

**READINGTON TOWNSHIP COMMITTEE
MEETING – March 7, 2011**

Mayor Gatti *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 F. Gatti, Deputy Mayor T. Auriemma, Mrs. J. Allen, Mrs. B. Muir
Mrs. D. Simon

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

ABSENT: None

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:

- 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>
Police Department.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Museums.....	Personnel.....	“ “ “
Executive Session Minutes..... February 22, 2011	Attorney-Client Privilege.....	“ “ “
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.....	“ “ “

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."

- 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 at 6:55 p.m.

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

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

Personnel / Police Department

A **MOTION** was made by Mr. Auriemma to make the promotion of Christopher Heycock to the rank of Corporal *retroactive to October 1, 2010*, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

Personnel / Museums

A **MOTION** was made by Mrs. Allen to hire Margaret Smith for the position of Assistant to the Museum Director, effective March 22, at a rate of \$15 per hour for an average of 12 hours per week, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

Attorney –Client Privilege/Executive Session Minutes (February 22, 2011)

A **MOTION** was made by Mr. Auriemma to approve the Executive Session Minutes of February 22, 2011 for content only as amended, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

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 Gatti stated that this matter remains in Executive Session.

CONSENT AGENDA:

Mayor Gatti 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 February 22, 2011

- * 2. **Readington Township to Salamon (Block 94, Lot 11) Approving Closing Documents**

The following resolution was offered for consideration:

#R-2011-40

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, the Township of Readington (“Township”), pursuant to N.J.S.A. 40A:12-13, et seq. held an auction on March 1, 2010 to sell the property it owns known as Block 94, Lot 11 in the Township of Readington, County of Hunterdon and State of New Jersey, subject to an agricultural development rights easement and a restrictive covenant to be held by the Township of Readington for eventual conveyance to the County of Hunterdon in accordance with the farmland and open space preservation goals of the Township and the County and State Farmland Preservation Program, as well as additional use restrictions; and

WHEREAS, as a result of the auction, the highest bid received to purchase the property was offered by Eugene Salamon (hereinafter “Buyer”), in the amount of \$300,000.00; this bid was accepted and approved by the Readington Township Committee at the meeting held on March 1, 2010; and

WHEREAS, the Township thereafter entered into a contract with Buyer in accordance with the offer made, and further, subject to easements set forth in the specifications required by the Township in the auction package; and

WHEREAS, the making of this resolution is authorized by N.J.S.A.40A:12-13.1, et. seq.

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

1. The Township Committee confirms that the property survey was amended to reflect an exception area of 1.5+/- acres as originally offered in the auction package and reaffirms its agreement with the same.
2. On behalf of the Township Committee, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as the case may be, are authorized to prepare and sign any and all necessary closing documentation, including the deed, affidavit of title, closing statements, agricultural development rights easement documents, post-closing agreements and any other documentation needed to effectuate the sale of Block 94, Lot 11 to the Buyer Eugene Salamon, as a property deed-restricted for agricultural purposes, in accordance with the auction terms, the contract, prior resolutions approving the same, and this resolution.
3. This Resolution shall take effect immediately.

* 3. ***Resolution for Anticipation of Receiving a Subgrant for FY 2011 FEMA Emergency Management Performance Grant***

The following resolution was offered for consideration:

#R-2011-41

**TOWNSHIP OF READINGTON
RESOLUTION**

BE IT RESOLVED, that the Governing Body of the Township of Readington, does, in anticipation of receiving, hereby accept a FEMA Emergency Management Subgrant Award for FY2011, from the New Jersey Department of Law and Public Safety, Division of State Police, in the amount of \$10,000 (\$5,000) federal funds and a Municipal Township Match of (\$5,000).

* 4. ***2010 Report on Variance Applications***

The following resolution was offered for consideration:

**RESOLUTION OF THE BOARD OF ADJUSTMENT
 THE TOWNSHIP OF READINGTON**

REPORT OF VARIANCE APPLICATIONS (2010) BOA 2011-236

WHEREAS, the Board of Adjustment of Readington Township, pursuant to 40:55D-70.1, has undertaken annual review of its decisions on applications and appeals for variances; and

WHEREAS, the Board desires to set forth by Resolution its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revisions; and

WHEREAS, the Board directs its staff to forward copies of the report and Resolution to the Governing Body and Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Readington Township as follows:

Automotive Service Center	B 17, L 10.01	<i>granted</i>	3/20/10	Resolution #2010-230
Hartman	B 36, L 47 & 48	<i>granted</i>	7/15/10	Resolution #2010-231
Hunterdon Hills Animal Hosp.	B 21.13, L7	<i>granted</i>	11/18/10	Resolution #2010-234
Wolfangle	B 70, L38.17	<i>denied</i>		Resolution #2010-235

- * 5. **Readington Trail Association Annual Trail Pace** – request to hold fundraising event April 17, 2011
- * 6. **Release of Escrow** – Apple Wood Remodeling (Block 36, Lot 97)
- * 7. **Tax Refund (Block 34, Lot 36.124)**

The following resolution was offered for consideration:

RESOLUTION

READINGTON TOWNSHIP, HUNTERDON COUNTY

WHEREAS, the Tax Collector has recommended the following refunds for property taxes:

<u>BLOCK/LOT</u> <u>2011</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
34/36.124	Jill A. Kinahan	Duplicate Payment	\$ 1,634.01

- * 8. **Tax Refund (Block 35, Lot 35)**

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 35, Lot 35 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 \$873.01, known as Tax Sale Certificate #614, to the lien holder, Mathurine M. Louis.

* 9. **Tax Refund (Block 23, Lot 18)**

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 23, Lot 18 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 \$653.01, known as Tax Sale Certificate #609, to the lien holder, Mathurine M. Louis.

* 10. **Tax Refund (Block 30, Lot 7)**

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 30, Lot 7 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 \$9,148.16, known as Tax Sale Certificate #612, to the lien holder, Rainbow Associates, LLC.

* 11. **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	\$ 1,244.39
CURRENT FUND	1-01	\$ 541,947.81
SEWER APPROPRIATIONS	1-02	\$ 102,719.50
TRUST FUNDS	X-03	\$ 12,610.26
2004 CAP APPROPRIATIONS	X-04	\$ 1,328.52
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 33,233.46
PAYROLL DEDUCTIONS	X-06	\$ 189,846.65
REG. & LOCAL SCHOOL TAX	X-07	\$5,667,927.60
DUE TO STATE OF NJ	X-09	\$ 4,329.17
2010 CAPITAL	X-10	\$ 6,067.10
2006 CAPITAL	X-66	\$ 8,777.34
2008 CAPITAL	X-88	\$ 4,662.87
TOTAL OF ALL FUNDS		\$ 6,574,694.67

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

- Mrs. Allen - Aye
- Mr. Auriemma - Aye
- Mrs. Muir - Aye
- Mrs. Simon - Aye
- Mayor Gatti - Aye

CORRESPONDENCE / OTHER INFORMATION

1. Notice of Introduction and Public Hearing from Township of Tewksbury regarding An **Ordinance Eliminating Section 714 of the Township of Tewksbury Development Regulations Ordinance Which Previously Created the RVD – Rockaway Village Development District as an Overlay District in the Piedmont District.** No action taken.
2. Letter dated February 17, 2011 from Lawrence E. Sweeney, Director, Rates & Regulatory Affairs – NJ regarding **the Matter of the Long-term Capacity Agreement Pilot Program (BPU Docket No. E01101002).** No action taken.
3. Memorandum dated February 24, 2011 from Tricia Houck, Deputy Clerk, Township of Clinton, regarding the following ordinances:
 - **An Ordinance Supplementing and Amending Chapter 165 Entitled “Land Use Regulations of The Code of the Township of Clinton, 2003, As Heretofore Supplemented and Amended is hereby Supplemented and Amended to Revise the Zoning Map to Change a Portion of the RR-4 Rural Residential Zone District to the ROM-3 Research Office Manufacturing 3 Zone District**
 - **An Ordinance Supplementing and Amending §165-97 “Accessory Building,” of the Code of the Township of Clinton, to Clarify that the Standards of §165-97 Apply to Accessory Structures as well as Accessory Buildings**
 - **An Ordinance Supplementing and Amending Section 165-91 “Effect pm Existing Lots,” of the Code of the Township of Clinton, to Establish Bulk Standards for Existing Undersized Vacant Lots with an Area of 20,000 SF or Greater and to Provide Standards for Additions to Principal Buildings on Nonconforming Lots Less than 20,000 Square Feet in Area**

No action taken.

4. Resolution from Lora L. Olsen, Municipal Clerk, West Amwell Township regarding *Opposing Reduced Allocation of Open Space Tax Levy Funds to Municipal Grants*. No action taken.
5. Memorandum dated February 24, 2011 from Roberta Brassard, Municipal Clerk, Township of Tewksbury regarding *An Ordinance Eliminating Section 714 of the Township of Tewksbury Development Regulations Ordinance Which Previously Created the RVD-Rockaway Village Development District as an Overlay District in the Piedmont District*. No action taken.
6. Public Notice of Meeting from Debora Padgett, Planning Board Clerk, Township of Hillsborough regarding *Proposed Master Plan Amendment to the Land Use Plan Element*. No action taken.

NEW BUSINESS

1. *An Ordinance Supplementing and Amending Chapter 148 of the Land Use Ordinance of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Age-Restricted Housing Developments*

The following ordinance was offered for introduction:

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO AGE-RESTRICTED HOUSING DEVELOPMENTS

ORDINANCE #06 -2011

WHEREAS, there exist certain zones within the Township which permit age-restricted housing developments, as set forth in Chapter 148 of Land Use Ordinance of the Township of Readington; and

WHEREAS, there are age-restricted housing developments which have been approved in the Township, but have remained unconstructed or unfinished due to difficulties in marketing them as 100% age 55 and under age-restricted units; and

WHEREAS, the Federal Housing for Older Persons Act of 1995 requires that “at least” 80% of the total number of units in an age restricted housing development be owned or occupied by at least one person 55 years of age or older, and

WHEREAS, the aforementioned language has been interpreted by the Department of Housing and Urban Development (“HUD”) to permit local communities discretion with respect to the age requirements for the remaining 20% of the occupants of such housing development; and

WHEREAS, the State of New Jersey adopted legislation similar to the aforementioned Federal law which allows municipalities to zone for age-restricted residential development, provided at least one resident is 55 or older, but also provided that no person under the age of 19 could live in the unit for more than 90 consecutive days. However, in view of the severe economic downturn in the United States economy, the New Jersey Legislature has recently enacted legislation to permit the conversion previously-approved age-restricted developments to non-age-restricted developments; and

WHEREAS, the Township of Readington also recognizes the ongoing downturn in the United States economy, the housing market in general and, specifically, in age restricted real estate development; and

WHEREAS, the Township of Readington recognizes the loss of tax revenues resulting from unoccupied, unsold and, most significantly, approved but un-constructed age-restricted housing;

Ordinance #06-2011 cont'd:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey that the following amendments shall be made to Chapter 148 of the Land Use Ordinance of the Township of Readington (language underlined thus _____ represents new language; language in bracket [] signifies deletions):

SECTION 1. Section 148-119A.(6) pertaining to the PND Planned Neighborhood Development Zone, is hereby amended to state:

(6) Senior citizen townhouses, which shall mean 55 years of age or older housing so as to qualify for “housing for older persons” within the meaning of the Fair Housing Amendments Act of 1988 and any amendments thereto, including but not limited to the Housing for Older Persons Act of 1995. In accordance with the discretion permitted by the Act, up to 15% of the units may be owned and/or occupied by families, at least one member of which has attained the age of 45 and no permanent resident of the unit shall be under the age of 19 years.

SECTION 2. Section 148-27.1A.(2) pertaining to the SC-2 Senior Citizen-2 District, is hereby amended to state:

(2) All dwellings shall be age-restricted and require that one member of a couple be at least 55 years of age and than no permanent resident may be younger than 19 years old. A member of a couple, at least one of whom is at least 55 years old, may be younger than 55. Notwithstanding, up to 15% of the dwellings in the development may be owned and/or occupied by families, at least one member of which has attained the age of 45 and no permanent resident of the dwelling shall be under 19.

SECTION 3. Section 148.27.3B(3) pertaining to the SC-4 Senior Citizen-4 Overlay Zone permitted within the VR Village Residential district, is hereby amended to state:

(3) All dwellings shall be age-restricted and require that one member of a couple be at least 55 years of age and that no permanent resident may be younger than 19 years old. A member of a couple, at least one of whom is at least 55 years old, may be younger than 55. Notwithstanding, up to 15% of the dwellings in the development may be owned and/or occupied by families, at least one member of which has attained the age of 45 and no permanent resident of the dwelling shall be under 19.

SECTION 4. The following new section is added as a general addition to the above sections of the Readington Township Land Use Ordinance.

1. Any age-restricted development approved as of the date of this Amendment to this Ordinance may be amended to provide that a maximum of 15% of the dwellings in said development may be owned and/or occupied by families, at least one member of which has attained the age of 45 and no permanent resident of the dwelling shall be under 19.

2. An owner or developer seeking relief pursuant to this section shall send a written request to appear before the board which originally granted the approval of the development in order to attain approval of the number or percentage of units for which such relief will be granted.

SECTION 5. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 6. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

Ordinance #06-2011 cont'd:

SECTION 7. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

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

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

A Public Hearing was scheduled for April 4, 2011 at 8:00 p.m.

2. ***An Ordinance to Provide for the Acceptance of an Affordable Housing Restriction on a Portion of Block 8, Lot 3 in the Township of Readington from Winfield Management Corp.***

The following ordinance was offered for introduction:

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN AFFORDABLE HOUSING RESTRICTION ON A PORTION OF BLOCK 8, LOT 3 IN THE TOWNSHIP OF READINGTON FROM WINFIELD MANAGEMENT CORP.

ORDINANCE #07-2011

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

SECTION 1. The Township of Readington shall accept, for the purposes of providing affordable housing in accordance with its affordable housing and fair share plan filed with COAH, a deed restriction on property known as Block 8, Lot 3 in the Township of Readington and owned by Winfield Management Corp. The property to be deed-restricted for these purposes consists of twelve (12) low, very low and/or moderate income residential rental units on the aforesaid property, as more particularly set forth in the Deed Restriction from Winfield Management Corp. on file in the office of the Readington Township Clerk, at the Readington Township Municipal Building, 509 Route 523, Whitehouse Station, N.J.

SECTION 2. On behalf of the Township Committee, the Mayor, Deputy Mayor, Municipal Housing Liaison/Administrative Agent and/or Township Administrator/Clerk are authorized to accept and execute the aforementioned Deed Restriction and any other documents necessary to effectuate same.

SECTION 3. This Ordinance is made pursuant to N.J.S.A. 40A:12-1, 12-4 and 12-5, et seq., and any other applicable law. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall take effect immediately upon final adoption and publication according to law, and upon recording of the Deed Restriction; a copy of this Ordinance shall also be recorded in the Hunterdon County Clerk's office.

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

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

A Public Hearing was scheduled for March 21, 2011 at 8:00 p.m.

3. **C & E Commercial Properties, LLC (Block 31, Lot 6)** - request for release of landscape guarantee

A **MOTION** was made by Mrs. Muir to release the landscape guarantee, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

4. **Winfield Management Corporation / Cushetunk Manor (Block 8, Lot 3)** – request for reduction of performance bond

Engineer O'Brien stated that a new request was received from Winfield Management to amend their bond reduction request in order to add in the unfinished on-site work to the existing bond. Engineer O'Brien stated that he had revised his letter of March 2nd to accommodate this request. Attorney Dragan stated that she prepared a short amendment to the Developers Agreement that references this revised cost estimate and incorporates it into the Developers Agreement.

The following resolution was offered for consideration:

#R-2011-42

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, Winfield Management did on February 1, 2011 file a written request with the Township of Readington for a reduction in Cash Performance Guarantee Check #1551 in the amount of \$18,795.60 and Performance Bond #588358S in the amount of \$169,160.40 for work completed on Block 8, Lot 3; and

WHEREAS, the Township Engineer has confirmed that a certain amount of work has been done by Winfield Management on said property; and

WHEREAS, in accordance with the Municipal Land Use Law the Township may retain up to 30% of a Performance Bond to assure the completion of site work;

WHEREAS, the Township Engineer has supplied a reduced bond amount for Cash Performance Guarantee Check #1551 and Performance Bond #0358550, as indicated in his amended letter of March 7, 2011 based upon the Municipal Land Use Law requirement:

Resolution #R-2011-42 cont'd:

BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	RECOMMENDED REDUCTION FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTY @ 120%
Developers Surety & Indemnity Corp. #588358S	\$169,160.40	\$ 29,415.96	\$ 139,744.44
Check #1551	\$ 18,795.60	\$ 3,268.44	\$ 15,527.16
Total	\$187,956.00	\$ 32,684.40	\$ 155,271.60

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to reduce Cash Performance Guarantee Check # 1551 and Performance Bond #0358550, as recommended by the Township Engineer; and

BE IT FURTHER RESOLVED, that authorization is given to the Township Clerk to forward copies of this Resolution approving these reduced amounts to the applicant.

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

- Mrs. Allen - Aye
- Mr. Auriemma - Aye
- Mrs. Muir - Aye
- Mrs. Simon - Aye
- Mayor Gatti - Aye

5. **Request from Rob Nonni to Hang Banners for the Following Events:**

- Marconi Lodge – Sons of Italy / Pasta Fest Charity
May 2nd through May 16th
- Readington Community Theatre / “The Kids Left, The Dog Died, Now What?”
May 16th through May 31st
- Readington Memorial Day Parade / May 16th through May 31st

A **MOTION** was made by Mr. Auriemma to approve the hanging of the banners for the three (3) events from May 2nd through May 31st seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

6. **Consideration to Send a Letter in Opposition of Application for Discharge Permit into the Waters of the Rockaway Creek**

Mayor Gatti stated that this matter was discussed at a Planning Board meeting and it was suggested that the Township Committee also send a letter in opposition of this application. Mrs. Allen stated that the DEP is considering the renewal of a wastewater discharge permit that was revoked four years ago; however, apparently re-granted after an appeal, unbeknownst to the public and municipalities that spoke in opposition of the permit. Mrs. Allen stated that the permit up for renewal would allow a sewerage treatment facility to serve a proposed 800 sq. ft. office development near Route 78 and discharge nearly 100,000 gallons per day of treated wastewater into the Rockaway Creek.

A **MOTION** was made by Mrs. Allen to draft a letter in opposition of the application for discharge permit into the waters of the Rockaway Creek, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

* 7. ***Readington Township to Salamon (Block 94, Lot 11) Approving Closing Documents***

This matter was addressed under the Consent Agenda.

* 8. ***Resolution for Anticipation of Receiving a Subgrant for FY 2011 FEMA Emergency Management Performance Grant***

This matter was addressed under the Consent Agenda.

* 9. ***2010 Report on Variance Applications***

This matter was addressed under the Consent Agenda.

* 10. ***Readington Trail Association Annual Trail Pace*** – request to hold fundraising event April 17, 2011

This matter was addressed under the Consent Agenda.

* 11. ***Release of Escrow*** – Apple Wood Remodeling (Block 36, Lot 97)

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that the school approved an exchange of a Mason Dump Truck which they were no longer using, with a Toro Ground Master with snow blowers that the Township no longer had any need for, and requested that the Committee consider approving this exchange.

A **MOTION** was made by Mrs. Muir to approve the exchange with the School Board, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Administrator Mekovetz stated although we are in compliance, a notice was sent urging municipalities to pass a resolution to keep the reserve for uncollected taxes as an exemption from the 2% cap in order to not impose a burden on the municipal budget in the future.

The following resolution was offered for consideration:

#R-2011-43

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

Resolution #R-2011-43 cont'd:

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli have introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington *hereby* urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

Administrator Mekovetz reported a Town Hall meeting with Congressman Lance will take place here in Readington between 4:00 and 6:00 p.m. on March 22nd.

ATTORNEY'S REPORT

Attorney Dragan stated that she is proposing an amendment to the Developers Agreement between Winfield Management and Readington dated January 28, 2010 to reflect the revised cost estimate as being covered by the performance guarantees.

A MOTION was made by Mrs. Muir to amend the Developers Agreement, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mrs. Allen - Aye
Mr. Auriemma - Aye
Mrs. Muir - Aye
Mrs. Simon - Aye
Mayor Gatti - Aye

ENGINEER'S REPORT

Engineer O'Brien reported that he met with the engineer from Branchburg Township to look at the County Line Road plans and they have a few more changes to make along with the specs and should have them to us this week. Engineer O'Brien stated that a Public Meeting will be scheduled within the next two weeks to review these plans with the public.

Engineer O'Brien reported that he had done additional research on the lights to better identify the crosswalks on Bank Street. Engineer O'Brien stated that there are two different types of light controls, one is a blinker sign with solar powered connections and the other option is a crosswalk beacon which would be activated by a controlled button when a pedestrian wishes to cross the road. Mrs. Allen asked if the purchase of either of lights could be covered through the DEA funding.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti reported that he has been invited to attend a dinner on March 15th honoring Anna Hoffman. Mayor Gatti stated that over the years several resolutions have been written honoring Anna's commitment to the country and also the community of Readington.

A ***MOTION*** was made by Mrs. Allen to re-affirm the September 7, 2010 (#R-2010-112) and February 1, 2005 (#R-2005-45) resolutions honoring Anna Hoffman and award her with a plaque on March 15th, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

Julia Allen

Mrs. Allen reported that the next Open Space Walk is scheduled for March 20th on Round Mountain. Mrs. Allen also reported that Saturday, March 12th from 10:00-12:00 the Community Garden will have their kick-off meeting for the 2011 garden season.

Mrs. Allen reported that she and Mayor Gatti attended the Eagle Scout Court of Honor for four Eagle Scouts this past Saturday. Mayor Gatti stated that he was very thankful for John Klotz, from the Open Space Committee, who sponsors these Eagle Scouts to benefit Readington Township.

Thomas Auriemma

Mr. Auriemma stated that he had nothing further to report.

Beatrice Muir

Mrs. Muir stated that he had nothing further to report.

Donna Simon

Mrs. Simon stated that Saturday, March 12th at 9:00 a.m. a public forum discussion on "Municipal Shared Services, Regionalization, Consolidation and Re-allocation of Services" will take place at 71 Main Street.

COMMENTS FROM THE PUBLIC

Donald Baldwin, Morning Star Road, commented on whether a background checks are required for the Municipal Judge position.

Matthew Meade, Whitehouse Station, questioned Mayor Gatti on his reason for voting “no” to the appointment of Gerard Shamey for the position of Municipal Judge.

Spencer Peck, Clinton Township, read a letter for the record (a copy available in the Clerk’s office) he had written on the shared services of police, fire, emergency services and schools.

Karen Jenkin, Weavers Lane, expressed concern on the appointment of Municipal Judge without a background check.

Veronica Slaughter, reporter from the Hunterdon Review, asked for clarification on how the Committee responds to public comments.

Matthew Meade, Cedar Road, commented on the process of appointing a judge and asked the Committee to reconsider their appointment.

Mark Rosenberg, Clearview Road, stated that he wanted to echo concerns on the flaws with respect to Mr. Shamey’s appointment.

Elizabeth Biehl, Dreahook Road, asked the Committee what the appropriate way to have a dialog with them would be and recommended background checks on judges.

COMMENTS FROM THE GOVERNING BODY

Mr. Auriemma stated that he felt he had made an informed decision on the process of the appointment of Judge Shamey and would not reconsider his appointment of Municipal Judge.

Mrs. Allen stated that she wanted to correct a misstatement and stated the processes that lead to Judge Shamey’s appointment were conducted in an appropriate manner.

Mrs. Simon stated that she is more than willing to answer questions; however if it takes a longer period of time and intercepts with business of the Township Committee, she would be happy to take phone calls or make an appointment to further discuss.

Mrs. Muir stated that she wanted to reiterate that what had been said by Mrs. Allen and Mr. Auriemma regarding the appointment process.

Mayor Gatti stated he has been invited to the Hunterdon Central Budget meeting and will be attending with Mrs. Simon on March 23rd at 7:00 p.m.

As there was no further business, ***A MOTION*** was made by Mrs. Muir at 8:20 p.m. to adjourn the meeting, seconded by Mr. Auriemma with vote of all ayes, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO
Municipal Clerk