

**READINGTON TOWNSHIP COMMITTEE  
MEETING – July 5, 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  
Ron Monaco, Chairman of Sewer Advisory Committee

**ABSENT:** None

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

***JOINT MEETING WITH SEWER ADVISORY COMMITTEE***

***Request for Sewer Allocation for Property Located at 388 Route 22 West / Readington Realty Holdings LLC.*** (Block 17, Lot 8)

Attorney Ballard summarized the history of the case between the Township of Readington and Readington Realty Holdings and updated them on the status of the litigation. He advised that Judge Buchsbaum directed that the Township revisit this request and create an expanded record outlining the reasons for the denial of the applicant's request for sewer capacity.

Attorney Dragan stated that when the Committee met in September of 2010, the Committee had before them a recommendation from the Sewer Advisory Committee that they did not recommend allocation to the requestor, along with letters from current holders of agreements for reserved sewer capacity, stating that they objected to the Township taking reserved sewer capacity from them to give to the applicant.

Mr. Monaco, Chairman of the Sewer Advisory Committee, reiterating what was told to Mr. Berger by the Sewer Advisory Committee when the request was made, stated that he was advised that there was no available capacity and that they could not accede to any agreements in place, some of which required that any excess capacity returned to the Township would be allocated to those who pursuant to their agreement with the Township, would be entitled to such excess capacity.

Mrs. Allen stated that in addition, there is currently an ordinance in place stating that all excess capacity in possession of the Township is reserved for emergencies and affordable housing.

Attorney Dragan added that the former property owner of Block 17, Lot 8 did not seek any interest in acquiring sewer capacity at the time it was available. She continued that it was recommended to Mr. Berger, by the Township Committee, to contact the owners of reserved sewer capacity to see if there was any interest in voluntarily selling capacity back to the Township. This was not done by Mr. Berger. Attorney Dragan further stated that several owners of sewer capacity fall under protections afforded by the Permit Extension Act which also constitutes good cause to extend these agreements with the Township. Attorney Dragan advised that our sewer ordinance provides the Township Committee with the discretion to extend the sewer agreements and the decision has made upon a showing of "good cause" and further opined that the both case law and Municipal Land Use law require that the Township Committee not act arbitrarily and unreasonably with respect to such decisions. Attorney Dragan stated that several letters were received in anticipation of this meeting from the following:

- Berger & Bornstein (Readington Realty Holdings LLC) - letter dated June 24, 2011
- Brach Eichler (Defendant Readington Commons, LLC / Larken - letter dated June 17, 2011
- Benbrook & Benbrook (Defendant Urb-Fi Development Corp.) - letter dated June 17, 2011
- Day Pitney (Defendant Merck) – letter dated June 20, 2011
- Thomas Sweet, Esq.(Defendant Fallone) - dated June 24, 2011
- Drinker, Biddle and Reath (Defendant Bellemead Development Corporation – letter dated July 1, 2011

Attorney Leotti, on behalf of his defendants, Country Classics at Readington Legacy and Ryland Developers, stated that the contracts of his clients have been in place, and they have been paying for capacity for an extended period of time.

A **MOTION** was made by Mr. Auriemma to request that Attorney Dragan prepare a resolution based on the Committee’s reasons for denial for the next meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

A **MOTION** was made by Mr. Auriemma to move to Executive Session, seconded by Mrs. Simon with a vote of ayes all nays none recorded.

**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>
Shared Services / Holland Twp.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Hunting Contracts.....	Contract	
25 Ridge Road Realty, LLC & ..... Jed Trucking & Warehousing / Block 38, Lot 52	Potential Litigation.....	“ “ “
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.....	“ “ “

***Executive Session Resolution cont'd:***

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 7:45 p.m.

Will Getsen and Tommy Auriemma, Troop 1980, led those present in the ***Salute to the Flag***.

***Executive Session:***

***Personnel / Shared Services / Holland Township***

Mayor Gatti stated that this matter remains in Executive Session.

***Contract Negotiations / Hunting Properties / Cole Road (Block 52.01, Lot 14.06)***

The following resolution was offered for consideration:

***#R-2011-64***

***TOWNSHIP OF READINGTON  
RESOLUTION***

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 52.01, Lot 14.06 (Cole Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as "the Property"); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was two (2); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$6,105.95, was from Kodiak Rod and Gun Club (hereinafter "Kodiak "); and

**WHEREAS**, upon review, the Township Attorney found that the bid from Kodiak, the highest bidder in the amount of \$6,105.95 was found to be complete and it is recommended that it be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid of the highest bidder, Kodiak, in the amount of \$6,105.95 for hunting game on Block 52.01, Lot 14.06 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

***Contract Negotiations / Hunting Properties / Cole Road (Block 66, Lots 2 & 3)***

The following resolution was offered for consideration:

***#R-2011-65***

***TOWNSHIP OF READINGTON  
RESOLUTION***

***WHEREAS***, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 66 Lots 2 and 3 (Cole Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

***WHEREAS***, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was one (1); and

***WHEREAS***, upon review of the bids, the Administrator/Municipal Clerk determined that the only bid offered, \$2,800.00, was from Pinebank Hunting Association (hereinafter “Pinebank”); and

***WHEREAS***, upon review, the Township Attorney found that the bid from Pinebank, the only bidder in the amount of \$2,800.00 was found to be complete and it is recommended that it be accepted.

***NOW, THEREFORE, BE IT RESOLVED***, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid from the only bidder, Pinebank, in the amount of \$2,800.00 for hunting game on Block 66, Lots 2 and 3 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

***Contract Negotiations / Hunting Properties / County Rt. 523 (Block 25, Lots 19 & 20)***

The following resolution was offered for consideration:

***#R-2011-66***

***TOWNSHIP OF READINGTON  
RESOLUTION***

**Resolution #R-2011-66 cont'd:**

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 25 Lot 19 & 20 (County Road 523) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was one (1); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$500., was from Cranford Rod & Gun Club (hereinafter “Cranford”); and

**WHEREAS**, upon review, the Township Attorney found that “Cranford”, the highest bidder, failed to provide a certificate of incorporation; however did provide an annual report showing incorporation; and

**WHEREAS**, the Township Attorney found this to be a minor defect to be waivable and recommended that it be accepted conditional on receiving the certificate of incorporation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby agrees that the minor defect is waivable and accepts the bid of the only bidder, Cranford in the amount of \$500. for hunting game on Block 25, Lot 19 & 20 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

**Contract Negotiations / Hunting Properties / Pinebank Road (Block 55, Lot 13.51)**

The following resolution was offered for consideration:

**#R-2011-67**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 55 Lot 13.51 (Pinebank Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was two (2); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$4,275.95, was from Kodiak Rod & Gun; and

**Resolution #R-2011-67 cont'd:**

**WHEREAS**, upon review, the Township Attorney found that the bid from Kodiak Rod & Gun, the highest bidder in the amount of \$4,275.95 was found to be complete and it is recommended that it be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid of the highest bidder, Kodiak Rod & Gun in the amount of \$4,275.95 for hunting game on Block 55, Lots 13.51 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

**Contract Negotiations / Hunting Properties / Pleasant Run Road (Block 66, Lot 13)**

The following resolution was offered for consideration:

**#R-2011-68**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 66 Lot 13 (Pleasant Run Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was one (1); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$2,700., was from Pinebank Road Hunting Association (hereinafter “Pinebank”); and

**WHEREAS**, upon review, the Township Attorney found that the bid from Pinebank, the only bidder in the amount of \$2,700. was found to be complete and it is recommended that it be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid of the highest bidder, Pinebank, in the amount of \$2,700 for hunting game on Block 66, Lot 13 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

***Contract Negotiations / Hunting Properties / Summer Road (Block 94, Lot 8)***

The following resolution was offered for consideration:

***#R-2011-69***

***TOWNSHIP OF READINGTON  
RESOLUTION***

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 94 Lot 8 (Summer Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was one (1); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the only bid offered, \$2,929.00, was from Pines Rod & Gun Club (hereinafter “Pines”); and

**WHEREAS**, upon review, the Township Attorney found that the bid from Pines, the only bidder in the amount of \$2,929.00 was found to be complete and it is recommended that it be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid of the only bidder, Pines in the amount of \$2,929.00 for hunting game on Block 94, Lot 8 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

***Contract Negotiations / Hunting Properties / Thor Solberg Road (Block 57, Lot 2)***

The following resolution was offered for consideration:

**#R-2011-70**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 57, Lot 2 (Thor Solberg Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on July 15, 2010, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was two (2); and

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$2,750., was from Cranford Rod & Gun Club (hereinafter “Cranford”); and

**WHEREAS**, upon review, the Township Attorney found that “Cranford”, the highest bidder, failed to provide a certificate of incorporation; however did provide an annual report showing incorporation; and

**WHEREAS**, the Township Attorney found this to be a minor defect to be waivable and recommended that it be accepted conditional on receiving the certificate of incorporation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby agrees that the minor defect is waivable and accepts the bid of the highest bidder, Cranford in the amount of 2,750. for hunting game on Block 57, Lot 2 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

***Contract Negotiations / Hunting Properties / Woodschurch Road (Block 63, Lot 19 & 64)***

The following resolution was offered for consideration:

**#R-2011-71**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Readington Township Committee (Committee) publically advertised for hunting bids during the 2011-2012 season on Block 63 Lot 19 and 64 (Woodschurch Road) in the Township, which property is a Green Acres assisted, publicly assessed property owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, on June 15, 2011, the Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders for hunting on the Property was three (3); and

**Resolution #R-2011-71 cont'd:**

**WHEREAS**, upon review of the bids, the Administrator/Municipal Clerk determined that the highest bid offered, \$5,335., was from Double “O” Rod and Gun Club (hereinafter “Double O”) ; and

**WHEREAS**, upon review, the Township Attorney found that the bid from Double ‘O’, the highest bidder in the amount of \$5,335. was found to be complete and it is recommended that it be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, as follows:

1. The Township Committee hereby accepts the recommendation of the Township Attorney and accepts the bid of the highest bidder, Double “O”, in the amount of \$5,335. for hunting game on Block 63, Lot 19 & 64 during the 2011-2012 hunting season.
2. The Administrator/Municipal Clerk is authorized to notify all those who bid on the Property of this decision.

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

**Potential Litigation / 25 Ridge Road Realty, LLC & Jed Trucking and Warehousing / Block 38, Lot 52**

Mayor Gatti 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 Gatti stated that this matter was not discussed 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 June 20, 2011
- \* 2. **Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey<sup>TM</sup> Grant funded by Wal-Mart**

The following resolution was offered for introduction:

**#R-2011-72**

**RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE  
SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Readington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Township of Readington is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called Sustainable Jersey Small Grants funded by Wal-Mart;

**THEREFORE**, the Township Committee of the Township of Readington has determined that Readington Township should apply for the aforementioned Grant.

**THEREFORE**, the Township Committee of the Township of Readington, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

- \*3. ***Resolution Calling Upon the Legislature of the State of New Jersey to Fulfill its Constitutionally Assigned Duty of Equal Distribution to School Districts of State Aid for Education***

The following resolution was offered for consideration:

**#R-2011-73**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Township of Readington believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

**WHEREAS**, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all citizens of the State of New Jersey; and

**WHEREAS**, Article III., Paragraph 1, of the New Jersey State Constitution states, “The powers of government shall be divided among three distinct branches, the legislative, executive and judicial. No person or person belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

**WHEREAS**, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years;” and

**WHEREAS**, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, “the fund for the support of free public schools..... shall be annually appropriated to the support of free public schools and for equal benefit of all the people of this State;” and

**Resolution #R-2011-73 cont'd:**

**WHEREAS**, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated..... exclusively for the purpose of reducing or offsetting property taxes;” and

**WHEREAS**, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

**BE IT FURTHER RESOLVED**, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Shelia Oliver and Assembly Minority Leader Alex DeCroce.

- \* 4. **Resolution Authorizing Morris County Cooperative Purchases** (Catch Basins and Manhole Castings)

The following resolution was offered for consideration:

**#R-2011-74**

**TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES**

**WHEREAS**, the Township of Readington wishes to purchase catch basins and manhole castings from an authorized vendor under the Morris County Cooperative Purchasing Program; 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**, Campbell Foundry Company, 800 Bergen Street, Harrison, NJ, 07029, and General Foundries, Inc., 1160 State Street, Perth Amboy, NJ, 08861 has been awarded Morris County Cooperative Contract No. #14 for catch basins and manhole casting, for the period one (1) year, January 1, 2011 – December 31, 2011; and

**WHEREAS**, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$35,000.00 for Campbell Foundry Company and \$50,000 for General Foundries, Inc.; 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 Campbell Foundry Company be awarded a contract for catch basins and manhole castings; 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.

