

**READINGTON TOWNSHIP COMMITTEE
MEETING – October 5, 2015**

Mayor Fort *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 B. Fort, Mr. J. Broten, Mrs. M. Duffy and Mr. S. Tropello

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan

ABSENT: Deputy Mayor T. Auriemma

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>
Bid Specifications / Cell Tower.....	Contract Negotiations.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• September 21, 2015		
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• March 1, 2010 (<i>For Redaction</i>)		
Mt. Laurel Affordable Housing.....	Potential Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “
388 Route 22 Readington Realty..... Holdings, LLC v. Twp. of Readington	Litigation.....	“ “ “
Ryland Developers LLC.....	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 Mr. Broten to adopt this resolution, seconded by Mrs. Duffy with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:55 p.m.

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

Executive Session:

Contract Negotiations / Bid Specifications / Cell Tower

Mayor Fort stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / September 21, 2015

A **MOTION** was made by Mrs. Broten to approve the Executive Session Minutes of September 21, 2015 for content only, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

Attorney-Client Privilege / Executive Session Minutes / March 1, 2010 (For Redaction)

A **MOTION** was made by Mr. Broten to approve the release of the Executive Session minutes of March 1, 2010 as redacted in response to an OPRA request, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

Potential Litigation / Mt. Laurel Affordable Housing

Mayor Fort stated that this matter remains in Executive Session.

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

Mayor Fort stated that this matter was not discussed in Executive Session.

Litigation / 388 Route 22 Readington Realty Holdings, LLC vs. Twp of Readington

Mayor Fort stated that this matter remains in Executive Session.

Litigation / Ryland Developers, LLC

Mayor Fort stated that this matter remains in Executive Session.

CONSENT AGENDA:

Mayor Fort 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.

Mr. Broten requested to remove the *Approval of Minutes of meeting of September 21, 2015* and consider them separately. Mr. Tropello requested to remove *Items #3 and #4 under New Business*.

* 1. ***Release of Police Escrow (DPK Consulting)***

* 2. ***Red Light Permit (Andrew B. Williams)***

* 3. **Resolution Authorizing Disposal of Surplus Property through GovDeals**

The following resolution was offered for consideration:

#R-2015-99

**TOWNSHIP OF READINGTON
 RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Township of Readington is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township of Readington is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Township of Readington as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract #A83453/T-2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Township of Readington.
2. The sale will be conducted online and the address of the auction site is govdeals.com
3. The sale is being conducted pursuant to Local Finance Notice 2008-09.
4. A list of the surplus property to be sold is as follows:

Year of Equip	Make	Model	Serial # or VIN	Item description
2007	Ford	Crown Victoria	2FAFP71W07X125793	Police Car
1996	Dodge	Caravan	2B4FP2531TR808983	Wagon
1997	Ford	F-250	1FTHF26H4VEC27745	Pickup

5. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Township of Readington reserves the right to accept or reject any bid submitted.

* 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	5-01	\$ 813,983.71
SEWER APPROPRIATIONS	5-02	\$ 100,731.00
TRUST FUNDS	X-03	\$ 125,134.19
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 17,522.52
PAYROLL DEDUCTIONS	X-06	\$ 162,229.73
REG & LOCAL SCHOOL TAX	X-07	\$2,426,484.00
CAPITAL	X-15	\$ <u>822,789.25</u>
TOTAL OF ALL FUNDS		\$4,468,874.40

A **MOTION** was made by Mrs. Duffy to approve the Consent Agenda *with the Removal of the Minutes of the September 21, 2015 meeting and Items #3 and 4 under New Business*, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

APPROVAL OF THE MINUTES of the meeting of September 21, 2015

Mr. Broten stated that at the last meeting there was a rather extensive discussion where Mr. Auriemma questioned a resident's motive for attending the meeting, and in light of that discussion initiated by Mr. Auriemma with Mr. Scammell, another discussion ensued after that. Mr. Broten continued that this was not recorded in the minutes and opined that the discussion should be documented in the minutes. Mr. Broten requested that the minutes be revised to include a verbatim from the tape of those discussions.

