

**READINGTON TOWNSHIP COMMITTEE
MEETING – July 18, 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

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

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Tax Collector’s Office.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Recreation.....	Personnel.....	“ “ “
Shared Services / Holland Twp.....	Contract Negotiations.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• June 20, 2011		
• July 5, 2011		
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.....	“ “ “

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.”

Executive Session Resolution cont'd:

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.

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

Executive Session:

Personnel / Tax Collector's Office

A **MOTION** was made by Mrs. Simon to accept the letter of resignation from Omayra Rosa, Deputy Tax Collector, effective July 21, 2011, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Personnel / Recreation

A **MOTION** was made by Mrs. Allen to correct the salaries of Kristin Polito (\$14 per hour) and Nick Marcucci (\$11.00 per hour) and approve the following for the summer recreation program:

<i>NAME</i>	<i>HOURLY RATE</i>	<i>NAME</i>	<i>HOURLY RATE</i>
Jefferie Spychala	\$9.00	Jerry Bonura	\$9.00
Juliana Linder	\$9.00	Stephanie Pierson	\$9.00
Erren McNery	\$9.00	M. Flannery(driver)	\$15.25
B. Bretherick (driver)	\$15.50	Andrew Hill (driver)	\$14.00

THIS MOTION was 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

Personnel / Shared Services / Holland Township

Mayor Gatti stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / June 20

A **MOTION** was made by Mrs. Muir to approve the Executive Session Minutes of June 20, 2011 for content only, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Attorney-Client Privilege / Executive Session Minutes / July 5

A **MOTION** was made by Mrs. Muir to approve the Executive Session Minutes of July 5, 2011 for content only, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

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 July 5, 2011

- * 2. ***Acceptance of 2010 Audit Report***

The following resolution was offered for consideration:

R-2011-77

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2010 has been filed by the Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

Resolution #R-2011-77 cont'd:

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - AA local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of

Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.@

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Readington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

* 3. **Corrective Action Plan to 2010 Audit**

The following Correct Action Plan was submitted:

The following recommendation was included in the 2010 Township audit as submitted by the firm of Suplee, Clooney & Co, CPA/RMA:

Finance/Purchasing:

That the practice of issuing confirming orders be discontinued and that the Township implement a complete encumbrance system.

Response: A full requisition system has been implemented for all departments. Certain departments have been bypassing the encumbrance system on occasion by ordering goods or services needed and then having the finance department issue a purchase order later. This practice can lead to the possibility of overexpending a department budget which is in violation of NJ law. The Township Administrator and Chief Financial Officer have met with department heads, explained the situation, and have instructed all to comply with the statute.

* 4. **Resolution to Authorize the Use of a Procurement Card for the Township of Readington Recreation Department**

The following resolution was offered for consideration:

#R-2011-78

RESOLUTION TO AUTHORIZE THE USE OF A PROCUREMENT CARD FOR THE TOWNSHIP OF READINGTON RECREATION DEPARTMENT

WHEREAS, N.J.S.A. 40A:5-16 permits the use of Procurement Cards (P-cards) by local units for specific circumstances to be used for certain payments, and

WHEREAS, the statute permits a municipality to adopt policies, as stated in Schedule A (on file in Clerk's office) attached, that permit specifically named employees to use P-cards for the acquisition of goods and services under certain circumstances set forth in the statute, and

Resolution #R-2011-78 cont'd:

WHEREAS, the Township of Readington's Recreation Department has certain needs, unique to its operation, which require advance payments or immediate payment required by vendors, and

WHEREAS, transactions must comply with provisions of the Local Public Contracts Law and the use of a P-card will not change or eliminate any provisions of that law, and

WHEREAS, internal controls that ensure compliance with the statutory authorization and the Local Finance Board's rules will be in place, and

WHEREAS, no individual transaction will exceed 15% of the current bid threshold and will require prior approval of the Recreation Director and the Purchasing Agent and the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of Readington does hereby authorize the use of a Procurement Card for use by the Recreation Department in accordance with N.J.S.A 40A:5:5-16 and N.J.A.C. 5:30-9A for individual transactions for the following type purchases

- Entry fees for summer camp daily trips
- Purchases from "big box" or other stores that do not accept vouchers, such as B.J.'s, Costco, Shop-Rite

BE IT FURTHER RESOLVED, that the Township Administrator along with the Chief Financial Officer will identify authorized procurement card users within the Township and will establish limits by amount, period and category of usage permissible.

BE IT FURTHER RESOLVED, that the Chief Financial Officer in consultation with the Township Administrator shall promulgate policies and procedures governing the use of P-Cards, to be distributed to each authorized card user.

- * 5. **Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into Stipulations of Settlement Relative to the Tax Appeals Captioned Hunterdon Medical Center vs. Readington Township, Tax Court of New Jersey, Docket Nos. 001064-2000, 000269-2001, 000663-2002, 000467-2003, 001414-2004, 001302-2005, 001430-2006, 001394-2007, 002732-2008, 004076-2009 and 002124-2010**

The following resolution was offered for consideration:

#R-2011-79

**TOWNSHIP OF READINGTON
RESOLUTION**

RESOLUTION AUTHORIZING THE SPECIAL TAX COUNSEL FOR THE TOWNSHIP OF READINGTON TO ENTER INTO STIPULATIONS OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED HUNTERDON MEDICAL CENTER VS. READINGTON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 001064-2000, 000269-2001, 000663-2002, 000467-2003, 001414-2004, 001302-2005, 001430-2006, 001394-2007, 002732-2008, 004076-2009 AND 002124-2010.

Resolution #R-2011-79 cont'd:

WHEREAS, HUNTERDON MEDICAL CENTER (“HMC”), the owners of Block 34, Lot 31.01 on the Township of Readington’s Tax Assessment Maps, commonly known as 537 Route 22 (“Property”), filed an appeal of the denial of an exemption in the 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 tax years in the Tax Court of New Jersey, Docket Nos. 001064-2000, 000269-2001, 000663-2002, 000467-2003, 001414-2004, 001302-2005, 001430-2006, 001394-2007, 002732-2008, 004076-2009 and 002124-2010; and

WHEREAS, the Township Committee of the Township of Readington met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Special Tax Counsel; and

WHEREAS, the 2000, 2001 and 2002 tax appeals were tried to conclusion at the Tax Court, which decision was appealed by HMC to the Appellate Division, which decision was appealed by HMC to the New Jersey Supreme Court, which decision was remanded to the Tax Court, and then the decision of the Tax Court was appealed again by HMC to the Appellate Division, resulting in a decision that a small portion of the property consisting of the cardiopulmonary rehabilitation office and the physical therapy area are exempt, but, that the remainder of the property consisting of all of the physical fitness area, pool, locker rooms, doctors offices and other areas are taxable; and

WHEREAS, the parties have agreed to an acceptable settlement of all of the aforesaid tax appeals for the 2000 through the 2011 tax years which exempts from taxation for the years 2000 through 2011, the cardiopulmonary rehabilitation office and the physical therapy area at an exempt assessment of \$120,000, and a taxable assessment of the remainder of the property at a total taxable assessment of \$3,180,000, and that the 2011 exempt assessment was set at \$508,000, with a 2011 total taxable assessment of \$4,400,000; and

WHEREAS, HMC agreed not to file and did not file an appeal in 2011 as a result of the revised assessment for 2011; and

WHEREAS, the Tax Assessor has already adjusted the 2011 tax assessment; and

WHEREAS, the aforesaid agreement has no general application to other properties within the Township of Readington as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee makes this settlement with HMC without prejudice to its dealing with any other Readington Township’s taxpayers’ request for tax exemption; and

WHEREAS, the Township Committee has reviewed a copy of the proposed Stipulations of Settlement, which are annexed hereto and incorporated herein by this reference.

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 Special Tax Counsel is hereby authorized to execute Stipulations of Settlement relative to the tax appeals of Hunterdon Medical Center, Docket Nos. 001064-2000, 000269-2001, 000663-2002, 000467-2003, 001414-2004, 001302-2005, 001430-2006, 001394-2007, 002732-2008, 004076-2009 and 002124-2010, as more fully set forth in the attached stipulations of settlement, which are incorporate herein by this reference, which results in the classification of a portion of Block 34, Lot 31.01 consisting of the cardiopulmonary rehabilitation office and the physical therapy area as exempt in the years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010, in each year as follows: a total exempt assessment of \$120,000 and a total taxable assessment of \$3,180,000.
2. The settlement outlined above shall be without prejudice to the Township of Readington’s dealings with any other Township taxpayers’ request for tax exemption.

- * 6. ***Morris County Cooperative Purchasing Program*** (Jen Electric / Traffic Signal Maintenance and Repairs)

The following resolution was offered for consideration:

#R-2011-80

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

WHEREAS, the Township of Readington wishes to purchase services for traffic signal maintenance and repairs 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, Jen Electric, Inc., 631 Morris Avenue, Springfield, NJ 07081 has been awarded Morris County Cooperative Contract No. #37 for traffic signal maintenance & repairs for the period one (1) year, July 1, 2011 – June 30, 2012; and

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$25,000.00;

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 Jen Electric, Inc. be awarded a contract for services for traffic signal maintenance and repairs; 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.

- * 7. ***Morris County Cooperative Purchasing Program*** (Road Resurfacing Materials)

The following resolution was offered for consideration:

#R-2011-81

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

WHEREAS, the Township of Readington wishes to purchase road resurfacing materials 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, Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ, 07885 has been awarded Morris County Cooperative Contract No. #6 for road resurfacing materials 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 \$650,000; and

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

Resolution #R-2011-81 cont'd:

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Tilcon New York, Inc. be awarded a contract for road resurfacing materials; 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.

* 8. **Recommendation of Award for County Line Road Project**

The following resolution was offered for consideration:

#R-2011-82

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, the Township Committee of the Township of Readington (ACommittee@) and the Township of Branchburg have entered in an agreement to publicly advertise for bids for the proposed Improvements to County Line Road Section 1 (hereinafter referred to as Athe Project@); and

WHEREAS, on July 12, 2011 the Purchasing Agent of Branchburg Township conducted the bid opening for this Project whereupon the total number of bidders responding was three (3); and

WHEREAS, the lowest apparent bid for the Project was submitted by Tilcon New York in the amount of \$749,534.00, and

WHEREAS, Branchburg Township is scheduled to award this bid to Tilcon New York by Resolution at their July 25, 2011 meeting, and

WHEREAS, Readington Township's portion pursuant to its Agreement with Branchburg Township approved on September 7, 2010 for this joint project is \$374,767.00; and

WHEREAS, the Township Engineer, Township Attorney and Purchasing Agent reviewed the bid schedule and agree with the anticipated award by Branchburg Township to New York Tilcon, and

WHEREAS, the certification as to availability of funds in the amount of \$374,767 for Readington Township's portion of the Project is on file.

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

1. Approves of the award by the Township of Branchburg of the contract for this Project to Tilcon New York in the amount of \$749,534.00.
2. Approves of Readington Township's portion of this project in the amount of \$374,767 (one-half of the total Project cost).
3. Will, upon receipt of invoices for work completed, promptly reimburse Branchburg for Readington Township's share of the costs.

BE IT FURTHER RESOLVED that the Mayor and Township Administrator/Clerk are authorized to sign the contract with Tilcon New York.

- * 9. **Blue Light Permit** - Paul S. Hoortez
- * 10. **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	1-01	\$1,061,850.17
SEWER APPROPRIATIONS	1-02	\$ 7,500.00
TRUST FUNDS	X-03	\$ 27,712.87
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 64,231.91
PAYROLL DEDUCTIONS	X-06	\$ 186,207.01
DUE TO STATE OF NJ	X-09	\$ 550.00
2010 CAPITAL	X-10	\$ 4,821.16
2011 CAPITAL	X-11	\$ 56,785.63
2006 CAPITAL	X-66	<u>\$ 246.40</u>
TOTAL OF ALL FUNDS		\$ 1,409,905.15

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 - 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.

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** – discussion

Attorney Dragan provided additional information on the State Statute outlining the penalties and violations and also stated there was an amendment to the law in 2009 which provides that if an underage person, and one or two other persons acting in concert with the underage person, report to 9-1-1 that someone is in need of medical assistance they will be immune from prosecution.

A **MOTION** was made by Mrs. Allen to rescind the previous Ordinance (#14-2011) introduced at the last meeting, second 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 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 #16-2011

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.

- a. Any person found guilty of violating the terms of this Article shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense.
- b. Upon a finding of guilt, the court may also suspend or postpone for six months the person’s driving privileges in addition to the authorized fine. Upon the conviction of any person and the suspension or postponement of that person’s driver’s license, the court shall forward a report to the New Jersey Motor Vehicle Commission (“Commission”) stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of such sentence for a first 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 age of 17 years. If a person at the time of the imposition of such sentence has a valid driver’s license issued by this State, the court shall immediately collect the license and forward it to the Commission along with the report. If for any reason, the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

Ordinance #16-2011 cont'd:

- c. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to penalties set forth in *N.J.S.A. 39:3-40*. The person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of *N.J.S.A. 39:3-40*.
- d. If the person convicted under this ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege for the person based on the age of the person and submit to the Commission the required report. The court shall not collect the license of a non-resident convicted under this section. In accordance with *N.J.S.A. 40:48-1.2*, upon receipt of a report by the court, the Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

Sec 66-14. Exceptions.

1. This ordinance 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.
2. This ordinance 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

Sec. 66-15. Immunity from Prosecution Under Certain Circumstances.

- a. As provided by *N.J.S.A. 40-48-1.2a*, an underage person and one or two other persons shall be immune from prosecution under this ordinance if:
 - 1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
 - 2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;
 - 3) the underage person was the first person to make the 9-1-1 report; and
 - 4) the underage person and if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- b. The underage person who received medical assistance as provided in subsection a. of this section also shall be immune from prosecution under this ordinance.

Ordinance #16-2011 cont'd:

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 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 - Nay
- Mrs. Simon - Nay
- Mayor Gatti - Aye

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

NEW BUSINESS

1. **2011 Salary Ordinance** – introduction

The following ordinance was offered for introduction:

**2011 SALARY ORDINANCE
 # 15-2011**

SECTION 1

GOVERNING BODY AND SUPERVISORY PERSONNEL

MAYOR	per annum		\$8,804
TOWNSHIP COMMITTEE MEMBER	per annum	\$4,999	\$7,834
ADMINISTRATOR/MUNICIPAL CLERK/ DEPUTY REG. OF VITAL STATISTICS/TREASURER/QPA	per annum		\$146,133
ADMINISTRATOR	per annum	\$16,242	
Clerk/Deputy Reg. of Vital Stat/Treasurer...	per annum	\$129,891	
TAX COLLECTOR/TAX SEARCH OFFICER	per annum.		\$69,998
TAX ASSESSOR..(P/T/25/hrs per wk)	per annum.		\$65,975
CONSTRUCTION OFFICIAL	per annum.		\$85,830
COURT ADMINISTRATOR	per annum		\$45,505
LIBRARIAN	per annum	\$1,984	\$47,333
HOUSING LIAISON AND ADMINISTRATIVE AGENT	per annum		\$62,643
CHIEF OF POLICE	per annum		\$114,905
RECREATION DIR./CLEAN COMMUNITIES COORD. Recreation Director - per annum	per annum	\$48,000	\$69,118
Clean Communities Coordinator - per annum		\$2,000	
CHIEF FINANCIAL OFFICER	per annum		\$98,995
DIRECTOR OF PUBLIC WORKS, BUILDINGS, GROUNDS & PARKS	per annum		\$100,014
ROAD SUPERINTENDENT, BUILDINGS, GROUNDS & PARKS	per annum		\$91,584
PLANNING & ZONING COORDINATOR/ SECRETARY TO ENVIRONMENTAL COMMISSION	per annum		\$68,824
Planning & Zoning Coordinator	per annum	\$64,539	
Secretary to Environmental Commission	per annum	\$4,285	

Ordinance #15-2011 cont'd:

FIRE OFFICIAL/ LAND USE ADMIN.	per annum		\$80,808
SUPERVISOR OF ADMIN. SERVICES/	per annum	\$54,247	\$55,447
REGISTRAR	per annum	\$1,200	

SECTION 2
CLERICAL (CONFIDENTIAL) PERSONNEL

RECEPTIONIST/DOG LICENSE OFFICIAL	per annum..	\$31,371	\$32,550
SECRETARY TO TWP ADMINISTRATOR\DEPUTY REGISTRAR	per annum	\$34,727	\$37,370
DEPUTY MUNICIPAL CLERK/SEWER ADVISORY COMMITTEE SECRETARY	per annum	\$49,678	\$51,635
ADMINISTRATIVE ASSISTANT/RANK VI	per annum	\$41,178	\$58,679

SECTION 3
CLERICAL PERSONNEL

CLERK/TRANSCRIBER	per annum	\$33,159	\$40,749
OFFICE ASSISTANT	per annum	\$30,002	\$36,443
DEPUTY TAX COLLECTOR (40 HRS/WK)	per annum	\$43,784	\$62,280
ACCOUNTS PAYABLE CLERK	per annum	\$37,528	\$49,219
ADMINISTRATIVE ASSISTANT, TAX ASSESSOR	per annum	\$39,478	\$48,422
TECHNICAL ASSISTANT	per annum	\$43,784	\$53,148
DEPUTY COURT ADMINISTRATOR	per annum	\$39,281	\$48,925
FINANCIAL SECRETARY	per annum	\$42,927	\$49,534
FLOATER	per annum	\$36,793	\$43,341

SECTION 4
TECHNICAL PERSONNEL

SUB-CODE OFFICIAL PLUMBING & MECH (PART TIME)	per hour		\$42.62
ELECTRICAL SUB-CODE OFFICIAL (PART TIME)	per hour		\$35.31
BUILDING INSPECTOR (PART TIME)	per hour		\$30.00
INSPECTOR (PART-TIME)	per hour	\$25.00	\$41.87
FIRE SUB-CODE OFFICIAL (PART TIME)	per hour		\$35.31

SECTION 5
ROAD, UTILITY AND MAINTENANCE PERSONNEL
RATES FOR TITLES HELD LONGER THAN ONE YEAR:

DRIVER - LABORER 6	per hour		\$27.31
SR. DRIVER - LABORER 3	per hour		\$29.93
JR. MECHANIC	per hour		\$25.14
MECHANIC	per hour		\$32.06
SR. MECHANIC	per hour		\$35.19
CREW LEADER	per hour		\$34.02
OPERATOR	per hour		\$32.06
WORKING FOREMAN	per hour		\$37.11
SEWER OPERATORS:			
C-1 LICENSE (HOURLY ADDITIONS)	per hour		\$1.00
C-2 LICENSE (HOURLY ADDITIONS)	per hour		\$1.25

RATES FOR GRADES WITHIN TITLES:

LABORER - 1	per hour		\$19.00
LABORER - 2	per hour		\$19.79
DRIVER-LABORER - 1	per hour		\$20.59
DRIVER - LABORER - 2	per hour		\$21.37
DRIVER - LABORER - 3	per hour		\$22.17
DRIVER - LABORER - 4	per hour		\$22.96
DRIVER - LABORER - 5	per hour		\$23.74
DRIVER - LABORER - 6	per hour		\$24.54

SECTION 6
POLICE DEPARTMENT PERSONNEL

Ordinance #15-2011 cont'd:

POLICE MATRON	per hour	\$7.25	\$31.00
SPECIAL POLICE OFFICER	per hour	\$13.08	\$25.30
PATROLMAN (FIRST YEAR) Certified/Probationary.	per annum		\$53,745
PATROLMAN (SECOND YEAR)	per annum		\$58,058
PATROLMAN (THIRD YEAR)	per annum		\$62,372
PATROLMAN (FOURTH YEAR)	per annum		\$66,687
PATROLMAN (FIFTH YEAR)	per annum		\$70,999
PATROLMAN (SIXTH YEAR)	per annum		\$74,296
PATROLMAN (SEVENTH YEAR)	per annum		\$78,942
PATROLMAN FIRST CLASS	per annum		\$83,583
CORPORAL	per annum		\$85,258
INVESTIGATOR - OVER GRADE	per annum		\$600
PROBATIONARY SERGEANT	per annum		\$87,526
SERGEANT'S BASE SALARY	per annum		\$92,285
SERGEANT FIRST CLASS	per annum		\$95,103
PROBATIONARY LIEUTENANT	per annum		\$95,603
LIEUTENANT	per annum		\$114,415

SECTION 7

PART-TIME PERSONNEL

MUNICIPAL JUDGE	per annum		\$28,000
SUBSTITUTE MUNICIPAL JUDGE	per hour		\$145.48
PUBLIC ASSISTANCE CASE WORKER/ FILING CLERK (33 hrs)	per annum		\$33,672
PAYROLL CLERK/BOOKKEEPER	per hour		\$26.46
MUSEUM ADMINISTRATOR	per hour		\$20.40
ASSISTANT TO THE MUSEUM DIRECTOR	per hour		\$15.00
SCHOOL CROSSING GUARDS	per annum	\$3,778	\$16,261
LIBRARY ASSISTANT	per hour	\$8.27	\$17.45
COURT CLERK	per hour	\$18.00	\$21.95
EXERCISE PROGRAM INSTRUCTOR	per hour	\$12.74	\$30.00
ASSIST. DIRECTOR OF RECREATION (25 hrs-wk)/ DIRECTOR OF SUMMER RECREATION	per annum		\$40,673
SPORTS & TOURNAMENT ASSISTANT	per hour		\$13.26
EMERGENCY MANAGEMENT COORDINATOR	per annum		\$11,829
DEPUTY EMERGENCY MANAGEMENT COORD.	per annum		\$1,000

SECTION 8

SUMMER RECREATION PERSONNEL

SUPERVISOR & ASS'T SUP'V SUMMER PROG	per hour	\$8.25	\$17.73
SUMMER PROG. & SPECIAL PROG. COUNSELOR	per hour	\$8.00	\$12.67
BUS DRIVERS	per hour	\$8.63	\$17.87
CONCESSION STAND ATTENDANT	per hour	\$7.25	\$10.36
SUMMER PUBLIC FACILITIES MAINT. LABORER	per hour	\$7.25	\$14.39

SECTION 9

BUILDINGS, MAINTENANCE AND RECYCLING

PUBLIC FACILITIES MAINTENANCE LABORER*	per hour	\$16.09	\$27.56
*CONTRACT PENDING			
RECYCLING WORKER	per hour		\$21.22

SECTION 10

Rates of compensation provided herein are retroactive to January 1, 2011.

A **MOTION** was made by Mrs. Allen to introduce this ordinance, 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 on moving forward but I disagree with the raise
Mayor Gatti	- Aye

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

2. ***Resolution for Denial of Request for Sewer Capacity Allocation for Property Located at 388 Route 22 West / Readington Realty Holdings, LLC***

Mayor Gatti stated that there was a joint meeting with the Sewer Advisory Committee at the last meeting and this resolution memorializes the reasons for denial for the request for sewer capacity.

The following resolution was offered for consideration:

#R-2011-83

***READINGTON TOWNSHIP
RESOLUTION***

WHEREAS, the Township of Readington (hereinafter “Township”) is a defendant in an action entitled 388 Route 22 Readington Realty Holdings v. Township of Readington, et al. Docket No. HNT-L-751-10 which seeks to overturn the Township Committee’s denial of plaintiff’s request for sewer capacity for property known as Block 17, Lot 8 on the Township Tax Map; and

WHEREAS, an order was issued on June 17, 2011 by the Hon. Peter Buchsbaum, J.S.C. (hereinafter “Order”) directing the Township to review the reasoning set forth in its prior rejection of sewer capacity for the plaintiff and to provide a statement of reasons as a supplement to its decision; and

WHEREAS, the Township Committee held a public hearing with members of the Readington Township Sewer Advisory Committee and Township’s litigation counsel Robert Ballard on July 5, 2011 for the purposes of fulfilling the directives set forth in the aforesaid Order; and

WHEREAS, also present at the public hearing were several attorneys for various defendants who have contracts for sewer capacity with the Township, as well as some individual defendants and members of the public; and

WHEREAS, the Township Committee acknowledged the following correspondence received in anticipation of the public hearing:

1. Letter from Lawrence Berger, attorney for Plaintiff dated June 24, 2011 stating that he would not be attending the hearing;
2. Letters from;
 - a. Brach Eichler dated June 17, 2011 outlining the construction status of the defendant Readington Commons LLC\Larken’s nearly completed development project on Block 4, Lot 51 which was allocated 7,628 gpd capacity by contract dated March 16, 2000;
 - b. Benbrook & Benbrook dated June 17, 2011 describing the recent approval of the defendant Urb-Fi Development Corp.’s application for a development which includes affordable housing on Block 36, Lot 48, and has a sewer agreement for allocation originally approved in 2003.

Resolution #R-2011-83 cont'd:

- c. Day Pitney dated June 20, 2011 on behalf on defendant Merck (Block49, Lots 49, 99, 100 and 104; Block 2.01, Lot 9 and Block 4, Lot 4.01) setting forth the construction history of the portion of its development project which was already built, as well as the Township Planning Board's extension approval for Phase II of the development project which runs until June 30, 2018, for which Merck has 141,900 gpd via an original sewer agreement dated March 10, 1999, and various later agreements and/or amendments thereto.
- d. Thomas Sweet, Esq. dated June 24, 2011 for defendant Fallone Properties, LLC and Fallone at Spring Meadow, LLC, outlining its progress and problems in connection with its 210 unit senior development approval on Block 36, Lot 49 for which it has an allocation of 34, 600 gpd via sewer agreement (insufficient for all 210 units) and priority to additional gallonage for those units as a result of a previous litigation settlement agreement with the Township. In addition, the letter sets forth the defendant's progress on additional lots including Block 36, Lot 2 (already developed and occupied) and Block 31, Lot 37 (application for preliminary subdivision approval has been made) and alleges protection under the Permit Extension Act.
- e. Drinker, Biddle and Reath dated July 1, 2011 on behalf of defendant Bellemead Development Corporation (Block 2.01, Lots 9.01 and 11) citing the economic downturn as one of the primary reasons why it has not yet built the 660,600 sq. foot office building project for which it received preliminary and final site plan approval and reserved 66,060 gpd sewer capacity. Among other things, the letter also states that the Permit Extension Act, P&H Clinton Partnership v. Clinton Township ("Windy Acres") case, amount of money this defendant has paid in accordance with its sewer agreement and the damages it would incur if its sewer agreement were terminated, were all supporting reasons for denying the Plaintiff's application; and

WHEREAS, Darren Leotti, Esq. appeared on behalf of the defendants Country Classics Legacy Readington and Ryland Developers, LLC and requested the Township to refrain from terminating his clients' sewer agreements in favor of Plaintiff for the same reasons given by the other defendants; and

WHEREAS, the Township Attorney stated that when the Township Committee originally considered the Plaintiff's request for sewer capacity at its September 20, 2010 meeting, it had before it a recommendation for denial from the Sewer Advisory Committee, along with letters from current holders of agreements for reserved sewer capacity (from attorneys for defendant Belle Mead dated April 5, 2010 and attorneys for defendant Valley National Bank dated April 1, 2010) stating that they objected to the Township taking any reserved capacity away from them to give to the applicant for essentially the same reasons reiterated in the above-cited Drinker, Biddle and Reath letter dated July 1, 2011; and

WHEREAS, Mr. Monaco, Chairman of the Sewer Advisory Committee, reiterated that Plaintiff's attorney Mr. Berger was told at the Sewer Advisory Committee meeting on August 4, 2010, that there was no available sewerage capacity and that the Committee could not accede to the termination of any agreements which were already in place. Further, he was advised that in the event of termination, some agreements required that any excess capacity be returned to the Township for reallocation to others who (such as Fallone), by agreement with the Township, would be entitled to such excess capacity; and

Resolution #R-2011-83 cont'd:

WHEREAS, Committeewoman Allen stated that currently per ordinance, all excess capacity in possession of the Township is reserved for affordable housing and emergencies; and

WHEREAS, the Township attorney advised that the Township's sewer ordinance provides the Township Committee with the discretion to extend the sewer agreements it has made upon a showing of "good cause" and further opined that both case law and Municipal Land Use law require that the Committee not act arbitrarily and unreasonably with respect to such decisions. In her opinion, several of the defendants holding sewer capacity allocations pursuant to these agreements have development approvals which fall under the protections afforded by the Permit Extension Act and this constitutes "good cause" to extend them; and

WHEREAS, it was noted that at the meeting held in September of 2010 and reiterated again here, that the former property owner of Block 17, Lot 8 did not indicate any interest in acquiring sewer capacity at the time the Township announced that it was available for purchase; and

WHEREAS, because they were aware of objection letters received from the attorneys for defendants Valley National Bank and Belle Mead Development Corp. at the September 2010 meeting, Township Committee members indicated that it was not in the public interest to force the termination of these or other existing sewer agreements. Consequently as an alternative, the Township recommended that Plaintiff or its attorney contact other holders of reserved capacity to determine if there was any interest in voluntarily selling their capacity back to the Township as had been done in other instances; however, it appeared that this had not been done.

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

1. The Township Committee adopts all of the recitals set forth above in full, including the full contents and arguments of the listed correspondence submitted by various defendants, as the reasons supporting its previous denial of plaintiff's request for sewer capacity for Block 17, Lot 8.
2. This Resolution shall take effect immediately.
3. The Township Administrator/Clerk and Township Attorney, as the case may be, shall submit a copy of this Resolution per Order of the Court.

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

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

- * 3. **Acceptance of 2010 Audit Report** – resolution

This matter was addressed under the Consent Agenda.

- * 4. **Corrective Action Plan to 2010 Audit**

This matter was addressed under the Consent Agenda.

- * 5. ***Resolution to Authorize the Use of a Procurement Card for the Township of Readington Recreation Department***

This matter was addressed under the Consent Agenda.

- * 6. ***Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into Stipulations of Settlement Relative to the Tax Appeals Captioned Hunterdon Medical Center vs. Readington Township, Tax Court of New Jersey, Docket Nos. 001064-2000, 000269-2001, 000663-2002, 000467-2003, 001414-2004, 001302-2005, 001430-2006, 001394-2007, 002732-2008, 004076-2009 and 002124-2010***

This matter was addressed under the Consent Agenda.

- * 7. ***Morris County Cooperative Purchasing Program*** (Jen Electric / Traffic Signal Maintenance and Repairs) – resolution

This matter was addressed under the Consent Agenda.

- * 8. ***Morris County Cooperative Purchasing Program*** (Road Resurfacing Materials) - resolution

This matter was addressed under the Consent Agenda.

- * 9. ***Recommendation of Award for County Line Road Project***

This matter was addressed under the Consent Agenda.

- * 10. ***Blue Light Permit*** - Paul S. Hoortez

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that the Readington Trail Association has an opportunity to apply for a recreational trail grant through the Stewards for Trails Education and Partnerships (STEP) for trail maintenance and repair on the Round Mountain Trail and requested a letter from the Township granting permission as the property owner to move forward.

A ***MOTION*** was made by Mrs. Allen to draft a letter granting permission for Readington Trail Association, seconding by Mrs. Muir with a vote of ayes all, nays none recorded.

Administrator Mekovetz reported that she had received a copy of the *Best Practices Checklist* from the State and there are two ordinances 1) attendance and setting the record for absences at board meetings 2) Pay to Play that the Township will need to consider in order to receive points for following these practices. The Committee requested to see the ordinances in draft form.

ATTORNEY'S REPORT

Attorney Dragan had nothing further to report.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti reported that he will be accepting an award on behalf of Readington Township for receiving Sustainable Jersey from HART at their annual meeting on July 28th.

Julia Allen

Mrs. Allen reported that the Open Space Walk took place yesterday on the Lachenmayr Trail.

Mrs. Allen reported that the Planning Board meeting for June 11th was cancelled.

Thomas Auriemma

Mr. Auriemma reported that he had received a letter from Senator Doherty asking for support in an effort to restore in equality in the distribution of state aid to schools across New Jersey and stated that Senator Doherty will be holding a Town Hall meeting in the Municipal Courtroom on September 13th at 7:00 p.m.

Beatrice Muir

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

Donna Simon

Mrs. Simon reported that they are still in the research mode of a potential solar initiative involving a power purchase agreement.

Mrs. Simon reported that Raritan Township's contract with for a COAH coordinator will be up in a couple of days and she reached out to them for the feasibility of using Readington's COAH coordinator as a shared service.

Mrs. Simon stated that the Hunterdon County shared services working group is gathering data to determine the feasibility of providing both Tax Assessor and Animal Control services and the meeting with the mayors will take place on Monday, June 25th.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

Mayor Gatti stated that this year will commemorate the 10th anniversary of the September 11th disaster and asked Mr. Auriemma if he could reach out to the school to possibly coordinate an effort with them. Mrs. Muir also requested to find out whether the County would be doing anything in this regard.

Mrs. Allen commented that she had been to the newly opened Dog Park and stated that it really looks very nice.

Mrs. Muir stated that she had received a complaint about the stop sign at Lazy Brook Road that intersects with River Road, in addition to an obstructive hedge blocking the view and stated that there have been several suggestions to change the stop sign from Lazy Brook Road to River Avenue and requested that Engineer O'Brien provide a recommendation at the next meeting.

Mrs. Muir asked Administrator Mekovetz about a letter she received from David Johnson, 40 Oaks Road, regarding traffic during the Solberg Balloon Festival. Administrator Mekovetz stated that the letter has been forwarded to the Chief of Police and it is her intention to speak with him about it.

As there was no further business, ***A MOTION*** was made by Mr. Auriemma at 8:50 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