with doing the work without fees.

Mayor Sageser commented on discussions about the unfit building ordinance and additional work that may be required by a Construction Official. Mr. Van Horn did not discuss this with West Amwell since the ordinance seemed "nebulous." Some discussion took place amongst the Township Committee members, noting that if an ordinance is approved and enforcement statutorily falls to the Construction Official, he would be required to do it. A suggestion was made to give West Amwell some fore-warning about such an ordinance coming into play.

Mr. Van Horn said that the same agreement that East Amwell has with Raritan Township is being proposed for West Amwell Township. Mr. Mathews asked about a few points: With respect to Article 6, A & D, fees and fines, he asked for clarification on who keeps the fees and fines. He also asked if West Amwell was aware of the work being done at East Amwell Township School; Mr. Van Horn said that they are aware. Some discussion took place on waiving fees for the School, which Mr. Matheny saying that the School did pay Raritan Township for plan review, which was something new this year.

Mr. Miller said that he didn't see anything in the current contract about resolutions for difficulties, e.g., if West Amwell does not provide services, how can this be addressed, noting problems that took place with Raritan Township. Mr. Matheny reminded the governing body that Construction Offices follow the UCC regulations and they have 21 days to review permits, with any penalties assessed coming from the State. He noted that West Amwell would have to make sure that their employees follow state law, and East Amwell would have no say on this. He also reminded the Committee that while this is a four year contract, the Township could give notice in October each year to opt out of the agreement, if it so chose. Mr. Miller commented

on the only resolution being excommunication. Mayor Sageser explained that part of Raritan Township’s problem was losing key people and getting replacements, adding that negative comments from contractors were also considered; he added that even if East Amwell had their own employees, the Construction Official answers to the State as their authority.

Mr. Van Horn commented on a portion of the agreement about receiving monthly reports, noting that he is not familiar with East Amwell now receiving them. He stated that if an agreement with West Amwell is signed, he would like to have these monthly reports come to the Township Committee for review. Mr. Van Horn also commented on the philosophy of West Amwell to process permits as quickly as possible rather than waiting the statutory 21 days, sensing a more service-oriented climate with the new team in West Amwell. Further comments were exchanged about the Technical Assistant being in the office during day hours and East Amwell previously having its inspectors available in the evening too.

Mr. Mathews commented positively on working with West Amwell, similar to the arrangement with their police coverage. Mr. Matheny added that previously they also satisfactorily shared services for animal control coverage. Mr. Mathews thanked Mr. Van Horn for his efforts on this matter. Mayor Sageser believed that there was a consensus to appoint West Amwell for coverage. Mrs. Dymek mentioned the need for an ordinance, but the Committee said that they would be approving a resolution.

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RESOLUTION #126-14

BE IT RESOLVED by the Township of East Amwell that they hereby authorize the Mayor to sign the Shared Services Agreement between The Township of West Amwell and the Township of East Amwell, signed on November 10, 2014, by West Amwell Township and signed on November 13, 2014, by East Amwell Township for Construction Department Code Administration and Enforcement Services, for a four year term, commencing on January 1, 2015 through December 31, 2018, subject to early termination any year by written notice prior to October 1.

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 to share services with West Amwell Township for Construction Office Services.

RESOLUTION TO ACCEPT RECEIPT OF 319H GRANT FOR STORMWATER MANAGEMENT AND RESOLUTION TO APPOINT PRINCETON HYDRO AS A PROFESSIONAL SERVICE

Mr. Mathews said that while the work does not have to be bid, he felt that it would be fair to do so. Mr. Matheny said that he worked with the CFO on this matter, and the professional services agreement could be approved for Princeton Hydro and have the contract work go out for bid. He said that Dr. Souza would be preparing the specifications, but he believed that even with the grant funding coming in, the Township would have to prepare a capital or bond ordinance (with 5% down), in theory, to have the money available, although it may not be used if the funding comes through. Mr. Matheny said that Dr. Souza explained that the DEP funds are paid as the work is done, further commenting on his knowledge of NJ DOT grants with Township’s getting 75% of their funds and federal money being only reimbursed when bills are paid and verified. Dr. Souza has advised that contractors know with these grants that they get the money when the state releases it. Mayor Sageser said that he believed that Dr. Souza was familiar with the process, having done nine of these projects in the past, but even if Mr. Matheny is correct about the bond ordinance, it would still not cost the Township any money.

Deputy Mayor Wang-Iverson asked about the proposal, i.e., was Dr. Souza handling all the work including contracting or bid. Mr. Matheny said that he would do the specs and the Township would bid the work. Mr. Mathews said that Dr. Souza would get over \$100,000 for his work, and he asked about the fairness. Mr. Matheny explained that was how the grant application was written, including over \$300,000 for construction, and Dr. Souza thought that amount was high. Mayor Sageser said that the presumption is that Dr. Souza is a professional, he obtained the grant; he previously indicated that he is a professional and if the grant was obtained, this is what is charged. He added that there are not a lot of hydrogeologists in NJ, and he has done this type of work in the past; since Dr. Souza put a lot of work into this, Mayor Sageser felt that it was unethical to shop a professional. Mr. Mathews asked if the rates that Dr. Souza is referencing are market-based and asked how it was vetted. Mr. Matheny stated that DEP accepted the grant application with those figures, and Mayor Sageser explained that Dr. Souza would have to submit bills for his work.

Deputy Mayor Wang-Iverson reiterated that the construction work would go out to bid, asking if Dr. Souza was confident that the Township would not be held up with payments from the State. Mr. Matheny commented on state law that contractors had to be paid within 60 days of their work, adding that Dr. Souza was confident that funding would come through. Dr. Souza indicated that the bid specs could state that the contractor would be paid once the Township received its funding, which is possible.

Mr. Mathews thought that this was a vague agreement, with the Deputy Mayor agreeing, suggesting a more tightened resolution. Mr. Matheny said that Dr. Souza has a scope of work, but there is no plan yet. Mayor Sageser commented on the DEP grant and not having the expertise to second guess; he was comfortable with Dr. Souza's observations. Deputy Mayor Wang-Iverson was concerned that the Township would be on the hook for the work if the grant funding did not come through.

Mr. Mathews suggested language that said Dr. Souza was being appointed as the professional hydrogeologist for this project and the contract would be dealt with separately, stating that the language saying he is authorized to execute a contract was open ended. Mr. Miller also spoke about tightening up the resolution, speaking of the terms and conditions of the contract pointing to a resolution.

Further discussion took place between the governing body members and it was unclear whether they were looking at the resolution for professional services or the resolution between the NJ DEP and East Amwell Township for the grant funding with comments being made about both resolutions. With respect to the DEP/East Amwell resolution, there were blank spots regarding the percentages for township match, which would be made up with in-kind work/costs. Mr. Matheny added that there would be some money to be paid out for engineering work too. Mayor Sageser commented on recognizing risks, but the payback would be worth it, and he was confident that Dr. Souza is knowledgeable about the grant/work since this grant is based on part of a previous grant he acquired for the Sourlands.

Mr. Mathews continued by suggesting language change from Mayor and Clerk authorized to sign an agreement to Township Committee and Clerk to sign. Mr. Miller commented on having difficulty finding the information he needed in the resolution. Deputy Mayor Wang Iverson highlighted different items that were in the Dropbox referring to the 319H grant. Mayor Sageser said that specifically the Township needed to complete the grant agreement with the DEP. Mr. Mathews suggested executing the grant agreement. More comments were exchanged about the contract that Dr. Souza submitted for signature. Dr. Souza will be asked to come to the December to iron out details of his contract.

The Township Committee agreed to sign the NJ DEP grant agreement with a change recommended by Mr. Mathews for the resolution appointing Princeton Hydro to indicate that the Mayor and Clerk are authorized to sign a grant agreement rather than a contract.