Attorney Dragan stated that the purpose of the minutes is to summarize; however, it is at the discretion of the Municipal Clerk. Administrator Mekovetz clarified that what is required of minutes is to record action taken by the Committee and stated there is no historical purpose of the discussion. Mr. Broten disagreed and felt inappropriate behavior should be recorded. Administrator Mekovetz added that in the event anyone requested verbatim, there is a tape and it could also be transcribed if they so choose.

A **MOTION** was made by Mr. Broten to amend the minutes of the September 21, 2015 meeting reflecting the fact that there was an inquiry from Mr. Auriemma as to the motive of Mr. Scammel's attending the meeting and the ensuing discussion, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Nay
Mr. Tropello	- Aye
Mayor Fort	- Nay

MOTION DEFEATED.

COMMENTS FROM THE PUBLIC for items listed on the agenda only

Todd Terricone, Lamington Road, asked if anything came out of Executive Session with regard to Ryland Developers.

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated September 15, 2015 from Sharon Brienza, Township of Branchburg, regarding *An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Making Various Changes to Land Use Definitions and Regulations*. No action taken.
2. Memorandum dated September 17, 2015 from Trina Lindsey, Secretary, Bedminster Township Land Use Board, regarding *Public Hearing for an Amendment to the Bedminster Township Master Plan to adopt the Highlands Preservation Area Master Plan Conformance Element*. No action taken.
3. Resolution from the Township of Kingwood regarding *Urging Governor Christie to Protect Local Property Tax Payers by Respecting the Structure and Preserving the Integrity of Local Pension Systems*. No action taken.
4. Letter dated September 25, 2015 from Mark Mader, Director, Rates & Regulatory (NJ) JCP&L, regarding *The Matter of the Proposed Transfer of Transmission Assets and Lease of Real Property Assets to Mid-Atlantic Interstate Transmission, LLC*. No action taken.

5. Memorandum dated September 25, 2015 from Roberta Brassard, Township of Tewksbury regarding ***Highland Land Use Ordinance for Tewksbury Township***. No action taken.
6. Memorandum dated September 29, 2015 from Sharon Brienza, Township of Branchburg regarding ***An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Amending Subsection 1-2.2 Entitled Definitions and Amending Subsection 3-19.2 Entitled “Permitted Uses.”*** No action taken.

NEW BUSINESS

1. ***Recommendations from the Sewer Advisory Committee in Response to Conducting a Sewer Capacity Analysis as Mandated by the NJ Supreme Court in 388 Route 22 Readington Realty Holdings, LLC v. Township of Readington*** – memo dated October 1, 2015 from Karin Parker, Sewer Advisory Secretary

Attorney Dragan stated that the Sewer Advisory Committee met on July 21st and September 30th to conduct a sewer capacity analysis for holders of capacity pursuant to the 388 Route 22 Readington Realty Holdings, LLC litigation. Attorney Dragan stated that the Sewer Advisory Committee made written recommendations based on the applicants that attended the meetings which now require approval from the Township Committee.

Mayor Fort read the following recommendations:

Township of Readington Sewer Advisory Committee Recommendation RE: Block 28, Lot 13.01 / Zacios – Kline Blvd

For the reasons set forth above, specifically, that Block 28, Lot 13.01 remains a buildable lot within the VR/RR zone, has the infrastructure already installed or available to build a single family house upon it and has been taxed and paid for as such for the past 30 years, and, further, that the owners have indicated that they intend to build a house upon or sell the property within the next two years and further, that 350 gpd sewerage capacity is the amount required by ordinance to serve one single family residential unit, the Committee agrees that the full amount of capacity allocated (350 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

A MOTION was made by Mr. Broten to approve the recommendation, seconded by Mrs. Duffy and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 32, Lot 9 / John and Jacqueline Cunha

For the reasons set forth above and due to the recent approval of the 350 gpd allocation and sewer contribution and allocation agreement made between Cunha and Readington Township and Cunha’s expressed intention to move forward with construction plans prior to the end of this year and the fact that the aforesaid sewer agreement specifies a performance date which does not expire until 2020, the Committee agrees that the full amount of capacity allocated (350 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for, and is the amount necessary to serve, a single family house on Block 32, Lot 9 to the Township.

Attorney Dragan added that the court had requested that the Township also look to see if any of the agreements were affected by the Permit Extension Act and concluded that on this one it is not affected because it is not due to expire prior to the date of the Permit Extension Act.

A MOTION was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 14, Lots 29.02 and 29.03 / Ryland Developers, LLC

For the reasons set forth in the above factual findings, the Sewer Advisory accepts the representations made by Ryland Developers and believes that, due to the uncertain state of the litigation at this time, the length of time the developer has had the sewerage allocation, and the arguments made regarding the applicability of the Permit Extension Act to the sewer agreements and approvals, that it recommends that the full allocation of sewer capacity (30,125 gpd) should remain with Block 14, Lots 29.02 and 29.03 at this time.

Attorney Dragan stated that part of the original recommendation from Sewer Advisory acknowledged that the project was protected by the Permit Extension Act and in discussion with the Planner and Litigation Counsel, there was an issue that was part of the trial which is still unresolved. Attorney Dragan continued that the section will be removed and no finding will be made regarding the Permit Extension Act.

A MOTION was made by Mr. Broten to approve the recommendation as amended, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 4, Lot 51 / Readington Commons II, LLC

For the reasons set forth in the above factual findings, the Sewer Advisory Committee finds that Readington Commons has held a sewerage allocation of 7,628 gallons per day since the signing of its sewer contribution and expansion agreement in 2000 and has obtained the development approvals required by it within the time frames set forth. Since that time, a significant monetary investment has been made by the developer in developing the property and substantial progress has been made in constructing the on-site improvements and buildings comprising the project, despite the effects of the recession and the slowed economy. Those reasons, coupled with the fact that the project is already partially occupied by tenants, as well as the developer's ongoing marketing and construction efforts and its expressed intention to complete the project within the next two years, support the developer's position that its allocation is being utilized and should be retained. The Sewer Advisory Committee also agrees that the Permit Extension Act applies to the sewer agreement and recommends that the full allocation of sewer capacity remain with Block 4, Lot 51.

Notwithstanding the above, if it is finally determined that the developer was issued a treatment works approval permit from the NJDEP for a lesser amount of gallonage for the project to be built upon the property, then the Sewer Advisory Committee recommends that the difference be returned to the Township for repurchase and reallocation.

Attorney Dragan stated that the second paragraph was added because between the July 21st and September 30th meeting, further research into the file was done and it was determined that the developer had gotten preliminary approvals for lesser size square footage on the property than the original sewer allocation agreement set forth. Attorney Dragan continued that the developer had a treatment works approval indicating that lesser gallonage would be needed (approximately 6,080) therefore it was left open. Attorney Dragan confirmed with Engineer O'Brien added that the TWA was issued for 6,100 gallons therefore that amount should be subtracted from 7,628 and the balance would then be available for recapture.

A **MOTION** was made by Mrs. Duffy to approve the recommendation as amended, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 21. Lot 3 / Lot 3 Development, LLC

For the reasons set forth in the above factual findings, the Sewer Advisory Committee recommends that 4,650 gpd of the 5,000 gpd sewer allocation previously allocated to Readington Mountain Associates, Inc. for Block 21, Lot 3 Development, LLC be returned to the Township. The Sewer Advisor Committee specifically finds that the commercial development for which the sewer allocation was granted and site plan approval obtained, was never pursued or built and has therefore lapsed due to the zoning change to A-R Agricultural Residential, which does not allow commercial development as a permitted use.

The Sewer Advisory Committee recommends that 350 gpd sewerage capacity remain with the lot to enable the construction of a single-family residence as permitted by current zoning.

It does not appear that any monetary refund is due the current property owner for the return of the gallonage since no sewer user fees or allocation payments have been made by it.

Attorney Dragan requested Administrator Mekovetz to confirm allocation payments.

Greg Riley, Esq., on behalf of Wilmark Building Contractors, Inc., stated that Wilmark is the purchaser of this property and does not agree with this recommendation. Mr. Riley gave a brief background of the history of the allocated sewer capacity for the property. Attorney Dragan stated that the sewer agreement was done in 1986 and it was premised on the developer at that time having obtained a site plan approval for a commercial project which has lapsed, thus nullifying the underlined basis for the contract to have been made; further opining that the agreement is no longer valid. Attorney Dragan added that the zoning has changed to agricultural residential along with the lot being undersized for the AR zone. Attorney Dragan advised that if a requestor is looking for sewer capacity based on other grounds, a motion should be made to the Judge. After reiterating his arguments Mr. Riley requested consideration from the Committee to not adopt the recommendation from the Sewer Advisory Committee based on the predecessor in title who took contract to this property and purchased the sewer capacity prior to the recapture ordinance.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Abstain
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 4, Lots 4.01, 49, 99, 100, 104 and Block 2.01, Lot 9 / Merck, Sharp & Dohme Corp.

For the reasons expressed above, the Sewer Advisory Committee recommends that the Township not recapture Merck's current sewerage allocation of 211,900 gpd which the Sewer Advisory Committee believes has been reserved for the previously approved office use and related facilities on Block 4, Lots 4.01, 49, 99, 100, 104 and on Block 2.01, Lot 9 as was recited in sewer agreements made in 1987, 1999, 2003 and 2008 with the Township. The recommendation is based on the Sewer Advisory Committee's belief that it is most appropriate to use the NJDEP design flow regulations for these uses, as opposed to metering, because it does not have sufficient information to the contrary and because, it was represented that the contract purchaser will utilize the capacity for the uses on the property for which it was allocated, but it is not known to what extent at this time. Further, although the Sewer Advisory Committee believes that the Permit Extension Act applies to protect the approvals through June 30, 2016, regardless of that fact, the Committee concludes that both Merck's current site plan approvals and its sewer allocation of 211,900 gpd are in place until June 30, 2018, pursuant to the extended resolution and 2008 Restated Sewer Allocated Agreement. The Sewer Advisory Committee specifically makes no recommendation about sewerage allocation for uses on the aforementioned lots and blocks other than the currently approved uses and, further, makes no recommendation regarding the transfer for any gallonage to any other properties owned by Merck which are the subject of its sales contract at this time.

Attorney Dragan added that Michael Sullivan, Township Planner, provided a memo to the Township Committee regarding the zoning on the Merck property. Attorney Dragan read the conclusion summarized in Mr. Sullivan's memo dated October 1, 2015 and added that Mr. Sullivan also pointed out various excerpts from the Master Plan that have continued to support research and office.

Christopher Stracco, Esq. on behalf of Merck, Sharpe & Dohme Corp, requested that the memo from Mr. Sullivan be referenced in the adopted resolution as something that was considered by the Committee and in addition to reiterating that the entire record provided to the Sewer Advisory is available to the public; further requesting that the adopting resolution of the Township Committee reflect the acceptance of the Sewer Advisory's recommendation under the ordinance based on the record before the Sewer Advisory Committee.

Attorney Dragan confirmed that she will incorporate that into the resolution for consideration at the next meeting, including listing an exhibit of the points set forth by Mr. Sullivan's memo.

A **MOTION** was made by Mr. Broten to approve the recommendation with the addition of Attorney Stracco's comments and Mr. Sullivan's report, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 4, Lot 57 / Wilmark Building Contractors, Inc.

For the reasons set forth in the above factual findings, the Sewer Advisory Committee agrees that Wilmark Building Contractors, Inc. holds a sewerage allocation of 350 gallons per day originating from a Sewer Plant Contribution Agreement dated in May 2000, which was thereafter amended and thereafter based upon a Sewer Allocation Agreement dated March 23, 2004 made with Carbone and sold with the land to Wilmark Building Contractors. The property has received development approvals for three (3) residential lots to be served by septic systems and one (1) lot for a single family dwelling to be served by the capacity, which complies with the Township's zone requirements and that it further intends to use the gallonage shortly. Accordingly, the Sewer Advisory Committee recommends that the 350 gpd sewerage capacity allocated to Block 4, Lot 57 remain with it for use in connection with the development project previously approved in 2008.

Attorney Dragan stated that in this case the Permit Extension Act would be applicable and the project would still have been extended since it was within that window, approvals which occurred between 2007 and are extended through December 31, 2015.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 2.01, Lots 9.01 and 11 / Bellemead Development Corporation

For the reasons expressed above, the Sewer Advisory Committee recommends that the Township not recapture Bellemead's remaining sewerage capacity allocation of 66, 060 gpd which the Sewer Advisory Committee agrees has been reserved for the previously approved office use on Block 2.01, Lots 9.01 and 11 as was recited in sewer agreements made in 1987, 1988, 1996 and 1999 with the Township. The recommendation is based on the Sewer Advisory Committee's belief that Bellemead, through its response to the Township's questionnaire, the exhibits attached thereto and the presentation made by its attorney, has provided a credible case for the Township to conclude that the project is covered by the Permit Extension Act which carries the validity of the sewer agreement and its preliminary site plan approval to at least June of 2016. The Sewer Advisory Committee also believes that a good and reasonable argument has been made that extension of the sewer agreement, so as to permit construction of the project would be in the Township's best interest, particularly the points made with respect to it being an important ratable for the Township and the fact that if built, will generate a substantial COAH contribution. In addition, the project still falls within the Township's zone plan for the property and Bellemead has represented that it will build the project in accordance with the approval that was given within the zone, as soon as it can.

Mrs. Duffy recused herself from this recommendation and left the room.

Attorney Dragan added that Michael Sullivan, Township Planner, provided a memo to the Township Committee regarding the zoning in the Bellemead property. Attorney Dragan read the conclusion as outlined in Mr. Sullivan's memo dated October 1, 2015 and added that Mr. Sullivan also pointed out various excerpts from the Master Plan that have continued to support research and office.

Glen Pantel, Esq., on behalf of Bellemead Corp., stated that in addition to providing a report to the Sewer Advisory Committee, a letter was submitted to the Township Committee requesting that the Committee also include in the adopting resolution a finding regarding the relative importance of the Bellemead project to the community in comparison to the much smaller retail/restaurant project contemplated by the plaintiff in this case along with the supporting points provided by Mr. Sullivan in his report.

A MOTION was made by Mrs. Duffy to approve the recommendation with the addition of Mr. Pantel’s comments and Mr. Sullivan’s report, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Recused
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 14, Lots 29, 29.02 29.03 and Others / Ryland Office Park, LLC

For the reasons set forth above, the Sewer Advisory Committee finds that there is 946 gpd sewerage capacity remaining to Ryland Officer Park, LLC which has not been allocated toward any project or property, for any purpose. Further, the owner has given no indication of any future plans for the capacity. Accordingly, the Sewer Advisory Committee recommends that the remaining 946 gpd be returned to the Township.

A MOTION was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 4, Lot 77, 77.01 and 77.02 / Now or Formerly Ackerman /Dos Santos / Tadros & Samaan

For the reasons set forth above, the Sewer Advisory Committee finds that the 1,050 gpd sewerage capacity originally allocated to Rolf Ackermann for one (1) single family dwelling on each of Block 4, Lots 77, 77.01 and 77.02, respectively, has been put to use and should not be returned to the Township.

A MOTION was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lots 93, 94 and 95 / Country Classics Legacy at Readington, LLC

Because the 51 unit residential development planned for Block 36, Lots 93, 94 and 95 for which the 11, 700 gpd sewerage capacity was allocated has been fully built out and is being utilized, the Committee does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

A **MOTION** was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lot 96 / WPS Realty, LLC – Serra/Doyle

Because the Whitehouse Preparatory School has been built since the Township Committee's approval of the sewer allocation and is fully utilized, there is no reason to return that capacity.

The Sewer Advisory Committee recommends the return of 1,050 gpd offered by Doyle to the Township and the Township Committee's repurchase of same.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lot 2; Block 31, Lots 37 and 37.02; Block 34, Lots 10 and 11; and Block 32, Lot 12 / Fallone Properties, LLC

Because a home was built in 2008 and has been occupied on the property known as Block 36, Lot 2 (School Road), the Sewer Advisory Committee recommends that there is no basis to return the 350 gpd sewerage capacity allocated to this lot.

The Sewer Advisory Committee agrees that there is no basis to return the capacity allocated to the four homes on Block 31, Lot 37 or to the fifth home on Block 31, Lot 37.02 (located on Whitehouse Avenue) because those homes have been built and occupied since 2013.

With respect to the remaining gallonage of 1050 gpd which was allocated to Block 34, Lots 10 and 11 and Block 32, Lot 12, the Sewer Advisory Committee agrees that this capacity was already purchased by and returned to the Township with its purchase of those lots in January 2015. The Sewer Advisory Committee notes that this capacity is earmarked for an affordable housing project on those lots.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lot 48 / The Farm Property, LLC

For the reasons set forth above, and because the mixed affordable housing/commercial development planned for Block 36, Lot 48 is under construction and almost fully built out, the Committee agrees that the full amount of capacity allocated (8,100 gpd) is or will be utilized and does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

A **MOTION** was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 8, Lot 3 Now or Formerly / Winfield Management

For the reasons set forth above, the Sewer Advisory Committee finds that the 6,100 gpd sewerage capacity allocated to Winfield Management is being utilized and should not be returned to the Township.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lot 49 / Toll, NJ I, LLC

The Committee acknowledges that the sewer capacity allocated for this project was obtained in conjunction with the settlement of zoning litigation involving Block 39, Lot 49 by Toll's predecessor in title stemming from 2000. From the information presented, the Committee is satisfied that Toll, as well as Fallone Properties, LLC before it, have both in fact, proceeded to develop the 210 unit age-restricted development contemplated by the settlement agreement, and for which the 36,286 gpd sewer capacity was allocated, by pursuing all necessary approvals and installing all the required infrastructure improvements. Further, Toll has constructed and sold least eighty-six (86) of the residences since it purchased the Project in 2013 and continues to market them. There is no reason to believe that Toll will not continue to proceed with the remainder of the development. In addition, it appears that from all the work performed on or about the project to date since the time of its purchase, Toll has made an adequate case that it has a vested interest in keeping the entirety of the gallonage it was assigned, allocated and paid for. Accordingly, the Committee does not recommend returning any of Toll's allocated sewerage capacity to the Township.

A **MOTION** was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 36, Lot 7 / Tom Jr. Property, Inc.

For the reasons set forth above, the Sewer Advisory Committee finds that 1,050 gpd of the 2,450 gpd sewerage capacity previously reserved for use by Tom Jr. Property, Inc. was not paid for, is not being utilized and will not be needed in the future since it is not necessary to serve the four (4) lot single-family residential development which previously received preliminary subdivision approval. Further, it does not appear that a more intense use may be developed under the current zoning. Accordingly, the Sewer Advisory Committee recommends that 1,050 gpd be returned to the Township.

A **MOTION** was made by Mrs. Duffy to approve the recommendation, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 14, Lot 29 / Formerly Valley National Bank

For the reasons set forth above, the Sewer Advisory Committee finds that the 9,450 gpd sewerage capacity allocated to Block 14, Lot 29 is being utilized for the uses approved and built, or in the process of being built on the property, and should not be returned to the Township.

A **MOTION** was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 14, Lot 49 / National Realty & Development Corp/Readington Holdings, L.P. Whitehouse Plaza (WalMart)

For the reasons set forth above, and due to the recent approval of the request by National Realty & Development Corp./Readington Holdings, L.P., the Committee agrees that the full amount of capacity allocated (15,000 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

Attorney Dragan pointed out that the Sewer Advisory Committee noted that it was required when the project is eventually built, that Walmart is required to do metering and if it is found that they are not utilizing the capacity there will be an opportunity to recapture the remaining gallonage at that time.

A **MOTION** was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Township of Readington Sewer Advisory Committee Recommendation RE: Block 21.12, Lot 94 / Whitehouse Athletic Association

For the reasons set forth above, specifically, that the property has, for a long time, been used as a baseball facility run by a non-profit and volunteer organization provides the youth of the community with valuable recreational opportunities to play baseball, thus serving the public good; that its use as a baseball facility is intended to continue long-term by virtue of the deed restriction; that the zoning has not changed so as to preclude its continued use as a baseball facility; that the property contains an aging septic system which, in the future, would be both cost-prohibitive and physically prohibitive (due to the nature and size of the lot) to replace; and the Committee's recognition that this area of the Township does not support the use of septic systems (which is why the Township agreed to allocate the gallonage originally), the Sewer Advisory Committee recommends that the 350 gpd sewerage capacity originally reserved to Whitehouse Athletic Association

and/or Readington Township Junior Baseball should be retained, subject to the Association entering into a sewer agreement with the Township for the allocation as soon as possible.

Mr. Broten added that for consideration at a future meeting regarding the proposed sewer agreement would be an attempt to work with the organization to minimize any financial impact they may have.

A MOTION was made by Mr. Broten to approve the recommendation, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Mr. Tropello inquired about the memo dated September 30, 2015 from Attorney Dragan not listed on the Sewer Advisory Committee recommendation. Attorney Dragan clarified that direction was to merely provide a list of those who had requested capacity prior to the Plaintiff's request.

2. ***Request for the Kievers to Complete Construction Obligations from the residents of the Gracefield Subdivision of Wyckoff Road*** – letter dated September 5, 2015 from residents Dilgard, Wallace and Shaw

Engineer O'Brien stated that this is a four lot subdivision with one remaining to be built and the road has been base course since 2005, being in very poor shape. Engineer O'Brien reported that he has been in discussion with Mr. Kiever during the past year to find out the status on getting the final pavement on the road. Engineer O'Brien continued that it is Mr. Kiever's intent to patch the road next week and depending on the weather and timing, follow up with the surface course on the road. Mayor Fort inquired if there was still a bond in place and does it cover the expense of road. Engineer O'Brien confirmed that the Township is still holding the bond and cash portions. Attorney Dragan pointed out that the Developer's Agreement was signed in 2005 with a 10-year time frame to complete; however, it is within the protection of the Permit Extension Act.

Gehrig Dilgard, Wyckoff Road, questioned the purpose of extending the Permit Extension Act.

Mr. Broten suggested sending a letter to the developer outlining the expectation that this should be completed in accordance with the agreement and in the event it is not completed, the Township will be prepared to use the performance bond to do so.

A MOTION was made by Mr. Broten to draft a letter on behalf of the Committee to Mr. Kiever advising him of the problems and provide a timeline for completion of this project, seconded by Mrs. Duffy and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

Mr. Hartman stated he was the developer, although not on the road improvement and suggested that when sending the letter to Mr. Kiever to let him know that the black top plant closes in December.

3. ***Resolution Authorizing Educational Services Commission Cooperative Purchases*** (Allied Oil LLC / Gasoline and Diesel Fuel)

Mr. Tropello requested clarification on the Cooperative Purchase Program.

The following resolution was offered for consideration:

#R-2015-100

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

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

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

WHEREAS, Allied Oil LLC, 25 Old Camplain Road, Hillsborough, NJ 08844 has been awarded Hunterdon County Educational Services Commissions Contract (reference Bid #15/16-Fuel-1) for Gasoline and Ultra Low Sulfur Diesel Fuel, for the period one (1) year, October 8, 2015 - October 7, 2016; and

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

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Allied Oil LLC be awarded a contract for Gasoline and Ultra low sulfur diesel fuel; and

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

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

A **MOTION** was made by Mr. Broten to adopt this resolution, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

4. **Resolution Authorizing Morris County Cooperative Purchases** (Road Safety Systems, LLC / Guide Rail and Safety Ends)

Mr. Tropello requested clarification on the Morris County Cooperative Purchase Program and asked if this purchase has been budgeted for.

The following resolution was offered for consideration:

#R-2015-101

**TOWNSHIP OF READINGTON
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES**

WHEREAS, the Township of Readington wishes to purchase Beam Guide Rail & Safety Ends (Installed) from an authorized vendor under the Morris County Cooperative Purchasing Program; and

Resolution #R-2015-101 cont'd:

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, Road Safety Systems, LLC, 1 Linda Lane, Suite D, Vincentown, NJ, 08088, has been awarded Morris County Cooperative Contract No. #26 for Beam Guide Rail & Safety Ends (Installed), for the period one (1) year, January 1, 2015 – December 31, 2015; and

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$120,000.00;

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 Road Safety Systems, LLC be awarded a contract for Beam Guide Rail & Safety Ends (Installed); 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. Broten to adopt this resolution, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Ay

* 5. **Release of Police Escrow (DPK Consulting)**

This matter was addressed under the Consent Agenda.

* 6. **Red Light Permit (Andrew B. Williams)**

This matter was addressed under the Consent Agenda.

* 7. **Resolution Authorizing Disposal of Surplus Property through GovDeals**

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz stated that she had nothing further to report.

ATTORNEY'S REPORT

Attorney Dragan reported that the Township closed on Block 94, Lot 19 with the County.

ENGINEER'S REPORT

Engineer O'Brien reported that he attended a meeting with Hunterdon and Somerset Counties regarding a project on Readington Road which will begin in March of 2016. Engineer O'Brien reported that the work will take place in two (2) stages in order to detour traffic with a proposed completion date of March 2017.

COMMITTEE REPORTS

John Broten

Mr. Broten reported that the Department of Public Works is making good use of the weather to repair the roads.

Mr. Broten also requested that Chief Financial Officer Carro prepare a year-to-date vs. budget analysis.

M. Elizabeth Duffy

Mrs. Duffy stated that the Open Space Advisory received the grant to study the trees and prepare a plan for trees in the Township. Mrs. Duffy stated that there is an issue in determining which trees are public or private and recommended that the Township authorize Attorney Dragan to look into that to the extent she can.

Betty Ann Fort

Mayor Fort thanked Attorney Dragan and the Sewer Advisory Committee for all their hard work.

Mayor Fort reported that there was an Open House on lacemaking at Bouman Stickney. Mayor Fort also reported on the new signs in the historic districts/sites in town paid for by the consent of the Museums out of their trust account.

Samuel Tropello

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

COMMENTS FROM THE PUBLIC

Bob Schoenfeld, Oldwick Road, commented on the procedure of the meetings and the mayoral control. Mr. Schoenfeld opined that Committee members are allowed to attack members of the public without any recourse.

Todd Terricone, Lamington Road, commented that he was concerned with the plans of Ryland Developers for that property. Mr. Terricone also commented that he was pleased for the up-to-date information provided on the Township website.

COMMENTS FROM THE GOVERNING BODY

Mayor Fort commented that they have been several happenings around town including the grand opening of Black River Coffee Roasters, the recently opened Walgreens and Toll Brothers Phase II Opening of Regency at Readington.

As there was no further business, ***A MOTION*** was made by Mr. Broten at 9:50 p.m. to adjourn the meeting, seconded by Mrs. Duffy with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk