

The regular meeting of the East Amwell Township Committee was called to order at 7:38 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 and Attorney Richard Cushing were also in attendance.

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 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 June 9, 2015.

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

AGENDA REVIEW

Under Special Discussion, item A, COAH, will be held until Planning Board Chairman Don Reilly was present. The New Business Item, National Psoriasis Foundation Bicycle Event, was also moved to Special Discussion at this time. Two Items of Correspondence from the League of Municipalities were added: 6-9 Supreme Court Pension Obligation Decision and 6-9 OPRA/OPMA Legislative Issues.

ANNOUNCEMENTS

East Amwell will have a table at the Hunterdon County Second Annual Community Day on June 13, 2015, at the South County Fairgrounds – the public is invited to attend this family event.

Municipal Offices will be closed on Friday, July 3, 2015, in observance of Independence Day.

Summer Playground will take place at the East Amwell Township School from June 29 to July 24, 2015. Cost per attendee is \$60 with a discount rate available through June 12.

UPDATE FROM THE CFO

CFO Margaret Pasqua reported that the audit is complete, and a corrective action plan was filed (as attached to the original set of minutes).

Mr. Matheny read into the record comments from the auditor, Robert Swisher, who was unable to attend the meeting this evening.

“If you recall, last year we had 7 findings in our report and it took us weeks to finish. This year there is only one finding and we were able to complete in a more timely manner. The one finding we had this year dealt with the Encumbrance Accounting System. This is where an item is purchased prior to it being encumbered on the Townships records. While there was an improvement over last year we still found many cases where this occurred. I am sure with continued efforts this can be corrected in 2015. I was extremely surprised on how fast the Township was able to correct so many problems.

“Financially the borough's fund balance increased by \$195,300.99, going from \$295,970.15 to \$491,271.14. I noticed where the Township was able to deliver a budget this year with no increase in the tax levy. This is tremendous and is a reflection of the improved financial position of the Township. That being said, I caution you and the Township Committee that while 2014 was a "good" year, there are no guarantees that this will continue. Since we are budgeting a lower amount for Reserve for uncollected taxes in the 2015 budget we will generate less surplus from tax collections in 2015 than we did in 2014. I do not mean to sound alarms but we need to keep this in mind as we plan for future budgets.

“East Amwell is certainly heading in the right direction with its finances. If you or anyone on council has any questions, please do not hesitate to contact me.”

Mayor Wang-Iverson commended Ms. Pasqua on a great job, starting her job at the beginning of October and turning the finance office around in a short time and reducing the number of findings by the auditor from seven to one. He again thanked Ms. Pasqua for all her work. Ms. Pasqua said that she set up some purchasing procedures, had a class on them and then sent a memo; she concluded that while it will never be a hundred percent, it is getting better but still has some glitches.

RESOLUTION ACKNOWLEDGING RECEIPT OF AUDIT

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RESOLUTION #80 –15

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION**

WHEREAS, N.J.S.A. 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 Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 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 N.J.A.C. 5:30-6.5, 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 Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; 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 N.J.A.C. 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 a 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, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

STANDING COMMITTEE REPORTS

BOARD OF HEALTH

Chair Tracy Carluccio was present for the update. Ms. Carluccio provided statistical data from the Board of Health, which the Board collects for budgeting purposes. The 2015 numbers are through this date: well permits in 2011, 1; 2012, 1; 2013, 4; 2014, 4; 2015, 0. Well permits are for new wells, or a test if there is an additional use on the property that will increase the amount of water significantly and must be certified. Other reasons for well testing would be if a well is non-producing, or for an agricultural use, such as a barn or something.

Septic applications were noted as follows: 2011, 10; 2012, 8; 2013, 14; 2014, 16; 2015, 6. Septic applications are 90% repairs for older systems aging out with most of them installed when the houses were built, i.e., 20-30 years old and failing systems because of some anomaly. Some times the applications will need local Board of Health approval for waivers or with conditions, e.g., for undersized lots. Ms. Carluccio explained that there is no approved test by the state for septic system approval for resale; she added that cess pools are no longer legal under state regulations. Older homes with a cesspool can no longer transfer, even if there is no malfunction. Homeowners or buyers now have to invest, and realtors are now requiring upgrades – this increase in septic systems is market and state regulation driven, and many are on sub-standard lots.

Mr. Mathews asked about any technology changes in septic systems “that would change the game of sand mound systems.” Ms. Carluccio said yes, with some just approved in the state code. These alternative systems come with lots of conditions and oversight, including maintenance and education. Ms. Carluccio mentioned peat filter systems, with several of them in the township now and not requiring mounds. She explained that sometimes, lots are undersized with no separation distances or there may be seasonal high water tables too high for treatment. Another type of alternative system is an aerobic system or a combination aerobic tank with modified fields. Reasons driving these changes include the fact that a mound may be greater than the height of a house. The newer systems are expensive too. Engineers are required to explain the reason for these types of installations rather than a traditional system, and special conditions are applied, including deed language for an annual maintenance contract, inspections, and reports to the Board of Health. These installations are also a burden to the taxpayers, including the annual inspection requirement, and the need to keep separate files on each of these installations is added administrative work for the Board of Health secretary. Ms. Carluccio provided specific costs associated with septic systems, e.g., a maintenance contract for an alternative system may cost about \$1,000 a year while pumping the septic system every 3 – 5 years costs between \$300-500. Additionally, alternative systems require alarms, and if there is a power outage, the system may not be working and no notification is given. The Board of Health carefully regulates approvals of these systems, which are mostly for smaller lots.