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RESOLUTION #127-14

GRANT AGREEMENT BETWEEN
EAST AMWELL TOWNSHIP AND

THE STATE OF NEW JERSEY
BY AND FOR
THE DEPT. OF ENVIRONMENTAL PROTECTION

The governing body of the Township of East Amwell desires to further the public interest of obtaining a grant from the State of New Jersey in the amount of approximately \$446,000 to fund the following project:

Targeted Stormwater Management in the Back Brook Headwaters of the Sourlands

Therefore, the governing body resolves that Dart Sageser, Mayor, or the successor to the office of Mayor is authorized (a) to make application for such a grant; (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$446,000 and not more than \$446,000, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Township Committee of the Township of East Amwell authorizes and hereby agrees to match % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement.)

The Grantee agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

By Order of the Township Committee,

Dart Sageser, Mayor

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

There was a short break in meeting from 10:16 p.m. – 10:18 p.m.

PENNEAST PIPELINE – 10/1 REQUEST FROM DELAWARE TOWNSHIP FOR RESOLUTION OF OPPOSITION (See Additional Resolutions of Opposition from Numerous Municipalities in Hunterdon County)

Mayor Sageser said that Environmental Commission Chair Erica Johanson went to a meeting tonight on this topic. He would like to have a resolution for the next meeting, wishing to distinguish East Amwell from townships with direct threats. Mr. Mathews thought that the Township's resolution should be broader, stating that the Township opposes the pipeline and supports other municipalities who oppose it. Mr. Mathews suggested drafting the Township's own resolution, picking from other resolutions. Mayor Sageser suggested that Environmental Commission draft a resolution for the Township Committee for its the next meeting.

2014 TOWNSHIP ADMINISTRATOR'S CONTRACT

Deputy Mayor Wang-Iverson said that he and Mr. Van Horn met with Mr. Matheny and all documents reviewed are in his personnel file, if the Township Committee wished to review. He read his October 28, 2014 memo into the record: "We reviewed with our township administrator, Mr. T. Matheny, his performance for the period 1 January 2013 – 1 September 2014. Based on this review, we find him to be fully performing in the role. We therefore recommend that his contract be renewed with a 2% salary increase retroactive to 1 January 2014. Considering that most of Mr. Matheny's 2014 performance is covered in this review, we further

recommend that the renewal period be through the end of 2015 and that he be granted any salary increase awarded to the rest of staff in 2015.

“Mr. Mathews and Mr. Miller have recommended that East Amwell’s requirement for an administrator position should be reviewed de novo. This is not an unreasonable request, but we believe such a study should be separated from Mr. Matheny’s contract renewal to avoid any disruption in on-going township activities. We recommend that a sub-team be formed at re-organization in 2015 to address this question with a reporting deadline of 1 June 2015.”

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RESOLUTION #128-14

BE IT RESOLVED that the Township Committee of the Township of East Amwell that they hereby approve the 2014-15 Contract for the Township Administrator and set up a sub-committee to discuss the Township Administrator’s position in 2015.

By Order of the Township Committee,

Dart Sageser, Mayor

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

On a question from Mr. Mathews, Deputy Mayor Wang-Iverson said the only change in the contract was the 2% increase given all employees. Mr. Mathews asked about ownership of the issues in the finance office and performance. Deputy Mayor Wang-Iverson said that he had direct knowledge that the issues in the finance office were not Mr. Matheny’s fault, commenting on his interaction since last April. It was his opinion that based on his experience, Mr. Matheny is providing all the over-sight that is required, and the problems in the finance department are due to previous incumbents making commitments to the Township that they did not keep. The Deputy Mayor spoke about sitting in on meetings where CFOs told what and what they wouldn’t do, saying that all procedures were wrong and “we should burn down and start over.” He also directly observed Mr. Matheny’s oversight of “responsible professionals, and it was not his job to do their job,” adding that the condition of the finance office was not Mr. Matheny’s blame. Mr. Matheny kept the Deputy Mayor fully informed about emails he sent regarding why the employees did not show up, did not provide answers needed, etc. Deputy Mayor Wang-Iverson reiterated that the responsibility lies with the CFOs appointed by the governing body, who made commitments that they did not keep, partially due to their other full time jobs and trying to do something part time that was more difficult than they thought.

Mr. Mathews spoke about general duties and responsibilities under Chapter 24, stating that the Township Administrator has authority to reprimand and terminate employees. Deputy Mayor Wang-Iverson said that point was never reached to terminate. Mr. Matheny was at that point in some situations, but the Deputy Mayor recommended resolution instead with termination as a last resort, saying it was not good for the organization or person involved. He would prefer fixing or managing a situation. Another difficulty was that personnel did not stay around long, with the Deputy Mayor providing specifics about three of the previous CFOs, who were around only about 6 months. He again spoke about his view of resolving a situation rather than terminating, and he commented on his view that the Township was fortunate that CFOs resigned before termination. Mayor Sageser added that this was important particularly because of the statutory responsibility, noting previous discussions with Attorney Cushing suggesting pushing employees to do the work and perhaps having them resign on their own. The Deputy Mayor acknowledged that this happened in one case, and Mr. Matheny managed the situation appropriately.

Mr. Mathews disagreed, stating that termination is appropriate when jobs are not done with a quicker response being easier to solve, and letting problems roll over caused the situation we have today, e.g., no policies or procedures in place and being written up in two audits. Deputy Mayor Wang-Iverson said that there were no policies or procedures in place historically, so the only thing that has changed is that the Township has been unable to find someone who can do

the work. He stated that the Township Committee would be open to changes, if the CFO brought them forth, but there has been no one in the job long enough to offer changes; additionally doing statutory work and performing routine operations are important. The Deputy Mayor pointed out that the office ran fine for over 20 years when CFO Jane Luhrs was on staff, and it was difficult to find someone like her to continue before Ms. Pasqua was hired.

Mr. Mathews referred to systemic issues, seeing the Administrator as the CEO and the Township Committee as the Board of Directors – he believed that the systemic problem was the turnover of 6 CFOs. Deputy Mayor Wang-Iverson highlighted the reasons for the turnover, e.g., leaving for better jobs, family reasons, and not being able to do the work with added responsibilities in their full time job, adding that this was not Mr. Matheny's fault. Mr. Mathews pointed out the first CFO who did not do her job, suggesting that the Administrator should have corrected the situation and performance should not have been excused. Mayor Sageser faulted the governing body for repeatedly hiring CFOs who had no face-time. Mr. Mathews commented on the audit showing technical issues to be resolved. Deputy Mayor Wang-Iverson commented that the Administrator has been monitoring the employees and providing over-sight, providing an example of another CFO who was under scrutiny but did not have time for the job. In this case, Deputy Mayor Wang-Iverson's philosophy was to try to keep the work on-going, commenting on difficulties with finding and recruiting personnel in a timely fashion. Mr. Mathews commented on hearing that all CFOs were doing their job until after they left and was told that they were not doing it. Deputy Mayor Wang-Iverson said that the issues were never misrepresented, that there was oversight and direction from her, as Finance Liaison, on a regular basis, and if there were any issues, they would have been brought back to the governing body at the monthly meetings. Mayor Sageser commented on issues CFO Steinberg had with trying to catch 2013 records up before dealing with the 2014 budget, which was in part caused the delayed budget this year; he also commented on a "good exit interview" with Mr. Steinberg who suggested that he would provide recommendations, but never did. Mayor Sageser also noted that both he and the Deputy Mayor are kept up to date regularly by Mr. Matheny regarding Township issues.

Mr. Van Horn detailed his knowledge of CFOs and issues, suggesting that Mr. Steinberg just wanted to blame everyone else. He was aware of the communication issues with the previous CFO from the Administrator and then Assistant Treasurer Rosikiewicz. He commented on the process that the Administrator and Deputy Mayor used to coerce the employee to perform, who eventually quit because of time constraints with his full time job. Mr. Van Horn acknowledged difficulties in finding qualified CFOs in the state.

