

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 Charles Van Horn, Tim Mathews, 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 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 October 11, 2016.

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

AGENDA REVIEW

There will be a new item C under Update from the CFO - Resolution Authorizing of an amendment to the Shared Service Defense Agreement, provided by the Township attorney this evening.

ANNOUNCEMENTS

Day Light Saving Time Ends at 2 a.m. on November 6, 2016. Turn your clocks back one hour.

Election Day is Tuesday, November 8, 2016. All polls, located at the East Amwell Municipal Building, are open from 6 a.m. - 8 p.m.

Municipal Offices will be closed on Friday, November 11, 2016, in observance of Veteran's Day.

Hunterdon County Utilities Authority has scheduled the following collection event at the County Complex on Route 12 from 9 a.m. – 1 p.m. – a Household Hazardous Waste Collection Day on November 12 – call 908-788-1110 for more information.

UPDATE FROM THE CFO

CFO Margaret Pasqua was present at this time.

1) Open Space Trust Fund and Distribution of Current Budget Status: Ms. Pasqua provided a sheet showing expenditures from the Open Space Trust Fund from 2007 to 2013 (copy attached to original set of minutes). Her research has been on-going, involving going through purchase orders through the years, cross-referencing bank statements, accessing capital ordinances, and looking at audits. She read the following expenditures per year, adding that she was not asked for reimbursement information: 2012 – 40% debt; 56% open space; balance for parks maintenance; 2011 – farmland, 34%; open space 63%; .24% reserve; remainder – other expenses; 2010 – 63% farmland, 9.37% reserve, 20% Clawson Park, and 7% general maintenance; 2009 – 93% open space and balance was Clawson Park and Soccer Fields; no debt payment from OSTF; 2008 – 90% farmland capital, 7% parks, 2% Clawson House; 2007 – 52% parks, 16.5% soccer field irrigation, 16.5% preliminary for farmland and open space, 10% general park. Ms. Pasqua said that she will try to go back further, but purchase orders for that time period no longer exist since they were on records retention.

Mayor Wang-Iverson commented on no using the fund for debt service; Ms. Pasqua said that she didn't see any fund used, based on looking at bank statements. Mr. Mathews speculated that the debt would have come from the general revenue and transferred from the open space trust fund. Ms. Pasqua reminded the governing body that there was only about \$150,000 per year being collected between 1999-2005 and there would not have been a lot of money to pay for debt service.

Mr. Mathews asked about the confidence Ms. Pasqua had in her research and figures. Ms. Pasqua said that there were some purchase orders that she did not find to cross reference with the bank statements and capital ordinances, which was why someone told her to look at the audit. She mentioned finding two years that "didn't match," but using the audits she was able to get close to the figures. She mentioned that reimbursements may be affecting the figures. Mayor Wang-Iverson said that the reimbursements were important, adding the example of the Cider Mill property, which was acquired without the Township paying; Mr. Martin (FOSPC member in the audience) agreed with the Mayor's comment.

Ms. Pasqua distributed a copy of the current budget report so the Township Committee could see the finances for all departments at this time.

2) CFO Resolutions:

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RESOLUTION #95-16

Resolution - Cancellation of Driveway Bond

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the CFO/Treasurer to release a check in the amount of \$2500, posted on 6/13/16, to Kathleen and Richard Wolfe, 21 Rynearson Road, Ringoes, NJ 08551 as cancellation of a driveway bond for Block 2, Lot 2 on Rynearson Road.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION #96-16

Resolution - Cancellation of Driveway Bond

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the CFO/Treasurer to release a check in the amount of \$1000, originally posted in 1995, to Theresa Payton (Dulin), 18 Linvale Road, Ringoes, NJ 08551 as cancellation of a driveway bond for Block 31, Lot 5.06, on Linvale Road.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION #97-16

WHEREAS, certain Capital appropriation ordinances have funding that are no longer necessary;

WHEREAS, it is necessary to formally cancel said balances:

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following unexpended balances be cancelled:

	Amount	Cancel to:
Ordinance # 2013-07 Backhoe & Barn Renovation	\$94,715.00	Def Charges to Future Taxation
Ordinance # 2013-07 Backhoe & Barn Renovation	\$ 1,619.92	Capital Surplus
Ordinance # 2015-02 Acquisition of Dump Truck	\$ 5,362.95	Capital Surplus
Ordinance # 2015-05 Wash Water Collection System	\$ 830.80	Capital Surplus

By Order of the Township Committee

David Wang-Iverson, Mayor

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Motion by Mr. Van Horn, seconded by Mr. Mathews, and carried unanimously to approve the CFO's resolutions.

