

**READINGTON TOWNSHIP COMMITTEE  
MEETING – June 6, 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, Mr. S. Tropello

**ALSO PRESENT:** Administrator Mekovetz, Attorney S. Dragan, Engineer 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>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Recreation.....	Personnel .....	“ “ “
Zoning.....	Personnel .....	“ “ “
Personnel.....	Personnel.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• May 16, 2016		
Award of 2016 Road Reclamation Bid..	Contract Negotiations.....	“ “ “
Transcontinental Pipeline .....	Contract Negotiations.....	“ “ “
(Block 75, Lot 33)		
Wilmark Building Contractors.....	Contract Negotiations.....	“ “ “
(Block 57, Lot 4)		
Affordable Housing / 408 S. Branch Dr..	Contract Negotiations.....	“ “ “
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.....	“	“	“
Solberg Aviation v. Township of .....	Litigation.....	“	“	“
Readington Civil Action (Prerogative Writ)				
388 Route 22 Readington Realty .....	Litigation.....	“	“	“
Holdings, LLC vs. Twp. of Readington				

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 8:17 p.m.

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

***Executive Session:***

***Personnel / Police Department***

Mayor Fort stated that this matter remains in Executive Session.

***Personnel / Recreation***

A **MOTION** was made by Mrs. Duffy to approve the following counselors for the summer recreation program effective June 20<sup>th</sup> through August 5<sup>th</sup>, held at Whitehouse School, Holland Brook and Readington Middle School:

<i>NAME</i>	<i>HOURLY RATE</i>	<i>NAME</i>	<i>HOURLY RATE</i>
Zach Amster	\$8.40	Ryan McCarthy	\$9.55
Aedan Boyle	\$9.00	Jason Monastersky	\$9.18
Allie Brembt	\$9.00	Amy Napoli	\$9.00
Xavier Brooks	\$12.00	Luke Nealon	\$9.00
Bill Campi	\$11.22	Jason Noone	\$9.36
Hannah D’Amico	\$9.00	Albert Polito	\$9.00
Kathy Ebert	\$12.00	Kayla Polito	\$9.00
Elizabeth Eckel	\$9.00	Kristin Polito	\$17.24
Casey Fenton	\$9.36	Jonathan Roberts	\$9.00
Denise Hawkins	\$16.00	Ashlin Sahlin	\$10.18
Melissa Heintz	\$9.18	Kristin Sorrentino	\$9.50
Madison Hill	\$9.00	Emily Supthin	\$9.00
Madison Hunt	\$8.40	Daniel Szallai	\$8.40
Lindsey Hutson	\$9.18	Jacqueline Villa	\$10.00
Julie Hyland	\$9.18	Justin Weber	\$8.40
Julie Kreutzer	\$9.00	Matthew Wougk	\$9.18
Emily LaMorte	\$9.00	Ryan Wyckoff	\$8.40
David Leshik	\$9.00	Patricia Marcine	<i>salary</i>
Kiera Librera	\$9.36	<i>Bus Drivers:</i>	
Alexandra Livesey	\$9.18	Debbie Hill	\$18.04
David Marcella	\$9.55	Melissa Flannery	\$16.07
Vicki Marcine	\$18.23	Dee Hromoho	\$14.66
Carly Mastrogiacomo	\$9.00	Everaldo Ridente	\$14.00
Rachel McInerney	\$9.18	Donny Schuyler	\$14.66
David Mazzucco	\$9.36	Russell Mobley	\$14.00

**This Motion** was seconded by Mr. Broten on Roll Call vote the following was recorded:

- Mr. Broten - Aye
- Mrs. Duffy -Aye
- Mr. Smith - Aye (Mr. Smith recused himself from voting for Julia Hyland since she babysits his children)
- Mr. Tropello - Aye
- Mayor Fort - Aye

**Personnel / Zoning**

A **MOTION** was made by Mr. Broten to hire Christina Schwartz as the part-time Zoning Official at a rate of \$30 per hour for 21 hours per week effective June 23<sup>rd</sup>, 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

**Personnel / Personnel**

Mayor Fort stated that this matter remains in Executive Session.

