

READINGTON TOWNSHIP COMMITTEE
JANUARY 22, 2008

Mayor Auriemma *called the meeting to order at 5:30 p.m.* announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

PRESENT: Mayor T. Auriemma, Deputy Mayor J. Allen, Mr. F. Gatti,
Mrs. B. Muir and Mr. G. Shamey

ALSO PRESENT: Administrator Mekovetz, Attorney Dragan and Engineer McEldowney

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 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>	<i>Date Anticipated When Discussion Will</i>
		<i>Be Disclosed to Public</i>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Recreation.....	Personnel.....	" " "
Public Defender.....	Personnel.....	" " "
Block 20, Lot 11 (Csepi).....	Contract Negotiations.....	" " "
Block 75, Lot 33 (Hanna Saqa).....	Contract Negotiations.....	" " "
Block 66, Lot 2 (Readington Twp.).....	Contract Negotiations.....	" " "
Block 63, Lot 9 (Cramer).....	Contract Negotiations.....	" " "
Attorney-Client Privilege.....	Potential Litigation.....	" " "
PSE&G Vegetation Management.....	Potential Litigation.....	" " "
Executive Session Minutes (Jan. 7, 2008 & Jan. 15, 2008).....	Attorney-Client Privilege.....	" " "
Professional Services.....	Contract Negotiations.....	" " "
<p style="margin-left: 40px;">McManimon & Scotland – Bond Attorney Services Parker, McCay & Criscuolo, PA – Special Litigation Services</p>		
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation - Hromoho).....	Litigation.....	" " "

2. 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."

3. This Resolution shall take effect immediately.

A MOTION was made at 5:30 p.m. by Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:00 p.m.

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

Mayor Auriemma announced that the following business was completed during Executive Session:

Personnel - Police Department

Mayor Auriemma said that this matter will remain in Executive Session.

Personnel – Recreation

A MOTION was made by Mr. Shamey to combine Patricia Marcine’s Summer Recreation salary with her Assistant Recreation Director salary. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Personnel - Public Defender

A MOTION was made by Mr. Shamey to accept the resignation of Patrick Clare as Municipal Public Defender. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

A MOTION was made by Mr. Shamey to appoint Frances Hermes as Municipal Public Defender for 2008. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

A MOTION was made by Mr. Shamey to appoint Scott Mizner as Alternate Municipal Public Defender for 2008. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Contract Negotiations - Block 20, Lot 11 (Csepi)

A MOTION was made by Mr. Shamey to approve the Joint Purchase Agreement and Management Agreement with Hunterdon County for Block 20, Lot 11 (Csepi). This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Contract Negotiations - Block 75, Lot 33 (Hanna Saqa)

Mayor Auriemma said that this matter will remain in Executive Session.

Contract Negotiations - Block 66, Lot 2 (Readington Twp.)

Mayor Auriemma said that this matter will remain in Executive Session.

Contract Negotiations - Block 63, Lot 9 (Cramer)

Mayor Auriemma said that this matter will remain in Executive Session.

Potential Litigation - Attorney-Client Privilege

Attorney Dragan said this relates to the settlement of an OPRA case filed by Donald Baldwin at the Government Records Council in conjunction with a request for information.

The following Resolution was offered for consideration:

Potential Litigation - Attorney-Client Privilege – continued:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2008-23***

BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, hereby formally confirms and ratifies the consensus it reached at the meeting held on January 7, 2008 to settle GRC Case #2007-304 filed by Donald Baldwin (hereinafter AComplainant@) pursuant to the Open Public records Act (AOPRA@) against the Township of Readington as follows:

1. The Complaint involved certain municipal records, which consisted of attorney invoices for various litigation matters being handled by outside counsel. The Complainant alleged that the invoices were too heavily redacted before they were given to him. The Township reached a consensus to resolve the matter for the amount of \$500.00 to cover Complainant=s attorney fees, as demanded by Complainant. Thereafter, the Complainant agreed that the case was settled for that amount. The Committee wishes to record the fact that this settlement has been agreed to by the Township, not as an admission of any liability or wrongdoing by the Township or its Records Custodian, but solely as a business decision. The initial decision to redact the attorney invoices on the basis of attorney-client privilege was not made by the Township=s Record Custodian, but by the Township=s outside legal counsel who worked on the particular litigation matters in question and who had issued those invoices. The Township Committee believes the Records Custodian acted appropriately.
2. The Committee considered the fact that the OPRA complaint was filed several months after the bills were submitted to the Township for payment and nearly three (3) months after they were given to the Complainant. Once the complaint was filed, the Township=s outside counsel immediately reviewed the bills again and determined that the issues contained in them had either since been resolved or already were out in the public and, therefore, no longer needed to be protected from disclosure under attorney-client privilege. The bills were then released unredacted to the Complainant.
3. Under the above circumstances, the Township Committee did not and does not feel it was worth any further expenditure of time or financial resources in defending this case before the Government Records Council (AGRC@).
4. The Township Committee regrets that the Complainant did not attempt to try to resolve this matter amicably before filing his complaint, although it acknowledges that, by law, he was not required to do so.

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

A MOTION was made by Mr. Shamey to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Potential Litigation - PSE&G Vegetation Management

Mayor Auriemma said that this matter will remain in Executive Session.

Attorney-Client Privilege - Executive Session Minutes (Jan. 7, 2008 & Jan. 15, 2008)

A MOTION was made by Mr. Shamey to approve the Executive Session Minutes from the meeting of January 7, 2008 for content. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded. As Mr. Gatti and Mrs. Muir were not present during this Executive Session, they abstained from this vote.

Attorney-Client Privilege - Executive Session Minutes (Jan. 7, 2008 & Jan. 15, 2008) – continued:

A **MOTION** was made by Mr. Shamey to approve the Executive Session Minutes from the meeting of January 15, 2008 for content. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded. As Mrs. Allen and Mrs. Muir were not present during this Executive Session, they abstained from this vote.

Contract Negotiations - Professional Services

McManimon & Scotland – Bond Attorney Services

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
BOND ATTORNEY SERVICES
#R-2008-24***

WHEREAS, the Township of Readington has a need to acquire Bond Attorney 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 Anon-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

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, McManimon & Scotland, L.L.C. has submitted a proposal indicating they will provide Bond Attorney Services for rates as detailed in the contract; and

WHEREAS, McManimon & Scotland, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon & Scotland, L.L.C. 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 McManimon & Scotland, L.L.C. 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*).

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 McManimon & Scotland, L.L.C. 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, 2008; and

BE IT FURTHER RESOLVED, that copies of this Professional Service Contract including the rate schedule 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 Mr. Shamey to adopt this Resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Parker, McCay & Criscuolo, PA – Special Litigation Services

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
SPECIAL LITIGATION COUNSEL SERVICES
#R-2008-25***

WHEREAS, the Township of Readington has a need to acquire Special Litigation Counsel 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 Anon-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

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA has submitted a proposal indicating he will act as Special Litigation Counsel at the following rates: Attorney – \$275 per hour; Associates - \$200 per hour, for the following matters:

- Re: Lackland and Lackland *et als* v. Readington Township, *et als*.
Docket No.: HNT-L-344-03, A-2190-05T1
- Re: Lackland and Lackland v. Township or Readington
Civil Action No. 02-2017(SRC)
- Re: Mark Hartman and Wilmark Building Contractors, Inc. v. the Township of Readington Civil Action No. 02-2017(SRC)
- Re: Wilmark Building Contractors, Inc. v. Township of Readington
Docket No.: HNT-L-132-03
- Re: Toll Bros., Inc. V. Township of Readington, *et al.*
Docket No. HNT -L-495-02
- Re: Township of Readington v. Solberg Aviation Co., *et al.*
Docket No.: HNT-L-468-06
- Re: Such other matters which may be assigned

WHEREAS, Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA has completed and submitted a Business Entity Disclosure Certification which certifies that Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA 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 Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA 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*).

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 Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA 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, 2008; 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 Mr. Shamey to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Parker, McCay & Criscuolo, PA – Special Litigation Services – continued:

Mrs. Allen - Aye
Mr. Gatti - Aye
Mrs. Muir - Aye
Mr. Shamey - Aye
Mayor Auriemma - Aye

***Litigation - Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8;
Block 39, Lot 24 and Block 67, Lot 2 (Solberg Aviation - Hromoho)***

Mayor Auriemma said on Wednesday, January 17th Judge Ciccone ruled in favor of Readington Township with respect to the eminent domain case. The decision is available for review on the Township's website.

PRESENTATION OF PLAQUE TO CROSSING GUARD MARION ESPOSITO.

Mayor Auriemma said that Mrs. Esposito was a Crossing Guard for thirty-nine (39) years.

Mayor Auriemma asked Mr. Shamey to make the presentation to Mrs. Esposito as he is the Committee Liaison to the Crossing Guards. He also asked Police Chief Jim Paganessi to assist with the presentation.

Mr. Shamey, along with Chief Paganessi, and on behalf of the Township Committee, presented Mrs. Esposito with a plaque in appreciation of thirty-nine (39) years of dedicated service as a school crossing guard.

PUBLIC HEARING:

As it was after 8:00 p.m., ***A MOTION*** was made by Mr. Shamey to adjourn the regular meeting to hold a Public Hearing. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 65, LOTS 12 AND 12.01 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

Ordinance #01-2008

Mayor Auriemma said this ordinance provides for the conveyance of the agricultural development rights easement on Block 65, Lots 12 & 12.01 to Hunterdon County.

Mayor Auriemma asked if there were any comments from the Governing Body.

Mrs. Allen said this property consists of approximately 32 acres and has frontage along Barley Sheaf Road. It qualified for the 2008 Farmland Preservation round.

Mayor Auriemma asked if there were any comments from the public. There were none.

A MOTION was made by Mr. Shamey to close the Public Hearing. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 65, LOTS 12 AND 12.01 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

Ordinance #01-2008

Ordinance #01-2008 – continued:

A **MOTION** was made by Mrs. Muir to adopt this Ordinance, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye
Mr. Gatti - Aye
Mrs. Muir - Aye
Mr. Shamey - Aye
Mayor Auriemma - Aye

CONSENT AGENDA:

1. **APPROVAL OF THE MINUTES** of meetings of December 17, 2007, December 27, 2007 & January 7, 2008.
2. **Pincus/Block 63, Lot 53.05** - request for release of unused escrow funds (\$1,111.72).
3. **Payment of the Bills.**

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND APPROPRIATION	001	\$ 1,072,598.77
SEWER APPROPRIATION	002	\$ 100,433.37
TRUST APPROPRIATION	003	\$ 72,709.78
CAPITAL APPROPRIATIONS	004	\$ 33,904.49
MISC REFUND, COUNTY TAX, LIENS	005	\$ 28,593.87
PAYROLL DEDUCTIONS	006	\$ 183,429.85
REGIONAL AND LOCAL SCHOOL TAX	007	\$ 5,302,325.40
DUE TO STATE OF NEW JERSEY	009	\$ 440.00
TOTAL OF ALL FUNDS:		\$ 6,794,435.53

4. **Municipal Court & Violations Bureau Report** for December, 2007.

A **MOTION** was made by Mr. Shamey to approve the items as listed on the consent agenda. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye
Mr. Gatti - Aye
Mrs. Muir - Aye (except for minutes of Jan. 7, 2008 as she was not in attendance)
Mr. Shamey - Aye
Mayor Auriemma - Aye

CORRESPONDENCE/OTHER INFORMATION:

1. Letter dated December 28, 2007 from Freeholder Director George D. Muller regarding **FEMA funding program for Pre-Disaster Mitigation Planning**, noted for information. No action taken.
2. Notice dated January 8, 2008 from **William G. Dressel, Jr., Executive Director, NJ State League of Municipalities regarding the following:**
 - S-176 Expands survivor recovery in the event of wrongful death;
 - A-4393 Requires certain public contract bid advertisements to contain certified cost estimates or estimate ranges of project contract costs & specifies grounds for rejection of bids;
 - A-3153 Provides certain law enforcement officers cannot be suspended without pay for more than 120 days;
 - A-1886 Recycling Enhancement Act;
 - A-4559 Authorizes DEP to sell, exchange, retire, assign, allocate or auction allowances from greenhouse gas emissions;
 - A-500 The School Funding Reform Act of 2008

The items listed above were noted for information. No action taken.

CORRESPONDENCE/OTHER INFORMATION – continued:

3. Letter dated January 3, 2008 from Thomas Aufferorde, Assistant Vice President, EcolSciences, Inc., regarding *Application for Letter of Interpretation/Line Verification Merck & Co., Inc., Block 4, Lots 47, 48, 49, 50, 96, 98, 99, 100, 102, 103, 104 & 112*, noted for information. No action taken.

OLD BUSINESS:

1. *Solberg Airport* – update.

Mayor Auriemma said this matter was addressed earlier in the meeting.

