

**READINGTON TOWNSHIP COMMITTEE
MEETING - FEBRUARY 7, 2005**

Mayor Gatti *called the meeting to order at 6:00 p.m.* announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

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

ALSO PRESENT: Attorney Dragan, Administrator Mekovetz 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>	<u>Date Anticipated When Discussion Will Be Disclosed to Public</u>
DPW Local 469.....	Contract Negotiations.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
DPW.....	Personnel.....	" " "
Buildings & Grounds.....	Personnel.....	" " "
Finance.....	Personnel.....	"" "
Bedminster Interlocal Agreement.....	Contract Negotiations.....	"" "
Dump Truck Specifications.....	Contract Negotiations.....	"" "
Scan Fingerprint System Specifications	Contract Negotiations.....	"" "
Block 63, Lots 11, 12 & 13 (Accettola).....	Contract Negotiations.....	"" "
Block 15, Lot 4 (Arnaudy).....	Contract Negotiations.....	"" "
Block 53, Lot 9 (Dolan).....	Contract Negotiations.....	"" "
Block 72, Lot 10.02 (Pagano).....	Contract Negotiations.....	"" "
Block 55, Lot 8 (Kappus).....	Contract Negotiations.....	"" "
Block 13, Lot 62 (Hamewith Farms, Inc.)...	Contract Negotiations.....	"" "
Block 98, Lot 2 (Padovani).....	Contract Negotiations.....	"" "
Block 46, Lot 22 (A. Reno).....	Contract Negotiations.....	"" "
Block 42, Lots 9 & 10 (Kiever - Developer's Agreement).....	Contract Negotiations.....	"" "
Block 36, Lots 93, 94 & 95 (Hogan/Folk)...	Contract Negotiations.....	"" "
Block 36, Lot 9 (Evergreen Farm)/		
Block 36, Lot 27 (Hidden Creek Farm).....	Contract Negotiations.....	"" "
Executive Session Minutes.....	Attorney-Client Privilege.....	"" "

EXECUTIVE SESSION RESOLUTION - continued:

Professional Services.....	Contract Negotiations.....	""	"
Toll Brothers, Inc. vs. the Twp. of Readington - Docket No. SOM-L-618-04 (formerly HNT-L-495-02).....			
	Litigation.....	""	"
Toll Brothers, Inc. vs. the Twp. of Readington, <i>et als</i> Civil Action File No. 04-6043.....			
	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 6:00 p.m. by Mrs. Allen to adopt this Resolution, seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:47 p.m.

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

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

Contract Negotiations - DPW Local 469

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

Personnel - DPW

A **MOTION** was made by Mrs. Muir to prorate Bradford Hunt’s 2004 vacation time, to be used by March 31, 2005. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Personnel - Buildings & Grounds

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

Personnel - Finance

A **MOTION** was made by Mr. Shamey to hire Omayra Rosa to replace Michael Balogh as Assistant Municipal Treasurer with a one-year probationary period, at an annual salary of \$39,000, effective January 31, 2005. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Personnel - Police Department

A **MOTION** was made by Mr. Shamey to hire Christina Ferrari to replace Nicole Heater as a Clerk-Transcriber in the Police Department, on a three-month probationary period, at an annual salary of \$26,651, effective January 27, 2005. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Bedminster Interlocal Agreement

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

Contract Negotiations - Dump Truck Specifications

A **MOTION** was made by Mr. Shamey to approve the specifications for a dump truck for the Department of Public Works, subject to review by Attorney Dragan. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Contract Negotiations - Scan Fingerprint System Specifications

A **MOTION** was made by Mr. Shamey to approve the specifications for Scan Fingerprint System for the Police Department, subject to review by Attorney Dragan. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Contract Negotiations - Block 63, Lots 11, 12 & 13 (Accettola)

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

Contract Negotiations - Block 15, Lot 4 (Arnaudy)

A **MOTION** was made by Mr. Shamey to approve the contract, as amended, for Block 15, Lot 4 (Arnaudy). This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 53, Lot 9 (Dolan)

A **MOTION** was made by Mr. Shamey to approve the contract for the sale of the development rights easement on Block 53, Lot 9 (Dolan) to Hunterdon County. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 72, Lot 10.02 (Pagano)

A **MOTION** was made by Mr. Shamey to approve the contract for the sale of the development rights easement on Block 72, Lot 10.02 (Pagano) to Hunterdon County. This motion was seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 55, Lot 8 (Kappus)

A **MOTION** was made by Mr. Shamey to approve the contract for the sale of the development rights easement on Block 55, Lot 8 (Kappus) to Hunterdon County. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 13, Lot 62 (Hamewith Farms, Inc.)

The following Resolution was offered for consideration:

TOWNSHIP OF READINGTON
RESOLUTION
R-2005-25

WHEREAS, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$14,900 per acre for the development easement on the Hamewith Farms, Inc. (Block 16, Lot 62 - 80+/- acres) property, which is contained in Readington Township's 2005A Planning Incentive Grant VIII list of farms; and

WHEREAS, the SADC approved the five (5) year allocation of \$4,206,150 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township's 2005A Planning Incentive Grant VIII application, conditioned upon Garden State Preservation Trust, legislative and gubernatorial appropriation; and

WHEREAS, based on Readington Township's application, the County of Hunterdon will provide a cost share for the purchase of the development easements, holding title to the development easements.

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

1. Approves the purchase of the development easement on Block 16, Lot 62 (Hamewith Farms, Inc.).
2. Commits to funding of the purchase of the development easement on Block 16, Lot 62 (Hamewith Farms, Inc.).
3. Authorizes funding pursuant to the Township's five (5) year funding plan.

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to forward certified copies of this Resolution to the County Agricultural Development Board and the State Agricultural Development Committee as requested and required.

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

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

Contract Negotiations - Block 98, Lot 2 (Padovani)

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

Contract Negotiations - Block 46, Lot 22 (A. Reno)

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

Contract Negotiations - Block 42, Lots 9 & 10 (Kiever - Developer's Agreement)

A MOTION was made by Mr. Shamey to approve the Developer's Agreement for Block 42, Lots 9 & 10 (Kiever) and to accept Letter of Credit # _____ in the amount of \$ _____. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 36, Lots 93, 94 & 95 (Hogan - Folk)

A MOTION was made by Mr. Shamey to approve the extension of the Sewer Allocation Agreement for Block 36, Lots 93, 94 & 95 (Hogan-Folk) for three (3) years until February 8, 2008. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Contract Negotiations - Block 36, Lot 9 (Evergreen Farm) - Block 36, Lot 27 (Hidden Creek Farm)

A **MOTION** was made by Mr. Shamey to authorize Administrator Mekovetz to obtain quotes for the appraisal of Block 36, Lot 9 (Evergreen Farm) - Block 36, Lot 27 (Hidden Creek Farm). This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Attorney-Client Privilege - Executive Session Minutes

A **MOTION** was made by Mr. Shamey to approve the Executive Session minutes of the meeting of January 18, 2005. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded. Mrs. Muir abstained from this vote as she did not attend the January 18th Executive Session.

***Contract Negotiations - Professional Services:
Robert Ballard, Esq.***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-26***

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

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

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:

Robert A. Ballard, Jr. Esq. for Municipal Prosecutor/Litigation Services
at rates as listed:

- Prosecutorial work - \$100 per hour.
- Non-prosecutorial litigation matters - \$150 hour.

2. Said contract shall expire on December 31, 2005.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. 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. Auriemma - Aye
Mrs. Muir - Aye
Mr. Shamey - Aye
Mayor Gatti - Aye

Sharon A. Dragan, Esq.

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-27***

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

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

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
 - amendment to the contract with Sharon A. Dragan, Esq. to provide an additional ten (10) hours of general legal services per month starting in February, 2005 so that the average hours billed per month shall be between 88-90 hours, and to be billed at a rate of \$100 per hour.
2. Said contract shall expire on December 31, 2005.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. 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. Auriemma	-	Aye
Mrs. Muir	-	Aye
Mr. Shamey	-	Aye
Mayor Gatti	-	Aye

Banisch Associates, Inc.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-28**

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

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

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:

Banisch Associates, Inc. as a professional planning experts at the following hourly rates: Senior Licensed Professional Planner - \$153; Principal Licensed Professional Planner - \$143; Associate Licensed Professional Planner - \$133; Research Associate - \$101, for the following matters:

Ilva Saronno Corporation v. Township of Readington
Civil Action No. 02-3668 (MLC)
Toll Brothers, Inc. vs. the Township of Readington, *et als.*
Docket No. SOM-L-618-04 (formerly HNT-L-495-02)
Lackland and Lackland v. Township of Readington, Readington
Township Planning Board, Readington Township Board of Health
Docket No. L-81-99

2. Said contract shall expire on December 31, 2005.

- 3 Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. 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. Auriemma - Aye
 Mrs. Muir - Aye
 Mr. Shamey - Aye
 Mayor Gatti - Aye

William A. Shurts, Esq.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
 RESOLUTION
 R-2005-28**

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

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

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:

William A. Shurts, Esq., of Felter, Cain & Shurts, Esquires, as Special Counsel to the Township for the Appeal of the Readington Township Board of Adjustment decision on the Commerce Bank application at a rate of \$150 per hour.

