

**READINGTON TOWNSHIP COMMITTEE
MEETING – December 27, 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. D. Simon

ALSO PRESENT: Deputy Township Clerk, Karin M. Parker

ABSENT: Mrs. B. Muir

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>
Devine v. Twp. of Readington..... et al. / Docket No. HNT-L-447-06	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Liability Insurance	Contract Negotiations.....	“ “ “

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:

Litigation / Devine v. Township of Readington, et al. / Docket No. HNT-L-447-06

A **MOTION** was made by Mrs. Allen to request that Attorney Cushing respond to the letter with a mutual dismissal, seconded by Mrs. Simon and on Roll Call vote the following was recorded:

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

Contract Negotiations / Liability Insurance

A **MOTION** was made by Mrs. Allen to approve the extension of liability coverage to Whitehouse First Aid and Rescue Squad in the Township program, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

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. **2011 Budget Appropriation Transfers**

The following resolution was offered for consideration:

#R-2011-112

**TOWNSHIP OF READINGTON
2011
BUDGET APPROPRIATION TRANSFERS**

PURSUANT TO NJSA 40A:4-58, a municipality may make budget appropriation transfers during the last two months of the fiscal year,

WHEREAS, there appears to be insufficient funds in the following 2011 appropriation account to meet the demands thereon for the balance of the year, viz:

Current Fund:	Sewer
Other Expenses:	Utility:
Engineering Services and	Other Expenses:
Costs	Service Fees RTMUA
Utilities -	
Gasoline	

WHEREAS, there appears to be a surplus in the following accounts, over and above the demand deemed to be necessary for the balance of the current year, viz:

Resolution #R-2011-112 cont'd:

<p>Current Fund: Other Expenses:</p> <p>Construction Official Financial Administration Tax Assessor Employee Group Insurance</p>	<p>Sewer Utility: Other Expenses:</p> <p>Operating Other Expenses</p>
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NOW THEREFORE BE IT RESOLVED, that in accordance with the provision of NJS 40A:4-58 part of the surplus in the accounts heretofore mentioned be and same hereby transferred to the accounts mentioned as being insufficient, to meet the current demands; and,

BE IT RESOLVED, that the Chief Financial Officer is hereby authorized and directed to make the following 2011 appropriation transfers:

<u>NO.</u>	<u>CURRENT FUND:</u>	<u>FROM</u>	<u>TO</u>
	Inside Caps: Other Expenses:		
023-200	Construction Official	\$25,000.00	
103-200	Financial Administration	5,000.00	
104-200	Tax Assessor	5,000.00	
117-700	Employee Group Insurance	23,000.00	
109-200	Engineering Services and Costs		\$ 23,000.00
702-004	Utilities - Gasoline		<u>35,000.00</u>
	Total Current Fund	<u>\$58,000.00</u>	<u>\$ 58,000.00</u>
	SEWER UTILITY: Other Expenses:		
850-200	Operating Other Expenses	\$12,900.00	
851-002	RTMUA Service Fees		\$ 12,900.00
	Total Sewer Utility	<u>\$12,900.00</u>	<u>\$ 12,900.00</u>

* 2. **Resolution to Cancel General Capital Ordinances**

The following resolution was offered for consideration:

#R-2011-113

RESOLUTION TO CANCEL GENERAL CAPITAL ORDINANCES

WHEREAS, there are ordinance balances in the General Capital Fund which are no longer required and should be canceled,

NOW, THEREFORE BE IS RESOLVED, by the Township Committee of the Township of Readington, that the Chief Financial Officer is hereby authorized to cancel the following balances and return them to the appropriate account:

<u>Ord #</u>	<u>Title</u>	<u>Amount</u>	<u>Housing Trust</u>	<u>Deferred Charges- Unfunded</u>
08-26	Acquisition of Property – Saqua	\$ 39,017.14		\$ 39,017.14
09-29	Acquisition of Property – Amawalk	7,791.34		7,791.34
10-33	Acquisition of Affordable Housing Unit	<u>2,076.00</u>	\$ 2,076.00	
	Total	<u>\$ 48,884.48</u>	<u>\$ 2,076.00</u>	<u>\$ 46,808.48</u>

* 3. ***Resolution to Cancel General Capital Reserves***

The following resolution was offered for consideration:

#R-2011-114

RESOLUTION TO CANCEL GENERAL CAPITAL RESERVES

WHEREAS, there are reserve balances on the General Capital Fund Balance Sheet which are no longer required and should be canceled,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, that the Chief Financial Officer is hereby authorized to cancel the following reserves and return them to the Capital Fund Balance:

Reserve for:

Emergency Vehicles	\$ 1,930.59
Road Improvements	76,636.00
Demolition Expense	<u>1,768.00</u>

Total **\$ 80,334.59**

* 4. ***Resolution to Accept FEMA Emergency Management Subgrant Award for FY2012***

The following resolution was offered for consideration:

#R-2011-115

***TOWNSHIP OF READINGTON
RESOLUTION***

BE IT RESOLVED, that the Governing Body of the Township of Readington, does, in anticipation of receiving, hereby accept a FEMA Emergency Management Subgrant Award for FY2012, from the New Jersey Department of Law and Public Safety, Division of State Police, in the amount of \$10,000 (\$5,000) federal funds and a Municipal Township Match of (\$5,000).

* 5. ***Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into a Stipulation of Settlement Relative to the Tax Appeal Captioned HFD Enterprises, LLC vs. Readington Township, Tax Court of New Jersey, Docket No. 011021-2010 and 004315-2011***

The following resolution was offered for consideration:

#R-2011-116

TOWNSHIP OF READINGTON

RESOLUTION AUTHORIZING THE SPECIAL TAX COUNSEL FOR THE TOWNSHIP OF READINGTON TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEAL CAPTIONED HFD ENTERPRISES, LLC VS. READINGTON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NO. 011021-2010 AND 004315-2011

WHEREAS, HFD Enterprises, LLC (“Taxpayer”), the owner of Block 39, Lot 53.11 on the Township of Readington’s Tax Assessment Maps, commonly known as 2 Boundary Road (“Property”), filed an appeal of their 2010 and 2011 tax assessments in the Tax Court of New Jersey, Docket Nos. 011021-2010 and 004315-2011; and

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

WHEREAS, the Assessor has inspected the property and reviewed the relevant market and has determined that the assessment on the Property should be reduced; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which affirms the assessment for the 2010 tax year, reduces the 2011 total tax assessment, and adjusts the 2012 total tax assessment levied upon Taxpayers’ Property; and

WHEREAS, the 2010 total tax assessment will be affirmed at \$2,950,000; and

WHEREAS, the 2011 total tax assessment, based upon said reduction will be \$2,800,000 instead of \$2,950,000 for the Property; and

WHEREAS, Taxpayers have agreed to waive interest on any refunds and accept credits in lieu of a refund; and

WHEREAS, Taxpayers agree, subject to the property not being sold for more than \$2,867,000 prior to the Tax Assessor closing her books for 2012, and there being no “change in value” (as that phrase has been interpreted under the Freeze Act) prior to the Tax Assessor closing her books for 2012, then and in that event, the 2012 tax assessment will be set by the Tax Assessor on the books at a total assessment of \$2,400,000; and

WHEREAS, Taxpayers, their successors and assigns have further agreed to waive any right it may have to file an appeal of the 2012 revised assessment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Township of Readington’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

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

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

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

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

Resolution #R-2011-116 cont'd:

1. The Township of Readington's Tax Assessor is hereby directed to establish allocation between land and improvements of a \$150,000 total tax assessment reduction for the 2011 tax year, and a total tax assessment of \$2,400,000 for the 2012 tax year, which are most beneficial to the Township of Readington and advise the Special Tax Counsel of those allocations.
2. The Special Tax Counsel is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of HFD Enterprises, LLC, Docket Nos. 011021-2010 and 004315-2011 which affirms the 2010 tax assessment on Block 39, Lot 53.11, which reduces the 2011 total tax assessment on said property from \$2,950,000 to a reduced total tax assessment of \$2,800,000 for the 2011 tax year, and conditioned upon the property not being sold for more than \$2,867,000 prior to the Tax Assessor closing her books for 2012, and conditioned upon there being no "change in value" (as that phrase has been interpreted under the Freeze Act) prior to the Tax Assessor closing her books for 2012 then and in that event, the 2012 tax assessment will be set by the Tax Assessor on the books at a total assessment of \$2,400,000; which further provides that the Taxpayer waives interest and will accept credits in lieu of any refunds; and which further provides that the Taxpayer, its successors and assigns agreed to waive any right it may have to file an appeal of the 2012 assessment; and acknowledge that the Township has entered into this Settlement in part in consideration for this waiver; and that the allocations between land and improvements as established by the Township Tax Assessor shall be set forth in said Stipulation of Settlement.
3. The settlement outlined above shall be without prejudice to the Township of Readington's dealings with any other Township taxpayers' request for tax assessment reductions.

* 6. **PAIC Renewal Membership**

The following resolution was offered for consideration:

#R-2011-117

PUBLIC ALLIANCE INSURANCE COVERAGE FUND RESOLUTION FOR RENEWAL MEMBERSHIP

WHEREAS, the Township of Readington, hereafter referred to as "**Public Entity**," is a member of the Public Alliance Insurance Coverage Fund, hereinafter referred to as "**Fund**"; and

WHEREAS, said renewal membership terminates as of January 1, 2012 at 12:01 a.m. standard time, unless earlier renewed by agreement between the **Public Entity** and the **Fund**; and

WHEREAS, the **Public Entity** is afforded the following types of coverages:

- Workers' Compensation
- Package (property, boiler & machinery, crime, auto & general liability; including Police Professional)
- Public Officials Liability
- Excess Liability: Auto & General Liability (including Police Professional)
Public Officials Liability
- Environmental Impairment Liability

WHEREAS, the **Public Entity** desires to renew said membership.

NOW THEREFORE, BE IT RESOLVED, as follows:

Resolution #R-2011-17 cont'd:

1. The **Public Entity** agrees to renew its membership in the **Fund** for a period of three (3) years beginning January 1, 2012 and ending January 1, 2015 at 12:01 a.m. eastern standard time and to be subject to the coverages, operating procedures, bylaws, and other organizational and operational documents of the **Fund** presently existing or as from time to time amended by the **Fund** and/or the Department of Banking and Insurance.
2. The **Public Entity** agrees that as a member of the Public Alliance Insurance Coverage Fund the **Public Entity** must purchase all types of coverages offered by the Fund that are applicable to the **Public Entity**.
3. The **Public Entity** hereby appoints Vita Mekovetz, Administrator/Municipal Clerk, as the **Public Entity's** Fund Commissioner and is authorized to execute the renewal Indemnity and Trust Agreement thereby evidencing annexed hereto and made a part hereof and to deliver the same to the **Fund the Public Entity's** renewal of its membership.

* 7. **Resolution to Designate a Risk Management Consultant**

The following resolution was offered for consideration:

#R-2011-118

**RESOLUTION TO DESIGNATE
RISK MANAGEMENT CONSULTANT**

WHEREAS, the Township of Readington has resolved to join the Public Alliance Insurance Coverage Fund (“PAIC”) following a detailed analysis; and

WHEREAS, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicated that PAIC shall pay each risk Management Consultant a fee to be established annually by the Executive Committee;

NOW THEREFORE, BE IT RESOLVED that the Township of Readington does hereby appoint Lisa Pfenninger Insurance Agency as its Risk Management Consultant in accordance with the Fund’s Bylaws.

* 8. **Release of Escrow** – Thomas C. Wallace (Block 903, Lot 42)

* 9. **Blue Light Permit** – Stewart L. Grossmith

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

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

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

CORRESPONDENCE / OTHER INFORMATION

There was none.

OLD BUSINESS

1. **Resolution Authorizing State Contract Purchase under Cranford Township CO-OP Purchasing Program** (Ford Police Interceptors - \$107,000)

Mayor Gatti stated that the Township budgeted last year for three (3) police vehicles and the fourth vehicle would be covered under the discretionary DEA funds. Mrs. Allen stated that there is a need for new video cameras in the police vehicles and would like to see the DEA money go towards the purchase of that equipment. Mrs. Simon stated that in her meeting with the Chief there was a discussion of a possible grant for the in-car video. The Committee discussed the purchase of a fourth vehicle with the DEA funds versus the need for new video equipment of which some could possibly be funded through a grant.

The following resolution was offered for consideration:

#R-2011-119

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

WHEREAS, the Township of Readington wishes to purchase (4) Ford Police Interceptors from an authorized vendor under the Cranford Township CO-OP 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: 11-12*; and

WHEREAS, Warnock Ford, 75 Route 10 East Hanover, NJ 07936 has been awarded Cranford Township CO-OP Purchasing Program Contract 11-314 Bid No. #1 for Ford Police Interceptors for the period one (1) year; 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 purchase of (4) Ford Police Interceptors is expected not to exceed \$107,000.00; 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 Warnock Ford be awarded a contract for a (4) Ford Police Interceptors; 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.

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

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

NEW BUSINESS

- * 1. **2011 Budget Appropriation Transfers** – resolution

This matter was addressed under the Consent Agenda.
- * 2. **Resolution to Cancel General Capital Ordinances**

This matter was addressed under the Consent Agenda.
- * 3. **Resolution to Cancel General Capital Reserves**

This matter was addressed under the Consent Agenda.
- * 4. **Resolution to Accept FEMA Emergency Management Subgrant Award for FY2012**

This matter was addressed under the Consent Agenda.
- * 5. **Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into a Stipulation of Settlement Relative to the Tax Appeal Captioned HFD Enterprises, LLC vs. Readington Township, Tax Court of New Jersey, Docket No. 011021-2010 and 004315-2011**

This matter was addressed under the Consent Agenda.
- * 6. **PAIC Renewal Membership** – resolution

This matter was addressed under the Consent Agenda.
- * 7. **Resolution to Designate a Risk Management Consultant**

This matter was addressed under the Consent Agenda.
- * 8. **Release of Escrow** – Thomas C. Wallace (Block 903, Lot 42)

This matter was addressed under the Consent Agenda.
- * 9. **Blue Light Permit** – Stewart L. Grossmith

This matter was addressed under the Consent Agenda.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

There were none.

As there was no further business, **A MOTION** was made by Mr. Auriemma at 7:50 p.m. to adjourn the meeting, seconded by Mrs. Allen with vote of ayes all, nays none recorded.

Respectfully Submitted:

Karin M. Parker
Deputy Township Clerk