**Attorney-Client Privilege / Executive Session Minutes / May 16, 2016**

A **MOTION** was made by Mrs. Duffy to approve the Executive Session Minutes of May 16, 2016 for content only, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

***Contract Negotiations / Award of 2016 Road Reclamation Bid***

A ***MOTION*** was made by Mr. Broten to award the 2016 Road Reclamation bid to Asphalt Paving Systems in the amount of \$185,500, seconded by Mrs. Duffy 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 / Transcontinental Pipeline (Block 75, Lot 33)***

Mayor Fort stated that this matter remains in Executive Session.

***Contract Negotiations / Wilmark Building Contractors (Block 4, Lot 47)***

Mayor Fort stated that this matter remains in Executive Session.

***Contract Negotiations / Affordable Housing / 408 South Branch Drive***

Mayor Fort stated that this matter remains in Executive Session.

***Potential Litigation / Affordable Housing***

Mayor Fort stated that there was nothing discussed.

***Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2***

Mayor Fort stated that there was nothing to report.

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

Mayor Fort stated that there was nothing to report.

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

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.

- \* 1. **APPROVAL OF THE MINUTES** of meeting of May 16, 2016
  
- \* 2. **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 21.01, Lot 26 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 \$ 894.27, plus a premium paid in the amount of \$1,000.00, known as Tax Sale Certificate #2015-005, to the lienholder, FWDSL & Associates, LP.

- \* 3. **Resolution Authoring Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership therein for the Period of October 1, 2016 through September 30, 2021**

The following resolution was offered for consideration:

**#R-2016-56**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Readington desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

1. The Township Committee of the Township of Readington hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11 (5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Township of Readington Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Readington officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

- \* 4. **Release of Escrow / Pleasant Run LLC** (Profeta)
- \* 5. **Release of Police Escrow / Blair Park Services**
- \* 6. **Release of Escrow / Block 80, Lot 1** (Verdi)
- \* 7. **Release of Escrow / Block 73, Lot 40.04** (McLean)
- \* 8. **NJ State Fireman’s Association Membership Application**
  - ◆ Daniel Romeo (East Whitehouse Fire Company)
  - ◆ Michael Murphy (Readington Fire Company)

\* 9. **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	\$ 850.00
CURRENT FUND	6-01	\$ 892,340.57
SEWER APPROPRIATIONS	6-02	\$ 103,161.83
TRUST FUNDS	X-03	\$ 15,953.40
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 95,232.42
PAYROLL DEDUCTIONS	X-06	\$ 380,146.87
REG. & LOCAL SCHOOL TAX	X-07	\$2,353,621.00
2014 CAPITAL IMPROVEMENTS	X-14	\$ 2,407.20
2015 CAPITAL IMPROVEMENTS	X-15	<u>\$ 12,061.66</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$3,855,774.95</b>

A **MOTION** was made by Mrs. Duffy to approve the Consent Agenda, 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

**COMMENTS FROM THE PUBLIC**

Scott Scammel, Dreahook Road, inquired about the legal counsel representing the Township in the sewer litigation.

**CORRESPONDENCE / OTHER INFORMATION**

1. Notice of Public Hearings from Martin C. Rothfelder, Esq. Associate General Regulatory Counsel, **In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric and Gas Base Rate Adjustments Pursuant to the Energy Strong Program.** No action taken.
2. Notice of Intent from Dennis Martin, Interim Executive Director, NJ Transit Corporation, regarding **NJ Transit Corporation Fiscal Year 2016 Request for Federal Financial Assistance.** No action taken.

**NEW BUSINESS**

1. **Recommendations from the Sewer Advisory Committee** – memo dated June 1, 2016 from Karin Parker, Sewer Advisory Secretary

The Committee reviewed the following recommendations:

◆ **Request to Connect to Public Sewer in Three Bridges (Block 81, Lot 4)**

A **MOTION** was made by Mrs. Duffy to approve the request to connect to public sewer; approving 300 gallons of sewer capacity for Block 81, Lot 4, seconded by Mr. Broten, with a vote of ayes all, nays none recorded.

◆ **Request to be Re-Incorporated into the Sewer Service Area (Block 21, Lot 3)**

Engineer O'Brien stated that although this property had been in the sewer service area, changes were made to reduce the area due to over allocation based on zoning. Engineer O'Brien added that the Committee must determine who will be responsible for the costs of getting the property back into the sewer service area. Engineer O'Brien continued that he would get a proposal on the cost of preparing the application. Mayor Fort suggested the possibility of a cost share situation. The Committee decided to carry this matter to the next meeting.

Mr. Broten stated that he had seen a request for sewer capacity for a property on Central Avenue wherein the owner has been requesting capacity since 2006 and questioned why this request has not yet been fulfilled. Attorney Dragan explained that pursuant to the Township ordinance, the property does not have a failing septic system situation nor is it an affordable housing unit. Attorney Dragan advised that at this time it is best to wait until the litigation is settled before any requests for capacity are granted.

2. **Request for Reduction in Performance Bond Guarantee / Block 4, Lot 57**  
(Mountain Woods Subdivision)

Engineer O'Brien stated that he recommends that the performance bond be reduced.

The following resolution was offered for consideration:

**#R-2016-57**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, Wilmark Building Contractors, Inc. did on April 20, 2016 file a written request with the Township of Readington for a reduction in Cash Performance Guarantee Check #1070 in the amount of \$25,428.60 and Performance Bond #RU100355 in the amount of \$228,857.40 for work completed on Mountain Woods , Block 4 Lot 57; and

**WHEREAS**, the Township Engineer has confirmed that a certain amount of work has been done by Wilmark Building Contractors, Inc. on said property; and

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

**WHEREAS**, the Township Engineer has supplied a reduced bond amount for Cash Performance Guarantee Check #1070 and Performance Bond #RU100355, as indicated in his letter of May 20, 2016 based upon the Municipal Land Use Law.

**Resolution #R-2016-57 cont'd:**

<b>BOND OR CHECK</b>	<b>CURRENT BONDED AMOUNT @ 120%</b>	<b>RECOMMENDED REDUCTION FOR WORK COMPLETED</b>	<b>REMAINING PERFORMANCE GUARANTY @ 120%</b>
First Indemnity of American Ins. Co. # RU100355	\$ 228,857.40	\$ 38,923.20	\$ 189,934.20
Check # 1070	\$ 25,428.60	\$ 4,324.80	\$ 21,103.80
<b>Total</b>	<b>\$ 254,286.00</b>	<b>\$ 43,248.00</b>	<b>\$ 211,038.00</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to reduce Cash Performance Guarantee Check # 1070 and Performance Bond #RU100355, as recommended by the Township Engineer; and

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

A **MOTION** was made by Mrs. Duffy to adopt this resolution, 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

3. **An Ordinance Amending and Supplementing the Readington Township 2016 Salary Ordinance for Officers and Employees of the Township of Readington**

Administrator Mekovetz explained that were two errors in the original ordinance, therefore this ordinance is just addressing those corrections.

The following ordinance was offered for introduction:

**An Ordinance Amending the Readington Township 2016 Salary Ordinance**

**ORDINANCE #08-2016**

**Amended SECTION 1**

**GOVERNING BODY AND SUPERVISORY PERSONNEL**

COURT ADMINISTRATOR	per annum	<b>INCLUDES 27 PAYS</b> \$57,136
ROAD SUPERINTENDENT, BUILDINGS, GROUNDS & PARKS	per annum	\$105,520

A **MOTION** was made by Mr. Broten 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             - Aye  
Mayor Fort               - Aye

*The Public Hearing was scheduled for June 20, 2016 at 7:45 p.m.*

- \* 4.       ***Resolution Authoring Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership therein for the Period of October 1, 2016 through September 30, 2021***

This matter was addressed under the Consent Agenda.

- \* 5.       ***Release of Escrow / Pleasant Run LLC (Profeta)***

This matter was addressed under the Consent Agenda.

- \* 6.       ***Release of Police Escrow / Blairpark Services***

This matter was addressed under the Consent Agenda.

- \* 7.       ***Release of Escrow / Block 80, Lot 1 (Verdi)***

This matter was addressed under the Consent Agenda.

- \* 8.       ***NJ State Fireman’s Association Membership Application***

- ◆ Daniel Romeo
- ◆ Michael Murphy

This matter was addressed under the Consent Agenda.

**ADMINISTRATOR’S REPORT**

Administrator Mekovetz reported that the Township needs to replace the failing air conditioning unit in the front end of the building and requested consideration from the Committee to adopt a resolution for the purchase through the Middlesex Regional Services Education Commission.

The following resolution was offered for consideration:

**#R-2016-58**

**TOWNSHIP OF READINGTON RESOLUTION AUTHORIZING  
MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISION  
COOPERATIVE PURCHASES**

**WHEREAS**, the Township of Readington wishes to purchase a replacement HVAC chiller for the Municipal/Police Building from an authorized vendor under the Middlesex Regional 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, *N.J.S.A. 40A:11-12*; and

**Resolution #R-2016-58 cont'd:**

**WHEREAS**, the Middlesex Regional Educational Services Commission is a New Jersey State approved cooperative pricing system #65MCESCCPS.

**WHEREAS**, through the Middlesex Regional Educational Services Commission Cooperative Purchasing Program, the Gordian Group was the successful procurement specialist. They in turn provide contractors for specific trades under the title of “Job Order Contracting, or JOC”.

**WHEREAS**, the contractor for Job Order Contracting: Repair & Maintenance bid #MRESC 13/14-12 is to Lighton Industries, Inc., 699 Cross Street, Lakewood, NJ, 08701, for the period 7/1/2013 – extended to 6/30/2017; and

**WHEREAS**, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$115,000.00;

**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 Lighton Industries, Inc., be awarded a contract under Job Order Contracting to replace the HVAC Chiller at the Municipal/Police Building; 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 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

**ATTORNEY’S REPORT**

Attorney Dragan stated that she had nothing further to report.

**ENGINEER’S REPORT**

Engineer O’Brien reported that the drainage has been completed on Potterstown Road and the curbing contract will be going out to bid, to be followed by the reclamation contract bid for the paving portion.

Engineer O’Brien asked the Committee to review the erosion problem on Brookview Road.

Engineer O’Brien reported that the project to address the flooding at Merck is scheduled to start June 16<sup>th</sup>.

**COMMITTEE REPORTS**

**JOHN BROTEN**

Mr. Broten reported that he will be meeting with some members of the Open Space Advisory Committee regarding the gully left from the Transco reclamation work on Bouman Stickney property.

**M. ELIZABETH DUFFY**

Mrs. Duffy reported that Open Space discussed the hunting properties and the sub-committee will be providing a report to the Township Committee.

Mrs. Duffy also reported that there will be an Open Space Walk through the woods in East Whitehouse on Sunday, June 19<sup>th</sup>.

**BEN SMITH**

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

**SAM TROPELLO**

Mr. Tropello reported that he attended a County Solid Waste Advisory Council meeting on May 18<sup>th</sup>.

**BETTY ANN FORT**

Mayor Fort reported that they are currently in the middle of third grade museum program.

Mayor Fort reported that the Memorial Day Parade had been cancelled due to the weather advisory. Mayor Fort commended all those involved in planning the parade and the memorial service.

***COMMENTS FROM THE PUBLIC***

Bob Schoenfeld, Oldwick Road, thanked Administrator Mekovetz for her research and solution to replace the air conditioner unit without any cost to the taxpayers.

Ken Garvey, Pleasant Run Road, commented on the Township's sewer allocation litigation and also inquired about the status of the Solberg litigation.

Mark Hartman, Pine Bank Road, proposed that farms adjacent to open space parcels be made available to farmers for a five (5) year lease in order to continue farming, therefore also maintaining the property and enabling them to hunt deer should that become a problem.

Scott Scammel, Dreahook Road, asked for an update on the status of Waypointe facility. Mr. Scammel also inquired about the status of the Merck contract purchase and the status of the appeal on the Solberg litigation and the related expenses.

Daniel Dorf, Mountain Road, asked the Committee to consider putting a 4 way stop at the Pulaski, Kosciuszko and School Road intersection to make it a safer intersection. Mr. Dorf also asked the Committee to consider a waiver of the \$750 raffle application fee for the American Legion.

***COMMENTS FROM THE GOVERNING BODY***

Mayor Fort requested that the Committee consider adopting a resolution in support of adoption of S2254/A3821.

The following resolution was offered for consideration:

***#R-2016-59***

***RESOLUTION IN SUPPORT OF THE ADOPTION OF S2254/A3821 TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS***

***WHEREAS***, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Township of Readington) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

**Resolution #R-2016-59 cont'd:**

**WHEREAS**, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

**WHEREAS**, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

**WHEREAS**, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

**WHEREAS**, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

**WHEREAS**, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

**WHEREAS**, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

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

1. The Mayor and Township Committee hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Township Committee urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

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

As there was no further business, **A *MOTION*** was made by Mrs. Duffy at 9:25 p.m. to adjourn the meeting, seconded by Mr. Broten with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA  
Municipal Clerk