

**READINGTON TOWNSHIP COMMITTEE  
MEETING – March 18, 2013**

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

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

**ABSENT:** 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>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Developers Agreement..... Toll Bros. / Fallone (Block 36, Lot 49)	Contract Negotiations.....	“ “ “
Right of Entry Agreement..... Transco Pipeline	Contract Negotiations.....	“ “ “
Executive Session Minutes..... • March 4, 2013	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. Fort to adopt this resolution, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

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

***Executive Session:***

***Personnel / Police Department***

Mayor Allen stated that this matter remains in Executive Session.

***Contract Negotiations / Developers Agreement / Toll Bros. / Fallone (Block 36, Lot 49)***

Mayor Allen stated that this matter remains in Executive Session.

***Contract Negotiations / Right of Entry Agreement / Transco Pipeline***

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

Mr. Auriemma	- Aye
Mrs. Fort	- Aye
Mrs. Muir	- Aye
Mayor Allen	- Aye

***Attorney-Client Privilege / Executive Session Minutes / March 4, 2013***

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of March 4, 2013 for content only, seconded by Mr. Auriemma 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 Allen stated that this matter remains in Executive Session.

***CONSENT AGENDA:***

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.

- \* 1. **APPROVAL OF MINUTES** of meeting of March 4, 2013
- \* 2. ***Lien Redemption***

The following resolution was offered for consideration:

**READINGTON TOWNSHIP**  
**HUNTERDON COUNTY, STATE OF NEW JERSEY**  
**RESOLUTION**

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 13, Lot 24.01 and,

**WHEREAS**, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$860.17, plus a premium paid in the amount of \$100.00, known as Tax Sale Certificate #2012-002, to the lienholder, John LaFlamme.

\* 3. **Lien Redemption**

The following resolution was offered for consideration:

**READINGTON TOWNSHIP**

**HUNTERDON COUNTY, STATE OF NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the U.S. Department of Veterans Affairs has determined that the property owner of Block 38, Lot 20 is a 100% permanently disabled veteran (date of determination – February 24, 2011) and,

**WHEREAS**, the property owner purchased the property on May 30, 1979.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Tax Collector be authorized to cancel the 2013 property taxes and refund the owner \$9,253.38, the amount of taxes paid for the year 2012.

\* 4. **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	\$ 3,911.98
CURRENT FUND	3-01	\$ 1,568,636.62
SEWER APPROPRIATIONS	3-02	\$ 79.00
TRUST FUNDS	X-03	\$ 43,859.33
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 31,764.12
PAYROLL DEDUCTIONS	X-06	\$ 178,841.04
2012 CAPITAL	X-12	\$ 2,073.50
2013 CAPITAL	X-13	\$ <u>80,000.00</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 1,909,165.59</b>

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

- Mr. Auriemma - Aye
- Mrs. Fort - Aye
- Mrs. Muir - Aye
- Mayor Allen - Aye

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

There were none.

**CORRESPONDENCE / OTHER INFORMATION**

1. Letter dated February 27, 2013 from Stefanie A. Brand, Director, Division of Rate Counsel, State of New Jersey, regarding *Docket Established for Monitoring Recent Verizon Wireless Transactions, WC Docket No. 12-234*. No action taken.
2. Letters dated March 1, 2013 and March 6, 2013 from William G. Dressel, Jr., Executive Director, NJ League of Municipalities, regarding *League Opposes Early Voting Bills A3553 and S2364*.

Administrator Mekovetz requested that the Committee consider adopting this resolution.

The following resolution was offered for consideration:

**#R-2013-44**

**Resolution Opposing S2364/A3553**

**WHEREAS**, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

**WHEREAS**, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

**WHEREAS**, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

**WHEREAS**, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

**WHEREAS**, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

**WHEREAS**, these bills would increase costs to municipalities, including overtime pay for workers; and

**WHEREAS**, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

**WHEREAS**, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process.

**NOW, THEREFORE, BE IT RESOLVED** that governing body of the Township of Readington in the County of Hunterdon does hereby oppose S2364 and A3553; and

**BE IT FURTHER RESOLVED**, the governing body of the Township of Readington does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

