

**READINGTON TOWNSHIP COMMITTEE  
MEETING – August 6, 2012**

Deputy Mayor Allen *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:** Deputy Mayor J. Allen, Mrs. B. Fort, Mrs. B. Muir

**ALSO PRESENT:** Administrator Mekovetz, Attorney S. Dragan

**ABSENT:** Mayor T. Auriemma, Mr. F. Gatti

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis Of Public Exclusion</u></b>	<b><u>Date Anticipated When Disclosed to Public</u></b>
Personnel Matters.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Department of Public Works.....	Personnel.....	“ “ “
Police Department.....	Personnel.....	“ “ “
Building & Grounds / Local No. 469.	Contract Negotiations.....	“ “ “
Department of Public Works / ..... Local No. 469	Contract Negotiations.....	“ “ “
Shared Services / Town of Clinton....	Contract Negotiations.....	“ “ “
Affordable Housing Agreement..... Block 36, Lot 48	Contract Negotiations.....	“ “ “
Sewer Agreement / ..... Block 4, Lot 94 (Fleck)	Contract Negotiations.....	“ “ “
Block 63, Lot 66 & 68 ..... (Yard-Smith)	Contract Negotiations.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• July 16, 2012		

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. Muir to adopt this resolution, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:50 p.m.

Deputy Mayor Allen led those present in the *Salute to the Flag*.

***Executive Session:***

***Personnel / Personnel Matters***

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

***Personnel / Department of Public Works***

A **MOTION** was made by Mrs. Fort to terminate Ronald Lemieux from the Department of Public Works, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Personnel / Police Department***

A **MOTION** was made by Mrs. Fort to accept the retirement of Lt. Michael Kaulius, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

A **MOTION** was made by Mrs. Muir to send a letter thanking Lt. Kaulius for his years of exemplary service, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

***Contract Negotiations / Building and Grounds / Local No. 469***

A **MOTION** was made by Mrs. Muir to accept the proposal from Building and Grounds to settle the negotiated four (4) year contract, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Contract Negotiations / Department of Public Works / Local No. 469***

A **MOTION** was made by Mrs. Fort to accept the proposal from Department of Public Works to settle the negotiated three (3) contract, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Contract Negotiations / Shared Services / Town of Clinton***

A ***MOTION*** was made by Mrs. Muir to authorize Administrator Mekovetz to continue negotiations with the Town of Clinton to draft a contract for shared services for the Municipal Court, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Contract Negotiations / Affordable Housing Agreement / Block 36, Lot 48***

A ***MOTION*** was made by Mrs. Muir to approve the drafted Affording Housing Agreement, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Contract Negotiations / Sewer Agreement / Block 4, Lot 94 (Fleck)***

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

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

***Contract Negotiations / Block 63, Lot 66 & 68 (Yard-Smith)***

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

***Attorney-Client Privilege / Executive Session Minutes / July 16, 2012***

A ***MOTION*** was made by Mrs. Fort to approve the Executive Session Minutes of July 16, 2012 for content only, seconded by Mrs. Muir 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***

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

Deputy Mayor Allen stated that an additional matter was added to Executive Session.

***Attorney-Client Privilege / Security***

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

Deputy Mayor Allen 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.

Mrs. Allen requested to remove the approval of minutes of meeting of July 16, 2012 from the Consent Agenda.

\* 1. ***Acceptance of 2011 Audit Report***

The following resolution was offered for consideration:

**# R-2012-98**

**TOWNSHIP OF READINGTON  
RESOLUTION**

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

**WHEREAS**, The Annual Report of Audit for the year 2011 has been filed by the Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

General Comments  
Recommendations

and

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

General Comments  
Recommendations

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

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

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

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

R.S. 52:27BB-52 - AA local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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



\* 4. ***Resolution to Extend Grace Period for Payment of Third Quarter 2012 Property Taxes***

The following resolution was offered for consideration:

***#R-2012-100***

***READINGTON TOWNSHIP***

***HUNTERDON COUNTY, STATE OF NEW JERSEY***

***RESOLUTION***

***WHEREAS***, the 2012 tax rate was received by Readington Township on July 11, 2012 and,

***WHEREAS***, 2012 Final/2013 Preliminary Tax Bills were mailed to property owners on July 18, 2012 and,

***WHEREAS***, pursuant to N.J.S.A. 54:4-66.3, the grace period for payment of taxes must not be less than 25 days from the date that the bills were mailed.

