

**READINGTON TOWNSHIP COMMITTEE
MEETING – July 5, 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. B. Smith and Mr. S. Tropello

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

ABSENT: Mr. J. Broten

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:

- 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> |
|---|---|--|
| Recreation..... | Personnel..... | Certain information at the discretion of the Township Committee tonight...other information will remain confidential |
| Three Bridges Library..... | Personnel..... | “ “ “ |
| Award of Curb Installation to..... Potterstown Road Bid | Contract Negotiations..... | “ “ “ |
| Award of M & R Materials Bid..... | Contract Negotiations..... | “ “ “ |
| Executive Session Minutes..... • June 20, 2016 | Attorney-Client Privilege..... | “ “ “ |
| Affordable Housing..... | Potential Litigation..... | “ “ “ |
| Transcontinental Pipeline Co..... | Litigation..... | “ “ “ |
| 111 Dove Cote Court (Wells Fargo)..... | 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 Mrs. Duffy to adopt this resolution, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:05 p.m.

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

Executive Session:

Personnel / Recreation

A **MOTION** was made by Mrs. Duffy to hire Mary Pat Gibble at a rate of \$10 per hour (replacing Stephanie Dellituri) and Kara Sahlin at a rate of \$9 per hour for the summer camp program, seconded by Mr. Smith and on Roll Call vote the following was recorded:

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

Personnel / Three Bridges Library

A **MOTION** was made by Mrs. Duffy to accept the letter of resignation from Theresa Stoveken from the Three Bridges Library, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

Contract Negotiations / Award of Curb Installation to Potterstown Road Bid

The following resolution was offered for consideration:

#R-2016-66

READINGTON TOWNSHIP

RESOLUTION

WHEREAS, the Readington Township Committee (“Township”) publically advertised for bids for the Curb Installation to Potterstown Road Project (hereinafter “Project”) located in Readington and Clinton Townships; and

WHEREAS, on June 22, 2016, the Township Administrator/Clerk/QPA conducted the bid opening whereupon the total number of bidders for the Project was one (1); and

WHEREAS, upon review of the bids, the Township Administrator, Township Engineer and Committee determined that the only bid received from A&A Curbing, Inc. in the amount of \$99,000.10 was well in excess of the estimated cost of \$63,000 of the Project, as well as the amount appropriated for the Project and

WHEREAS, under N.J.S.A. 40A:11-13.2, the Township may reject all bids if the lowest bid substantially exceeds the cost estimates or the amount appropriated for the goods and services; and

Resolution #R-2016-66 cont'd:

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

1. The Township Committee hereby rejects the only bid received in the amount of \$99,000.10 in conjunction with the Curb Installation to Potterstown Road located in Readington and Clinton Townships Project because the bid substantially exceeded the cost estimate of \$63,000 and the amount appropriated for the Project.
2. The Township Administrator/Clerk/QPA is authorized to notify the one (1) bidder on the Project of this decision.
3. The Township Administrator/Clerk/QPA and / or Engineer is authorized to rebid or contract with an approved vendor under a State or Cooperative Contract in compliance with the provisions of the Local Public Contracts Law for this project.

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

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

Contract Negotiations / Award of Maintenance & Repair Materials Bid

Mayor Fort stated that this matter would be moved to New Business and addressed at that time.

Attorney-Client Privilege / Executive Session Minutes / June 20, 2016

A **MOTION** was made by Mr. Smith to approve the Executive Session Minutes of June 20, 2016 for content only, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

Potential Litigation / Affordable Housing

Mayor Fort stated that this matter remains in Executive Session.

Litigation / Transcontinental Pipeline Co.

The following resolution was offered for consideration:

#R-2016-67

TOWNSHIP OF READINGTON

COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

WHEREAS, proposed Consent Orders have been received from the attorneys for Transcontinental Gas Pipeline Company LLC (“Transco”) in Federal Civil Action No: 3:15:-cv-00441-FLW-LHG concerning condemnation of a .877+/- acre portion of farmland-preserved property owned by Louisa Cole (Block 64, Lot 44), in the Township for which an agricultural development rights easement was funded the New Jersey State Agriculture Development Committee, the County of Hunterdon and the Township of Readington; and

WHEREAS, the proposed Consent Orders in the aforementioned case are for the purposes of settling and dismissing the litigation, and for disbursing the monies placed into the Registry of the Court by Transco in order to provide compensation to the various parties in connection with its partial taking of the Cole property for its gas pipeline right-of-way; and

Resolution #R-2016-67 cont'd:

WHEREAS, the Township Committee is agreeable to the proposed terms of the Consent Orders which will proportionately compensate the Township in the amount of \$9,280.94 for .877+/- ac. of the agricultural development rights easement on the Cole property,

WHEREAS, full copies of the proposed Consent Orders are on file with the Township Administrator/Clerk.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON AS FOLLOWS:

1. The Township Attorney is authorized to sign on behalf the Township, the aforementioned Consent Orders memorializing the settlements with Transco in Federal Civil Action No. 3:15-cv-00441-FLW-LHG (Louisa Cole property- .877 ac. of Bl. 64, Lot 44), and consenting to the withdrawal and disbursement of the monies previously placed by Transco into the Registry of the Court for the purposes of providing compensation.

2. This Resolution shall be effective immediately.

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

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

Litigation / 111 Dove Cote Court (Wells Fargo)

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 39, Lot 24 and Block 67, Lot 2

Mayor Fort stated that this matter remains in Executive Session.

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

Mayor Fort stated that this matter remains 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.

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 MINUTES** of meeting of June 20, 2016

* 2. ***Cancellation of Property Taxes***

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

WHEREAS, it was ordered by the Superior Court of New Jersey on March 29, 2016 that the total amount of property taxes due for Block 56, Lot 3 and Block 56, Lot 6 from January 1, 2007 – May 20, 2015 is \$206,916.42, and

WHEREAS, the total amount of property taxes assessed on Block 56, Lot 3 and Block 56, Lot 6 for January 1, 2007 – May 20, 2015 was \$417,875.66.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Tax Collector be authorized to cancel the remaining property taxes for Block 56, Lot 3 and Block 56, Lot 6 in the amount of \$210,959.24 for the time period January 1, 2007 – May 20, 2015.

* 3. ***Tax Overpayments***

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, there exist several tax overpayments from 2015, and

WHEREAS, the Tax Collector desires to apply the following 2015 overpayments to the amounts due for 2016 taxes prior to the printing and mailing of the property tax bills:

| <u>BLOCK</u> | <u>LOT</u> | <u>QUAL</u> | <u>AMOUNT</u> |
|--------------|------------|-------------|---------------|
| 1.01 | 1.13 | | \$ 323.79 |
| 4 | 37 | Q0008 | 6.45 |
| 4 | 48 | | 1,701.31 |
| 4 | 99 | | 5,714.20 |
| 4 | 100 | | 65,413.16 |
| 9 | 11 | | 22.07 |
| 10.01 | 1 | Q0035 | 260.23 |
| 20 | 6 | T03 | 8.14 |
| 21.06 | 506.05 | | 1,928.59 |
| 30 | 12.01 | | 6,072.02 |
| 34 | 36.133 | | 1,581.36 |
| 34 | 36.269 | | 8,798.91 |
| 42 | 9 | Q0188 | 5.44 |
| 42 | 24.02 | Q0186 | 74.99 |
| 45 | 17 | Q0225 | 10.20 |
| 45 | 27.19 | | 259.86 |
| 48 | 22.03 | | 2,034.37 |
| 51.03 | 21 | | 40,852.35 |
| 52 | 13.05 | | 97.20 |
| 53 | 2.02 | Q0299 | 10.89 |
| 56 | 8.01 | Q0620 | 61.23 |
| 62 | 16.04 | | 2,123.84 |
| 63 | 48 | Q0402 | 19.20 |

Tax Overpayments cont'd:

| <u>BLOCK</u> | <u>LOT</u> | <u>QUAL</u> | <u>AMOUNT</u> |
|--------------|------------|-------------|---------------|
| 66 | 49.10 | | 4,755.93 |
| 74 | 26.01 | Q0527 | 66.67 |

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington that the Tax Collector is hereby authorized to apply the above-referenced 2015 property tax overpayments to 2016 property taxes receivable.