2. Said contract shall expire on December 31, 2005.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. 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. Auriemma - Aye
 Mrs. Muir - Aye
 Mr. Shamey - Aye
 Mayor Gatti - Aye

Litigation - Toll Brothers, Inc. vs. the Township of Readington
Docket No. SOM-L-618-04 (formerly HNT-L-495-02)

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

Litigation - Toll Brothers, Inc. vs. the Township of Readington, et als
Civil Action File No. 04-6043

A **MOTION** was made by Mr. Shamey to engage the services of the law firm of Purcell, Ries, Shannon, Mulcahy & O'Neill to represent the interests of Readington Township in the Toll Brothers, Inc. vs. the Township of Readington, *et als* litigation, Civil Action File No. 04-6043. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

The following items were added to the Executive Session Agenda:

Personnel - Recreation

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

Contract Negotiations - Block 15, Lots 5, 27 & 29 (YES Farms)

A **MOTION** was made by Mrs. Allen to approve the contract with Green Acres, as amended, for Block 15, Lots 5, 27 & 29 (YES Farms). This motion was seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

CONSENT AGENDA:

1. **APPROVAL OF THE MINUTES** of meetings of December 27, 2004 & January 18, 2005.
2. **Final Payment/SWERP, Inc.** - sanitary sewer collection system repair project.
3. **Awarding of Bond Anticipation Notes.**
4. **J.R. Contracting** - payment for Illva Saronno Farm Building demolition project.
5. **Illva Saronno** - request for release of Board of Health escrow funds.
6. **Doyle/Block 70, Lot 38.50** - request for release of Board of Health escrow funds.
7. **Jacobs-BBL** - Payment #3 & Payment #4 for Three Bridges Pump Station project.
8. **Vacation Carryover** - Resolution.

**TOWNSHIP OF READINGTON
 RESOLUTION
 R-2005-34**

WHEREAS, Section 8.3 of the *Readington Township Personnel Policies, Practices and Regulations* permits employees to carry over vacation days of the current year, and

WHEREAS, permission to do so must be granted by the Township Committee, and

WHEREAS, current year vacation days carried over into the subsequent year must be used by March 31, and

WHEREAS, the following employees have requested carry-over of the vacation time noted:

Name	Hours of vacation for carry over
Andrews, Basil	42
Ayotte, James	24
Babb, Scott	12
Barczyk, John	22
Benecchi, Lucille	44
Brown, Robert	11.75
Carr, Patrick	12
Carro, Thomas	14

Clapp, Diane	41.5
Corsentino, Vincent	60
Crater, Scott	48
Dewire, Christopher	12
duFosse', William	40
Goodfriend, Martin	6
Gould, Richard	14
Grear, Christine	14
Greco, Joseph	18
Gysi, Dan	40
Helbing, Troy	16
Holborow, Bonnie	14
Hoofatt, Alexander	30
Hulcher, Scott	16
Hunt, Bradford	
Insabella, John	12
Izzo, James	70
Jacukowicz, Linda	3.5
Jessemen, Scott	8
Jones, Terry	14.5
Kazeleski, Traci	4.5
Kennedy, Linda	18.75
Kenney, Greta	18
Kulick, Carol	19
Mailler, Christine	7
Mastro, Mary	42.5
McConnell, Patti Jo	55
Mekovetz, Vita	54.5
Mitchell, Darlene	7
Riva, Robert	36
Slutter, Margaret	7
Stoveken, Theresa	52
Warner, Wade	8
Wilton, Diane	44

9. ***Application for Social Affair Permit*** - American Legion Post #284.

10. ***Application for Social Affair Permit*** - Polish American Citizens Club.

11. *Applications for Raffles Licenses* - Readington Twp. Home & School Assoc.
12. *Application for Bingo License* - Readington Twp. Home & School Assoc.
13. *Tax Refund* - resolution.

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

WHEREAS, the Tax Collector has recommended the following 2004 tax refund:

<u>BLOCK/LOT</u>	<u>REASON</u>	<u>REFUND TO</u>	<u>AMOUNT</u>
80/1	Overpayment	Ilva Saronno Corp.	\$ 119.82

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee that the Township Treasurer be authorized to refund the amount recommended.

14. *Payment of the Bills.*

Fund Description	Fund No.	
Received Total		
CURRENT FUND APPROPRIATION	001	\$ 636,423.97
SEWER APPROPRIATION	002	\$ 143,394.41
TRUST APPROPRIATION	003	\$ 1,495.84
CAPITAL APPROPRIATIONS	004	\$ 2,800,000.00
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 3,022,008.41
PAYROLL DEDUCTIONS	006	\$ 149,302.40
REGIONAL & LOCAL SCHOOL TAX	007	\$ 1,897,127.40
TOTAL OF ALL FUNDS:		\$ 8,649,752.43

15. *Municipal Court & Violations Bureau Report* for December, 2004.

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

Mrs. Allen	-	Aye
Mr. Auriemma	-	Aye
Mrs. Muir	-	Aye (except for minutes of January 18, 2005 as she did not attend meeting)
Mr. Shamey	-	Aye
Mayor Gatti	-	Aye

CORRESPONDENCE/OTHER INFORMATION:

1. Letter dated January 21, 2005 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities and Edithe A. Fulton, President, NJ Education Association, regarding *Read Across America Day*.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-31**

WHEREAS, the citizens of Readington Township stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Readington Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's *Read Across America*, a national celebration of reading on March 2, 2005, which would have been the 101th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey calls on the citizens of Readington Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2005; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Readington enthusiastically endorses **NEA's *Read Across America*** and ***Read Across America-NJ***, and recommitts our community to engage in programs and activities to make America's children the best readers in the world.

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

2. Notice dated January 21, 2005 from Dorothy D. Wilkie, Municipal Clerk, Twp. of Bedminster, regarding ***public hearing of Ordinance #05-04 - Amending Subsection 13-904 entitled "Affordable Housing Development Fees" of Chapter XIII Entitled "Land Management" of the revised General Ordinances of the Township of Bedminster***, noted for information. No action taken.
3. Memorandum dated January 10, 2005 from Lisa Burd, Acting Clerk, Borough of Bloomsbury, regarding ***adoption of a resolution in opposition to the Fast Track Permitting Act, PL 2004, C. 89***, noted for information. No action taken.
4. Memorandum dated January 25, 2005 from Sharon L. Brienza, Municipal Clerk, Twp. of Branchburg, regarding the following:

Public hearing of Ordinance #2005-976 Amending the Land Development Ordinance of the Twp. of Branchburg by amending Subsection 2-2.2 entitled "Membership."

Adoption of Ordinance #2005-975 Amending the Land Development Ordinance of the Twp. of Branchburg by removing the residential combination cluster option from the MDR zone.

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

5. Memorandum dated January 25, 2005 from Cecelia Bogart, Clerk, Borough of Lebanon, regarding ***adoption of a resolution in opposition to the Fast Track Permitting Act, PL 2004, C. 89***, noted for information. No action taken.
6. Notice from Lora Olsen, Deputy Township Clerk, Twp. of West Amwell, regarding ***adoption of Resolution in opposition to A-2360/S-911 - Expanded Condo Services***, noted for information. No action taken.
7. Notice from Lora Olsen, Deputy Township Clerk, Twp. of West Amwell, regarding ***adoption of Resolution in opposition to the Fast Track Permitting Act, PL 2004, C. 89***, noted for information. No action taken.
8. Notice from NJ Transit regarding ***proposed bus, rail, Newark City subway, Hudson-Bergen light rail, River Line, Access Link, Bus Contract Carriers Fare Policy and Fare Change Proposal***, noted for information. No action taken.
9. Notice from Lloyd H. Tubman, Esq., regarding ***hearing before the Readington Twp. Planning Board - Rolling Meadows of Readington, LLC, Block 55, Lot 7.01***, noted for information. No action taken.
10. Letter dated January 5, 2005 from Lou Cattuna, Section Chief, Bureau of Inland Regulation, NJDEP regarding ***NJDEP Freshwater Wetlands Letter of Interpretation/ Line Verification - Amendment - Solberg Aviation Co., Block 40, Lot 1***, noted for information. No action taken.
11. Letter dated January 25, 2005 from Terry Pilawski, Chief, Bureau of Watershed Regulation, NJDEP, regarding ***Water Allocation Permit - Informal Consistency Determination - Readington Route 22 Associates, LLC, Block 36, Lot 49***, noted for information. No action taken.

12. Letter dated January 31, 2005 from Amy S. Greene, President, Amy S. Greene Environmental Consultants, Inc. regarding *Application for NJDEP General Permit #1 and Special Activity Transition Area Waiver for Redevelopment, Three Bridges Sanitary Sewer Pump Station Upgrades*, noted for information. No action taken.
13. Letter dated July 30, 2003 from Thomas Auffenorde, Senior Project Manager, EcolSciences, Inc., regarding *Application for an Extension of Letter of Interpretation - Line Verification - Bellemead Development Corp., Block 2.01, Lots 9.01 & 11*, noted for information. No action taken.

I. OLD BUSINESS:

1. *Chanco Development Corp.* - request to use portion of escrow funds for the cash portion of Performance and Maintenance Bonds for Phase I.

Engineer McEldowney said he reviewed this request and has no objection. He also discussed the matter with the Finance Department.

A **MOTION** was made by Mrs. Allen to approve the request from Chanco Development Corp. to use portion of escrow funds for the cash portion of Performance and Maintenance Bonds for Phase I. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

NEW BUSINESS:

1. *Rotary Club of Whitehouse* - placement of clock in front of the Readington Library.

Administrator Mekovetz gave a brief overview of the Rotary Club's wishes to install a clock at the train station in front of the Readington Library. She said the Rotary would be responsible for raising funds for the installation as well as the maintenance of the clock.

Administrator Mekovetz said she spoke with Buildings, Grounds and Parks Director Kevin Fischer regarding this matter and he thought it would be a good idea.

If the Committee is interested in this idea, representatives from the Rotary will appear at a future meeting and present more detailed plans. Administrator Mekovetz said the Rotary would also welcome any members of the Committee who would like to serve on a subcommittee regarding the design of the clock.

Mr. Shamey and Mrs. Allen volunteered to serve on the subcommittee. Mrs. Allen also suggested that Ron Monaco be asked to serve on the subcommittee.

2. *Appointment of member to Recreation Committee.*

Mr. Auriemma read a letter from Recreation Director Greta Kenney recommending Ken Groel to be appointed as a member of the Recreation Committee.

A **MOTION** was made by Ms. Shamey to appoint Ken Groel as a member of the Recreation Committee, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

3. *Amendment to Previously Certified Housing Element & Fair Share Plan* - mediation.

The following resolution was offered for consideration:

**RESOLUTION PURSUANT TO N.J.A.C. 5:95-3.7 REGARDING
READINGTON TOWNSHIP'S REQUESTED AMENDED SECOND ROUND SUBSTANTIVE
CERTIFICATION
R-2005-32**

WHEREAS, the Township of Readington, Hunterdon County, New Jersey, has petitioned the New Jersey Council on Affordable Housing for amended for its previously certified Housing Element and Fair Share Plan; and

WHEREAS, said Petition was filed with the Council on Affordable Housing (“COAH”) on December 13, 2004; and

WHEREAS, the Township of Readington has been advised that objections to the filing were received, and as a result, COAH will appoint a mediator and mediation will be scheduled; and

WHEREAS, pursuant to *N.J.A.C. 5:95-3.7*, Readington Township desires to designate representatives and authorize those representatives to negotiate on behalf of the municipality in connection with said mediation; and

WHEREAS, the Township of Readington does hereby appoint Frank L. Gatti, Julia C. Allen, Ronald P. Monaco and Philip B. Caton, P.P., professional planner, to negotiate on its behalf, however, since the Township of Readington is a municipal body, any negotiation is subject to review and approval by the full governing body.

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Township of Readington, Hunterdon County, New Jersey, on this 7th day of February, 2005, that Readington Township hereby designates and appoints Frank L. Gatti, Julia C. Allen, Ronald P. Monaco and Philip B. Caton, P.P., professional planner, to participate in mediation pursuant to *N.J.A.C. 5:93-3.7* with the Council on Affordable Housing and objectors to the Petition filed by the municipality, any such negotiation being subject to final review and approval by the full governing body; and

BE IT FURTHER RESOLVED, that Readington Township hereby directs that a copy of this Resolution be provided to the Council on Affordable Housing.

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

4. **Mill Road Section I - Land Use Regulation Program Application & Bog Turtle Certification.**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-35**

WHEREAS, there is a requirement for Readington Township to submit a Land Use Regulation Program Application Form (LURP#1) to the New Jersey Department of Environmental Protection (NJDEP) for the proposed Mill Road Section I project; and

WHEREAS, there is also a requirement for Readington Township to submit a Bog Turtle Certification certifying that all of the proposed activities for the Mill Road Section I project will not result in any direct or indirect adverse impacts to the bog turtles or to their habitat; and

WHEREAS, the Township Committee of the Township of Readington reviewed this information at its regular meeting held February 7, 2005; and

WHEREAS, it has been determined and reported by the Township Engineer that this application is in order and has recommended that the Township Committee submit the LURP#1 to the NJDEP.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington does hereby authorize the following actions:

1. The Township Committee authorizes the Administrator/Municipal Clerk to sign for the Governing Body at appropriate locations on the Land Use Regulation Program Application Form (LURP#1) and the Bog Turtle Certification.

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

5. **Ordinance authorizing the conveyance of an agricultural development rights easement on Block 55, Lot 8 (Kappus) to the County of Hunterdon for Farmland Preservation - introduction.**

The following ordinance was offered for introduction:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 55, LOT 8 (KAPPUS) TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

Ordinance #02-2005

WHEREAS, the Township of Readington (“Township”), holds an agricultural development rights easement on property known as Block 55, Lot 8, in the Township of Readington, consisting of approximately 50+/- acres and known as the “Kappus” farm, (hereinafter “Property”) which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

WHEREAS, at the time of the Township’s purchase, the Township also acquired a Restrictive Covenant pertaining to maintenance and mowing rights and a Restrictive Covenant pertaining to floor area ratio and impervious surface coverage, both for the benefit of the Township and County; and

WHEREAS, the property qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 50+/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$3,000 per acre, for an estimated total of \$153,000.00, subject to adjustment for the required Municipal contribution and any survey/right-of-way adjustments; and

WHEREAS, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

WHEREAS, as part of the sale of the Easement, the County, as a condition of purchase, has required the Township to assign to it the Restrictive Covenant pertaining to impervious surface and floor area ratio limitations, but with modifications which will delete the floor area ratio restrictions and allow the impervious surface limitations to be modified, if requested by the property owner in the future and approved by the County, and upon notice to the Township; and

WHEREAS, the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

WHEREAS, the Township is permitted to sell the Easement under *N.J.S.A. 4:1C-11 et seq.*, 4:1C-34, 4:1C-43.1, *N.J.S.A. 40A:12-13 et seq.* and any other applicable law.

NOW, THEREFORE 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 convey to the County of Hunterdon a Development Rights Easement, or assignment thereof, the Assignment of the Restrictive Covenant pertaining to mowing rights; and the Assignment of the Restrictive Covenant which provides limits on the impervious surface coverage and releases floor area ratio restrictions on Block 55, Lot 8 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 50+/- acres of the Property for the price of \$3,000 per acre and an approximate total price of \$150,000, subject to adjustments for the Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, in accordance with the contract on file with the Township Clerk.

SECTION 2. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale/assignment of the Agricultural Development Rights Easement to the County of Hunterdon, which documents include a partial release and modification of the Restrictive Covenant held by the Township pertaining to impervious surface coverage and floor area ratio limitations, an Assignment of the Restrictive Covenant regarding mowing, together with any other documents, including corrective documents as may be required by the County.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately upon final adoption and publication according to law.

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

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

6. *Ordinance authorizing the conveyance of an agricultural development rights easement on Block 53, Lot 9 (Dolan) to the County of Hunterdon for Farmland Preservation - introduction.*

The following ordinance was offered for introduction:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 53, LOT 9 (DOLAN) TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

Ordinance #03-2005

WHEREAS, the Township of Readington ("Township"), holds an agricultural development rights easement on property known as Block 53, Lot 9, in the Township of Readington, consisting of approximately 21+/- acres along Roosevelt Road, (hereinafter "Property") which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

WHEREAS, the property qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program through a Planning Incentive Grant and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 21+/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$8,200 per acre, for an estimated total of \$172,200.00, subject to adjustment for the required Municipal contribution and any survey/right-of-way adjustments and with payment to be made to the Township in six annual installments; and

WHEREAS, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

WHEREAS, the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

WHEREAS, the Township is permitted to sell the Easement under *N.J.S.A. 4:1C-11 et seq.*, *4:1C-34*, *4:1C-43.1*, *N.J.S.A. 40A:12-13 et seq.* and any other applicable law.

NOW, THEREFORE 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 convey to the County of Hunterdon a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 53, Lot 9 in the Township of Readington, County of Hunterdon and State of New Jersey, which

easement shall pertain to approximately 21+/- acres of the Property for the price of \$8,200.00 per acre and an approximate total price of \$172,200.00, subject to adjustments for the Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, to be paid in six annual installments, in accordance with the contract on file with the Township Clerk.

SECTION 2. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement and/or assignment to the County of Hunterdon, including a Restrictive Covenant regarding mowing, together with any other documents or corrective documents required by the County.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately upon final adoption and publication according to law

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

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

7. ***Ordinance authorizing the conveyance of an agricultural development rights easement on Block 72, Lot 10.02 (Pagano) to the County of Hunterdon for Farmland Preservation - introduction.***

The following ordinance was offered for introduction:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 72, LOT 10.02 (PAGANO) TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

WHEREAS, the Township of Readington ("Township"), holds an agricultural development rights easement on property known as Block 72, Lot 10.02, in the Township of Readington, consisting of approximately 32.87+/- acres along County Route 523, (hereinafter "Property") which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

WHEREAS, the property qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program through a Planning Incentive Grant and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 32.87+/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$10,357.17 per acre, for an estimated total of \$340,440.00, subject to adjustment for the required Municipal contribution and any survey/right-of-way adjustments and with payment to be made to the Township in six annual installments; and

WHEREAS, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

WHEREAS, the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

WHEREAS, the Township is permitted to sell the Easement under *N.J.S.A. 4:1C-11 et seq.*, 4:1C-34 , 4:1C-43.1, *N.J.S.A. 40A:12-13 et seq.* and any other applicable law.

NOW, THEREFORE 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 convey to the County of Hunterdon a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 72, Lot 10.02 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 32.87+/- acres of the Property for the price of \$10,357.17 per acre and an approximate total price of \$340,440.00, subject to adjustments for the Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, to be paid in six annual installments, in accordance with the contract on file with the Township Clerk.

SECTION 2. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement and/or assignment to the County of Hunterdon, including a Restrictive Covenant regarding mowing, together with any other documents or corrective documents required by the County.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately upon final adoption and publication according to law.

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

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

8. ***Ordinance authorizing the conveyance of an agricultural development rights easement on Block 53, Lot 22 (Wade) to the County of Hunterdon for Farmland Preservation*** - introduction.

The following ordinance was offered for introduction:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 53, LOT 22 (WADE) TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION

Ordinance #05-2005

WHEREAS, the Township of Readington (“Township”), holds an agricultural development rights easement on property known as Block 53, Lot 22, in the Township of Readington, consisting of approximately 132+/- acres along County Route 620, (hereinafter “Property”) which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program pursuant to the “Agriculture Development and Retention Act”, *N.J.S.A. 4:1C-11* and the regulations thereunder (the “Act”) ; and

WHEREAS, the property qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program; and

WHEREAS, the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 132+/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$6,314.55 per acre, which equates to 82.5% of the certified value of \$7,654.00 per acre, for an estimated total of \$833,520.60, after adjustment for the required Municipal contribution (approximately \$176,807.40 or \$1,339.45 per acre), and further subject to any survey/right-of-way adjustments; and

WHEREAS, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

WHEREAS, the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

WHEREAS, the Township is permitted to sell the Easement under *N.J.S.A. 4:1C-11 et seq.*, 4:1C-34, 4:1C-43.1, *N.J.S.A. 40A:12-13 et seq.* and any other applicable law.

NOW, THEREFORE 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 convey to the County of Hunterdon a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 53, Lot 22 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 132+/- acres of the Property for the price of \$6,314.55 per acre, after deduction for the municipal cost share. The total price shall be further subject to survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto in accordance with the contract on file with the Township Clerk.

SECTION 2. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement to the County of Hunterdon, including a Restrictive Covenant regarding mowing, together with any other documents, including corrective documents as may be required by the County.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately upon final adoption and publication according to law.

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

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

9. ***Amendment to Sewer Ordinance.***

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING PORTIONS OF A PREVIOUSLY ADOPTED ORDINANCE BY THE TOWNSHIP OF READINGTON ON DECEMBER 6, 1982 GOVERNING SEWER CHARGES FOR THE TOWNSHIP OF READINGTON

Ordinance #06-2005

WHEREAS, the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, on December 6, 1982 adopted an ordinance establishing the rates to be charged for each sewer rental unit; and

WHEREAS, the cost of operating the sewer system for the Township of Readington has increased since the setting of the initial rate in 1982; and

WHEREAS, it is in the best interest of the Township of Readington that the sewer system not be operated at a loss.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committed of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

1. Section 187-5, D of the Code of the Township of Readington, pertaining to Sewer Charges is amended as follows [additions are indicated thus, deletions are indicated ~~thus~~]:

The charges for sewer service as hereinafter set forth shall commence on the date of connection or ninety (90) days after such owner has received notice to connect, whichever event first occurs. Upon failure to pay the charges whether or not connection is made, the owner shall be liable for the penalties and fine provisions hereinafter set forth in this ordinance. The sewer charges shall be made by the Township and billed to the owners of real property upon which there are improvements at the sanitary sewer rental or charge of \$400 per year for each sewer rental unit in the Three Bridges Sewer Area and \$400 per year for each sewer rental unit in the Whitehouse Sewer Area. The number of sewer rental units shall be determined in different instances as follows:....

2. All other terms, conditions and/or provisions of the afore described ordinance shall remain in full force and effect.
3. This Ordinance shall take effect upon adoption and publication according to law.

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

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

10. **Ordinance for payment of Regional Contribution Agreements with Bound Brook & Manville** - introduction.

The following ordinance was offered for introduction:

BOND ORDINANCE OF AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE FUNDING OF CERTAIN REGIONAL CONTRIBUTION AGREEMENTS BETWEEN THE TOWNSHIP AND THE BOROUGHES OF BOUND BROOK AND MANVILLE AS APPROVED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING APPROPRIATING \$280,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$266,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Ordinance #07-2005

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Readington, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$280,000, including the sum of \$14,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

SECTION 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$266,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the funding of the Township's Regional Contribution Agreements with the Borough of Bound Brook and the Borough of Manville, respectively, as approved by the New Jersey Council on Affordable Housing.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

SECTION 5. The capital budget of the Township of Readington is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$266,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under *N.J.S.A. 40A:2-20* is included in the estimated cost indicated herein for the purpose or improvement.

SECTION 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Public Hearing was scheduled for Tuesday, February 22, 2005 at 8:00 p.m.

11. ***Ordinance regarding conduct at sporting events*** - consideration.

After reviewing the draft ordinance distributed it was the consensus of the Committee that this ordinance should be forwarded to the Police Department for their review and comment.

12. ***SWERP, Inc.*** - acceptance of Maintenance Bond.

Attorney Dragan said the form of the bond is correct.

Engineer McEldowney said the amount of the bond is correct.

A MOTION was made by Mrs. Allen to accept Maintenance Bond #CSC-M210579 in the amount of \$5,209.65 for SWERP, Inc. for the Sanitary Sewer Collection System Repair Project - Three Bridges/Hedgerow Estates Service Areas. This motion was seconded by Mr. Shamey and on Roll Call vote the following was recorded:

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

13. ***Wal-Mart Store #0569***- request for release of Performance Bond.

The following Resolution was offered for consideration:

TOWNSHIP OF READINGTON
RESOLUTION
R-2005-33

WHEREAS, the Wal-Mart Realty Co. did on May 24, 2004 file a written request with the Clerk of the Township of Readington for the release of Cash Performance Guarantee Check #6717940 and Performance Bond #700-81-22-5612 for work completed on Block 14, Lot 49; and

WHEREAS, the Township Engineer has reviewed this request, conducted a final inspection of bonded items, and has no objection to the release of these funds, contingent upon receipt of a two (2) year Maintenance Bond in the amount of \$179,337.00, as indicated in his letter of February 4, 2005.

DEVELOPMENT	BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	CURRENT REMAINING PERFORMANCE GUARANTEE @ 120% VALUE	RECOMMENDED REDUCTION BY (%) FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTEE @ 120% VALUE
Wal-Mart Store #5069 Block 14, Lot 49	National Fire Insurance Co. of Hartford #700-81-22-	\$1,076,023.00	\$1,076,023.00	100%	\$0.00
	Check #6717940	\$119,558.16	\$119,558.16	100%	\$0.00

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 release Cash Performance Guarantee Check #6717940 and Performance Bond #700-81-22-5612, as recommended by the Township Engineer, contingent upon receipt of a two (2) year Maintenance Bond in the amount of \$179,337.00; and

BE IT FURTHER RESOLVED, that authorization is given to the Township Clerk to forward copies of this Resolution approving these releases to the applicant.

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

14. **Final Payment/SWERP, Inc.** - sanitary sewer collection system repair project.
 This item was addressed under the Consent Agenda.
15. **Awarding of Bond Anticipation Notes.**
 This item was addressed under the Consent Agenda.
16. **J.R. Contracting** - payment for Illva Saronno Farm Building demolition project.
 This item was addressed under the Consent Agenda.
17. **Illva Saronno** - request for release of Board of Health escrow funds.
 This item was addressed under the Consent Agenda.
18. **Doyle/Block 70, Lot 38.50** - request for release of Board of Health escrow funds.
 This item was addressed under the Consent Agenda.
19. **Jacobs-BBL** - Payment #3 & Payment #4 for Three Bridges Pump Station project.
 This item was addressed under the Consent Agenda.
20. **Vacation Carryover** - Resolution.
 This item was addressed under the Consent Agenda.
21. **Application for Social Affair Permit** - American Legion Post #284.
 This item was addressed under the Consent Agenda.
22. **Application for Social Affair Permit** - Polish American Citizens Club.
 This item was addressed under the Consent Agenda.

23. *Applications for Raffles Licenses* - Readington Twp. Home & School Assoc.

This item was addressed under the Consent Agenda.

24. *Application for Bingo License* - Readington Twp. Home & School Assoc.

This item was addressed under the Consent Agenda.

K. ADMINISTRATOR'S REPORT:

Written report submitted.

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

L. ATTORNEY'S REPORT:

Written report submitted.

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

M. ENGINEER'S REPORT:

Written report submitted.

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

N. COMMITTEE REPORTS:

1. Frank Gatti:

a. Finance Department

1. *Tax Refund* - resolution.

This item was addressed under the Consent Agenda.

2. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

b. Historic Preservation/Museums

Mayor Gatti said he received a letter from the Museum Committee regarding the flooding that occurs on next to the Eversole-Hall house. He asked Engineer McEldowney to look into this matter.

Mayor Gatti said that the Museum received a grant in the amount of \$42,660.

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

2. Gerry Shamey:

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

3. Julia Allen:

a. Farmland\Open Space Preservation\Land Projects Liaison

Mrs. Allen said a meeting of the Open Space Advisory Board was held on January 26th. They will be meeting on the third Wednesday of every month.

b. Sewer Advisory Committee

Mrs. Allen said a meeting of the Sewer Advisory Committee is scheduled for February 9th.

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

4. Thomas Auriemma:

Mr. Auriemma said he had nothing to report at this time.

5. Beatrice Muir:

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

COMMENTS FROM THE PUBLIC:

Mayor Gatti asked for comments from the public.

Mr. Frank Renda asked if anyone from the Committee would be attending the Cross Acceptance public hearing at the County.

Mr. Renda suggested that the Committee move the *Comments from the Public* section of the agenda to the beginning of the meeting to make it more “resident friendly.”

Mr. Renda said under *Action Taken During Executive Session* the Committee approved a Developer’s Agreement for Block 42, Lots 9 & 10 (Kiever). He said that the public should be able to make comments on Executive Session matters before the Committee takes action.

Mr. Renda commented on the Township’s 2005 legal fees.

Mr. Tom Seibert commented on the proposed increase of the sewer fees.

COMMENTS FROM THE GOVERNING BODY:

Mayor Gatti asked for comments from the Governing Body.

Mrs. Muir said that the Township does not instigate the lawsuits, but they will defend the Township’s ordinances as well as the quality of life for Township residents.

Mayor Gatti asked who will be attending the Cross Acceptance Public Hearing.

Mrs. Allen said that she, Cheryl Filler and Betty Ann Fort will be attending the Cross Acceptance Public Hearing. She also asked that letters be sent out to the Township’s Cross Acceptance Committee informing them of the Public Hearing.

Mayor Gatti said that the Township is being sued by Developers. None of the Committee members financially benefit from anything that the Township has done to preserve its rural character and quality of life.

Mrs. Allen said that several of the lawsuits filed against the Township were filed by developers as a result of the 1998 rezoning.

ADJOURNMENT

As there was no further business, a motion was made by Mrs. Muir to adjourn at 9:25 p.m., seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC
Administrator\ Municipal Clerk