Ms. Carluccio provided specifics about soil tests, adding that sometimes people pay for a lot of testing but may decide into the testing that they do not want to complete it and do not build a system. Statistics for soil testing requests were as follows: 2011, 11; 2012, 10; 2013, 19; 2014, 20; 2015, 8 to date.

Last year the Board of Health amended their food establishment licensing ordinance to provide annual permits to mobile food establishments in four locations: South County Park, the field behind the Fire Company; Unionville Vineyard, and Old York Vineyard. This annual license is a savings for the business and allows them to attend yearly venues at these locations. It allows less of an administrative burden on the secretary and is more economical for the vendors. The requirements for this type of license include a more sophisticated washing and disposal system than other vendor trucks that also have minimum standards. Last year there were no mobile annual permits, and there were two this year. It is anticipated that more mobile food businesses will be taking advantage of this type of permit in the near future.

Events at the Hunterdon County Fairgrounds have been increasing. At a recent Hunterdon County Health Department Annual Meeting, East Amwell was cited as having the second highest number of food licenses (surpassed by Bloomsbury because of the balloon festival). It is

expected that there is going to be more growth going forward, with sometimes events being held two or three weekends every month. Food trucks are very popular, and the workload for the secretary will likely expand; Ms. Carluccio wanted to advise the governing body of this in terms of possible increases in budget going forth. The County needs to have timely information on issued licenses so that they can schedule inspections; individually licensed vendors are inspected at every event, and sometimes, the County will do spot inspections on annually licensed trucks. An annual license costs the vendor \$225; a temporary license is \$125. The Board of Health may consider raising the fees if the workload increases.

The Board of Health also prepared new handouts this year on wells and septic systems, and they are posted on the website. Ms. Carluccio concluded that there were no ordinance changes proposed this year, although the Board will work on the septic system ordinance to align it with new state requirements.

The Township Committee thanked Ms. Carluccio for her report.

RECREATION COMMITTEE

1) Request for Consideration of Charging Fee for Use of Soccer Fields: Mayor Wang-Iverson said that there was a meeting yesterday with Recreation Chair Pete Fick and South County Soccer League Member Regina (Skerbel), and there will be a discussion at the next Recreation Committee to come up with an appropriate fee.

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE

Chair Glorianne Robbi was present at this time.

1) Presentation of 2015 Open Space and Preserved Farmland Map and Annual Report for Tax Bill: Mrs. Robbi explained that a lot of time was spent in revising the map, and changes were made to emphasize open space properties that were available for public use. The narrative on the back is a composite explanation of what FOSPC has been doing in the past year. She recommended that the one piece document be included with the tax bill mailing. Mayor Wang-Iverson felt that this is an important annual update. Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to include the FOSPC Map and narrative in the tax bill mailing. Mrs. Robbi commended on Sande Katz working very hard on this last project.

2) Hunterdon County OSTF Application for Funds for East Jersey Developer's Property: Mrs. Robbi reminded the Township Committee that the acquisition of this 10 acre parcel on South Hill Road, partnering with D & R Greenway Land Trust, has been on-going. D & R Greenway will be using their Green Acre Funds, and the Township's Green Acre Funds will also be utilized. She mentioned funds being held up pending legislation that needs the Governor's signature, adding that new funding would not be available until the fall. She provided further specifics about the contributions of D & R Greenways, East Amwell, and Hunterdon County towards the acquisition. The Hunterdon County Open Space Trust Fund is used to grant each municipality 10% of the tax funds available to them the previous year. The funds must be requested by application, providing the reason for the use; the deadline is July 6 for applications, will be considered on July 21, and if approved, awarded at the August Freeholder's meeting. The property owner wants to close as quickly as possible and they have already removed an existing tower and structure on the site and installed fencing.

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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 project: Purchase of open space property, Block 35, Lot 18.01, and the remainder for debt service;

Reimbursement of debt incurred for expenses on purchase of property belonging to East Jersey Developers 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.

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

3) 6-9 Email Regarding Resignation of Sande Katz: Mrs. Robbi explained that Mrs. Katz showed great enthusiasm when she began her work in January. The hours, however, impacted her other job. Mrs. Katz agreed to continue through the Farm Forum, Greenfest, and annual map work, and Mrs. Robbi wanted to publicly thank her “as a very willing work partner.” The position has been advertised.

Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to accept Sande Katz’s resignation with deep regret.

APPROVAL OF MINUTES

May 14, 2015, Special Meeting Minutes (Resolution for Executive Session) were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously.

May 14, 2015, Executive Meeting Minutes (Tax Appeal; COAH; Attorney Advice) were approved on a motion by Deputy Mayor Sageser, seconded by Mr. Mathews, and carried unanimously.

May 14, 2015, Regular Meeting Minutes were approved on a motion by Deputy Mayor Sageser, seconded by Mr. Mathews, and carried unanimously.

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, came up to the microphone. Deputy Mayor Sageser thanked Ms. Gavigan for her leadership with the bridge work on Wertsville Road, adding that “it took lots of energy, but it paid off.” Ms. Gavigan commented on having friends as Freeholders as a way to save the trees and driveways.

Ms. Gavigan asked about the COAH item on the agenda and what was happening. She was told that this was an agenda item that would be updated at that time.

Ms. Gavigan asked about a Planning Board presentation with a potential application from The Ridge at Back Brook with one request to host pro golfing events. She felt that this would have a significant impact on the neighbors, commenting on the new bridge. She mentioned other golf courses, including Trump in Bedminster with a LPGA having 18,000 parked cars and 100,000 people. She suggested “doing your homework on the impact and scope ... of all sorts of activities.”

Mayor Wang-Iverson said that no plans have been submitted yet, and the Township will address issues.

Ms. Gavigan thanked Ms. Pasqua for “getting the Township out of a hole and making a lot of changes with all your hard work.” She believed that all the taxpayers would appreciate the hard work if they knew how much Ms. Pasqua was doing.

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

SPECIAL DISCUSSIONS**NATIONAL PSORIASIS FOUNDATION: BICYCLE EVENT ON SATURDAY, AUGUST 15, 2015**

Member of the Foundation, Robert Grabel, was present. He explained the 30 year old patient advocacy group for this auto-immune disease, which was not well know. They are doing great work to help millions of people, with research being a major factor. The group typically holds walkathons, and this is their first foray into cycling. Mr. Grabel outlined the routes for the anticipated 300 plus riders, with 10, 30, 62, or 100 mile rides, which will raise about \$400,000. Mr. Grabel believed that most riders would be using the 10 and 30 mile routes. The ride will begin in East Amwell at the Unionville Vineyard and follow routes in surrounding municipalities as well. There will be signage and “SAG” support (follow up car support for bikers). The State Police have been notified; there will be no roads closed, and bicyclists will adhere to the rules of the road. There will be support for traffic if left turns are anticipated. The date of the event is August 15, with various start times beginning at 6:30 a.m., depending on the length of the ride.

Mr. Grabel was advised that if the Foundation plans to have a rest stop with toilet facilities in East Amwell, they will have to have a local Board of Health permit to use portable toilets. Mr. Mathews commented on mostly seeing power bar wrappers and water bottles on the road from people he would assume are bicyclists. Mr. Grabel said that there would be a comprehensive clean up after the event with lots of volunteers assisting. Mr. Grabel was advised that there should be no permanent writing on roads and that pot holes may be an issue. Mr. Cushing reminded the governing body that the public has a right to use the roads, and as an accommodation, the group is getting Township Committee approval, but the roads are public rights-of-way. Mr. Mathews asked about absorbing risk; Mr. Cushing said that there was only a slight increase in risk.

A copy of the list of requirements for bicyclist groups will be provided to organization. Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to approve the use of the roads by the National Psoriasis Foundation for their ride on August 15, 2015.

COAH (AFFORDABLE HOUSING) UPDATE Planning Board Chairman Don Reilly was present during this discussion.

1) January 28, 2015, Resolution from West Amwell Township to Legislators Asking for COAH to Adopt a New, More Sensible Approach to Affordable Housing: This item was tabled from the last meeting to allow Township Committee members a chance for further review.

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RESOLUTION #82-15

RESOLUTION OF THE TOWNSHIP OF EAST AMWELL CALLING FOR THE LEGISLATURE AND THE ADMINISTRATION TO ADOPT A NEW, MORE SENSIBLE APPROACH TO AFFORDABLE HOUSING

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decision In re: Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

WHEREAS, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

WHEREAS, the Supreme Court extended the five month deadline it established in In re Adoption of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

WHEREAS, on October 20, 2014 the COAH Board met and were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

WHEREAS, on January 6, 2015 the New Jersey Supreme Court heard argument in a motion brought forth by the Fair Share Housing Center asking the Court to strip COAH of its authority and return implement of the Fair Housing Act to the Court, thereby potentially exposing municipalities to costly litigation; and

WHEREAS, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance demonstrates the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; and

WHEREAS, the Legislature and Governor should seize this opportunity to reform the State's housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities and protect the interests of taxpayers.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of East Amwell that we urge the Governor and the State Legislature to partner with municipalities and enact legislation to implement a reasonable and rational state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Community Affairs, Senator Shirley Turner, Assemblyman Reed Gusciora, Assemblywoman Elizabeth Maher Muoio, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and the New Jersey State League of Municipalities.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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Motion by Deputy Mayor Sageser, seconded by Mr. Miller, and carried unanimously to approve the resolution.

2) Draft Materials for Submission for Declaratory Judgment (6/2 Request from Attorney St. Angelo for Comments Via Email Circulation or Special Meeting): Mayor Wang-Iverson commented on the email from Ms. St. Angelo, who is working on the COAH issue with the thought that the draft should be completed by June 20. The question is whether the Township Committee and Planning Board want to review the submission. The Planning Board is willing to have a joint meeting; however, the question is whether it is worthwhile to have a meeting or just review by email.

Mr. Cushing said that the material will be sent by email to the Township Committee and the Planning Board, whether they meet or not. Mr. Cushing said that the email will ask for any relevant comments to be sent to the attorney. He explained that the declaratory judgment is basically a history of the lawsuits, requests for spending plans, and a request for a judgment of compliance from the court. It will include a report from the Planner of a history of everything that the Township has done for over 20 years in the Affordable Housing category

Mr. Reilly said that his understanding was that having the two bodies review the document was more of a technicality to protect the Township, and he would not be uncomfortable with just circulating it. His expectation is that the Township will be granted the declaratory judgment, and he did not believe that the bodies needed to word-smith what the attorneys and planner have already done.

Mr. Cushing believed that the real work would begin after July 8th when a response was received from the court on what has to be done. Mr. Reilly agreed. Mr. Cushing spoke about Frank Banisch “as a highly experienced planner, who knows litigation and what has to be done ... we will defer to Frank (Banisch).”

Mr. Mathews wanted the opportunity to review the motion for declaratory judgment and be allowed to comment. Mr. Cushing reminded the governing body that there was a deadline of July 8. Mr. Reilly asked if the Township was locked into what was represented in the declaratory judgment. Mr. Cushing explained that the application for declaratory judgment is a historical document, with a lot of information from the Planner. Two important points for the Township is the number that will be assigned and the time to address the number, once there is direction. Mr. Reilly agreed that this is the route that the courts area seeking, and if the attorney and planner are confident that the court will grant a declaratory judgment, based on the submitted information, that is when the work will begin. While the Planning Board would be willing to meet jointly with the Township Committee, they would be satisfied with the court decision that the professionals feel confident about. Mr. Van Horn commented on not being able to challenge the submission.

Deputy Mayor Sageser asked about the volume of the document. Mr. Cushing said that the attorneys prepared 3 or 4 pages, and the Planner’s certificate is about 15 – 20 pages with numerous attachments, e.g., ordinances, master plan, etc. He commented on the Township “not ignoring its responsibilities with its forward thinking.”

There was a consensus that no meeting would be necessary, that the attorney would provide the document via email circulation, and comments would be made individually to Attorney St. Angelo. The attachments will be noted but not circulated due to volume.

3) Resolution for Participation in Joint Alliance for COAH (See 5/19 Letter from J. R. Surerian and Associates, LLC re: Dr. R. Burchell as Municipal Expert on COAH): Mr. Cushing mentioned a recent meeting of Hunterdon County Mayors that he attended, along with Mayor Wang-Iverson and Planning Board Chairman Don Reilly, to discuss the conflict with numbers assigned with the State’s Fair Housing Agency using Dr. Kinsey and the NJ COAH numbers prepared by Dr. Burchell. Mayors throughout the state are questioning a reasonable methodology to come up with affordable housing obligations. The recent arguments at the Supreme Court case in March 2015 dealt with an expert report from Dr. Robert Burchell for COAH. Experts for COAH include Jeff Surerian, a prominent lawyer with a long history in affordable Housing, Jonathan Drill, and Ed Buzak. There were originally 105, now up to 145, towns who are interested in participating in a joint alliance, using Dr. Burchell’s work on

determining methodology on a state-wide basis. Rutgers University will be the contractual party. The intent is that Dr. Burchell will continue the work on his previous study done for COAH with an analysis of the proper number, although it is unclear how the numbers will play out. The initial report will cost \$70,000, financed by a fund raised by municipalities; anticipating a reply from Dr. Kinsey, there will be enough money to answer the challenge. Excess funds will be returned proportionately to all the municipalities. Another benefit of participating in the alliance will be that Dr. Burchell’s services can be used by members in any litigation at a cost directly to the municipality. Mr. Cushing pointed out some confidentiality language in the agreement, and any planner who also works for developers must agree not to work with the developers to any challenges to the affordable housing obligations.

Mayor Wang-Iverson said that Dr. Burchell’s methodology to calculate COAH numbers “should be in the ballpark of what was submitted to COAH in 2008 as opposed to the 330 units” assigned now. He believed that teaming up with the group gives the Township some leverage.

Mr. Reilly said that Dr. Burchell was involved with the calculations for the 2nd round, and this would be the basis of his report with modification based on his knowledge then and now. He spoke about a statewide alliance and allocations with municipalities in a region. He felt that the methodology made sense, and he strongly recommended that the Township Committee enter into the agreement, adding that “the cost is worth it.”

Mayor Wang-Iverson mentioned that there were 115 permits for new buildings in 15 years, and the 65 unit figure from COAH was high, but the Fair Share number is extremely high.

Mr. Mathews thought that it made sense to join the alliance, but he wanted to make sure that the Township would be able to present information that would be favorable in their case. Mr. Cushing added that it was a positive factor that the Township had so much preserved land; he believed that Mr. Banish is a “good conduit” to present this to Dr. Burchell.

Further discussion took place between the Attorney and Township Committee, with the following highlights: Deputy Mayor Sageser asked about the timing of the Burchell report; if granted declaratory judgment, the Township has five months to file a plan based on numbers previously used; Mr. Reilly did not think it would be too long to get the Burchell numbers; Mr. Cushing spoke about the Supreme Court not fully grasping the scope of the matter and expecting the judges to complete their work in five months – he felt that there should be some elasticity in that time frame; Deputy Mayor Sageser asked if the Township could ask questions after the fact once the plan has been filed; Mr. Reilly spoke about perhaps a group initiative with all the members of the alliance deciding on a different path rather than submitting their reports; Mr. Cushing suggested having the municipalities, independently and as a coalition, asking the legislators to help or perhaps petition the Supreme Court with the identified problems.

Discussion continued, with Mr. Mathews asking about the shared services agreement and deliverables not arriving within the time frame of five months, and “zero value” is achieved. Mr. Cushing believed that this was addressed in the agreement with Rutgers and Mr. Surenian. Mr. Reilly believed that the Burchell report would come before the five months were up; he had no concerns, and after seeing the rationale and numbers, he hoped that the five month deadline would be extended. Deputy Mayor Sageser and Mr. Cushing felt it was valuable to have group discussions and working together. Mr. Reilly believed that municipalities would participate geographically, adding that many of the Hunterdon County municipalities would be participating. Mr. Cushing thought banding would be suburban, non-suburban, large municipalities with 1,000 unit caps, etc. Mr. Mathews asked in what region would East Amwell align; Mr. Cushing thought the Route 78 corridor or Middlesex, adding that the judges are appointed by county, and that there are housing exemptions from business areas, citing some examples. Deputy Mayor Sageser commented on jobs in some areas and added that there is no public transportation here; he would like to see the list of towns, attorneys, and planners involved.

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RESOLUTION #83-15

WHEREAS, the Township of East Amwell has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County in furtherance of the

Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of East Amwell desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the [Borough/Township/City/Council, Committee] of the Township of East Amwell, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of East Amwell for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of East Amwell and is appended hereto.
4. The [Mayor] [Manager] [other Chief Executive Officer] be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of East Amwell in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of East Amwell hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of East Amwell the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of East Amwell will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

Some discussion took place on whether the \$2,000 fee could come from the COAH housing trust; Mr. Cushing felt that this might be reasonable, but he would have to look at the regulations. He also felt that the Planner's fees for the declaratory judgment could come out of the COAH fund. He will review the regulations.

Mr. Reilly brought up a question about notifications regarding the declaratory judgment; Mr. Cushing advised that this should be brought up in executive session.

CONSENT AGENDA ITEMS

NORWESCAP RESOLUTION – AMENDMENT TO CONTINUE COAH AGREEMENT FOR HOUSING REHABILITATION

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RESOLUTION #84 - 15

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they do hereby authorize the Mayor to sign the June 2, 2015 amendment to the existing contract between East Amwell Township and NORWESCAP, originally signed July 17, 2013, with the sole purpose of modify the service provision time period from, July 1, 2015 through June 30, 2016.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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4H FAIR AMUSEMENT GAMES RESOLUTION – JUDY WOTASEK, AG-15-01 BALL TOSS; AG-15-02 DARTS; AG-15-03 FISH POND FOR AUGUST 19-23, 2015

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RESOLUTION #85-15

WHEREAS, South County Park, property belonging to the County of Hunterdon, is located in the Township of East Amwell, and

WHEREAS, South County Park is now the location of the annual Hunterdon County 4H Agricultural Fair, and amusement games play an important part in the entertainment at the Fair;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell approves the following amusement game application, which conform to local ordinances:

Applications AG #15-01; AG #15-02; AG#15-03:

Judith Wotasek, 207 Byram Kingwood Road, Stockton, NJ 08559
Hunterdon County 4H Fair/South County Park/ 1207 Route 179,
Lambertville, NJ 08530
August 19-23, 2015 from 11 a.m. - Midnight
Ball Toss; Darts; Fish Pond

By Order of the Township Committee,

David Wang-Iverson, Mayor

+++++

Motion by Deputy Mayor Sageser, seconded by Mr. Mathews, and carried unanimously to approve the consent agenda resolutions.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

Public Hearings:

ORDINANCE 15-08: 2015 SALARY AND WAGE ORDINANCE

As proof of publication, the legal notice from the May 21, 2015, issue of the Hunterdon County was provided by the Clerk. The ordinance has been posted and available to the public since introduction on May 14, 2015.

The meeting was open to the public for comments on the salary and wage ordinance, which was an increase of 2%. There being no comments from the public, motion by Mr. Van Horn, seconded by Mr. Mathews and carried to close to the public.

Motion by adopt Ordinance 15-08 was made by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously by roll call vote: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

2015 SALARY AND WAGE RESOLUTION FOR ADDITIONAL STAFF

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RESOLUTION #86-15

BE IT RESOLVED by the Mayor and Township Committee of the Township of East Amwell that the salaries and compensation for 2015 employees shall be as follows:

<u>Position</u>	<u>Salary/Compensation</u>
Township Administrator Matheny	\$63,142
Magistrate Martin – Franklin Twp.	\$4,162
Court Administrative Officer Hooven – Franklin	\$5,202
Director of Public Assistance Kuhl	\$3,760
Public Defender Troy – Franklin	\$ 520
Prosecutor Ballard – Franklin Twp.	\$4,162
Dog Census Taker Ragno – Two Districts	\$1,900

BE IT FURTHER RESOLVED that salaries will be effective upon adoption of the resolution retroactive to January 1, 2015, or the date of hire for those employees hired for a new position in 2015 or date of salary range change for those employees who may have had a rate change earlier in 2015.

By Order of the Township Committee,

David Wang-Iverson, Mayor

++++
Motion by Mr. Van Horn and seconded by Mr. Miller to approve the resolution. Mr. Mathews asked if the resolution incorporated a 2% increase for the Township Administrator. He was told yes; the Township Administrator’s contract approved in 2014 was for 2015 as well, and there was a subcommittee formed to review contract changes for this year.

The ordinance was approved on a roll call vote: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, no; Mr. Wang-Iverson, yes.

ORDINANCE 15-09: ORDINANCE PROVIDING FOR IMPROVEMENT OF THE STORMWATER DRAINAGE SYSTEM IN AND BY THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$440,000 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

As proof of publication, the legal notice from the May 21, 2015, issue of the Hunterdon County was provided by the Clerk. The ordinance has been posted and available to the public since introduction on May 14, 2015.

The meeting was open to the public for comments on the ordinance. There being no comments from the public, motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried to close to the public.

Motion by Mr. Van Horn and seconded by Deputy Mayor Sageser to adopt Ordinance 15-09. Mr. Mathews asked when there would be a public discussion on the stormwater plan, adding that the baseball league has some concerns about drainage on the municipal field. He was advised that Dr. Souza would be scheduling a meeting later in the year, and the area of concern on the municipal field was brought to Dr. Souza’s attention during preliminary discussions.

The motion to adopt Ordinance 15-09 was carried by unanimous roll call vote: Mr. Van Horn, yes; Mr. Miller, yes; Mr. Sageser, yes; Mr. Mathews, yes; Mr. Wang-Iverson, yes.

Introduction of Ordinances:

ORDINANCE 15-10

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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

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

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Township of East Amwell, New Jersey. For the said improvement or purpose described in Section 2, there is hereby appropriated the sum of \$36,000.00 said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide funding for the purchase of an asphalt roller for the Department of Public Works.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$36,000.00.

Section 4. The sum of \$36,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$36,000.00 from the Capital Surplus Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect 10 days after final publication according to law.

APPROVED BY TOWNSHIP COMMITTEE

BY: _____
David Wang-Iverson, Mayor

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

Introduced:
Adopted:

+++++
Motion by Mr. Van Horn and seconded by Deputy Mayor Sageser to introduce Ordinance 15-10. Mr. Mathews asked whether this item was in the budget. Mr. Matheny explained that it was part of the capital plan in the budget, and it will replace equipment that is in poor shape (worn and leaking). He explained that the roller is needed for applying blacktop. The item is under state contract and will enable the DPW to continue their work. Deputy Mayor Sageser mentioned blacktop work done on Lindbergh Road, and Mr. Van Horn mentioned work on Snyderdowntown Road.

The motion to introduce Ordinance 15-10 was carried unanimously. The ordinance will be published in the June 18, 2015, issue of the Hunterdon County Democrat, and the public hearing is set for the next regular Township Committee meeting on July 9, 2015, at 7:30 p.m.

ORDINANCE 15-11

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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.

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

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

the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$15,000.00 said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of East Amwell is hereby authorized to provide funding for the purchase of computer equipment and software upgrades for various departments.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvements is not a current expense of the Township of East Amwell, but rather a capital expense and the East Amwell Township's estimated cost of said work, acquisition or improvement is \$15,000.00.

Section 4. The sum of \$15,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$15,000.00 from the Capital Surplus Fund of the Township of East Amwell for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 7. This ordinance shall take effect 10 days after final publication according to the 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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Mr. Matheny explained that this ordinance will allow for the purchase of computers and software and is the second half of a plan to update the remainder of the office computers, some of which are still operating XP systems. New, refurbished computers will be purchased. Mr. Miller asked how many computers would be purchased; Mr. Matheny said 6 computers and an additional one to run as a server.

Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to introduce Ordinance 15-11.

The motion to introduce Ordinance 15-10 was carried unanimously. The ordinance will be published in the June 18, 2015, issue of the Hunterdon County Democrat, and the public hearing is set for the next regular Township Committee meeting on July 9, 2015, at 7:30 p.m.

ORDINANCE 15-12

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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

Section 1. The sum of Eleven Thousand, Five Hundred Dollars (\$11,500.00) presently in the Capital Fund Balance is hereby appropriated for the purchase of a mower for the Department of Public Works.

Section 2. In connection with the amount authorized in Section 1 hereof, the Township makes the following determinations:

- (a) The purchase described in Section 1 hereof is not a Current Expense and is an improvement which the Township of East Amwell may lawfully make as a general improvement.
- (b) The period of usefulness of the purchase described in Section 1 as listed in NJSA 40A2-22 (Periods of Usefulness) for which obligations may be issued is 5 years.

Section 3. This ordinance shall take effect 10 days after final 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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Mr. Matheny explained that the ordinance would allow for the purchase of another zero-turn mower. The previous mower was a diesel mower at a cost of \$15,000-16,000; the DPW would like to purchase a gas mower now. This will allow the DPW to complete mowing in one day (i.e., freeing up half a day each week for other work).

Motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to introduce Ordinance 15-12.

The motion to introduce Ordinance 15-10 was carried unanimously. The ordinance will be published in the June 18, 2015, issue of the Hunterdon County Democrat, and the public hearing is set for the next regular Township Committee meeting on July 9, 2015, at 7:30 p.m.

ORDINANCE 15-13: AN ORDINANCE ADDING A SECTION ENTITLED “VIOLATIONS AND PENALTIES” TO THE CODE OF THE TOWNSHIP OF EAST AMWELL, AS ARTICLE II, GENERAL

Mr. Cushing explained that when he was looking through the code book, there was no ordinance for violations or fines. This ordinance would authorize the Judge to utilize a range of fines permitted by statute. He mentioned ordinances providing a minimum and maximum fine and imprisonment as a deterrent with a municipal judge usually fining in the \$200 range. He felt that it would be a good idea to have such an ordinance for flagrant disregard of municipal ordinances. The proposed ordinance would only be used if there was no other fine mentioned in specific ordinances, and it gives the Judge some flexibility.

Mr. Mathews was concerned with having a lot of ordinances and not knowing the intention on whether to have a penalty or not, adding that it may not have been envisioned in the original ordinance, and now a Judge is being given latitude to penalize. He asked how many ordinances this would affect.

Mr. Miller said that a judge is given wide latitude with this ordinance, and he didn't know the intent with the original ordinance to issue a penalty at all. He, too, didn't know how many situations there were where penalties were not prescribed.

Mr. Cushing commented that the code book could be searched for specific ordinances without penalties. He also mentioned property owners who may not want to follow regulations on the assumption that they can do as they choose on their own property, e.g., dirt tracks, ball fields, go carts, etc. Assessing penalties can have some effect. Deputy Mayor Sageser commented on lengthy discussions on penalties when writing the tree ordinance.

Mr. Miller suggested looking at only those ordinances that most likely need attention and size down the ordinance so that there is not a potential for over-use or incorrect use. Mr. Cushing mentioned the soil erosion and sediment control ordinance as one example, adding that a lot of ordinances have no penalties. He added that the Township Committee has to decide whether they are on the side of the residents who wish to build a motorcycle track or protect the neighbors. He again stated that the judges would have latitude to use the penalties, but they need a “hammer.” He gave an example of a land use case in Tewksbury with a large baseball field being built in a residential area.

Mr. Mathews asked Les Hamilton, who was in the audience, if he recalled reasons why penalties may not have been added to ordinances adopted when Mr. Hamilton was on the Township Committee. Mr. Hamilton said that their intent was to educate the public.

Mayor Wang-Iverson suggested putting the ordinance off for a month or two, adding that the ordinance was a matter of “housekeeping.” Mr. Mathews did not want to punish residents if that was not the intent of the original ordinance, and he wanted to get more information about adoption of past ordinances without penalties. Mr. Cushing suggested going through the ordinance book and determining how much of a penalty the Township Committee would want to add.

Further comments were exchanged by the governing body and the attorney, and Mayor Wang-Iverson said that the ordinance will be tabled until a future date while the ordinances without penalties are reviewed.

Mr. Cushing left the meeting at 9:30 p.m.

SPECIAL COMMITTEE REPORTS – None

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE

1) Resignation of Sande Katz: This item was discussed earlier in the meeting. The position has been posted in the municipal building and on the website. Mr. Matheny will work with Chair Glorianne Robbi to find an acceptable candidate. The Mayor may also sit in on the interview. Mr. Matheny explained that Ms. Katz did not have the extra time for the position, and it will be increasing from 24 to 30 hours per month with some months busier than others. The job is posted until filled.

2) Solar Speed Signs: The signs have arrived, but the poles are not in yet. There has been good cooperation with Hunterdon County on locating good spots for the devices.

3) Trailer Repair and Utilization: The trailer was having flickering and strobing problems with the L.E.D. panels; once it is fixed, it will be used on Wertsville Road. Mr. Matheny also commented on the speed reduction on Wertsville Road to 25 mph.

4) 2015 M & R Bids: The bids for blacktop and stone are available for purchase prior to the bid opening on June 24th at 11 a.m. The award will be made at the July meeting.

5) Grityard Barn: Deputy Mayor Sageser asked about progress at the barn. Mr. Matheny said that the insulation has been blown, and the DPW will build a cement pad for the heater. Elizabethtown Gas will provide a gas line to the site so that it will be ready by fall.

6) Recycling Sign: Mr. Mathews asked about the sign discussed at the last Township Committee meeting. Mr. Matheny met with DPW Superintendent Silverthorn, and there might be sufficient room for the sign to the right of the driveway. This would be a good Eagle Scout project, or perhaps one of the Recycling Committee members will make it. Some comments were exchanged about whether there will be a paper holder on the post with the interchangeable sign; it would have to be constructed so as to not allow papers to blow away.

CONTINUED DISCUSSION ON A DRAFT ORDINANCE FOR ABANDONED AND FORECLOSED PROPERTIES (SEE MAY 14TH MINUTES FOR BACKGROUND)

1) Copy of Holland Township's Ordinance Provided by Township Attorney: Mayor Wang-Iverson commented on the ordinance that Attorney St. Angelo is working on, adding that it is close to final draft. There was a property maintenance ordinance also. The Mayor liked the Holland Township ordinance as "pretty straight forward," and he suggested adding specific items, such as grass cutting (not painting) as a section of the ordinance for abandoned properties.

Mr. Mathews agreed that it was much more appropriate and liked adding the section on keeping weeds down rather than lawn maintenance. Mr. Miller felt that this was the intent from the on-set, and Mr. Van Horn agreed that he was not in favor of the painting section.

Deputy Mayor Sageser referenced the correspondence from NJ Bankers, which was the entity that assisted with the Kanach property in the past. He also liked that the ordinance was consistent with adjacent properties, e.g., on the mountain, etc. Mr. Mathews agreed, adding that his ten acres would be different than a property with one acre.

Mayor Wang-Iverson said that he would work on this and send to the members; the governing body would then provide their comments to the Clerk for the next meeting.

MAYOR'S UPDATE

Mayor Wang-Iverson advised that the Hunterdon County Freeholders approved a resolution, based on the County Engineer's recommendation, to reduce the speed on this section of Wertsville Road from 35 to 25 mph. There will also be a speed reduction on John Ringo Road, under the railroad tracks and around the bend from 40 mph and dropping to 30 mph – this will be approved at the next Freeholder's meeting. Mr. Matheny said that one of the radar signs the Township installs will be the official speed sign and will be mounted on the County's speed sign.

The County declined to reduce the speed on Wertsville Road near Welisewitz Road, based on speed studies, which he explained on a comment from Mr. Mathews. Mr. Van Horn spoke about a follow up meeting with the residents who complained about the speeding vehicles in that area. The Mayor added that there may be a 35mph advisory for the curve and advisories about driveways installed.

The County was advised about speeding on Wertsville Road near Losey Road and Runyon Mill Road. Additionally, a traffic study on Rileyville Road, near the Plimpton property, was unsuccessful in speed reduction. D & R Greenways is applying for a waiver to the Hunterdon County Planning Board for a driveway issue that is holding up the approvals for the Plimpton property in order to preserve.

Mayor Wang-Iverson commended the efforts of the Hunterdon County Engineer's Office in addressing issues, adding, "It was hard to understand their standard operating procedures."

Deputy Mayor Sageser asked about the West Amwell Township's Building Inspector's progress with the open foundation in the village area. Mr. Matheny commented on difficulties in locating the owner. Some comments were exchanged by the governing body members and the Township Administrator, including the possibility of bull-dozing, a safety issue, non-compliance by not fencing the foundation, etc. Mr. Matheny was directed to locate the bank that may be paying taxes and solicit a response.

NEW BUSINESS

A bicycle ride on August 15th was discussed earlier in the meeting.

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, spoke about the proposal to have a violations and penalties ordinance, adding that she has attended meetings for 20 years. She felt that there were two sides of compliance issues, highlighting some issues over the years including dirt bikes on 20 acres of land; a

right to farm issue two years ago; her own issue with a neighbor; a Ridge Road complaint from a neighbor regarding a kennel, which cost the property owners over \$40,000 to defend; a development on Lindbergh Road where trees were removed and a remediation plan was implemented.

Ms. Gavigan was pleased with the speed limits on Wertsville and John Ringo Roads. She was concerned with not lowering the speeds near Welisewitz Road and spoke about enforcement needs. She spoke about videoing speeds on Wertsville, particularly in the area of Losey and Wertsville Roads, with blind curves and dangerous driving practices. She suggested traffic calming techniques, such as painting markers near an area where there are eight or nine houses close to the street. She suggested putting the speed trailer on her property or on Mr. Whitehead’s property and felt that the County may have spun the data they collected. She commented on her perception of the County’s opinion of Wertsville Road as a collector road with “bigger, wider, faster” traffic.

Motion by Mr. Van Horn, seconded by Mr. Miller, and carried to close to the public.

EXECUTIVE SESSION – NONE

ADMINISTRATIVE REPORTS

Treasurer Pasqua presented bills of the evening. Motion by Mr. Van Horn and seconded by Deputy Mayor Sageser to approve bills of the evening.

Mr. Mathews asked about mileage paid to Bambi Kuhl. Mr. Matheny explained that sometimes Ms. Kuhl will travel from other locations to meet with clients and sometimes gets called out on issues, going from home to assist clients. He added that the position involved more than just writing checks.

The motion to pay the bills was approved unanimously.

Treasurer’s Resolutions

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RESOLUTION #87-15

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION - NJS 40A:4-87

Township of East Amwell
Hunterdon, New Jersey

Certified to Director of the Division of Local Government Services

WHEREAS, NJS 40A:40-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of East Amwell in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$15,631.76, which is now available as revenue from the NJ DEP Clean Communities Program Grant in the amount of \$15,631.76.

BE IT FURTHER RESOLVED that the like sum of \$15,631.76 is hereby appropriated under the caption Miscellaneous Revenues - Public and Private and Revenues Offset with Appropriations: NJ DEP-Clean Communities Program Grant; and

BE IT FURTHER RESOLVED that the above is a result of a state grant of \$15,631.76 from NJ Clean Communities Grant.

By Order of the Township Committee,

David Wang-Iverson, Mayor

++++
Motion by Deputy Mayor Sageser, seconded by Mr. Miller, and carried unanimously to approve the resolution. This resolution allows the Township to incorporate the Clean Communities Funding into the current budget.

There were no comments on the Tax Collector, Court Administrator, or DPW Superintendent monthly reports.

Police Reports were briefly discussed, with Mayor Wang-Iverson suggesting that the West Amwell Police be asked to patrol in the morning from 6:30 – 7:30 a.m. and in the late afternoon rather than a Sunday when there is less commuter traffic. Mr. Matheny said that the agreement with West Amwell Township is to be flexible with their hours, but he will make the request. The Mayor also suggested that the Township might consider increasing their hours from four to six and have them patrol during prime time.

Some discussion took place about the number of tickets written by West Amwell, with Mr. Matheny adding that 39 tickets with four hours a week is “not bad.” The potential to write 50% more tickets with the two extra hours was mentioned. Mr. Matheny mentioned that Franklin Township now issues e-tickets as a faster procedure, but he did not believe West Amwell had that service yet. Further comments were exchanged about West Amwell’s presence in the village area with a lot of time spent on John Ringo Road with not many tickets written. Mr. Matheny commented on having presence of the police as a deterrent.

Mayor Wang-Iverson concluded by asking Mr. Matheny to ask for patrol during prime time and for the Township Committee to consider an increase in hours.

CORRESPONDENCE

Correspondence was noted for filing without comment.

ADJOURNMENT

There being no further business, motion by Deputy Mayor Sageser, seconded by Mr. Miller, and carried unanimously to adjourn the meeting at 10:15 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk