

**READINGTON TOWNSHIP COMMITTEE  
MEETING – April 18, 2016**

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, Deputy Mayor M. Duffy, Mr. J. Broten, Mr. B. Smith and Mr. S. Tropello

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

**ABSENT:** None

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

| <b><u>Subject Matter</u></b>  | <b><u>Basis Of Public Exclusion</u></b> | <b><u>Date Anticipated When Disclosed to Public</u></b>  |
|---|---|--|
| Department of Public Works.....   | Personnel .....                         | Certain information at the discretion of the Township Committee tonight...other information will remain confidential |
| Building and Grounds / .....<br>Teamsters Local No. 469   | Contract Negotiations.....              | “ “ “  |
| Executive Session Minutes.....<br>• April 4, 2016   | Attorney-Client Privilege.....          | “ “ “  |
| Affordable Housing.....   | Potential Litigation.....               | “ “ “  |
| American Day CD Centers, LLC vs.....<br>Twp. of Readington  | Litigation.....                         | “ “ “  |
| Block 48, Lot 23; Block 55, Lot 33;<br>Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2<br>(Solberg Aviation)..... | Litigation.....                         | “ “ “  |
| Solberg Aviation v. Township of .....<br>Readington Civil Action (Prerogative Writ)                           | 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 7:38 p.m.

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

**SWEARING IN OF OFFICERS IN THE POLICE DEPARTMENT**

Administrator Mekovetz swore in Christopher Heycock as Probationary Sergeant.

Administrator Mekovetz swore in Alexander Hoofat as Probationary Detective Sergeant.

Administrator Mekovetz swore in James Ayotte as Corporal.

Administrator Mekovetz swore in Steven Rindock as Corporal.

Administrator Mekovetz swore in Gregory Wester as Corporal.

A **MOTION** was made by Mr. Smith to return to Executive Session, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

**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:

3. 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>  |
|--|---|--|
| Department of Public Works.....                            | Personnel .....                         | Certain information at the discretion of the Township Committee tonight...other information will remain confidential |
| Building and Grounds / .....<br>Teamsters Local No. 469    | Contract Negotiations.....              | “ “ “  |
| Executive Session Minutes.....<br>• April 4, 2016          | Attorney-Client Privilege.....          | “ “ “  |
| Affordable Housing.....                                    | Potential Litigation.....               | “ “ “  |
| American Day CD Centers, LLC vs.....<br>Twp. of Readington | Litigation.....                         | “ “ “  |

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

“ “ “  
“ “ “

Solberg Aviation v. Township of ..... Litigation.....  
Readington Civil Action (Prerogative Writ)

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.”

4. 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 9:52 p.m.

***Executive Session:***

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

A **MOTION** was made by Mr. Broten to hire Chris Szymanski for the position of laborer at a rate of \$20.16 per hour, seconded by Mr. Smith and on Roll Call vote the following was recorded:

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

***Contract Negotiations / Building & Grounds / Teamsters Local No. 469***

A **MOTION** was made by Mrs. Duffy to amend a prior motion to approve the contract at a base raise of \$1.50 per hour for the first year and 2% for the next two years after the first year, seconded by Mr. Broten and on Roll Call vote the following was recorded:

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

***Attorney-Client Privilege / Executive Session Minutes / April 4, 2016***

A **MOTION** was made by Mrs. Duffy to approve the Executive Session Minutes of April 4, 2016 for content only, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

***Potential Litigation / Affordable Housing***

The following resolution was offered for consideration:

**#R-2016-46**

**RESOLUTION FOR APPROVING ENTERING INTO LOCAL MUNICIPAL GROUP AGREEMENT**

**WHEREAS**, the Township Committee of the Township of Readington entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**Resolution #R-2016-46 cont'd:**

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Township of Readington contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

**WHEREAS**, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Township of Readington; and

**WHEREAS**, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepared its own revised report; and

**WHEREAS**, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

**WHEREAS**, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

**WHEREAS**, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

**WHEREAS**, an Agreement was prepared so that municipalities in the Municipal Group in the same vicinage could form a mini-consortium (the “Local Municipal Group”) to retain ESI collectively to testify about their common interests in the Revised Report (the “Local Municipal Group Agreement”), which is attached hereto Exhibit A; and

**WHEREAS**, the Local Municipal Group Agreement contemplates the appointment of a contact person for the Local Municipal Group (the “Administrator”); and

**WHEREAS**, the Township of Readington has determined that it is in the best interests of the citizens of the Township of Readington to become a part of a Local Municipal Group and to authorize the Administrator of the Local Municipal Group to enter into the Local Municipal Group Agreement.

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

1. The Township of Readington hereby agrees to the terms and conditions of the Local Municipal Group Agreement, which is attached hereto as Exhibit A, including all of the rates and direct costs of retaining ESI described therein.
2. The Township of Readington hereby authorizes the Administrator of the Local Municipal Group, once appointed, to execute the Local Municipal Group Agreement on behalf of the Township of Readington.
3. This Resolution shall take effect immediately.

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

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

The following resolution was offered for consideration:

**#R-2016-47**

**RESOLUTION FOR APPROVING ENTERING INTO AGREEMENT WITH ECONSULT INDIVIDUALLY**

**WHEREAS**, the Township Committee of the Township of Readington entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Township of Readington contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

**WHEREAS**, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Township of Readington; and

**WHEREAS**, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepared its own revised report; and

**WHEREAS**, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

**WHEREAS**, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

**WHEREAS**, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

**WHEREAS**, the purpose of this resolution is to retain ESI individually; and

**WHEREAS**, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

**Resolution #R-2016-47 cont'd:**

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

1. The Township of Readington hereby authorizes its attorney to sign the agreement, attached hereto, on its behalf.
2. This Resolution shall take effect immediately.

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

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

A **MOTION** was made by Mrs. Duffy to send a *Letter of Intent* to hire the Ingerman Group, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

***Litigation / American Day CD Centers, LLC vs. Twp. of Readington***

Mayor Fort stated that this matter remains in Executive Session.

The following matter was added to the Executive Session:

***Potential Litigation / Attorney Client Privilege***

A **MOTION** was made by Mrs. Duffy to authorize the hiring of Attorney Tim Howes to defend the Township in this litigation, seconded by Mr. Smith and on Roll Call vote the following was recorded:

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

***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***

A **MOTION** was made by Mrs. Duffy to authorize Attorney Jay Rhatican to file a *Notice of Appeal* in this matter, seconded by Mr. Smith and on Roll Call vote the following was recorded:

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

***Litigation / Solberg Aviation v. Twp. of Readington Civil Action (Prerogative Writ)***

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.

Mayor Fort requested to remove the Minutes of the April 4, 2016 from the Consent Agenda.

\*1. **Tax 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 95, Lot 12.295 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 \$ 900.60, plus a premium paid in the amount of \$1,300.00, known as Tax Sale Certificate #2015-019, to the lienholder, FWDSL & Associates, LP.

- \*2. **Release of Police Escrow / MetrOptics**
- \*3. **Release of Developers Escrow / Mane Stream (Block 53, Lot 5)**
- \*4. **Release of Hunting Security Deposit / X-Ring Bow & Gun Club (Block 52.01, Lot 14.06)**
- \*5. **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            | \$ 855.73             |
| CURRENT FUND                      | 6-01            | \$ 426,442.62         |
| SEWER APPROPRIATIONS              | 6-02            | \$ 2,252.50           |
| TRUST FUNDS                       | X-03            | \$ 26,996.42          |
| MISC REFUND, COUNTY TAX,<br>LIENS | X-05            | \$ 18,777.52          |
| PAYROLL DEDUCTIONS                | X-06            | \$ 135,864.24         |
| 2015 CAP. IMPROVEMENTS            | X-15            | <u>\$ 9,122.00</u>    |
| <b>TOTAL OF ALL FUNDS</b>         |                 | <b>\$ 620,311.03</b>  |

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

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

**APPROVAL OF THE MINUTES** of the April 4, 2016 meeting

A **MOTION** was by Mr. Smith to approve the minutes of the April 4, 2016 meeting as amended, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

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

There were none.

**CORRESPONDENCE/OTHER INFORMATION**

1. Notice of New Jersey Transit Corporation Public Meeting *to present its preliminary Disadvantaged Business Enterprise goals for professional services, construction and other procurement contract for federal Fiscal years 2017, 2018 and 2019 pursuant to US Department of Transportation Federal Regulations 49 CFR Part 26.* No action taken.

**NEW BUSINESS**

1. ***Bond Ordinance Providing for Various Capital Improvements in and by the Township of Readington, in the County of Hunterdon, New Jersey, Appropriating \$1,700,100 therefor and Authorizing the Issuance of \$1,615,100 Bonds or Notes of the Township to Finance Part of the Cost thereof***

Mr. Broten stated that when he and Mr. Tropello met with the Department of Public Works to review the capital projects, the list included resurfacing Foothill Road which is currently not included in the road improvement ordinance. Mr. Broten opined that now is the time to pave Foothill Road and therefore requested to propose an amendment to Section 3, Item A substituting Foothill Road for Van Horne Road/Cornelius Lane.

A **MOTION** was made by Mr. Broten to introduce the original ordinance with the amended Section 3, Item A, and seconded by Mr. Tropello as follows:

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u>  | <u>Appropriation &amp; Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds &amp; Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) Road improvements to various roads, including, but not limited to, Potterstown Road, <b>Foothill Road</b> , Harlen School Road, Railroad Avenue, Robin Way/Warren Lane, Trimmer and Covenhaven Road, including all work and materials necessary therefor and incidental thereto. | \$1,189,198                               | \$1,129,738  | 10 years                    |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

and on Roll Call vote the following was recorded:

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

Administrator Mekovetz stated that if there is no majority vote there will be no ordinance or any improvements related thereto.

Mayor Fort maintained that when the preliminary list was presented, Foothill Road was not even on the recommended list, adding that pursuant to a conversation with Engineer O'Brien, he would not approve anything substandard. Mayor Fort continued that this was listed not as a recommended approval but rather as a response to a question as to the cost of paving. Mayor Fort reiterated Engineer O'Brien's concern with regard to the narrowness of the existing travel lanes and the issue of vehicle safety, citing NJDOT road design standards. Mrs. Duffy concurred with the safety concerns of Engineer O'Brien. Mr. Broten pointed out there are other roads in the Township less than 20 feet in width, including Meadow Road and portions of Locust Road, among others. A brief discussion took place on the safety concerns of paving Foothill. Mr. Tropello added that he was surprised that Foothill Road was not listed in the ordinance and agreed with Mr. Broten that it should be.

Mr. Broten stated he will propose any alternative amendment keeping Potterstown Road which is being funded with some state aid, plus the acquisition to keep the breathing apparatus for the fire department. Mrs. Duffy disagreed with the Mr. Broten's alternative which basically voted down the rest of the bond ordinance, adding that meetings were held with Department Heads to address their needs; nor is she willing to forgo the improvement of the other roads that seriously need improvements as originally prioritized. Administrator Mekovetz strongly urged the Committee, due to the effort put into the ordinance, to consider the projects in the bond ordinance and proposed handling the Foothill Road situation separately if the Committee cannot agree. Mayor Fort stated that Foothill Road was not put on the list by consensus of the Committee. Mr. Broten countered that it was put on the list by the Department of Public Works. Administrator Mekovetz clarified that it was not on the list of recommended roads but was placed on the list as a point of discussion since it was requested to be included in order to obtain a consensus of those in favor of paving Foothill Road. Administrator Mekovetz continued that after the meetings she did not have the support of all the Committee members to move forward with adding Foothill to the ordinance. Mr. Broten added that Trimmer and Covenhaven were also not included; however Administrator Mekovetz pointed out that since Mr. Broten had made this request and with the consensus of the other Committee members, those roads were then added.

Mrs. Duffy maintained that her contention is with the paving of Foothill Road without expanding it to be the width that complied with RSIS standard, stressing that this is more of a safety issue than a money issue.

Director of Public Works, Scott Jesseman, stated that time is of the essence in order to get the bids out to contractors for placement on road improvement schedule. Mr. Jesseman also explained to the Committee that the cost of asphalt is currently down, adding that putting off road improvements may only increase in costs at a later time.

Mr. Broten concluded that an option would be to include Foothill Road and if in fact it is determined at a later date that Engineer O'Brien's final recommendation is that it should not be done, it could be removed from the list. Mrs. Duffy offered that Engineer O'Brien's memorandum could be read into the record although Mr. Broten opted to have Engineer O'Brien present to support the memorandum. Administrator Mekovetz pointed out that there is language in the bond ordinance which provides *road improvements to various roads, including those listed*, further adding that the ordinance can be introduced at this time, and then should it be determined as such, Foothill Road can fall under various roads. Mayor Fort read Engineer O'Brien's memorandum into the record relative to the 2016 preliminary roads citing safety concerns with regard to Foothill Road and the narrowness of the road. Mayor Fort offered a final proposal in order to move forward with the bond ordinance providing improvements to Foothill Road will be discussed separately with Engineer O'Brien. Mr. Broten conceded but requested that the hard resurfacing of Foothill Road will be discussed as a serious matter and re-addressed at a further meeting.

The following ordinance was offered for introduction:

***BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,700,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,615,100 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

***ORDINANCE #04-2016***

***BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY*** (not less than two-thirds of all members thereof affirmatively concurring) ***AS FOLLOWS:***

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Readington, in the County of Hunterdon, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,700,100, and further including the aggregate sum of \$85,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,615,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

**Ordinance #04-2016 cont'd:**

| <u>Purpose</u>  | <u>Appropriation &amp; Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds &amp; Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) Road improvements to various roads, including, but not limited to, Potterstown Road, Van Horne Road/Cornelius Lane, Harlen School Road, Railroad Avenue, Robin Way/Warren Lane, Trimmer and Covenhaven Road, including all work and materials necessary therefor and incidental thereto. | \$1,189,198                               | \$1,129,738  | 10 years                    |
| b) The acquisition of various equipment, including, but not limited to, a wheel loader with bucket and forks and a roadside mower attachment, including all related costs and expenditures incidental thereto.  | \$203,863                                 | \$193,673  | 15 years                    |
| c) The acquisition of a pick-truck with plow, including all related costs and expenditures incidental thereto.  | \$45,303                                  | \$43,038   | 5 years                     |
| d) The acquisition and installation of ADA compliance automated door openers, security gates and cameras, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.                           | \$113,257                                 | \$107,594  | 10 years                    |
| e) The acquisition and installation of solar speed signs, including all related costs and expenditures and further including all work and materials necessary therefor and incidental thereto.  | \$16,989                                  | \$16,139   | 10 years                    |
| f) The acquisition of self-contained breathing apparatus bottles, including all related costs and expenditures incidental thereto.  | <u>\$131,490</u>                          | <u>\$124,918</u>                                     | 15 years                    |
| <b>TOTAL:</b>   | <u>\$1,700,100</u>                        | <u>\$1,615,100</u>                                   |                             |

**Ordinance #04-2016 cont'd:**

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.85 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,615,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$199,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Ordinance #04-2016 cont'd:**

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

*The Public Hearing was scheduled for May 2, 2016 at 7:45 p.m.*

2. **Ordinance Appropriating \$415,000 from the Reserve for Green Acres in the General Capital Fund for the Acquisition of Real Property Known as a Portion of Block 44, Lot 4.02 (Lorenzen) in and by the Township of Readington, in the County of Hunterdon, New Jersey**

The following ordinance was offered for introduction:

**ORDINANCE APPROPRIATING \$415,000 FROM THE RESERVE FOR GREEN ACRES IN THE GENERAL CAPITAL FUND FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS A PORTION OF BLOCK 44 LOT 4.02 (LORENZEN) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY**

**ORDINANCE # 05-2016**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:**

Section 1. \$415,000 is hereby appropriated from the Reserve for Green Acres for the acquisition of property, a portion of Block 44, Lot 4.02 on the tax maps of the Township, including all related costs and expenditures incident thereto, in and by the Township of Readington, in the County of Hunterdon, New Jersey (the “Township”).

**Ordinance #05-2016 cont'd:**

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

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

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

*The Public Hearing was scheduled for May 2, 2016 at 7:45 p.m.*

3. ***An Ordinance Amending Chapter 148 of the Land Use Ordinance to Modify Section 148-51C Pertaining to Accessory Building and Structure Maximum Permitted Floor Area Requirements***

Attorney Dragan stated that the effective date should also include language stating *upon filing with the Hunterdon County Planning Board.*

The following ordinance was offered for introduction:

***AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE TO MODIFY §148-51.C  
PERTAINING TO ACCESSORY BUILDING AND STRUCTURE MAXIMUM PERMITTED  
FLOOR AREA REQUIREMENTS***

***ORDINANCE #06-2016***

*WHEREAS*, the Township of Readington adopted Ordinance 08-2014 on April 7, 2014 in order to better regulate accessory structures on residential lots so as to reduce the detrimental impact they may have on neighboring properties; and

*WHEREAS*, Ordinance 08-2014 added a new section subsection “C. Maximum Permitted Floor Area” under §148-51 “Accessory Buildings and Structures”, but did not specify that this subsection was intended to apply only to residential lots; and

*WHEREAS*, Subsection (1) of new §148-51.C added by Ordinance 08-2014 established limits on the maximum floor area for accessory buildings and structures in relationship the principal building/structure, but was not intended to limit the floor area of accessory structures such as barns on larger residential lots which qualify for farmland assessment;

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

SECTION 1. §148-51 “Accessory Buildings and Structures” Definitions, shall be amended by deleting the words or numbers struck through [~~thus~~] and adding the words or numbers underlined [thus]:

**Ordinance #06-2016 cont'd:**

§148-51. Accessory buildings and structures.

- A. Except as otherwise provided, accessory buildings and/or structures on single-family residential lots shall be permitted in the side or rear yard of each property with a minimum setback equal to a minimum of 1/2 of the side and/or rear setback requirements for the principal structure. In the case of a lot with two front yards, an accessory building may be located in one of the front yards, provided that it is located no closer to the street than the front line of the house or 200 feet, whichever is less.
- B. Accessory structures and buildings which are 650 square feet or larger located on single-family residential lots shall have a minimum front, side and rear yard setback equal to that required for the principal structure.
- C. Maximum permitted floor area.
  - (1) The maximum footprint for accessory buildings and structures on single-family residential lots less than six (6) acres in size, shall not exceed 90% of the footprint of the principal building/structure of which such building/structure is accessory.
  - (2) Notwithstanding the provisions for existing undersized lots pursuant to § 148-49, accessory structures on single-family residential lots shall comply with the maximum permitted floor area as regulated in § 148-51C(1).
- D. All farm and agricultural uses, including the growing of crops, nurseries and the raising and training of poultry, small animals and livestock, are permitted everywhere in the Township, subject to additional provisions set forth below:
  - (1) Said use is conducted upon a lot not less than five acres in area, except for the raising of fowl, small animals and livestock for purely personal, educational or recreational purposes, involving no nuisance or menace to the public health and subject to other applicable provisions of this section.
  - (2) No building, run or other enclosure for swine shall be closer to any property line than 200 feet. Not more than one adult swine shall be allowed for each acre contained in the property.
  - (3) No building for the shelter of 1,000 or more fowl of any kind or five or more adult dogs shall be closer to any property line than 200 feet.
  - (4) Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area of 2,000 square feet for the first 10 acres and a maximum of 1,000 additional square feet for each additional acre.
  - (5) In all other cases, no building or enclosure for the shelter or retention of fowl or farm livestock of any kind shall be closer to any property line than 50 feet.
- E. No accessory building may be located closer to the street than the front line of the house or 200 feet, whichever is closer, except that if erected on a corner lot, the accessory building or structure shall be set back from the side street to comply with the setback line requirements applying to the principal building for that side street.
- F. Pools and permanent recreational facilities may not be located closer to the street than the front line of the house.

**Ordinance #06-2016 cont'd:**

- G. ECHO housing.
- (1) ECHO dwellings shall be limited to a total of eight within the Township.
  - (2) ECHO dwellings are permitted only in conjunction with a principal single-family dwelling.
  - (3) Site plan approval is not required for an ECHO dwelling. Application for a permit shall be made to the Zoning Officer.
  - (4) ECHO dwellings are permitted on lots having a minimum lot size of one acre for lots with public sewer and 75,000 square feet for lots without public sewer.
  - (5) ECHO dwellings shall comply with the required minimum setbacks for the principal building.
  - (6) Sufficient capacity to treat wastewater from the ECHO unit, in addition to the principal residence, shall be documented.
  - (7) Sufficient potable water capacity to serve the ECHO unit, in addition to the principal residence, shall be documented.
  - (8) The exterior finish of an ECHO dwelling shall match or complement the appearance of the principal building.
  - (9) After removal of the ECHO dwelling, the land devoted to the use of the ECHO dwelling shall be restored to its original condition.
- H. No construction permit shall be issued for the construction of an accessory building or structure, other than construction trailers, storage sheds or farm accessory buildings, prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building or structure, the Construction Official shall revoke the construction permit for the accessory building or structure until the construction of the main building has proceeded substantially toward completion.
- I. The maximum height of accessory buildings shall be 25 feet or the height of the principal structure on the lot, whichever is less, unless otherwise specified in Articles IV and V, except that silos and barns for agricultural use associated with an agricultural operation shall have no height limitations.
- J. A swimming pool shall not be counted as a structure in the F.A.R., but it must adhere to all other space regulations.

SECTION 2. Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 3. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law and upon filing with the Hunterdon County Planning Board.

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

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

*The Public Hearing was scheduled for May 2, 2016 at 7:45 p.m.*

4. ***Request to Use Township Roads for American Diabetes Association New Jersey Tour de Cure*** – letter dated March 30, 2016 from Laura Wertz, Project Manager

A **MOTION** was made by Mr. Broten to approve the request to use township roads, contingent upon providing insurance naming *Readington Township as additional insured* prior to the event, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

- \*5. ***Release of Police Escrow / MetrOptics***

This matter was addressed under the Consent Agenda.

- \*6. ***Release of Developers Escrow / Mane Stream (Block 53, Lot 5)***

This matter was addressed under the Consent Agenda.

- \*7. ***Release of Hunting Security Deposit / X-Ring Bow & Gun Club (Block 52.01, Lot 14.06)***

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 stated that she had nothing further to report.

#### **COMMITTEE REPORTS**

##### **JOHN BROTEN**

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

##### **M. ELIZABETH DUFFY**

Mrs. Duffy reported that the *Free Tree Seedling Giveaway* was a great success.

##### **BEN SMITH**

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

##### **SAM TROPELLO**

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

Mayor Fort reported there was a record breaking attendance for Open Space hike yesterday.

***COMMENTS FROM THE PUBLIC***

There were none.

***COMMENTS FROM THE GOVERNING BODY***

As there was no further business, *A MOTION* was made by Mr. Smith at 10:40 p.m. to adjourn the meeting, seconded by Mr. Duffy with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA  
Municipal Clerk