2. *Train Horn Rules/Quiet Zone.*

Mr. Gatti said the Committee has previously been asked to adopt a “Quiet Zone” to address the issue of horns that are blown as trains approach grade crossings. Mr. Gatti said Administrator Mekovetz has received several calls from a resident of downtown Whitehouse Station asking that the Committee look into this matter further.

Administrator Mekovetz said she received several calls from Mr. Chris Bogart regarding this issue.

Mr. Gatti said there are eight (8) grade crossings in Readington Township – five (5) in Whitehouse Station and three (3) in Three Bridges. If the Committee considers adopting a “Quiet Zone” it should be for both Whitehouse Station and Three Bridges.

Mr. Gatti said all but one (1) crossing have gates. It could be a very expensive proposition for the Township. It would also require cooperation from Hunterdon County because Route 523 is a County road. And, if the Committee considers including County Line Road, it would require cooperation from Branchburg Township and Somerset County.

Mr. Gatti said currently the train must blow the whistle in advance of approaching the grade crossing. It must blow one (1) long, two (2) short and one (1) long.

NJ Transit would assess the crossings at no charge, but the crossing in Three Bridges is a Conrail line and the cost for this assessment would be \$3,000.

Administrator Mekovetz said that NJ Transit would make suggestions, but Engineer McEldowney would still have to calculate the risks that would then have to be compared with the national threshold. The Township would also be responsible for any equipment and maintenance and there would also be liability concerns.

Mr. Gatti said that even if a Quiet Zone is adopted, the train will still blow its whistle upon arriving and leaving the station.

Mrs. Allen suggested that a meeting be scheduled with Mr. Bogart to discuss this matter and go over what would be involved in the process. All agreed.

2. *Summer Road Park/Additional Field* – proposal.

Mayor Auriemma said that the Recreation Department has expanded the lacrosse and flag football programs and they are having difficulty in meeting the need for fields. In addition, the regulation soccer fields are located at Summer Road Park. They are looking for the ability to alternate use of the soccer fields which would require an additional field.

The Recreation Department sent a letter to the residents of Hixson Road, which is directly behind Summer Road Park. A letter was received from one (1) resident expressing concern about a natural swale that goes from several of the properties into the park. They are concerned about the impact that any construction would have as far as run-off.

Summer Road Park/Additional Field proposal – continued:

Engineer McEldowney said the service drains would have to be considered with any improvements that are done. It is a fairly large watershed and it drains down to the southwest.

Mayor Auriemma suggested that Engineer McEldowney look into this matter and report back to the Committee.

Mrs. Allen said another issue is the parking on Summer Road. She said she does not see the need for the creation of an additional parking lot.

NEW BUSINESS:

1. ***Hunterdon County Health Department*** – presentation by Director John Beckley.

Mr. John Beckley said that Mrs. Muir suggested that he come to a Committee meeting to explain what the County Health Department does for each municipality.

Mr. Beckley's presentation included the following:

- A review of the origins of the Health Department and how public health services are structured in Hunterdon County;
- A highlight of the wide scope of services provided through the County Health Department;
- Discussion about the need to revise and update old interlocal contracts;
- A review of the possible need to strengthen local ordinances to better enable County enforcement.

Mayor Auriemma thanked Mr. Beckley for his informative presentation.

2. ***Black River & Western Railroad*** – request for resolution endorsing track improvement project.

The following Resolution was offered for consideration:

***RESOLUTION OF THE TOWNSHIP COMMITTEE SUPPORTING STATE FUNDING
OF THE BLACK RIVER & WESTERN RAILROAD UPGRADE OF "GOAT" CURVE
R-2008-26***

WHEREAS, the Belvidere & Delaware River Railway Company Inc., operating on the line of the Black River & Western Railroad has applied for, and been awarded grant monies under the State of New Jersey Rail Freight Assistance Program (NJAC 16:53C, 1.1) to rebuild approximately 2,200' feet of its main track at "Goat Curve" (Agreement No 2204534) and

WHEREAS, freight railroads reduce truck congestion and wear on roadways; and

WHEREAS, freight railroads make the most efficient use of limited natural resources, with the least impact on the environment, per ton mile of transportation provided; and

WHEREAS, this project will have no adverse affect on the local environment or the human condition; and

WHEREAS, this project will improve the safety and efficiency of the Railroad's operations; and

WHEREAS, this section of the Railroad's line is located in Readington Township; and

WHEREAS, there is no cost or obligation to, or on the part of Readington Township.

Black River & Western Railroad - resolution endorsing track improvement project – continued:

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, that Readington Township shall support this track improvement project; and

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

A MOTION was made by Mrs. Allen to adopt this Resolution, seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

3. ***No Parking or Standing on Lightfield Road*** – discussion.

Mayor Auriemma said he was contacted by a resident of Lightfield Road regarding this matter. He was complaining about utility vehicles speeding down the road. Also, the utility trucks are parking on the section of Lightfield Road that runs parallel to Readington Road and throwing trash in that area.

Mayor Auriemma suggested that the Township install “No Parking or Standing” signs on that section of Lightfield Road.

Attorney Dragan said the Township adopted a “no littering” ordinance last year.

Mayor Auriemma said he spoke with Police Chief Paganessi regarding this matter and it was his recommendation that the “No Parking or Standing” signs be installed on that section of Lightfield Road.

Mrs. Muir said that it should be determined whether the Township owns the entire triangle as well as the roadway that circles it. In addition, she asked if the existing ordinances are being applied and whether the Committee wants to apply a no parking, standing or stopping ordinance to that area. She suggested that Engineer McEldowney look into the matter further.

Mayor Auriemma said the matter could be discussed further at a future meeting.

4. ***Amendment to Section 148-50 of Land Development Ordinance/mandatory language to be included in conservation easement*** – introduction.

The following Ordinance was offered for introduction:

AN ORDINANCE AMENDING 148-50 TO ESTABLISH MANDATORY LANGUAGE TO BE INCLUDED IN CONSERVATION EASEMENTS

Ordinance #02-2008

WHEREAS, owners of property within Readington Township may elect to or in certain instances as required under the Readington Township Code may be required to impose conservation easements on their property; and

WHEREAS, the Township Committee believes that it is appropriate to have all conservation easements on property within the Township be subject to the same obligations and restrictions.

NOW, THEREFORE BE IT ORDAINED on this 22nd day of January, 2008 by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that:

SECTION 1. Section 148-50, Subsection B of the Readington Township Code shall be and is hereby amended and supplemented to add a new subsection “11” as follows:

Sec. 148-50B. 11.

Wherever a conservation easement is established by a property owner, whether voluntarily or as required by Ordinance or statute, the conservation easement shall contain the following language:

Amendment to Section 148-50 of Zoning Ordinance/mandatory language to be included in conservation easement – continued:

1. No topsoil, soil, sand, gravel, loam, rock or other material shall be excavated, dredged or removed from the easement area and the natural topography and contours of the land shall not be changed by excavation, grading or other physical alteration of the land surface except with written approval of the Township acting through the governing body or such other body or official as the governing body may designate, it being intended that the natural elevation and function of the terrain within the easement area be preserved.
2. No buildings, structures, fences or other improvements shall be erected or placed within the easement area and no roads, drives or trails for motorized vehicles shall be constructed or maintained within the easement area except with written approval of the Township acting through the governing body or such other body or official as the governing body may designate. Motorized vehicles shall include (but not be limited to) automobiles, trucks, snowmobiles, motorcycles, motorbikes, mopeds, go carts, dune buggies and all-terrain vehicles.
3. No solid or liquid materials of any kind shall be kept or stored within the easement area except with written approval of this Township acting through the governing body or such other body or official as the governing body may designate.
4. No dumping or placing of soil or other substances or materials as land fill, and no dumping or placing of trash, waste or unsightly or offensive material, for disposal or otherwise, and no planting, placing or dumping of any plant or vegetative matter shall be permitted within the easement area except with written approval of this Township acting through the governing body or such other body or official as the governing body may designate.
5. No grazing or pasturing of livestock, and no tilling or plowing of the soil, or cultivation of crops shall be permitted within the easement area except with written approval of this Township acting through the governing body or such other body or official as the governing body may designate.
6. No mowing of grasses nor cutting or removal of live trees, shrubs or other vegetation now or hereafter existing within the easement area shall be permitted except with written approval of the Township acting through the governing body or such other body or official as the governing body may designate.
7. No activities shall be permitted within the easement area which might be detrimental to drainage, flood control, springs, water conservation, water quantity or quality protection, erosion control, soil conservation or vegetation or scenic protection and no other act or uses detrimental to the preservation of the easement area shall be permitted except with written approval of the Township acting through the governing body or such other body or official as the governing body may designate.
8. The Township of Readington shall be permitted limited access to and entry upon the property at all reasonable times but solely for the purposes of inspection and enforcement in order to assure compliance with the terms and conditions herein contained.
9. Persons in violation of the terms of Conservation Easements required pursuant to Section 148-50B 11 shall be subject to penalty pursuant to Readington Township Land Development Ordinance Section §148-123 entitled “Violations” and Section § 148-124 entitled “Penalties,” and shall be required to restore the Conservation Easement area disturbed to its predisturbance condition.
10. The applicant shall be subject to a Township inspection fee, which shall be posted by the Applicant at final, for an inspection to be conducted by the Township of the Conservation Easement area subsequent to completion of all improvements on the site.

SECTION 2. Section 148-50, Subsection B(9) of the Readington Township Code shall be and is hereby amended and supplemented as follows [additions are indicated thus, deletions are indicated ~~thus~~]:

Amendment to Section 148-50 of Zoning Ordinance/mandatory language to be included in conservation easement – continued:

9. In addition to monumentation, a suitable form of continuous, visible delineation (such as a fence) shall be installed so that it is coterminous with the boundaries of the conservation easement. The location and detailing for this element shall be included on the plans. This element shall be designed to be visually compatible with the character of the stream corridor and the local context and shall be subject to review and approval by the approving authority. The visible delineation shall be maintained in perpetuity by the property owner.

SECTION 3. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this ordinance or any other existing codes or ordinances incorporated herein shall be in conflict with existing regulations or shall be adjudged by any court of competent jurisdiction to be invalid, such conflict or judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the conflict or the controversy in which said judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect upon final passage, adoption and publication according to law and upon filing with the Hunterdon County Planning Board.

A MOTION was made by Mrs. Allen to introduce this Ordinance, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Public Hearing was scheduled for Tuesday, February 19, 2008 at 8:00 p.m.

5. ***Stanton Ridge*** – acceptance of certain roadways.

Engineer McEldowney said that all of the work on this subdivision has been completed and inspected.

The following Ordinance was offered for introduction:

AN ORDINANCE FOR THE ACCEPTANCE OF CERTAIN ROADWAYS WITHIN THE RESIDENTIAL DEVELOPMENT KNOWN AS STANTON RIDGE IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM STANTON PROPERTIES, II, A NEW JERSEY GENERAL PARTNERSHIP

Ordinance #03-2008

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows:

SECTION 1. The Township of Readington shall accept as public, the following roads which have been dedicated to the Township by Stanton Properties, II, a New Jersey General Partnership, as shown on the following filed maps for the Stanton Ridge major subdivision development prepared by VanCleeef Engineering Associates, Lebanon, New Jersey, which were filed in the Hunterdon County Clerk's office as set forth below, and as more particularly set forth in the metes and bounds description for each roadway or portion thereof contained in the Deed(s) of Dedication on file in the office of the Readington Township Municipal Clerk, at the Readington Township Municipal Building, 509 Route 523, Whitehouse Station, New Jersey.

Stanton Ridge – acceptance of certain roadways – continued:

- A. FORESTDALE DRIVE (50' WIDE)** - as shown on a map entitled AFinal Plat for Stanton Ridge - Section V, Block 51, Lot 21, located in Readington Township, Hunterdon County, New Jersey,@ dated April 19, 1996, last revised September 26, 1996, and filed in the Hunterdon County Clerk=s Office on March 4, 1997 as Map No. 1245.
- B. TIMBER COURT (50' WIDE)** - as shown on a map entitled AFinal Plat for Stanton Ridge - Section V, Block 51, Lot 21, located in Readington Township, Hunterdon County, New Jersey,@ dated April 19, 1996, last revised September 26, 1996, and filed in the Hunterdon County Clerk=s Office on March 4, 1997 as Map No. 1245.
- C. DOGWOOD DRIVE (50' WIDE)** – portion from its intersection with Clubhouse Drive to and including its cul-de-sac, as shown on a map entitled AFinal Plat for Stanton Ridge - Section VI, Block 45, Lots 25 & 25.03, located in Readington Township, Hunterdon County, New Jersey,@ dated July 1, 1996, last revised September 26, 1996, and filed in the Hunterdon County Clerk=s Office on June 6, 1997 as Map No. 1253.
- D. WINTERBERRY COURT (50' WIDE)** - as shown on a map entitled AFinal Plat for Stanton Ridge - Section VI, Block 45, Lots 25 & 25.03, located in Readington Township, Hunterdon County, New Jersey,@ dated July 1, 1996, last revised September 26, 1996, and filed in the Hunterdon County Clerk=s Office on June 6, 1997 as Map No. 1253.
- E. OVERLOOK ROAD (50' WIDE)** - as shown on a map entitled AFinal Plat for Stanton Ridge - Section VII, Block 45, Lots 16 & 55, located in Readington Township, Hunterdon County, New Jersey,@ dated September 10, 1996, last revised October 26, 1996, and filed in the Hunterdon County Clerk=s Office on January 16, 1998 as Map No. 1272.
- F. FAIRWAY DRIVE (50' WIDE)** - as shown on a map entitled AFinal Plat for Stanton Ridge - Section VII, Block 45, Lots 16 & 55, located in Readington Township, Hunterdon County, New Jersey,@ dated September 10, 1996, last revised October 26, 1996, and filed in the Hunterdon County Clerk=s Office on January 16, 1998 as Map No. 1272.

SECTION 2. The Township acknowledges receipt of the aforementioned Deed(s) of Dedication conveying the aforementioned streets, or portions thereof, together with an executed Affidavit of Title, Corporate Resolution and documents evidencing that the title is marketable and free and clear of liens.

SECTION 3. 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 Judgement 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 4. This Ordinance shall take effect immediately upon final adoption and publication according to law, and upon the recording of the Deed; a copy of this Ordinance shall also be recorded in the Hunterdon County Clerk’s Office.

A MOTION was made by Mrs. Allen to introduce this Ordinance, seconded by Mr. Shamey and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Auriemma	-	Aye

Public Hearing was scheduled for Tuesday, February 19, 2008 at 8:00 p.m.

6. **Rolling Meadows** – request for reduction of Performance Bond.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
 RESOLUTION
 R-2008-27**

WHEREAS, Rolling Meadows of Readington, LLC. did on November 1, 2007 file a written request with the Township of Readington for a reduction in Cash Performance Guarantee Check #1311 in the amount of \$35,959.20 and Performance Bond #882017604 in the amount of \$323,632.80.00 for work completed on Block 55, Lot 7.01; and

WHEREAS, the Township Engineer has confirmed that a certain amount of work has been done by Rolling Meadows of Readington, LLC. on said property; and

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

WHEREAS, the Township Engineer has supplied a reduced bond amount for Cash Performance Guarantee Check #1311 and Performance Bond #882017604, as indicated in his letter of January 14, 2008, based upon the Municipal Land Use Law requirement.

DEVELOPMENT	BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	RECOMMENDED REDUCTION FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTEE @ 120% VALUE
Rolling Meadows of Readington, LLC Block 55, Lot 7.01	American Southern Insurance Co. #882017604	\$323,632.80	\$226,542.96	\$97,089.84
	Check #1311	\$35,959.20	\$25,171.44	\$10,787.76

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to reduce Cash Performance Guarantee Check #1311 and Performance Bond #882017604, as recommended by the Township Engineer; and

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

A MOTION was made by Mr. Gatti to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen - Aye
 Mr. Gatti - Aye
 Mrs. Muir - Aye
 Mayor Auriemma - Aye

7. **Spring Meadows Estates** – request for reduction of Performance Bond.

Action on this matter was deferred until the next meeting.

8. **Pincus/Block 63, Lot 53.05** - request for release of unused escrow funds (\$1,111.72).

This item was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT:

Written report submitted.

ADMINISTRATOR'S REPORT – continued:

Administrator Mekovetz said the Police Department and the PBA want to construct a memorial for deceased police officers. They have requested that they be able to use the area to the left of the front entrance when exiting the building. They are proposing some type of wall and monument. They would have a professional designer and a landscape designer involved. There would be at no cost to the Township and the Committee would have final approval of the design.

It was the consensus of the Committee to allow this area to be used for such a monument.

Administrator Mekovetz said the Three Bridges Fire Company wants to hold a coin toss on Route 202. The State of New Jersey is asking that a letter be provided to the Fire Company stating that Readington Township does not have any ordinances regulating coin tosses on Route 202. The Committee had no objection to this letter being sent.

Administrator Mekovetz said she had nothing further to report at this time.

ATTORNEY'S REPORT:

Written report submitted.

Attorney Dragan said she had nothing further to report at this time.

ENGINEER'S REPORT:

Written report submitted.

Engineer McEldowney said he had nothing further to report at this time.

COMMITTEE REPORTS:

1. Thomas Auriemma:

Mayor Auriemma said he received an email from a resident on Mountain Road regarding the new railroad passing lane and the fact that the trains sometimes idle there resulting in the release of diesel fumes.

Mayor Auriemma said he had nothing further to report at this time.

2. Julia Allen:

Farmland\Open Space Preservation\Land Projects Liaison

Mrs. Allen said the Open Space Committee will now hold its meetings on the fourth Wednesday of each month. A series of open space walks have been held on the third Sunday of the month, however in February it will be on the second Sunday.

Mrs. Allen said she had nothing further to report at this time.

3. Frank Gatti:

Historic Preservation/Museums

Mr. Gatti said Acadia Books has selected the photo that will appear on the cover of the book on the history of Readington Township. The draft will be submitted to the publisher by February 12th and the finished book should be available in June or July 2008.

Mr. Gatti said he had nothing further to report at this time.

4. Beatrice Muir:

a. Public Assistance

Mrs. Muir said a Board of Social Services meeting was held last week. She said there is concern about the Corzine Administration's idea to disband the General Assistance Program for all but those who are already deemed unemployable due to poor health or lack of skills. This proposed elimination would be aimed toward those who are not in the program and those who do not have children.

COMMITTEE REPORTS – continued:

b. Code Enforcement Department\Construction Code Department

Mrs. Muir said from December 1, 2007 to December 31, 2007 there were four (4) permits issued for new buildings, four (4) for additions, seventy-three (73) for alterations and three (3) for demolitions.

Mrs. Muir said she had nothing further to report at this time.

5. Gerry Shamey:

a. Municipal Court

1. *Municipal Court & Violations Bureau Report* for December, 2007.

This item was addressed under the Consent Agenda.

Mr. Shamey said he will be meeting with Judge Edward Martin, Prosecutor Robert Ballard and Public Defender Frances Hermes to discuss the current state of the Municipal Court. He will report back to the Committee after the meeting.

Mr. Shamey referred to Meredith Goodwin's letter of resignation from the Board of Adjustment. He said Ms. Goodwin served on the Board for approximately 17 years. He suggested that the Committee send her a letter thanking her for her service.

A MOTION was made by Mrs. Allen to send a letter to Meredith Goodwin thanking her for her many years of service to the Township. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Mr. Shamey said he had nothing further to report at this time.

COMMENTS FROM THE PUBLIC.

Mayor Auriemma asked for comments from the public.

Mr. Don Baldwin congratulated Mayor Auriemma on his appointment as Mayor.

Mr. Baldwin referred to the settlement of the GRC complaint that he filed against the Township that was discussed earlier in the meeting. Mr. Baldwin said he would like to acknowledge his appreciation for the Township's decision to settle the case.

Mr. Baldwin also commented on Judge Ciccone's decision in the Township's favor regarding the Solberg Aviation litigation, a tentative allocation of \$192,000 in the 2008 Municipal Budget for legal fees and the fact that the Committee meetings are no longer videotaped.

Mr. Mike Ribeiro, commented on the newspaper article about a conversation at the January 7th meeting surrounding the reappointment of Judge Edward Martin.

Mr. Matt Miller commented on Mr. Gatti's statement regarding a conflict of interest at the January 7th meeting.

Mr. Craig Lindeman, voiced his concerns regarding Edward Martin's reappointment.

Jim Siessel commented on the possibility of a conflict of interest and the fact that another candidate who would fill the position at a lesser cost was not being interviewed.

Attorney Dragan said when hiring employees and contracting for professional services, it is done either by public bid or a non-open, non-fair process. It is up to the Committee who they want to hire or appoint. There are other considerations beside price.

Mr. Miller commented on the process.

COMMENTS FROM THE PUBLIC – continued:

Mr. Jim Johnson commented on Mr. Gatti's remarks at the January 7th meeting.

Mr. Tim Graham commented on the fact that there was at least one (1) candidate who was willing to do the same job for less money and the additional staff hired in the.

COMMENTS FROM THE GOVERNING BODY.

Mayor Auriemma asked for comments from the Governing Body. There were none.

ADJOURNMENT

As there was no further business, a motion was made by Mrs. Muir at 10:10 p.m., seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\MMC\RPPO
Administrator\ Municipal Clerk