

**READINGTON TOWNSHIP COMMITTEE
MEETING – October 17, 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

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

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Professional Services / Prosecutor.....	Contract Negotiations.....	“ “ “
Shared Services / Board of Education...	Contract Negotiations.....	“ “ “
Professional Services / Animal Control..	Contract Negotiations.....	“ “ “
Financial.....	Attorney-Client Privilege.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• October 3, 2016		
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 Readington Civil Action (Prerogative Writ)	Litigation.....	“ “ “

388 Route 22 Readington Realty..... Litigation..... “ “ “
Holdings, LLC v. 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 7:45 p.m.

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

Executive Session:

Personnel / Police Department

A **MOTION** was made by Mr. Smith to approve advancing David Bodine to the grade level of Probationary Police Officer, as per Article XV(A), 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 / Professional Services / Prosecutor

A **MOTION** was made by Mrs. Duffy to appoint Stephen Davis as Interim Municipal Prosecutor, 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 / Shared Services Agreement / Board of Education

Mayor Fort stated that this matter remains in Executive Session.

Contract Negotiations / Professional Services / Animal Control

The following resolution was offered for consideration:

#R-2016-102

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Readington has a need to acquire Animal Control Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

WHEREAS, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

Resolution #R-2016-102 cont'd:

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500.00; and

WHEREAS, Animal Control Solutions has submitted a proposal indicating they will provide Animal Control Services at an annual rate of \$28,800.; and

WHEREAS, Animal Control Solutions has completed and submitted a Business Entity Disclosure Certification which certifies that Animal Control Solutions has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Animal Control Solutions from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer's Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*) and will be amended to reflect the final approved funds for this purpose upon adoption/approval of the 2017 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Animal Control Solutions as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2018; and

BE IT FURTHER RESOLVED, that copies of this Professional Service are on file with the Municipal Clerk and are available there for public inspection; and

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

A MOTION was made by Mrs. Duffy to approve this resolution with an option to renew for two (2) additional years, 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

Attorney-Client Privilege / Financial

Mayor Fort stated that this matter would be addressed under New Business.

Attorney-Client Privilege / Executive Session Minutes / October 3, 2016

A MOTION was made by Mr. Smith to approve the Executive Session Minutes of October 3, 2016 for content only, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

Potential Litigation / Affordable Housing

Mayor Fort stated that there was nothing discussed.

Litigation / Digital First Media d/b/a The Trentonian v. Twp. of Readington

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 v. 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.

Mr. Smith requested to remove the *Payment of Bills* from the Consent Agenda for a later discussion.

- * 1. **APPROVAL OF MINUTES** of meeting of October 3, 2016
- * 2. **Resolution Authorizing Disposal of Surplus Property**

The following resolution was offered for consideration:

#R-2016-103

TOWNSHIP OF READINGTON

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

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

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

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

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

Year of Equip	Make	Model	Serial # or VIN	Item description
1998	Dodge	BR3500	3B6MF3654WM251411	Dump Truck

Resolution #R-2016-103 cont'd:

5. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Township of Readington reserves the right to accept or reject any bid submitted.
- * 3. **Release of Board of Health Escrow / Reno (Block 46, Lot 22.02)**
- * 4. **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 1.01 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 \$5,799.60, plus a premium paid in the amount of \$1,300.00, known as Tax Sale Certificate #2013-020, to the lienholder, Tad J. Dabrowski.

A MOTION was made by Mrs. Duffy to approve the Consent Agenda *without the Payment of Bills*, 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. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mrs. Duffy with a vote of ayes all, nays none recorded.

Clerk read by Title:

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF READINGTON, HUNTERDON COUNTY, NEW JERSEY, OF DECEMBER 1992
AS HERETOFORE SUPPLEMENTED AND AMENDED**

◆ **Ordinance #12-2016**

Mr. Broten questioned if there was any specific impetus for this amendment. Mayor Fort responded that in speaking with local businesses, several of them expressed an interest to do some minor expansions on their businesses; however, found the process prohibitive due to the cost of going through a full site plan review.

Township Planner Michael Sullivan was present to answer questions, explaining that the process has been simplified to avoid confusion and removed a value characterization, which stated that if improvements exceeded \$50,000 a site plan was required. Mr. Sullivan added that the construction of a fence or a sign shall not require a minor site plan.

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 Mrs. Duffy 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 LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY, NEW JERSEY, OF DECEMBER 1992 AS HERETOFORE SUPPLEMENTED AND AMENDED

◆ Ordinance #12-2016

A MOTION was made by Mrs. Duffy to adopt 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

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

Clerk read by Title:

AN ORDINANCE AMENDING CHAPTER 148 ENTITLED "LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF READINGTON TO ADD A NEW SECTION §148-97D ESTABLISHING A WAIVER OF SITE PLAN REVIEW PROCEDURE AND AMENDING §148-104 TO ESTABLISH A FEE FOR A WAIVER OF SITE PLAN REVIEW REQUEST

◆ Ordinance #13-2016

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

Township Planner Michael Sullivan was present to clarify if necessary any further questions on the ordinance. Mr. Broten questioned why this amended ordinance fails to mention a minor site plan yet it states that there will be a fee of \$1,000, subject to refund, to conduct a waiver review. Mr. Sullivan stated that previously the planning board did not have the ability to waive a site plan review. Mr. Sullivan continued that this allows the board to waive the entirety of the site plan, or part of it because some elements of whatever the development proposed may impact public health safety and welfare, such as impervious coverage. Mr. Sullivan maintained that the \$1,000 escrow covers the costs of certain professionals to give the board the best information possible to review the application.

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

Bob Schoenfeld, Oldwick Road, commented on the escrow fees related to the ordinance.

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

Clerk read by Title:

AN ORDINANCE AMENDING CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON TO ADD A NEW SECTION §148-97D ESTABLISHING A WAIVER OF SITE PLAN REVIEW PROCEDURE AND AMENDING §148-104 TO ESTABLISH A FEE FOR A WAIVER OF SITE PLAN REVIEW REQUEST

◆ ***Ordinance #13-2016***

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

CORRESPONDENCE / OTHER INFORMATION

1. Notice to Public Service Electric and Gas Company Customers ***In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Gas Base Rate Adjustments Pursuant to its Gas System Modernization Program.*** No action taken.
2. Notice of Readington Planning Board Public Hearing from Duncan Prime, Esq. on behalf of applicant, Wawa, Inc. regarding ***Amended Preliminary and Final Site Plan Approval for the Construction of an External Trash Enclosure with an Enclosed Shed and Cardboard Dumpster, and Associated Utilities at its Existing Store ,800 Route 202 North, Readington Township.*** No action taken.
3. Letter dated October 3, 2016 from Mark Mader, Director, Rates & Regulatory-NJ regarding ***The Matter of the Verified Petition of Jersey Central Power & Light Company Seeking (1) Review and Approval of its Deferred Balances Relating to and an Adjustment of, the SBC Clause of its File Tariff; and (2) Review and Approval of its Deferred Balance Relating to the SCC Clause of its Filed Tariff.*** No action taken.
4. NJ Transit Public Hearing Notice regarding ***Gathering of Information and Receive Comments from Interested Parties Concerning Programs Developed Pursuant to the Senior Citizen and Disabled Resident Transportation Assistance Act.*** No action taken.

NEW BUSINESS

1. ***Resolution Authorizing Emergency Appropriation for Legal Expenses***

Administrator Mekovetz stated that the Township has fallen short on the legal line item of the budget and this resolution is appropriating \$185,000 to cover future legal bills from present to the end of the year. Attorney Dragan stated that there are currently approximately ten (10) cases with legal expenses pending, including the airport, sewer capacity allocation lawsuit, the affordable housing litigation, the Waypointe litigation, a Ryland Developers zoning lawsuit, labor issues, tax appeals, planning board litigation and an OPRA case. Attorney Dragan explained that there are many legal matters covered under the budget that this appropriation is meant to address, citing case law

allowing the Township to adopt an emergency appropriation as long as the Township made a modified effort to structure a reasonable budget.

Mr. Broten maintained that we have currently appropriated an additional \$185,000 but yet there are still roughly \$250,000 in legal expenses to be paid. Mr. Smith pointed out that by doing this emergency appropriation, the outstanding bills of approximately \$319,000 are paid through surplus, shown as a deferred charge for next year. Mr. Smith continued that the legal line item is closed out and money must be accurately appropriated through the end of the year since the amount cannot exceed what has been approved in this resolution.

Administrator Mekovetz stated that she consulted with the Chief Financial Officer and Township Auditor to look ahead and determine the correct number in order to cover what was necessary in this emergency appropriation. Mr. Broten requested confirmation that with this appropriation there can be no further transfers to the legal line item in November. Mr. Broten proposed increasing the emergency appropriation up to \$250,000. Administrator Mekovetz stated that this number was recommended by the Township Auditors.

The following resolution was offered for consideration:

#R-2016-105

**TOWNSHIP OF READINGTON
HUNTERDON COUNTY, NEW JERSEY**

Resolution Re: Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46 – Legal Services – Other Expenses

WHEREAS, an emergency has arisen with respect to legal services and costs due to substantial unanticipated and unforeseen litigation, and

WHEREAS, no adequate provision was made in the 2016 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is\$185,000
and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2016 is\$426,398.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, in the County of Hunterdon, State of New Jersey, that in accordance with N.J.S.A. 40A:4-48, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

1. An emergency appropriation be and the same is hereby made for:

Legal Services – Other Expenses	\$185,000
---------------------------------	-----------
2. Said emergency appropriation shall be provided for in full in the 2017 budget.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That an “Emergency Note” may be executed by the Chief Financial Officer and by the Township Clerk.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
6. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.
7. This resolution shall take effect after approval of the Director of the Division of Local Government Services.

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

*** 2. Resolution Authorizing Disposal of Surplus Property**

This matter was addressed under the Consent Agenda.

*** 3. Release of Board of Health Escrow / Reno (Block 46, Lot 22.02)**

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 asked for an update on status of the Foothill Road poll.

M. ELIZABETH DUFFY

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

BEN SMITH

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	\$ 328,797.99
SEWER APPROPRIATIONS	6-02	\$ 50.00
TRUST FUNDS	X-03	\$ 69,165.29
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 20,806.50
PAYROLL DEDUCTIONS	X-06	\$ 188,610.10
TOTAL OF ALL FUNDS		\$ 607,429.88

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

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

SAM TROPELLO

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

BETTY ANN FORT

Mayor Fort reported that the barn dance was well attended at the Bouman Stickney Farm.

COMMENTS FROM THE PUBLIC

Brian Taylor, Indian Run, commented that he and other members of his community are appreciative of the Committee appropriating extra funds for legal expenses with regard to the Waypointe lawsuit.

Keith Steege, Weavers Lane, reiterated the comments made by Mr. Taylor regarding appropriation of additional funds for the Waypointe litigation.

Scott Scammell, Dreahook Road, commented on the fees associated with baseball for use of the Cornhuskers Field and the lack of fees for those using the horse trails in the Township. Mr. Scammell also asked for update on the status of Holland Brook and Pleasant Run waterway.

John Dellevigne, Flintlock Road, commented on the money spent legal fees for what he opined is an indefensible lawsuit. Mr. Dellevigne inquired if the Township also is required to pay the 23¢ increase in the gas. Mr. Dellevigne further commented on the roads in his development which have been continuously patched without being resurfaced.

Laurie Fisher, Hillcrest Road, commented on the Township's responsibility to maintain the dog park and asked if the dog park would eventually be open to the public. Mrs. Fisher commented on the airport litigation, hoping for a resolution in the near future. Mrs. Fisher applauded the Committee for their continuing effort to be advocates for the property owners in the airport litigation.

Marsha Montgomery, Indian Run, echoed those comments made by Laurie Fisher regarding the airport litigation.

Trish Cicero, Hillcrest Road, thanked the Committee members for all their hard work and their dedication and asked that the Committee continue to stay the course toward keeping the airport at its current size.

Bob Schoenfeld, Oldwick Road, commented on the procedural process of *Comments from the Public*. Mr. Schoenfeld also asked for clarification on the airport ordinance and commented on FAA safety zone regulations.

Ed Nagle, commented on the costly litigation process that the Township is still pursuing without any victory and also the misinformation about the airport.

Barbara Nashville, Glenmont Road, responded to comments made by Mr. Nagle and reiterated comments made earlier by Mrs. Fisher and Mrs. Montgomery.

COMMENTS FROM THE GOVERNING BODY

Mr. Broten addressed the comments made by Mr. Scammell concerning the fees charges for use of the Cornhuskers Field.

Mr. Broten responded to comments made by Laurie Fisher and the recent court decision by Judge Miller.

Mr. Broten asked that the Prerogative Writ decision be posted on our website.

Mr. Broten addressed comments made with regard to the legal fees associated with the litigation and also the lack of transparency.

As there was no further business, **A *MOTION*** was made by Mrs. Duffy at 9:15 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