

**READINGTON TOWNSHIP COMMITTEE
MEETING – September 6, 2011**

Mayor Gatti *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

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

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

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit "A."

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Recreation.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Police Department.....	Personnel.....	“ “ “
Teamster Local No. 469..... Building and Grounds	Contract Negotiations.....	“ “ “
Maintenance and Repairs Bid..... Awards	Contract Negotiations.....	“ “ “
Developer's Agreement / Sewer Agreement / Block 36, lot 48	Contract Negotiations.....	“ “ “
Maintenance Contract / Beakman Homestead	Contract Negotiations	“ “ “
Cooperative Pricing System..... Agreement / East Hunterdon Solar Renewable Energy Co-op	Contract Negotiations.....	“ “ “
ECHO Unit / Holland Brook Rd....	Contract Negotiations.....	“ “ “

Executive Session Minutes..... Attorney-Client Privilege..... “ “ “
□ August 1, 2011

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

Block 48, Lot 23; Block 55, Lot 33;
Block 56, Lots 1, 3, 6 & 8; Block 39,
Lot 24 & Block 67, Lot 2
(Solberg Aviation)..... Litigation..... “ “ “

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

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

The meeting reconvened at 8:05 p.m.

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

Mayor Gatti stated that he missed part of the Executive Session and asked that Deputy Mayor Auriemma take over the Executive Session.

Executive Session:

Personnel / Recreation

A **MOTION** was made by Mrs. Muir to accept the resignation of Linda Busch from Recreation Committee and send her a letter of thanks for her service, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

A **MOTION** was made by Mrs. Muir to appoint Melissa Adams from alternate to full member of the Recreation Committee, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Personnel / Police Department

A **MOTION** was made by Mrs. Allen to appoint Robert Morelli as a Class II Special Officer at a rate of \$20 per hour on an as needed basis, 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 / Teamster Local No. 469 / Building and Grounds

Deputy Mayor Auriemma stated that this matter remains in Executive Session.

Contract Negotiations / Maintenance and Repairs Bid Awards

The following Resolution was offered for consideration:

#R-2011-88

**TOWNSHIP OF READINGTON
 RESOLUTION**

WHEREAS, the Township Committee of the Township of Readington publicly advertised for bids for the proposed 2011 Maintenance and Repair Materials in the Township; and

WHEREAS, on July 27, 2011 the Administrator/ Municipal Clerk conducted the bid opening for the 2011 Maintenance and Repair Materials; and

WHEREAS, the Administrator, Director of Public Works and Township Attorney reviewed the bids received and recommend the awarding of contracts to the bidders as shown on the attached “Schedule of Low Bidders;” and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these contracts; and

WHEREAS, at the Township Committee meeting held on September 6, 2011, the Township Committee reviewed the recommendation for awarding these contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington hereby awards contracts according to the attached “Schedule of Low Bidders.”

BE IT FURTHER RESOLVED that the Township Administrator/Clerk is authorized to notify the successful bidders on these awards in the amounts as shown as the attached “Schedule of Low Bidders” and the Mayor and Township Administrator/Municipal Clerk are authorized to sign those contracts.

**SCHEDULE OF LOWER BIDDERS
 2011 MAINTENANCE & REPAIR MATERIALS**

PRIMARY CONTRACTS

ITEM	DESCRIPTION	MODE	QUANT.	UNIT	SUCCESSFUL BIDDER	UNIT PRICE	NOT TO EXCEED AMOUNT
1a	3/4" ROAD STONE	DEL	1,500	TON	TILCON, NY	\$12.10	\$18,150.00
1b	3/4" ROAD STONE	FOB	1,500	TON	STAVOLA	\$8.95	\$13,425.00
2a	3/4" CLEAN STONE	DEL	1,500	TON	TILCON, NY	\$14.05	\$21,075.00
2b	3/4" CLEAN STONE	FOB	1,500	TON	STAVOLA	\$10.25	\$15,375.00
3a	1-1/2" CLEAN STONE	DEL	200	TON	TILCON, NY	\$14.10	\$2,820.00
3b	1-1/2" CLEAN STONE	FOB	200	TON	STAVOLA	\$10.50	\$2,100.00
4	CORE STONE	DEL	500	TON	STAVOLA	\$19.00	\$9,500.00
5	#9 (1/4") STONE OR SANDING GRITS	DEL	500	TON	TILCON, NY	\$18.25	\$9,125.00
6	SCREENINGS	DEL	500	TON	TILCON, NY	\$12.40	\$6,200.00
7	SAND-COARSE	DEL	100	TON	TILCON, NY	\$21.40	\$2,140.00
8	LIQUID CALCIUM CHLORIDE	FDA	20,000	GAL	PECKHAM MATERIALS CORP.	\$1.10	\$22,000.00
9a	HOT MIX ASPHALT, MIX 1-5	FDS	3,500	TON	FLEMINGTON BITUMINOUS	\$66.95	\$234,325.00
9b	HOT MIX ASPHALT, MIX 1-5	FOB	3,500	TON	TILCON, NY	\$58.40	\$204,400.00
10a	HOT MIX ASPHALT, MIX 1-4	FDS	1,000	TON	FLEMINGTON BITUMINOUS	\$66.95	\$66,950.00
10b	HOT MIX ASPHALT, MIX 1-4	FOB	1,000	TON	TILCON, NY	\$58.40	\$58,400.00
11a	HOT MIX ASPHALT, MIX 1-2	FDS	700	TON	FLEMINGTON BITUMINOUS	\$61.95	\$43,365.00
11b	HOT MIX ASPHALT, MIX 1-2	FOB	700	TON	FLEMINGTON BITUMINOUS	\$55.45	\$38,815.00
12	HIGH PERFORMANCE COLD PATCH	FOB	50	TON	WELDON MATERIALS	\$130.00	\$6,500.00
13	STREET SWEEPING	FDA	150 mile	hour	APGAR POWER SWEEPING	\$118.00	\$00.00

SECONDARY CONTRACTS

9b	HOT MIX ASPHALT, MIX 1-5	FOB	3,500	TON	FLEMINGTON BITUMINOUS	\$57.00	\$211,575.00
10b	HOT MIX ASPHALT, MIX 1-4	FOB	1,000	TON	FLEMINGTON BITUMINOUS	\$57.00	\$60,450.00
11b	HOT MIX ASPHALT, MIX 1-2	FOB	700	TON	WELDON MATERIALS	\$57.00	\$38,500.00

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

The following resolution was offered for consideration:

#R-2011-98

**TOWNSHIP OF READINGTON
 RESOLUTION**

WHEREAS, the Township Committee of the Township (“Committee”) publically advertised for bids for the proposed 2011 Maintenance and Repair Materials in the Township; and

WHEREAS, on July 27, 2011 the Township Administrator/Clerk conducted the bid opening for 2011 Maintenance and Repair Materials; and

WHEREAS, the total number of bidders responding to Item 12 (High Performance Cold Patch) was two (2), Warren Materials and Weldon Materials; and

WHEREAS, upon review of the bids, it was determined that the lowest bidder, Warren Materials failed to include a Business Registration Certificate which was a mandatory requirement specified in the bid instructions; and

WHEREAS, the failure to include mandatory items renders a bid unresponsive. Also, per New Jersey case law, they constitute non-waivable defects in that the failure to provide them at the time of the bid would 1) result in an uncertainty that the agreement would be performed in accordance with the specifications and 2) would adversely affect competitive bidding by placing one bidder in a position of advantage over the other bidders who complied. ***P&A Construction, Inc. v. Twp. Of Woodbridge, 365 N.J. Super. (App. Div. 2004); and***

WHEREAS, the other bidders did supply the Business Registration Certificate in accordance with the requirements of the bid specification, thus assuring that they were authorized to do business in New Jersey and eliminating any uncertainty at the time of bid that they would be able to perform the agreement and do so in a timely manner; and

WHEREAS, accepting the bid of Warren Materials would put them in a position of unfair advantage over the other bidders who did comply with the business registration requirement.

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

Resolution #R-2011-98 cont'd:

1. The Township Committee rejects the bid received from Warren Materials on Wednesday, July 27, 2011 for Item, 12 for 2010 Maintenance and Repair Materials and awards the contract for Item 12 (High Performance Cold Patch) to the second lowest bidder, Weldon Materials.
2. The Township Administrator/Clerk is authorized to notify the bidder of this decision.

A **MOTION** was made by Mrs. Allen 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 / Developers Agreement / Sewer Agreement / Block 36, Lot 48

A **MOTION** was made by Mrs. Allen to approve the Sewer Agreement for 5,600 gpd, 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

The following resolution was offered for consideration:

#R-2011-89

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, Urb-Fi Development Corp., LLC, a New Jersey limited liability Company (hereinafter "Urb-Fi") is the holder of certain sewer capacity in the Township of Readington, as a result of a Sewer Plant Expansion Contribution and Allocation Agreement entered into between it and the Township of Readington dated August 12, 2003 (hereinafter "Sewer Agreement"); and

WHEREAS, the Sewer Agreement allocated 2,500 gpd sewer capacity to Urb-Fi for use on its property known as Block 36, Lot 48 in the Township, which and

WHEREAS, Mark Hartman ("Hartman") has purchased Block 36, Lot 48 and has obtained preliminary and final site plan approval, together with use and bulk variances to develop a mixed retail/residential use upon it, to include an affordable housing project consisting of 15 low and moderate income units as set forth in Board of Adjustment Resolution #2010-231 on July 15, 2010, as thereafter extended; and

WHEREAS, the Sewer Agreement between Urb-Fi and the Township states that it "shall run with the land ...and shall be binding upon all grantees, heirs, successors and/or assigns of the Contributing Owner/Developer Urb-Fi" and;

WHEREAS, Urb-Fi is currently in compliance with all monetary obligations under the Sewer Agreement; and

WHEREAS, Hartman has requested approval of the assignment of the aforesaid Sewer Agreement as successor in interest to Urb-Fi; and

Resolution #R-2011-89 cont'd:

WHEREAS, the Township Committee is in agreement with the proposed transfer as contemplated by the parties, as the gallonage is for use in conjunction with an allocation of 5,600 gpd approved previously by the Township Committee in October of 2009, as recommended by the Sewer Advisory Committee, for the affordable housing component of a mixed retail/affordable housing development on the property.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

1. The Township Committee does hereby acknowledge and approve of the assignment of the Sewer Agreement allocating 2,500 gpd sewerage capacity from Urb-Fi Development Corp., LLC to Mark Hartman, owner of Block 36, Lot 48 for use on Block 36, Lot 48 in connection with the proposed development on that property. The gallonage is equivalent to 7.14 units, which means that it shall be billed for 8 units on the aforesaid property, as required by the Township's ordinance (which requires the rounding up of partial units for billing purposes) although the actual gallonage is 2,500 gpd.
2. Any future assignment or different use of the aforesaid sewer capacity must first come through the Sewer Advisory Committee for recommendation and then the Township Committee for approval, in accordance with Township ordinances.
3. Billing for the above sewerage capacity shall be coordinated between the Tax Office and the Administrator/Municipal Clerk's office.

A **MOTION** was made by Mrs. Allen 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 / Maintenance Contract / Beakman Homestead

A **MOTION** was made by Mrs. Allen to approve the Maintenance Agreement between Readington Township and Barry Quick for Block 94, Lot 8, 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

Mayor Gatti took over the reporting of the Executive Session.

Contract Negotiations / Cooperative Pricing System Agreement / East Hunterdon Solar Renewable Energy Co-op

A **MOTION** was made by Mrs. Allen to approve the form of the agreement, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

Contract Negotiations / ECHO Unit / Holland Brook Road

A **MOTION** was made by Mrs. Muir to approve the contract for \$15,000 with Maitland to move the ECHO unit, seconded Mr. Auriemma and on Roll Call vote the following was recorded:

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

Attorney –Client Privilege/Executive Session Minutes (August 1, 2011)

A ***MOTION*** was made by Mrs. Allen to approve the Executive Session Minutes of August 1, 2011 for content only, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded. Mrs. Muir recused herself from the vote since she was absent from that meeting.

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 remains in Executive Session.

CONSENT AGENDA:

Mayor Gatti read the following statement:

All items listed with an asterisk “*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- * 1. ***APPROVAL OF MINUTES*** of meeting of August 1, 2011
- * 2. ***Resolution to Authorize Competitive Contracting Process for the Purpose of Obtaining Proposals for a Solar Power Purchase Agreement***

The following resolution was offered for consideration:

#R-2011-90

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, pursuant to the Local Public Contracts Laws the use of competitive contracting is permitted in lieu of public bidding for procurement of specialized goods and services

WHEREAS, pursuant to Local Finance Notice 2011-17 and NJSA 40A:11-4.1 (j)(k) the competitive contracting process is permitted for solar renewable power agreements; and

WHEREAS, it would be in the best interest of Readington Township, as lead agency for the East Hunterdon Solar Renewable Energy Cooperative Pricing (hereinafter “197-EHSREC”), to solicit proposals from qualified companies for this purpose based upon an established evaluation process.

Resolution #R-2011-90 cont'd:

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Readington, County of Hunterdon, does approve the use of the Competitive Contracting process for the purpose of obtaining proposals on behalf of the “197-EHSREC” for a solar power purchase agreement.

BE IT FURTHER RESOLVED that the Readington Township Purchasing Agent be and is hereby authorized to initiate competitive contracting for the “197-EHSREC.”

BE IT FURTHER RESOLVED that the provisions of N.J.S.A. 40A: 114.1-4.5 of the Local Public Contracts Law shall be complied with and a contract will be awarded based on firm proposals submitted by vendors, with an evaluation process and determination that the proposal being recommended for award is the “most advantageous, price and other factors considered.”

BE IT FURTHER RESOLVED that a copy of this resolution will be provided to each participant of “197-EHSREC” upon execution of an executed copy of an agreement to participate in the cooperative pricing system.

* 3. **Resolution to Make Application for County Open Space Trust Funds for Peters Farm**

The following resolution was offered for consideration:

#R-2011-91

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; and preservation of historic structures, properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

WHEREAS, the Readington Township Committee desires to further the public interest by obtaining funding in the amount of \$128,688 from the County of Hunterdon to fund the following project:

***Peters Farm – Farmland Preservation Easement
at a cost of \$1,164,320;***

NOW, THEREFORE, the governing body resolves that Vita Mekovetz is hereby authorized to:

- (a) make application for such County Open Space Trust Funds,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named Municipality; and

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for the Municipal Grant Program adopted thereto, and notify the Municipality of the amount of the funding award; and

Resolution #R-2011-91 cont'd:

WHEREAS, the Municipality is willing to use the County funds in accordance with such adopted Policies and Procedures, and applicable state and local government rules, regulations and statutes;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Readington Township Committee

1. That Vita Mekovetz, Township Administrator of the above named Municipality is hereby authorized to execute any documents and agreements with the County of Hunterdon known as the Peters Farm;
2. That the Municipality has its share of funds, if required, in the amount of \$104,176;
3. That, in the event the County of Hunterdon's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

- * 4. **Resolution to Purchase Road Repair Microsurfacing (Asphalt Paving Systems, Inc.)**

The following resolution was offered for consideration:

#R-2011-92

**TOWNSHIP OF READINGTON
RESOLUTION AUTHORIZING STATE CONTRACT PURCHASES**

WHEREAS, the Township of Readington wishes to purchase construction services for road repair Microsurfacing from an authorized vendor under the State of New Jersey, Division and Purchase Property 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, Asphalt Paving Systems Inc., PO Box 530, Hammonton, NJ 08037, Contract #72038 (Index# T-2507), has been extended for a period to expire 10/31/12; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the road repair microsurfacing construction services are estimated not to exceed \$130,000; 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 Asphalt Paving Systems Inc. be awarded a contract for a road repair microsurfacing construction services; 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. **Resolution Authorizing Educational Services Commission Co-operative Purchases for Gasoline and Diesel Fuel (Allied Oil LLC)**

The following resolution was offered for consideration:

#R-2011-93

**TOWNSHIP OF READINGTON
 RESOLUTION AUTHORIZING EDUCATIONAL SERVICES COMMISSION
 COOPERATIVE PURCHASES**

WHEREAS, the Township of Readington wishes to purchase gasoline and diesel fuel from an authorized vendor under the Hunterdon County Educational Services Commission Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, NJS.A. 40A:II-12; and

WHEREAS, Allied Oil LLC, 25 Old Camplain Road, Hillsborough, NJ 08844 has been awarded Hunterdon County Educational Services Commissions Contract for Gasoline and Ultra Low Sulfur Diesel Fuel, for the period one (1) year, October 7, 2011 - October 6, 2012; and

WHEREAS, the Administrator recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$360,000 for Allied Oil, LLC.

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 Allied Oil LLC be awarded a contract for Gasoline and Ultra low sulfur diesel fuel; 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.

- * 6. **Blue Light Permit** - Raymond A. Marvin
- * 7. **Blue Light Permit** - Nick D’Aniello
- * 8. **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	\$ 3,657.96
CURRENT FUND	1-01	\$1,642,840.60
SEWER APPROPRIATIONS	1-02	\$ 225,547.18
TRUST FUNDS	X-03	\$ 165,652.05
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 41,485.61
PAYROLL DEDUCTIONS	X-06	\$ 577,525.02
REG. & LOCAL SCHOOL TAX	X-07	<u>\$8,231,260.90</u>
TOTAL OF ALL FUNDS		\$10,887,969.32

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

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

ρ Mrs. Muir recused herself from the approval of the minutes of the meeting of August 1, 2011 since she was absent from that meeting.

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

PUBLIC HEARINGS

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

Clerk read by Title:

An Ordinance Authorizing the Conveyance of a Limited Right of Entry and Access Agreement on Property Known as Block 95, Lot 3 to United Telephone Company of New Jersey D/B/A Century Link

□ ***Ordinance #17-2011***

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

There were none.

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

There were none.

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

Clerk read by Title:

An Ordinance Authorizing the Conveyance of a Limited Right of Entry and Access Agreement on Property Known as Block 95, Lot 3 to United Telephone Company of New Jersey D/B/A Century Link

□ ***Ordinance #17-2011***

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

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

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated August 1, 2011 from Donna Burham, Township Clerk, Township of Clinton, regarding ***An Ordinance Supplementing and Amending Chapter 165 Entitled “Land Use Regulations of The Code of the Township of Clinton, 2003, as Heretofore Supplemented and Amended is Hereby Supplemented and Amended to Correct a Draft Error in the Zoning Map by Changing a portion of the RC Rural Conservation Zone District (Block 28.1, Lots 15, 16, 17, 18, 19 & 20) Back to the VR Village Residential Zone District.*** No action taken.
2. Memorandum dated August 1, 2011 from Donna Burham, Township Clerk, Township of Clinton regarding ***Resolutions Opposing the Williams Transco Pipeline and Opposing Hydraulic Fracturing for Natural Gas.***

Mrs. Allen requested that we pass similar resolutions in support of this.

The following resolution was offered for consideration:

#R-2011-94

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, Transcontinental Gas Pipeline Company is proposing to expand their natural gas pipeline infrastructure through certain municipalities (Clinton Township, Franklin Township, and Union Township) in Hunterdon County by adding a third pipeline of 42 inch diameter, the Stanton Loop, to their existing 24inch and 36 inch diameter pipelines; and

WHEREAS, the Hunterdon County Freeholders, residents, and adjoining municipalities have expressed opposition to the pipeline expansion project based in part upon:

- the existing pipelines are fifty years old and potential damage that may occur to them as the new pipeline is installed next to and in some portions, underneath, the existing lines
- the use of heavy construction machinery in close proximity to the existing lines
- the use of heavy equipment in close proximity to homes, foundations
- impacts to existing soil in the temporary work space to be established
- reduced water absorption and potential for future flooding
- safety hazards created by the nature and volume of the flammable gases flowing through the proposed pipeline
- the proposed route of the pipeline which would cross thirteen residential streets and municipal park land
- the location of the "Blast Zone" should a disaster occur
- the proximity (within 50 feet) of the proposed pipeline to existing structures intended for human occupancy in direct conflict with NJAC 14:7-1
- recent catastrophic pipeline explosions (five alone in 2011)
- the potential for mass injuries in the event of a pipeline explosion

WHEREAS, expressed grave concerns about the safety of the project in its proposed form have been expressed; and

WHEREAS, Clinton Township has requested a meeting with Transco to discuss localized impacts on their Township and its resources and to discuss information from the company on the safety of the project, where this type of expansion project has been constructed before, and what type of equipment and engineering techniques will be used within the Townships; and

WHEREAS, residents to be impacted by the proposed new pipeline would be afforded the opportunity to attend the requested meeting with Transco; and

WHEREAS, the Township of Readington recognizes the concerns expressed; and

Resolution #R-2011-94 cont'd:

WHEREAS, while from both a jurisdictional standpoint and a local knowledge standpoint, the concerns expressed are best vocalized and resolved at the municipal level; and

WHEREAS, the Township of Readington wishes to support Clinton Township's demands for information and assurances of safety; and

WHEREAS, the Township of Readington calls upon Transco to provide the same information and assurances to any other Hunterdon County municipality impacted by the proposed pipeline who may request same of Transco.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Readington hereby:

1. Joins Clinton Township in seeking assurances that the project will be protective of the health, safety, and welfare of the citizens of Hunterdon County.
2. Joins Clinton Township's call for Transco to meet with representatives of the Townships and residents impacted by this proposal.
3. Calls upon Transco to provide the information and assurance requested by Clinton Township to all Hunterdon County municipalities impacted by the proposed pipeline who may request same.

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

The following resolution was offered for consideration:

#R-2011-95
TOWNSHIP OF READINGTON
RESOLUTION

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation~ and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey - as Special Protection Waters due to the exceptional water quality and "exceptionally high scenic, recreational, ecological, and/or water supply values" of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be "no measurable change in existing water quality except towards natural conditions", requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose

significant hardships, public health detriment, and economic harm if degraded; and

Resolution #R-2011-95 cont'd:

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing storm water runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstream River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

Resolution #R-2011-95 cont'd:

WHEREAS, protection of New Jersey's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Readington supports strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

AND BE IT FURTHER RESOLVED, that the Township of Readington supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and calls on our Congressional Representative and Senator Menendez to join Senator Lautenberg, Congressman Pallone and Congressman Holt in co-sponsoring H.R. 1084/ S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

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

3. Facsimile from Dylan Wuderk, Camden Office of US Senator Frank R. Lautenberg regarding **Resolution to Create a National Moment of Remembrance Beginning at 1 PM Eastern Daylight Time on September 11, 2011 in honor of the 10th Anniversary of the terrorist attacks committed against the United States on September 11, 2001.**

The following resolution was offered for consideration:

#R-2011-96

**TOWNSHIP OF READINGTON
RESOLUTION**

Expressing the sense of the Township of Readington regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

WHEREAS at 8:46 AM, on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York;

WHEREAS 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

WHEREAS at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense;

WHEREAS at approximately 10:00 AM, the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

WHEREAS nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

WHEREAS tens of thousands of individuals narrowly escaped the attacks at the

Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed;

Resolution #R-2011-96 cont'd:

WHEREAS countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events;

WHEREAS the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

WHEREAS the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day;

WHEREAS the New York Police Department suffered 23 fatalities as a result of the terrorist attacks;

WHEREAS the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored;

WHEREAS 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day;

WHEREAS 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States;

WHEREAS on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families;

WHEREAS the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life;

WHEREAS in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460);

WHEREAS in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States:

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington:

- (1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;
- (2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;
- (3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

Resolution #R-2011-96 cont'd:

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

(6) on the 10th anniversary of this tragic day in United States history:

(A) calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including:

- (i) media outlets;
- (ii) houses of worship;
- (iii) military organizations;
- (iv) veterans organizations;
- (v) airlines;
- (vi) airports;
- (vii) railroads;
- (viii) sports teams;
- (ix) the Federal Government;
- (x) State and local governments;
- (xi) police, fire, and other public institutions;
- (xii) educational institutions;
- (xiii) businesses; and
- (xiv) other public and private institutions; and

(B) encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 PM Eastern Daylight Time by, to the maximum extent practicable:

- (i) ceasing all work or other activity; and
- (ii) marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

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

4. Letter dated August 8, 2011 from Rhonda Kelly, Deputy Clerk of the Board, Hunterdon County Board of Chosen Freeholders, regarding ***A Resolution Supporting an Amendment to the Current Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et sq.)***. No action taken.
5. Letter dated August 8, 2011 from Sally J. Choeng, Manager – Tariff Activity, Rates & Regulatory Affairs, Jersey Central Power & Light regarding ***Annual Universal Service Fund Compliance Filing Jersey Central Power & Light, BPU Docket No. ER11070397***. No action taken.
6. Notice From Pepper Hamilton, Attorney for Applicant Jeffrey E. Bergold regarding ***Public Hearing on Application for approval pursuant to N.J.S.A. 40:55-D-36 to direct issuance of a permit to allow the construction of a building on the vacant lot identified on the Tax Map Block 52.01, Lot 22, which fronts on an unimproved portion of Edgewood Road***. No action taken.

7. Notice from Lloyd H. Tubman, Archer & Greiner, P.C., regarding ***Planning Board of Readington Township will consider the application of Pleasant Run, LLC for preliminary and final site plan approval for a proposed farm stand / store of approximately 12,132 sq. ft. and related improvements to be located on property located at the intersection of State Route 202 and Summer Road.***
No action taken.
8. Letter dated August 11, 2011 from Lawrence E. Sweeney, Director, Rates & Regulatory Affairs, Jersey Central Power & Light regarding ***The Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2012 BPU Docket No. E011040250.*** No action taken.
9. Resolution from Ella Malecki Ruta, Clerk, Township of Union, regarding ***Opposing SCR-107, Proposed Constitutional Amendment Reducing Property Taxes for Certain Preserved Open Space.*** No action taken.

OLD BUSINESS

1. ***Lazy Brook Road and River Road Intersection Stop Sign*** – memo dated August 31, 2011 from Rob O'Brien, Township Engineer

Engineer O'Brien provided a brief history on the Lazy Brook Road and River Road intersection stop sign and stated that the final recommendation would be to either leave the stop sign where it is or modify the ordinance (#21-95) which would require approval by the Commission of the Department of Transportation. Engineer O'Brien stated that he felt the more important issue was the hedgerow which is blocking the site distance at that intersection. Mrs. Allen reported the hedgerow has since been cut. Mrs. Muir asked that another stop sign be placed on River Avenue. Mrs. Allen suggested that the Township pursue the sight triangle easement and therefore the Township would be able to maintain the hedgerow.

A MOTION was made by Mrs. Muir to send a letter to the property owner to request pursuing the sight triangle easement, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

NEW BUSINESS

1. ***Renda and Ridge Road Realty – Request for Direction of the Bridge/Boardwalk/Walkway to be designed by the Township Consultants and Vacation of the Portion of Sophie Street Right of Way that Falls Outside the Cul-de-Sac Road*** letters dated July 29 and August 22, 2011 from Lloyd H. Tubman, Esq.

Lloyd Tubman, of Archer and Greiner, was present on behalf of Ridge Road Realty and Michael and Maria Renda, owners of the property. Attorney Tubman stated the owners are requesting vacation on a portion of the Sophie Street paper extension to be assumed into the open space of restrained area approved by the Planning Board. In addition, Attorney Tubman stated that her clients need the Township Engineer to design and construct the pedestrian walkway connecting Pearl Street to the new improved Sophie Street prior to final subdivision approval. Mrs. Allen stated in order for the walkway to be sustainable it should be designed in a way that requires the least amount of maintenance for the Township.

A MOTION was made by Mrs. Allen to authorize Attorney Dragan to prepare an ordinance to vacate a portion of Sophie Street, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

A MOTION was made by Mrs. Allen to authorize Engineer O'Brien to design the walkway, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

2. ***Emergency Service Background Checks Ordinance*** – memorandum dated August 8, 2011 from Chief S. Donaruma

Mayor Gatti stated that this ordinance was recently adopted; however, there has been a request from the Chief of Police to amend the ordinance to also include background checks on existing members. Mrs. Allen stated the some of the existing members would be offended by this proposal. A discussion ensued on whether or not background checks should be required on existing members. Mayor Gatti questioned whether the fire companies are involved in their own vetting process; therefore doing their own backgrounds checks. Mr. Auriemma suggested that this matter be tabled for the time being since he would be meeting with the fire companies and will discuss this further with them.

3. ***An Ordinance Amending the Code of the Township of Readington, County of Hunterdon and State of New Jersey to Establish that a Business Entity Which Makes Political Contributions to Political Candidates and Municipal and County Political Parties in Excess of Certain Thresholds Shall be Limited in its Ability to Receive Public Contracts from the Township***

Mayor Gatti stated that this proposed ordinance is a result of the *Best Practices Inventory Program* and that this ordinance simply formalizes what the Township is already practicing.

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO ESTABLISH THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO POLITICAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP

ORDINANCE #18-2011

WHEREAS, in 2004, the New Jersey Legislature adopted L.2004, c. 19 (hereinafter “Pay to Play” law) which, among other things, prohibits a municipality from entering into a non-publicly bid contract in excess of \$17,500 with a business entity which, in the preceding year, made a political contribution greater than \$300 to a political candidate, party or political action committee in that municipality or County in which the municipality is located; and

WHEREAS, since the Pay to Play law was enacted, the Township has, as a matter of policy, required evidence of compliance with the law as a condition of its entering into any professional services contracts or contracts for extraordinary unspecifiable services to which the law applies and

WHEREAS, pursuant to P.L. 2005, c. 271 (codified at N.J.S.A. 40A:11-51), a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contract to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government and best practices, the Township of Readington desires to memorialize its policy with respect to the Pay to Play law compliance, as permitted by statute.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Readington shall adopt such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Township of Readington; and

Ordinance #18-2011 cont'd:

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey that the Code of the Township of Readington is hereby amended to add the following new article and provisions as follows:

SECTION 1. DEFINITIONS

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

- a) “Campaign Committee” means (i) every candidate for Readington Township elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for the Township of Readington elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Readington Township elective municipal office; (iv) every political party committee of the Township of Readington ; (v) every political party committee of the County of Hunterdon ; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Township of Readington municipal or County of Hunterdon elective offices or Readington Township municipal or Hunterdon County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- b) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans and in-kind contributions.
- c) A “contract for professional or extraordinary services means all contracts for “professional services” and “extraordinary unspecifiable services” as such terms in N.J.S.A. 40A:11-5.
- d) For the purposes of this Ordinance, a “Business Entity” whose contributions are regulated by this ordinance means (i) an individual including the individual’s spouse, and any child/children; (ii) a firm; a corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity of ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000 in compensation or income of any kind (including, by way or illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts) in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an “affiliate” of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

SECTION 2. - PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS.

- a) To the extent that it is not inconsistent with state or federal law, the Township of Readington and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure “professional services” as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter “Professional Services”) nor “extraordinary unspecified services” as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/ or management service (hereinafter

“Extraordinary Unspecified Services”) from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint

Ordinance #18-2011 cont’d:

candidates committee of any candidate for elective municipal office in Readington Township or a holder of a public office having ultimate responsibility for the award of a contract, or (ii) to any Readington Township or Hunterdon County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Readington Township municipal or Hunterdon County elections and/or Readington Township municipal or candidates, candidates committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter “PAC”), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

- b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Township of Readington or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the Township of Readington, or a holder of any public office having ultimate responsibility for the award of a contract, or (ii) to any Readington Township or Hunterdon County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- c) The monetary thresholds of this Ordinance are (i) maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Township of Readington; (ii) \$500 maximum per calendar to a Hunterdon County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in paragraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity’s Contribution is aggregated with all “persons” defined in subparagraph (d) of “Definitions” above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Readington Township candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Readington Township political parties and political party committees as described herein combined, without violating subsection (a) of this section.
- d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be the Readington Township Committee, if the contract requires approval or appropriation from the governing body.
- e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of the obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 3. CONTRACT RENEWAL.

No contract subject to this ordinance may be renewed, extended or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions

of this ordinance if it were an initial contract.

Ordinance #18-2011 cont'd:

SECTION 4. CONTRIBUTION STATEMENT BY BUSINESS ENTITY.

- a) Prior to awarding any contract or agreement to procure “Professional Services or Extraordinary Unspecified Services from any Business Entity, the Township of Readington or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Township of Readington, its purchasing agents and departments shall be responsible for informing the Readington Township Committee that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- b) The Business Entity shall have a continuing duty to report to the Township of Readington any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or duration of a contract. The Township of Readington, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Readington Township meeting following receipt of said report from the Business Entity, or whichever comes first.
- c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township of Readington, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 5. RETURN OF EXCESS CONTRIBUTIONS.

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may a cure violation of Section 2 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and received reimbursement of the Contribution from the recipient of such Contribution.

SECTION 6. EXEMPTIONS.

The contribution limitations prior to entering into a contract in Section 2(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a “Fair and Open Process” under N.J.S.A. 19:44A-20 et seq.

SECTION 7. PENALTY.

- a) It shall be a material breach of the terms of the Readington Township agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Township of Readington, or a holder of public office having ultimate responsibility for the award of a contract, or any Readington Township or Hunterdon County political committee or political party committee, or any PAC; (v) engaged or employed as a lobbyist or

consultant with the intent or understanding that such lobbyist is consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity

Ordinance #18-2011 cont'd:

itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any persons or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

- b) Furthermore, any Business Entity that violates Section 8 (a) (i-viii) shall be disqualified from eligibility for future Readington Township contracts for a period of four (4) calendar years from the date of the violation.
- c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Township of Readington.

SECTION 8. 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 9. REPEALER

All ordinances and resolutions or parts thereof which are inconsistent with this ordinance are repealed to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE. This ordinance shall take twenty (20) days following its final adoption and publication according to the laws of the State of New Jersey.

A ***MOTION*** was made by Mrs. Muir to introduce this ordinance, 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

The Public Hearing was scheduled for October 3, 2011 at 8:00 p.m.

- 4. ***What's Cooking Inc. to 215 White Liquors LLC*** – Person to Person Transfer of Liquor License

The following resolution was offered for consideration:

#R-2011-96

TOWNSHIP OF READINGTON

RESOLUTION

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License #1022-33-003-006, heretofore issued to ***What's Cookin Inc D/B/A***

Flamangoes, D/B/A The Junction, for premises located at Main Street, Whitehouse Station, New Jersey; and

Resolution #2011-96 cont'd:

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, does hereby approve, effective September 6, 2011, the transfer of the aforesaid Plenary Retail Consumption License to **215 White Liquors LLC.**, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: AThis license, subject to all its terms and conditions, is hereby transferred to **215 White Liquors LLC.**, effective September 6, 2011.

A **MOTION** was made by Mrs. Muir to adopt this resolution 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

5. **Option to Waive Construction Fees for Repairs of Damage from Hurricane Irene** – memo dated August 31, 2011 from Michael Kovonuk, Construction Code Official

Mayor Gatti stated that as a result of Hurricane Irene the Construction Code Official has offered to waive construction permit fees for township residents.

A **MOTION** was made by Mrs. Muir to waive construction permit fees for repairs of damages from Hurricane Irene for a period of one year, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

6. **Hunterdon County Chamber of Commerce** – letter dated August 19, 2011 requesting to hang a banner during the months of September-October for 23rd Annual Business EXPO

A **MOTION** was made by Mrs. Muir to approve hanging the banner for three (3) weeks prior to the event and to be taken down promptly thereafter, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

7. **Best Practices Inventory Program**

Mayor Gatti stated that the Best Practices Inventory Checklist is part of the requirement for receiving State Aid and the Township fared very well at 92% with zero percentage of State Aid being withheld.

* 8. ***Resolution to Authorize Competitive Contracting Process for the Purpose of Obtaining Proposals for a Solar Power Purchase Agreement***

This matter was addressed under the Consent Agenda.

* 9. ***Resolution to Make Application for County Open Space Trust Funds for Peters Farm***

This matter was addressed under the Consent Agenda.

* 10. ***Resolution to Purchase Road Repair Microsurfacing (Asphalt Paving Systems, Inc.)***

This matter was addressed under the Consent Agenda.

* 11. ***Resolution Authorizing Educational Services Commission Co-operative Purchases for Gasoline and Diesel Fuel (Allied Oil LLC)***

This matter was addressed under the Consent Agenda.

* 12. ***Blue Light Permit*** - Raymond A. Marvin

This matter was addressed under the Consent Agenda.

* 13. ***Blue Light Permit*** - Nick D'Aniello

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz commended the Emergency Management Team on their handling of Hurricane Irene. Mr. Auriemma also commended the Police Chief, Fire and Rescue Squad volunteers who had worked through the night during the hurricane. Mayor Gatti stated that from a Township perspective, the team did a great job planning and preparing for the worst if necessary. Administrator Mekovetz stated the Public Works department also did a great job clearing and removing trees along with the Building and Grounds department preparing beforehand to secure the municipal offices and records of the township. Mrs. Simon thanked Mayor Gatti for getting water and ice trucks in the parking lot for all county residents without power. Mr. Auriemma asked that letters be sent to those businesses who donated supplies and the department heads of those volunteers who assisted during the hurricane.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

ENGINEER'S REPORT

Engineer O'Brien stated that County Line Road project began work with the drainage; however the inclement weather will delay some of the paving.

Engineer O'Brien stated that as part of Tier A Municipal Stormwater Permit the Township is required to locate and inspect outfalls from the drainage systems, which need to be done during dry periods. Engineer O'Brien stated that since DPW was having trouble to get those inspections done, due to the weather and other priorities, a proposal was submitted to Administrator Mekovetz in the event someone from Hatch Mott McDonald would need to do those inspections. Mrs. Muir requested to speak with the Director of Public Works first on this matter.

Engineer O'Brien requested to do a power point presentation on stormwater issues to the governing body enabling the Township to earn five (5) points for Local Public Education.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti stated that he had nothing further to report.

Julia Allen

Mrs. Allen reported that Planning Board only had one meeting in July and one in August.

Mrs. Allen reported that she has been working with the Parks, Recreation, Leisure Activities Sub-committee and John Klotz and Robert Becker, from Open Space, to meet with eagle scouts on various trail projects. Mrs. Allen also stated that by the Cushetunk Nature Preserve there is a dock over the pond recently constructed by the eagle scouts.

Mrs. Allen reported a Sewer Advisory meeting has been scheduled for the end of September.

Tom Auriemma

Mr. Auriemma reported that Gabrielle Bolarakis, the new Recreation Director, has started and he is looking forward to working with her.

Beatrice Muir

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

Donna Simon

Mrs. Simon reported that Readington Township has agreed to become the lead agency in a shared service named East Hunterdon Solar Renewable Energy Cooperative Pricing (EHSREC) and entered into a professional service contract with Birdsall Engineering to perform a scope of services including a Feasibility Study for an RFP and a Power Purchase Agreement RFP of the project.

Mrs. Simon reported Readington Township was named one of the best towns in New Jersey by *New Jersey Monthly*.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

Mr. Auriemma stated that on Sunday, September 11th at 8:30 a.m. the Township is having a Memorial Service to commemorate the 10th Anniversary of 9/11.

As there was no further business, **A MOTION** was made by Mr. Auriemma at 9:56 p.m. to adjourn the meeting, seconded by Mrs. Simon with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO
Municipal Clerk