

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 and C. Larry Tatsch. Committee member Timothy Martin was absent. Township Administrator Timothy Matheny was 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 October 20, 2009.

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

AGENDA REVIEW

Add as Correspondence the 10/20 Attorney/ Client Privilege Email from Richard Cushing on the Meszaros Property.

ANNOUNCEMENTS

A. The Historic Preservation Committee will hold a bus tour on Sunday, October 25, 2009, leaving from the municipal parking lot at 1:00 p.m. Contact Kat Cannelongo at 908:237-2535 for details.

B. Day Light Savings Time Ends on Sunday, November 1, 2009, at 2:00 a.m. Turn clocks back one hour.

C. Election Day is Tuesday, November 3, 2009, from 6:00 a.m. – 8:00 p.m. All East Amwell Polls are located at the municipal building.

D. There will be NO November Recycling Depot. The next depot will be held on Saturday, December 5, 2009, from 8:00 a.m. to 11:00 a.m. on the municipal lot.

E. Municipal Offices will be closed on Wednesday, November 11, 2009, in observance of Veteran's Day.

F. Hunterdon County Utilities Authority will hold a Household Hazardous Waste Cleanup Day on Saturday, November 14, 2009, from 9:00 a.m. – 1:00 p.m. at the Route 12 complex. Call 908:788-1110 or email hcua@co.hunterdon.nj.us for details.

APPROVAL OF MINUTES

October 8, 2009, Regular Minutes were approved on a motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and carried unanimously with some minor typing corrections.

October 8, 2009, Executive Minutes (Contracts and Land Acquisition) were approved on a motion by Mrs. Cregar, seconded by Mr. Tatsch, and carried with one minor typing correction.

October 8, 2009, Executive Minutes (Litigation, Possible Litigation, Personnel, and Attorney's Advice) were approved on a motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried unanimously.

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

John Seramba, 111 John Ringo Road, provided a handout to the governing body on "Horse-breeding Activity for Profit" and will provide an electronic copy to Deputy Mayor Lenox to forward to the Amwell Valley Trail Association.

Mr. Seramba also reminded the governing body about the federal legislation regarding water, which he mentioned at the last meeting; it is moving ahead and may include well monitoring for farms.

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

INTRODUCTION OF ORDINANCES/PUBLIC HEARINGS

Introduction of Ordinances:

ORDINANCE 09-12 AN ORDINANCE TO AMEND ORDINANCE 08-22 REGARDING COAH DEVELOPMENT FEES

The Clerk explained that the New Jersey Council on Affordable Housing (COAH) reviewed the development ordinance submitted by the municipality in December 2008, and they had some modifications, which must be adopted prior to collecting the new fees. Attorney Lorraine Staples prepared the ordinance presented to the governing body this evening.

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**EAST AMWELL TOWNSHIP
ORDINANCE 09-12**

WHEREAS, East Amwell Township was granted substantive certification by the Council on Affordable Housing (COAH); and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permit municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development;

WHEREAS, on December 30, 2008 the Township adopted Ordinance 08-22 authorizing the imposition and retention of fees on residential and non-residential development to be used to provide low and moderate income housing; and

WHEREAS, Ordinance 08-22 was not effective without COAH approval pursuant to *N.J.A.C. 5:96-5.1.*; and

WHEREAS, on September 23, 2009 COAH approved Ordinance 08-22 subject to the enactment of an amendment to one section of the ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of East Amwell, in the County of Hunterdon, State of New Jersey as follows

Section 1. Amendment of §75-5.A.2.c.

§75-5.A.2.c. as set forth in Ordinance 08-22 is revised to read as follows, the only change being the addition of a new sentence at the end:

Except as provided in subparagraph (d) below, development fees shall be imposed and collected when an existing residential structure undergoes a change to a more intense use, is demolished and replaced, or is expanded where the volume of the change, replacement, or expansion is greater than 1,500 cubic feet. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

Section 2. Effective Date of Ordinance 08-22.

Section 3 of Ordinance 08-22 is hereby amended to provide that it shall be effective as amended by this Ordinance on the effective date of this Ordinance.

Section 3. Severability.

If any section, subsection, sentence, clause or phase of this ordinance is for any reason held to be unconstitutional, contrary to law or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 4. Effective Date of this Ordinance

This ordinance shall take effect upon passage and publication as provided by law.

By Order of the Township Committee,

Peter Kneski, Mayor

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

Introduced: October 22, 2009

Adopted:

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Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to introduce Ordinance 09-12.

The ordinance will be published in the October 29, 2009, issue of the Hunterdon County Democrat, and the public hearing is set for Thursday, November 12, 2009, at 7:30 p.m. at the regular Township Committee meeting.

SPECIAL DISCUSSIONS – None

SPECIAL COMMITTEE REPORTS - None

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE:

- 1) Draft Letter to Hunterdon County Parks Director re: Recreational Land in West Amwell (See 10/8/09 Minutes for Background & 10/19 Email from Recreation Chair Dennis Hajek)

Mayor Kneski commented on previous discussions, including the presentation by Mr. Hajek in September on the status of East Amwell ballfields and the intent to send a letter to the County. The Mayor wanted input from the governing body on whether East Amwell Township should take the lead in the County meeting, based on Mr. Hajek's presentation. Mr. Tatsch commented that this may be a long term process, which may take years. He believed that it was appropriate to send the letter with East Amwell Township as the lead agency and see how things develop. It was agreed that the basis of the letter was to facilitate the multitude of agencies to discuss long term interest in the property. The Clerk did contact Recreation Chair Dennis Hajek, and he was satisfied with the proposed letter, as written.

There was a consensus of the Township Committee to send the letter to the County, as prepared for the Mayor's signature.

UNFINISHED BUSINESS

TOWNSHIP ADMINISTRATOR'S UPDATE:

1) DPW Position Posting: Mr. Matheny noted that the DPW Superintendent position is posted at the municipal building until October 27. A recommendation will be brought to the governing body for appointment.

2) Front Ramp at Municipal Building: Mr. Matheny explained that the repair is underway, providing details of existing conditions which caused shifting. The repair calls for extending the ramp to the building wall and putting handrails on both sides;"cultured stone" will be used on the walls and the entire ramp will be resurfaced. The project was quoted, and the chosen contractor anticipates that the work will take about four days, including weekends. Acting DPW Superintendent Kadezabek is assisting. The work will be done by the next Township Committee meeting.

3) Meeting with East Amwell Township School Administration: Mr. Matheny and Treasurer Jane Luhrs recently met with East Amwell Township School Superintendent Ed Stoloski to discuss possible shared services. Mr. Matheny explained that the meeting was a positive one, and that details will be worked out to effect equity. The intent is to save money and to increase efficiencies and service. Mr. Matheny commented on sharing service within the municipality as a benefit for the taxpayers.

Mayor Kneski spoke about the School's interest in solar energy, reminding the Township Committee that a resident previously included the school in an audit done for the municipality. He stated that the resident was willing to sit down with East Amwell School to go over the findings, noting also that there are separate programs for schools at the state level. Mayor Kneski expressed his interest in facilitating the meeting with the resident and the school, and Mr. Matheny will assist.

Mr. Tatsch mentioned the recent energy audit done for the municipality; Mayor Kneski stated that the resident would be able to provide the School with specific information on grants for educational institutions.

NEW BUSINESS - None

OPEN TO THE PUBLIC

Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to open to the public for comments.

Frances Gavigan, 123 Wertsville Road, mentioned possible gaps in communication, i.e., she mentioned problems with lead in the school water supply that the municipality may not have been aware of.

Ms. Gavigan commented on the correspondence on the agenda from the NJ DOT regarding funding for Dutch Lane. She recommended coordination with the County on timing of the project. She also asked that the public be made aware of long-term plans. Mayor Kneski spoke about the draft 5-year plan, which will be presented at a public hearing.

Ms. Gavigan also commented on federal funding for roads, design standards, site improvements on Dutch Lane, and obtaining information on long term road plans. The Committee advised Ms. Gavigan that the Dutch Lane project was primarily a resurfacing and drainage project.

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

UNFINISHED BUSINESS, Continued

RESOLUTION TO ENTER EXECUTIVE SESSION TO MEET WITH ATTORNEY ERIC HARRISON AND ATTORNEY LESLIE KOCH TO DISCUSS LITIGATION

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RESOLUTION #137 -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 with the attorneys; 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 Mrs. Cregar, seconded by Deputy Mayor Lenox, and it was carried unanimously to approve the resolution.

Executive Session began at 8:00 p.m.

The regular meeting resumed at 8:40 p.m., and Attorneys Harrison and Koch left the meeting at this time.

ADMINISTRATIVE REPORTS

TREASURER LUHRS presented the bills of the evening and a statement of cash on hand. Motion by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to approve the bills of the evening.

The Treasurer also provided other administrative reports, as listed on the agenda.

Treasurer's Resolutions:

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RESOLUTION #138 - 09

WHEREAS, it has been determined by the Zoning Board of Adjustment of the Township of East Amwell that the following escrow fees 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 applicants:

Applicant	Amount Refunded
Steven Bolkan	\$ 303.50
William Maier	\$ 840.32
Andrea McGruther	\$ 46.78
Mary Pehinys	\$3,062.65
Theodore R. Peyrek	\$ 90.16

By Order of the Township Committee,

Peter Kneski, Mayor

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RESOLUTION #139 -09

WHEREAS, The Township Committee of the Township of East Amwell acknowledges the need to fund additional preliminary professional expenses to determine the scope, the cost and funding sources for future road projects for the Township of East Amwell;

NOW, THEREFORE, BE IT RESOLVED, that an additional amount of \$4,000.00 shall be appropriated from the Capital Improvement Fund to the Reserve for Preliminary Expenses for Future Road Projects.

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 resolutions.

The Tax Collector did not have any resolutions.

CORRESPONDENCE

The Township Committee briefly discussed the letter from Resident Jim Bacon on Hart Lane regarding drainage issues at Clawson Park. Mr. Tatsch commented on addressing the "legitimate" drainage issues as shown in the detailed pictures.

Mayor Kneski asked Mr. Matheny to follow up with the Recreation Committee on an email he received from Game Time regarding playground grants. Some comments were exchanged about the company's email and access to grants; the Mayor will also visit the company's booth at the League of Municipalities to obtain further information.

Mr. Tatsch and Mayor Kneski commented on flickering lights on the speed trailer on two recent occasions. Mr. Matheny explained that the battery might have been fading by the time the Township Committee members saw the equipment after a week's activity. Mr. Matheny commented on the agreement with Hunterdon County to allow the equipment to be used on their roads. Resident Gokey on Manners Road has agreed to let the Township put the equipment on his property.

Mrs. Cregar commented on the up-coming Clawson Park Advisory Committee meeting and on a service project by the Girls On The Run members in putting mile markers on the trails.

ADJOURNMENT

There being no further business, a motion was made by Mr. Tatsch, seconded by Deputy Mayor Lenox, and it was carried unanimously to adjourn the meeting at 8:50 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk