

**READINGTON TOWNSHIP COMMITTEE  
MEETING – July 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. Trepello

**ALSO PRESENT:** Administrator Mekovetz, Attorney S. Dragan

**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>
Affordable Housing / Nelson Street.....	Contract Negotiations.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• July 5, 2016		
Affordable Housing.....	Potential Litigation.....	“ “ “
Merck.....	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 ..... 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 Mr. Smith with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

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

***Executive Session:***

***Contract Negotiations / Affordable Housing / Nelson Street***

Mayor Fort stated that this matter remains in Executive Session.

***Attorney-Client Privilege / Executive Session Minutes / July 5, 2016***

A **MOTION** was made by Mr. Smith to approve the Executive Session Minutes of July 5, 2016 for content only, seconded by Mr. Trepello with a vote of ayes all, nays none recorded.

***Potential Litigation / Affordable Housing***

Mayor Fort stated that this matter remains in Executive Session.

***Potential Litigation / Merck***

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.

***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 July 5, 2016
- \* 2. ***Resolution Authorizing the Use of Competitive Contracting Procedures for the Provision of Year Round Sports Programs for the Township of Readington Recreation***

The following resolution was offered for consideration:

**#R-2016-71**

***AUTHORIZING THE USE OF COMPETITIVE CONTRACTING PROCEDURES FOR THE PROVISION OF YEAR ROUND SPORTS PROGRAMS FOR THE TOWNSHIP OF READINGTON RECREATION***

**WHEREAS**, PL 1999 c. 440 amended the “Local Public Contracts Law” to include a category of contracting called Competitive Contracting; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

**WHEREAS**, pursuant to section N.J.S.A. 40A:4-1 (a.2) the Operation, Management or Administration of Recreation Programs is a purpose for which competitive contracting may be used; and

**WHEREAS**, the Township wishes to utilize competitive contracting procedures to secure proposals for the ***PROVISION OF YEAR ROUND SPORTS PROGRAMS FOR THE TOWNSHIP OF READINGTON RECREATION***; and

**WHEREAS**, N.J.S.A. 40A:11-4.3 (b) requires that the competitive contracting process shall be administered by a Purchasing Agent qualified pursuant to N.J.S.A. 40A:11-9, or by Legal Counsel of the contracting unit, or by and Administrator of the contracting unit; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Readington that the purchasing agent and counsel shall be authorized to initiate competitive contracting for the above referenced services in accordance with N.J.S.A 40A:11-4.1 and N.J.A.C. 5:34-4.1.

\* 3. ***Resolution Authorizing Morris County Cooperative (Oil and Stone Treatment)***

The following resolution was offered for consideration:

**#R-2016-72**

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

**WHEREAS**, the Township of Readington wishes to purchase Oil and Stone Treatment 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**, Morris Asphalt Company, Inc., P.O. Box 305, Lafayette, New Jersey, 07848 has been awarded Morris County Cooperative Contract No. #21 for Oil and Stone Treatment, 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 \$200,000; 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 Morris Asphalt Company, Inc. be awarded a contract for Oil and Stone Treatment; 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

**Resolution #R-2016-72 cont'd:**

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

\* 4. **Acceptance of 2015 Audit Report**

The following resolution was offered for consideration:

**# R-2016-73**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year 2015 has been filed by the Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “General Comments and Recommendations and

**WHEREAS**, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “General Comments and Recommendations” as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Township of Readington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

\* 5. **Corrective Action Plan to 2015 Audit**

\* 6. **Release of Driveway Apron Bond Release / Antonio Dos Santos** (Block 4, Lot 77.01)

- \* 7. **Release of Driveway Apron Bond Release / Jesse Hartman** (Block 36, Lot 139)
- \* 8. **Membership Application for NJ State Firemen’s Association**  
 ♦ Matt Millen (Readington Volunteer 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	\$ 100.00
CURRENT FUND	6-01	\$ 367,937.45
SEWER APPROPRIATIONS	6-02	\$ 2,133.25
TRUST FUNDS	X-03	\$ 14,146.47
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 28,581.43
PAYROLL DEDUCTIONS	X-06	\$ 200,687.96
DUE TO STATE OF NJ	X-09	\$ 575.00
2016 CAP. IMPROVEMENTS	X-16	<u>\$ 48,062.00</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 662,223.56</b>

A **MOTION** was made by Mr. Broten 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** 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 Mr. Broten to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Clerk read by Title:

***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**

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. Broten to close the Public Hearing and open the regular meeting, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Clerk read by Title:

***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**

A **MOTION** was made by Mr. Smith to adopt 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

Administrator Mekovetz requested that the Committee consider making a motion to amend the personnel manual to incorporate the *No Smoking* policy since the ordinance was not in place at the time the manual was updated.

A **MOTION** was made by Mr. Smith to amend the personnel manual to reflect this change as adopted by the ordinance, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

**CORRESPONDENCE / OTHER INFORMATION**

1. Letter dated July 8, 2016 from James Martin, PE, PP, Assistant County Engineer, Hunterdon County, regarding ***Replacement of Hunterdon County Bridge L-6, High Bridge-Califon Road (CR 513) over Tributary to the South Branch of the Raritan River.*** No action taken.
2. Notice of Public Hearing by Readington Township Planning Board regarding ***Designation of the “Nelson Street Study Area” as a Noncondemnation Area in Need of Redevelopment.*** No action taken.
3. Notice of Public Hearing from Kevin Moore, Esq., Sills Cummis & Gross, PC regarding ***An Application of AOG East Real Estate, LLC Which Seeks Preliminary and Final Major Site Plan Approval, Use Variance Approval, Bulk Variance Approval, Design Standard Exception Approvals, and Checklist Waiver Approvals for Property Located at 3494 Route 22 (Block 15, Lot 19.)*** No action taken.

**OLD BUSINESS**

1. ***Resolution to Disqualify and Reject the Bid for Item Ia, ¾” Road Stone from Eastern Concrete Materials and Award to Stavola Construction Materials***

The following resolution was offered for consideration:

**#R-2016-74**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Township Committee of the Township (“Committee”) publically advertised for bids for the proposed 2016 Maintenance and Repair Materials (hereinafter referred to as “M&R’s”); and

**WHEREAS**, the specifications included nineteen (19) separate materials to be bid on; and

**WHEREAS**, on June 21, 2016, the Township Administrator/Clerk/QPA conducted the bid opening whereupon the total number of bidders responding for Item Ia, ¾ “ Road Stone, was two (2); and

**Resolution #R-2016-74 cont'd:**

**WHEREAS**, the lowest bid received was from Eastern Concrete Materials for \$12.65 per ton and the second lowest bid received was from Stavola Construction Materials, Inc. for \$15.00 per ton; and

**WHEREAS**, in 2015 Eastern Concrete Materials was the successful lowest bidder for Item 1a, ¾" Road Stone and subsequently awarded the contract; and

**WHEREAS**, in 2015 the Director of Public Works found that the company's material was inconsistent and did not meet the required quality as outlined in the specifications; and

**WHEREAS**, by Resolution #2015-138, (on file in Clerk's Office), the Township Committee canceled the contract with Eastern Concrete Materials, Inc. for Item 1a, ¾" Road Stone; and

**WHEREAS**, pursuant to NJSA 40A:11-4, the Director of Public Works and the Purchasing Agent and the Township Attorney recommend that Eastern Concrete be disqualified as bidder for reasons outlined in Resolution #2015-138, (on file in Clerk's Office); and

**WHEREAS**, it is recommended that the contract for Item 1a, ¾" Road Stone be awarded to Stavola Construction Materials for \$15.00 per ton; and

**WHEREAS**, Eastern Concrete was notified that this recommendation would be made at the July 8, 2016 meeting offering them an opportunity for a hearing; and

**WHEREAS**, in response notification, Michael Guida, Senior Project Manager on behalf of Eastern Concrete, appeared and offered information in support of Eastern Concrete being awarded this contract; and

**WHEREAS**, notwithstanding the explanation provided by Mr. Guida, the Township Committee is not satisfied that the contract will be performed in accordance with the Township's requirements; further, the remedy offered by the bidder at the meeting would change terms as originally bid by the bidder in response to the specifications and result in giving this bidder an unfair advantage over other bidders.

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

1. The Township Committee hereby accepts the recommendation of the Township Attorney and disqualifies and, therefore, rejects the bid received on June 21, 2016 for the above Project from Eastern Concrete Materials for all the reasons set forth above.
2. The Township Administrator/Clerk/QPA is authorized to notify the bidder of this decision.

**BE IT FURTHER RESOLVED** that the Township Committee awards the contract for Item 1a, ¾" Road Stone to Stavola Construction Materials for \$15.00 per ton.

**A MOTION** was made by Mr. Smith 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

**NEW BUSINESS**

1. ***Request to Hang a Banner Near Intersection of Route 22 by Kings to Promote “Fun Run”*** – letter dated July 11, 2016 from Carol Amonica, Office Manager, Certified Fitness for Special Needs

A **MOTION** was made by Mrs. Duffy to approve the request to hang a banner, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

2. ***Application for Special Events Permit / Main Attractions*** – July 23, 2016

A **MOTION** was made by Mr. Broten to approve the Special Events Permit, seconded by Mr. Tropello with a vote of ayes all, nays none recorded.

- \* 3. ***Resolution Authorizing the Use of Competitive Contracting Procedures for the Provision of Year Round Sports Programs for the Township of Readington Recreation***

This matter was addressed under the Consent Agenda.

- \* 4. ***Resolution Authorizing Morris County Cooperative (Oil and Stone Treatment)***

This matter was addressed under the Consent Agenda.

- \* 5. ***Acceptance of 2015 Audit Report*** – resolution

This matter was addressed under the Consent Agenda.

- \* 6. ***Corrective Action Plan to 2015 Audit***

This matter was addressed under the Consent Agenda.

- \* 7. ***Release of Driveway Apron Bond Release / Antonio Dos Santos*** (Block 4, Lot 77.01)

This matter was addressed under the Consent Agenda.

- \* 8. ***Release of Driveway Apron Bond Release / Jesse Hartman*** (Block 36, Lot 139)

This matter was addressed under the Consent Agenda.

- \* 9. ***Membership Application for NJ State Firemen’s Association***  
    ♦ Matt Millen (Readington Volunteer Fire Company)

This matter was addressed under the Consent Agenda.

**ADMINISTRATOR’S REPORT**

Administrator Mekovetz reported that the Township received a check in the amount of \$83,953 for the balance owed from Green Acres on Readington Farm. Administrator Mekovetz also reported that a check for the Bergold property was received in the amount \$104,990.

Administrator Mekovetz reported that she has been working on a competitive contracting RFP for the Recreation Department programs.

***ATTORNEY'S REPORT***

Attorney Dragan reported that they recently closed on the affordable housing property.

***COMMITTEE REPORTS***

**JOHN BROTEN**

Mr. Broten commented that Public Works has completed some good repairs on a number of roads throughout the Township.

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

**BETTY ANN FORT**

Mayor Fort commended the Emergency Services on their response to the recent accident on Route 78 last week.

Mayor Fort pointed out that there are new speed signs installed along County Road 523, north and south, at the intersection of County Road 620, Pleasant Run, Stanton and Springtown Roads.

***COMMENTS FROM THE PUBLIC***

Mike Zegar, Brookview Road, asked the Committee for an update on the status of the water easement that goes under Brookview Road through his property.

Scott Scammell, Dreahook Road, commented on the recent fatal accident on Route 78 which affected traffic on Route 22 in addition to congestion at the traffic light at the 523 intersection and also asked if there was any further consideration for a four (4) way stop sign at Kosciuszko and Pulaski Road.

Tom Auriemma, Weavers Lane, read a prepared letter referring to emails sent by Mr. Broten during the primary election.

Christina Albrecht, Pine Bank Road, commented on meeting minutes and a resolution from the County Board of Chosen Freeholders with regard to the Schley property.

***COMMENTS FROM THE GOVERNING BODY***

Mr. Tropello commented on an open space study that he had prepared and inquired why some open space properties are gifted to the State without any compensation to the Township.

Mr. Broten commented in response to Mr. Auriemma's comments.

Mr. Broten also thanked and expressed appreciation for our Police Officers in New Jersey and Readington Township for keeping us safe, in light of the recent attacks on law enforcement in Dallas and Baton Rouge.

Mayor Fort requested consideration for a motion expressing the support, gratitude and encouragement of the Governing Body to our police officers.

A **MOTION** was made by Mr. Broten to express the support, encouragement and gratitude of the Township Committee of the Township of Readington to the Readington Township Police Department, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Mayor Fort added that she met with Chief Donaruma and Administrator Mekovetz last week to discuss the training of our police officers and was reassured that the officers are highly trained in de-escalating confrontations.

As there was no further business, A **MOTION** was made by Mrs. Duffy at 8:16 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