Mayor Sageser concluded that Mr. Matheny did everything that he could have done with the CFO issues, adding that it was not the Administrator's job to do the CFO's work. He asked for a motion on the contract. Mr. Van Horn reminded him that there was a motion and second on the floor.

Mr. Miller said that only the financial issue was discussed, and he was concerned about public comments beyond the CFO turnover. He asked to see the supporting personnel documentation that Deputy Mayor Wang-Iverson referenced earlier in the evening; Mr. Mathews also asked to review it along with Mr. Matheny's self-assessment. Mayor Sageser believed that the previous information resident Gavigan provided was biased, adding that employee turnover, such as in Raritan Township's construction office and in DPW departments, is routine for those types of work. The Mayor also believed that "office staff turnover in East Amwell was minimal, that morale is good and people are happy, there is a good working relationship with employees pretty satisfied, although they would like more pay." He felt that there was good team spirit with only the CFO situation being an issue. Mayor Sageser believed that in his interpretation of the Township Administrator Ordinance, Mr. Matheny was "doing a good job ... that he was not overpaid for a comparable position ... that it was hard to find an Administrator-Clerk-CFO position, ... [the Township] was finding the CFO position to be more of a full time job."

Mr. Mathews commented on the current CFO "doing a good job," but he was concerned with the vetting of candidates as part of the Township Administrator's duties. He mentioned a Google search of the current CFO, with the first item being a document from Hunterdon County officials that he would have liked to have seen before making the appointment decision. He offered to show the governing body the information he found on line since last April or May.

Deputy Mayor Wang-Iverson said that all of this information was previously documented in the Hunterdon County Democrat, which was available to the public. He stated that he read all the information, it may have affected the decision for not hiring her in the first go-round, but that upon conversation with the employee, he was satisfied that she was being asked to do work at the County that was not her responsibility, and that was the basis for her firing.

Mr. Mathews felt that it was the role of the Township Administrator to provide a well balanced presentation, including better vetting of candidates via Google searches and social media. He also stated that when he hires candidates in his profession, he does drug and bank checks. Deputy Mayor Wang-Iverson said that this is not the Township's protocol, but if the Township wished to change its procedures, it would have to be done for all candidates.

Mayor Sageser asked for a roll call vote on the contract for Mr. Matheny: Mr. Van Horn, yes; Mr. Wang-Iverson, yes; Mr. Mathews, no; Mr. Miller, no; Mr. Sageser, yes.

The Committee agreed that they would look at the roll of the Administrator in the New Year and make other considerations.

NEW BUSINESS

REORGANIZATION DATE FOR 2015: SUGGESTED DATE OF JANUARY 1, 2015 at 1 PM

Mr. Mathews said that reorganization does not have to be done on January 1 and could be anytime within the first seven days of the year. Mayor Sageser explained that it was traditionally done on January 1. Other comments were exchanged by members that it was a difficult day for some on vacation and on being a challenge for families. It was agreed that the Township Committee would make a decision on reorganization at the December meeting, adding that the Township Attorney will be advised (i.e., does multiple reorganizations on this day).

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, commented on the following: she spoke about her comments in the timeline she previous provided to the governing body concerning the Township Administrator, adding that she has collected all tapes of meetings, including meetings when the ordinance for the Township Administrator was developed - she believed that a major component for the position is financial knowledge and oversight and managing tax dollars; she commented on attending and recording all of the Hunterdon County Freeholder meetings, particularly with respect to the firing of the CFO, providing her opinion about the relationship between the County's attorney and the independent authority; she commented on the former Hunterdon County human resources person retiring and Administrator Cindy Yard given early retirement without accountability and having the two employees "thrown under the bus"; she commented on the similarity of financial issues East Amwell has with Morris Township in Morris County with respect to turnover in employees, corrective action plans, etc. and the SEC regulations in place now to identify issues.