* 4. ***Resolution Authorizing Alcoholic Beverage License Renewals for 2016-17***

The following resolution was offered for consideration:

#R-2016-68

RESOLUTION AUTHORIZING ALCOHOLIC BEVERAGE LICENSE RENEWALS

BE IT RESOLVED, by the Township Committee of the Township of Readington that the following Readington Township Alcoholic Beverage License Renewals for 2016-2017 be approved:

PLENARY RETAIL CONSUMPTION:

| <u>LICENSE NUMBER</u> | <u>LICENSE HOLDER</u> | <u>MUNICIPAL FEE</u> | <u>STATE FEE</u> |
|-----------------------|-----------------------|----------------------|------------------|
| 1022-33-002-010 | McPhail Melinda M | \$2,214.60 | \$200.00 |
| 1022-33-009-007 | Nik's Wunderbar | \$2,214.60 | \$200.00 |

* 5. ***Resolution Authorizing Morris County Cooperative Purchases*** (road resurfacing materials/curbing)

The following resolution was offered for consideration:

#R-2016-69

RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES

WHEREAS, the Township of Readington wishes to purchase road resurfacing materials from an authorized vendor under the Morris County 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

WHEREAS, Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, New Jersey, 07110 has been awarded Morris County Cooperative Contract No. #6 (category G) for road resurfacing (curbing), for the period of one (1) year, January 1, 2016 – December 31, 2016; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$75,000; and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Cifelli & Son General Contracting, Inc. be awarded a contract for road resurfacing (curbing) ; and

Resolution #R-2016-69 cont'd:

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

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

- * 6. **Release of Security Deposit for Hunting Properties / Pinebank Hunting Association** (Block 66, Lots 2 & 3 and Block 66, Lot 13)
- * 7. **Release of Developers Escrow / GNSM** (Block 4, Lot 72)
- * 8. **Release of Board of Health Escrow / Omilian Estate** (Block 36, Lot 46)
- * 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 | 6-01 | \$ 611,060.96 |
| SEWER APPROPRIATIONS | 6-02 | \$ 103,561.83 |
| TRUST FUNDS | X-03 | \$ 15,992.86 |
| MISC REFUND, COUNTY TAX, LIENS | X-05 | \$ 44,453.66 |
| PAYROLL DEDUCTIONS | X-06 | \$ 138,769.35 |
| REG & LOCAL SCHOOL TAX | X-07 | \$ 5,425,972.17 |
| | X-16 | <u>\$ 11,698.01</u> |
| TOTAL OF ALL FUNDS | | \$ 6,351,508.84 |

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

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

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

PUBLIC HEARINGS

As it was after 7:45 p.m., A **MOTION** was made by Mrs. Duffy to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Authorizing the Sale of Affordable Housing Property Known as 408 S. Branch Drive in the Township of Readington, County of Hunterdon and State of New Jersey

◆ **Ordinance #09-2016**

Mayor Fort asked if there were any comments from the governing body.

There were none.

Mayor Fort asked if there were any comments from the Public.

There were none.

A **MOTION** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mrs. Duffy with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Authorizing the Sale of Affordable Housing Property Known as 408 S. Branch Drive in the Township of Readington, County of Hunterdon and State of New Jersey

◆ **Ordinance #09-2016**

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

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

CORRESPONDENCE / OTHER INFORMATION

1. Notice of Readington Township Board of Adjustment Hearing from Guliet Hirsch, Esq., Archer & Greiner regarding ***Application of PMG Retail, LLC for Use Variance Approval for a Proposed 5,496 sq. ft. Convenience Store with Five Pump Fuel Service Facility.*** No action taken.

OLD BUSINESS

1. **2016/17 Proposed Hunting Properties** – discussion

Robert Becker, Chairman of Deer Management Committee/Open Space Advisory Board, gave an update on the deer population throughout Hunterdon County and deer management in Readington Township. Mr. Becker stated that the Deer Management Committee has offered three recommendations 1) to add additional properties for the hunt clubs, 2) to engage with Hunterdon County to participate with their program on some of our adjacent properties and 3) to enforce a quota of .25 deer per acre for hunting clubs or they will not be allowed to bid in the following year.

Mayor Fort stated that she was not in favor of adding some of the newer properties listed for reasons that have come up in the past; however, she would be willing to propose, if a recommendation came from the Open Space Committee, to coordinate with the County to manage possibly two properties on a trial basis. Mayor Fort maintained that the hunting program has worked well in the past and opined that the Township should move on the properties that have been approved in previous years in order to get those properties out to bid. Mrs. Duffy agreed and added that she would like more a lot more details on what the County program entails. Mr. Tropello opined that there may also be other options such as sterilization that could be looked into. Administrator Mekovetz pointed out that one of the reasons that the revenue received from the bidding is down is due to the fact that the approval process to bid is taking longer and the hunters are seeking other venues. Mrs. Duffy stated that since it is already late in the bidding process, proposed looking into coordinating with the County program, in conjunction with identifying new properties through the Open Space Board, for next year. Mrs. Duffy also offered that in the event there is a property that is not bid on this year, that property could possibly be used to experiment a pilot program with the County.

A **MOTION** was made by Mrs. Duffy to approve the same list of properties from 2015-16 hunting season leases to go out to bid , seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

NEW BUSINESS

1. ***Contract Negotiations / Award of Maintenance and Repair Material Bid***

Administrator Mekovetz stated that last year the Item 1A from the Maintenance and Repair Material bid awarded to Eastern Concrete for ¾ ” road stone was cancelled due to a negative experience with the material, therefore this year the Director of Public Works had rejected the lowest bid from Eastern Concrete.

Michael Guida, Senior Project Manager, on behalf of Eastern Concrete, stated that in regard to a letter received from Director of Public Works, Scott Jesseman, he had acknowledged that last year some of the material was inconsistent in color; however, at that time an alternative was offered to Mr. Jesseman to deliver the stone from one of the other three quarries at the same price to honor the bid. Mr. Guida continued that information presented showed the material met the specifications; however, Mr. Jesseman was concerned that it was not matching the color or the material was too fine, so an alternative was offered. Mr. Guida stated that he would like to keep this item on the list of contracts awarded to Eastern Concrete and be able to supply it from either their Hamburg or Wantage quarries, both in Sussex County at the same price that was bid.

Administrator Mekovetz pointed out that there were multiple problems last year with that particular ¾” road stone provided by Eastern Concrete and recalled several discussions on this issue with Mr. Jesseman. Administrator Mekovetz continued that based on that, it is very difficult to enter a new contract with Eastern Concrete for that item. Engineer O’Brien also recalled that the product was dirty stone, mixed with other foreign material, therefore it was not providing what was needed. Mr. Guida reiterated that since there are other alternative quarries available he would like to have another opportunity for Eastern Concrete, possibly even offering to deliver the first load of stone at no charge, for inspection by Mr. Jesseman. Administrator Mekovetz expressed concern of the distance of the quarries with regard to delivering in a timely manner. Administrator Mekovetz maintained that it is very difficult to award a contract to a bidder with prior negative experience and pointed out that the bid submitted indicated the Glen Gardner quarry. Mr. Guida offered that since Eastern Concrete has a state contract, should there be a problem with other quarry materials, Readington Township may still purchase the material under the state bid.

The following resolution was offered for consideration:

#R-2016-70

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, the Township Committee of the Township of Readington publicly advertised for bids for the proposed 2016 Maintenance and Repair Materials in the Township; and

WHEREAS, on June 21, 2016 the Administrator/ Municipal Clerk conducted the bid opening for the 2016 Maintenance and Repair Materials; and

WHEREAS, the Administrator, Director of Public Works and Township Attorney reviewed the bids received and recommend the awarding of contracts to the bidders as shown on the attached “Schedule of Low Bidders;” and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these contracts; and

Resolution #R-2016-70 cont'd:

WHEREAS, at the Township Committee meeting held on July 5, 2016, the Township Committee reviewed the recommendation for awarding these contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington hereby awards contracts according to the attached “Schedule of Low Bidders.”

BE IT FURTHER RESOLVED that the Township Administrator/Clerk is authorized to notify the successful bidders on these awards in the amounts as shown as the attached “Schedule of Low Bidders” and the Mayor and Township Administrator/Municipal Clerk are authorized to sign those contracts.

**SCHEDULE OF LOWER BIDDERS
 2016 MAINTENANCE & REPAIR MATERIALS**

PRIMARY CONTRACTS

| ITEM | DESCRIPTION | MODE | QUANT. | UNIT | LOWEST RESPONSIVE/ RESPONSIBLE BIDDER | UNIT PRICE | NOT TO EXCEED AMOUNT |
|------|----------------------------------|------|--------|------|---|------------|----------------------|
| 1a | 3/4" ROAD STONE | DEL | 1,500 | TON | STAVOLA | \$15.00 | \$22,500.00 |
| 1b | 3/4" ROAD STONE | FOB | 1,500 | TON | STAVOLA | \$12.50 | \$18,750.00 |
| 2a | 3/4" CLEAN STONE | DEL | 1,500 | TON | STAVOLA | \$17.00 | \$25,500.00 |
| 2b | 3/4" CLEAN STONE | FOB | 1,500 | TON | STAVOLA | \$15.00 | \$22,500.00 |
| 3a | 1-1/2" CLEAN STONE | DEL | 200 | TON | STAVOLA | \$18.50 | \$3,700.00 |
| 3b | 1-1/2" CLEAN STONE | FOB | 200 | TON | STAVOLA | \$15.00 | \$3,000.00 |
| 4 | CORE STONE | DEL | 500 | TON | STAVOLA | \$23.50 | \$11,750.00 |
| 5 | #9 (1/4") STONE OR SANDING GRITS | DEL | 500 | TON | EASTERN CONCRETE MATERIALS, INC | \$22.00 | \$11,000.00 |
| 6 | SCREENINGS | DEL | 500 | TON | EASTERN CONCRETE MATERIALS, INC | \$11.45 | \$5,725.00 |
| 7 | SAND-COARSE | DEL | 100 | TON | EASTERN CONCRETE MATERIALS, INC | \$21.90 | \$2,190.00 |
| 8 | LIQUID CALCIUM CHLORIDE | FDA | 20,000 | GAL | PECKHAM MATERIALS CORP. | \$1.14 | \$22,800.00 |
| 9a | HOT MIX ASPHALT, MIX 1-5 | FDS | 3,500 | TON | NO BID | | \$00.00 |
| 9b | HOT MIX ASPHALT, MIX 1-5 | FOB | 3,500 | TON | STAVOLA | \$65.00 | \$227,500.00 |
| 10a | HOT MIX ASPHALT, MIX 1-4 | FDS | 1,000 | TON | NO BID | | \$00.00 |
| 10b | HOT MIX ASPHALT, MIX 1-4 | FOB | 1,000 | TON | STAVOLA | \$65.00 | \$65,000.00 |
| 11a | HOT MIX ASPHALT, MIX 1-2 | FDS | 700 | TON | NO BID | | \$00.00 |
| 11b | HOT MIX ASPHALT, MIX 1-2 | FOB | 700 | TON | STAVOLA | \$65.00 | \$45,500.00 |
| 12 | HIGH PERFORMANCE COLD PATCH | FOB | 50 | TON | STAVOLA | \$150.00 | \$7,500.00 |
| 13 | STREET SWEEPING (miles) | FDA | 150 | HOUR | APGAR POWER SWEEPING | \$145.00 | \$21,750.00 |

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

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

2. ***An Ordinance Amending the Code of the Township of Readington to Prohibit Smoking On or Within Public Property in the Township of Readington, County of Hunterdon, State of New Jersey***

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF READINGTON TO PROHIBIT SMOKING ON OR WITHIN PUBLIC PROPERTY IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

ORDINANCE #10 -2016

BE IT ORDAINED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Code of the Township of Readington is hereby amended to add the following new Chapter entitled “Prohibition of smoking in public places; signs and penalties” and provisions as follows:

SECTION 1. POLICY STATEMENT

Pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal and enforce such other ordinances, rules, regulations and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

This ordinance is authorized by N.J.S.A. 26:3D-63 which permits municipalities to enact ordinances which are stricter than State laws regulating smoking; and

The governing body recognizes that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas, due to the well-known health and safety risks posed by smoking; and

The governing body also finds that the appearance of the parks, recreation areas, municipal and other Township-owned properties within Readington can be enhanced and that the limited resources of the Township’s Department of Public Works can be conserved if smoking is banned from such areas, thereby keeping such areas free of the litter typically generated by cigarette and other smoking products, such as cigarette butts, filters, ashes and packaging.

SECTION 2. DEFINITIONS. As used in this Chapter, the following words and phrases shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields and open space publicly owned or leased by Readington Township, and all property owned or leased by Readington Township upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities including all areas adjacent to such facilities, including, but not limited to, sidewalks, any parking area, driveway or drive aisle.

MUNICIPAL BUILDINGS shall include all structures owned, leased rented and/or operated by Readington Township and/or occupied by employees and used for official business of the Township.

SMOKING shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Ordinance #10-2016 cont'd:

SECTION 3. PROHIBITION OF SMOKING IN PUBLIC PLACES; SIGNS

A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings. No smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five foot (35') perimeter of all entrances of all Municipal buildings where smoking is prohibited by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by Readington Township and all property owned or leased by Readington upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including by not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also state that violators are subject to a fine.

D. Smoking shall be prohibited in any municipal vehicle registered to the Township of Readington.

SECTION 4. ENFORCEMENT

The enforcement authority of this section shall be the Chief of Police and/or his/her designees of the Township of Readington, or other public officer as may be appointed or directed by the Township Committee.

SECTION 5. VIOLATIONS AND PENALTIES

Unless another penalty is expressly provided by New Jersey statute, any person violating any provisions of this Section shall, upon conviction, be punishable by a fine not less two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense. Any municipal employee found in violation of this ordinance may also be subject to discipline in accordance with the applicable policies and procedures of the Township of Readington.

SECTION 6. REPEALER

All ordinances and resolutions or parts thereof which are inconsistent with this ordinance are repealed.

SECTION 7. SEVERABILITY

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication according to the law of the State of New Jersey.

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

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

The Public Hearing was scheduled for July 18, 2016 at 7:45 p.m.

* 3. ***Resolution Authorizing Alcoholic Beverage License Renewals for 2016-17***

This matter was addressed under the Consent Agenda.

* 4. ***Resolution Authorizing Morris County Cooperative Purchases*** (road resurfacing materials/curbing)

This matter was addressed under the Consent Agenda.

* 5. ***Release of Security Deposit for Hunting Properties / Pinebank Hunting Association*** (Block 66, Lots 2 & 3 and Block 66, Lot 13)

This matter was addressed under the Consent Agenda.

* 6. ***Release of Developers Escrow / GNSM*** (Block 4, Lot 72)

This matter was addressed under the Consent Agenda.

* 7. ***Release of Board of Health Escrow / Omilian*** (Block 36, Lot 46)

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that the Township received a check in the amount of \$104,190 from Green Acres for the Bergold property.

ATTORNEY'S REPORT

Attorney Dragan reported that the Township received a green light approval letter on the Block 94, Lot 11 property.

ENGINEER'S REPORT

Engineer O'Brien reported that the work on Route 22 culvert near the Merck property has not started yet and he will be following up with the contractors. Engineer O'Brien also reported the 2016 Road Reclamation projects are scheduled to begin next week and Potterstown Road was submitted to the DOT today for their approval.

Engineer O'Brien added that Somerset County is doing a construction job from Dreahook Road to Harlan School Road, closing from August 1st through October 31st. Engineer O'Brien stated that all that information, including the construction plan and detour, has been posted on the website.

COMMITTEE REPORTS

M. ELIZABETH DUFFY

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

BEN SMITH

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

SAMUEL TROPELLO

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

BETTY ANN FORT

Mayor Fort stated that she had nothing further to report.

COMMENTS FROM THE PUBLIC

Juergen Hulsebusch, Open Space Advisory Board, commented that there is damage on White Trail near Stanton from a commercial operation doing horse tours, making it unusable for hikers. A member of the Readington Trail Association reiterated Mr. Hulsebusch's concern.

Suzanne Nagle commented on the hunting bid process and was in favor of offering priority to Readington residents.

COMMENTS FROM THE GOVERNING BODY

As there was no further business, ***A MOTION*** was made by Mrs. Duffy at 9:40 p.m. to adjourn the meeting, seconded by Mr. Smith with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk