

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 Charles Van Horn and Peter Miller. Committee Member Tim Mathews was absent. Township Administrator Timothy Matheny and Attorney Richard Cushing were also in attendance.

In compliance with the Open Public Meetings Act, Municipal Clerk Teresa R. Stahl announced that this is a regularly scheduled meeting, pursuant to the resolution adopted on January 5, 2016, with a meeting notice published in the Hunterdon County Democrat issue of January 14, 2016. 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 12, 2016.

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

**AGENDA REVIEW**

Under Special Discussions, move the COAH update to item A.

Under Township Administrator's Update, add item 5, CPWM Certification Request from Jason Silverthorn.

Under Correspondence, add the Announcement from HART re: Annual Awards Breakfast on August 4.

**ANNOUNCEMENTS**

Summer Playground is being held at East Amwell Township School from July 5 – July 29 and is open to all East Amwell children who have completed Kindergarten thru 8<sup>th</sup> grade. Look for information on the East Amwell website.

The Recreation Committee is sponsoring a Bricks 4 Kidz program at Kirkpatrick Church from August 1 – 5, 2016. Check the East Amwell website for details.

**UPDATE FROM THE CFO**

**RECEIPT OF THE 2015 AUDIT**

Committee members exchanged comments about the 2015 audit with Mr. Van Horn adding that that there were no recommendations for corrective action. Mayor Wang-Iverson commended the great job by CFO Pasqua and Assistant Treasurer Santo on this audit. Ms. Pasqua added that it was also due to the hard work of all departments to eliminate the recommendation from last year (48 hour deposits).

Mayor Wang-Iverson asked Ms. Pasqua about tax lien increases and whether the auditors mentioned them. Ms. Pasqua said that the auditors did comment on them, acknowledging that there was nothing that the Township could do about them. On a second question from the Mayor on whether the Township was "better or worse" than other municipalities in this area, Ms. Pasqua said that this was not brought up.

+++++

**RESOLUTION #68-16**

**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 2015 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

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

Ms. Pasqua mentioned the resolution to be adopted later on during Administrative Reports. It will allow driveway bonds being held in excess of ten years to be closed and money lapsed into Miscellaneous Revenue for the Township. Her department tried for quite a few months without success to locate the people who posted the bonds.

The issue of the Open Space Trust Fund to be used only for farmland and debt was mentioned. Items previously taken out of this fund, such as electric, will come out of buildings and grounds, and Ms. Pasqua said that the Township "will get by." Some invoices for Clawson Park will be paid out of the Historic Preservation budget. Mayor Wang-Iverson explained that he previously spoke with Ms. Pasqua and Mr. Matheny and decided to follow the attorney's advice and take anything coming out of the Open Space Trust Fund off the bill list. Mr. Van Horn also mentioned meeting with Ms. Pasqua on this subject and there is only about \$10,000 of expenses that will be absorbed in other budgets this year.

Mr. Miller asked about looking back at charges against the Open Space Trust Fund and seeing where the money was used. Ms. Pasqua explained that she was able to look back in her computer from 2013 to determine where funds were used.

Ms. Pasqua left the meeting at this time.

## **SPECIAL DISCUSSIONS**

### **COAH (AFFORDABLE HOUSING) UPDATE**

Mr. Cushing mentioned the latest news as a good decision from the Appellate Court. He explained that Fair Share Housing (FSH) had an expert who felt that the municipalities (including East Amwell) had to account for a gap period from 2009 – 2015. The Appellate Court voted 3-0 that this was not a legitimate position and municipalities do not have to consider it. It is expected that because of this decision, East Amwell and other municipalities would have their obligation figure cut by 50%, more or less. This reduces the Township's exposure, although the Township still feels that the numbers are off. The fact that it was a 3-0 decision is also beneficial; if it was a 2-1 decision, there could be an appeal. FHS could still request an appeal to the Supreme Court, but the Supreme Court can decide not to hear it, even if a petition is filed to do so. Mr. Cushing felt that the Appellate decision was a good one; it was published and is precedent setting, which is only the case in about 10% of decisions. The other aspect of this decision is that it may push back the process, including scheduling of depositions. Additionally, FHS's expert, Kinsey, will have to recalculate figures without the gap period in prospective need; Mr. Cushing added that the Court determined that prospective is going forward, not going back in the past. Mr. Cushing mentioned that some of the need from 2009-2015 will be included in the current need, although some of those in need may have moved or had their housing needs met in another way. He concluded that it was a good decision for the municipalities.

Mayor Wang-Iverson asked if Mr. Cushing knew about the latest Econsult numbers; Mr. Cushing did not have this information. The Mayor said that Planner Joanna Slagle saw the latest figures, and it was 60 without the gap period. The Mayor understood that the Township would be able to accommodate one-half of this number with existing stock, and if the number was cut in half, they were looking at only 30 new units. He added that Econsult was "all over the map" with numbers, including being as low as 9 with 0 perspective; it was unclear how they generated the numbers. The Mayor believed that 60 was a manageable number, being the same number as the Round 3 commitment. He added that FHS with the gap was 180, and half of it would be 90 units, which would be harder to meet.

### **PRESENTATION FROM STEPHEN SOUZA, PRINCETON HYDRO, RE: 319H GRANT PROGRESS**

Mr. Souza began his presentation at 7:45 p.m. He explained that there has been some activity in constructing the first phase of the stormwater improvements and preparing for the rain gardens. There were three quotes requested from excavation firms with original prices from \$30,000-58,000. Mr. Souza believed that the prices were inflated due to a heavy volume of work that contractors may already have. He spoke about the steps for the project, i.e., mobilization, demobilization, site restoration, and installation of soil erosion control, adding that the costs should not be so high. After speaking with the Administrator, another set of quotes were requested, and a decision was made to only install one rain garden with the contractor's assistance; the lowest quote was a little over \$37,000.

Mr. Souza explained that while the grant was for \$285,000, he did not feel it was in the best interest to spend \$70,000 for the rain gardens since there was significant other work to be done. Scaling back and having one rain garden installed by a vendor and having volunteers do a second rain garden for a nominal amount (\$5,000-8,000) is the plan of action. Patsy Wang-Iverson and an Eagle Scout will work with the volunteers on the second rain garden, and the biggest cost will be for the sandy soil for the area for proper drainage. Some DPW assistance will be necessary,

but it is anticipated that beyond the \$5,000-8,000 for soil and \$500 for plants, the second rain garden would be built to the right of the tennis court by volunteers at no cost.

Mr. Souza said that he would be postponing the planting until the fall because the weather is so dry right now. Relying on the Scout’s or DPW assistance to keep the area watered would not be valuable. The plan, if approved by the governing body, would be to have Envirosapes stage and be ready by mid or the end of August, do the work in mid-September, and complete the work in 2-3 weeks. At the same time, volunteers will be working on the second rain garden. The other parts of the work, including the renovation of the northern based basin, creation of a bio-retention basin adjacent to it, and creation of a meadow over the pipeline will be completed in Spring 2017. Plans are complete now, and there are no DEP permits needed. Hunterdon County Soil District had some comments on the project, but they have all been addressed.

The Township personnel supervised work over the pipeline, and a meadow is being created. There was originally a problem with mowing in the soggy area because of poor drainage, but the movement of soil has alleviated the problem. Renovation just north of the basin will be done, and fill will be used to alleviate a depression along the western edge of the park, near 12 Iron Horse Drive.

Mr. Souza said that DEP was supposed to do a site walk but cancelled; it may be rescheduled the first or second week of August.

Mayor Wang-Iverson mentioned the plan to excavate both basins at the same time; Mr. Souza said this would take place in September, i.e., excavating and planting. Brendon Diacont is coordinating the volunteers for planting; he has been working with Princeton Hydro staff, learning about grading, the bidding process, and coordination issues. He has also been monitoring wells and collecting data to assist in the development of the rain gardens. Brendon will be active in the process and communicate with Patsy Wang-Iverson about publication education and outreach.

Mr. Miller asked how much time the DPW will spend on the project; Mr. Souza said about a day. Material will be set aside and spread on the hill. Mr. Miller was concerned with time constraints for the DPW. Mr. Matheny mentioned that the Township has to do a significant of in-kind match. Mr. Souza added that in-kind hours show a commitment and benefits by the possibility of security future grants.

Deputy Mayor Sageser asked about the goal to use any leftover money for the municipal fields. Mr. Souza explained that was why he was being conservative at this point, i.e., he wanted to spread the money as far as possible, including work at the East Amwell Township ball fields. He added that East Amwell Township School was interested in a pollinator retractor rain garden project, which would involve students.

Mr. Souza said that he was behind schedule and would have liked to have the rain gardens done by now, but the high costs “threw him.” He had to reprogram, and he commended Patsy Wang-Iverson for getting volunteers to assist.

Mr. Souza agreed that he would come to the next meeting for an update.

+++++  
**RESOLUTION #69-16**

Clawson Park Rain Garden 2 – Resolution

BE IT RESOLVED by the Township Committee of the Township of East Amwell that, in accordance with NJSA 19:44A-20.5, a non-fair and open contract is awarded to the following vendor, based upon certification of funds by the CFO and the provision of a Business Entity Disclosure Certification:

Envirosapes, Inc.  
215 Deans Lane  
Monmouth Junction, NJ 08852

Marion F. Clawson Memorial Park  
Stormwater Retrofit – Rain Garden 2

Project Cost: \$37,548.69  
Contract Length: Work to be completed in 2016

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

+++++  
Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to approve the resolution at 8:05 p.m.

**PRESENTATION BY TRACY CARLUCCIO RE: PRELIMINARY STORMWATER TIER B MS4 CHANGES**

Ms. Carluccio spoke about attending the NJ DEP meeting regarding the updates for Tier B municipalities. She explained that she served with other volunteers and worked with engineer Dennis O’Neal in 2004 to develop the Township’s stormwater plan, which was updated in 2009 without big changes. Regulations expired in 2014 but the state took no action, so the existing plan is still in force.

Ms. Carluccio previously provided information by email for the proposed changes. She attended a training program at NJ DEP on June 28. Some changes are more significant, and she recommended looking at a chart that compares the 2009 to the 2016 changes. East Amwell Township is and will remain in Tier B, which includes rural areas; DEP is changing some municipal tiers, including Hopewell Township and Lambertville.

Ms. Carluccio said that she would quickly go through some changes. She explained that this is a federal program, and all states must comply. New Jersey has a Pollutant Discharge Elimination System Permit (NJPDES), which addresses stormwater runoff. Major areas of change are an expanded public education program and a report is made each year by the engineer. New requirements include the need for public notice when the municipality does a public outreach. The Township does their public outreach at the Hunterdon County 4H Fair each year, where they provide stormwater information and have games related to stormwater. This event is done in conjunction with the Environmental Commission. New requirements will require publicly noticing this event. Additionally, the current 10 point checklist for the annual report will be increased to a 12 point system with a list of ways to achieve these points, e.g., a newspaper ad of what the Township is doing to improve water quality or reducing runoff; a local radio station ad; a sign at Clawson Park explaining the installation of the rain garden to control non-point source pollution; a banner at the municipal field with a message such as “water belongs to all of us.” Ms. Carluccio suggested being creative and meeting the state requirements with the Township’s own funds since the state does not provide financing. Another option might be having a program on rain barrels for homes and having a volunteer show how they are made and maintained.

Ms. Carluccio mentioned stormwater facility maintenance requirement changes. In the past, the municipality had to look at their basins and locate them, without mapping or inventorying for NJ DEP. Now the municipalities must maintain the basins they own and provide precise reporting on what is being done to maintain them. This will include the new rain gardens being built at Clawson Park, and these maintenance records should be part of the engineer’s annual report to NJ DEP. Some comments were made about privately owned basins being maintained; this is not the Township’s responsibility.

With respect to major subdivisions, there should be a stormwater plan and the Township must now give a summary of the plan to the DEP to show how it will meet the MS4 requirements. A copy of this document must be maintained.

The new regulations also include municipalities having and reporting on measurable goals for stormwater and non-pollution in the Master Plan. If there is any build out, such as a major development, there must be an explanation on how it affects the plan.

The NJ DEP has, since 2004, offered assistance with training. Dennis O'Neal, as Township Engineer, has been the Township's Stormwater Coordinator, and a change in the regulations will require an elected official or executive of the municipality to assume that role. The Coordinator would have to certify documents submitted to the NJ DEP. The official or executive can receive training at NJ DEP; in person, the cost may be up to \$600, but it is available on line now at no cost at least for the first year.

Ms. Carluccio said that the Best Management Practices manual lays out how to build rain barrels or infiltration swales. This document will not be reissued, but it is available on line along with a maintenance manual. On-line training is also available. Ms. Carluccio mentioned that there is funding through different trusts and grants but sometimes it is difficult to get it. She mentioned the website [www.h2oloans.com](http://www.h2oloans.com) as a possible site to look for funds. Additionally, NJ Infrastructure Trust offers loans, but usually this program is for larger costs. Mayor Wang-Iverson asked if that site would offer funds for site clean up, such as the Meszaros property for possible non-point source pollution. Ms. Carluccio said that it might qualify, but she added that the funds are to improve water quality and reduce run-off, looking at how groundwater is recharged and how to clean streams. Restoring the property as a forest might be eligible, and she suggested looking into it.

Ms. Carluccio suggested that the Township Committee look at the materials she provided. She provided the timeline that the NJ DEP is working under, adding that comments could be made until August 1. After that time, a final document will be made available, followed by another formal comment period; she encouraged the Township to comment.

Ms. Carluccio once again said that this is a federal program, and she believed that the changes would be an improvement, including some more clarification, streamlining, and accountability.

Deputy Mayor Sageser suggested one possible comment by the governing body would be to allow either a municipal official/executive or the engineer to provide the annual certification. Mr. Van Horn agreed that the engineer would have more knowledge about the matter. Ms. Carluccio said that most engineers do the certification now and may continue to do so; she believed that the change was recommended based on previous comments that municipalities wished to eliminate the expense of having a professional fulfill the requirement.

Ms. Carluccio concluded that the comment period would take place in 2016, and the intent of NJ DEP is to have the permit in place by 2017. The Township Committee thanked Ms. Carluccio for her in-depth review. She and Mr. Souza left the meeting at 8:25 p.m.

#### CONTINUED DISCUSSION ON ENERGY AGGREGATION (SEE JUNE 9, 2016 MINUTES AS BACKGROUND)

Mayor Wang-Iverson asked the governing body if they had any questions to direct to Mr. Swantner.

Mr. Van Horn did not feel that there would be a tremendous savings for the township, and he was not in favor of an opt-out process. He would also like to have more input from the residents before imposing the program on them.

A recommendation was made to put something in the VIP or the website to "float the idea" to the residents. Information from West Amwell, provided by Frances Gavigan, was also mentioned. It was felt that the savings to residents would be about \$75-80 a year, which was minimal. A comment was also made about aggregation being a means to put pressure on utilities to be more competitive.

Deputy Mayor Sageser felt that publicizing the program a little more would be the first step.

**STANDING COMMITTEE REPORTS****6/21 REQUEST TO OVERRIDE GOVERNOR'S VETOED LINE ITEM (STATE FUNDING)**

The issue was already resolved before the state budget was adopted, and it is no longer a concern.

**DISCUSSION ON THE REVISED AGREEMENT FOR COOPERATIVE PURCHASE WITH NJCF AND RHA FOR THE HIGGINS PROPERTY, BLOCK 35, LOTS 10, 12, AND 60**

Mayor Wang-Iverson mentioned a revised agreement for New Jersey Conservation Foundation (NJCF) and Raritan Headwaters Association (RHA), adding that a new ordinance would be introduced later. He spoke with Renee Jones and Martha Sapp at Green Acres with reference to the 1998 East Amwell referendum question and the subsequent 1999 ordinance not being in line. Green Acres has no issue with this relevant to the current grant of \$310,000 and they will proceed to use it for the acquisition of the Higgins property. Mr. Cushing made a modification to the ordinance to take care of this. The Mayor concluded that the municipality "was in good shape."

Mr. Miller asked about the use of \$10,000 in the ordinance for soft costs; Mayor Wang-Iverson explained that \$300,000 of the Township's Green Acre funds would go towards the purchase of the property, and \$10,000 of the Green Acres funds would go towards soft costs. There are also County funds and funds from NJCF going towards the costs.

Mr. Cushing suggested that the cooperative agreement be added to the next Township Committee agenda after the purchase ordinance has been adopted.

**APPROVAL OF MINUTES**

June 9, 2016, Minutes were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously with corrections: Replace the last two sentences in paragraph 2 on page 11 with the following: Ms. Pasqua said that there is \$260,000 a year taken in for the Open Space Tax. Currently \$400,000 from the Open Space Trust Fund is used to fund the budget, and \$200,000 is used from the operating budget towards debt service, which is about \$500,000-600,000. If you raise the open space tax, it only stabilizes the open space account. Ms. Pasqua added that not all debt is for open space, although about 90% of it is in that category. Also on page 11, paragraph 1, line 7, and paragraph 2, line 4, change "suggested" to "clarified."

June 27, 2016, Minutes were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried with one abstention, Mr. Miller.

**OPEN TO THE PUBLIC**

Jim Davidson, Lindbergh Road, said that the East Amwell Historical Society received a \$10,000 grant from Northfield Bank. The Society is looking to raise \$25,000, and they are up to \$17,600. They also had two other large donations this week.

Mr. Davidson added that the County is moving along to finalize their grant, and East Amwell was verbally told that they would get \$70,000-75,000; the funds should be approved by the County Freeholders at their August meeting. He looked forward to having a meeting with Township officials with the intent to go out for bid with about \$90,000 in September.

Mr. Van Horn congratulated Mr. Davidson and the Society on their efforts.

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

**CONSENT AGENDA ITEMS**

++++  
NORWESCAP – Extension of 2013 Agreement for Housing Rehabilitation – Addendum for 2016

**RESOLUTION #70 -16**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they do hereby authorize the Mayor to sign the 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, 2016 through June 30, 2017.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

++++  
ABC SOCIAL AFFAIR PERMIT FOR HEALTH RESEARCH AND EDUCATION TRUST OF NJ FOR AN EVENT TO BE HELD AT THE RIDGE AT BACK BROOK ON JULY 27, 2016

**RESOLUTION #71 - 16**

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 Health Research and Education Trust of NJ for an event to be held at The Ridge at Back Brook on July 27, 2016.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

++++  
RAFFLE LICENSE #16-04 – JOHN J. MURPHY FOUNDATION, EVENT TO BE HELD AT THE RIDGE AT BACK BROOK ON AUGUST 1, 2016

**RESOLUTION # 72 -16**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the John J. Murphy Foundation, 39 Van Lies Road, Ringoes, NJ 08551; and

WHEREAS, the organization has made application to hold a raffle for a drawing on August 1, 2016, 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 #RL16-04 be approved and processed.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

++++  
Motion by Deputy Mayor Sageser, seconded by Mr. Van Horn, and carried unanimously to approve the consent agenda items.

**INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS**

**Introduction of Ordinance(s):**

++++  
ORDINANCE 16-05: AN ORDINANCE AUTHORIZING THE PARTICIPATION IN THE PURCHASE AND CONVEYANCE OF PROPERTY DESIGNATED AS BLOCK 35, LOTS 10, 12, AND 60

WHEREAS, the Township of East Amwell (the "Township") wishes to participate with the New Jersey Conservation Foundation ("NJCF") in the acquisition and preservation of approximately 152 acres of land designated as Block 35, Lots 10, 12, and 60 on the Township Tax Map, located on Wertsville Road, and commonly referred to as the Higgins Property; and

WHEREAS, the Township has been approved for a \$310,000 Green Acres Municipal Grant Award and a \$440,000 Hunterdon County Grant Award to partially fund its participation in the acquisition of the Higgins Property; and

WHEREAS, the amount of the Hunterdon County Grant Award may change depending upon the fair market value of the property to be determined; and

WHEREAS, the Township shall be required to pay \$10,000 toward the acquisition of the Higgins Property at closing from its Green Acres funds; and

WHEREAS, upon closing the Township will take an amount interest in the Higgins Property as required by the New Jersey Green Acres program; and

WHEREAS, At or after closing, the Township will transfer its interest in the Higgins Property to NJCF for ownership and management of the Higgins Property as part of a larger preserve in the Sourland Mountains; and

WHEREAS, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-3 et seq. requires adoption of an ordinance to authorize the participation in the acquisition and then conveyance of the Higgins Property to NJCF; and

WHEREAS, an issue has been recently raised as to whether the Township's Open Space Ordinance is consistent with a prior ballot question. The Township will be submitting a referendum question to the voters at the November election. Depending on the outcome of the ballot question and other factors, there may be an issue as to whether the Green Acres funds referenced above will be available for this acquisition.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of East Amwell, the County of Hunterdon, as follows:

SECTION 1. Subject to the availability of funds described herein, the Township is hereby authorized to participate in the acquisition of the Higgins Property as referenced hereinabove and following acquisition, the conveyance such property to NJCF.

SECTION 2. The Mayor and Clerk are hereby authorized and directed to take all necessary actions and execute all necessary documents, including but not limited to the Cooperative Purchase Agreement, deed of conveyance, HUD-1 settlement statement, affidavit of title, and such other closing documents in order to authorize both the acquisition and conveyance of the Higgins Property.

SECTION 3. This Ordinance shall take effect after final passage and publication as prescribed by law.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

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

Introduced: July 14, 2016

Adopted:

+++++  
Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to approve the introduction of this ordinance. The ordinance will be published in the July 21, issue of the Hunterdon County Democrat, and the public hearing will be set for the next regular Township Committee meeting on August 11, 2016.

**UNFINISHED BUSINESS**

TOWNSHIP ADMINISTRATOR’S UPDATE

1) Clawson Park Award for Rain Garden: Mr. Matheny added that the award made earlier this evening for the rain garden was awarded under pay to play regulations as a quote he received for the work.

2) Franklin Court – Continued Participation in Municipal Court: Mr. Matheny said that the existing contract with Franklin Township has been on-going and is in its fourth year. They were sent a letter of interest, and they are interested in renewal. Court Administrator Cindy Hooven is reviewing statistics to determine cost effectiveness. An agreement will be drafted thereafter.

3) Renewal of M & R Contracts – One Year Extension: The 2015 contracts were written to allow two one year extensions, if both parties agreed. Letters of continuance were received from both vendors.

+++++  
**RESOLUTION #73-16**

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby agree to continue purchase under the 2015 M & R Contracts for one additional year, 2016, as outlined in the original bid specifications, which are available for inspection during regular business hours at the Clerk’s Office, 1070 Route 202/31, Ringoes, NJ 08551. Contracts are held by the following vendors:

- 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

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

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

4) Second Speed Study on Lindbergh Road (from 3-28 to 4-25/16): Mayor Wang-Iverson said that he has not yet compared this data to the previous data. Comments were made, including that speeds were higher than they were at the bottom of the hill. The possibility of police patrol was mentioned, with Deputy Mayor Sageser noting that the police spent one hour on Lindbergh without writing a ticket. Mr. Matheny said that the police have no where to park in the area, which is a difficulty, and catching the traffic at the appropriate time of the day is also important. Mr. Matheny also noted that if the police (West Amwell or State) are not successful in their efforts, they usually patrol where they are more engaged.

5) Zion Road Project: This project is partially funded by the state (\$160,000) and is on the list of stop order projects. The contractor has already reclaimed the road with a concrete underlay, and the road requires pipes and overlay. While the road is passable now, the project cannot sit for a month or two. The engineer will re-evaluate next week, and a decision will be made whether to continue with the stop work order or choose to proceed with the possibility of the state pulling funding. There is enough money in capital to complete the work without the state's funding, but this would mean that the work on Linvale Road would not be done.

Deputy Mayor Sageser asked if there were remobilization or liability costs; Mr. Matheny was not sure if this was in the contract, adding that the state order was directed to contractors as well as municipalities. Mr. Miller asked if the reclamation was done, was the road ready for blacktop. Mr. Matheny said that there were final pitches needed on driveways and piping before blacktop. He was concerned with the possibility of the bottom layer sinking without the blacktop, and he hoped "that we can move forward."

6) CPWM Courses for the DPW Superintendent: Mr. Matheny referenced a request from DPW Superintendent Jason Silverthorn to take Certified Public Works Manager (CPWM) courses. Mr. Matheny explained that the municipality has had a couple of five-year waivers from the state for this mandatory position. If the municipality had sewers, there would be no waivers allowed.

Mr. Matheny explained that Mr. Silverthorn has "dialed up what we are accomplishing," including building inlets and piping, reconstructing roads, etc. and "doing good work." Mr. Matheny also thought that by doing this additional work, the Township might jeopardize its waiver. He added that the engineer could be appointed the CPWM, but that would involve an increase in cost.

The program involves three modules and will take eighteen months to complete. Mr. Silverthorn would also need five years of management before he sits for the exam, and if he started the classes in September, the five years would coincide with the completion of the modules. The classes starting in September would be during day time hours, one day a week. The CFO has agreed to find \$2,300 in the budget for the classes, and Mr. Matheny that it would be a great idea for the classes with the thought that the Township would benefit from them.

There was also a policy manual change that Mr. Matheny said would be brought to the Committee at another time.

There were some comments exchanged about the motion to be brought to the floor.

++++  
**RESOLUTION #73A-16**

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby authorizes the expenditure of \$2300 in the 2016 budget by Jason Silverthorn to attend the Certified Public Works Manager classes beginning in September 2016.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

MAYOR’S UPDATE

1) 6/21 Email from R. Windels, Governor’s Office Re: The Fairness Formula - School Funding and Property Tax Equity: Mayor Wang-Iverson spoke with Mr. Windels last week about state funding in the amount of \$1.3 Million Dollars. Dividing K-12 students, he equated this with \$2300 per student (380 in the elementary school and 180 in the high school). Under the Governor’s plan, all students would get the same amount of \$6,599, and this would mean that East Amwell Township would get \$3.6 Million in school aid. By that calculation, it would equate to a property tax reduction of \$1,325.

Mr. Van Horn did not believe that the bill would move forward, and even if it did, there was no guarantee that the schools would not keep the money for additional items. Mr. Van Horn commented on being on Senator Sweeney’s email list for more information. Plugging in County and Township funding figures, based on this information, showed that East Amwell receives 127% funding. If the state’s plan proceeds, it would be to fully fund all districts, and in this case, East Amwell may not be affected. Mayor Wang-Iverson said that some of the disadvantaged schools are only receiving about 80% of their funding.

Mayor Wang-Iverson said that he was just passing this information along. He also spoke with Mr. Windels about the transportation funding, but he had no real information to provide. The Mayor asked the governing body if they thought he should call Senator Turner’s office, which they agreed was a good idea.

2) Special Events Ordinance: Mayor Wang-Iverson asked Mr. Matheny to research the subject, and he located about eight or nine ordinances, which he provided with a summary. The Mayor also got some other suggestions from the public. He will put all the information together and provide it in the Share File to discuss at the next meeting. He added that “it would be a little tricky ... with events on private property.”

3) 1963 Township Committee Report: Mayor Wang-Iverson received a copy of this document from Glorianne Robbi, and he referenced a statement that at that time, East Amwell was the third lowest in taxes in the twenty-six municipalities. He pulled current data from the Hunterdon County website, and this year East Amwell is the second lowest in taxes following Holland Township.

Mayor Wang-Iverson also read about a 6-wheeled road scraper that was purchased at that time for \$26,000, asking if this vehicle was still in the fleet. He also referenced a group of 32 residents who were the Civil Defense and Disaster Control team at that time. He said that he would be turning this document over to the Historical Society for their archiving, and he thanked Mrs. Robbi for providing the material.

CONTINUED DISCUSSION ON REFERENDUM TAX QUESTION (SEE JUNE 9, 2016, MINUTES FOR BACKGROUND)

Mayor Wang-Iverson explained that Mr. Mathews previously brought up the 1998 tax question for spending it on farmland and debt service for farmland. However, in the Spring and Summer of 1999, Ordinance 99-18 was passed, and it included using the funds for all permitted uses that the Legislator included in the original statute, i.e., besides farmland preservation, for recreation, conservation, open space maintenance and development, and historic preservation purposes. The disconnect was unclear, and all relevant information was pulled for review by Attorney Cushing. Mr. Cushing’s opinion was that the referendum was good, but the ordinance was in error for uses other than farmland acquisition and debt.

Mayor Wang-Iverson said that the Township has been operating under the ordinance in good faith since 1999. However, under the creation of the Open Space Trust Fund, the attorney

believes that it was required to limit its use to the items on the ballot question, farmland acquisition and farmland debt.

Deputy Mayor asked if this was the case even if the question was non-binding. Mr. Cushing said that the referendum sought the authorization from the tax payers to be able to tax at a rate of up to four cents. It wasn't binding in the sense that it created the authorization for the tax levy to be imposed. Mayor Wang-Iverson said that it was his understanding that it was non-binding in the sense that "they could take it or leave it." Mr. Cushing said that the ordinance did not have to be passed, but it (the question) authorized the passing of it.

Deputy Mayor Sageser noted that Attorney Richard Dieterly was involved with the referendum but not the ordinance. Mr. Cushing explained that at the time, it was a new law, and if the minutes were read, Mr. Dieterly offered an opinion about the referendum. He believed that in an effort to save money, the Township drafted the ordinance itself and took a standard form and adopted the language in its entirety without the attorney being present at the meeting.

Mayor Wang-Iverson acknowledged the past mistake, and he said that there were two resolutions being offered tonight to correct the matter. The first one was a resolution to direct the CFO not to spend any of the Open Space Trust Funds for anything other than farmland and debt service.

+++++

**RESOLUTION #74 -16**

Resolution to Utilize the OSTF for 1998 Ballot Items Only

WHEREAS, pursuant to N.J.S.A. 40:12-15.7(a)(1), in 1998, the Township of East Amwell (the "Township") placed a referendum question on the general election ballot ("1998 Referendum") asking for authorization to impose an annual real property tax levy at a rate not exceeding \$.04 per \$100 of assessed value for either of the following two purposes or a combination of them: "(a) Acquisition of farmland for farmland preservation purposes or (b) payment of debt service on indebtedness issued or incurred for the purposes described in subparagraph (a) just above;" and

WHEREAS, such referendum was supported by a majority of the Township's voters; and

WHEREAS, N.J.S.A. 40:12-15.7(a)(1) allows such referendum to authorize use of levied funds for a variety of purposes, including:

- A) Acquisition of lands for recreation and conservation purposes;
- B) Development of lands acquired for recreation and conservation purposes;
- C) Maintenance of lands acquired for recreation and conservation purposes;
- D) Acquisition of farmland for farmland preservation purposes;
- E) Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;
- F) Payment of debt service on an indebtedness incurred by the municipality for any of the above purposes.

WHEREAS, pursuant to the 1998 Referendum and in compliance with N.J.S.A. 40:12-15.7, the Township adopted Ordinance 99-18 (codified at Township Code §27-1) establishing an Open Space Trust Fund to be funded by the aforementioned tax levy and authorizing its use for certain purposes; and

WHEREAS, although the 1998 Referendum only authorized use of the monies raised by the aforementioned tax levy for acquisition of land for farmland preservation purposes and debt service thereof, Ordinance 99-18 mirrored the language of N.J.S.A. 40:12-15.7(a)(1) and stated that such funds could be used for wider range of purposes; and

WHEREAS, in reliance of the language of Ordinance 99-18 and without knowledge of the specific language of the 1998 Referendum, the Township has utilized Open Space Trust Funds for all of the purposes set forth in Ordinance 99-18, such as for open space and historic preservation purposes, and not only for farmland preservation purposes.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell that, effective immediately and until further notice, they hereby direct the CFO of East Amwell to limit the use of the Open Space Trust Fund for the following items listed in the 1998 Referendum:

- A) Acquisition of farmland for farmland preservation purposes;
- B) Payment of debt service on the indebtedness issued or incurred for the purposes described in subparagraph (A) just above.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

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

Mayor Wang-Iverson said that the second resolution was to try to address the issue with Ordinance 99-18. He sent a proposed resolution for a ballot question on the November 8<sup>th</sup> ballot to add the other uses for the trust fund, including historic preservation, open space, maintenance at the park, plans to use it to complete the exterior on Clawson House, etc., with the hope of getting the voters to agree to use it for these other purposes.

++++  
**RESOLUTION #75 -16 (Final copy on 7-15-16)**

RESOLUTION FOR A NEW BALLOT QUESTION ABOUT WHETHER THE PURPOSES FOR WHICH OPEN SPACE TRUST FUNDS CAN BE USED SHOULD INCLUDE THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF LANDS FOR RECREATION AND CONSERVATION PURPOSES, AND FOR HISTORIC PRESERVATION OF HISTORIC PROPERTIES, STRUCTURES, FACILITIES, SITES, AREAS OR OBJECTS, AND THE ACQUISITION OF SUCH PROPERTIES, STRUCTURES, FACILITIES, SITES, AREAS, OR OBJECTS FOR HISTORIC PRESERVATION PURPOSES.

WHEREAS, in 1997, NJ Legislators amended R.S. 40:12-14 and P.L. 1992, c. 157, supplementing Title 40 of the Revised Statutes to allow governing bodies to submit to the voters at a general or special election a proposition authorizing an annual tax levy at a certain rate for seven specific purposes; and

WHEREAS N.J.S.A. 40:12-15.7(a)(1)(a) provides, among other things, that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition which permits the purposes for which open space funds may be used to be changed; and

WHEREAS, in 1998, there was a local ballot question asking for authorization to impose an annual real property tax levy for either of the following two purposes or a combination of them: “(a) Acquisition of farmland for farmland preservation purposes, or (b) payment of debt service on indebtedness issued or incurred for the purposes described in subparagraph (a) just above;” and

WHEREAS, the Township contains many areas of open space with historical and/or ecological significance that can and should be maintained for the benefit of the public at large; and

WHEREAS, the Township Committee of the Township of East Amwell (the “Committee”) wishes to obtain the approval of the voters to modify its open space program so as to use the existing open space trust funds for all allowable purposes designated by the New Jersey Legislature, including the following four new purposes:

- A) Acquisition of lands for recreation and conservation purposes;
- B) Development of lands acquired for recreation and conservation purposes;
- C) Maintenance of lands acquired for recreation and conservation purposes;
- D) Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

WHEREAS, the additional purposes for which open space funds can be used will not alter or increase the tax rate approved in a past referendum in any way.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of East Amwell is hereby authorized to submit the following referendum question to the Hunterdon County Clerk for placement on the November 8, 2016, General Election Ballot:

SHALL THE TOWNSHIP OF EAST AMWELL BE AUTHORIZED TO UTILIZE THE TOWNSHIP’S OPEN SPACE TRUST FUND FOR ANY OF THE FOLLOWING PURPOSES OR A COMBINATION OF ANY OF THEM WITHOUT INCREASING THE CURRENT TAX LEVY:

- A) Acquisition of lands for recreation and conservation purposes;
- B) Development of lands acquired for recreation and conservation purposes;
- C) Maintenance of lands acquired for recreation and conservation purposes;
- D) Acquisition of farmland for farmland preservation purposes;
- E) Historic preservation of historic properties, structures, facilities, sites, areas, or
  - 1) objects, and the acquisition of such properties, structures, facilities, sites, areas, or
  - 2) objects for historic preservation purposes;
- F) Payment of debt service on an indebtedness incurred by the municipality for any of the above purposes.

INTERPRETIVE STATEMENT

This ballot question seeks to update the 1998 ballot question which permitted the creation of the East Amwell Open Space Trust Fund (“Trust Fund”), and authorized an annual real property tax levy not to exceed \$.04 per \$100 of assessed value to fund such Trust Fund. Pursuant to the 1998 ballot question, the Township is authorized to utilize the Trust Fund only to acquire land for farmland preservation purposes and payment of debt service for farmland preservation. The current question before you WOULD NOT AUTHORIZE A CHANGE OR INCREASE IN THE AMOUNT OF THE EXISTING TAX LEVY. A “yes” vote on the question would allow the Trust Fund (containing the monies raised by the aforementioned tax levy) to be used for, in addition to farmland purchases and debt service on those purchases, the acquisition, development, and maintenance of lands, such as Clawson Park, for recreation and conservation and preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes and for debt service on indebtedness incurred for any of those purposes. A “yes” vote also ensures township’s ability to leverage matching grants of up to 50% of purchase price from New Jersey Green Acres and the Hunterdon County Open Space Trust Fund.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be filed immediately with the Clerk of the County of Hunterdon, with the direction that the above question and explanatory statement be printed and appear on the official ballot to be used in the Township of East Amwell this November 8, 2016.

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

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

Mr. Miller said that after reading it, he was not inclined to rush into this. He would like to further discuss in August and still allow time to get a question on the ballot. He would like more time to review the issue, and he did not want to act so quickly. He added that Mr. Mathews was very interested in this matter, and he suggested it would be appropriate to wait until the next meeting for more input.

Mr. Van Horn said that the governing body has the attorney's input, commenting on the resolution done to comply with the original question and referencing the history of the 1999 ordinance after the referendum question with items that the Township Committee meant to cover. He did not believe that they were rushing into the matter, and he did not know what could be achieved by waiting another 30 days.

Mayor Wang-Iverson agreed that it seemed straight forward with the referendum question that would validate Ordinance 99-18, if approved.

Mr. Miller asked about remedying the monies spent against the ordinance for the other items. Mayor Wang-Iverson said that he and Mr. Cushing discussed this, and there is no need. Green Acres has reviewed their files, and they are "completely comfortable with what we did with Green Acre money." He further asked Green Acres staff if they were eligible for the current funds, and he was told that East Amwell is in full compliance with Green Acres, "and they are not looking backwards at all."

Mr. Cushing said that Green Acres was one matter. He also said that one way or the other, money came from the tax payers' pockets, and there was no way to get money from the tax payers from one fund to another, i.e., no remedy. He explained that all expenses came out of the tax payers' pockets, and whether spending the four cents from Open Space or the general treasury, there would be no remedy. Township money was paid for the benefits received in either case, and the only remedy would be to raise revenue to repay the open space tax.

Mr. Miller recalled that the previous dialogue was that debt was being paid for out of general funds, and there was less for spending on roads so that they were underfunded. He said that this was the start of the discussion, and he spoke about finding a solution if the question is not approved. Mayor Wang-Iverson said that if the question is not approved, Ordinance 99-18 would be modified, and the Township would not spend any open space trust fund money except for farmland and debt.

Deputy Mayor Sageser said that the question was aligning with the state's enabling ordinance. Mr. Miller said that he read the question as the public only wanting to identify those two uses, i.e., farmland and debt. Mayor Wang-Iverson said that was in 1998 and this is now 2016, and asking the voters going forth is appropriate.

Deputy Mayor Sageser called the question, i.e., approval of the resolution, which was moved and seconded. The motion was carried with three aye votes and one abstention from Mr. Miller.

#### KLEINSCHMIDT PROPERTY UPDATE, BLOCK 17, LOT 1 - 2 OLD YORK ROAD

Mr. Cushing explained that so far the title company has been unable to find a record of the death in either Hunterdon or Mercer County. The title is in the name of the estate, and there is a question as to whether the name may be misspelled or be under a different variation of the name. There is no estate filed at either Surrogate Office. Mr. Cushing will provide the Clerk with a report he received, and she will do some further investigation into the death.

Mayor Wang-Iverson noted a quote obtained by Mr. Matheny for the clean up at a cost of \$40,000, which was higher than a past quote.

**NEW BUSINESS** - None

**OPEN TO THE PUBLIC**

The meeting was open to the public for comment. There being no comments, motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to close to the public.

**ADMINISTRATIVE REPORTS**

CFO PASQUA presented a resolution.

+++++  
**RESOLUTION #76-16**

Resolution- Cancellation of Driveway Performance Bonds

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the CFO/Treasurer to cancel the following Driveway Performance bonds and lapse to MRNA as the Finance Office was unable to contact the original owners on applications over 10 years old.

Ralph Walker	Block 4, Lot 27.02	\$1,000.00
Edward Paullay	Block 40, Lot 21.04	\$1,000.00
John Skeehan	Block 17, Lot 31.01	\$1,000.00
Hunterdon Horizons	Block 30, Lot 10.01	\$1,000.00
Joseph Lachac	Block 26, Lot 1	\$1,500.00
Frank Brenner	Block 40, Lot 3.01	\$1,500.00
Timothy & Gwen Smith	Block 21, Lot 14	\$1,500.00
Princeton Design Guild	Block 34, Lot 21.03	\$1,500.00
Wertzville Group LLC	Block 22, Lot 4	\$1,500.00

By Order of the Township Committee,

\_\_\_\_\_  
David Wang-Iverson, Mayor

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

Bills of the evening were approved on a motion by Deputy Mayor Sageser, seconded by Mr. Miller, and carried unanimously.

All other reports were acknowledged without comment.

Mr. Cushing left the meeting at 9:26 p.m.

**CORRESPONDENCE**

There were no comments on the correspondence.

**ADJOURNMENT**

There being no further business, motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to adjourn the meeting at 9:27 p.m.

\_\_\_\_\_  
Teresa R. Stahl, RMC/CMC  
Municipal Clerk