

**READINGTON TOWNSHIP COMMITTEE
MEETING – October 3, 2011**

Mayor Gatti *calls the meeting to order at 5:30 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>
6 Gulick Road LLC..... Block 10.01, Lot 1	Contract Negotiations.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Deed of Conservation Restriction.. Hunterdon County / Block 94, Lot 8	Contract Negotiations.....	“ “ “
Bergold / Block 52.01, Lot 22.....	Contract Negotiations.....	“ “ “
Green Acres Project Agreement ... Amendment / Greenway Initiative Acquisition	Contract Negotiations.....	“ “ “
Sewer Agreement / Block 36, Lot 48. (Hartman)	Contract Negotiations.....	“ “ “
Executive Session Minutes..... □ September 19, 2011	Attorney-Client Privilege.....	“ “ “

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

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

2. This Resolution shall take effect immediately.

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

The meeting reconvened at 7:30 p.m.

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

Executive Session:

Contract Negotiations / 6 Gulick Road LLC / Block 10.01, Lot 1

A **MOTION** was made by Mrs. Allen to approve the Deed of the Conservation Easement, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

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

The following ordinance was offered for introduction:

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF A CONSERVATION EASEMENT ON BLOCK 10.01, LOT 1 IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM ASHTON

Ordinance #19 -2011

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

SECTION 1. The Township of Readington shall accept a conservation easement ("Easement") on a 5.6+/-acre portion of property known as Block 10.01, Lot 1 on the official tax map of the Township of Readington and is located adjacent to Gulick Road, which has been offered to be donated by Christopher E. Ashton. (hereinafter" Grantor"). The aforesaid Easement shall run with the land and be binding on the Grantor and the Grantor's heirs and assigns. It is on file in the office of the Readington Township Clerk, at the Readington Township Municipal Building, 509 Route 523, Whitehouse Station, N.J.

SECTION 2. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall take effect immediately upon final adoption and publication according to law, upon recording of the Easement in the Hunterdon County Clerk's office. The ordinance shall also be recorded with the easement in the aforesaid Clerk's Office.

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

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

A Public Hearing was scheduled for November 7, 2011 at 8:00 p.m.

Contract Negotiations / Deed of Conservation Restriction / Hunterdon County / Block 94, Lot 8

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

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

Contract Negotiations / Bergold / Block 52.01, Lot 22

A **MOTION** was made by Mr. Auriemma to authorize Attorney Dragan to respond to the Bergold's attorney, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Contract Negotiations / Green Acres Project Agreement Amendment / Greenway Initiative Acquisition

The following resolution will be offered for consideration:

#R-2011-100

***STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES***

RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Readington has previously obtained a loan of \$3,250,000 and/or a grant of \$6,150,000 from the State to fund the following project(s): Greenway Initiative Acquisition, and

WHEREAS, the State and Township of Readington intends to increase Green Acres Funding; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. That Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$450,000, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$450,000.

Resolution #2011-100 cont'd:

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

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

Contract Negotiations / Sewer Agreement / Block 36, Lots 47 & 48 (Hartman)

A ***MOTION*** was made by Mrs. Muir to approve the amendment to the Sewer Allocation Agreement, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Attorney –Client Privilege / Executive Session Minutes (September 19, 2011)

A ***MOTION*** was made by Mrs. Simon to approve the Executive Session Minutes of September 19, 2011 for content only, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Gatti stated that this matter remains in Executive Session.

Mayor Gatti stated that there was an additional matter added to Executive Session.

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.

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 September 19, 2011

- * 2. ***Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Summer Road Improvements - Section 1 Project***

The following resolution was offered for consideration:

#R-2011-101

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SUMMER ROAD IMPROVEMENTS - SECTION 1 PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Readington Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA - 2012 - Readington Township – 00446 to the New Jersey Department of Transportation on behalf of Readington Township.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of Readington Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- * 3. ***Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Main Street – Streetscape - Section 1 Project***

The following resolution was offered for consideration:

#R-2011-102

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MAIN STREET – STREETSCAPE- SECTION 1 PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Readington Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as SST - 2012 - Readington Township - 00057 to the New Jersey Department of Transportation on behalf of Readington Township.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of Readington Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- * 4. ***Release of Escrow – Matonis, John & Linda (Block 60, Lot 16.02)***
- * 5. ***Readington Trail Association Annual Trail Pace – request to hold 3rd Annual Poker Run (October 23, 2011)***

* 6. **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	0-01	\$ 1,982.33
CURRENT FUND	1-01	\$ 419,465.91
SEWER APPROPRIATIONS	1-02	\$ 102,183.28
TRUST FUNDS	X-03	\$ 45,414.87
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 48,354.02
PAYROLL DEDUCTIONS	X-06	\$ 165,785.29
REG. & LOCAL SCHOOL TAX	X-07	\$2,498,178.00
2010 CAPITAL	X-10	\$ 5,313.94
2011 CAPITAL	X-11	<u>\$ 4,121.56</u>
TOTAL OF ALL FUNDS		\$ 3,290,799.20

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
- Mrs. Simon - Aye
- Mayor Gatti - Aye

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

PUBLIC HEARINGS

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

Clerk read by Title:

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**

Mayor Gatti stated that this ordinance formalizes what the Township is already practicing as part of the *Best Practices Checklist* and entitles the Township to receive aid from the State.

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 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***

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

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated September 14, 2011 from Ella M. Ruta, Municipal Clerk, Union Township regarding ***Support Amendment – Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et sq.)*** No action taken.
2. Memorandum dated September 19, 2011 from Rebecca E. D’Alleinne, Administrator, Planning Board, Township of Clinton regarding ***Amendment to the Land Use Element of the Clinton Township Master Plan.*** No action taken.
3. Notice by Applicant to Interested Parties dated September 17, 2011 from Brian and Michelle Regan regarding ***Application to the Land Use Board of the Township of Tewksbury for Variances and Provisions at 11 James Street in Oldwick, NJ.*** No action taken.
4. Resolution from Cecilia Covino, Municipal Clerk, Town of Clinton regarding ***Current Open Public Records Act be Amended to Preserve its Original Intent and Reduce Expenses to the Public by Providing that in Situations Where the Requested Documents are Already Available to the Public on a Download Government Website, Regardless of Format, a Referral of the Requestor to the said Website Shall Fully Comply with the OPRA Obligation of the Government Unit, with No Needs to Convert the Data Contained therein to any other Format.*** No action taken.
5. Notice of Public Hearing from Donald Carter, VP of Operations, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas regarding ***Revising its Weather Normalization Clause (“WNC”), its Societal Benefit Charge (“SBC”) and its On-System Margin Sharing Credit (“OSMC”).*** No action taken.
6. Notice of Public Hearing from Donald Carter, VP of Operations, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas regarding ***Revising the Remediation Adjustment Clause (“RAC”) component of its Societal Benefits Charge (“SBC”) rate.*** No action taken.

NEW BUSINESS

1. ***Request for Sewer Capacity for two (2) Affordable Housing Units at 27 Oldwick Road (Block 4, Lot 94)*** – Recommendation from the Sewer Advisory Committee

Mrs. Allen stated that the Sewer Advisory Committee is recommending that the Township Committee approve these two units in support of our COAH plan.

A **MOTION** was made by Mrs. Allen authorize Attorney Dragan to draft a Sewer Agreement for the two units of sewer capacity for Block 4, Lot 94, 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

2. ***Embankment Restoration (Main Street)*** – letter dated September 9, 2011 from resident Gloria Walker

Engineer O'Brien stated that he and Scott Jesseman visited this site and advised the Committee that the embankment is severely eroded with the sanitary line in danger of becoming exposed. Engineer O'Brien stated that he provided Administrator Mekovetz with an estimate for the DEP Permitting required to armor the embankment with stones. Mayor Gatti asked if the Township could apply for FEMA funds for the repair. Mayor Gatti requested that Administrator Mekovetz get an estimate to the Committee and start the process to move towards the restoration and make an application to the DEP.

- * 3. ***Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Summer Road Improvements - Section 1 Project*** – resolution

This matter was addressed under the Consent Agenda.

- * 4. ***Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Main Street – Streetscape - Section 1 Project*** – resolution

This matter was addressed under the Consent Agenda.

- * 5. ***Release of Escrow*** – Matonis, John & Linda (Block 60, Lot 16.02)

This matter was addressed under the Consent Agenda.

- * 6. ***Readington Trail Association Annual Trail Pace*** – request to hold 3rd Annual Poker Run (October 23, 2011)

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that a meeting took place with Scott Jesseman regarding the sidewalks on Main Street and that Scott went out to Main Street to assess the situation with the tree and the lifted sidewalk. A discussion took place on what would be involved in removing the trees and whether it would be more cost effective to address several of the problematic sidewalks at the same time. Mayor Gatti requested that Administrator Mekovetz get a cost estimate and recommendation from the Department of Public Works for the most cost effective and expeditious way to get this accomplished.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

ENGINEER'S REPORT

Engineer O'Brien reported that the milling and base course on County Line Road has been completed and the top course is scheduled for completion October 8th, weather permitting, followed by the striping the next week.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti reported that Saturday, October 15th is the Biannual Barn Dance at the Bouman Stickney Farmstead.

Mayor Gatti reported that Readington Museums submitted a grant to the Hunterdon County Cultural and Heritage Commission for \$1,000 to design and print new brochures for the museums.

Mayor Gatti reported that the 18th Century Gunsmith workshop was well attended.

Julia Allen

Mrs. Allen reported that the Open Space Walk on October 16th will take place at the East Whitehouse Greenway.

Mrs. Allen reported that the Sewer Advisory Committee met last week.

Tom Auriemma

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

Beatrice Muir

Mrs. Muir stated that well testing kits are available.

Donna Simon

Mrs. Simon reported that Readington Board of Education, Milford Board of Education, Flemington Borough will be participating in the solar co-op.

Mrs. Simon reported October 8th is the Grand Opening of the Dog Park at Hillcrest Park.

COMMENTS FROM THE PUBLIC

Karen Jenkins, 4 Weavers Lane, commented on the poor condition of the road and requested that it be considered for road reclamation.

Bruce Fuller, 145 Main Street, commented on the potential hazardous sidewalk in front of his house and questioned who is responsible for the sidewalk.

COMMENTS FROM THE GOVERNING BODY

As there was no further business, ***A MOTION*** was made by Mr. Auriemma at 8:30 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