- \*5. ***Hunterdon County Co-Op Purchase*** – 2011-12 Winter Season Snow & Ice Materials
- \*6. ***Request for Refund of Plumbing Subcode Permit*** – Michael and Bobbie Friedhoff (\$52)
- \*7. ***Request for Refund of Escrow Fees*** – Robert E. McCoy (\$750)
- \*8. ***Catering Affair Permit*** – Redwoods Grill & Bar, July 29<sup>th</sup> through July 31<sup>st</sup> (Balloon Festival)
- \*9. ***Firemen’s Membership Application*** – Andrew E. Hill
- \*10. ***Firemen’s Membership Application*** – Kevin Malinowski
- \*11. ***Blue Light Permit*** – Myron Brown
- \*12. ***Tax Lien Redemption*** (Block 55, Lot 12)

The following resolution was offered for consideration:

***READINGTON TOWNSHIP  
HUNTERDON COUNTY, STATE OF NEW JERSEY  
RESOLUTION***

***WHEREAS***, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 55, Lot 12 +QFARM and,

***WHEREAS***, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

***NOW THEREFORE BE IT RESOLVED*** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$42,764.50, known as Tax Sale Certificate #590, to the lienholder, Tad J. Dabrowski.

- \*13. ***Tax Lien Redemption*** (Block 66, Lot 48)

The following resolution was offered for consideration:

***READINGTON TOWNSHIP  
HUNTERDON COUNTY, STATE OF NEW JERSEY  
RESOLUTION***

***WHEREAS***, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 66, Lot 48 Q0327 and,

***WHEREAS***, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

***NOW THEREFORE BE IT RESOLVED*** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$409.75, plus a premium paid in the amount of \$100.00, known as Tax Sale Certificate #592, to the lienholder, Tad J. Dabrowski.

\*14. *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	\$ 15,933.80
CURRENT FUND	1-01	\$ 810,555.08
SEWER APPROPRIATIONS	1-02	\$ 104,760.28
TRUST FUNDS	X-03	\$ 9,889.25
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 62,305.79
PAYROLL DEDUCTIONS	X-06	\$ 155,045.65
REG. & LOCAL SCHOOL TAX	X-07	\$ 3,234,904.90
2011 CAPITAL	X-11	<u>\$ 5,376.16</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 4,398,770.91</b>

Mrs. Allen requested to recuse herself from this vote due to an item listed on the Tax Lien section.

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

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

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

Cheryl Filler, Board of Education, thanked Administrator Mekovetz for notification of a possible Sustainable Jersey Grant for the schools.

Daniel Sergeant, Pearl St., asked how obtrusive the proposed underage drinking ordinance will be and commented that the proposed ordinance already falls under 2C or disorderly persons.

**CORRESPONDENCE / OTHER INFORMATION**

There was none.

**OLD BUSINESS**

1. *An Ordinance Amending Chapter 66 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey to Regulate the Underage Possession or Consumption of Alcoholic Beverages on Private Property*

Attorney Dragan presented the Committee with a copy of a recent Appellate Court decision that may be pertinent to the proposed Underage Drinking Ordinance. The Committee discussed the penalties and whether the suspension of a license would be held up in court. Mayor Gatti stated that the purpose of this ordinance is to reduce underage drinking and would hopefully serve as a deterrent to minors. Mrs. Muir stated that in her opinion a greater deterrent would be a driving penalty and the first offense, in addition to the forty (40) hours of community service, \$100, should include a three (3) month suspension of the driver’s license. The Committee agreed with this recommendation and requested Attorney Dragan to amend this section of the proposed ordinance.

The following ordinance was offered for introduction:

***AN ORDINANCE AMENDING CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF  
READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO  
REGULATE THE UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC  
BEVERAGES ON PRIVATE PROPERTY***

***ORDINANCE #14-2011***

***BE IT ORDAINED*** by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey, that pursuant to N.J.S.A. 40:48-1.2, Chapter 66 of the Code of the Township of Readington entitled “Alcoholic Beverages” is hereby amended to add the following new article and provisions as follows:

**SECTION 1. Chapter 66, Article V “Underage Possession or Consumption of Alcoholic Beverages on Private Property”.**

This Article is intended to regulate by ordinance, the consumption and possession of alcoholic beverages by underage individuals on private property.

**Sec. 66-11. Definitions.**

For the purposes of this ordinance, the following definitions shall apply:

**Guardian** – means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

**Relative** – means an underage person’s grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

**Sec. 66-12. Prohibition.**

It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property within the Township of Readington.

**Sec 66-13. Violations and Penalties.**

Any person found guilty of violating the terms of this Article shall be subject to the following penalties:

First Offense – Forty (40) hours of community service and a \$100 fine (*and suspension or postponement for three (3) months of the driving privileges of the violator, to be amended by Township Attorney*)

Second Offense and subsequent offenses – Eighty (80) hours of community service, a \$500 fine, and suspension or postponement for three (3) months of the driving privileges of the violator, in accordance with and in the manner provided in P.L. 2000, Chapter 33.

If a person at the time of the imposition of such sentence for a second or subsequent offense is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the ages of 17 years. If a person at the time of the imposition of such sentence under this section has a valid driver’s license issued by this state, the court shall immediately collect the license and forward same to the State Motor Vehicle Commission along with the Certified Disposition Sheet.

**Sec 66-14. Exceptions.**

1. This section shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

**Ordinance #14-2011 cont'd:**

2. This section shall not prohibit the possession of alcoholic beverages by any person under the legal age while such person is lawfully engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary education institution; however, this section shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or under any other section of an existing ordinance or law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

**SECTION 2. Repealer.**

All ordinances and resolutions or parts thereof which are inconsistent with this ordinance are repealed.

**SECTION 3. Severability.** 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 severable.

**SECTION 4. Effective date.** This ordinance shall take effect immediately upon final adoption and publication according to the law of the State of New Jersey.

A **MOTION** was made by Mr. Auriemma to introduce 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	- Nay
Mayor Gatti	- Aye

The Public Hearing was scheduled for August 1, 2011 at 8:00 p.m.

**NEW BUSINESS**

1. ***Time of Application: MLUL Amendment & Recommended Ordinance Amendments*** – Memorandum dated June 28, 2011 from Linda Jacukowicz, Planning Board Zoning Coordinator

Mayor Gatti stated that this proposed recommendation from Michael Sullivan, Township Planner, to the land use ordinance is to clarify the definition for application and what is required. Mayor Gatti stated that the proposed definition would prevent having applications in as placeholders ahead of a zoning change ordinance. Mrs. Allen stated that the time of application law necessitated a very clear definition of application for development on the part of the Township and at the same time the sub-committee of the Planning Board also cleaned up the checklist.

A **MOTION** was made by Mrs. Allen to authorize Attorney Dragan to draft the ordinance to reflect the changes as recommend, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

2. ***Request from the Environmental Commission to Erect a Bulletin Board Sign for Informational Purposes regarding Recycling and Environmental Issues and Events at the Township Recycling Yard***

Mayor Gatti stated that there is a request from the Environmental Commission to erect a movable kiosk for informational purposes to be placed at the Township Recycling yard. Mrs. Muir expressed concern that someone could trip over the sign and the Committee discussed alternative ways to display the sign. The Committee agreed to displaying the sign; however requested a recommendation from Public Works Director as to the placement of the sign. The Committee asked that this matter be brought back at another meeting.

3. **Request for Release of Performance Bond** – letter dated from Joseph Feldman, Attorney for JSF Development Co. (Block 72, Lot 36)

Engineer O’Brien stated that this project was completed back in 2002 and recommended the release of the letters of credit.

The following resolution was offered for introduction:

**#R-2011-75**

**TOWNSHIP OF READINGTON  
 RESOLUTION**

**WHEREAS**, JFS Realty did on June 14, 2011 file a written request with the Township of Readington for the release of Performance Bond # 1452 in the amount of \$89,848.80 and Performance Bond # 1453 in the amount of \$44,484.40 for work completed on Block 72, Lot 36 (Deerfield Estates); and

**WHEREAS**, the Township Engineer has confirmed that a certain amount of work has been done by JFS Realty, Inc. 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 complete of site work; and

**WHEREAS**, the Township Engineer has released the Performance Bond # 1452 in the amount of \$89,848.80 and Performance Bond # 1453 in the amount of \$44,484.40, as indicated in his letter of June 29, 2011 based upon the Municipal Land Use Law requirement:

<b>BOND OR CHECK</b>	<b>ORIGINAL BONDED AMOUNT</b>	<b>CURRENT REMAINING PERFORMANCE GUARANTEE</b>	<b>RECOMMENDED REDUCTION FOR WORK COMPLETED</b>	<b>REMAINING PERFORMANCE GUARANTEE</b>
<b>Irrevocable Letter of Credit #1452</b>	\$89,848.80	\$89,848.80	100%	0
<b>Irrevocable Letter of Credit #1453</b>	\$44,484.40	\$44,484.40	100%	0
<b>TOTAL</b>	\$134,333.20	\$134,333.20	100%	0

**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 release Performance Bond #1452 and Performance Bond #1453 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 released amounts to the applicant.

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

4. ***Request for Release of Maintenance Guaranty and Remaining Inspection Escrow***  
- letter dated June 8, 2011 from Ernest Renda, Attorney for Rockaway Creek, LLC  
(Block 57, Lot 39)

Engineer O'Brien stated that this is a two year landscaping bond that has expired and he has inspected the property and recommends the release.

A **MOTION** was made by Mr. Auriemma to release the maintenance bond in the amount of \$6,000 and the remaining inspection escrow, 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

5. ***Right of Entry and Access Easement / Old York Rd. –Sewer Pump Station***  
(Block 95, Lot 3) – Memorandum dated June 29, 2011 from Robert O'Brien,  
Township Engineer

Engineer O'Brien stated that Century Link is requesting to place an additional communication system to generate more phone numbers in a location which falls within our easement on Old York Road. Attorney Dragan stated that the approval should be conditioned on getting consent, in writing, from the property owner and she requested additional time to review the revised agreement that she had just received. Attorney Dragan advised the Committee they could approve the idea at this time but they would also need to review the revised agreement for final approval.

A **MOTION** was made by Mrs. Allen to approve this idea in principle conditioned on consent approval from the owner of the property and requested Attorney Dragan to draft the agreement, seconded by Mr. Auriemma, with a vote of ayes all, nays none recorded.

6. ***2011-2012 Alcoholic Beverage License Renewal / Mitnick Steve J as Assignee of Pirantello, LLC***

Administrator Mekovetz stated that this is an inactive pocket license that needed to apply for a special ruling which they were granted from the State.

The following resolution was offered for consideration:

***#R-2011-76***

***TOWNSHIP OF READINGTON  
RESOLUTION***

***WHEREAS***, Plenary Retail Consumption License No. 1022-33-002-009 which is an inactive liquor license that the Applicant purchased from issued Steven Mitnick, Esq., Assignee for the Benefit of Creditors of Pirantello LLC; and

**Resolution #R-2011-76 cont'd:**

**WHEREAS**, Anthony Koester, Esq., on behalf of the licensee Mitnick Steve J as Assignee of Pirantello, LLC, petitioned the Director of the Division of Alcoholic Beverage Control on May 16, 2011 for a Special Ruling requesting relief for a two (2) year period; and

**WHEREAS**, a Special Ruling issued June 27, 2011, by Jerry Fisher, Director of the Division of Alcoholic Beverage Control, determined that the petitioner established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2011-12 and 2012-13 license terms; and

**WHEREAS**, accordingly the Township of Readington, as the municipal issuing authority, is authorized to consider the application for renewal of this license for 2011-12 2012-13 license terms and to thereupon grant or deny said application in the reasonable exercise of its discretion; and

**WHEREAS**, should the licensee desire to activate this license an amendment to the license application pursuant to N.J.A.C. 13:2-2.14 is required to be filed not more than 10 days prior to or 10 days after opening the business; and

**WHEREAS**, should the licensee desire to activate this license at another location during the 2011-12 and 2012-13 license term a full 12-page request for transfer application is required to be filed and with the Township and approved by the Township Committee.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby approve the renewal of this application for the 2011-12 license period.

**BE IT FURTHER RESOLVED**, that the Township Committee will consider renewal of this license for the 2012-13 terms during the regular annual renewal period for all other liquor licenses held within Readington Township.

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

**\*7. Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey™ Grant funded by Wal-Mart**

This matter was addressed under the Consent Agenda.

**\*8. Resolution Calling Upon the Legislature of the State of New Jersey to Fulfill its Constitutionally Assigned Duty of Equal Distribution to School Districts of State Aid for Education**

This matter was addressed under the Consent Agenda.

**\*9. Resolution Authorizing Morris County Cooperative Purchases (Catch Basins and Manhole Castings)**

This matter was addressed under the Consent Agenda.

**\*10. Hunterdon County Co-Op Purchase – 2011-12 Winter Season Snow & Ice Materials**

This matter was addressed under the Consent Agenda.

- \* 11. ***Request for Refund of Plumbing Subcode Permit*** – Michael and Bobbie Friedhoff (\$52)

This matter was addressed under the Consent Agenda.

- \* 12. ***Request for Refund of Escrow Fees*** – Robert E. McCoy (\$750)

This matter was addressed under the Consent Agenda.

- \* 13. ***Catering Affair Permit*** – Redwoods Grill & Bar, July 29<sup>th</sup> through July 31<sup>st</sup> (Balloon Festival)

This matter was addressed under the Consent Agenda.

- \* 14. ***Firemen's Membership Application*** – Andrew E. Hill

This matter was addressed under the Consent Agenda.

- \* 15. ***Firemen's Membership Application*** – Kevin Malinowski

This matter was addressed under the Consent Agenda.

- \* 16. ***Blue Light Permit*** – Myron Brown

This matter was addressed under the Consent Agenda.

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

Administrator Mekovetz reported that she had received a phone call today regarding the gas pipeline going through Readington and was in the process of trying to contact someone from William Transco to get an update on the status on the project.

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

Attorney Dragan reported that she had received a mortgage subordination request for an affordable housing unit on 428 South Branch Drive (Tasi).

A ***MOTION*** was made by Mrs. Muir to approve a mortgage subordination on 428 South Branch Drive, 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

#### ***ENGINEER'S REPORT***

Engineer O'Brien reported that the County Line Road bid opening is July 12, 2011 and the road reclamation project on Ridge Road started June 28<sup>th</sup>.

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

##### **Frank Gatti**

Mayor Gatti reported that on July 24<sup>th</sup> there will be a lecture on *New Jersey Boardwalks* at the Bouman Stickney Farm and the new exhibit in the municipal building will feature an original voting box.

**Julia Allen**

Mrs. Allen stated that she had nothing to report.

**Thomas Auriemma**

Mr. Auriemma stated that he had nothing to report.

**Beatrice Muir**

Mrs. Muir stated that she had nothing to report.

**Donna Simon**

Mrs. Simon reported that a survey will be sent out from Hunterdon County Shared Services Task Force regarding animal control.

Mrs. Simon reported that she was invited by Bill Kelleher, Director of Office of Emergency Management, for the NJ State Police Down to the Rock which is the regional operations intelligence center.

Mrs. Simon stated that she has been in the discussion and planning stages with the Readington Township Green Team, Board of Education, Utilities Authority along with some discussions with Raritan Township's Green Team, Board of Education and RTMUA to learn more about solar and potentially enter into power purchase agreement to lower the cost of electric and start a sustainability initiative.

***COMMENTS FROM THE PUBLIC***

There were none.

***COMMENTS FROM THE GOVERNING BODY***

Mrs. Muir requested that the recent Appellate Court decision case regarding underage drinking be forwarded to the Chief of Police.

A ***MOTION*** was made by Mrs. Allen to return to Executive Session, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

The Committee returned to Executive Session at 9:20 p.m.

***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."

*Executive Session Resolution cont'd:*

**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>
Personnel Matters.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential

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 10:35 p.m.

***Executive Session:***

***Personnel / Personnel Matter***

Mayor Gatti requested Administrator Mekovetz to draft a salary ordinance for the next meeting.

As there was no further business, A **MOTION** was made by Mr. Auriemma at 10:47 p.m. to adjourn the meeting, seconded by Mrs. Muir with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO  
Municipal Clerk