Mayor Sageser felt that the auditor gave an appraisal of problems, adding that he hoped that the CFO would stay long enough to address issues. Ms. Gavigan gave her opinion of the audit, stating that there were real issues with no encumbrance system or internal mechanisms. Mayor Sageser commented on a specific instance when a volunteer did not adhere to the procedures - he and Ms. Gavigan exchanged words about their opinion of the audit. Ms. Gavigan hoped that the Township would spend the money for a good hire in the CFO position.

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

ADMINISTRATIVE REPORTS

CFO PASQUA provided the bills of the evening. Motion by Mr. Van Horn and seconded by Deputy Mayor Wang-Iverson to approve the bills of the evening. Mr. Miller asked about the

\$2500 for the fence; it was explained that the grit-yard was being fenced in to avoid dumping and part of the cost was for gate repair. The motion was carried unanimously to approve payment.

Resolutions:

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RESOLUTION #129-14

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

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

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

Account	Account Title	Transfer to	Transfer From
4-01-23-210-290-000	Liability Auto Accident Insurance O& E	\$ 18,271.00	
4-01-23-215-290-000	Workman's Comp Insurance O & E	\$ 1,021.00	
4-01-23-220-292-001	Health Insurance O& E	\$ 5,000.00	
4-01-23-220-295-004	HMC Employee Assistance O & E	\$ 109.00	
4-01-23-220-295-005	Disability O & E	\$ 3,600.00	
4-01-28-370-102-002	Recreation Services S & W	\$ 265.00	
4-01-31-440-276-000	Telephones O & E	\$ 400.00	
4-01-31-460-274-000	Gasoline & Diesel O & E	\$ 300.00	
4-01-27-345-102-000	Public Assistance S & W	\$ 25.00	
4-01-26-315-234-000	Maintenance of Motor Vehicles O & E	\$ 3,500.00	
4-01-26-305-229-000	Solid Waste Collection O & E	\$ 200.00	
4-01-21-190-299-000	Affordable Housing Agency O & E	\$ 550.00	
4-01-20-165-228-000	Engineering Services O & E	\$ 5,000.00	
4-01-20-130-299-000	Finance O & E	\$ 3,000.00	
4-01-20-130-102-003	Finance S & W	\$ 1,000.00	
4-01-20-120-101-002	Municipal Clerk S & W	\$ 500.00	
4-01-20-100-102-001	General Administration S & W		\$ 1,500.00
4-01-20-100-102-002	General Administration Open Space S & W		\$ 4,000.00
4-01-20-100-299-000	General Administration O & E		\$ 2,000.00
4-01-20-135-228-001	Audit O & E		\$ 2,000.00
4-01-20-150-299-000	Tax Assessor O & E		\$ 5,000.00
4-01-20-155-227-001	Legal Services O & E		\$ 12,500.00
4-01-23-211-290-000	Public Officials Surety Bond O & E		\$ 12,076.00
4-01-23-215-299-000	Workman's Comp O & E		\$ 2,500.00
4-01-28-370-265-003	Recreation Services O & E		\$ 500.00
4-01-27-330-102-001	Board of Health S & W		\$ 665.00
		\$ 42,741.00	\$ 42,741.00

By Order of the Township Committee,

 Dart Sageser, Mayor

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

An escrow resolution for Planning and Zoning professionals was offered for consideration. The Township Committee was unclear why they were being asked to adopt it since they had independently approved contracts with these fees at the beginning of the year. The decision was made to table this until the next meeting.

TAX COLLECTOR HYLAND provided her monthly disbursement report but no resolutions.

DPW SUPERINTENDENT SILVERTHORN provided his monthly report.

MUNICIPAL COURT ADMINISTRATOR HOOVEN provided the monthly court report.

WEST AMWELL TOWNSHIP POLICE provided their monthly reports. Mayor Sageser commented on lots of time spent in Ringoes.

KINGWOOD STATE POLICE October report was noted.

CORRESPONDENCE

Under Correspondence, Mayor Sageser said that he has not yet had a response from the Hunterdon County Library Commission regarding a library in East Amwell.

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 11:12 p.m.

Taken from the Tape,

Teresa R. Stahl, RMC/CMC
Municipal Clerk