

**READINGTON TOWNSHIP COMMITTEE  
MEETING – July 19, 2010**

Mayor Shamey *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

**PRESENT:** Mayor G. Shamey, Deputy Mayor Gatti, Mrs. J. Allen, Mrs. B. Muir

**ALSO PRESENT:** Administrator Mekovetz, Attorney Sharon Dragan

**ABSENT:** Mr. T. Auriemma

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

**WHEREAS**, *N.J.S.A. 10:4-6 et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit "A."

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis Of Public Exclusion</u></b>	<b><u>Date Anticipated When Disclosed to Public</u></b>
Construction Code Office.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will remain
Richards Building Contractors/..... ECHO-Winship	Contract Negotiations.....	“ “ “
Block 50, Lot 6 (Jagel).....	Contract Negotiations.....	“ “ “
Block 93, Lot 1 (Brennan).....	Contract Negotiations.....	“ “ “
Block 94, Lot 11.....	Contract Negotiations.....	“ “ “
Block 75, Lot 33..... (Saqa Ghattas) CADB/SADC	Contract Negotiations.....	“ “ “
Award of Maintenance & Repair..... Materials Bids	Contract Negotiations.....	“ “ “
109 Dove Cote Court.....	Contract Negotiations.....	“ “ “
Dog Park.....	Contract Negotiations.....	“ “ “

Country Classics Legacy.....	Contract Negotiations.....	“	“	“
Block 48, Lot 23; Block 55, Lot 33,. Block 56, Lots 1, 3, 6 & 8; Block Lot 24 and Block 67, Lot 2 (Solberg Aviation)	Litigation.....	“	“	“
Executive Session Minutes..... (July 6, 2010)	Attorney-Client Privilege.....	“	“	“

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Muir to adopt this resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

The meeting reconvened 7:50 p.m.

Mayor Shamey led those present in the *Salute to the Flag*.

**Mayor Shamey announced that the following business was completed during Executive Session:**

***Personnel/Construction Code Office***

A **MOTION** was made by Mr. Gatti to accept the resignation of Richard T. Jones as the Fire Sub-Code Official, who will be retiring effective July 31, 2010, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

***Contract Negotiations/Winship (ECHO)***

The following resolution was offered for consideration:

**#R-2010-96**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Township requires the services of a vendor with specialized knowledge and expertise to perform work associated with the removal, transport and setup of Elder Cottage Housing Opportunity units hereinafter referred to as “ECHO units.”

**WHEREAS**, the Township has advertised for bids pursuant to section 4 of P.L. 1971, c.198 (C.40A11-4) on two occasions and was unsuccessful in receiving a responsive bid on both occasions in response to the advertisement; and

**WHEREAS**, the Township has a substantial investment in these ECHO units and has a need to move and install these units in a timely manner; and

**WHEREAS**, the ECHO unit located on the Winship property at 391 County Road 523, Whitehouse Station, NJ is no longer needed and must be promptly removed and relocated; and

**WHEREAS**, the Township wishes to award a contract to Richards Building Contractors, 155 Pinehurst Lane, Williams Township, PA in the amount of \$15,580 for removal of this unit from this site.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON AS FOLLOWS:**

**Resolution #R-2010-96 cont'd:**

1. The Township Committee hereby awards the contract to remove, transport and deliver the ECHO unit located at 391 County Road 523 in Readington Township to Richards Building Contractors in the sum of \$15,580.
2. The Chief Financial Officer's Certification of availability of funds is on file – *N.J.A.C. 5:30-5.4*.
3. The Township Administrator/Clerk and Mayor are authorized to enter into and administer the contract on behalf of the Township.

**A MOTION** was made by Mr. Gatti to adopt this resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

**Contract Negotiations/Block 50, Lot 6 (Jagel)**

Mayor Shamey stated that this matter remains in Executive Session.

**Contract Negotiations/Block 93, Lot 1 (Brennan)**

Mayor Shamey stated that this matter remains in Executive Session.

**Contract Negotiations/Block 94, Lot 11**

Mayor Shamey stated that this matter remains in Executive Session.

**Contract Negotiations/Block 75, Lot 33 (Saq Ghattas) CABC/SADC**

**A MOTION** was made by Mrs. Allen to approve the deed restriction drafted by Attorney Dragan, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

**Contract Negotiations/Award of Maintenance & Repair Bids**

The following resolution was offered for consideration:

**#R-2010-93**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Township Committee of the Township of Readington publicly advertised for bids for the proposed 2010 Maintenance and Repair Materials in the Township; and

**WHEREAS**, on June 29, 2010 the Administrator/ Municipal Clerk conducted the bid opening for the 2010 Maintenance and Repair Materials; and

**Resolution #R-2010-93 cont'd:**

**WHEREAS**, the Administrator, Director of Public Works and Township Attorney reviewed the bids received and recommend the awarding of contracts to the bidders as shown on the attached “Schedule of Low Bidders;” and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for these contracts; and

**WHEREAS**, at the Township Committee meeting held on July 19, 2010, the Township Committee reviewed the recommendation for awarding these contracts.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington hereby awards contracts according to the attached “Schedule of Low Bidders.”

**BE IT FURTHER RESOLVED** that the Township Administrator/Clerk is authorized to notify the successful bidders on these awards in the amounts as shown as the attached “Schedule of Low Bidders” and the Mayor and Township Administrator/Municipal Clerk are authorized to sign those contracts.

**SCHEDULE OF LOW BIDDERS – 2010 MAINTENANCE & REPAIR MATERIALS**

**Primary Contracts**

ITEM	DESCRIPTION	MODE	QUAN TITY	UNIT	SUCCESSFUL BIDDER	UNIT PRICE	NOT TO EXC. AMT.
1a	3/4" ROAD STONE	DEL	1,500	TON	Stavola	\$11.80	\$17,700.00
1b	3/4" ROAD STONE	FOB	1,500	TON	Stavola	\$8.50	\$12,750.00
2a	3/4" CLEAN STONE	DEL	1,500	TON	Stavola	\$13.80	\$20,700.00
2b	3/4" CLEAN STONE	FOB	1,500	TON	Stavola	\$9.90	\$14,850.00
3a	1-1/2" CLEAN STONE	DEL	200	TON	Stavola	\$14.00	\$2,800.00
3b	1-1/2" CLEAN STONE	FOB	200	TON	Stavola	\$9.50	\$1,900.00
4	CORE STONE	DEL	500	TON	Tilcon, New York	\$18.70	\$9,350.00
5	no. 9 (1/4") STONE OR SANDING GRITS	DEL	500	TON	Tilcon, New York	\$17.50	\$8,750.00
6	SCREENINGS	DEL	500	TON	Stavola	\$11.80	\$5,900.00
7	SAND - COARSE	DEL	100	TON	Tilcon, New York	\$20.65	\$2,065.00
8	LIQUID CALCIUM CHLORIDE	FDA	20,000	GAL	Peckham Materials Corp.	\$1.07	\$21,400.00
9a	BITUMINOUS CONC., F.A.B.C., I-5	FDS	3,500	TON	Flemington Bituminous	\$57.45	\$201,075.00
9b	BITUMINOUS CONC., F.A.B.C., I-5	FOB	3,500	TON	Flemington Bituminous	\$51.45	\$180,075.00
10a	BITUMINOUS CONC., MABC, I-4	FDS	1,000	TON	Flemington Bituminous	\$57.45	\$57,450.00
10b	BITUMINOUS CONC., MABC, I-4	FOB	1,000	TON	Flemington Bituminous	\$51.45	\$51,450.00
11a	BITUMINOUS CONC., STAB. BASE, I-2	FDS	700	TON	Flemington Bituminous	\$54.45	\$38,115.00
11b	BITUMINOUS CONC., STAB. BASE, I-2	FOB	700	TON	Flemington Bituminous	\$48.45	\$33,915.00
12	HIGH PERFORMANCE COLD PATCH	FOB	50	TON	Weldon Materials	\$135.00	\$6,750.00
13	STREET SWEEPING	FDA	150 mile	HOUR	Apgar Power Sweeping	\$114.00	\$0.00
14a	JET-VAC SANITARY SEWER CLEANING	FDA	10	DAY (8HR)	Nonresponsive		\$0.00
14b	JET-VAC DISPOSAL FEE OF SOLIDS			TON/CY	Nonresponsive		\$0.00
15	TV INSPECTION OF SANITARY SEWER	FDA	6	DAY (8HR)	Nonresponsive		\$0.00

**Secondary Contracts**

9b	BITUMINOUS CONC., F.A.B.C., I-5	FOB	3,500	TON	Tilcon, New York	\$50.70	\$177,450.00
10b	BITUMINOUS CONC., MABC, I-4	FOB	1,000	TON	Tilcon, New York	\$51.70	\$51,700.00
11b	BITUMINOUS CONC., STAB. BASE, I-2	FOB	700	TON	Stavola	\$52.00	\$36,400.00

A **MOTION** was made by Mrs. Muir to approve the Award Maintenance and Repair Materials Bid listed under items 1a through 13 per the Schedule of Low Bidders and rebid items 14a, 14b and 15 since those bids were rendered non-responsive, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

A **MOTION** was made by Mrs. Muir to award the bids for the secondary contracts, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

The following resolution was offered for consideration:

**#R-2010-94**  
**TOWNSHIP OF READINGTON**  
**RESOLUTION**

**WHEREAS**, the Township Committee of the Township (“Committee”) publically advertised for bids for the proposed 2010 Maintenance and Repair Materials in the Township; and

**WHEREAS**, on June 29, 2010 the Township Administrator/Clerk conducted the bid opening for 2010 Maintenance and Repair Materials; and

**WHEREAS**, the total number of bidders responding to Items 14a (Jet-Vac Sanitary Sewer Cleaning, 14b (Jet-Vac Disposal Fee of Solids and 15 (TV inspection of sanitary sewer) was one, Oswald Enterprises; and

**WHEREAS**, upon review of the bids, it was determined that the bidder failed to include a Bid Bond which is a fatal defect which cannot be cured by the bidder or waived by the Township according to N.J.S.A. 40A:11-23.2 rendering this bid non-responsive.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON AS FOLLOWS:**

1. The Township Committee rejects the sole bid received on June 29, 2010 for Items, 14a, 14b and 15 for 2010 Maintenance and Repair Materials.
2. The Township Administrator/Clerk is authorized to notify the bidder of these items of this decision.
3. The Township Administrator/Clerk and/or Director of Public Works is authorized to rebid items 14a, 14b and 15 for the 2010 Maintenance and Repair Materials. These items shall be re-advertised so that all notification provisions of the Local Public Contracts Law are complied with.

A **MOTION** was made by Mrs. Muir to adopt this resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

***Contract Negotiations/109 Dove Cote Court***

A **MOTION** was made by Mrs. Muir to authorize Attorney Dragan to draft a contract accepting the offer of \$99,000 for the COAH unit, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

***Contract Negotiations/Dog Park***

A **MOTION** was made by Mr. Gatti to approve the lease agreement as amended by Attorney Dragan, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mayor Shamey - Aye

***Contract Negotiations/Country Classics Legacy***

Mayor Shamey stated that this matter remains in Executive Session.

***Litigation/Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2***

Mayor Shamey stated that this matter is scheduled for a status conference on July 29, 2010.

***Attorney –Client Privilege/Executive Session Minutes (July 6, 2010)***

A **MOTION** was made by Mrs. Muir to approve the Executive Session Minutes of July 6, 2010 as amended for content only, seconded by Mr. Gatti with a vote of ayes all, nays none recorded. Mrs. Allen abstained since she was not present at that meeting.

***CONSENT AGENDA:***

Mayor Shamey read the following statement:

All items listed with an asterisk “\*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- \* 1. **APPROVAL OF MINUTES** of meeting of July 6, 2010
- \* 2. **Readington Trail Association** – request permission to use Tower Field
- \* 3. **Resolution Authorizing State Contract Purchases**

The following resolution was offered for consideration:

**#R-2010-95**

**TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING STATE CONTRACT PURCHASES**

**WHEREAS**, the Township of Readington wishes to purchase construction services for road repair microsurfacing from an authorized vendor under the State of New Jersey, Division and Purchase Property and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, *N.J.S.A.* 40A:11-12; and

**WHEREAS**, Asphalt Paving Systems Inc., PO Box 530, Hammonton, NJ 08037, Contract #72038 (Index# T-2507), has been awarded for the period one (1) year to expire 7/31/11; and

**WHEREAS**, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

**WHEREAS**, the actual cost for the road repair microsurfacing construction services are estimated not to exceed \$150,000; and

**WHEREAS**, the Chief Finance Officer has certified the availability of funds for this contract.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Asphalt Paving Systems Inc. be awarded a contract for a road repair microsurfacing construction services; and

**BE IT FURTHER RESOLVED**, The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of this award; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

- \* 4. **Clark, Delores (Block 21 Lot 19.06)** – release of escrow
- \* 5. **Readington Farms** – release of police escrow
- \* 6. **Hendry, Doug (Block 39, Lot 26)** – release of escrow
- \* 7. **Postponement of Mortgage** – 402 Dove Cote Court (Resua, Michael)
- \* 8. **Tax Lien Redemption**

The following resolution was offered for consideration:

**RESOLUTION**

**READINGTON TOWNSHIP, HUNTERDON COUNTY**

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 34, Lot 36.199; and

**WHEREAS**, it is the desire of the Tax Collector to refund to the lien holder the redemption amount,

**Resolution cont'd:**

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$15,886.91 known as Tax Sale Certificate #586, to the lien holder, Rainbow Associates, LLC.

- \* 9. **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	0-01	\$ 478,719.36
TRUST FUNDS	X-03	\$ 72,407.68
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 44,050.13
PAYROLL DEDUCTIONS	X-06	\$ 182,141.62
REG. & LOCAL SCHOOL TAX	X-07	\$1,625,000.00
DUE TO STATE OF NJ	X-09	\$ 5,443.50
2010 CAPITAL	X-10	<u>\$ 33,511.25</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$2,441,273.54</b>

A **MOTION** was made by Mrs. Muir to approve the Consent Agenda, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

- Mrs. Allen - Aye
- Mr. Gatti - Aye
- Mrs. Muir - Aye
- Mayor Shamey - Aye

**CORRESPONDENCE/OTHER INFORMATION**

1. Legal Notice from Donna P. McCutcheon, Planning Board Clerk regarding **Third Round Housing Element and Fair Share Plan**. No action taken.
2. Public Notice from Debora Padgett, Planning Board Clerk regarding **Transfer of Development Rights (TDR) Study**. No action taken.
3. Notice of Public Hearings from Donald Carter, Vice President of Operations, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas regarding A **filed Petition with the New Jersey Board of Public Utilities in Docket No. GR10060385 to review its Basic Supply Service – Periodic (“BGSS-P”) rate**. No action taken.

**NEW BUSINESS**

1. **Historic Preservation (Old Route 28 corridor to the National Register)** –  
 Pat Fisher Olsen, Chairwoman of the Historic Preservation Commission, gave a brief overview to update the Committee on the status of the register nomination for the Whitehouse-Mechanicsville Historic District. Mrs. Olsen stated that the Whitehouse-Mechanicsville Historic District is part of the Master Plan in addition to being a part of the five (5) year plan of the Historic Preservation Commission. Mrs. Olsen stated that once it is submitted to the State of New Jersey Historic Preservation office, the normal review process generally takes about twelve to eighteen months before it gets sent to Washington, D.C. for the final approval.
2. **An Ordinance Supplementing and Amending Volume II Chapter 148 Entitled “Land Development” of the Code of the Township of Readington, 2000 as heretofore Supplemented and Amended, to Create Regulations to Provide Protection for Existing Landforms**

The following ordinance was offered for introduction:

**AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, TO CREATE REGULATIONS TO PROVIDE PROTECTION FOR EXISTING LANDFORMS**

**ORDINANCE # 22-2010**

**Whereas**, Readington Township’s natural character is defined in part by the various landforms throughout the Township, including rolling hills, small mountains, stream corridors and meadows; and

**Whereas**, it is the intent of Readington Township to protect the existing natural character of Readington Township, as expressed through various existing topographic conditions that define the landscape of the Township, from negative impacts relating to land development; and

**Whereas**, topographic character, consisting of slopes, relative elevations and other topographic conditions, are among numerous factors that contribute to the ultimate development capacity of the land, but are not adequately accounted for within Readington’s development regulations; and

**Whereas**, it is the intent of Readington Township to protect the visual and spatial character of the Township through limitations on the extent of topographic changes resulting from development; and

**Whereas**, Readington seeks to ensure that the character of development reflects the topographic character of the land and the topographic relationships between adjacent lands; and

**Whereas**, Readington seeks to maintain the existing vertical topographic relationship between lots, tracts and public rights-of-way; and

**Whereas**, Readington seeks to eliminate dramatic modifications to the existing topographic conditions of a lot or tract that would pose a threat to maintenance of community character; and

**Whereas**, Readington seeks to protect existing vegetation from damage or death due to compromised root zones resulting from topographic modifications related to development; and

**Whereas**, Readington seeks to reduce potential for soil erosion as a result of development and, thus, potential negative impacts to surface water quality related to soil erosion, sedimentation, pollutant discharge and changes in temperature; and therefore

**BE IT ORDAINED**, by the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows:

1. A new Section within Article VI- General Provisions, §148-60.1 entitled “Landform Protection”, is hereby created that will provide regulations controlling the extent of topographic changes resulting from development, as follows:

**Ordinance #22-2010 cont'd:**

**§ 148-60.1. Landform Protection**

- A. **Maximum Change in Elevation:** Except as provided for herein, changes in the elevation of existing land at any point shall not exceed two (2) vertical feet.
- B. **Maximum Percentage of Lot Area for Topographic Change :** Except as provided for herein, no more than 35% of a lot/tract area may have topographic changes.
- C. **Topographic Modification Setback:** Except as provided for herein, no changes in the elevation of existing land shall be permitted immediately adjacent to a property line, street right-of-way, or tract boundary and shall only be conducted in accordance with the following schedule of required setback distances determined by lot size:

<b>Topographic Modification Setbacks</b>					
Lot/Tract Size	Less than 43,560 Square Feet	43,560 – less than 108,900 Square Feet	108,900 – less than 217,800 Square Feet	217,800 – less than 435,600 Square Feet	Greater than 435,600 Square Feet
Minimum Setback (feet)	5	10	15	20	25

- D. **Maximum Slope Transition:** A maximum slope of 20% is permitted within 10 feet of a required minimum topographic modification setback, as measured to the interior of a property.
- E. **Retaining Wall in Setbacks:** Under no circumstances shall retaining walls be located within the topographic modification setback or the 20% / 10-foot wide slope transition adjacent to the topographic modification setback.
- F. **Retaining Wall Offset:** A minimum offset of 10 feet shall be required between the exposed face of retaining walls (such as in a terrace development). Land between retaining walls shall be planted. The slope of land between retaining walls shall not exceed 10%.
- G. **Retaining Wall at Storm Water Basins:** Under no circumstances shall retaining walls be utilized in the construction of storm water basins.
- H. **Exemptions:**
  - 1. The agricultural use of lands
  - 2. The use of land for gardening primarily for home consumption.
  - 3. The construction of a swimming pool, patio or deck on a lot occupied and used as a single –family dwelling.
  - 4. Landscape design on a lot occupied and used as a single –family dwelling.

***Ordinance #22-2010 cont'd:***

5. Activity that is part of a New Jersey Department of Environmental Protection (DEP) remediation project.
  6. Any activity that is part of a septic system repair, replacement and/or removal project that is not otherwise subject to site plan or subdivision approval.
  7. Vehicular access to a lot, site or tract that represents the minimum number of access points and the minimum size/scale of access in order to ensure compliance with Soil Conservation District requirements and minimum sight distance requirements as determined by the Township or Board Engineer.
2. Section 148-9 entitled “Definitions” of Article II entitled “Definition of Terms” is hereby supplemented and amended to create a new definition of Retaining Wall:

RETAINING WALL — A structure designed to resist the lateral displacement of soil or other materials in order to maintain different ground elevations to protect property or prevent erosion. A retaining wall shall be subject to the setback requirements for principal buildings and structures and shall not be considered a fence or a wall (pursuant to section 148-52) for the purposes of regulating the placement of such a structure. The maximum permitted height of such a structure shall be two (2) feet, as measured on the exposed face.

3. Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.
4. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
5. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law and upon filing with the Hunterdon County Planning Board.

A ***MOTION*** was made by Mrs. Allen to introduce this ordinance, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Shamey	- Aye

A Public Hearing was scheduled for August 2, 2010 at 8:00 p.m.

3. ***An Ordinance Supplementing and Amending Volume II Chapter 148 Entitled “Land Development” of the Code of the Township of Readington, 2000 as heretofore Supplemented and Amended, to Revise Regulations to Facilitate Utilization of Elder Cottage Housing Opportunities (ECHO)***

Attorney Dragan stated that although some of the requirements are still the same, the amendment to this ordinance would be eliminating the use variance requirement to meet conditions and site plan approval. Attorney Dragan suggested adding a sentence to item #3 under §148-51.E, to provide direction for a person who wants to get a permit for an ECHO unit, *Application for a permit shall be made to the Zoning Officer.*

The following ordinance was offered for introduction:

**AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, TO REVISE REGULATIONS TO FACILITATE UTILIZATION OF ELDER COTTAGE HOUSING OPPORTUNITIES (ECHO)**

**ORDINANCE # 23-2010**

**Whereas**, Readington Township seeks to promote the use of ECHO dwellings, and the benefits to the Township derived from such use, by reducing the regulatory burdens associated with obtaining development approvals and the costs to applicants relative to such approvals; and

**Whereas**, Readington Township seeks to minimize the procedural requirements for issuance of a zoning/construction permit to utilize an ECHO dwelling; and

**Whereas**, it is the intent of Readington Township to protect public health, safety and welfare during the tenure of ECHO use by residents of the Township; and

**Whereas**, Readington Township seeks to maintain sufficient development controls in order to minimize negative impacts related to the placement and use of ECHO dwellings; and

**Whereas**, Readington Township intends to provide reasonable limitations on the use of ECHO dwellings in order to protect the overall character of the Township; and

**Whereas**, Readington Township seeks to regulate ECHO dwelling such that they are treated as permitted accessory buildings in all residential zones, rather than conditional uses; therefore

**BE IT ORDAINED**, by the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows:

1. §148-51.E of Article VI General Provisions, §148-51 Accessory buildings and structures, which requires ECHO dwellings to comply with the conditional use provisions of §148-37, is hereby deleted and replaced with the following:

§148-51.E. ECHO Housing

1. ECHO dwellings shall be limited to a total of 12.
2. ECHO dwellings are permitted only in conjunction with a principal single-family dwelling.

***Ordinance #23-2010 cont'd:***

3. Site plan approval is not required for an ECHO dwelling. Application for a permit shall be made to the Zoning Officer.
  4. ECHO dwellings are permitted on lots having a minimum lot size of one acre for lots with public sewer and 75,000 square feet for lots without public sewer.
  5. ECHO dwellings shall comply with the required minimum setbacks for the principal building.
  6. Sufficient capacity to treat wastewater from the ECHO unit, in addition to the principal residence, shall be documented.
  7. Sufficient potable water capacity to serve the ECHO unit, in addition to the principal residence, shall be documented.
  8. The exterior finish of an ECHO dwelling shall match/or complement the appearance of the principal building.
  9. After removal of the ECHO dwelling, the land devoted to the use of the ECHO dwelling shall be restored to its original condition.
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2. §148-37 of Article V Conditional Uses, Exceptions, Modifications and Critical Areas, which contains conditional use standards relating to the development of ECHO dwellings pursuant, is hereby deleted.
  3. §148-14.C (3) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the SSR Special Resource Residential Zone, is hereby deleted.
  4. §148-14.B of Article IV District Regulations, which identifies accessory uses within the SSR Special Resource Residential Zone, is hereby amended to add the following:

§148-14.B (9) ECHO housing.
  5. §148-15.C (4) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the AR Agricultural Residential Zone, is hereby deleted.
  6. §148-15.B of Article IV District Regulations, which identifies accessory uses within the AR Agricultural Residential Zone, is hereby amended to add the following:

§148-15.B (11) ECHO housing.
  7. §148-16.C (6) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the RR Rural Residential Zone, is hereby deleted.

***Ordinance #23-2010 cont'd:***

8. §148-16.B of Article IV District Regulations, which identifies accessory uses within the RR Rural Residential Zone, is hereby amended to add the following:

§148-16.B (11) ECHO housing.

9. §148-16.1.C (3) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the HR Hamlet Residential Zone, is hereby deleted.

10. §148-16.1.B of Article IV District Regulations, which identifies accessory uses within the HR Hamlet Residential Zone, is hereby amended to add the following:

§148-16.1.B (11) ECHO housing.

11. §148-17.C (8) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the R-1 Residential One-Acre Zone, is hereby deleted.

12. §148-17.B of Article IV District Regulations, which identifies accessory uses within the R-1 Residential One-Acre Zone, is hereby amended to add the following:

§148-17.B (11) ECHO housing.

13. §148-18.C (8) of Article IV District Regulations, which identifies ECHO dwellings as a conditional use within the VR Village Residential Zone, is hereby deleted.

14. §148-18.B of Article IV District Regulations, which identifies accessory uses within the VR Village Residential Zone, is hereby amended to add the following:

§148-18.B (11) ECHO housing.

**Ordinance #23-2010 cont'd:**

15. Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

16. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

17. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law and upon filing with the Hunterdon County Planning Board.

A **MOTION** was made by Mr. Gatti to introduce this ordinance as amended, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Shamey	- Aye

A Public Hearing was scheduled for August 2, 2010 at 8:00 p.m.

4. **Central Jersey Invasive Species Strike Team** - memorandum dated July 13, 2010 from John Klotz, Chair of Open Space Advisory Board and Cheryl Filler, Chair to Environmental Commission to enter into a partnership agreement

John Klotz, Open Space Advisory Board, stated that there is concern over the invasive species situation on the open space lands. Mr. Klotz requested that the Township consider partnering with the Central Jersey Invasive Species Strike Team to assist with invasive control.

A **MOTION** was made by Mrs. Allen to acknowledge receipt of memorandum understanding to partner with the Central Jersey Invasive Species Strike Team, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

5. **Request to Pave Cozy Lane** – letter dated July 8, 2010 from Carol Hample

Paul Hample was present and stated that the issues of the letter were in regard to the poor road condition of Cozy Lane, mainly the lack of drainage since there is insufficient stone on the road and a request to have the road paved. Mrs. Allen offered to do a site visit on the road. Mayor Shamey requested that the Township Engineer and the Director of Public Works also take look at the road conditions.

6. **Hunterdon County Chamber of Commerce** – letter dated July 12, 2010 requesting hang banner during the months of September-October for 22<sup>nd</sup> Annual Business EXPO

Administrator Mekovetz requested that this matter be deferred since some additional information would be needed.

- \* 7. **Readington Trail Association** – request to permission to use Tower Field

This item was addressed under the Consent Agenda.

- \* 8. ***Resolution Authoring State Contract Purchases*** – Asphalt Paving Inc.  
Road Repair Microsurfacing

This item was addressed under the Consent Agenda.

- \* 9. ***Clark, Delores (Block 21, Lot 19.06)*** – release of escrow

This item was addressed under the Consent Agenda.

- \* 10. ***Readington Farms*** – release of police escrow

This item was addressed under the Consent Agenda.

- \* 11. ***Hendry, Doug (Block 39, Lot 26)*** – release of escrow

This item was addressed under the Consent Agenda.

- \* 12. ***Postponement of Mortgage*** – 402 Dove Cote Court (Resua, Michael)

This item was addressed under the Consent Agenda.

Administrator Mekovetz stated that she had received a letter from Al Villani requesting the installation of wireless internet access in the municipal building. Administrator Mekovetz stated that she had contacted the IT vendor who maintained that it could be done; however a separate IP address would be needed to minimize any security risk. Administrator Mekovetz stated that she will continue to look into this matter.

Mayor Shamey stated a letter was received from Mary Grace Flynn, Chairwoman of the Planning Board, to confirm that any paving or maintenance that is done on a development not violate the requirements in resolutions of approval for the particular subdivision. Mayor Shamey stated that he was in agreement with this request and asked that this be communicated to the Engineer and Department of Public Works.

Mr. Dorer, of 5 Woodland Way, read a statement regarding the reclamation of Woodland Way and also the appreciation of the Mayor in resolving this issue, along with the proposal to include discussions with homeowners when significant changes are proposed for future project.

#### ***ADMINISTRATOR'S REPORT***

Administrator Mekovetz reported that the hunting bid recommendations will be ready for the next meeting. Administrator Mekovetz reported that there was one property that did not receive any bids. Administrator Mekovetz stated that there is a proposal for a deer management program as well that will be provided during the next few weeks.

#### ***ATTORNEY'S REPORT***

Attorney Dragan stated that she had nothing further to report.

#### ***COMMITTEE REPORTS***

##### **Gerard Shamey**

Mayor Shamey stated that he had nothing to report.

##### **Julia Allen**

Mrs. Allen stated that he had nothing to report.

**Frank Gatti**

Mr. Gatti stated that he had nothing to report.

**Beatrice Muir**

Mrs. Muir stated that he had nothing to report.

***COMMENTS FROM THE PUBLIC***

There were none.

***COMMENTS FROM THE GOVERNING BODY***

There were none.

As there was no further business, *A MOTION* was made by Mr. Gatti at 8:58 p.m. to adjourn the meeting, seconded by Mrs. Muir with vote of all ayes, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO  
Administrator/Municipal Clerk