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

3. Notice of Hearing from Day Pitney, LLP, Attorney for Applicant of Fiddler’s Elbow Country Club, regarding *its Application for Bulk Variance and Amended Preliminary and Final Major Site Plan Approval relating to Property designation as Block 37.01, Lots 1, 1.01 & 2, Township of Bedminster.* No action taken.
4. Notice of Public Hearing sponsored by the New Jersey Clean Water Council regarding *A Resilient New Jersey: Adapting Water Infrastructure to the “New Normal.”* No action taken.
5. Memorandum dated March 7, 2012 from Judith A. Sullivan, Municipal Clerk, Township of Bedminster, regarding *An Ordinance of the Township of Bedminster, County of Somerset, State of New Jersey to Amend and Supplement the Land Use Regulations of the Township of Bedminster, Specifically “Article 13 Entitled the Land Development Ordinance of the Township of Bedminster” Establishing Solar or Photovoltaic Energy Facilities and Structures.* No action taken.
6. Letter dated March 13, 2013 from Mark Mader, Director, Rates & Regulator, Jersey Central Power & Light, regarding *Notice of Proposed Rate Increases and Other Adjustments with Respect to Jersey Central Power & Light Company’s (JCP&L’S) Tariff Rates and Charges for Electric Service and with Respect to Other Proposed Tariff Charges and Revisions and Notice of Public Hearings Thereon.* No action taken.

**NEW BUSINESS**

1. ***Presentation “Hunterdon County 300<sup>th</sup> Anniversary”***

This presentation was deferred to a later meeting.

2. ***Request for Performance Guarantee Reduction (Renaissance at Readington, Phase I / Block 36, Lot 49)***

Engineer O’Brien stated that the inspections were completed and this reduction adjusts the bond to accept those improvements.

The following resolution was offered for consideration:

**#R-2013-45  
TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, Fallone Properties (“Fallone”) posted a Performance Bond in the amount of \$1,990,414.08 and a Cash Performance Guarantee Check #3501 in the amount of \$221, 157.12 in 2008 for Block 36, Lot 49, Renaissance at Readington, and

**WHEREAS**, in accordance with the Assignment of Development approvals, Permits and Approvals (“Assignment”) dated November 28, 2012 on file in the Clerk’s office, all interests in the Project have been transferred from Fallone to Toll N.J., LLC (“Toll”) and,

**WHEREAS**, Toll is now the appropriate entity to guarantee the construction of the remaining improvements with the Project, and

**WHEREAS**, in addition to the Assignment on file Fallone has provided a letter dated January 7, 2013 stating that in accordance with their agreement of sale, Toll is assuming the monies that are currently in the escrow account for inspections and the cash portion of the performance guarantee and will be required to replace the bond portion of the performance guarantee, and

**Resolution #R-2013-45 cont'd:**

**WHEREAS**, Toll by letter dated January 15, 2013 filed a written request with the Township of Readington for a reduction in Cash Performance Guarantee and Performance Bond for work completed on Block 36, Lot 49; and

**WHEREAS**, the Township Engineer has confirmed that a certain amount of work has been completed on said property; and

**WHEREAS**, in accordance with the Municipal Land Use Law the Township may retain up to 30% of a Performance Bond to assure the completion of site work;

**WHEREAS**, the Township Engineer has supplied a reduced bond amount for Cash Performance Guarantee Check #3501 and Performance Bond, as indicated in his amended letter of February 4, 2013 based upon the Municipal Land Use Law requirement:

<b>BOND OR CHECK</b>	<b>ORIGINAL BONDED AMOUNT @ 120%</b>	<b>RECOMMENDED REDUCTION FOR WORK COMPLETED</b>	<b>REMAINING PERFORMANCE GUARANTY @ 120%</b>
AEGIS Security Insurance Co.	\$1,990,414.08	\$ 476,325.36	\$ 1,514,088.72
Check #3501	\$ 221,157.12	\$ 52,925.04	\$ 168,232.08
<b>Total</b>	<b>\$2,211,571.20</b>	<b>\$ 529,250.40</b>	<b>\$ 1,682,320.80</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to reduce Cash Performance Guarantee Check # 3501 and return the cash portion to Toll Brothers pursuant to the Assignment and reduce the Performance Bond amount as recommended by the Township Engineer.

**BE IT FURTHER RESOLVED**, that Toll has provided a Performance Bond Number 105854692 at the reduced amount of \$1,514,088.72 to replace the original Bond posted by Fallone.

**BE IT FURTHER RESOLVED**, that the original Performance Bond posted by Fallone is hereby canceled and will be returned to Fallone in accordance with the Assignment.

**BE IT FURTHER RESOLVED**, that authorization is given to the Township Clerk to forward copies of this Resolution approving these reduced amounts to the applicant.

