

**READINGTON TOWNSHIP COMMITTEE
MEETING – November 7, 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 R. O'Brien

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

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

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

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

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

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Crossing Guards.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Three Bridges Library.....	Personnel	“ “ “
Municipal Court.....	Personnel	“ “ “
Professional Services / Twp Attorney..	Contract Negotiations.....	“ “ “
Professional Services / Prosecutor.....	Contract Negotiations.....	“ “ “
109 Pine Bank Road / Blk 66, Lot 61.....	Contract Negotiations.....	“ “ “
Lorenzen, Block 44, p/o Lot 4.02.....	Contract Negotiations.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• October 17, 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 Litigation..... “ “ “
Readington Civil Action (Prerogative Writ)

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 7:40 p.m.

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

Executive Session:

Personnel / Crossing Guards

A **MOTION** was made by Mr. Broten to hire Alan Gorelik as a Crossing Guard to replace Lorraine Herzog, effective January 1, 2017 at an annual salary of \$8,500, 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 Mr. Broten to hire Gerald Misiak as a Crossing Guard to replace Jill Krieder, effective immediately at an annual salary of \$8,500, 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

Personnel / Three Bridges Library

A **MOTION** was made by Mrs. Duffy to hire Melody Simerson as part-time Assistant to the Librarian for 15 hours per week at a rate of \$13 per hour, 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

Personnel / Municipal Court

The following resolution was offered for consideration:

#R-2016-105

***TOWNSHIP OF READINGTON
RESOLUTION***

BE IT RESOLVED, in accordance in N.J.S.A. 2B:12-11E, that Kimberly Marino be appointed Interim Court Administrator for the Township of Readington for the period of September 1, 2016 through September 1, 2017.

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

Contract Negotiations / Professional Services / Township Attorney

A MOTION was made by Mrs. Duffy to amend the professional service contract for Sharon Dragan, Township Attorney, from the firm of Ballard & Dragan to the firm of Mason, Griffin & Pierson seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Contract Negotiations / Professional Services / Municipal Prosecutor

A MOTION was made by Mr. Broten to accept Robert Ballard's letter of resignation as Municipal Prosecutor and him a letter of congratulations and thanking him for his service to the Township, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

The following resolution was offered for consideration:

#R-2016-106

TOWNSHIP OF READINGTON

RESOLUTION TO APPOINT INTERIN PROSECUTOR

WHEREAS, due to the municipal prosecutor vacancy, the Township of Readington is in need of an interim prosecutor for the municipal court, and;

WHEREAS, Stephen O. Davis, is qualified to hold that position, and Stephen Davis expressed a desire to take on those responsibilities.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Readington Township, County of Hunterdon, State of New Jersey, that Stephen O. Davis is hereby appointed as Interim Prosecutor effective November 8, 2016, at the rate of \$150.00 per hour.

A MOTION was made by Mr. Broten 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

Contract Negotiations / 109 Pine Bank Road / Block 66, Lot 61

Mayor Fort stated that this matter remains in Executive Session.

Contract Negotiations / Lorenzen / Block 44, p/o Lot 4.02

Mayor Fort stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / October 17, 2016

A ***MOTION*** was made by Mr. Smith to approve the Executive Session Minutes of October 17, 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 / 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 discussed.

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. Broten requested to remove *Item #3 and Item # 4* from the Consent Agenda.

- * 1. **APPROVAL OF MINUTES** of meeting of October 17, 2016
- * 2. ***A Resolution in Support of Senate Bill S-2254 Assembly Bill A-3821 which Affirms the Language and Legislative Intent of the Fair Housing Act***

The following resolution was offered for consideration:

#R-2016-107

A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the Township of Readington supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

Resolution #R-2016-107 cont'd:

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, “...*judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

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

WHEREAS, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 7th day of November , 2016, Readington Township, County of Hunterdon that:

1. The Township of Readington strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. The Township of Readington supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Christopher Bateman, Assemblyman Jack Ciattarelli, Assemblyman Andrew Zwicker, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

- * 3. **Release of Hunting Lease Security Deposit**
 - ◆ Hart Gun Club (Dreahook Road, Block 25, Lot 50)
- * 4. **Release of Hunting Lease Security Deposit**
 - ◆ Pines Rod and Gun Club (Summer Road, Block 94, Lot 8)
- * 5. **Release of Board of Health Escrow** (Murphy / Block 43, Lot 7)
- * 6. **NJ State Firemen’s Association Membership Application**
 - ◆ Taylor Cowan
 - ◆ James Kemp Jr.
- * 7. **Tax Lien Redemption**

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.334 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 \$561.33, plus a premium paid in the amount of \$1,300.00, known as Tax Sale Certificate #2016-011, to the lienholder, FWDSL & Associates, LP.

- * 8. **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	\$ 1,165,628.80
SEWER APPROPRIATIONS	6-02	\$ 110,427.85
TRUST FUNDS	X-03	\$ 49,164.85
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 3,071,900.95
PAYROLL DEDUCTIONS	X-06	\$ 344,430.25
REG & LOCAL SCHOOL TAX	X-07	\$ 5,425,974.20
2014 CAPITAL IMPROVEMENTS	X-14	\$ 5,700.00
2016 CAPITAL IMPROVEMENTS	X-16	<u>\$ 93,183.51</u>
TOTAL OF ALL FUNDS		\$ 10,266,410.41

A MOTION was made by Mr. Broten to approve the Consent Agenda *without Item #3 and #4 under New Business*, 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

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated October 18, 2016 from Judith Sullivan, Municipal Clerk, Township of Bedminster regarding *An Ordinance of the Township of Bedminster, County of Somerset, State of New Jersey to Amend and Supplement the Land Use Regulations of the Township of Bedminster, Specifically “Chapter 13” Entitled “Land Management” as to Certain Setback and Floor Area Ratio Requirements in Residential and Non-Residential Zones and Sign Requirements in the “VN” Village Neighborhood Zone.* No action taken.
2. Letter dated October 19, 2016 from Mark Mader, Director, Rates & Regulatory Affairs-NJ Central Power & Light regarding *The Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in it and other Adjustments to its Rates and Charges for Electric Service, and for Approval of other Proposed Tariff Revisions in Connection therewith; and for Approval of an Accelerated Reliability Enhancement Program.* No action taken.

NEW BUSINESS

1. *Recommendations from the Sewer Advisory Committee* – memo dated October 27, 2016 from Karin Parker, Sewer Advisory Committee Secretary

Mayor Fort stated that a property owner on Main Street in Three Bridges is requesting to connect to the public sewer for two units of sewer capacity. Mayor Fort continued that this has currently been placed on hold until an I&I study is done to ascertain whether or not there is flow available. Engineer O’Brien stated an I&I study was done approximately fifteen (15) years ago and he will try to get information from the firm in order to come up with an estimate.

A MOTION was made by Mr. Smith to authorize Engineer O’Brien to look into the cost of preparing an I&I Study, 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

Mayor Fort stated that there is also a request for 14,950 gallons of sewer capacity for the Ingerman Development affordable housing project on Nelson Street.

A MOTION was made by Mrs. Duffy to adopt the recommendation from the Sewer Advisory Committee to allocate 14,950 gallons for the project and authorize Attorney Dragan to prepare a sewer agreement, seconded by Mr. Tropello 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. ***A Resolution in Support of Senate Bill S-2254 Assembly Bill A-3821 which Affirms the Language and Legislative Intent of the Fair Housing Act***

This matter was addressed under the Consent Agenda.

- 3. ***2016 Budget Appropriation Transfers***

Mr. Broten questioned the Board of Health/ Board of Adjustment line items which require additional funding. Administrator Mekovetz explained that the contracted soil witness resigned and although the Board of Health did interview for a replacement, they were unable to find a successful candidate, forcing them to use an engineering firm at a much higher cost causing them to go over budget. Administrator Mekovetz also explained that the newly hired zoning officer is taking additional educational courses.

The following resolution was offered for consideration:

#R-2016-108

***TOWNSHIP OF READINGTON
 2016 BUDGET APPROPRIATION TRANSFERS***

PURSUANT TO NJSA 40A:4-58, a municipality may make budget appropriation transfers during the last two months of the fiscal year,

WHEREAS, there appears to be insufficient funds in the following 2016 appropriation account to meet the demands thereon for the balance of the year, viz:

Current Fund:

Other Expenses:

Board of Adjustment/Zoning	Board of Health
Consultants	

WHEREAS, there appears to be a surplus in the following accounts, over and above the demand deemed to be necessary for the balance of the current year, viz:

Current Fund:

Salaries and Wages:

Road Dept

Other Expenses:

NOW THEREFORE BE IT RESOLVED, that in accordance with the provision of the NJS 40A:4-58 part of the surplus in the accounts heretofore mentioned be and same hereby transferred to the accounts mentioned as being insufficient, to meet the current demands; and

BE IT RESOLVED, that the Chief Financial Officer is hereby authorized and directed to make the following 2016 appropriation transfers:

		<u>FROM</u>	<u>TO</u>
301-100	Salaries and Wages: Road Dept	\$ 32,000.00	
	Other Expenses:		
112-200	Board of Adjustment/Zoning		\$ 2,000.00
114-200	Consultants		\$ 10,000.00
501-200	Board of Health		\$ 20,000.00
		<u>\$ 32,000.00</u>	<u>\$ 32,000.00</u>

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

4. ***Best Practices for CY2016/SFY2017***

Mr. Broten requested to review several of the checklist items for further clarification.

A **MOTION** was made by Mrs. Duffy to accept the Best Practices for CY2016/SFY2017, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

- * 5. ***Release of Hunting Lease Security Deposit***
◆ Hart Gun Club (Dreahook Road, Block 25, Lot 50)

This matter was addressed under the Consent Agenda.

- * 6. ***Release of Hunting Lease Security Deposit***
◆ Pines Rod and Gun Club (Summer Road, Block 94, Lot 8)

This matter was addressed under the Consent Agenda.

- * 7. ***Release of Board of Health Escrow*** (Murphy / Block 43, Lot 7)

This matter was addressed under the Consent Agenda.

- * 8. ***NJ State Firemen's Association Membership Application***
◆ Taylor Cowan
◆ James Kemp Jr.

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that the residents on Foothill Road were sent a letter providing them an opportunity to voice their preferences to 1) convert Foothill Road to a one way road and pave it (the direction of the one way would be subject to determination following a traffic study) or 2) have Foothill Road remain a two-way dirt road. Administrator Mekovetz continued that the results were four (4) votes to remain a two-way dirt road, five (5) voted to pave it one way with the direction to be determined by the traffic study, eleven (11) votes were made up strictly by those who just added their own choice and six (6) no responses.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

ENGINEER'S REPORT

Engineer O'Brien reported that Readington Road project has already started with the utilities and in March of next year there will be a major detour.

Engineer O'Brien reported that the County plans to expand the bridge on County Road 523, including adding two (2) left turn lanes off Halls Mill Road onto Route 523, have been provided to the Committee for their review.

Engineer O'Brien reported that the title company is still reviewing the records for 8 Brookview Road.

Engineer O'Brien reported that the cell tower bid opening is scheduled for next Wednesday, November 16th.

Engineer O'Brien reported that DPW worked on patching where the curbing was installed on Potterstown Road, although the project has been postponed until the early Spring due to the weather.

Engineer O'Brien added that in his report there is an estimated cost range on the site specific amendment to get Block 21, Lot 3 to the sewer service and asked the Committee to review the costs.

COMMITTEE REPORTS

JOHN BROTEN

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

M. ELIZABETH DUFFY

Mrs. Duffy reported that the Open Space Walk will take place on November 20th at the Forester Preserve.

BEN SMITH

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

SAM TROPELLO

Mr. Tropello 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

Lisa Hall, Springtown Road, former President of Readington Trail Association, read a prepared statement with regard to charging fees for equestrians to use open space trails and opined equestrians were being discriminated against.

Al Villani, Lazy Brook Road, commented on the commercial operations using the trails and the proposal of charging fees for use of the trails by equestrians.

Donna Herr, Pleasant Run Road, read quotes from social media in support of the Readington Trail Association and agreed with the sentiments of the Ms. Hall and Mr. Villani.

Ann Rotunno, Bissell Road, commented in support of the Readington Trail Association and did not want to see fees charged to the equestrians for utilizing the trails.

Scott Scammell, Dreahook Road, responded to those comments made by supporters of the Trail Association.

Ken Garvey, Pleasant Run Road, commented that he had previously asked a question on the Bouman Stickney Trail and was still waiting for a response. Mr. Garvey also asked about the status on the meeting to be arranged with regard to the Pleasant Run and Holland Brook flooding.

Bob Schoenfeld, Oldwick Road, asked about the plans for the bridge on County Road 523.

Marge Poliacik, Lazy Brook Road, commented in support of equestrians using the Readington Trails.

COMMENTS FROM THE GOVERNING BODY

There were none.

As there was no further business, ***A MOTION*** was made by Mr. Smith at 8:40 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