

**READINGTON TOWNSHIP COMMITTEE
MEETING – November 3, 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 F. Gatti, Mrs. J. Allen, Mr. T. Auriemma,

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan, Engineer R. O'Brien

ABSENT: Mrs. B. Muir

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

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Building and Grounds.....	Contract Negotiations.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Emergency Services.....	Contract Negotiations.....	“ “ “
126 Buttercup Court.....	Contract Negotiations.....	“ “ “
Dog Park.....	Contract Negotiations.....	“ “ “
Peters..... (Block 39, Lot 49 and Block 40, Lot 2)	Contract Negotiations.....	“ “ “
Wilmark Building Contractors, Inc..... (Block 25, Lot 40)	Potential Litigation.....	“ “ “
Brown (Block 94, Lot 16.03).....	Contract Negotiations.....	“ “ “
Executive Session Minutes..... (October 18, 2010)	Attorney-Client Privilege.....	“ “ “
Tilcon New York, Inc. v Morris County Co-Op Council, et al	Litigation.....	“ “ “
Musems.....	Personnel.....	“ “ “

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. Allen to adopt this resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:15 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:

Contract Negotiations/Building and Grounds

Mayor Shamey stated that this matter remains in Executive Session.

Contract Negotiations/Emergency Services

The following resolution was offered for consideration:

#R-2010-127

RESOLUTION FOR THE WHITEHOUSE RESCUE SQUAD TO BE THE SOLE PROVIDER OF EMERGENCY MEDICAL AND RESCUE SERVICES TO THE TOWNSHIP OF READINGTON

WHEREAS, the Whitehouse Rescue Squad currently provides emergency medical and rescue within the municipal boundaries of Readington Township; and

WHEREAS, the Township of Readington has been satisfied with this service and wishes to continue same; and

WHEREAS, the Whitehouse Rescue Squad wishes to continue to provide those services to Readington Township and has the ability to do so.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Readington, County of Hunterdon, State of New Jersey that:

1. The Whitehouse Rescue Squad shall be the sole emergency medical and rescue services provider within the boundaries in Readington Township.
2. It will be at the discretion of the Whitehouse Rescue Squad to determine if additional agencies are required to provide this service.

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

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

Contract Negotiations/126 Buttercup Court

A **MOTION** was made by Mrs. Allen to authorize Attorney Dragan to prepare a contract for the sale of this property, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

Contract Negotiations/Dog Park

A ***MOTION*** was made by Mr. Gatti to amend the lease agreement with Friends of the Dog Park to eliminate the requirement that individual users carry umbrella coverage in the amount of \$500,000 but retain the requirement for \$500,000 policy of personal liability insurance for individual users, seconded Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations/Peters (Block 39, Lot 49 and Block 40, Lot 2)

Mayor Shamey stated that this matter remains in Executive Session.

Potential Litigation/Wilmark Building Contractors, Inc. (Block 25, Lot 40)

Mayor Shamey stated that this matter remains in Executive Session.

Contract Negotiations, Brown (Block 94, Lot 16.03)

Mayor Shamey stated that this matter remains in Executive Session.

Attorney –Client Privilege/Executive Session Minutes (October 18, 2010)

A ***MOTION*** was made by Mr. Auriemma to approve the Executive Session Minutes of October 18, 2010 for content only, seconded by Mrs. Allen with a vote of ayes all, nays none recorded. Mr. Gatti abstained since he was not present at that meeting.

Litigation/Tilcon New York, Inc. v. Morris County Co-Op Pricing Council, et al.

Mayor Shamey stated that this matter remains in Executive Session.

Personnel/Museums

A ***MOTION*** was made by Mr. Gatti to accept the resignation of Barbara Alfano, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

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 October 18, 2010

- * 2. **Resolution to Amend Person/Person and Place/Place Liquor License Application (Peggy E. Stalford to Sar II, Inc.)**

The following resolution was offered for consideration:

#R-2010-128

TOWNSHIP OF READINGTON

RESOLUTION

WHEREAS, an application has been filed for a person-to-person/place to place transfer of Plenary Retail Consumption License #1022-33-006-006, heretofore issued to **Peggy E. Stalford-Chapter 7 Trustee for the Debtor Estate of Ryland Inn Restaurant Operation, LLC, whose address is 100 Main Street, Allenhurst, New Jersey**; appointed by the U.S. Bankruptcy Court for the District of New Jersey (Court) on October 5, 2009 (Case No. 09-36308-RTL); and

WHEREAS, the Chapter 7 Bankruptcy Trustee subsequently made a motion to the Bankruptcy Court permitting the sale of aforesaid liquor license pursuant to Sec. 363 of the Bankruptcy Code, and such Order was signed on May 5, 2010

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, does hereby amend and approve, effective November 3, 2010 the person to person/place to place transfer of the aforesaid Plenary Retail Consumption License to **SAR II, Inc., whose address is 111 Route 22 West, Whitehouse, New Jersey** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: **A**This license, subject to all its terms and conditions, is hereby transferred to **SAR II, Inc. whose address is 111 Route 22 West, Whitehouse, New Jersey** effective November 3, 2010.”

- * 3. **Postponement of Mortgage** – 402 Dove Cote Court (Resua, Michael)
- * 4. **Bodek, Claire (Block 39, Lot 49.07)** – release of escrow
- * 5. **Environmental Commission Annual End-of-Year 2009 Report**
- * 6. **Tax Lien Redemption** – (Block 95, Lot 12.365)

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 95, Lot 12.365; and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$127.30 plus a premium paid in the amount of \$600.00, known as Tax Sale Certificate #625 to the lien holder, Tad Dabrowski.

* 7. **Tax Refund** – (Block 9, Lot 10)

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, the U.S. Department of Veterans Affairs has determined that the property owner of Block 9, Lot 10 is a 100% permanently disabled veteran (date of determination - February 28, 2007) and,

WHEREAS, the property owner has purchased the property on March 23, 1974.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee that the Tax Collector be authorized to cancel 2010 taxes in the amount of \$5,084.71 and refund \$3,590.43 to the property owner, the amount paid for the first three (3) quarters of 2010.

* 8. **Tax Refund** – (Block 53, Lot 2.09)

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, the U.S. Department of Veterans Affairs has determined that the property owner of Block 53, Lot 2.09 is a 100% permanently disabled veteran (date of determination - September 22, 2009) and,

WHEREAS, the property owner has purchased the property on September 23, 1983.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee that the Tax Collector be authorized to cancel 2010 taxes in the amount of \$13,243.93 and refund \$9,888.90 to the property owner, the amount paid for the first three (3) quarters of 2010.

* 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	\$ 389,471.20
SEWER APPROPRIATIONS	0-02	\$ 101,092.81
TRUST FUNDS	X-03	\$ 36,766.93
MISC REFUND, COUNTY TAX, LIENS	X-05	\$3,082,528.50
PAYROLL DEDUCTIONS	X-06	\$ 205,326.01
REG. & LOCAL SCHOOL TAX	X-07	\$5,764,201.60
2010 CAPITAL	X-10	\$ 17,679.82
2006 CAPITAL	X-66	\$ 1,280.90
2008 CAPITAL	X-88	<u>\$ 2,325.99</u>
TOTAL OF ALL FUNDS		\$ 9,600,673.76

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

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

Mr. Gatti abstained from the approval of the minutes since he was not present at that meeting.

CORRESPONDENCE/OTHER INFORMATION

1. Letter dated October 8, 2010 from Edward A. Kuc, Principal Ecologist, Eastern States Environmental Associates, Inc. regarding **Legal Notification to Inform Submission of an Application for a Permit or Approval to the New Jersey Department of Environmental Protection, Block 31-Lot 37.02, Readington Township.** (Entire File Available in Clerk’s Office for Review) No action taken.
2. Memorandum dated October 19, 2010 from Judith A. Sullivan, Municipal Clerk, Township of Bedminster regarding **An Ordinance Amending Chapter X Entitled “Fire Protection” of the Revised General Ordinances of the Township of Bedminster, to Update Certain Provisions therein.** No action taken.
3. Notice of Public Hearing from Judith Babinski Fairweather, Esq., New Cingular Wireless regarding **Application for a Use Variance, Height Variance along with Site Plan Approval including Waivers with the Township of Raritan Zoning Board of Adjustment.** No action taken.

NEW BUSINESS

1. **Special Events Permit** – Kitchen Nightmare requesting permit to shoot a return visit to the Junction Restaurant, Main Street on November 11, 2010

A **MOTION** was made by Mr. Gatti to approve the request, contingent on Kitchen Nightmare paying the \$100 fee regarding the rental of museum artifacts from the previous shoot, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

- * 2. **Resolution to Amend Person/Person and Place/Place Liquor License Application (Peggy E. Stalford to Sar II, Inc.)**

This matter was addressed under the Consent Agenda.

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

This matter was addressed under the Consent Agenda.

- * 4. **Bodek, Claire (Block 39, Lot 49.07)** – release of escrow

This matter was addressed under the Consent Agenda.

- * 5. **Environmental Commission Annual End-of-Year 2009 Report**

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz stated that she had nothing further to report.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

ENGINEER'S REPORT

Engineer O'Brien reported that at 258 Main Street there is a tree lifting the sidewalk which needs to be addressed.

Engineer O'Brien reported that he looked into the in-roadway warning lights for the crosswalks which were quite costly. Mrs. Allen stated that she had seen where two paddles were placed on either side of the road near the edge for greater visibility. Engineer O'Brien stated that he would look into that further. Engineer O'Brien stated that there are also crosswalk location signs designating the crosswalk, in addition to painting a stripe on the pavement 20' to 50' before the crosswalk for vehicles to yield, which would need approval from the County. The Committee agreed that the implementation of these strategies should resolve this matter.

COMMITTEE REPORTS

Gerard Shamey

Mayor Shamey reported that at the next meeting November 15th some police officers will be recognized.

Frank Gatti

Mr. Gatti reported that he had received a call from Jordan Schiff inviting him to join in their 2012 budget process on November 29th at 7:00 p.m. and asked if anyone from the Committee would also like to attend. Mr. Auriemma indicated he would be attending.

Mr. Gatti requested to revisit the proposed off road vehicle ordinance since there are still complaints regarding this matter.

Julia Allen

Mrs. Allen requested that the Committee send a letter to the Hunterdon County Freeholders and pass a resolution in opposition to the logging on Round Mountain and also contact Judeth Yeany, Bureau Chief of Green Acres, Legal and Compliance.

The following resolution was offered for consideration:

#R-2010-129

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, Hunterdon County has proposed a commercial logging plan that will result in cutting approximately two thousand healthy mature trees in the Round Mountain section of Deer Path Park, many of which are more than 100 years old; and

WHEREAS, Township officials and ecological and environmental experts have expressed a serious concern that this plan will be detrimental to the natural resource values and the recreational values of the Round Mountain section of Deer Path Park; and

WHEREAS, the proposed Forestry Management Plan omits the fact that this is a mature forest which exhibits many characteristics of an old growth forest that is a rare and specialized habitat for extremely disturbance sensitive flora and fauna; and

Resolution #R-2010-129 cont'd:

WHEREAS, cutting trees without providing their replacement, as with this proposal, is not a sustainable activity and will result in the degradation of the forest; and

WHEREAS, to our knowledge, no County Parkland in the history of the Hunterdon County Parks System has ever been commercially logged; and no county parkland protected by the State of New Jersey Green Acres Covenant has ever been commercially logged; and

WHEREAS, despite the whole hearted support of local Open Space and State Green Acres monies being used to develop the County Park System, our constituents were not made aware that commercial logging of parkland would be a consideration in the future; and

WHEREAS, since the forests in Hunterdon County have not been able to regenerate properly for nearly twenty years, with no hope in sight, it is recommended that the County should be aggressively protect our forest canopies, and not allow them to be torn apart; and

WHEREAS, the proposed Forestry Management Plan does not meet the standards of the New Jersey Forestry and Wetlands Best Management Practices Manual because it includes no credible plan for reforestation; and

WHEREAS, the proposed Forestry Management Plan does not take into account the fact that natural regeneration of young trees will not happen because of overwhelming deer browse and invasive species pressures exacerbated by the increase in sunlight to the forest floor; and

WHEREAS, a better plan for stewardship of the forest would include measures to do so in a “sustainable manner”, as defined by the Forestry Stewardship Act of 2009, and should include measures for dramatically reducing deer herds, and fencing saplings and naturally occurring clearings in order to promote regeneration of young trees and under story plants; and

WHEREAS, the opening of the forest canopy to sunlight will allow only briars and asian weeds to grow in the logged areas, and the proposed Forestry Management Plan’s proposal to control these invasive plants is unrealistic, and inadequate, and relies on an unacceptable level of herbicide use; and

WHEREAS, since the continued success of both the Hunterdon County Parks system’s and the State Green Acres Program’s acquisition program is dependant on maintaining good public relations, the public outcry over commercial logging on preserved parkland will do irreparable harm to the two programs, and

WHEREAS, the Forestry Management was put forward by the Freeholders as a means to generate of revenue, the plan is contrary to the Green Acres Covenant, which requires that funded Green Acres land be held exclusively for the purpose of Natural Resource Conservation and Recreation; and

WHEREAS, the proposed Forestry Management Plan is inherently flawed because the goals that drive it are timber management goals and not ecological goals;

WHEREAS, the plan is contrary to the goals of the Forestry Stewardship Act of 2009 in which the legislature declares that forests are critical to the social welfare of the State and that forests provide habitat essential for sustaining New Jersey’s native biodiversity;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Readington opposes the commercial logging on Round Mountain since this forest was preserved with public funds for the enjoyment of the public and logging would detract from this enjoyment, and from the beauty and resources of this forest; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Readington, Hunterdon County, opposes the implementation of the proposed Forestry Management Plan for the Round Mountain section of Deer Path Park because it promotes the unacceptable purpose of maximizing timber harvest rather than the acceptable purposes of

Resolution #R-2010-129 cont'd:

Natural Resource Conservation and the enhancement of recreational opportunities for all Hunterdon County residents; and

BE IT FURTHER RESOLVED that Readington Township offers its services as part of a subcommittee appointed by the Freeholders to discuss acceptable stewardship practices for forest reserves in Hunterdon County Parks.

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

A MOTION was made by Mrs. Allen to send a letter to the road department for the nice job that they did on Oakland and Woodland Way, seconded by Mr. Auriemma with a vote of ayes

A MOTION was made by Mrs. Allen to send a letter of appreciation to Greta Kenney and Patti Marcine for all the work put into the Annual Halloween Party, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Thomas Auriemma

Mr. Auriemma reported that he attended the dedication of the Bocce Court constructed by Jeremy Neuman as part of his Eagle Scout project.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

There were none.

The Committee returned to Executive Session at 8:35 p.m.

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:

- 3. 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

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Personnel.....	Police Department.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 39, Lot 24 & Block 67, Lot 2		

(Solberg Aviation)..... Litigation..... “ “ “

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

The meeting reconvened at 10:25 p.m.

Personnel/Police Department

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 remains in Executive Session.

As there was no further business, A **MOTION** was made by Mr. Auriemma at 10:30 p.m. to adjourn the meeting, seconded by Mrs. Allen with vote of all ayes, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO
Municipal Clerk