3) Resolution for Amendment for Shared Defense Agreement in Vicinage 13: Mr. Cushing explained that he received a call late today about the COAH (affordable housing) litigation. He explained the COAH issue, including having the Township be part of a consortium to apply for declaratory judgment action to have the housing obligations established. He explained the Supreme Court's involvement with the process of towns establishing their obligations and their defense from Fair Share Housing (FSH) demands for higher numbers of low and moderate income housing in the state.

Mr. Cushing further explained that East Amwell has completed all previous requirements for COAH although FSH is arguing for larger figures. The Township has always recognized its obligation but want it to be fair. The Township has joined two groups, a statewide group, and the Vicinage 13 regional group, which includes municipalities in Somerset, Warren, and Hunterdon Counties. The intent is to share the cost of defense and fight for an equitable allocation of housing throughout the area. The Township has already contributed \$1,500 for the Vicinage 13 group, which includes the services of two experts, a Planner from Pennsylvania and an economic expert from Princeton, who will establish that FHS claims are not realistic because of the market conditions. Mr. Cushing received a phone call today that the group was requesting a resolution for continuance in the group and \$5,000 to continue litigation and action. Mr. Cushing said that the attorneys working for the group "are extremely knowledgeable" about COAH, and they specialize in that area. By participating in the group of 60 municipalities, the Township's expenses are about one-sixtieth of the total cost. The resolution being proposed authorizes the continuance as part of the litigation to preserve East Amwell's "bucolic and rural" character while fulfilling the Township's obligations in a reasonable way and allowing the Township where to places houses and what conditions to consider.

The payment of the \$5,000 was contingent upon the CFO finding the funds in the budget; Ms. Pasqua said that there was money in the attorney's line item.

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RESOLUTION #98-16

WHEREAS, the Township of East Amwell has filed 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"), which was assigned to the Honorable Thomas C. Miller, P.J., Cv.; and

WHEREAS, over 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

WHEREAS, many of these municipalities (collectively the "Vicinage 13 Municipal Group") wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

WHEREAS, the Township desires to continue to participate in the Vicinage 13 Municipal Group; and

WHEREAS, the Township entered into and executed a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Vicinage 13 MSSDA), so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

WHEREAS, the extent and scope of the litigation has exceeded original expectations; and

WHEREAS, the Vicinage 13 MSSDA has requested an additional contribution of \$5,000.00; and

WHEREAS, a claim has been made by a party in the declaratory judgment action that the Township is obligated to provide for a very large number of affordable housing units, which the Township believes is excessive and inconsistent with properly applied affordable housing rules; and

WHEREAS, the Township recognizes its obligations with respect to affordable housing, but believes that the numbers asserted by said party is extreme and unfair; and

WHEREAS, the Township has concluded that participating in a collective defense with other municipalities in the Vicinage is the most cost efficient means of protecting its interests; and

WHEREAS, Vicinage 13 MSSDA has circulated a First Amendment to Municipal Shared Services Defense Agreement for Vicinage 13 – Somerset, Hunterdon and Warren Counties “(Amendment)”, a copy of which is attached which authorizes the Township to continue to participate in the group; and

WHEREAS, it is necessary for the Chief Financial Officer to certified funds for the proposed expenditure and should those funds not be currently available, but be available for transfer after November 1, 2016, the Chief Financial Officer is authorized to examine the budget and determine whether such funds may be transferred from other accounts or line items

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

1. The terms and conditions of the Vicinage 13 MSSDA Amendment, attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$5,000 is hereby authorized to be expended by the Township, subject to the following.
 - a. A certification of funds authorizing the aforesaid expenditure to be signed by the Chief Financial Officer of the Township; if the Chief Financial Officer determines that there are not presently adequate funds to fund the additional expenditure, she is authorized to make such transfers from other accounts or line items after November 1, 2016, so as to fund the expenditure.
 - b. Subject to the certification of funds by the Chief Financial Officer, the Mayor be and is hereby authorized to execute the aforesaid Vicinage 13 Amendment to memorialize the participation of the Township and to take any and all actions reasonably required to effectuate said Agreement.
3. This Resolution shall take effect immediately.

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

STANDING COMMITTEE REPORTS

AGRICULTURAL ADVISORY COMMITTEE - Chair Rob Garrett was present at this time.

Mr. Garrett said that the Agricultural Advisory Committee had three initiatives for the next year or so. The first was a general report on agriculture in the township, including soil profiles, acreage distribution, and distribution of products. This will provide an idea of the format of farming and going forth to look at how things are done today and changing over time to establish benchmarks for the key elements in the agricultural community.