***NOW THEREFORE BE IT RESOLVED*** by the Township Committee of the Township of Readington that the grace period for payment of 3<sup>rd</sup> Quarter 2012 property taxes be extended to August 27, 2012, with interest accruing from August 1, 2012 for any payments not made within the grace period.

\* 5. ***Resolution Authorizing CO-OP Purchases***  
(Cliffside Body Corporation / Mason Dump Truck Body and Additional Equipment of a Spreader, and Hydraulics)

The following resolution was offered for consideration:

***#R-2012-101***

***TOWNSHIP OF READINGTON***

***RESOLUTION AUTHORIZING CO-OP PURCHASES***

***WHEREAS***, the Township of Readington wishes to purchase one (1) mason dump truck body and additional equipment of a spreader, and hydraulics from an authorized vendor under the Somerset County CO-OP Purchasing Program and

***WHEREAS***, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

***WHEREAS***, Cliffside Body Corporation, 130 Broad Avenue, Fairview, NJ 07022 has been awarded Somerset County CO-OP Purchasing Program Contract No. # CC-9004-12 for the body, spreader, and hydraulics to be additional equipment for the truck; 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 (1) Ford 550 Mason Dump Truck and the additional equipment of the body, spreader, hydraulics and plow is expected not to exceed \$31,452; and

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

**Resolution #R-2012-101 cont'd:**

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Cliffside Body Corporation be awarded the contract for the dump body and additional equipment of spreader, and hydraulics; 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. **Resolution Authorizing State Contract Purchases**  
(Ditschman / Flemington Ford / Ford 550 Cab Chassis and Plow)

The following resolution was offered for consideration:

**#R-2012-102**

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

**WHEREAS**, the Township of Readington wishes to purchase one (1) Ford 550 Cab Chassis and plow from an authorized vendor under the State Contract Purchasing Program and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, *N.J.S.A. 40A:11-12*; and

**WHEREAS**, Ditschman/Flemington Ford, 215 Routes 202 & 31, Flemington, NJ 08822 has been awarded State of New Jersey Contract No. A79113 T2789 for a Ford 550 Cab/Chassis; 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 (1) Ford 550 Cab/Chassis and plow is expected not to exceed \$48,834; 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 Ditschman/Flemington Ford be awarded a contract for the Ford 550 Cab Chassis and plow; and

**BE IT FURTHER RESOLVED**, The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of this award; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

- \* 7. **Resolution Authorizing State Contract Purchases**  
(Asphalt Paving Systems / Road Repair Microsurfacing)

The following resolution was offered for consideration:

**#R-2012-103**

**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, has been awarded State of New Jersey Contract #81757 (Index# T-2507), for the period between 7/01/12 through 7/01/14; 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 \$115,000; 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.

- \* 8. **Resolution Authorizing Alcoholic Beverage License Renewal - Ryland Manor LLC (2012-13)**

The following resolution was offered for consideration:

**#R-2012-104**

**TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING ALCOHOLIC BEVERAGE LICENSE RENEWAL**

**BE IT RESOLVED**, by the Township Committee of the Township of Readington that the following Readington Township Alcoholic Beverage License Renewals for 2012-2013 be approved:

**PLENARY RETAIL CONSUMPTION:**

<b><u>LICENSE NUMBER</u></b>	<b><u>LICENSE HOLDER</u></b>	<b><u>MUNICIPAL FEE</u></b>	<b><u>STATE FEE</u></b>
1022-33-006-008	Ryland Manor LLC	\$1,845.50	\$200.00

- \* 9. ***Certification of Municipal Affordable Housing Trust Fund Status***
- \* 10. ***Municipal Alliance Renewal Application 2013***
- \* 11. ***Postponement of Mortgage*** – (Thomas Gaglione, 173 Aster Court)
- \* 12. ***Release of Driveway Bond*** (Block 31, Lot 37.02 / 17 Whitehouse Avenue) / \$600
- \* 13. ***Release of Driveway Bond*** (Block 45, Lot 26.08 / 11 Winterberry Court) / \$600
- \* 14. ***Release of Board of Health Escrow*** / Caprara, Kathleen (Block 52, Lot 4 / 784 County Road 523) / \$750.00
- \* 15. ***Release of Police Escrow*** / Fiddler’s Elbow Country Club /\$76.71
- \* 16. ***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	2-01	\$1,678,853.75
SEWER APPROPRIATIONS	2-02	\$ 152,065.50
TRUST FUNDS	X-03	\$ 141,793.84
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 504,765.53
PAYROLL DEDUCTIONS	X-06	\$ 322,816.04
REG & LOCAL SCHOOL TAX	X-07	\$2,430,729.00
2012 CAPITAL	X-11	<u>\$ 3,572.52</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$5,234,596.18</b>

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

Mrs. Fort - Aye  
 Mrs. Muir - Aye  
 Deputy Mayor Allen - Aye

**APPROVAL OF MINUTES** of meeting of July 16, 2012

A **MOTION** was made by Mrs. Muir to approve the minutes of the meeting of July 16, 2012 as amended with a vote of ayes all, nays none recorded.

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

John Cunha, 21 Militia Road, requested to read a letter to serve as formal notification of a request to appeal the Sewer Advisory Committee’s recommendation of sewer capacity Allocation for Block 32, Lot 9.

Mr. Cunha read the following letter:

*Dear Deputy Mayor Allen, Mayor Auriemma and members of the Township Committee,*

*On July 31, 2012, I appeared before the Sewer Advisory Committee (SAC) and requested the unrestricted allocation of 700 gallons of sewer capacity per day for 2 Whitehouse Avenue, property which I purchased on July 13, 2012. The 700 gallons of allocation was requested to be transferred to me pursuant to ordinance 187-26E from the prior property owner who had 900 gallons of sewer capacity in reserves granted by the Township Committee on June 21, 2005, for me to construct a two family residential structure.*

*After I provided what I felt was compelling and convincing reasons why the SAC should recommend to the Township Committee the approval of the allocation, the SAC unanimously denied the request for the allocation for the construction of a two family structure with both market rate units; the SAC made a subsequent unanimous ruling for the approval of the allocation provided that one be a COAH unit and the other one a market rate unit. I made a second request for the approval of the allocation to include a COAH unit provided that the approval of the restricted allocation would in no way diminish or prevent me from appealing its decision to the Township Committee to remove the restriction. The SAC was willing to allocate 350 gallons per day of unrestricted capacity if I was to construct a single family house; however the additional 350 gallons needed for the second apartment would only be available from the COAH reserves.*

*It is requested that the Township Committee review the record and testimony, including the documents provided on July 31, 2012, and overturn or modify the SAC's recommendations for denial for the unrestrictive allocation or approval of the allocation with restriction. As the record will reflect, I believe there are extenuating characteristics and circumstances unique to the property which warrant the approval of the allocation without the COAH restriction. Some of the reasons cited were that both the municipal ordinance 187-5c and the Wastewater Management Plan adopted by the NJ DEP in 1991 (in effect pending the adoption of new plan), is that the property is located in the sewer service area and is required to be serviced by the existing sewerage authority; the pending new Wastewater Management Plan which was submitted to the DEP by the Hunterdon County Planning Board on July 2, 2012, also has the lot designated in sewer service area – Letter was provided to the SAC; the property is not conducive for the installation of a subsurface septic system; requiring the installation of septic system on the property will potentially cause a public health issue because there are wetlands on the property and there are four neighboring wells which are within 100 feet of the property leaving not enough usable space suitable for an appropriate septic system – Document with location of neighboring wells in relation to property provided to the SAC.*

*Additionally, the property has been a ratable and taxable buildable lot prior to installation of the sewer lines in the early 1980's (prior to the passage of any township ordinances regarding sewer capacity allocation and the need for the rationing of sewer capacity), and the sewer line runs directly in front of the property.*

*The SAC's denial of the unrestricted allocation and the approval of allocation with restrictions, deprives me as a property owner from making full potential use of my property as other property owners in the township. In essence, property owners in the sewer serviced area versus those outside the sewer service area bound by the approval of allocations to determine what they can or cannot build on their property.*

*On the record, I requested that the SAC, before making a decision, consider ordinance 187-26A(2) when exercising its discretion in recommending the approval of the sewer allocation to the Township Committee. The ordinance states, "The Township reserves the right to keep that portion of sewerage capacity needed for "reserve" to meet NJDEP requirements." I suggested that because of the currently adopted Wastewater Management Plan and pending one filed with the NJDEP which lists the property in the sewer serviced area, and NJDEP regulations (also county health and township ordinances) regarding location of septic systems in close proximity to wells, are "NJDEP requirements," that allocations can perhaps be given from these reserves (rather than from COAH).*

