

The regular meeting of the East Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor Peter Kneski, Deputy Mayor Linda F. Lenox, and Committee members Patricia Cregar, C. Larry Tatsch, and Timothy Martin. 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 4, 2009, and a meeting notice published in the Hunterdon County Democrat issue of January 8, 2009. 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 December 8, 2009.

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

AGENDA REVIEW

Under Introduction of Ordinances, table the introduction of the COAH Housing Ordinance until the new year.

As correspondence, add the December 9, 2009, email from NJ Council on Affordable Housing on the Approval of Third Round Substantive Certification, the December 9, 2009, Letter from Board of Chosen Freeholders re: Recycling Summit, and the December 9, 2009, email from Iona English re: Clawson Park Drainage Approval by NJ Green Trust.

ANNOUNCEMENTS

Municipal Offices will be closed on the following days: December 24, 25, and 31, 2009.

The second regular Township Committee meeting in December will be held on Tuesday, December 29, 2009, at 7:30 p.m.

The East Amwell Township Committee will hold its 2010 Annual Reorganization Meeting on Sunday, January 3, 2010, at 1:00 p.m.

There will be a recycling depot on Saturday, January 2, 2010, from 8 a.m. to 11 a.m. on the municipal lot.

APPROVAL OF MINUTES

November 24, 2009, Regular Minutes were approved on a motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and carried unanimously with minor corrections on page 2 and 4. Mrs. Cregar commented on the adjournment hour, which was correctly recorded at 10:10 p.m.

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

Hugh McGee, 11 Rosemont-Ringoes Road, commented on the August 13, 2009, Township Committee minutes about a meeting with county officials and residents concerning water diversion to eliminate run-off onto Route 604 with the hope that it would be fixed by September. He noted the length of time since the meeting without a repair and spoke about a lack of cooperation from Mr. Seramba. He mentioned a 1.5-inch flooding occurrence yesterday with the potential for motorist injury or death and asked that the matter be taken seriously. Mr. McGee also commented on Engineer O'Neal's opinion on stormwater issues, referencing a dirt bike track on the neighbor's property, the Zoning Officer's unwillingness to enforce, and the Township Committee's stance of not going back 18 months to evaluate the problem. He commented again on traffic problems, and he asked that the Township Committee take the matter seriously and come to a resolution.

John Seramba, 111 John Ringo Road, explained that his County Agriculture Development Board (CADB) hearing tonight was cancelled because of the lack of notification by Mr. McGee; the hearing is postponed until January. He took exception to Mr. McGee's comment about being "uncooperative," noting a meeting on September 24 with County representatives and professionals. There is a problem with water diversion on the properties onto Route 604, which will require larger pipes since inlets are back up and causing flooding on the road, according to the County Engineer.

Mr. Seramba commented on a waste of time for everyone, noting that the Township Engineer and Zoning Officer see no problems with his property. He is working with the County on resolving the drainage problems, which includes two breaks in a berm on Chris Stahl's property; he commented that the County is not asking Mr. Stahl to repair the berm. He is tired with the accusations and is willing to "bury the hatchet" with Mr. McGee, who is unwilling to do so. Mr. Seramba again commented on Mr. McGee's lack of procedure, which caused a delay at the CADB. Mr. Seramba concluded that he is looking to fix the problem and find a solution.

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried unanimously to close to the public.

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS - None

SPECIAL DISCUSSIONS

QUARTERLY PRESENTATION BY COMCAST REPRESENTATIVE Robert Clifton was present at this time.

Mayor Kneski commented on Mr. Clifton's quarterly presence as part of the East Amwell negotiated contract to allow public participation.

Mr. Clifton explained that the digital upgrade is complete with some spotty service issues. He had the questions provided to Ted Moon at the previous meeting; however, Mr. Moon is no longer with Comcast. Mayor Kneski mentioned his two previous concerns, i.e., pixelation, which is no longer an issue for him, and providing more than 3 digital adaptor boxes to residents at no charge.

Mr. Clifton explained that the pixelation issue may have been eliminated due to upgrades at a node, which provides service to 500 homes. Mr. Clifton will speak with his supervisors about the Mayor's request, but he noted that when the contract was negotiated, Comcast did not know that the adaptors would be necessary. The cost for each additional adaptor (beyond the three free ones) is \$1 a month.

Mr. Tatsch mentioned increases in his bill specifically with rental charges, e.g., one which was always \$3.00 a month is now \$5.00; he was upset with the incremental increases. Mr. Clifton stated that his concerns were duly noted; he explained that while monthly rates may not increase, some equipment charges, e.g., upgraded modems, will increase.

Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to open to the public for comments.

Barbara Hartom, 50 Manners Road, was unhappy with Comcast service compared to Patmedia service. She commented on having difficulty with setting up the digital adaptor boxes, which a service man had to set up, and difficulties when moving televisions to different rooms (needing the boxes set up again and different service issues). Mr. Clifton mentioned concerns with using newer equipment with old wiring as a possible problem. Mrs. Hartom did not believe her wires were old.

Mr. Hartom commented on different types of wires, noting that it was not a matter of reception but issues with the box. He mentioned his last issue of not getting volume through the system, and he explained his frustration with getting the matter rectified. Mrs. Hartom demanded

immediate results, commenting on spending significant money on Comcast cable and her need for better service.

Andrea Bonette, 17 Ridge Road, previously provided the governing body with a letter she wrote about Comcast problems, which is being sent to Comcast and the BPU. She also mentioned having the repair-person provide her with extras which she did not ask for and is now being billed for. She noted that the people she's dealt with "are all very nice," but she is dissatisfied with service, including computer service and having to deal with service people with an issue they have caused by keying in her social security number incorrectly.

Frances Gavigan, 123 Wertsville Road, mentioned attending past meetings where she has heard complaints about Comcast; she does not have Comcast service. She mentioned the company as a monopoly "nickeling and diming to buy NBC," and she spoke about the problems people bring to these meetings without getting resolved. She suggested that the people go to Trenton with their complaints.

Joe Wolfgang, 26 Zion Road, mentioned his background as a mechanical engineer and noted the Comcast undertaking of converting from cable to digital. Although he has had minor problems, he receives great and "very reliable" service in a heavy wooded area. He concluded that "Comcast works for him."

Mrs. Bonette explained that there were a number of people not present this evening, who are experiencing problems, including people in other states.

Mrs. Hartom explained that if she doesn't get some satisfaction, she is ready to switch to another provider, again noting her frustration.

Mrs. Cregar asked if Comcast reception could be affected by a motor running; Mr. Clifton commented on possible connection problems in a basement or attic, and he agreed to have someone look at the problem.

There being no further comments from the public, motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

The governing body thanked Mr. Clifton for his presentation.

5-YEAR ROAD PLAN - PRESENTATION BY ENGINEER DENNIS O'NEAL

Mayor Kneski suggested that Mr. O'Neal provide an overview, and the Township Committee will then consider opening to the public for comment. The program is a flexible one to be used for budgetary consideration and grant seeking, and the roads are "not locked in."

Mr. O'Neal provided the following information, as highlighted: NJ Department of Transportation (DOT) grant funding is a key issue, with the municipality receiving NJ DOT funding to do Lindbergh Road about seven years ago; the Township is applying more often for NJ DOT funding, receiving over \$680,000 in grants over the last four years; there has been an unofficial list of road projects, and this year the intent was to formalize the list to be ready when NJ DOT announces funding availability; the report includes a proposed program spreadsheet, summary of pavement ratings, capital budget summary, road program history recap, detailed history for 2005-2009, detailed project cost estimates for the plan roads; and speed signs recommended in the 2005 speed studies report by NJ DOT; Mr. O'Neal reminded the governing body that the plan was flexible.

Mr. O'Neal explained the road ratings, i.e., the Road Supervisor and the Engineer visited all Township roads in 2008 (49 miles) and rated them on 10-15 conditions on a specified form including cracks, rutting, graveling, potholes, polished road, etc. to provide a mathematical rating. The roads were sorted by score with highest score (best shape) on the bottom and roads with shared agreements (maintained by another municipality) were taken out of the equation; the engineer worked with the current DPW Superintendent to provide a proposed 2010 program assigning roads as priorities including the section of the road, length, condition, proposed treatment, estimated costs, and when it should be done; this was done for nine roads. Assuming

a proposed \$275,000 capital road project budget in 2010, he proposed work on Rocktown (various sections), Lindbergh (two sections), North Hill, Orchard, Ridge, and Dutch (using a NJ DOT grant). He spoke about the road plan being flexible, and the governing body would agree at some point on the budgetary figure. Mayor Kneski asked about adding other roads if, for example, there is a bad winter and roads deteriorate. Mr. O'Neal saw the road project list as an outline to look at nine priority roads rather than 49 miles, but indeed filling in as other road problems came to light. Mr. O'Neal spoke about the types of roads NJ DOT likes to fund, once again mentioning the \$680,000 in funding in the last four years.

Mayor Kneski asked about the drop down in the proposed program from 2010 - 2014; Mr. O'Neal stated that this was to be adjusted as funding is available. Mayor Kneski agreed that the list is an important planning tool, and new roads may be added or adjusted annually. Mr. O'Neal explained that other towns usually modify their five-year plan annually.

Mr. O'Neal detailed some of the report, including road expenditures from 2005-2009, individual spread sheets for estimated costs per road, and a small spreadsheet for traffic signs necessary for the roads which were subject to a speed study by the state in 2005.

Mr. Martin asked how often it was necessary to formally assess the roads; Mr. O'Neal explained that they were visited in 2008, and Mr. Kadezabek and he looked at some missing roads and updated the worst roads on the list this year. Mr. Kadezabek and Mr. O'Neal will discuss future strategy in assessing. He stated that it was reasonable to look at some miles of work each year and update the ratings every two to three years. He commented on fixing a road to last 20 years; with 49 miles of roads, the Township should maintain a road project cycle and provide treatments to extend the life of the roads. Mr. Tatsch commented on road reclamation and overlays every 20 years with some work like chipping and patching to extend the life of the road. Mr. O'Neal agreed that it was industry standard to have a road last 20 years, noting the importance of having a good base with chip seal to keep water from getting through and deteriorating.

Tim Mathews, 72 Linvale Road, liked the program as presented. He asked about the frequency or number of homes on a road "in the mix." Mr. O'Neal said that traffic was not included in the rating, that the rating was a mathematical calculation, and using common sense was also important, noting a recent repair on North Hill Road (i.e., not much traffic but residents could not get in and out).

Andrea Bonette, 17 Ridge Road, asked if salt use over the past couple of years caused any difference in the roads. Mr. O'Neal said that he hasn't had much experience with salt, but he did not think it is a problem for roads chemically although real hard freezes might be a problem.

Frances Gavigan, 123 Wertsville Road, asked about the list of roads on the capital plan and the possibility of posting the list on the bulletin board. She asked if residents on the roads were aware of the plans, particularly on the section of Rocktown to Losey Road, who are not interested in paving. She was advised that the scope of the project was reclaiming and paving. Water problems near Linvale Road and on Orchard Road were mentioned. Mayor Kneski said that once the Township has reviewed the list of roads, it could be posted and made available to the public. He mentioned that residents should be encouraged to provide information about specific "hot spots" in the Township.

Joe Wolfgang, 26 Zion Road, asked that the Township consider what the residents want, noting that country roads "are charming" and keeping in mind that the intent is to make the roads safe although they may remain primitive.

Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to close to the public.

Mr. Tatsch thought that Rocktown Road was paved at one point. The governing body acknowledged that Stony Brook and Mountain Roads is an unpaved section in the Township, and residents in the past have made it clear that they want it to remain as is. There are drainage problems on Rocktown Road, which the DPW have to address, and they need to have a plan of action.

Mr. Tatsch concluded that the plan was a good start and very useful.

Mayor Kneski asked for formal action.

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RESOLUTION #152-09

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby accept the Proposed Five Year Road Improvements Plan submitted by Hopewell Valley Engineering and agree to continually review the program on an annual basis and allow for public comment to insure integrity of the program for the future to come.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Martin, seconded by Mr. Tatsch, and it was carried unanimously.

SPECIAL COMMITTEE REPORTS

CLAWSON PARK ADVISORY COMMITTEE

1) 11/18/09 Proposal from Hopewell Valley Engineering for Clawson Park Survey and Improvement Plan (see 11/24/09 Minutes for Background): Mr. O'Neal reminded the governing body that at the last meeting they discussed the revised proposal, which includes a number of items on the Hart Lane side of the park, i.e., a price to review and analyze run off and existing swale on the property owner's side of the park. These items are shown as 1 a) and 1 b) on the proposal.

Mr. Tatsch asked about the swale, which was located on private property and whether it was the homeowner's responsibility to maintain. Mr. O'Neal commented on not knowing what the swale looked like before, but he did not believe that the creation of the park caused the problem. He explained that item 1 b) will give the Township the opportunity to determine conditions, i.e., he will provide a calculation for the swale and topo the swale to determine where the problem lies. If the swale is not the correct capacity, it will be the neighbor's responsibility to make the repair. Committee members were in agreement that open space funding should be used to do the work.

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RESOLUTION #153-09

BE IT RESOLVED that the Township Committee of the Township of East Amwell hereby accepts the proposal from Hopewell Valley Engineering, revision date 11/18/09, to address item 1 a) and 1 b) for topographic/utility surveying areas A, the western park property line and area B, Hart Lane offsite swale on Block 14.01/Lots 14 and 14.01 in the amount of \$5,880.00 to be taken from the Open Space Trust Fund.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mrs. Cregar, seconded by Mr. Tatsch, and it was carried unanimously.

STANDING COMMITTEES

FARMLAND/OPEN SPACE PRESERVATION: Glorianne Robbi, Chair, was present at this time.

1) Status Report on Rynearson Driveway, Block 3, Lot 3.04 and Changes in Existing Bordering Road Agreement with Delaware Township: Mr. Cushing commented on an amendment to the existing road maintenance agreement, which was approved by the Delaware Township attorney early this evening. The amendment converts the responsibility for the driveway to East Amwell Township, and it will be presented to the Delaware Township Committee at their next meeting.

Mr. Cushing will also look at possible amendments to the other bordering road agreements East Amwell shares with other municipalities.

A motion was made by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to approve the amendment to the agreement to maintain roadways between East Amwell Township and Delaware Township to assign each municipality the responsibility to issue driveway permits for properties located in that municipality.

2) DW Vineyard - 11/20 Letter from Stark and Stark re: DW Vineyards LLC and CADB Application for Site Specific Agricultural Management Practice: Mrs. Robbi explained that F/OSPC Administrator Judy Conard is at the CADB meeting tonight. She further explained that the owner, Mr. Wollin, has spoken with the Zoning Officer and the Planning Board Administrator, and F/OSPC will be looking at the plan as an advisory only at their meeting next Monday since their committee is not responsible for making recommendations of this nature.

3) 11/25 SADC Request for Signature on a P.I.G. Agreement for Hay, Block 21/Lot 16.01: A resolution authorizing the Mayor's signature on the SADC agreement was requested for this property of sixty acres on Rainbow Hill Road.

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RESOLUTION #154-09

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby authorize the Mayor to execute an agreement with the SADC for the purchase of development rights for Block 21/Lot 16.01 on Rainbow Hill Road, as outlined in the 11/25 request from SADC.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously.

RECYCLING COMMITTEE

1) Hunterdon County Request for Contribution for County Recycling Enforcement: Mr. Martin explained that the SWAC report from Will Harrison clearly outlines how he thinks the Township Committee should proceed. Mr. Harrison is serving on a four-member panel to work with the Freeholders on resolving issues. Mr. Martin felt that the Township should show some interest in a shared service but not commit to the funding equation since the four-member panel is negotiating with the County. He explained that the current proposal is a dis-incentive to recycle, i.e., it assesses a higher rate based on the recycling tonnage funding rather than assessing per capita or by ratables.

A recommendation was made to prepare a letter to be sent to the County as a letter of interest in the shared service, but note that the municipality does not like the funding model as laid out and recommend a per capita or household equation or a funding mechanism developed by the four member panel. The Clerk will draft a letter to be reviewed by Mr. Martin and Mr. Harrison, and there was a consensus of the Township Committee that this should be done.

RECREATION COMMITTEE

1) Resignation of Kim Ensminger, Effective January 1, 2010: Committee members noted the recent email from member Kim Ensminger, who is resigning from the Recreation Committee, effective January 1, 2010. The governing body acknowledged Kim's contributions as a key player on the Recreation Committee, and a motion was made by Mr. Tatsch, seconded by Mrs. Cregar, and carried unanimously to accept the resignation with deep regret.

COAH (Affordable Housing)

1) Update from Mayor Kneski and Committee Member Tatsch on 12/9/09 COAH Meeting: Mayor Kneski stated that East Amwell Township is one of 30 municipalities in the state who has received substantive certification, and he showed the public a plaque presented to the Township. Mr. Tatsch explained that the Township is working with Municipal Housing Liaison Jim Robbins and other residents on aspects of meeting obligations. He noted that one municipality at the meeting yesterday has 1,000 units to meet while East Amwell Township has 55 units. He further stated that East Amwell is working on obtaining credits for disabled housing, which has worked well for the community. Mr. Tatsch also noted that NJ COAH would look at the number of units built in 2011 and possibly reassess the Township's obligation. Mayor Kneski commended Mr. Robbins for his assistance.

ENVIRONMENTAL COMMISSION

1) Plant Exchange: The Clerk explained that she was present at the Environmental Commission meeting at the end of November, and volunteers David Kyle and Shirley Bershad volunteered to resurrect the plant exchange next May, possibly on May 15 or May 22, here on the municipal lot.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE

1) Municipal Court Meeting: A recent meeting included Mayor Kneski, Committee member Tatsch, Delaware Township Mayor McCarthy, and Mr. Matheny to discuss court security. Delaware Township is concerned with assigning extra duties to the police to perform security duties that is not consistent with their over-time rate, particularly in terms of contract negotiations. The Court Administrator, if need be, has other ways to obtain security services, although having Delaware Township provide coverage is preferred since they are part of the court system and "doing a good job." Mr. Matheny will keep the Township Committee advised of any decisions.

2) Concord Engineering: Mr. Matheny explained that the Mayor asked him to look into a program similar to one offered by PSE&G with an 80/20 percent cost; JCP&L directed him back to the Clean Energy Website. There is a brand new program coming soon called Direct Install under Smart Start; municipalities pay 20% and 80% is funded by the program. Mr. Matheny will be meeting with an engineer next Wednesday to get further information. He spoke about applying for funding, although it was unclear what funding will be under the new governor. The governing body exchanged comments about the program and energy changes with paybacks over time.

John Marchifava of Concord Engineering Group, who performed the energy audit for the municipality, has agreed to be present at the January 14, 2010, Township Committee meeting for a brief presentation.

3) Shared Services: Mr. Matheny spoke about his discussions with East Amwell Township School Superintendent Edward Stoloski, including a draft memorandum of understanding, which was shared with the Board of Education. The School is enthusiastic about implementing. Mr. Matheny outlined some of the items, including having the DPW snow-plow for the school instead of using a private contractor. The school will use the private

contractor's services for this year, and they have an \$8,000 budget for hourly services. Once the shared services agreement is in place, the intent is for the DPW to plow roads for public safety first and then plow the school lots since the school will presumably have delayed openings or be closed.

Other shared service items include having the school employees use municipal equipment to cut grass at the municipal properties and park and use the equipment to maintain school grounds. DPW employees will perform routine maintenance or minor repairs on school mower equipment, although the equipment will be sent out for repair at the school's expense for major repairs. The Township will also provide use of their larger trucks and/or trailer to the School when requested, with the Township employees doing the driving. The School will provide custodial service to the municipality, including additional vacuuming and buffing floors; while the municipality recently entered into an agreement for custodial services, the Township may decide not to use a private contractor when the agreement expires next October, which will provide a savings to the municipality. The School may also provide access to IT staff for questions and how-to information, although the IT person has limited time to provide. Having a school nurse on call for the Township's summer playground program is also being considered. Mr. Matheny and Mr. Stoloski met again today, and both are very anxious to move forward. The real incentive of this shared agreement is the fact the tax -payer's money is being saved.

Mr. Cushing was asked to consider a draft shared agreement document, based on the information provided by Mr. Matheny. One issue raised was to be sure that it is understood that the employees, while working off site, are still considered employees where they have been hired.

Mr. Matheny is also looking into a SHARE grant for this agreement. Normally, funding is available for shared service studies up to \$200,000. Mr. Matheny contacted the state representatives, provided a memo on what was being considered (i.e., purchase of another power angled snow plow, another zero turn mower, and other items, which total close to \$35,000), and the state recommended that he submit an application through the SAGE program, which will be done.

Mr. Matheny will discuss shared services for traffic enforcement in executive session.

4) Holiday Party for Staff: Mr. Matheny spoke with the staff, and they would like to have some fellowship time and a luncheon on Tuesday, December 15, beginning at 11:30 a.m. The employees will pay for their own expenses. Committee members were in agreement with this plan.

5) Construction and Board of Health Secretarial Services: While Pamela Dymek and Carolyn Fritsch have assumed coverage of these positions, as assigned and outlined in the policy manual, a resolution outlining coverage throughout the remainder of the year was recommended.

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RESOLUTION #155-09

BE IT RESOLVED by the Township Committee of the Township of East Amwell that they hereby recognize that Carolyn Fritsch is handing office responsibilities for the Board of Health and Pamela Dymek is handling office responsibilities for the Construction Department since August 1, 2009, and will continue to do so through the remainder of 2009 and paid according to the 2009 Salary and Wage resolution for these positions.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to approve the resolution.

Mrs. Cregar asked about next year's coverage. Mr. Matheny stated that he is working on this. He agreed that both employees have been doing a great job of temporarily "holding things

together," noting that Mrs. Dymek has made some great improvements to the Construction Department. He commended both employees for their work.

6) Deer Carcass Removal Service: The County recently sent a letter to municipalities that they would not negotiate a contract with a vendor for deer carcass removal after December 31, 2009. They will be using the Labor Assistance Program through the County for County use only. Municipalities should contact the previous vendor to obtain contract information. Current cost for deer removal is \$58.00 per occurrence.

7) Purchasing Agent Status: Mr. Matheny updated the governing body by advising them that he has completed the final class for the designation of Registered Public Purchasing Official and has met all the necessary requirements to obtain the title. This will also allow him to be a Qualified Purchasing Agent (QPA) and will increase the bid threshold to \$29,000 and the quote threshold to \$4350. The Township Committee congratulated Mr. Matheny on his success.

11/25 LETTER FROM HUNTERDON COUNTY FREEHOLDERS REGARDING WERTSVILLE ROAD/BRIDGE WORK ON E-174 (See 11/24/09 Minutes for Background)

A list of names was provided to the governing body (as recommended in the minutes of the last meeting and names of members of the citizens' group on Bridge E-166) to appoint a citizen's group to discuss this bridge; additionally, Mary Pat Parkhill sent an email of interest. Malcolm Lowenhaupt is also interested, and he recommended some neighbors, including Karen Russo and Terry Ragolia. It was unclear whether Zvi Eiref would have input since his original request to be on the committee involved problems associated with a detour near his business.

Frances Gavigan commented on the original citizen's committee with different neighbors affected. The Committee also had Freeholders and Hunterdon County Engineering membership. She suggested that a larger group of citizens meet to discuss concerns and then send a smaller representation to the county for the meeting. Ms. Gavigan agreed to contact Joel Moore at The Ridge at Back Brook if she was provided his contact information.

All names will be submitted at one time for the Township Committee to decide on membership at the next meeting. It was unclear whether rescue and fire representatives would be necessary at this meeting.

Ms. Gavigan commented on networking in the county regarding bridges.

Jamie Atkeson, in the audience, thanked the governing body for allowing input. He also recommended Jim Kelly and Karen Russo to the committee.

UPDATE FROM TOWNSHIP ATTORNEY ON LOGGING COMPLAINT ON MOUNTAIN ROAD (See November 12, 2009 Minutes for Background)

Mr. Cushing commented on the logging complaint from Mr. Jones against Mr. Fiscor, who is bringing logs from off-site and causing noise issues. There is a pending summons, and earlier this evening, there was a meeting with Mr. Cushing, the Zoning Officer, Mr. Fiscor, and his attorney. The property owner views their compliance with a tree stewardship program he has on file with the township. Mr. Cushing commented on the discussions with Mr. Fiscor and a potential agreement to be worked out, which will be discussed in executive session. He noted for the record that the intent is to reach an agreement consistent with local laws. He suggested that both members of the public present tonight may wish to comment.

Grey Jones, 170 Mountain Road, said that he lives in a residential zone and expects it to remain so. He is a former Mayor of Montgomery Township, understands the State Forest Management Plan supercedes local ordinances, but does not believe that plan justifies a commercial operation in a residential site, and off-site logging is taking place. He spoke about his intent to live in a residential area when he bought his property, doing due diligence to research the area, his desire to leave the township if the commercial operation is allowed, and the possibility of having a reduced real estate assessment with the on-going operation, among other items. Mr. Jones

hoped that the Township would resolve the off-site logging operation, and he commented on current conditions.

Mike Fiscor, 157 Mountain Road, stated that Mr. Cushing was aware of his point of view and un-factual statements being made.

Mr. Cushing hoped that an amicable resolution could be reached.

UPDATE ON STORMWATER MANAGEMENT AD HOC COMMITTEE (See November 24, 2009 Minutes for Background)

Mayor Kneski explained that the governing body took comments from the committee members at the last meeting to see what work is done and what can be covered by the Engineer or the Environmental Commission. Most of the work includes annual compliance and educational requirements. The Mayor commented on closure into the next year. Mr. Tatsch commented that the ad hoc committee's work is substantially completed and there being no need to continue with the committee in this form. He concurred that the group "did an amazing job." Mayor Kneski concluded that at reorganization, there may not be appointments to the committee.

The governing body agreed to continue with the agenda items and go into executive session with the attorney before administrative reports.

NEW BUSINESS

UPDATE ON INTERVIEWS WITH 2010 VOLUNTEERS

Mayor Kneski stated that two new candidates were interviewed this evening for some 2010 openings. He noted the long standing policy that applicants who have been considered on boards and previously interviewed did not have to be re-interviewed. He asked for governing body input. Deputy Mayor Lenox believed that every applicant should be interviewed again. Mr. Tatsch suggested that the current policy be applied this year, noting the importance of continuity in what is done; he agreed that the governing body could consider a change in policy after the new year. Mayor Kneski asked that the item be carried over to the next year as a new item of discussion in 2010.

OPEN TO THE PUBLIC

Andrea Bonette, 17 Ridge Road, pointed out a discrepancy in the 12-24-09 minutes on page 8, where at one point, ordinances were not provided to the engineer and another part indicates that they were provided to him. Mrs. Bonette read a prepared statement into the record as "A Suggested Agenda Revision for 2010 in East Amwell Township," entitled "Andrea Bonette. The statement is attached to the original set of minutes on file in the Clerk's Office, outlining a "tongue in cheek" agenda item about Mrs. Bonette.

Mrs. Bonette commented on Township Committee interviewing and support for candidates.

Richard Spiegel, 1 Mountain Road, wanted a resolution to disband the ad hoc committee on Stormwater Management. Mr. Spiegel asked Mr. Cushing about the 14th Amendment and about the constitution allowing the government to be held accountable; he stated that he wanted the opportunity to ask ad hoc committee members some questions. He asked if his request at the last meeting was being honored, noting that he has a right to question officials. Mr. Tatsch stated that Mr. Spiegel can contact committee members at any time to ask questions. Mr. Cushing spoke of Mr. Spiegel's right to petition the government but not demand a response. He suggested that if Mr. Spiegel wants to articulate areas of mismanagement, he should write a letter to investigate, providing specific facts to be investigated, and it will be dealt with in the appropriate manner. Further comments were exchanged between the governing body, the attorney, and Mr. Spiegel on aspects relating to the ad hoc committee on stormwater management, approval of bills, email communications, and other items. The conclusion was

that Mr. Spiegel should follow the attorney's advice and put his concerns in written form to the Township Committee.

Glorianne Robbi, 144 Lambertville-Hopewell Turnpike, spoke about a recent visit to Philadelphia with her grandchildren and visiting the Ben Franklin Print Shop, where she found a sign written in 1737, which "hits the bell": "Half wits talk much but say little."

John Seramba, 111 John Ringo Road, asked the Clerk about bullying. The Clerk explained that her real dilemma was not being granted extensions on large OPRA requests, which caused frustration. She also noted for the record that her position as Custodian of Records is to provide information to anyone who makes requests and is not done selectively. Mr. Seramba commented on working cooperatively for a proper solution to an on-going problem, indicating that Mrs. Bonette acted as a mediator in a matter, which was equivalent to "throwing gasoline on a fire."

Mike Fiscor, 157 Mountain Road, commented on the Administrator's Report on a shared service with the School, suggesting that the governing body look carefully at the liability of snow plowing in an area with young students and that the Township be mindful of the 49 miles of road that they have to maintain as a priority.

Frances Gavigan, 123 Wertsville Road, thanked Ms. Lenox for her opinion in interviewing all candidates for board positions, stating that Ms. Lenox "walks your line and conscience and I applaud and appreciate you."

Ms. Gavigan asked to clarify that her comments at various meetings regarding the McGee/Seramba issue dealt with stormwater management and farming impacts. She also spoke about considering committee applicants on merits and changes in characterizations over the years, asking the governing body to keep open minds. She concluded that she respected the people on the stormwater ad hoc committee "except for one" and for all the volunteers on boards and appreciated their efforts.

Les Hamilton, 26 Losey Road, commented on the challenges and business items on a Township Committee agenda. He recommended that the Township not pave the current unpaved roads. He also appreciated the Township Committee's frugality and wished all residents "could hear what you are doing." He thanked the governing body for all that they do. He also commented on shared services with others.

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously to close to the public.

UNFINISHED BUSINESS, Continued

RESOLUTION TO ENTER EXECUTIVE SESSION TO DISCUSS LITIGATION, POSSIBLE LITIGATION, CONTRACTS, AND TO RECEIVE ADVICE FROM THE TOWNSHIP ATTORNEY

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RESOLUTION #156-09

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, East Amwell Township Committee is of the opinion that circumstances presently exist; and

WHEREAS, the governing body of the Township of East Amwell wishes to discuss litigation, potential litigation, contracts, and to receive advice from the Township Attorney; and

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then minutes can be made public;

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and it was carried unanimously.

The Township Committee took a short recess at 10:31 p.m., and the executive session began at 10:35 p.m.

The regular meeting resumed at 11:12 p.m., and Mr. Cushing left the meeting at this time.

ADMINISTRATIVE REPORTS

TREASURER LUHRS provided resolutions.

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RESOLUTION #157-09

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

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

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

	From	To
Engineering Services:		
Other Expenses	\$5,000.00	
Affordable Housing Agency:		
Other Expenses		\$1,000.00
Streets & Road Maintenance:		
Other Expenses		\$4,000.00
Total	\$5,000.00	\$5,000.00

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #158-09

WHEREAS, the Public Works Superintendent of the Township of East Amwell Township has approved the refund of the following driveway bond;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of East Amwell that the Treasurer is authorized to issue a refund check to the following applicant:

Applicant	Amount of Refund
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Linvale United Methodist Church \$2,500.00

By Order of the Township Committee,

Peter Kneski, Mayor

RESOLUTION #159-09

WHEREAS, it has been determined by the Township Engineer of the Township of East Amwell that the following escrow funds can be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell that the Treasurer is hereby authorized to refund the following amount to the applicant:

Table with 2 columns: Applicant, Amount Refunded. Rows include United Telephone Company with amounts \$1,347.00 and \$ 561.25.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Martin, seconded by Mr. Tatsch, and it was carried unanimously to approve the resolutions.

Bills of the evening were approved on a motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously.

The December 10, 2009, Budget Appropriation Summary and the October and November 2009 Revenue Reports were noted.

TAX COLLECTOR HYLAND provided the November 2009 Report.

Tax Collector Resolutions:

RESOLUTION #160-09

WHEREAS N.J.S.A.40A:5-17.1 allows for amounts of \$5.00 or less of overpaid taxes to be canceled, and

WHEREAS the following amounts have been overpaid for 2009 taxes, and

WHEREAS it is the desire of the Tax Collector to clear these small overpayments before the New Year,

THEREFORE, BE IT RESOLVED that the following credit amounts be canceled and applied to Surplus.

Table with 3 columns: Name, Amount, Credit Amount. Rows include Michael Tomaro, Russel & Joan Sank, Larry Saums, Joanne Engelman, Maria & Danielle Kamensky, Lissa Richardson, Amos & Marion Stults.

TOTAL: 1.07

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #161-09

WHEREAS N.J.S.A.40A:5-17.1 allows for amounts of \$5.00 or less of delinquent taxes to be canceled, and

WHEREAS the following amounts have been underpaid for 2009 taxes, and

WHEREAS it is the desire of the Tax Collector to clear these small delinquencies before the New Year,

THEREFORE, BE IT RESOLVED that the following debit amounts be canceled:

Edward & Sarah Perkovich	3/5Q0014	.49
Joyce Freed	13/8	.02
John Fristrom	18/8	.10
E. Staump	21/16	.01
Richard & Patricia Szabo	24/6.05	.01
John & Wenonah Stover	25/3.05	.01
George Altonen	29/2	.01
Tobin & Robin Rich	33/7.01	.08
Sheldon Katz	35/11.01	.90
Wm. Thompson &Lise Lowry	35/50	.38
Edgar VanDoren	35/59	.30
Andrea Bonette	38/12.01 Q0457	.04
Wm. Thompson &Lise Lowry	38/23 Q0423	.02
Wm. Thompson &Lise Lowry	38/36 Q0422	.03
Wm. Thompson &Lise Lowry	38/37 Q0422	.02
Wm. Thompson &Lise Lowry	38/39 Q0423	.01
David & Mayra Rosner	40/51.06 Q0463	.60
Anna Lewis Est.	42/2	.01
C and E Route 31 LLC	42/12.01	.86

Total: 3.90

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #162-09

WHEREAS there has been an overpayment of 2009 taxes for Block 23, lot 9, assessed to Justin & Jessica Seltzer, and,

WHEREAS the amount of \$1,599.60 has been requested for refund of this overpayment to the homeowner,

THEREFORE, BE IT RESOLVED that the following amount of \$1,599.60 be returned to Jessica & Justin Seltzer.

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #163-09

WHEREAS there has been an overpayment of 2009 taxes for Block 25, lot 7.15, assessed to Bruce & Lori Turek, and,

WHEREAS the amount of \$971.21 has been requested for refund of this overpayment to the homeowner,

THEREFORE, BE IT RESOLVED that the following amount of \$971.21 be returned to Burce & Lori Turek.

By Order of the Township Committee,

Peter Kneski, Mayor

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Motion by Mrs. Cregar, seconded by Mr. Tatsch, and it was carried unanimously to approve the resolutions.

All other administrative reports were noted.

CORRESPONDENCE

Committee members commented on the New Jersey Vital Statistics Audit Report.

Deputy Mayor Lenox commented on the correspondence about the Amwell Valley Trail Association from a resident at 26 Back Brook Road. She believed that the letter was not factually correct, indicating that the Association does have insurance, has members wear tags, and the property owner may be confusing visitors from other groups. She stated that there are no violations of wetlands or streamlands, the Amwell Valley Trail Association "polices" the trails, and clearings are done under the direction of a DPW employee from another municipality, who is a member of the Association. She concluded that the letter was not factual.

ADJOURNMENT

There being no further business, a motion was made by Mrs. Cregar, seconded by Mr. Tatsch, and it was carried unanimously to adjourn the meeting at 11:20 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk