

**READINGTON TOWNSHIP COMMITTEE  
MEETING – May 2, 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 R. 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:

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>
Police Department.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Executive Session Minutes..... •April 18, 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."

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 at 7:35 p.m.

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

**Executive Session:**

**Personnel / Police Department**

Mayor Gatti stated that this matter remains in Executive Session.

**Attorney –Client Privilege/Executive Session Minutes (April 18, 2011)**

A **MOTION** was made by Mrs. Allen to approve the Executive Session Minutes of April 18, 2011 for content only, seconded by Mrs. Simon 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 April 18, 2011
- \* 2. **American Diabetes Association Annual New Jersey Skylands Tour de Cure / June 5, 2011** – requesting permission to travel along township roads
- \* 3. **Release of Security Deposit on Leased Hunting Properties**
  - Pines Rod and Gun Club / Block 94, Lot 8 (\$384.00)
- \* 4. **Firemen’s Membership Application** – Chester Krawcykowski, Jr.
- \* 5. **Release of Escrow Account** – Calvary Bible Church (\$1251.28)
- \* 6. **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	\$ 458.50
CURRENT FUND	1-01	\$ 477,384.95
SEWER APPROPRIATIONS	1-02	\$ 101,938.28
TRUST FUNDS	X-03	\$ 22,729.74
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 3,059.00
PAYROLL DEDUCTIONS	X-06	\$ 207,163.25
REG. & LOCAL SCHOOL TAX	X-07	<u>\$5,667,927.61</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 6,480,661.33</b>

A **MOTION** was made by Mrs. Muir to approve the Consent Agenda, 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

**COMMENTS FROM THE PUBLIC** for items listed on the agenda only

There were none.

**PUBLIC HEARINGS**

As it was after 8:00 p.m., A **MOTION** was made by Mrs. Simon to adjourn the regular meeting to hold a Public Hearing, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

**CALENDAR YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE #10-2011**

Administrator Mekovetz stated that there is a correction in the numbers from the original ordinance that was introduced. Administrator Mekovetz stated that the numbers are lower and should read as follows: *in the fourth paragraph, it should be \$437,084.55 and in the sixth paragraph it should be \$187,321.95.* Mayor Gatti stated that the cap bank is merely a bank number to be used only for an emergency and gives the Township the ability to raise additional money if necessary.

Mayor Gatti asked if there were any comments from the Governing Body.

There were none.

Mayor Gatti asked if there were any comments from the public.

There were none.

A **MOTION** was made by Mrs. Muir to close the Public Hearing and open the regular meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

**CALENDAR YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE #10-2011**

A **MOTION** was made by Mr. Auriemma to adopt this ordinance, 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

**CORRESPONDENCE / OTHER INFORMATION**

1. Memorandum dated April 15, 2011 from Tricia Houck, Deputy Clerk, Township of Clinton regarding ***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 Create New Regulations Permitting Outdoor Display and Sales of Retail Merchandise and Services for Permitted Businesses in the Township.*** No action taken.
2. Letter dated April 15, 2011 from Alan C. Johnson, District Coordinator, Hunterdon County Solid Waste Hunterdon County Utilities Authority, regarding ***Public Notice for Proposed Amendment to the Hunterdon County Solid Waste Management Plan.*** No action taken.

**NEW BUSINESS**

1. ***An Ordinance Amending the Code of Readington Township to Require Criminal Background Checks and Other Standards for Emergency Services Agency Members***

Attorney Dragan stated that this ordinance is still in draft form and she was requesting feedback from the Committee pertaining to some additional language to include illegal narcotics and prescription drugs, and also the consideration of penalties for violations thereof. Administrator Mekovetz asked about a possible requirement to notify the head of the agency in the case of loss of driver’s license. The Committee discussed the recommended language and agreed to add a section to notify the head of the agency within a specific time frame.

The following ordinance was offered for introduction:

***AN ORDINANCE AMENDING THE CODE OF READINGTON TOWNSHIP TO REQUIRE CRIMINAL BACKGROUND CHECKS AND OTHER STANDARDS FOR EMERGENCY SERVICES AGENCY MEMBERS***

***ORDINANCE # 11-2011***

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

Section 1. DEFINITIONS.

As used in this Ordinance:

“Applicant” means an individual, of 18 years or older, desiring membership in an emergency services agency in Readington Township.

“Readington Township Emergency Services Agency” means 1) any of the fire companies which comprise the Readington Township Fire Department as set forth in Chapter 21 of the Readington Township Code; or 2) the Whitehouse Volunteer Rescue Squad or any other rescue squad established in the Township of Readington.

“Township” means the Township of Readington.

***Ordinance #11-2011 cont'd:***

Section 2. APPLICATION REQUIRED.

Any individual desiring membership in a Readington Township Emergency Services Agency must complete and file with the same agency a Township-prescribed form containing, among other things, the following information about the applicant:

- A. Name
- B. Home address
- C. Birth date
- D. Social Security number
- E. Driver's License number
- F. A signed statement certifying as to whether or not the applicant has been convicted of any of the following crimes or offenses:
  - (1) In New Jersey, any crime or disorderly persons offense:
    - a) Involving danger to the person, meaning those crimes and disorderly offenses set forth in N.J.S.A. 2C:11-1 et seq.; N.J.S.A. 2C:12-1 et seq.; N.J.S.A. 2C:13-1 et seq.; N.J.S.A. 2C:14-1 et seq.; or N.J.S.A. 2C:15-1 et seq.;
    - b) Against the family, children, or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;
    - c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or
    - d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except paragraph (4) of Subsection a of N.J.S.A. 2C:35-10; or
  - (2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described above.

Section 3. TRANSMISSION TO POLICE CHIEF.

Following the filing of the application referred to above, the Emergency Service Agency shall transmit a copy of the application to the Readington Township Chief of Police, or his/her designee, who shall conduct an investigation to ascertain the truth of the statements made by the applicant in his/her application and any such other investigation of the applicant's background as he/she may deem necessary for the protection of the public health, safety and welfare. If, as a result of such investigation, the applicant is found to have been convicted of any violation, crime or offense set forth above in Section 2, or any other information is discovered that would indicate that the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police, or his/her designee, shall report such information to the head of the applicable Emergency Services Agency, and the applicant shall be not eligible for the membership in that or any other emergency services agencies included in this Ordinance.

Section 4. FINGERPRINTING.

In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police, or his/her designee, is authorized to submit the applicant's fingerprint card and obtain history record information from the Division of State Police/State Bureau of Identification for use in determining the suitability of all applicants governed by this Ordinance.

Section 5. INVESTIGATION.

The above investigation by the Chief of Police, or his/her designee shall be completed within 60 days of receipt of the application and fingerprinting of the applicant.

***Ordinance #11-2011 cont'd:***

Section 6. NOTIFICATION OF ARREST.

Any member of a Readington Emergency Service Agency who is arrested, in any jurisdiction, is required to notify the head of their organization as soon as possible, but not later than 72 hours after the arrest occurs.

Section 7. NOTIFICATION OF LOSS OF LICENSE

Any member of a Readington Emergency Service Agency who loses their N.J. driver's license, is required to notify the head of their organization, as soon as possible, but not later than 72 hours after the arrest occurs.

Section 8. DRIVING PROHIBITION.

Members shall not drink any kind of intoxicating beverage or consume any illegal narcotics, or narcotics contrary to the directions of their prescriptions, before at any time during the operation of any Township vehicle or apparatus.

Section 9. VIOLATIONS

Any person who violates the provisions of this ordinance shall, upon conviction, be subject to a fine not exceeding \$1,000, the imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days.

Section 10. REPEALER.

This ordinance supersedes any ordinances, sections or portion(s) of the Readington Township Code or any other Township ordinance inconsistent herewith.

Section 11. SEVERABILITY.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by any Court or competent jurisdiction, such Order of Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and to that end, the provisions of this Ordinance are hereby declared severable.

Section 12. EFFECTIVE DATE.

This ordinance shall become effective immediately upon adoption and final publication according to law.

***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

The Public Hearing was scheduled for May 16, 2011 at 8:00 p.m.

2. ***Proposed Municipal Ordinance for Protective Custody of Individuals Arrested for Driving Under the Influence of Alcohol or Drugs*** – discussion

Administrator Mekovetz stated that this ordinance provides for the situation where an individual who is arrested cannot summon a responsible person to transport them, the person would have to be temporarily retained in the police department under the supervision of a police officer, which is not the recommended solution or be transported to the County where they will be held in protective custody. Administrator Mekovetz stated that this sample ordinance, prepared by the County Prosecutor, would need to be adopted in order for the County to hold an individual in protective custody at the Hunterdon County jail.

The following ordinance was offered for introduction:

**TOWNSHIP OF READINGTON**  
**PROPOSED MUNICIPAL ORDINANCE FOR PROTECTIVE CUSTODY OF**  
**INDIVIDUALS ARRESTED FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL**  
**OR DRUGS**

**ORDINANCE #12-2011**

**WHEREAS**, pursuant to N.J.S.A. 39:4-50.22, commonly known as "John's Law," a law enforcement agency arresting a person for a violation of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs, may release said person to an individual summoned by the arrestee to transport or accompany the arrestee from the premises of a law enforcement agency; and

**WHEREAS**, in situations where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to N.J.S.A. 39:4-50.22, that the arrestee may present a danger to self or others if provisions are not made for the arrestee's protective custody; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1.3, a municipality may enact an ordinance providing that person arrested for a violation of the provisions of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs shall be held in protective custody at an appropriate police or other facility where the arrestee's condition may be monitored until the arrestee is no longer a danger to himself or others, and that municipalities have additional authority under N.J.S.A. 40:48-1 (34) to provide protective custody for persons arrested for operating a motor vehicle in violation of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs; and

**WHEREAS**, it is recognized that it is an inefficient use of police resources to require that protective custody be held at the police station, and that the Hunterdon County Jail, among other places, could be a more appropriate facility within which to monitor the arrestee's condition until the arrestee is no longer a danger to himself or others;

**IT IS THEREFORE, ENACTED AS FOLLOWS:**

When an individual is arrested within this jurisdiction for operating a motor vehicle while under the influence of alcohol or drugs pursuant to N.J.S.A. 39:4-50, and where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to N.J.S.A. 39:4-50.22, the arresting officer or other designated police officer shall:

1. Make arrangements for the arrestee to be held in protective custody at an appropriate police or other appropriate facility as defined further herein until such time that the arrestee is no longer a danger to himself or others as defined in paragraph 2 of this Ordinance.

***Ordinance #12-2011 cont'd:***

2. The officer or other individual holding the arrestee shall release the arrestee from protective custody when he is no longer a danger to himself or others, which is defined as when the arrestee's blood alcohol level is less than .05% and that person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person's faculties are impaired.
3. The period of protective custody shall not exceed eight hours without providing the arrestee an appropriate hearing before the municipal court to determine if a protective custody period longer than eight hours is required in order to prevent the arrestee from being a danger to himself or others as defined in Paragraph 2 of this Ordinance.
4. For the purposes of this Ordinance, an appropriate facility shall include a police station, the Hunterdon County Jail or, if the arresting officer deems appropriate, a school or hospital that has supervisory measures in place to ensure that the arrestee will not be released until such time that the arrestee is no longer a danger to himself or others as defined in Paragraph 2 of this Ordinance.

**REPEALER.**

This ordinance supersedes any ordinances, sections or portion(s) of the Readington Township Code or any other Township ordinance inconsistent herewith.

**SEVERABILITY.**

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by any Court or competent jurisdiction, such Order of Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and to that end, the provisions of this Ordinance are hereby declared severable.

**EFFECTIVE DATE.**

This ordinance shall become effective immediately upon adoption and final publication according to law.

***A MOTION*** was made by Mrs. Allen to adopt 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

The Public Hearing was scheduled for May 16, 2011 at 8:00 p.m.

- \* 3. ***American Diabetes Association Annual New Jersey Skylands Tour de Cure / June 5, 2011*** – requesting permission to travel along township roads for cycling event

This matter was addressed under Consent Agenda.

- \* 4. ***Release of Security Deposit on Leased Hunting Properties***
  - Pines Rod and Gun Club / Block 94, Lot 8 (\$384.00)

This matter was addressed under Consent Agenda.

- \* 5. ***Firemen's Membership Application*** – Chester Krawcykowski, Jr.

This matter was addressed under Consent Agenda.

- \* 6. ***Release of Escrow Account*** – Calvary Bible Church (\$1251.28)

This matter was addressed under 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 the public meeting for County Line Road was fairly well attended and the project should go out to bid possibly the end of this month or early June.

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

##### **Frank Gatti**

Mayor Gatti reported that yesterday a demonstration on surveying took place at the Museums.

##### **Julia Allen**

Mrs. Allen reported that she received a call from Dick Cushing with news that the lawsuit filed by Ryland Inn LLC against the Township in 2009 had been dismissed with prejudice.

Mrs. Allen reported that farmer Ed Pierce had contacted her requesting to farm the ten (10) acres in the vicinity of a subdivision near Old York Road, which is normally mowed once a year by the Department of Public Works. Mrs. Muir stated that she felt that if a farmer was benefitting from the sale of the hay there should be associated rental fees to farm the land. Mayor Gatti suggested that due to the timing, a one year maintenance contract be set up and for the future, poll neighboring townships on their policy.

**A MOTION** was made by Mrs. Allen to allow Ed Pierce to farm the ten (10) acre property for a contract period of one year, 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

##### **Thomas Auriemma**

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

**Beatrice Muir**

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

**Donna Simon**

Mrs. Simon reported that she will be meeting with Clinton Township and Raritan Township on Wednesday evening to discuss the feasibility of shared services; looking at salary ordinances and appropriations.

Mrs. Simon reported that she met with Administrator Mekovetz, CFO Tom Carro and Judge Shamey to discuss revenues and look at expenditures, along with outstanding DUI's for the municipal court. Mrs. Simon stated that they also discussed the feasibility of red light cameras.

Mrs. Simon stated that she is also investigating the possibility of a shared service with other townships that have truck washing facilities for the DPW trucks.

***COMMENTS FROM THE PUBLIC***

Jerry Cook, Evergreen Farm, commented on the situation of the Buffalo Tank Farm with the enormous amount of trailer trucks stored on that property and the safety concern of those trucks navigating the turn onto Ridge Road.

***COMMENTS FROM THE GOVERNING BODY***

Mrs. Allen stated that a resident had completed a citizen leadership form expressing interest in joining Historic Preservation Commission.

Mayor Gatti stated that in 1969 the IIMC designated this week as Municipal Clerk's Week and sincerely thanked Administrator/Township Clerk Mekovetz for all the work that she does for the Township.

Mrs. Allen stated that there was a letter from a resident praising the Construction Code department and asked Administrator Mekovetz to relay their appreciation of behalf of the Township Committee.

As there was no further business, ***A MOTION*** was made by Mrs. Muir at 8:50 p.m. to adjourn the meeting, seconded by Mr. Auriemma with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO  
Municipal Clerk