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

- Mr. Auriemma - Aye
- Mrs. Fort - Aye
- Mrs. Muir - Aye
- Mayor Allen - Aye

3. **Amendment to Driveway Ordinance** – memo dated March 6, 2012 from Robert O’Brien

Engineer O’Brien stated that the current ordinance for a new driveway apron or any job where it is modified only requires a stone base and an 1-1/2” of asphalt on the surface within the Township right of way. Engineer O’Brien continued that in discussions with the Director of Public Works, he recommends the driveway apron be strengthened and consistent with current construction standards; requiring a 5” stabilized base court and 2” of asphalt top course in the area. A short discussion took place on the necessity of specifications and the related increased expenses.

A **MOTION** was made by Mr. Auriemma to authorize Attorney Dragan to draft an amended driveway ordinance to the new specifications, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mrs. Fort	- Aye
Mrs. Muir	- Nay
Mayor Allen	- Aye

4. **Amendment to Road Excavation Ordinance** – memo dated March 6, 2012 from Robert O'Brien

Engineer O'Brien stated that currently the ordinance only requires a \$50 deposit, intended to cover the costs of plan review and inspection. Engineer O'Brien further stated that in order to be current with other ordinances in the area, he recommends requiring an escrow for the road opening, based on whether or not the project impacts the actual paving of the right of way of the road and also include a separate application fee of \$75 in addition to the existing \$50 permit fee.

A **MOTION** was made by Mr. Auriemma to authorize Attorney Dragan to draft an amendment to the road excavation ordinance and set the fees as per the Engineer's recommendation, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mrs. Fort	- Aye
Mrs. Muir	- Aye
Mayor Allen	- Aye

#### **ADMINISTRATOR'S REPORT**

Administrator Mekovetz stated that she had nothing further to report.

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

Attorney Dragan stated that she had nothing further to report.

#### **ENGINEER'S REPORT**

Engineer O'Brien reported that the DOT is planning next month to begin resurfacing Route 22, from Route 523 on the west bound side to Route 78.

#### **COMMITTEE REPORTS**

##### **Julia Allen**

Mrs. Allen reported that the grant application for Historic Preservation to the Hunterdon County Open Space Farmland Preservation and Historic Preservation to restore the Salamon Farmhouse is due by March 31<sup>st</sup> and would need a resolution of support from the Committee.

The following resolution was offered for consideration:

**#R-2013-46**

#### **TOWNSHIP OF READINGTON RESOLUTION**

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders has approved an Open Space, Recreation, Farmland and Historic Preservation Trust Fund and established a Historic Preservation Grant Program to provide County funds in connection with the acquisition of historic properties and the preservation of historic properties, building, structures facilities, sites, areas or objects, in Hunterdon

**Resolution #R-2013-46 cont'd:**

County; and

**WHEREAS**, the Readington Township Committee desires to further the public interest by obtaining funding in the amount of \$60,000 from the County of Hunterdon to fund the following historic preservation project:

***Restoration of Salamon Farmhouse***

at a cost of \$80,000,

**NOW THEREFORE** the governing body resolves that Administrator / Municipal Clerk Vita Mekovetz is hereby authorized to :

- a) make application for such Historic Preservation Grant 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 applicant; 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, adopted Freeholder Board Policies and Procedures Manual for the Historic Preservation Grant Program adopted thereto, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the County funds in accordance with such adopted Policies and Procedures, and rule, regulations and applicable statutes ;

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

- 1. That Vita Mekovetz, Administrator/Municipal Clerk of the above named body is hereby authorized to execute any documents and agreements with the County of Hunterdon known as Salamon Farmhouse at South Branch WMA.
- 2. That the applicant has its share of funds, if required, in the amount of \$20,000;
- 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.

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

Mr. Auriemma	- Aye
Mrs. Fort	- Aye
Mrs. Muir	- Aye
Mayor Allen	- Aye

**Tom Auriemma**

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

**Betty Ann Fort**

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

**Beatrice Muir**

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

Readington Township Committee

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***COMMENTS FROM THE PUBLIC***

Patrick Heller, 7 Edison Road, commented that he was interesting in possibility of volunteering in the Township.

***COMMENTS FROM THE GOVERNING BODY***

As there was no further business, ***A MOTION*** was made by Mr. Auriemma at 8:10 p.m. to adjourn the meeting, seconded by Mrs. Fort with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA  
Municipal Clerk