

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor David Wang-Iverson, Deputy Mayor Dart Sageser, and Committee members Tim Mathews, Charles Van Horn, and Peter Miller. Township Administrator Timothy Matheny was also absent. Attorney Richard Cushing was in attendance.

In compliance with the Open Public Meetings Act, Deputy Municipal Clerk Pamela Dymek announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 7, 2015, with a meeting notice published in the Hunterdon County Democrat issue of January 15, 2015. 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 July 2, 2015.

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

AGENDA REVIEW

An addendum to the agenda was provided, including the following items: Under Special Discussions, COAH Update, add the 7/2/15 Filing for Declaratory Judgment by Gebhardt & Kiefer; a 7/8/15 Memo from Attorney St. Angelo re: Affordable Housing Trust Fund Spending; a 7/9 email from Atty. Cushing on the Availability of the Burchell Report. Also Under Special Discussions, move from the Consent Agenda and show as item D, the A.B.C. Catering Permit for the Barn Party.

Under Consent Agenda, add a resolution for a Raffle for RWJ Hospital at The Ridge at Back Brook on 8/3/15. Table item D, the A.B.C. Social Affairs Permit for St. Peter's Foundation for an event at The Ridge at Back Brook on 8/31/15.

Under the Township Administrator's Update, table a resolution to amend the current 2015 Benefits Resolution to include Temporary Disability to Qualifying Part Time Employees and to include this benefit in the Existing Township Administrator's Contract.

Under New Business, Item B, table discussion on a memo from Engineer O'Neal regarding property on Back Brook Road, Block 25, Lot 2.01.

ANNOUNCEMENTS

Summer Playground will take place at the East Amwell Township School through July 24, 2015. Contact the Clerk's Office for more details.

The Township is currently undertaking the state mandated, bi-annual dog census throughout the municipality. The census taker has an I.D. issued by the County, and she will be canvassing throughout the summer. Contact the Clerk's Office for more details.

UPDATE FROM THE CFO

CFO Margaret Pasqua is moving forward with the refunding bond, which will be introduced tonight. The figure in the ordinance is a "not to exceed" figure because there are costs associated with the refunding bond. The rates have changed from the estimate in January, and savings have gone down but it is still enough to justify the bond. Ms. Pasqua believes that the savings will be around \$75,000 over the course of eight years.

There is a resolution for an open space project, spending \$15,100, from the Township's allocation from the Hunterdon County Open Space Trust Fund, which Farmland/Open Space Coordinator Glorianne Robbi has already applied for distribution.

The last item Ms. Pasqua mentioned was that she was beginning preliminary work on the 2016 budget. Her biggest concern is debt service, but she didn't want to detail it tonight. The Mayor asked about lines in this year's budget that are a concern. Ms. Pasqua said that she was concerned with the legal line and a question on whether she can charge COAH bills to the COAH trust fund. She is getting conflicting answers, and if she cannot use the trust fund, the

legal line will be utilized. Her thoughts are that she will stop using the trust fund and start using the legal line because she cannot get a straightforward answer on the use of the trust fund.

Ms. Pasqua said that the operating budget does not fluctuate that much, and the big ticket items are insurance (which went down last year), pension, and health benefits. She did not anticipate a big increase in health benefits this year. Mayor Wang-Iverson asked about the budget for road materials; Ms. Pasqua said that the operating budget is “okay” but the capital budget is “something else.”

Deputy Mayor Sageser mentioned a memo from St. Angelo regarding the COAH expenses; Mr. Van Horn said that it was not very clear, adding that funds may have to be taken out of the regular budget. Mr. Cushing said that the planner’s fees can be paid from the trust fund, but the attorneys fees from this fund are questionable. Ms. Pasqua contacted Terry Kiser at Affordable Housing and was sent the Township’s spending plan, which was done many years ago. Ms. Pasqua still had questions and asked Ms. St. Angelo, who gave her a figure. Ms. Pasqua believed that the estimates and actual don’t match, and she has some concerns. Mayor Wang-Iverson asked Mr. Cushing what the 20% number refers to; Mr. Cushing said it was 20% of funds raised for COAH contributions. The Mayor said that there was about \$40,000 in the fund, so that \$8,000 could be used on administrative costs. Ms. Pasqua said that this was the amount collected in the past, and the estimates in the plan are not what has been collected. The Mayor agreed that the spending plan does not match actuals since it was developed many years ago. Mr. Cushing suggested applying the administrative costs first to the planner’s fees and if money is left over, use for the attorney. He agreed that there was a caveat in Ms. St. Angelo’s memo, but Mr. Cushing believed that this was the way to proceed.

Mr. Mathews asked about the \$2,000 to buy into the service; could that be taken out of the COAH trust fund. Mr. Cushing recommended not doing so, and Ms. Pasqua said that it was not paid out of the trust. Mr. Cushing agreed that one could argue that it could be used for planner’s fees, but the problem is that it is not specifically for East Amwell but for litigation. He again suggested paying the planner’s fees first from the trust, and seeing how the matter evolves and what other municipalities are doing.

STANDING COMMITTEES

HISTORIC PRESERVATION COMMITTEE - Chair Barbara Sageser was present at this time.

Mrs. Sageser commented on good news at the Clawson House, saying that she is very happy with the work being done. Materials are on site, and windows are already in, with the house wrapped all around and some trim work completed. Mrs. Sageser outlined more work that has been done, adding that the next two items are more trim work and siding. She thought that the work may be completed next week.

Mrs. Sageser said that the Quick Collection is being worked on, and the Historical Society is doing a big acquisition project for East Amwell memorabilia as donation or purchases. The Historical Society has completed their second grave yard tour and are planning a garden tour later in the summer.

APPROVAL OF MINUTES

June 11, 2015, Special Meeting Minutes (Resolution for Executive Session) were approved on a motion by Mr. Miller, seconded by Mr. Van Horn, and carried unanimously.

June 11, 2015, Executive Meeting Minutes (COAH; Attorney Advice) were approved on a motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously.

June 11, 2015, Regular Meeting Minutes were approved on a motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously with two minor typing corrections on page 3 and 4.

OPEN TO THE PUBLIC

The meeting was open to the public for comments not on the agenda. There being no comments, motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to close to the public.

SPECIAL DISCUSSIONS**PRESENTATION FROM JOHN ANDERSON RE: JCP&L UPDATE**

Mr. Anderson wanted to provide a brief update on the on-going reliability plan for East Amwell Township. The vegetation management is on the four year cycle, and the vast majority of East Amwell Township is served from the Ringoes sub-station, which was on the planned maintenance cycle going on for the last four months. There are still a number of trees that need to be removed in various states of process, e.g., some need a special piece of equipment or have right-of-way issues. He thanked the Mayor for his assistance with some of these issues. He added that the vegetation management would help with reliability.

Mr. Anderson added that in the past he has been reporting on the expansion of the Rocktown substation, near Lambertville over the border in West Amwell. It was a substation that was fed 34,500 volts and voltage was stepped down for distribution. The main source of that power for the southern end of the county was brought in from Flemington and substations were running from north to south. The new Rocktown substation was put on line last month with 230 kw voltage adjacent to the existing substation, i.e., building an adjacent substation yard reducing voltage from 230 kw to 34,500 volts and the power feeds to the existing substation. This will result in increased reliability since southern Hunterdon County has its own source of power at Rocktown not coming from Flemington. It is still based out of Flemington, but there is now a double opportunity for power, i.e., there is another opportunity to move power if a line goes down. The Rocktown substation can now be another source of power in an emergency in another catastrophic event. Mr. Anderson believed that the municipality was in a better position, adding over the past three years with meetings and reports, this substation, coupled with the vegetation management, "really is significant in terms of overall reliability." He noted that there will be continued outages, some of them extended, if there was a hurricane; this is not a panacea, but it gives a lot of options.

Mr. Anderson said that for tonight's weather event, he was heading back to the office, and there are holding crews ready for action. Communication has been stepped up, and this is also helpful with reliability. On a question from Deputy Mayor Sageser, Mr. Anderson said that crews were sent to Atlantic City to assist with the forecast similar to what Hunterdon County was supposed to have encountered. The storm dissipated in this area and plowed through to the southern portion of the state. Mr. Anderson did not yet see the numbers for Atlantic City, but Atlantic City Electric sustained more damage in the thunderstorm squall two weeks ago than in Sandy. He said that their assistance was part of the mid-Atlantic Regional Assistance Organization for networking. Over 200,000 Atlantic City customers were without power, and as part of the organization, other companies come to assist after the companies make sure that there areas are operational.

Deputy Mayor Sageser asked if there has been an occasion where East Amwell Township has been back-fed from Rocktown yet. Mr. Anderson said no because the weather has been good so far. The investment was around \$10,000,000, and the substation is on line and ready for use by opening and closing breakers, when needed.

The Committee thanked Mr. Anderson for his attendance, and Mr. Anderson appreciated the Township Committee's support.

COAH (AFFORDABLE HOUSING) UPDATE

Mr. Cushing said that the declaratory judgment was filed in a timely fashion. The application sought a stay on any enforcement action for a time period established by the court. The Supreme Court opinion said it was a period of five months without indicating when the five months began. Approval of the spending plan and approval of the Township's housing plan

was sought, and Mr. Cushing believed that he submitted information to the governing body that Dr. Burchell would get his report done by July. He encouraged the governing body to have the Planner look at both the Burchell and Kinsey reports and see how vacant land and any other aspects of East Amwell that are unique were factored in the analysis. The information needs to get to Dr. Burchell fairly quickly, but the problem is that the planners may have other municipalities to serve, and getting everything done is difficult.

Mr. Cushing mentioned a Monroe case that was just decided by Judge Wolfson today or yesterday. A earlier submission similar to East Amwell was granted the five month period, and there were some disturbing items, e.g., Judge Wolfson determined that the municipality would only be granted five months. Mr. Cushing felt that this was problematic unless the Township just took the numbers assigned by Fair Share Housing (FSH). The other concern was that FSH filed a counter-claim on that appeal, and they challenged the question of whether Monroe was meeting their constitutional obligations. Judge Wolfson permitted the counter-claim. There was some dispute as to whether a third party could be a party in the litigation, and Judge Wolfson agreed that they could be a party. FSH made a claim that the municipality is liable under the NJ Civil Rights Act for not complying with its constitutional obligation to supply affordable housing. The consequence is that if FSH prevails, then under the law that FSH is suing (NJ Civil Rights), there is a fee shifting component so that municipalities have to pay the attorney fees. Mr. Cushing was not sure what would happen, but he believed it was a technique that FSH was using as a threat to bring pressure on municipalities that they would litigate and have the fees shifted if the municipalities lose.

The other area of concern Mr. Cushing mentioned was that FHS is aggressive but hopes that their goals are achieved while builders may have different goals. If a claim is made with East Amwell, the insurance carrier may help with defense of the case alleging a constitutional violation. Mayor Wang-Iverson thought FSH was pushing back against the declaratory judgment; Mr. Cushing said there was a concern about constitutional compliance, or whether or not the municipality fulfilled its obligation to supply adequate housing and using the proper method of supplying the affordable housing. Mr. Cushing believed that FHS will counterclaim in East Amwell's case, exactly the same as Monroe. He has already heard from FHS about not filing a motion; he believes that the Township will have to file at some point as a procedural step, adding that "there will be a battle."

Mayor Wang-Iverson said that Planning Board Chair Don Reilly has already been in contact with the Planner about providing specific details for Dr. Burchell to be added in the final report. He believed that there would be a 30 day period for comments on the report. The Mayor said that items should be sent to Mr. Reilly to be included about East Amwell's unique characters.

Deputy Mayor Sageser spoke about the memo from the Attorney about details not included in the declaratory judgment, which spoke to East Amwell's unique character. Mr. Cushing said that those were the types of items that Planner Banisch would be sharing with Dr. Burchell. Mayor Wang-Iverson agreed that this information wasn't necessary for the declaratory judgment but would be good information for Dr. Burchell.

OPEN TO THE PUBLIC

An unidentified woman in the audience asked to go back to the Open to the Public. She was told that there would be a second Open to the Public later in the meeting, and there was no one present during the first Open to the Public. On a question from Mr. Mathews, he was told that the item the resident wanted to address was not on the agenda. The resident wished to be heard at this time, and there was an exchange between the woman and the governing body, advising that she could speak at the next Open to the Public section. Mr. Mathews commented on sending an email to put this item on the agenda. Mayor Wang-Iverson said that there is a discussion on a fill dirt ordinance and an accessory driveway ordinance, but there was no discussion on this specific dispute on the agenda. The resident said it was not a dispute, and she wanted to make a public statement.

Mr. Mathews said that he had sent an email to put this item on the agenda and believed that he had an acknowledgement that it would be on the agenda. The woman again asked the Mayor for fifteen minutes to speak. Mayor Wang-Iverson commented on following the rules of conducting the meeting.

Mr. Mathews made a motion that item 15 on the agenda, Open to the Public, be moved up on the agenda so that the resident could be heard, and Mr. Miller seconded the motion. Mayor Wang-Iverson agreed, while Deputy Mayor Sageser and Mr. Van Horn said no.

Beverly Smith, 30 Back Brook Road, mentioned living in East Amwell and living peacefully until the neighbor moved in behind them at 26 Back Brook, saying that “this is not a personal dispute.” She believed that the property owner should not be given a forest stewardship plan, stating that the neighbor broke every best practice and the plan was taken away. She could not imagine the “conservationist” Township granted him the plan. She wanted to object to the industrial road put behind her house with large trucks going by. She produced pictures of the trucks carrying huge trees, asking about the Township’s tree ordinance. The Zoning Officer told her for six months the tree ordinance doesn’t apply. She also had a picture of the road put through for landscaping materials with noisy, large trucks using it “and making it miserable since December.” She believed that the Zoning Officer supported the Urbano work although neighbors believe it is ruining their quality of life. Ms. Smith continued with the following: she had a picture of her garden with large equipment near it; heavy equipment has knocked a tree down; she referenced the driveway ordinance, stating that the driveway on her neighbor’s property is 16 feet at its narrowest, does not lead to a residence, and destroys her privacy; the neighbor is making mulching hay, and she asked if this was a farm product; the neighbor is removing boulders from the property; she believed that the neighbor is creating a nuisance and the Township is allowing this to be done.

Discussion turned to the forest management plan for the neighbor; the state plan was revised, and there were some comments between the Mayor and Ms. Smith on the approval process. Ms. Smith was adamant that the Township was allowing the owner to do whatever he wants without care about the impact on her property. Mayor Wang-Iverson spoke about multiple conversations with Mr. Cushing, Mr. Kneski, Mrs. Busher, and Mr. O’Neal, “... people with over 100 years of experience altogether,” about the matter.

Edwin Sailer, 129 Back Brook Road, suggested checking with the experts since the issue is dynamic and show Ms. Smith ordinances in writing about what is legitimate. Ms. Smith said she has paperwork. She asked the attorney about enforcement.

Mr. Cushing spoke about the process, and the Zoning Officer is involved. He said that the Township Committee meeting was a place for fact based discussions, one person at a time. The Zoning Officer made the determination that there was no violation, and if Ms. Smith was dissatisfied with this determination, she could appeal to the Board of Adjustment. The governing body does not have the authority to over-rule the Zoning Officer. Mr. Cushing spoke about government officials making judgment calls based on facts, and the process is to go to the next step for a disagreement with the Zoning Officer determination, which is the Board of Adjustment. The governing body, for policy and legal reasons, cannot overrule the Zoning Officer.

Ms. Smith cited the tree harvesting ordinance with specific details about tree cutting. Mr. Cushing noted that the ordinance does not apply if there is a forest management plan. The Zoning Officer concluded that there was a plan in effect. Mr. Cushing recommended that Mr. Kneski prepare a letter to Ms. Smith and explain the time frame for appealing to the Board of Adjustment. Ms. Smith can then appeal to the Board of Adjustment as the next step. Ms. Smith thought that the matter was “black and white.”