The second initiative is a deer management program and the establishment of a pilot program for harvesting and depredation permits for landowners. They are working with the Sourland Conservancy, NJ Fish and Wildlife, and Friends of Hopewell Valley, who have an administrator to work with.

The third item is a champion tree contest to be run through the school and through scout troops. The idea is to identify about 10-12 champion trees in East Amwell, to learn about them and see if they are still on site. On a question by Mayor Wang-Iverson, Mr. Garrett explained that the criteria for champion trees include diameter, height, and perhaps historical value. The Agricultural Advisory Committee thought that the contest would be fun, fair, and interesting for the children.

The Committee thanked Mr. Garrett for his report this evening.

FARMLAND/OPEN SPACE PRESERVATION COMMITTEE – Vice Chair Tim Martin was present at this time.

Mr. Martin explained that their Committee wanted to expand their look to farmland preservation after looking at open space for the previous meeting. The handout that was provided to the Township Committee showed that there were 58 farms preserved from 1989 – 2014 through bonding and use of the open space trust fund from 2006 on. The Township leveraged \$4.5 million dollars in funds for \$34 million dollars in purchased easements (or 4803 permanently preserved acres). The graphics at the bottom of the handout show the distribution of funds, with a normal split program of 60% from the state, 20% from the county, and 20% from the township. He added that sometimes, SADC will do direct purchase of the farmland without township or county money, adding that East Amwell is fifth in the state for receiving funds from them because they like the way the Township uses their funds.

Mr. Martin said that their update next month will be on Clawson Park. He said that this was a good exercise to do an overall view of funding for twenty-five years, including the use of the Open Space Trust Fund since its inception.

Mr. Mathews asked a question about the \$4.5 million of funds; it was used for purchase of \$34 million dollars cumulative value for 58 projected farms. Mr. Martin reiterated that the Committee would work on funds for Clawson Park for the next meeting even though FOSPC was not involved with acquiring this park.

APPROVAL OF MINUTES

September 8, 2016 Meeting Minutes were approved on a motion by Deputy Mayor Sageser, seconded by Mr. Van Horn, and carried unanimously.

September 28, 2016 Special Meeting Minutes were approved on a motion by Mr. Van Horn, seconded by Deputy Mayor Sageser and approved with one abstention, Mr. Miller.

OPEN TO THE PUBLIC

Carol McGee, 11 Rosemont-Ringoes Road and Helen Rynerarson, 14 Rosemont-Ringoes Road, wanted to discuss the project on the Everitt property.

Mrs. McGee spoke about the solar project across from her being “a mess.” She provided the Township Committee with a picture of Mrs. Rynearson in front of what was called wildflowers, although Mrs. McGee questioned whether they were wildflowers. Mayor Wang-Iverson said that Engineer Tom Decker did say it was a specific species of wildflower. Mrs. Rynearson said that there were no blooms, and they are turning black. The Mayor will call Mr. Decker about this.

Mrs. McGee commented on the planting of the flowers by fire hose, the growth is choking out the trees and shrubs, and she hasn’t seen anyone watering. The Mayor said that dead trees must be replaced.

Mrs. McGee was told in March 2016 that the panels would not be turned on until the road was approved, but they have been on for at least four months. She questioned whether fines were levied and wonder about incentives. She also commented on not having final approval from HC Soil Conservation. Mayor Wang-Iverson has been in contact with Engineer Tom Decker about the wildflowers and the solar installation issues. He will check with him again about the neighbor’s concerns.

Mrs. McGee said that whether it was inherently beneficial or not, the solar installation took away from the open space concept of the township, and it is owned by someone who is not a resident of the Township (i.e., the owner lives in Raritan Township). Mrs. McGee said that her conditions were not as bad as some of their neighbors who “have nothing blocking their view.” She mentioned the home values being significantly reduced. When Mayor Wang-Iverson suggested speaking with the Tax Assessor, Mrs. McGee said that wouldn’t increase the value of her home, only reduce her tax burden. She commented on solar installations “not happening on the mountain.”

Mrs. McGee asked if there was anyone else looking at the installation besides Engineer Tom Decker. Deputy Mayor Sageser commented on the need to receive a Certificate of Occupancy from the Construction Official, adding that they may not shut down the operation but the company must meet code requirements. Mrs. McGee felt that the project “was miserably orchestrated.” Mayor Wang-Iverson will call Mr. Decker tomorrow to see if the company met all criteria prior to CO and ask about the plants. Mrs. McGee commented on Mr. Everitt brush-hogging and cutting down trees.

Mrs. Rynearson commented on a commercial machine coming close to her garage and almost damaging it. She also voiced her concern that the weeds are choking out trees and shrubs.

Mayor Wang-Iverson said that the developer has a performance bond and will have to post a maintenance bond. Deputy Mayor Sageser said that he would call Charlie Rose about the time line and proper procedures and approvals.

Mrs. McGee appreciated Mayor Wang-Iverson’s involvement by keeping in contact with the neighbors during this construction. The Mayor commented on the Township’s only involvement in overseeing that the developer followed the plan.

Andrea Bonette, 17 Ridge Road, wanted to comment about campaign literature she has seen because she was “furious.” She mentioned living in East Amwell since 1975, commenting on whether the writers had done any community service other than having a candidate who spent some unknown amount of time on the Recycling Committee. She provided information on her community related background, including Recycling Committee, Environmental Commission, Planning Board, Farmland/Open Space Preservation Committee founder, and eight years on the

Township Committee. She believed that the Republican candidates “don’t say how to help ... just complain.”

Mrs. Bonette said that when the farmland/open space issue came up sixteen years ago, the Republican Party argued that people should be allowed to do what they wanted with their land and did not want to see taxes raised. She resented “newcomers with phony issues” saying that East Amwell Township was tricky and made illegal maneuvers. She believed that the Township leaders made East Amwell a better place. Regarding the statement of raising taxes, she referred to her tax bills beginning in 2001 (at \$658 for municipal services) through 2015 (at \$768 for municipal services), saying that some years they only increased by \$1, \$5, or \$10. The recent literature also said that the party was not in favor of farmland but would they sign on for it ... she commented on hypocrisy. She provided her name and address once again and said that she would be delighted to speak with these people.

Frances Gavigan, 123 Wertsville Road, supports farmland and open space and wants clarity; she has been reading and scanning the 1998 and 1999 minute books regarding such topics as past Township Committee members; “behind the scenes” information on farmers’ land being preserved at a value before the suit; an auditor inventory of farms to preserve and what would be required if the tax was 2, 4, 6, or 8 cents a year; etc. She was trying to follow a trail. She mentioned a \$1.6 Million general purpose bond floated in 1999 with two farms preserved and probably for Clawson Park, adding that there was a bond for \$48,000 too. She believed that bonds floated in 1998 would be due in 2018. She spoke about some questions and answers from the public about the open space fund question with the public asking how they would know it would not be spent for something else. She spoke about an auditor’s forensic trail and process, mentioning support for open space, farmland, debt, and no potential for other things. She commented on ten years to get the money for Scibilia property, asking whether legal bills came out of open space or general operating budget. She spoke about checks and balances and transparency, mentioning an idea in the past to raise funds to digitize records; she suggested crowd-fundraising for the digitization. She mentioned corrective and prevention plans being done by the Township in the past.

Ms. Gavigan commented on speaking with people although not seeing campaign literature. She spoke about living here a long time, adding if one was Republican and not a member of the East Amwell Democrat Association, it was not only difficult to get on a board, but as with her as an Agricultural Advisory Committee member, to be kept on a board. She said it was disingenuous to reappoint a number of the same people to the board and not her. Mayor Wang-Iverson said that this was not because of party affiliation. She commented on lack of courtesy of not being told that she would not be reappointed; the Mayor apologized but again said that it was not because of party affiliation.

John Fischer, 109 Lindbergh, said that he has been home a great deal this summer, and he has notices an increase of large trucks on Lindbergh Road, i.e., a significant number of 18 wheelers. One truck took out FiOS line, which is still down. Mr. Fischer commented that seeing a truck used to be very rare, and now there are at least three a day. He asked about road limits on Lindbergh Road. Mr. Matheny said that there were none, and Mr. Cushing suggested having the engineer look into this. Someone in the audience also commented about a Route 206 bypass that might be affecting traffic.

Mayor Wang-Iverson asked about the low hanging wire at 107 Lindbergh Road; Mr. Fischer’s neighbor, Mr. Maffei, was in the audience and said it was still not fixed. The Clerk will contact Comcast and Verizon tomorrow about this.

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

CONSENT AGENDA ITEMS

RAFFLE LICENSE #16-05 EAST AMWELL TOWNSHIP SCHOOL PTO FOR A DRAW RAFFLE TO BE HELD ON NOVEMBER 22, 2016 AT EAST AMWELL TOWNSHIP SCHOOL

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RESOLUTION #99-16

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby support the fund-raising efforts of the East Amwell Township School, 43 Wertsville Road, Ringoes, NJ 08551; and

WHEREAS, the organization has made application to hold a raffle for a drawing on November 22, 2016, at the East Amwell Township School, 43 Wertsville Road, Ringoes, NJ 08551;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, that raffle license number #RL16-05 be approved and processed.

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.

SPECIAL DISCUSSIONS

**UPDATE FROM SUMMER PLAYGROUND SUPERVISING DIRECTOR KATHY VEITH
RE: SUMMER PLAYGROUND 2016**

Ms. Veith provided a handout about the program, adding that there have been a lot of great responses from children and parents about the program this year. There was a drop in attendance with the population of children not rising in the Township. She believed that there was still consistency with 20 new children joining the program this year over last. She felt that it was a good program to keep children away from television and electronics for a while, and there is almost 100% participation in all activities when the children attend. She spoke about the high humidity during this year’s program. She added that over the last four years, the program has never shut down for a day due to inclement weather; she felt that this was due to manageable numbers and the ability to move activities inside. The non-consistency in attendance throughout the entire camp is due to children having other activities scheduled or vacation schedules. A change in older children’s interests was the reason for lack of participation in the upper grades although the program is greatly used by 5-6 graders.

The program is operating under budget, based on establishing the activities supplies, e.g., balls, etc. The highest costs are for art supplies and prizes for the children; she believes that the prizes (e.g., balls, gum, etc.) “go a long way to encourage them.” Each year, activities change, including having the clay project, which has now become a fired clay project.

There was a letter of appreciation from the school nurse and one anonymous survey received. Ms. Veith thought that the surveys dwindled because parents have been filling them out favorably for years and “are tired of saying the same thing.” Pictures of activities at this year’s camp were also included in the packet provided to the governing body.

Ms. Veith was open to suggestions for activities for the entire age range, saying that the school encourages the older and younger students to interact. The problem is that the older children, grades 6 – 8, have different interests and don’t want to socially associate with the younger children. Deputy Mayor Sageser spoke about a camp he was familiar with where the older children were junior counselors. Ms. Veith said that her 7th grade daughter and her friend were very helpful at the camp this year, and she would like to see her daughter continue at some point in a director role.

Deputy Mayor Sageser felt that Ms. Veith “was doing a great job,” and Mr. Mathews thanked her for her work and the presentation.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Public Hearings - None

Introduction of Ordinances:

AN ORDINANCE AMENDING ORDINANCE 16-07 AND CLARIFYING THE PROCEDURE AND TIMING OF THE PAYMENT OF SOFT COSTS IN CONNECTION WITH THE PURCHASE AND CONVEYANCE OF PROPERTY DESIGNATED AS BLOCK 35, LOTS 10, 12, AND 60

The reason for the change in the ordinance was because New Jersey Conservation Foundation representative Lisa MacCollum reviewed the language in approved Ordinance 16-07, and she had questions about the fifth and sixth clauses regarding ancillary costs that would be paid at closing. The costs for surveys and the environmental impact survey are incurred prior to closing, and vendors should be paid in a reasonable period of time.

On a question from Mr. Mathews, Mr. Cushing agreed to get a track-changed ordinance for comparison.

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TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE #16-08

AN ORDINANCE AMENDING ORDINANCE 16-07 AND CLARIFYING THE PROCEDURE AND TIMING OF THE PAYMENT OF SOFT COSTS IN CONNECTION WITH 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, in order to authorize and facilitate the acquisition of the Higgins Property the Township adopted Ordinance 16- 7 which authorized, among other things, the Township to pay "ancillary" costs, such as, but not limited to, costs for surveyors, title insurance. Phase 1 Environmental Assessments, recording and other similar fees and such other incidental soft costs ("soft costs) as are necessary to effectuate the closing of the Higgins Property, which costs are not authorized to exceed \$20,000; and

WHEREAS, the Township will be reimbursed for all such soft costs through its Green Acres Municipal Grant Award and by the NJCF; and

WHEREAS, since the adoption of Ordinance 16-07 the Township has learned that certain soft cost vendors require the Township to pay invoices within 30 days of receipt of said invoices, but the closing may not occur within said 30 day period so it is appropriate to have authorization to pay the vendors in advance of the closing, with the understanding that any amounts paid will reimbursed at or after the closing.

WHEREAS, by this Ordinance the Township wishes to clarify the payment procedure for soft costs associated with the acquisition of the Higgins Property;

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

SECTION 1. The Township is hereby authorized to pay upon receipt of invoices all soft costs associated with the closing of the Higgins Property, such as, but not limited to, surveyor' s fees, title insurance fees, Phase 1 Environmental Assessment expenses, recording fees and any similar type of fees, up to an amount not to exceed \$20,000.

SECTION 2. The Mayor and Clerk, and such other Township officials as are appropriate, are hereby authorized and directed to take all necessary actions and execute all necessary documents in order to pay invoices received by the Township for soft costs incurred in connection with the purchase 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: October 13, 2016
Adopted:

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Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to approve introduction of Ordinance 16-08.

The ordinance will be published in the October 20, 2016, issue of the Hunterdon County Democrat. The public hearing and adoption will take place at the next regular Township Committee meeting on November 10, 2016, at 7:30 p.m.

Mr. Van Horn added that the Township would be paying soft costs upfront, and that Green Acres will only reimburse 50% of them. New Jersey Conservation Foundation will pay the other 50%, so that the Township will not be putting any of their own money into these costs.

SPECIAL COMMITTEE REPORTS – None

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR’S UPDATE:

1) Policies and Procedures Update for Tax Assessor Appeal Reporting; Department Heads Holding Employment Positions Elsewhere; and DPW Procedure Book: Mr. Matheny explained that the first two policies came from the best practices checklist, which he completed with input from the CFO and Clerk. This year’s checklist was reduced from 50 to 30 questions with the ability to answer yes, no, or not applicable. A difference this year was the ability, if not compliant, to become compliant prior to submission.

The first two policies will bring the Township into compliance. The first one regarding the Tax Assessor making a report to the CFO and governing body about tax appeals was taken from the template used in Raritan Township. Mr. Matheny added that the Municipal Managers’ group, to which he belongs, has been exchanging comments about these types of policies since the checklist became available on September 21. The second policy regarding department heads reporting outside employment is also a document found from another municipality. He did not see a problem with any outside employment, adding that a number of employees work in multiple municipalities; the policy allows the Township Administrator to determine if there was a problem.

The third policy pertains to the Department of Public Works, recognizing that they have tasks and responsibilities and need to know how to operate. Jason Silverthorn has been attending the CPWM classes and seeing how other towns manage their departments. He has also made arrangements for the DPW to take different trainings off-site. Rather than having a few employees attending at different times, he has been sending them as a group and shutting down for the trainings in the hope of getting it all done at once.

Mr. Silverthorn is also putting together a manual about accepted practices, so there will be a reference book of items pertaining to the department’s day-to-day operations. The policy being recommended for the governing body is to recognize the DPW manual with procedures and requirements.

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RESOLUTION #100-16

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby approves the following updates to the East Amwell Personnel Policies and Procedures Manual:

- Updated Policy 2.10 – Outside Employment
- Policy 2.25 – Tax Assessor Requirement to Notify Chief Financial Officer and Governing Body of all Pending Tax Appeals
- Policy 5.6 Department of Public Works Policy Manual

By Order of the Township Committee,

David Wang-Iverson, Mayor

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

2) Best Practices Checklist: Mr. Matheny said that the questionnaire was distributed to the governing body and would be submitted by the CFO tomorrow. The Township’s responses would mean 100% compliance. Some items did not apply to the Township.

3) Board of Health Secretary Appointment: Mr. Matheny said that they were still interviewing for the position, and there was nothing to address at this time.

4) Trailer on Municipal Property - Request from Recycling Committee at Last Meeting and 10/3 Email from AVLBL Officer Chris Thompson: The Clerk received an email from Chris Thompson saying that they would be emptying the trailer at the end of this month and turning off the power. Recycling Committee has previously asked to store Styrofoam in the vacated trailer. Mayor Wang-Iverson asked about whether the trailer should be kept, should it be moved to another area of the property, or should another type of container be purchased and located in a less obvious site. Mr. Matheny didn’t think that the trailer could be moved intact. Mr. Van Horn felt that money in the budget could be used for other things rather than a new shed. The Mayor agreed to leave the trailer in place for a while. Deputy Mayor Sageser asked the Clerk to confirm when the baseball league would be pulling out, i.e., giving them a specific date like November 15 or December 1, and then notifying the Recycling Committee.

5) Job Posting for the Prosecutor: Mr. Matheny explained that the Township is part of a joint court with Delaware Township. The current Prosecutor, Bob Ballard, is up for nomination as a Superior Court Judge, after which time he will no longer be able to prosecute; the appointment may be as soon as today. Mr. Ballard works in other municipalities, and some of the towns have already started to advertise. Mr. Ballard would be able to send a representative from his office until the townships find a replacement, but Court Administrator Hooven would like to have a new Prosecutor by her November 14 court date. Since it is a joint court, both municipalities could appoint their own Prosecutor; however, appointing the same one is more efficient. The Prosecutor would also cover the shared courts (Stockton and Franklin).