*Ordinance 187-26A(2) is very broad and vague. It is therefore requested that the Township Committee provide to me in writing an interpretation of the ordinance to include what are the specific “NJDEP requirements” referred to in the ordinance, the total number of sewerage capacity in reserve, what the reserves are used for, and if any of the reserves were allocated to any property within the past ten years.*

*If after reviewing the record of 7-31-12, the Township Committee is not swayed to overturn or modify the SAC’s decisions, it is requested that the Township Committee exercise its power and discretion under ordinance 187-26C and recapture 350 gallons needed for my project from those individuals who have approved allocations but have not received an approval by the appropriate township board within two years of approval of the allocation, or those who have not commenced construction within two years after preliminary approval. As I mentioned on the record, I am ready to begin the process necessary for approval by the appropriate township board in the immediate future, and would not be sitting on the allocations.*

*During the committee hearing, representation was made that there was no sewer capacity in reserve assigned to the prior property owner. However, I have a copy of a letter dated June 21, 2005, indicating approval by the Township Committee in the June 20, 2005 meeting. A review of the minutes of the Township Committee meeting on June 20, 2005, will confirm the vote and approval. If for this particular property the Township Committee did exercise its power and discretion under ordinance 187-26C and recaptured the 900 gallons of sewer capacity allocation it previously approved, it is requested that I be provided with the date in which the Township Committee voted on the issue, a copy of the minutes of the meeting, and a copy of the letter sent to the prior property owner.*

*After reviewing all the necessary and relevant information for the Township Committee to render an informed final decision it still denies my request to overturn/modify the SAC decisions, and 700 gallons per day of sewer allocation is granted only if one unit is a COAH unit, it is respectfully requested that I be afforded the opportunity to pursue to make the necessary applications with the Zoning Board of Adjustment while I exhaust whatever remedies are available for me to have the restriction removed.*

*I look forward to bringing this issue to an amicable resolution and am receptive to any reasonable conditions and/or stipulations the Township Committee is willing to propose.*

*Please advise if the Township Committee needs additional information to supplement the 7-31-12 record to render a final decision.*

Attorney Dragan explained that the process of the Sewer Advisory Committee is to make the recommendation; however, the Township Committee makes the final decision on any sewer capacity therefore this would need to be set for a meeting to determine any decision.

### ***PUBLIC HEARINGS***

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

Clerk read by Title:

***AN ORDINANCE AUTHORIZING THE ACQUISITION OF A CERTAIN REAL  
PROPERTY KNOWN AS BLOCK 52.01, LOT 22 IN THE TOWNSHIP OF READINGTON  
FROM JEFFREY BERGOLD AND LAUREN BERGOLD***

***ORDINANCE #17-2012***

Deputy Mayor Allen stated that this property is a partial donation that was negotiated, located between several Readington Township owned properties, adding to the value of the open acquisition of the Township.

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

Mrs. Muir commented that this is an acquisition that is very reasonably priced which will enhance adjacent open space properties.

Deputy Mayor Allen asked if there were any comments from the public.

There were none.

A **MOTION** was made by Mrs. Fort 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 ACQUISITION OF A CERTAIN REAL PROPERTY KNOWN AS BLOCK 52.01, LOT 22 IN THE TOWNSHIP OF READINGTON FROM JEFFREY BERGOLD AND LAUREN BERGOLD***

***ORDINANCE #17-2012***

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

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

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

Clerk read by Title:

***ORDINANCE APPROPRIATING \$130,000 FROM THE OPEN SPACE TRUST FUND FOR THE ACQUISITION OF BLOCK 52.01, LOT 22 IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY***

***ORDINANCE # 18-2012***

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

There were none.

Deputy Mayor Allen asked if there were any comments from the public.

There were none.

A **MOTION** was made by Mrs. Fort 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:

***ORDINANCE APPROPRIATING \$130,000 FROM THE OPEN SPACE TRUST FUND FOR THE ACQUISITION OF BLOCK 52.01, LOT 22 IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY***

***ORDINANCE # 18-2012***

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

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

**CORRESPONDENCE / OTHER INFORMATION**

1. Resolution from Cynthia Ege, City Clerk, City of Lambertville regarding ***A Resolution Supporting Military Initiative to Employ Reservist and National Guard Members.*** No action taken.
2. Notice to Public Service Electric and Gas Company Customers from Mally Becker, Esq. regarding ***the Matter of the 2012-2012 Annual Compliance Filing for Change in the Statewide Electric and Gas Permanent Universal Service Fund Program Factors within the Electric and Gas Societal Benefits Charges Rates Pursuant to N.J.S.A. 48:2-21 and N.J.S.A.48:2-21.1.*** No action taken.
3. Letter dated July 19, 2012 from Jose Rivera-Benitez, Esq., Assistant Deputy Rate Counsel, State of New Jersey regarding ***the Matter of Comcast Cable Communications, LLC for a Determination of Effective Competition in Chatham.*** No action taken.
4. Notice to Public Service Electric and Gas Company Customers from Mally Becker, Esq., Assistant General Regulatory Counsel regarding ***the Matter of the Petition of Public Service Electric and Gas Company to Revise its Weather Normalization Charge and for Changes in the Tariff for Gas Service B. P.U.N.J. No. 15 Gas Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.*** No action taken.
5. Legal Notice from Michael P. O'Grodnick, Esq., Mauro, Savo, Camerino, Grant & Schalk regarding ***Stavola Quarries, LLC applying to Tewksbury Township Planning Board for a Minor Three Lot Subdivision of 318 Acres along each of the Three Township Zone Lines in Block 44, Lt 24 of the Township Tax Map.*** No action taken.
6. Notice of Public Hearing from Brian MacLean, VP of Operations, Pivotal Utility Holdings, Inc. d/b/a/ Elizabethtown Gas regarding ***the Matter of 2012/13 Annual Compliance Filing for the Universal Service Fund and Lifeline Program Components within the Societal Benefits Charges Rate.*** No action taken.

**NEW BUSINESS**

1. ***Solar/Renewable Energy Facilities Ordinance***

Deputy Mayor Allen stated that there is an ordinance review subcommittee working in an advisory capacity to the Planning Board to identify potential improvements to our zoning ordinances and this particular solar/renewal energy facilities ordinance has been recommended for some time. Mrs. Muir requested more time to review the ordinance and asked that it be deferred until the next meeting.

***A MOTION*** was made by Mrs. Muir to defer this matter to the meeting of September 4, 2012, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

2. ***ROM-2 / Conditional Use / Solar Changes Ordinance***

Deputy Mayor Allen stated that there is a legislative requirement that solar facilities must be zoned as a permitted use in industrial commercial zones which is what this proposed ordinance does. Mrs. Allen continued that based on some recent concerns that it was too restrictive to not allow warehousing in areas where there is good access, this amendment would also allow warehousing where there is access to Tannery Road and County Line Road. Mrs. Muir questioned that since the previous ordinance with regard to solar/renewal energy facilities, was tabled, would this ordinance be able stand on its own. Attorney Dragan advised that it would be problematic if a reference was being made to a section

from the previous ordinance that does not exist yet. Deputy Mayor Allen suggested introducing the ordinance excluding the references to solar energy facilities.

The following amended ordinance was offered for introduction:

***AN ORDINANCE AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE ROM-2 ZONE***

***ORDINANCE #19-2012***

**WHEREAS**, the Township of Readington recognizes the need to maintain and promote a healthy commercial/industrial economy within the Township that is balanced with residential uses; and

**WHEREAS**, the Township of Readington recognizes that warehousing, as a principal use, can contribute to the commercial/industrial economy of the Township; and

**WHEREAS**, the existing ROM-2 Research Office Manufacturing zone district contains lands, buildings, facilities and thoroughfares that are well-suited to commercial/industrial uses; and

**WHEREAS**, the Township of Readington finds that, under certain circumstances, warehousing can be an appropriate commercial/industrial use within the ROM-2 Research Office Manufacturing zone district;

**NOW BE IT ORDAINED**, by the Township Committee of the Township of Readington, that the following amendments to the Land Development Regulations, Article IV District Regulations, and Article V Conditional Uses, Exceptions, Modifications and Critical Areas are enacted in order to permit warehousing as a conditionally-permitted principal use within the ROM-2 Zone district, subject to having favorable vehicular access to the signalized intersection of County Line Road and US Route 22;

(Insertions are indicated **thus** and deletions are indicated ~~**thus**~~.)

**Section 1.** Article IV entitled “District Regulations” shall be amended as follows:  
§ 148-24. ROM-2 Research Office and Manufacturing Park Zone.

A. Purpose - ROM-2 Zone. This district is intended to permit the development of small research, office and manufacturing uses on smaller size lots within a planned park.

B. Permitted principal uses - ROM-2 Zone.

- (1) Professional, administrative and business offices.
- (2) Light manufacturing.
- (3) Research, testing and analytical laboratories.
- (4) Computer centers.
- (5) Agriculture.
- (6) Child-care centers.
- (7) Public and private open space and parks.
- (8) ~~Product Assembly Stand-alone renewable energy facilities.~~
- (9) ~~Wholesaling.~~ Product Assembly

C. Accessory uses - ROM-2 Zone.

- (1) Signs as regulated in Article XII.
- (2) Private garages off-street parking and truck loading spaces.
- (3) Eating facilities not open to the general public.
- (4) Display showrooms for products of permitted on-site research, testing or manufacturing.

**Ordinance #19-2012 cont'd:**

- (5) Fences and walls as regulated in Article VI.
- (6) Child-care centers for the sole use of employees of the principal use. (The floor area occupied by the accessory child-care center shall be excluded in calculating any parking requirements otherwise applicable to that number of units or amount of floor space and the permitted density allowable for that building or structure.)
- (7) Warehousing.  
[Amended 5-7-2012 by Ord. No. 14-2012]
- (8) Repair and service of vehicles that are used, solely, in the operation of a permitted principal use. Repair and service are only permitted when conducted within an enclosed building.  
[Amended 5-7-2012 by Ord. No. 14-2012]
- (9) Accessory solar energy facilities  
[Amended 5-7-2012 by Ord. No. 14-2012]

D. Conditional uses - ROM-2 Zone (subject to regulations set forth in Article V).  
[Amended 7-6-2009 by Ord. No. 19-2009]

- (1) Public utilities.
- (2) Assembly uses.
- (3) Warehousing.

E. Prohibited uses - ROM-2 Zone.  
[Amended 5-7-2012 by Ord. No. 14-2012]

- (1) Retail sale of goods and services to the general public
- (2) All residential uses.
- (3) Trucking facilities or truck terminals.
- (4) Outdoor storage of any loose bulk material.
- (5) Outdoor storage of material that is not completely and opaquely screened from public streets or rights-of-way or adjacent properties. Outdoor storage includes all vehicles that are not used by employees solely for travel to and from the work site.

F. Area and yard requirements - ROM-2 Zone.

- (1) Minimum tract area: 25 acres (sites less than 25 acres shall develop under the ROM-1 standards).
- (2) Minimum lot area: 108,700 square feet.
- (3) Minimum lot circle, per lot: 300 feet.
- (4) Minimum street frontage: 50 feet.
- (5) Minimum setbacks:
  - (a) Front yard: 50 feet.
  - (b) Side yard: 30 feet.
  - (c) Rear yard: 30 feet.
- (6) Buffers. Minimum width of screening buffer adjacent to a residential zone or existing residential use (screening buffers shall be planted in accordance with § 148-63): 50 feet.
- (7) Height: 35 feet.
- (8) Maximum floor area ratio (F.A.R.):

Percentage Primary Access

- 0.20      Onto County Line Road with public water and public sewer service
- 0.17      Onto County Line Road without public sewer or public water service
- 0.18      On to a road other than County Line Road with public sewer and public water service
- 0.15      On to a road other than County Line Road and without public sewer or public water service

**Ordinance #19-2012 cont'd:**

(9) Maximum impervious coverage (MIC) ratio:

Percentage Primary Access

- 0.40       Onto County Line Road with public water and public sewer service
- 0.35       Onto County Line Road without public sewer or public water service
- 0.35       Onto a road other than County Line Road with public sewer and public water service
- 0.30       Onto a road other than County Line Road and without public sewer or public water service

G. Minimum off-street parking - ROM-2 Zone. Each individual use shall provide parking spaces according to the following provisions. No parking area shall be permitted in a front yard. No parking area shall be located within 25 feet of any property line. Where wider buffer areas are required, the parking and driveways shall comply with the buffer requirements.

- (1) Professional, administrative and business offices under 50,000 square feet of gross floor area shall provide one space per 200 square feet of gross floor area.
- (2) Professional, administrative and business offices from 50,000 to 99,999 square feet of gross floor area shall provide one space per 250 square feet of gross floor area.
- (3) Professional, administrative and business offices 100,000 square feet or greater in gross floor area shall provide one space per 285 square feet of gross floor area.
- (4) Wholesaling shall provide one space per 5,000 square feet of gross floor area. [Amended 5-7-2012 by Ord. No. 14-2012]
- (5) Research, testing and analytical laboratories shall provide one space per 1,000 square feet of gross floor area.
- (6) Computer centers shall provide one space per 200 square feet.
- (7) Light manufacturing and the processing, bottling, packaging and distribution of milk and milk products shall provide one space per 800 square feet of gross floor area.
- (8) Child-care centers shall provide one space per three children.
- (9) Product assembly shall provide one space per 800 square feet of gross floor area.
- (10) Warehousing shall provide one space per 5,000 square feet of gross floor area.** [Added 5-7-2012 by Ord. No. 14-2012]

**SECTION 2.** Article V entitled “Conditional Uses, Exceptions, Modifications and Critical Areas” is hereby amended to add the following:

§148-34.     Warehousing

Warehousing shall be permitted as a principal use subject to the following:

- A.     The use is located on a property that has direct, primary access to County Line Road, Commerce Street, Tannery Road or Boundary Road;
- B.     The maximum total number of tractors, trailers and tractor/trailers that may be on-site at any one time shall not exceed the total number of exterior freight loading spaces and freight loading docks of the warehouse facility;
- C.     Other than exterior freight loading spaces and freight loading docks, there shall be no other places designated for parking/storage of tractors, trailers or tractor/trailers on-site.

**Ordinance #19-2012 cont'd:**

D. No maintenance, repair or fueling of tractors, trailers or tractor/trailers is permitted on-site.

**SECTION 3.** All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

**SECTION 4.** This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

**SECTION 5.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 6.** This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A **MOTION** was made by Mrs. Muir to introduce this ordinance with the recommended changes, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mrs. Fort - Aye  
Mrs. Muir - Aye  
Deputy Mayor Allen - Aye

The Public Hearing was scheduled for September 4, 2012 at 8:00 p.m.

3. **Recommendations from the Sewer Advisory Committee** – memo dated August 1, 2012 from Karin Parker, Sewer Advisory Committee

Deputy Mayor Allen reiterated that the Sewer Advisory Committee had made a recommendation to deny the request for sewer capacity for the two (2) unrestricted units for Block 32, Lot 9 and then made a recommendation to approve the request for two (2) units, 700 gallons, of sewer capacity for Block 32, Lot 9 for one market rate unit and one COAH unit. Deputy Mayor Allen stated that the Sewer Advisory Committee recommends granting sewer capacity for affordable housing or emergency situations only. Deputy Mayor Allen stated that after the presentation of Mr. Cunha's letter, she recommended that Attorney Dragan analyze the letter and more information can be provided to fully discuss this matter at the next meeting.

- \* 4. **Acceptance of 2011 Audit Report** – resolution

This matter was addressed under the Consent Agenda.

- \* 5. **Corrective Action Plan to 2011 Audit**

This matter was addressed under the Consent Agenda.

- \* 6. **Resolution to Cancel Current Fund Balance Sheet Account**

This matter was addressed under the Consent Agenda.

- \* 7. **Resolution to Extend Grace Period for Payment of Third Quarter 2012 Property Taxes**

This matter was addressed under the Consent Agenda.

- \* 8. **Resolution Authorizing CO-OP Purchases**

(Cliffside Body Corporation / Mason Dump Truck Body and Additional Equipment of a Spreader, and Hydraulics)

This matter was addressed under the Consent Agenda.

- \* 9. **Resolution Authorizing State Contract Purchases**  
(Ditschman / Flemington Ford / Ford 550 Cab Chassis and Plow)

This matter was addressed under the Consent Agenda.

- \* 10. **Resolution Authorizing State Contract Purchases**  
(Asphalt Paving Systems / Road Repair Microsurfacing)

This matter was addressed under the Consent Agenda.

- \* 11. **Resolution Authorizing Alcoholic Beverage License Renewal -**  
Ryland Manor LLC (2012-13)

This matter was addressed under the Consent Agenda.

- \* 12. **Certification of Municipal Affordable Housing Trust Fund Status**

This matter was addressed under the Consent Agenda.

- \* 13. **Municipal Alliance Renewal Application 2013**

This matter was addressed under the Consent Agenda.

- \* 14. **Postponement of Mortgage** – (Thomas Gaglione, 173 Aster Court)

This matter was addressed under the Consent Agenda.

- \* 15. **Release of Driveway Bond** (Block 31, Lot 37.02 / 17 Whitehouse Avenue) \$600

This matter was addressed under the Consent Agenda.

- \* 16. **Release of Driveway Bond** (Block 45, Lot 26.08 / 11 Winterberry Court) \$600

This matter was addressed under the Consent Agenda.

- \* 17. **Release of Board of Health Escrow** / Caprara, Kathleen (Block 52, Lot 4 / 784 County Road 523)

This matter was addressed under the Consent Agenda.

- \* 18. **Release of Police Escrow** / Fiddler's Elbow Country Club

This matter was addressed under the Consent Agenda.

Administrator Mekovetz reminded the Committee to discuss setting up a Concerned Citizens meeting with JCP&L. Deputy Mayor Allen suggested scheduling the meeting at a future date, late September/early October, to enable JCP&L enough time to accumulate the information to make the meeting informative.

Administrator Mekovetz stated that Mrs. Filler requested a study of Dreahook Road and perhaps several other roads with respect to traffic safety and police enforcement on those narrow winding roads that are being used by residents for biking, walking, horseback riding and other recreational uses. Deputy Mayor Allen suggested that some of the Committee members meet with the Director of Public Works and a representative from the Police Department to discuss speeding on connector roads. Mrs. Muir felt that the flashing speed limit signs with police enforcement would be a better solution. Administrator Mekovetz stated that she would speak with the Chief Donaruma to have two flashing speed limit signs placed on Dreahook Road.

Deputy Mayor Allen announced the Notice of the Adjudicatory Hearing, Category A, Sanitary Waste Water and a Gypsies Permit No. NJ0102563, Route 78 office area in Tewksbury. Administrator Mekovetz stated that Belle Meade had re-applied for a renewal of their permit on November 5<sup>th</sup> and the department issued an updated draft dated January 6, 2011. Deputy Mayor Allen stated that they were required to notify anyone who had commented or attended the public hearing and they had failed to do so and just recently, they had sent certified letters to all those who had attended that meeting. Deputy Mayor Allen reported that there is a thirty (30) day window in which to be *designated as an interested party* and notify them pursuant to NJAC 7:14A-17.2.

A **MOTION** was made by Mrs. Muir to send a letter requesting Readington Township be designated an interested party to the action, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

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

Attorney Dragan stated that she had nothing further to report.

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

##### **Julia Allen**

Deputy Mayor Allen stated that she had nothing further to report.

##### **Betty Ann Fort**

Mrs. Fort reported that the Main Street sidewalks are completed from the post office to Kings. Mrs. Fort stated that she is continuing to work on some sidewalks issues and has forwarded to the members of the Committee, a list of all the streets in town that have sidewalks with some possible solutions and requested comments/ ideas from the other members. Mrs. Fort further stated that she would like to move forward with the sidewalk ordinance.

Mrs. Fort reported that she attended the Somerset County meeting on Thursday night to discuss the rehabilitation of South Readington Road. Mrs. Fort stated that the earliest the project will begin is the summer of 2013 and at this time no funding has been received nor have they applied for permits. Mrs. Fort continued that the work will be staged to have through traffic at all times with some detours, which Mrs. Fort recommended be seriously reviewed by the Police Department, Scott Jesseman and Engineer O'Brien.

##### **Beatrice Muir**

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

#### ***COMMENTS FROM THE PUBLIC***

Readington Township Committee

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There were none.

***COMMENTS FROM THE GOVERNING BODY***

Deputy Mayor Allen announced that the public hearing for the proposed sports complex on the wildlife management area is Tuesday, August 7<sup>th</sup> at 7:00 p.m.

As there was no further business, ***A MOTION*** was made by Mrs. Fort at 9:10 p.m. to adjourn the meeting, seconded by Mrs. Muir with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA  
Municipal Clerk