Earl Hartman, 20 Back Brook Road, provided a picture with the view from his deck. His concerns include: a dumpster on site for a month; a trailer and fence beyond his property line; the trailer is owned by a company that the neighbor owns and is filled with mulch hay made two weeks ago; he had to cancel his 4th of July party because he was embarrassed to have anyone on his deck; there was a large track hoe in the same spot since the first week in January for the next two months, used to tear out tree stumps; the property is no longer the woods it once was. He was told by the Township that the neighbor was fined for removing trees too close to the creek and was required to replant.

Frances Gavigan, 123 Wertsville Road, spoke about right to farm protections and suggested going to the Hunterdon County Agriculture Development Board (CADB), who has a system and practices in place to manage and mitigate agricultural concerns. She mentioned that this is not

an isolated case, citing an issue on Cider Mill Road last year. She felt that there were a lot of quietly operated truck storage and hauling operations going on along with furniture manufactures “off the radar.” She said that the Township was limited locally, but there were other police policies elsewhere. Ms. Gavigan said that besides removing the trees, the topography was changed so that the pitch and rate of water into a Class A stream may be affected, which might be another concern.

Mr. Cushing commented on the possibility that the property is a commercial farm, and the residents could approach Rick Steffy at CADB.

Mr. Sailer felt that the property owner was not taking the matter seriously, adding that going to a higher level might be difficult if they were busy.

Joseph Orvos, 30 Back Brook Road, mentioned the neighbor bringing in fill for a huge area and taking top soil, beginning as early as 6:30 – 7:00 a.m. in the morning. He believed that there were local ordinances that would stop the neighbor, but the Township did not care. He believed that the Township should be fighting the issue, going to the State Forestry Department and elsewhere, adding that “it didn’t make sense.”

Ms. Smith added that a large industrial road for a 2.5 acre field was unnecessary, and farming does not require such large equipment. She also asked to include on the record that the “Township find a new Zoning Officer ... Mr. Kneski is a nice person, but this situation was handled terribly.”

Ms. Gavigan mentioned what she referred to as a “pattern of quiet industrialization in East Amwell” and suggested a coordinated process for a faster response system to situations such as on Cider Mill Road and John Ringo Road. She suggested a township ad hoc advisory group with access to expertise to assist when these types of situations arise. Ms. Gavigan again suggested that the residents turn to the CADB or the State Agriculture Development Committee (SADC) in Trenton.

Deputy Mayor Sageser recalled going to SADC and CADB with the Stahl and Everitt properties, and they were told about protections under the right to farm regulations, adding that Ms. Gavigan was on the side of the farmers at that time. Ms. Gavigan said that she has gone to CADB on a number of occasions, along with other meetings in other parts of the county where action was taken. She added that putting in the time, hours, and energy were helpful. Deputy Mayor Sageser agreed that CADB would be a good avenue, adding that in his experience, farmers have many rights; Ms. Smith opined that the neighbor was not a farmer.

Mayor Wang-Iverson concluded that everyone’s point of view was made.

Mr. Mathews asked if there was evidence of construction debris on the property, voicing his concern from a health and safety or NJ DEP perspective. He asked Mr. Kneski under what governance the property owner is acting.

Mr. Kneski said that the problem is he came in after work started in December (saying that he did not take office until towards the end of January), and a lot of work had already commenced. The problem he saw at the time was a coordination effort by the state, county, and forestry, which he tried to bring together as one unit. There was a certified soil erosion plan for the site that the owner had through Hunterdon County Soil Conservation District (SCD) from June of 2014, i.e., a “fill and cut” permit that allows him to do what he is doing. The access road is allowed, with actually two of them going to the west and east fields. The driveways are required by SCD as tracking pads for equipment going off the driveway into the sites. There are two alternatives, i.e., one is to put it at the entrance to the driveway at Back Brook Road so dump trucks do not track mud onto streets. Since there was an existing driveway already, he was allowed to create two off shoots to create the tracking pads. The owner is only working on the west field so far. Mr. Kneski is aware of moving topsoil because during the earth moving on the west side, there was a construction access road near the brook where he staged equipment. The owner is now bringing top soil in for the surface of the disturbed areas and will seed it. Mr. Kneski was at the site on Tuesday and top soil is spread almost up to the tracking pad and will be stabilized so in the future if he needs to bring in tractors to the field, the tracking pads won’t sink.

Ms. Smith said that on Tuesday trees were being loaded when Mr. Kneski was present; Mr. Orvos said “this was incredible.”

Mr. Mathews asked under what auspices is the person doing the work, and Mr. Kneski answered that it was the Hunterdon County SCD. Ms. Smith spoke with the manager of SCD; their charter is that the soil is not taken off site onto the streets but do not authorize roads, which is the township’s responsibility.

Mr. Van Horn suggested that this could go to the Board of Adjustment for an appeal since the governing body has not authority in the matter.

Mr. Hartman explained what was done behind his property, including putting in a stone ballast from 200 feet from the primary driveway behind his barn and house, using a track hoe. He asked about where the fill (60 truck loads) was coming from, adding that top soil was piled in the field. He spoke about increased erosion and slope.

Mr. Mathew as asked about the cut and fill permit; Mr. Kneski confirmed the name of the permit under SCD.

Mr. Miller had a question for Mr. Cushing about the context of a nuisance definition as a Board of Adjustment issue. Mr. Cushing thought that it would be an opportunity for neighbors who chose to sue to be able to collect for damages though suit. Mr. Miller felt that this may be another alternative because this sounded like a nuisance to him.

Mr. Hartman said that the tracking pad could have been placed elsewhere on his property “not in the neighbors’ faces,” and there is a lot of truck traffic behind the properties, as early as at 7 a.m. in the morning and sometimes late at night. He said that he hasn’t enjoyed his property for the past six months. Mr. Miller said that this was why he brought up the nuisance ordinance. Mr. Hartman said that the farmers are protected from nuisance under right to farm. Mr. Cushing said that this was a very broad term, and under right to farm, as a commercial farm, the CADB will look at a standard agricultural management practice with the goal to allow farmers to continue to operate. Nuisance can be defined differently for individuals.

Mayor Wang-Iverson suggested curtailing discussion on this topic and asked if there were any other topics to be discussed. He felt that Mr. Cushing’s advice was best, and Mr. Kneski will be asked to write up a letter, and appeal can be made to the Board of Adjustment.

Mr. Orvos asked about cutting trees behind his house; Mayor Wang-Iverson said that there was an approved forest plan from the state. Mr. Mathews cautioned that just having the plan does not mean trees could be cut down, i.e., the owners have to follow their plans. The Mayor continued that the tree harvesting ordinance has an exemption for owners with approved forest management plans. Ms. Smith and Mr. Orvos argued that the Township could deny the forest management plan. Mr. Cushing said that the Zoning Officer made his determination, and the place to resolve is the Board of Adjustment to have everyone’s rights protected.

Ms. Smith asked for her paperwork back, commenting that she was disappointed in this board and while a registered Democrat, she would be voting differently next time.

Mr. Hartman asked Mr. Mathews about enforcing the tree ordinance; Mr. Mathews said it was up to the Zoning Officer to enforce it, providing historical information on the development of the ordinance with the final version allowing the Zoning Officer to adjudicate with a remedy to address his decision. Mr. Mathews said another recourse would be to make sure that the property owner is complying with the approved forest management plan.

Deputy Mayor Sageser added that the forest management plan could allow for clear cutting, and the Township would not have any control over that. He also mentioned serving on the committee that developed the tree harvesting ordinance, and the biggest problem was to make sure that the Township did not infringe on the rights of farmers yet still maintaining some control. Ms. Smith made some comments about industrialists.

The Mayor called for any comments on any other topics. There being none, motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to close to the public.

SPECIAL DISCUSSION, Continued**REQUEST FOR SOURLAND SPECTACULAR BICYCLE EVENT ON SEPTEMBER 12 AND USE OF SMALL MUNICIPAL PARKING LOT ON WERTSVILLE ROAD AS A REST STOP (See June 25th email from Bart Thompson)**

Mr. Thompson is the manager of the 3rd Annual Sourland Spectacular cycling event for approximately 800 – 1000 cyclists launched in Skillman. There are four routes with a lot of overlap; they are available on line at www.sourlandspectacular.com. There is a plan for two rest stops for the participants (water, snacks, toilet facilities) with one at the entrance to the Hillsborough Country Club and the second, the parking lot next to this building from 7 a.m. – 1 p.m. with cyclists coming around 9 a.m. The Clerk previously advised that there may be a conflict with soccer parents watching games, and an alternate suggestion of the fire company lot was made. Mr. Thompson reached out to the Fire Chief, but he hasn't received a response.

Mr. Mathews suggested the municipal parking lot. Mr. Thompson would be happy to use this lot, stating that the bicyclists would not take up a lot of space and needed a safe place to get off the road. Last year they used a small graveled lot on Mountain Road, which did not allow bicyclists to get their bikes off the road. Mr. Thompson said that Ringoes is a good, visible location for the rest stop, and this is a paved lot, which would be beneficial.

Deputy Mayor Sageser said that the only issue is a shared use, suggesting restricting the bicycles to the area closer to Route 202. Mr. Miller agreed that the large lot would be a better area. Mr. Mathews said that it would be up to Mr. Thompson to work out logistics of marking the area for the riders. He also voiced his concern with debris left on the roads after bicycle events, so he asked that a clean-up crew follow the route and pick up trash. Mr. Thompson will check with the Clerk and Administrator on Monday about this, with Mr. Van Horn advising him that he would also have to obtain port-a-potty permits.

A.B.C. CATERING PERMIT FOR BARN PARTY AT 107 VAN LIEUS ROAD ON AUGUST 1, 2015

Mr. Thompson said that he had some copies of maps, which he passed along to the governing body. Mr. Van Horn asked if this was the party held last year with 800 people; Mr. Thompson said that there were close to 1,600 last year.

Mr. Mathews asked about previous events. Mr. Thompson said that this is the 9th year at this location. He said that it started as a private party and was always a private party. It began to grow as more than a private party to a public party over the last three years. It became clear to Mr. Thompson last year that it was no longer a private party, and he wanted to go through the appropriate steps with the Township, State Police, and A.B.C. Mr. Mathews commented on never hearing about this over the past five years that he has served on the Township Committee.

Mr. Mathews asked how Mr. Thompson was related to the property; Mr. Thompson's father owns it (Thompson Land); his mother lives there; he moved there when he was eleven and still resides there. It is preserved land; the house, the lawn, and the barn are leased by Mr. Thompson's mother, and the rest of the land is leased by Greg Manners for agricultural use, with farm crops that are sold.

Mr. Thompson continued by saying that there is a charge to attend, and all information is available on the website and is listed on the A.B.C. contract. The name and liquor license are under Tapastre Restaurant in Somerville; Mr. Thompson believed that the vendor had a plenary license. Mr. Mathews asked if Mr. Thompson could confirm that the restaurant did indeed hold a plenary license because he believed that there was an error on item 9 regarding a mercantile business; Mr. Mathews thought that the sale of crops was mercantile. Mr. Thompson stated that his mother did not sell crops nor does the landowner. Mr. Mathews said that the property that the parking would be located on is leased to Greg Manners, who sells products. There was some discussion between the governing body members regarding this matter, i.e., whether there was a mercantile business on the property, and Mr. Mathews was not comfortable approving the application if there was an error on it.

Mr. Thompson stated that the Township was the last signature needed on this application, with Mr. Thompson noting his discussion with the State Police about the application. The bar owner is familiar with these licenses, and he has experience with these types of events. The map Mr. Thompson created was based on information provided by the caterer and on the needs of NJ A.B.C. He believed that the application would be approved by A.B.C.

Mr. Mathews raised another concern that this is preserved land, and the residents of East Amwell are subsidizing this property. This event’s profitability is being subsidized by the residents of East Amwell, the State, and the County who paid for the preservation of the land. He commented on running a commercial event that would be profitable to Mr. Thompson and the vendors, and the community is subsidizing something that they are getting no value from. Deputy Sageser asked how this differed from what Greg Manners was doing; Mr. Mathews said that Mr. Manners was a farmer. Mayor Wang-Iverson noted that Unionville Vineyard was also preserved. Mr. Mathews did not believe that when residents pay a 4 cent open space tax, this is what they intended. Deputy Mayor Sageser said that this was Green Acres property, not paid for by the Township’s open space tax. Mr. Mathews said state funds then paid for the property. Deputy Mayor Sageser commented on attending events on Green Acres property, noting that D & R Greenways holds such events, giving an example.

Mr. Miller spoke about the spirit of intent when the Township tells people that they are preserving land, i.e., is this what was intended. Deputy Mayor Sageser said that the property owners are told that they can still use their property for their own edification and enjoyment, adding that the house and part of the area is taxed appropriately. Mr. Mathews spoke about 1600 – 2000 people camping, asking if they would be on the taxed land. Deputy Mayor Sageser asked where it was said that they could not be on the Green Acre portion. Mr. Mathews said that this is not camp ground, adding that he did not support this application, and the item regarding mercantile business should say yes (not no). Deputy Mayor Sageser suggested checking with Mr. Matheny, who must have experience with these issues.

Mayor Wang-Iverson asked Mr. Cushing if there was a definition of mercantile business; Mr. Cushing did not have an answer tonight. He suggested that the Clerk consult with NJ A.B.C. about the definition. Mr. Van Horn asked how Unionville Vineyard ran a business on a preserved property. Mayor Wang-Iverson said that there was no restriction on farming on preserved land. Mr. Miller thought that the intent of asking for tax dollars was to support agriculture. There was an exchange between the governing body members about Unionville Vineyard as an agricultural and a commercial business, holding events. Mr. Miller did not think it was an accurate comparison between the activities at Unionville Vineyard and the event here with thousands of participants.

Mayor Wang-Iverson suggested moving along with the meeting and offered the resolution to approve the A.B.C. license for this event.

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RESOLUTION #88-15
RESOLUTION – ABC Catering Permit

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Catering Permit being granted to DV Food LLC d/b/a Tapastre, License #1818-33-001-013, 1 West High Street, Somerville, NJ 08876, for an event known as the Barn Party to be held at 107 Van Lieus Road on August 1, 2015.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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Motion by Mr. Van Horn and seconded by Deputy Mayor Sageser to approve the resolution.

Mr. Mathews asked about the amendment page indicating that there are no off-duty police officers. Mr. Thompson said that these were concerns from the State Police. Mr. Thompson spoke about his experience with the Sourland Music Festival and the Amwell Valley Music

Festival, which he has managed, and his experience with Hillsborough Township. Hillsborough Township requires a certain number of off-duty police to assist, but the State Police do not have this policy. They do not want any involvement with working security or being on site of the event, which Mr. Thompson did not know originally. The amendment addresses the State Police's policy.

The motion to approve the resolution was carried on a 3-2 vote, with Mr. Van Horn, Mr. Sageser, and Mr. Wang-Iverson voting yes and Mr. Mathews and Mr. Miller voting no.

CONSENT AGENDA ITEMS

A.B.C. SOCIAL AFFAIRS LICENSE FOR NATIONAL PSORIASIS FOUNDATION EVENT TO BE HELD AT THE UNIONVILLE VINEYARD ON AUGUST 15, 2015.

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RESOLUTION #89-15

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that they have no objection to a Social Affairs Permit being granted to the National Psoriasis Foundation for an event to be held at the Unionville Vineyard on August 15, 2015.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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ANNUAL A.B.C. LICENSES FOR HARVEST MOON INN AND AMWELL VALLEY FIRE COMPANY

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RESOLUTION #90-15

WHEREAS, Stan and Theresa Novak applied for the renewal of the Plenary Retail Consumption License -number 1008-32-001-006 with "Broad Package Privilege" for said premises, The Harvest Moon Inn, and

WHEREAS, the applicants have received tax clearance and has submitted the appropriate fee to the municipality, and no written complaints have been filed with the Municipal Clerk objecting to the renewal of this license, and

WHEREAS, the Township Committee finds that the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes and regulations promulgated thereunder, as well as municipal ordinances and conditions consistent with Title 33,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of East Amwell, County of Hunterdon, State of New Jersey, that the renewal of the Plenary Retail License for Brennex, Inc. under the name of The Harvest Moon Inn be approved and is hereby granted, subject to the following conditions:

a) It shall be noted on the license that "This license bears the 'Broad Package Privilege" pursuant to P.L. 1948, Chapter 98 (N.J.S.A. 33:1-12.23) and N.J.A.C. 13:2.35.1 et. se. (formerly state regulations No. 32)."

b) This renewal shall be effective for the July 1, 2015 – June 30, 2016 licensing period, and the Municipal Clerk is hereby authorized to sign and seal said license certificate and deliver the same to the Harvest Moon Inn.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION #91-15

WHEREAS, the Amwell Valley Fire Company, 22 John Ringo Road, Ringoes, NJ 08551 has applied for the renewal of their Club License #1008-31-002-001; and

WHEREAS, the applicant has received tax clearance and has submitted the appropriate fee to the municipality, and no written complaints have been filed with the Municipal Clerk objecting to the renewal of this license, and

WHEREAS, the Township Committee finds that the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes and regulations promulgated thereunder, as well as municipal ordinances and conditions consistent with Title 33,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of East Amwell, County of Hunterdon, State of New Jersey, that the renewal of the Club License for the Amwell Valley Fire Company be approved; and

BE IT FINALLY RESOLVED that this renewal shall be effective for the July 1, 2015 – June 30, 2016 licensing period, and the Municipal Clerk is hereby authorized to sign and seal said license certificate and deliver the same to the Amwell Valley Fire Company.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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AMENDED RESOLUTION FOR CERTIFIED RECYCLING COORDINATOR RICK SMITH

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RESOLUTION #92-15

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby amend Resolution 57-15 to change the amount of the fee paid to Rick Smith from \$200 to \$250 for submission of the NJ Recycling Grant Application for 2015.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION AUTHORIZING AN INCREASE IN THE BID THRESHOLD FROM \$36,000 TO \$40,000 AND THE QUOTE THRESHOLD FROM \$5400 TO \$6000 VIA QPA TIMOTHY MATHENY

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RESOLUTION #93-15

WHEREAS, the Township Committee of the Township of East Amwell originally approved Resolution #75-10 on May 13, 2010, appointing Timothy L. Matheny as Qualified Purchasing Agent, subsequently reappointing him annually thereafter to this position;

WHEREAS, Resolution #104-10 set the bid threshold at \$36,000 in 2010 and the New Jersey State Treasurer has increased the minimum bid threshold from \$36,000 to \$40,000 subject to municipalities having Qualified Purchasing Agents;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, that they hereby authorize QPA Timothy L. Matheny to

utilize the new bid threshold of \$40,000, effective July 1, 2015, also increasing the quote threshold to \$6,000 as fifteen (15) percent of the new bid threshold; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the Division of Local Government Services for their records.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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REVISED HUNTERDON COUNTY OPEN SPACE TRUST FUND TO ASSIGN
REMAINDER MONIES TO DEBT INCURRED WITH CLAWSON PARK
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RESOLUTION #94-15

(Revision of Resolution 81-15)

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 \$21,942.80 to fund the following projects: Purchase of open space property, Block 35, Lot 18.01, in the amount of \$15,100.00 and the remainder, \$6,842.80, for Marion F. Clawson Park debt, Block 14, Lot 15;

Reimbursement of debt incurred for expenses on purchase of property belonging to East Jersey Developers, Block 35, Lot 18.01, acquired with partial funding from East Amwell Township per cost sharing agreements with Hunterdon County and Green Acres as part of the ten percent (10%) of the annual funds collected from the Open Space Trust Fund annually allocated to municipalities in connection with the Municipal Grant Program. Reimbursement also for debt incurred related to the purchase of Marian F. Clawson Park through as a Green Acres property in the village of Ringoes and financed through bonds.

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 (b) provide additional application information and furnish such documents as may be required for the Municipal Grant 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 35, Lot 18.01 (East Jersey Developers) 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,

David Wang-Iverson, Mayor

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RWJ UNIVERSITY FOUNDATION RAFFLE AT THE RIDGE AT BACK BROOK ON AUGUST 3, 2015

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RESOLUTION #95- 15

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of RWJ University Hospital Foundation, Inc., 10 Plum Street, Suite 910, New Brunswick, NJ 08901; and

WHEREAS, the Foundation has made application to hold an on-premise raffle on August 3, 2015, from 10:30 a.m. – 7 p.m. at The Ridge at Back Brook, 211 Wertsville Road, Ringoes, NJ 08551;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, that raffle license number #RL-15-05 be approved and processed.

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 to approve all the consent agenda items.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

Public Hearings:

ORDINANCE 15-10: AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF AN ASPHALT ROLLER AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND APPROPRIATING \$36,000 FROM THE CAPITAL SURPLUS FUND

Mrs. Dymek provided the legal notice from the June 18, 2015, issue of the Hunterdon County Democrat, adding that the ordinance was posted and available to the public since introduction on June 11, 2015.

Mayor Wang-Iverson opened the meeting to the public for comments. There being none, motion by Mr. Van Horn, seconded by Mr. Miller, and carried to close to the public.

Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously by roll call vote to adopt Ordinance 15-10: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

ORDINANCE 15-11: AN ORDINANCE TO PROVIDE FOR PURCHASE OF AND INSTALLATION OF COMPUTER EQUIPMENT AND SOFTWARE UPGRADES FOR VARIOUS DEPARTMENTS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$15,000.00 FROM THE CAPITAL SURPLUS FUND.

Mrs. Dymek provided the legal notice from the June 18, 2015, issue of the Hunterdon County Democrat, adding that the ordinance was posted and available to the public since introduction on June 11, 2015.

Mayor Wang-Iverson opened the meeting to the public for comments. There being none, motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried to close to the public.

Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously by roll call vote to adopt Ordinance 15-11: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

ORDINANCE 15-12 AN ORDINANCE APPROPRIATING THE SUM OF \$11,500 FROM THE CAPITAL FUND BALANCE FOR THE PURCHASE OF A MOWER FOR THE DEPARTMENT OF PUBLIC WORKS

Mrs. Dymek provided the legal notice from the June 18, 2015, issue of the Hunterdon County Democrat, adding that the ordinance was posted and available to the public since introduction on June 11, 2015.

Mayor Wang-Iverson opened the meeting to the public for comments. There being none, motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried to close to the public.

Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously by roll call vote to adopt Ordinance 15-10: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

Introduction of Ordinances:

ORDINANCE 15-13

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ORDINANCE # 15-13

REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,600,000 REFUNDING BONDS OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY.

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

Section 1. For the purposes stated in Section 2 of this refunding bond ordinance, negotiable bonds of The Township of East Amwell, in the County of Hunterdon, New Jersey (the "Township"), each to be known as "Refunding Bond" (with such other words incorporated in the title as may hereafter be determined), are hereby authorized to be issued, in one or more series, in the aggregate principal amount of \$1,600,000 pursuant to Section 40A:2-51 et seq., of the Local Bond Law of the State of New Jersey (the "Local Bond Law").

Section 2. The purposes for which said bonds are authorized are as follows:

(a) To pay, fund or refund (i) \$1,435,000 aggregate principal amount of General Improvement Bonds of 2003 of the Township, dated February 15, 2003, and maturing on February 15 in each of the years 2016 to 2023, both inclusive, and such other bonds of such issue as may be desirable, (ii) interest payable on said bonds to be refunded, if any, until the date or dates said bonds to be refunded mature or are to be redeemed and (iii) redemption premium, if any, payable on said bonds to be refunded.

(b) To pay the costs of issuance of such refunding bonds, including printing, advertising, accounting, financial (including underwriters' discount, original issue discount, bond insurance premium, escrow agent, verification agent and rating agency expenses) and legal expenses, not exceeding \$75,000 (any excess thereof after application to such costs to be applied either to payment of the amounts referred to in section 2(a) hereof or to the payment of debt service on any bonds issued pursuant to this refunding bond ordinance).

Section 3. The following matters are hereby determined, declared, recited and stated:

(a) Further provisions as to the refunding bonds authorized by this refunding bond ordinance shall be determined by subsequent resolution of the governing body of the Township, or the determination thereof shall be delegated by such resolution to the Chief Financial Officer or other official of the Township.

(b) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director"), and such statement shows that, while the net debt of the Township determined as provided in the Local Bond Law is reduced by the amount of bonds to be paid, funded or refunded by the bonds authorized by this refunding bond ordinance (i.e., \$1,435,000), the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds provided for in this refunding bond ordinance by \$1,600,000, and the said obligations authorized by this refunding bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 4. Said bonds shall recite that they are issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes.

Section 5. The Chief Financial Officer of the Township is hereby authorized and directed to file with the Director, within ten (10) days after the issuance of the said bonds, the documents required by the provisions of N.J.A.C. 5:30 - 2.5(b).

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this refunding bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and, unless paid from revenues of the water supply and distribution system of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. This refunding bond ordinance shall take effect twenty (20) days after the first publication hereof after final passage.

By Order of the Township Committee,

David Wang-Iverson, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC

Introduced:

Adopted:

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Mayor Wang-Iverson said that this is the refunding bond ordinance that Ms. Pasqua mentioned earlier in the meeting.

Motion by Mr. Van Horn to introduce Ordinance 15-13 and seconded by Mr. Miller.

Mr. Mathews asked Ms. Pasqua about the rate being targeted and when will it change again. Ms. Pasqua spoke with Bond Counsel, and he suggested doing the ordinance now since the rates will be changing in September, October, or November, and the benefit will not be as great. She said that the

Township will have to introduce tonight and adopt next month, and Bond Counsel will do the necessary work after that.

All were in favor by unanimous vote: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

ORDINANCE 15-14

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**EAST AMWELL TOWNSHIP
ORDINANCE #15-14**

AN ORDINANCE TO AMEND CHAPTER 75, FEES, OF THE CODE OF EAST AMWELL TOWNSHIP TO ADD A NEW SECTION FOR FEES FOR USE OF THE SOCCER FIELDS LOCATED AT EAST AMWELL TOWNSHIP SCHOOL

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby amend Chapter 75 of The Code of East Amwell as follows:

Section 75-1, Event fees and miscellaneous fees.

B. Miscellaneous fees shall be as follows:

ADD

(8) Fees for use of soccer fields located at East Amwell Township School: \$200 for secondary parties per game, with secondary parties defined as those who do not have independent agreements with the East Amwell Township Recreation Committee.

This ordinance shall take effect upon publication according to law.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

Introduced:

Adopted:

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Mayor Wang-Iverson said that the ordinance would allow collection of fees for use of the soccer field at East Amwell Township School.

Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to introduce Ordinance 15-14.

SPECIAL COMMITTEE REPORTS – None

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE - Mr. Matheny was excused for this evening, and Mayor Wang-Iverson gave his update.

1) Reappointment of Gary Myers as OEM Coordinator, effective July 15, 2015: Mr. Miller asked if there was a reason that this was not done at the beginning of the year. The Mayor explained that the term runs from July to July.

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RESOLUTION #96 -15

WHEREAS, the Township of East Amwell is in need of an Emergency Management Coordinator; and

WHEREAS, Gary Myers is qualified for this position and faithfully served previously in three year positions as the Emergency Management Coordinator for the Township of East Amwell;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby appoint Gary Myers as the Office of Emergency Management Coordinator for a three year term effective July 16, 2015 through July 15, 201.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

2) Award of 2015 M & R Bids: Mayor Wang-Iverson said that the Clerk forwarded the most recent resolution awarding the bids. (For the record, there were three bidders for the opening on June 24, 2015, at 11 a.m.: Trap Rock Industries, LLC; Stavola Construction Materials Inc.; and R & H Truck Parts and Services, Inc. Bids were reviewed by Township Attorney Judy Kopen and tabulated by Engineer Dennis O’Neal. CFO Margaret Pasqua previously provided a certification of funds.)

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RESOLUTION #97 -15

BE IT RESOLVED by the Township Committee of the Township of East Amwell that the following contracts pursuant to the Local Public Contracts Law NJSA 40A:11-1, et. al., be awarded to the following vendors:

2015 Road Maintenance and Repair Materials
Contract Period is for One Year from Time of Award with Options

Trap Rock Industries, LLC
P O Box 419
Kingston, NJ 08528
Up to 500 tons MABC I-4 FOB \$34,000 at \$68.00 per ton
Up to 500 tons FABC I-5 FOB \$34,000 at \$68.00 per ton
Up to 600 tons of 1” blend stone, FDS \$7,800 at \$13.00 per ton
Up to 400 tons of 3/4 “ clean stone, FDS \$7,000 at \$17.50 per ton

Stavola Construction Materials, Inc.
175 Drift Road
Tinton Falls, NJ 07724 for Materials F.O.B. from
205 Pennsylvania Avenue, Flemington, NJ 08822
Up to 100 tons Rip Rap Stone, D50=6”, \$2,275 at \$22.75 per ton
Up to 300 tons Recycle Bituminous Material, \$9,000 at \$30.00 per ton

BE IT FURTHER RESOLVED that this award is based upon attorney review and certification of funds by the East Amwell CFO.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

3) Surplus Property: Mr. Matheny previously advised the Mayor that there would be a resolution to sell the existing roller. Mrs. Dymek said that the resolution will be held until the next meeting.

4) New Contract for Phone Service: Mr. Matheny is arranging a new contract with Comcast for phone service, which would save approximately \$300 a month. The current arrangement is with AT&T and Century Link at approximately \$650 per month, and Comcast expenses will be about \$350 per month.

5) Open Foundation at 65 John Ringo Road: Mr. Matheny was able to contact Wells Fargo about the open foundation on this property. There is a plastic fence around the foundation, which is all that is required to be done. Deputy Mayor Sageser asked whose requirement makes such a fence adequate, saying it was not in the building code. Mr. Van Horn said that the Construction Official advised that was what was necessary. Deputy Mayor Sageser suggested passing an ordinance to require a specific fence, saying that the Construction Official has discretion on his recommendations. Mayor Wang-Iverson asked Mr. Van Horn to check this with the Construction Official. Mr. Van Horn asked if the Township would pay for a different fence; the Deputy Mayor said that if an ordinance required a specific fence, the property owner would have to abide by the ordinance. Mr. Mathews thought that this would conflict with the recently passed ordinance, which delegated the code, standards, and enforcement to the Construction Official. Deputy Mayor Sageser agreed, realizing that the ordinance would have to be amended for better fencing.

Similarly required orange fencing put up at property on Route 31 is now gone; Mr. Van Horn noted that there would be a hearing for that property owner on August 3 at 6 p.m. in West Amwell. Mr. Van Horn said that notices have been filed with the owners of the property on Route 31 and on Old York Road, who have not communicated with the Construction Official. The Construction Official also filed a notice on the property located at 65 John Ringo Road. The question from the Construction Official is what happens if the owners do not appear at the hearings, and Mr. Van Horn told him that he would bring it back to the Township Committee. The ordinance is silent on this matter with the assumption that the property owners will appear at the hearing. There is also the ability for the property owners to appeal to the State Construction Code.

Mr. Mathews believed that if there was no compliance, the Township has the authority to remediate the safety situation. Mayor Wang-Iverson agreed. Mr. Van Horn said that the matter must come back to the Township Committee if there is no compliance, and at this time, there is a clear violation. All were in agreement that the hearing must be held, and depending on the outcome, the matter may come back to the governing body.

Deputy Mayor Sageser commented that the fact that there is an orange fence at 65 John Ringo signifies compliance, adding that perhaps a stronger fence would better serve the Township.

Mr. Mathews asked about the property on Route 31. Mr. Van Horn said that it was the house that burned down; there is now a sale sign on the property, and the owner has stopped communications with the Construction Official. Mr. Mathews asked if the fact that the property is for sale is a “wrinkle” because of the Township’s ordinance; Mayor Wang-Iverson said that the unfit building ordinance applies to both occupied and unoccupied dwellings, and this is a public safety issue. Mr. Van Horn said that the owner did get a permit for demolition, but communications have stopped a few months ago. Some comments were exchanged by the governing body on selling the property with or without the dwelling.

Mr. Van Horn will communicate with the Construction Official for ideas about better fencing than the orange plastic type.

CONTINUED DISCUSSION ON A DRAFT ORDINANCE FOR ABANDONED AND FORECLOSED PROPERTIES (SEE MAY 14 AND JUNE 11, 2015 MINUTES FOR BACKGROUND)

Mayor Wang-Iverson sent out a draft ordinance to the Township Committee and the Village Subcommittee, but not many comments were received. He would like an agreement on final language for introduction in August. The basis of this ordinance is the Holland Township ordinance that Mr. Cushing drafted for that municipality. Holland Township also has a property maintenance ordinance, which was referred to in their version of the abandoned/foreclosed ordinance. The Mayor believed that East Amwell Township does not want to have a property maintenance ordinance, so he removed those references and added language about “the building code” and specific maintenance items, such as keeping the grass mowed, remediating vandalism, etc., to keep property maintenance issues specifically focused on abandoned buildings. Mr. Cushing was satisfied with these changes.

Mr. Miller reminded the governing body that at the last meeting, they talked about incorporating standards in this document rather than referring to another document. He was unclear if all the standards were included in this document. Mayor Wang-Iverson said that was what he did, and he spoke with Mr. Cushing earlier in the day about this ordinance. It should be clear that the ordinance is not for aesthetic purposes but for health and safety reasons and to prevent “blight of neighborhoods” – the first paragraph covers this point. He believed that if a property is maintained, people will know that the property is monitored at intervals.

Mr. Mathews had some comments, as follows: In the first “Whereas,” the wording “to an adequate standard,” he asked if wording of the standard was included. In the second “Whereas,” a question for Mr. Cushing is about the language about excessive police and fire calls since the Township does not have a local police department. Mr. Van Horn and Deputy Mayor Sageser said that the State Police make responses in the municipality in the area, with Mr. Van Horn providing an example on Snyderstown Road. Mr. Miller asked whether all these calls get reflected in the monthly State Police reports, including these types of calls; there was some discussion on this question, noting that not everything may be reported. Mr. Mathews’ question was whether the Township incurs disproportionate costs; Mr. Cushing suggested wording “the public incurs this cost.” Mr. Mathews referred to Section 1, item 1, Purpose, suggesting changing the word “govern the maintenance ...” to “establish the standard by which maintenance....” Under item 2, Definitions, Vacant Property, Mr. Mathews suggested changing “compliant with our building codes” to “Uniform Construction Code.”

Under item 3 (Requirements for Owners of Vacant Property), Item A, Mr. Mathews suggested changing “the Code of the Township of East Amwell” to “Uniform Construction Code.”

Item B, the size of the sign at “18 inch by 24 inch” may not be big enough, and should say something like “sufficient to be seen from the public road” without referencing a specific size. Mr. Miller wondered whether the Township wanted to advertise the information in section B; Mayor Wang-Iverson said that he received a similar comment from a Village Sub-Committee member saying that the sign was too big. Mr. Mathews then recommended the wording “as legible from the nearest public street or sidewalk.” Mr. Miller recommended a small placard on the door. The Mayor asked how Holland Township came up with the sign size; Mr. Cushing said that there was a relationship between the size and the distance, so the sign could be closer to the street. Mr. Cushing agreed with Mr. Miller’s suggestion to be discreet, while having information available to police or fire fighters in an emergency. The Mayor noted a house in the village area that has contact information on the door with an 8.5 inch by 11 inch sign; some of the governing body members agreed with this type of display.

Mr. Mathews referenced item E regarding monthly inspection reports sent to the Zoning Officer, asking if this was excessive. Mr. Mathews recommended periodic, while other governing body members suggested quarterly. The Mayor said the objective was for maintenance of the properties to keep them from deteriorating, and he agreed that the Township could try quarterly reports.

Mr. Mathews referred to item F regarding lawn heights, not knowing about the appropriate height. He thought that 12 inches might allow vegetation to go to seed, which was a problem with Mr. Kanach in the past. Mayor Wang-Iverson said 10 inches was in the Holland ordinance, and he agreed that it could be set at that figure.

Mr. Mathews referred to Item 5 (Violations and Penalties), item B, regarding “...rules and regulations of the Zoning Officer,” suggesting “rules and regulations of the Township Committee and its designees” with the Zoning Officer being the designee. He also asked about the punishment of \$2500 each day for the creditors and whether it was consistent with the violations in the first section.

Mayor Wang-Iverson asked Mr. Cushing if the creditor section was separate or does it go into one ordinance. Mr. Cushing said that there were two separate statutes as the basis of this ordinance with the creditors having a heavier fine as an incentive to comply; he agreed that these portions can be in one ordinance.

Mayor Wang-Iverson will incorporate these changes and provide them to the governing body. He said that this ordinance is the next recommendation from the Village Sub-Committee, and he would like to be able to introduce it in August.

MAYOR'S UPDATE

Mayor Wang-Iverson received an email from HART, and the Township received an award for adopting the Complete Streets Resolution. He said that progress is being made with speed limits changed on Wertsville Road and a resolution for a change in speed limit on John Ringo Road was passed at the last Hunterdon County Freeholder's meeting. The radar signs are ready for installation, and Mr. Matheny is working with the Hunterdon County Engineer's Office for a location nearby Princeton Hydro. The radar sign will be the official speed limit sign, if the County agrees.

The tax rate came out this week, and the municipal rate is the same as last year at .184, while the total rate is up slightly from last year's 2.283 to 2.300, primarily due to increases in the school and a small increase to the fire tax.

NEW BUSINESS

TAX ABATEMENT ORDINANCE

Mayor Wang-Iverson brought this up last year, and he again re-circulated the Flemington Borough ordinance. This is part of the Village Study recommendations, rather than only having punitive type ordinances. This would be an incentive for residents to improve their properties. He would like to see an ordinance that targets properties that are more in need, such as properties in distress, not just "a new bathroom remodel." As an example, if the house is valued at \$150,000 and there is an improvement with a \$50,000 investment, the assessment stays at \$150,000 for five years, and in year six, it goes to \$200,000. Mr. Van Horn said that some other municipalities may have phased-in abatement plans, and the Mayor agreed that the Township could consider a 20% per year phase in over the five years, i.e., not a huge amount of money, but a little incentive to have owners keep up their properties.

Mr. Miller asked if the incentives would be oriented to external improvements, e.g., what if someone wanted to build a pool. Mayor Wang-Iverson said that the ordinance would have to be so written to deal with distressed properties, particularly in the village. Last year he looked at a tax listing from the Assessor showing land value v. improved value. He recommended looking at the improved value relative to the land value or total and come up with a ratio, e.g., if improved value is twice the amount of the total, that owner would not qualify. This was just an idea on how to target the abatement to those who really need it, and it would be a township wide ordinance. The Mayor explained that Flemington's ordinance is targeted to their redevelopment area only, and the East Amwell Township Planning Board chose not to go that route with the Village Study, but could reconsider.

Mr. Mathews said that he would look at equity, and if the certain households are not paying taxes on the total property value with a tax abatement, and others are, then tax revenues are disproportionate. He would like to see it broad enough for everyone in the municipality, if they fall into the category, to be eligible. He felt that drawing the line is the hard part.

The governing body continued to exchange comments, with the following highlights: Deputy Mayor Sageser would like to see some incentives, adding assistance from 501c3 organizations or interested volunteers; Mr. Van Horn noted that a full tax is due even if some properties are under abatements; Mr. Miller would like to know more about the impact to the remainder of the tax payers; Mr. Van Horn spoke about the advantage to the other tax payers by having improved properties in their neighborhoods; Mr. Miller liked the incentive for outside work so that it would be a visible improvement to a neighborhood; the village is in most need of the program, and it is hoped that residents would take advantage of it; Mr. Mathews spoke about "systemic improvements" ... for everyone in the village area, such as wells or septic systems, for a bigger impact – he also suggested

potential partnership with banks providing low interest loans; Mr. Cushing said incentives would have to be within statutory limitations; Deputy Mayor Sageser provide information on 10 year tax abatements in Philadelphia.

Mr. Miller spoke about broad application of this ordinance to the entire township because the entire township is being asked to cover costs. Mayor Wang-Iverson agreed with this comment because there will be properties in other parts of the township with issues. He said that the focus is the village at the moment, but it can be crafted to benefit the entire township. A draft ordinance may be discussed by the end of the year, with Deputy Mayor Sageser suggesting getting other sample ordinances besides the one from Flemington Borough.

FILL DIRT ORDINANCE AND ACCESSORY DRIVEWAY ORDINANCE

Mayor Wang-Iverson said that these two topics were an outgrowth of what was happening on Back Brook Road, although the fill dirt issue did come up last year on Cider Mill Road. There was a sample ordinance from Brick Township, which was very comprehensive. The objective is what is being brought in and dumped, and the Township wants to have some control on what is being brought into the township. Earlier in the year, the Zoning Officer pointed out to the Mayor that there was an ordinance that topsoil cannot be removed from the municipality, but there is no ordinance about bringing materials into the township. The Mayor asked the governing body to think about this topic, saying it made sense at a minimum to require a certification that large deliveries of fill are clean. Mr. Miller asked to what extent this ordinance would be "overshadowed" by other regulatory agencies, such as Hunterdon County Soil Conservation District "cut and fill" permits. He understood that some things are out of the Township's control if another agency had jurisdiction. Mayor Wang-Iverson did not think that this type of local ordinance would be a problem. Mr. Cushing also commented on the right to farm regulations which the CADB oversee. Deputy Mayor Sageser felt that CADB would have as much interest that farms are not polluted by trucked in material. Mr. Cushing agreed that CADB takes into account the needs of the municipalities, and there is a mediation process led by Rick Steffy. Having an overlapping jurisdiction lets other agencies know that there are important issues for the township.

Mayor Wang-Iverson mentioned checking with CADB and HC Soil Conservation District for their opinion on these types of ordinances before development. Deputy Mayor Sageser added that a state forestry management plan may be in deference to what neighbors may wish to see, but they are approved. Mr. Mathews agreed with this recommendation, speculating that a property owner may have a business and use his/her own land to dump materials from a business without necessitating a permit. Mr. Mathews believed that an ordinance to protect water and land from debris was a good idea, with conflicts being resolved. The Deputy Mayor and Mayor commented on the operation on Back Brook Road regarding brook encroachment and remediation.

The Mayor and Zoning Officer will work together on following up with the County on this type of ordinance. Mr. Mathews asked about a NJ DEP standard for clean fill, which is a good start; Mayor Wang-Iverson said that this reference was quoted in the Brick Township ordinance.

Mayor Wang-Iverson spoke about the accessory driveway ordinance, acknowledging the "terrible" situation for the neighbors on Back Brook Road. The Township does not have an ordinance to address it, and Deputy Mayor Sageser asked how such an ordinance would be applied to a temporary farm road. The Mayor mentioned the intent of the property owner to get to farmland assessment, and regulating such a driveway would be difficult. Mr. Van Horn believed that selling mulch hay is allowed under farmland assessment, with the Mayor commenting on a discussion with the Assessor about records provided to allow partial farmland assessment on this property for next year.

Comments were exchanged between the governing body members about the potential for an ordinance, noting that the current issue involves having two access driveways rights immediately adjacent to the neighbors' properties, i.e., the Smith/Orvos property has the driveway 100 feet from their back deck. Mr. Miller said that there were a lot of flag lots, although not the same as the temporary roads. Mr. Mathews asked about an ordinance with setbacks in place now; Mayor Wang-Iverson spoke about a requirement for 75 foot setback requirement for flag lots. The attorney told him that it only applies to structures, not driveways. Deputy Mayor Sageser said it was a temporary road and was probably required by SCD. Mr. Kneski commented on the requirement for tracking pads under the state erosion control laws, which is enforced by the county. Mr. Kneski said that a local ordinance could restrict the ability to build these tracks and leaving them in place. He

reiterated his previous comments on the construction of these areas which would be top-soiled and seeded but remain in place for future use.

Deputy Mayor Sageser spoke about Planning Board applications for flag lots, and he suggested including requirements for easements in the ordinance which restricted accessory roads. Mr. Miller asked if this would change a planning or zoning requirement; Mr. Van Horn thought that this would have to be coordinated with the state with right to farm issues. Mayor Wang-Iverson agreed that it may be a CADB issue if the road is needed for a hay field.

Mayor Wang-Iverson concluded that he and the Zoning Officer will work on the fill dirt ordinance, and the Township Committee will think about the accessory driveway ordinance.

EXECUTIVE SESSION – NONE

Mr. Cushing left the meeting at this time (10:03 p.m.), with the Township Committee thanking him for his memo on COAH.

ADMINISTRATIVE REPORTS

Treasurer Pasqua provided bills of the evening. Motion by Mr. Van Horn to approve the bills of the evening, seconded by Mr. Miller, and carried unanimously.

Treasurer’s Resolution(s):

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RESOLUTION #98-15

WHEREAS the Township Committee of the Township of East Amwell wishes to use funds from the Open Space Trust Fund for costs associated with the purchase of East Jersey Developers Property, Block 35, Lot 18.01;

WHEREAS, the Township has agreed to cost share on this purchase with D & R Greenways Land Trust and the County of Hunterdon, and they will also be applying for their portion of the Hunterdon County Open Space Trust Fund for reimbursement after the purchase transaction is complete;

THEREFORE BE IT RESOLVED that the Treasurer be directed to write a check from the Open Space Trust Fund in the amount of \$15,100 to cover East Amwell Township’s portion of the cost for acquisition of Block 35, Lot 18.01 at this time.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

Tax Collector Hyland provided her monthly report.

Tax Collector Resolutions:

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RESOLUTION #99-15

WHEREAS there has been a redemption made for Tax Sale Certificate #201404, Block 22, Lot 4, 56 Rainbow Hill Road, sold on October 9th 2014 to US Bank Cust for Pro Cap 4 Firstrust and,

WHEREAS, the amount of \$37,236.30 has been collected from Emigrant Mortgage Company for the redemption of this Tax Sale Certificate #201404,

THEREFORE, BE IT RESOLVED that a check in the amount of \$37,236.30 be prepared and the Mayor, Treasurer, and Clerk be authorized to sign this check and that it be mailed to US Bank Cust for Pro Cap 4 Firstrust, and

THEREFORE, BE IT FURTHER RESOLVED, that the premium paid for Certificate 201404 of \$25,000.00 also be returned to US Bank Cust for Pro Cap 4 Firstrust, and that these checks be mailed to:

US Bank Cust for PC 4 Firstrust
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION #100-15

WHEREAS the certified 2015 tax rate may be delayed from the Tax Board of Hunterdon County, and

WHEREAS this amount is needed for the property tax bills to be printed, and

WHEREAS there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged,

THEREFORE, BE IT RESOLVED that pursuant to N.J.S.A. 54:4-66 et seq. the payment without interest for third quarter 2015 taxes will be extended to at least twenty-five days from mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing form August 1, 2015.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously.

DPW Superintendent Silverthorn provided the June report. Mr. Mathews asked about the June 8th entry about “load out chips to Rutgers and Sweet Valley.” The Mayor said that the last tub grinding wood was shredded rather than mulched, and Rutgers and Sweet Valley were taking it. Some comments were exchanged by the governing body on getting rid of the material because of NJ DEP regulations and whether the businesses were paying for it or not. Mr. Mathews wanted to make sure that the Township did not use its trucks to deliver the material since we now have an ordinance to charge for deliveries, and if the businesses are using it for resale or for their own consumption. Deputy Mayor Sageser said that the Township’s main concern was that they get rid of the material. The Mayor will follow up on these questions.

The Mayor commented on the DPW “doing heroic work out there,” mentioning the massive job on Rainbow Hill Road.

State Police Report and West Amwell Police reports were noted for filing. Mayor Wang-Iverson has been talking to the Administrator about the possibility of getting more hours for West Amwell next

year to spread enforcement around rather than focusing on the village. The Administrator has some calls into West Amwell's Police Chief, but there is no other update at this time.

CORRESPONDENCE

Mayor Wang-Iverson pointed out two items, 1) the Township was awarded a matching grant of \$310,000 from Green Acres, and 2) the speed limit on John Ringo Road was reduced by the Hunterdon County Freeholders.

Mr. Mathews also pointed out the correspondence from Hopewell Township regarding a gas station development. It was speculated that this would be where the former Karen's ice cream store was located.

ADJOURNMENT

There being no further business, motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to adjourn the meeting at 10:09 p.m.

Taken from the Recording
Teresa R. Stahl, RMC/CMC
Municipal Clerk