The position is being posted for two weeks by East Amwell, and there is one application to date. The intent is to have both Delaware and East Amwell do a joint interview of candidates, and both municipalities will hire. Mr. Matheny has already met with the Delaware Township Court Liaison and Mrs. Hooven about this matter.

6) Update on Franklin Court Shared Services Agreement Renewal: The current four year shared services agreement with Franklin Court expires at the end of this year. Mr. Matheny is working with Court Administrator Cindy Hooven on the renewal. They've met with the Mayor of Franklin Township and the Police Chief. Franklin Township is reviewing the Township's agreement, which was updated to delete start up language and to increase fees. East Amwell is waiting for Franklin Township to finish its review and continue with negotiations. Once it has been finalized, the agreement will be brought to the Township Committee for their action.

7) Discussion on Brush Collection (See 9/16 Minutes for Background): Committee members had no comments at this time.

8) Flexible Spending Plan: Mr. Matheny explained that the employees currently have access to a private plan but there is now a plan under State Contract that would be more economical (i.e., \$2.50 a month per employee as opposed to \$5.00 a month) and no start up fee (as opposed to a \$500 annual fee). The CFO is overseeing the transition. The employees who are in the existing plan have until March 2017 to submit bills.

MAYOR'S UPDATE

1) Letter to Residents Regarding November 8 Referendum for Open Space Trust Fund: Mayor Wang-Iverson previously provided a draft letter for consideration by the Township Committee. He explained that the letter was an educational piece so that the public could have a better understanding of question #3 on the ballot. He reminded the Committee that in July Mr. Ostrander had suggested some educational outreach, and he also heard some comments privately. Mayor Wang-Iverson explained that during the process, he learned that it was illegal to use public monies for advocacy to take a position on the ballot although something could be written to advocate both positions (yes or no); he said that the latter was more than he could work on. His letter was written as something factual but no position taken to vote one way or another. The last sentence said that the decision rests with the reader.

Mayor Wang-Iverson said that one concern he had was that, although it was neutral, someone might disagree, say that the Township was advocating one position or another, and file a complaint with the election board. He was not clear on whether there would be the penalties. He also noted that someone called the NJ Division of Local Government Services about the issue of what money is being spent out of the Open Space Trust Fund, and the CFO is spending quite a bit of time answering the questions. The Mayor asked the Township Committee if they wanted to take the risk, adding that the risk was difficult to evaluate, i.e., the Township could be objective and neutral but someone could interpret it differently and make a complaint to the Board of Elections.

Mr. Van Horn felt that the letter was unnecessary, adding that there was already an independent committee working on this, and the language on the ballot itself explains the situation. He suggested not taking the risk in sending a letter.

Mr. Mathews questioned the last sentence in the explanation about analyzed expenditures. Based on the report by the CFO and Mr. Martin tonight, he did not believe this information was accurate. Mayor Wang-Iverson agreed that they may not be solid numbers. Mr. Mathews said that the numbers should be solid or not presented.

Mr. Van Horn suggested that there should be no further discussion on this and "move on."

KLEINSCHMIDT PROPERTY UPDATE, BLOCK 17, LOT 1, 2 OLD YORK ROAD –
SUBMISSION OF NJ DEPARTMENT OF TRANSPORTATION GRANT APPLICATION
(TRANSPORTATION ALTERNATIVES)

Mayor Wang-Iverson mentioned this federally funded grant program through the Department of Transportation for alternative modes of transportation. He believed that some categories may be applicable. He has prepared a draft narrative, for which he asked the governing body to provide comments. The intent is to file the application by November 10. He spoke about a resolution that the County Engineer's Office drafted for the Freeholders. A letter of support from the Amwell Ridge Cemetery Association was also received, and Farmland/Open Space, Historic Preservation, and the East Amwell Historic Society will also send letters of support. The grant application will be for \$70,000 – 75,000 although the call is really for projects in the \$150,000 range. The Mayor said, "It's a long shot, but it doesn't cost anything to apply." Mr. Mathews applauded the Mayor's initiative on this. Some comments were made about specific wording in the grant, perhaps referring to a bike trail, in order to better qualify for funds.

SPECIAL EVENTS ORDINANCE, CONTINUED DISCUSSION

Mayor Wang-Iverson said that there was nothing on this topic for tonight.

NEW BUSINESS

RELEASE OF PERFORMANCE BOND FOR PEACOCK'S, BLOCK 34, LOT 37 – UPON POSTING OF MAINTENANCE BOND (See 9/7 Letter from Engineer O'Neal)

The clerk noted that additional language should be added to the resolution, based on the fact that a new inspection bill came in, and there was insufficient funds in the escrow account to cover them. She suggested the language, beyond posting the maintenance bond, "and payment of outstanding inspection fees." Mr. Miller suggested holding the resolution for approval to the following month after bills were paid, based on previous complaints this evening about another development in the Township. There was a concurrence of agreement by the Township Committee.

OPEN TO THE PUBLIC

Frances Gavigan, 123 Wertsville Road, spoke about bills at the state assembly that were introduced and languished regarding redefining the "inherently beneficial" qualification of solar on farmland. She suggested a letter of encouragement from the Township to get it out of committee, using the "bad outcome" in East Amwell as justification. She compared it to pipelines purchasing cheap land, saying that solar farms are the cheapest option on farmland, and deals can be worked with property owners. She also compared this to the past installation of cell towers in the Sourlands. She will get bill information for the Township Committee, suggesting getting in contact with Senator Doherty and other individuals. She also mentioned that the solar development (on the Everitt) property is under a different company since Alethea sold the project.

Andrea Bonette, 17 Ridge Road, spoke about the Peacock development and doing a lot of research on the property. She said that there is still a pile of rubble in a stream near the property. She mentioned the stream having a special state classification. A recommendation was made to check with the engineer about this.

Sue Posset, Cider Mill Road, asked that we never refer to them as "solar farms" and call them "solar facilities." She also had a question about the reduction in enrollment since the playground was at no cost and now has a fee; she was told that 60 participants enrolled this year. Mrs. Posselt also hoped that prizes were not always given to every child since not everyone wins.

Karl Maffei, 107 Lindbergh Road, spoke about the low hanging wires on his property. He was told that it was a Verizon problem. The Mayor said that the Clerk would check with both Comcast and Verizon tomorrow.

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

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

ADMINISTRATIVE REPORTS

CFO PASQUA provided the bills of the evening. Motion by Mr. Van Horn, seconded by Deputy Mayor Sageser, and carried unanimously to approve them.

TAX COLLECTOR HYLAND provided her monthly report and two redemption resolutions.

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RESOLUTION #101-16

REDEMPTION TAX SALE CERTIFICATE

WHEREAS there has been a redemption made for Tax Sale Certificate #201401, Block 6.01, LOT 18 and Q lot, sold on October 9th, 2014 to US Bank Cust for Empire VI and,

WHEREAS the amount of \$53,370.94 has been collected from Patricia LaHov, the owner of this property for the redemption of this Tax Sale Certificate #201401,

THEREFORE, BE IT RESOLVED that a check in the amount of \$53,370.94 be prepared and the Mayor, Treasurer and Clerk be authorized to sign this check and,

BE IT FURTHER RESOLVED that a second check be prepared for the premium paid at the Tax Sale for this Certificate #201401 in the amount of \$10,000, and that these checks be delivered to:

US Bank Cust for Empire VI
2 Liberty Place
50 S 16th Street-Suite 2050
Philadelphia PA 19102

By Order of the Township Committee,

David Wang-Iverson, Mayor

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RESOLUTION #102-16

REDEMPTION TAX SALE CERTIFICATE

WHEREAS there has been a redemption made for Tax Sale Certificate #201409, Block 42, LOT 9 and Q lot, sold on October 9th 2014 to US Bank Cust for PC 4 Firstrust and,

WHEREAS the amount of \$43,607.22 has been collected from Caleb Milne, the owner of this property for the redemption of this Tax Sale Certificate #201409,

THEREFORE, BE IT RESOLVED that a check in the amount of \$43,607.22 be prepared and the Mayor, Treasurer and Clerk be authorized to sign this check and,

BE IT FURTHER RESOLVED that a second check be prepared for the premium paid at the Tax Sale for this Certificate #201409 in the amount of \$14,000 , and that these checks be delivered to:

US Bank Cust for PC 4 Firstrust
Tax Lien Services Group
50 S 16th Street-
Philadelphia PA 19102

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 resolutions.

Mr. Mathews asked if Tax Collector Hyland would be able to come to a future meeting to once again explain the redemption resolutions.

There were no comments on the remainder of the administrative reports.

EXECUTIVE SESSION - None

CORRESPONDENCE

Correspondence was noted for filing without comment.

ADJOURNMENT

There being no further business, motion by Mr. Van Horn, seconded by Mr. Miller, and carried unanimously to adjourn the meeting at 9:25 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk