

**READINGTON TOWNSHIP COMMITTEE  
MEETING - APRIL 18, 2005**

Mayor Gatti *called the meeting to order at 6:30 p.m.* announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

**PRESENT:** Mayor 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**

<b><u>Subject Matter</u></b>	<b><u>Basis of Public Exclusion</u></b>	<b><i>Date Anticipated When Discussion Will Be Disclosed to Public</i></b>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Block 63, Lots 11, 12 & 13 (Accettola).....	Contract Negotiations.....	" " "
Recreation.....	Personnel.....	" " "
Block 36, Lots 9 & 27 (Cook).....	Contract Negotiations.....	" " "
Block 39, Lot 14 (Cuchiaro).....	Contract Negotiations.....	" " "
Block 70, Lot 38.02 (Kean).....	Contract Negotiations.....	" " "
Block 96, Lot 18 (D'Urso).....	Contract Negotiations.....	" " "
Block 62, Lot 1 (Jackson).....	Contract Negotiations.....	" " "
Block 96, Lot 2 (Triple D).....	Contract Negotiations.....	" " "
Lease Agreement - NJ Transit.....	Contract Negotiations.....	" " "
Plenary Retail Distribution License Bid Package.....	Potential Litigation.....	" " "
Executive Session Minutes.....	Attorney-Client Privilege.....	" " "
Professional Services.....	Contract Negotiations.....	" " "

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.

***EXECUTIVE SESSION RESOLUTION - continued:***

A ***MOTION*** was made at 6:30 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 8:00 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:**

***Personnel - Police Department***

A ***MOTION*** was made by Mr. Shamey to appoint Vincent Corsentino as permanent Patrolman, based on completion of his one (1) year probationary period and recommendation by Chief Paganessi, subject to verification of his starting date of employment. 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 - Recreation***

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

***Contract Negotiations - Block 36, Lots 9 & 27 (Cook)***

A ***MOTION*** was made by Mrs. Allen to authorize Attorney Dragan to draft a contract for the easement purchase on Block 36, Lot 27 (Cook). 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

***Contract Negotiations - Block 39, Lot 14 (Cuchiaro)***

A ***MOTION*** was made by Mrs. Allen to authorize Attorney Dragan to draft a contract for Block 39, Lot 14 (Cuchiaro). 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 70, Lot 38.02 (Kean)***

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

***Contract Negotiations - Block 96, Lot 18 (D'Urso)***

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-66**

**Block 96, Lot 18 (D'Urso) - continued:**

**WHEREAS**, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$17,000 per acre for the development easement on the D'Urso (Block 96, Lot 18 - 79+/- acres) farm, which is contained in Readington Township's 2000A Round Planning Incentive Grant I list of farms; and

**WHEREAS**, the SADC approved the ten (10) year allocation of \$3,181,464 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township's Planning Incentive Grant I 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 96, Lot 18 (D'Urso).
2. Commits to funding of the purchase of the development easement on Block 96, Lot 18 (D'Urso).
3. Authorizes funding pursuant to the Township's ten (10) 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 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

**Contract Negotiations - Block 62, Lot 1 (Jackson)**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-68**

**WHEREAS**, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$17,700 per acre for the development easement on the Jackson (Block 62, Lot 1 - 34+/- acres) farm, which is contained in Readington Township's 2000B Round Planning Incentive Grant II list of farms; and

**WHEREAS**, the SADC approved the ten (10) year allocation of \$3,181,464 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township's Planning Incentive Grant I 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:

**Block 62, Lot 1 (Jackson) - continued:**

1. Approves the purchase of the development easement on Block 62, Lot 1 (Jackson).
2. Commits to funding of the purchase of the development easement on Block 62, Lot 1 (Jackson).
3. Authorizes funding pursuant to the Township's ten (10) 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 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

**Contract Negotiations - Block 96, Lot 2 (Triple D)**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-69**

**WHEREAS**, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$19,600 per acre for the development easement on the Triple D (Block 96, Lot 2 - 46+/- acres) farm, which is contained in Readington Township's 2005A Round Planning Incentive Grant VIII list of farms; and

**WHEREAS**, the SADC approved the ten (10) year allocation of \$3,181,464 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township's Planning Incentive Grant I 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 96, Lot 2 (Triple D).
2. Commits to funding of the purchase of the development easement on Block 96, Lot 2 (Triple D).
3. Authorizes funding pursuant to the Township's ten (10) 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 Mr. Shamey to adopt this Resolution, 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 - Lease Agreement - NJ Transit**

A **MOTION** was made by Mrs. Muir to authorize Administrator Mekovetz to work with NJ Transit to renew the lease agreement for the Readington Library. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

**Potential Litigation - Plenary Retail Distribution License Bid Package**

Mayor Gatti said this matter will be addressed under the Attorney's Report.

**Attorney-Client Privilege - Executive Session Minutes**

A **MOTION** was made by Mr. Shamey to approve the Executive Session minutes of the meeting of April 4, 2005 for content. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

**Clarke♦Caton♦Hintz**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2004-41**

**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:

Clarke, Caton, Hintz for Professional Planning & Landscape Architectural Services as listed in the contract.:

- \$140 per hour for Principals
- \$80 - \$125 for Associates
- Planning & Design Staff at 2.75 x direct salary expense not to exceed \$90/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 Mrs. Allen 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

Mayor Gatti said the following item was added to the Executive Session Agenda:

**Personnel - Personnel Matters**

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

**CONSENT AGENDA:**

1. **APPROVAL OF THE MINUTES** of budget meeting of budget meeting of January 22, 2005 and regular meeting of April 4, 2005.
2. **Transportation Trust Fund Municipal Aid Program/FY 2006/Mill Road Section II - resolution.**

**TOWNSHIP OF READINGTON  
RESOLUTION, APPLICATION AND AGREEMENT FOR STATE AID TO COUNTIES  
AND MUNICIPALITIES  
R-2005-73**

**BE IT RESOLVED**, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of Mill Road Section II - Drainage Improvements.

From: Limit of Section II (Rockaway Creek) Sta. 17+40

To: Municipal Boundary of Tewksbury Township - Sta. 58+00

In the Municipality of Township of Readington, County of Hunterdon, State of New Jersey for a distance of 0.77 miles (or such portion thereof as may be approved by the Commissioner of Transportation). The total cost estimate for this improvement is \$245,823.00. The Sponsor requests \$150,000.00 in State funds and anticipates contributing \$95,823.00; and

**BE IT FURTHER RESOLVED**, that any aid received as a result of this application will only be used for eligible costs for the project.

**AND BE IT FURTHER RESOLVED**, that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a revised Resolution, Application, and Agreement for Department approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the Transportation Trust Fund.
- d. The Sponsor must notify the Department of its rescision of this Agreement within sixty (60) days of its receipt of notification of the amount allotted by the Department.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding as defined and enumerated in Office of Management & Budget's Circular 89-19.

***Transportation Trust Fund Municipal Aid Program/Mill Road Section II - continued:***

- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  - 1. Preparation of contract drawings and supplementary specifications.
  - 2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
  - 3. Construction of the above referenced improvement.
  - 4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its Agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual On Uniform Traffic Control Devices" published by Federal Highway Administration.
  - 1. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit The following to the Division of Local Government Services and Economic Development:

***Transportation Trust Fund Municipal Aid Program/Mill Road Section II - continued:***

1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A: I 1-1 *et. seq.*
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development.
1. Two (2) copies of the summary of construction bids.
  2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. It shall award a construction contract for the project within twelve (12) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may grant an extension of this twelve (12) month period after receiving a fully documented request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract within the specified time.
- v. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it ~ deemed applicable and appropriate.
- w. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special hardship cases as approved by the Department
- x. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs shall be limited to 10 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- y. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
1. For Municipal Aid, Centers of Place, Bikeways, Pedestrian Safety and Discretionary Aid Programs, a specified percentage as determined by the Commissioner, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project completion.
  2. For County Aid, the full amount of the annual allotment amount shall be paid upon approval of the Capital Transportation Plan (CTP) and the execution of this Agreement.

***Transportation Trust Fund Municipal Aid Program/Mill Road Section II - continued:***

3. If the Sponsor requests, project funding can be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department. Progress payments of not less than \$50,000 may be made. The final voucher, with supporting information as required by the Department, is to be submitted within six (6) months of project completion.
- z. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- aa. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the Transportation Trust Fund and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
- bb. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- cc. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with *N.J.A.C. 16:20A* or *16:20B*, as applicable, and comply with State of New Jersey audit requirements specified therein.
- dd. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- ee. It shall maintain the completed project in a manner satisfactory to the Department.

***BE IT FURTHER RESOLVED***, that the Mayor and the Township Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

3. ***Fiddler's Elbow Country Club*** - request for permission to hold fireworks display at their Independence Day Celebration (July 4, 2005).
4. ***Application for Membership in NJ Firemen's Association*** - Eric R. Winkelman.
5. ***Application for Membership in NJ Firemen's Association*** - David C. Hickson.
6. ***Application for Membership in NJ Firemen's Association*** - Daniel J. Kaplan.
7. ***Lien Redemption*** - resolution.

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

***WHEREAS***, the property owner has paid to the Tax Collector the amount necessary to redeem the lien on Block 13, Lot 24.01; and

***WHEREAS***, it is the desire of the Tax Collector to refund to the lien holder the redemption amount.

***NOW, THEREFORE, BE IT RESOLVED***, by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$335.62 known as Tax Sale Certificate #04-01, plus a premium paid in the amount of \$100.00 to the lien holder, Eugene DeNagel.

**CONSENT AGENDA - continued:**

8. **Payment of the Bills.**

<b>Fund Description</b>	<b>Fund No.</b>	<b>Received Total</b>
CURRENT FUND APPROPRIATION	001	\$ 808,046.52
SEWER APPROPRIATION	002	\$ 232.16
TRUST APPROPRIATION	003	\$ 46,947.02
CAPITAL APPROPRIATIONS	004	\$ 33,157.60
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 3,066,121.78
PAYROLL DEDUCTIONS	006	\$ 156,481.18
REGIONAL & LOCAL SCHOOL TAX	007	\$ 4,170,913.66
TOTAL OF ALL FUNDS:		\$ 8,281,899.92

A **MOTION** was made by Mrs. Allen to approve the items as listed on the consent agenda. 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

Mayor Gatti said the Committee will now consider item #1 under **New Business**:

**Amendment to 2005 Municipal Budget - resolution.**

Administrator Mekovetz said that after introduction by the Committee the budget is sent to the State for review. If the State makes any changes it is necessary to amend the budget in the form of a Resolution.

Administrator Mekovetz said the State made two (2) changes. One is the anticipated funds for the Clean Communities Program - the amount anticipated was slightly different from the actual amount received (\$23,246.34 to \$22,246.93).

In addition, the Township will be receiving \$70,000 in Municipal Homeland Security Aid, which reduces the amount to be raised by taxation.

The following resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION TO AMEND BUDGET  
R-2005-71**

**WHEREAS**, the local municipal budget for the year 2005 was approved on the 7<sup>th</sup> day of March, 2005; and

**WHEREAS**, the public hearing on said budget has been held as advertised; and  
**WHEREAS**, it is desired to amend said approved budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon, that the following amendments to the approved budget of 2005 be made:

**ANTICIPATED REVENUES:**

	<b><u>FROM</u></b>	<b><u>TO</u></b>
3. Miscellaneous Revenues - Section B: State Aid		
Without Offsetting Appropriations:		
Consolidated Municipal Property Tax Relief Aid	\$ 483,421.00	\$ 434,276.00
Energy Receipts Tax	1,333,461.00	1,382,606.00
Municipal Homeland Security Aid	0.00	70,000.00

***Amendment to 2005 Municipal Budget resolution - continued:***

Total Section B: State Aid Without Offsetting Appropriations	\$ 1,953,776.12	\$ 2,023,776.12
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent Director of Local Government Services - Public and Private Revenues Offset with Appropriations		
Clean Communities Program	\$ 23,246.34	\$ 22,246.93
Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent Director of Local Government Services - Public and Private Revenues Offset with Appropriations	\$ 298,246.34	\$ 297,246.93

**SUMMARY OF REVENUES:**

3. Miscellaneous Revenues:

Total Section B: State Aid Without Offsetting Appropriations	\$ 1,953,776.12	\$ 2,023,776.12
Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent Director of Local Government Services - Public and Private Revenues Offset with Appropriations	\$ 298,246.34	\$ 297,246.93
Total Miscellaneous Revenue	\$ 3,757,427.00	\$ 3,826,427.59
5. Subtotal General Revenues (Items 1, 2, 3 & 4)	\$ 6,047,427.00	\$ 6,116,427.59
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 9,061,118.00	\$ 8,991,118.00
Total Amount to be Raised by Taxes for Support of Municipal Budget	\$ 9,061,118.00	\$ 8,991,118.00
7. Total General Revenues	\$15,108,545.00	\$15,107,545.59
8. General Appropriations		
(A) Operations - Excluded from CAPS Public and Private Programs Offset by Revenues:		
Clean Communities Program	\$ 23,246.34	\$ 22,246.93
Total Public and Private Programs Offset by Revenues	\$ 298,246.34	\$ 297,246.93
Total Operations - Excluded from CAPS	\$ 2,085,057.14	\$ 2,084,057.73
Detail:		
Other Expenses	\$ 2,021,057.14	\$ 2,020,057.73
(H-2) Total General Appropriations for Municipal Purposes Excluded from CAPS	\$ 4,411,989.14	\$ 4,410,989.73
(O) Total General Appropriations Excluded from CAPS	\$ 4,411,989.14	\$ 4,410,989.73
(L) Subtotal General Appropriations {Items (H-1) and (O)}	\$13,948,545.00	\$13,947,545.59

***Amendment to 2005 Municipal Budget resolution - continued:***

9. Total General Appropriations \$15,108,545.00 \$15,107,545.59

***BE IT FURTHER RESOLVED***, that two (2) certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for certification of the local municipal budget so amended.

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

**PUBLIC HEARINGS:**

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 Mr. Auriemma with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE AMENDING AND SUPPLEMENTING THE  
READINGTON TOWNSHIP 2004 SALARY AND WAGE ORDINANCE, FOR OFFICERS  
AND EMPLOYEES OF READINGTON TOWNSHIP***

**Ordinance #11-2005**

Mayor Gatti said this said this is a continuation of the public hearing for Ordinance #11-2005 which sets the salary and wages for the officers and employees of the Township.

Administrator Mekovetz said there are still questions regarding certain salaries that need to be addressed prior to adoption.

A ***MOTION*** was made by Mrs. Muir to continue this Public Hearing until the next meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

**Ordinance #10-2005**

A ***MOTION*** was made by Mr. Shamey to adjourn the regular meeting to hold a Public Hearing. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Clerk read by Title:

***CALENDAR YEAR 2005  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING  
ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA  
IS EQUAL TO OR LESS THAN 2.5 PERCENT  
(N.J.S.A. 40A:4-45.14)***

**Ordinance #10-2005**

Mayor Gatti said this ordinance is necessary to allow the Township an increase of more than 2.5%.

Mayor Gatti asked if there were any comments or questions from the Governing Body.

Administrator Mekovetz said the CAP Law sets the percent a municipality can increase their budget from the prior years appropriations.

Mayor Gatti asked if there were any comments or questions from the public.

**Ordinance #10-2005 - continued:**

Mr. Gary Moriady asked what line items needed to be exceeded by the 2.5%.

Administrator Mekovetz said it is not specific items, it is the total appropriations within the CAP.

Mr. Joe Troegner questioned the increase in the Engineering budget.

Administrator Mekovetz said it is the bottom line of the total appropriations.

Mr. Don Baldwin questioned increases in several areas of the budget.

Administrator Mekovetz said this should be addressed under the budget presentation.

Mr. Santo Libera also had a question relative to the Engineer.

Mrs. Muir said the Township's engineer did leave last year and his salary was well over \$61,000. The Township is now using an outside consultant.

Ms. Cheryl Filler suggested that the Committee move on to the budget presentation.

Mr. William Barnes questioned increases on line items.

Mr. Shamey said this is public comment on the CAP ordinance. There will be a detailed budget presentation at which time there will public comments.

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:

**CALENDAR YEAR 2005  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING  
ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA  
IS EQUAL TO OR LESS THAN 2.5 PERCENT  
(N.J.S.A. 40A:4-45.14)**

**Ordinance #10-2005**

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

**2005 Municipal Budget:**

Administrator Mekovetz thanked the Committee for the opportunity to present the proposed 2005 budget and for their participation in its preparation. In addition, she extended special thanks to Tom Carro, CFO, Auditor Bob Swisher, and all the department heads for their assistance and cooperation in the budget process.

Mayor Frank Gatti gave a short presentation highlighting key points of the 2005 Municipal Budget:

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

Mr. Bill Lewis questioned the tax rate graph. He also commented on the increases to the Capital Improvement Fund and Land Acquisition, and the appropriation for legal.

***2005 Municipal Budget - continued:***

Mr. Lewis said in his opinion this budget is a masterpiece of deceptive manipulation and if approved in its present form is proof that this Committee has failed to have the best interest of this community reflect their actions.

Mr. Shamey said he would hope that Mr. Lewis also expresses his views with the Local School, High School and the County.

Ms. Stephanie Moore commented that this Township Committee has made this a Town that she is proud of. She is glad that money has been spent on Farmland Preservation. 64% goes toward schools. She would much rather have more open space and farmland preservation. She said the Committee had done a wonderful job.

Mr. Don Baldwin referred to major increases in the budget. He asked why the Committee compared the 2004 budget to the 2005 budget. Why didn't they use the empirical data of what was spent in 2004 and then compare it to the 2005 appropriations.

Mr. Baldwin asked if there was any year in the last ten (10) years that the Committee did not need to adopt a CAP ordinance.

Mr. Swisher explained the law was changed. It used to be a 5% CAP however it was reduced to a 3.5% CAP this year. In the past if you didn't go to what the CAP was you were allowed to bank that money. This year you had to pass the ordinance if you wanted to bank the money toward next year's budget. Starting this year if you wanted to bank the money you have to adopt the ordinance.

Mr. Baldwin commented on the amount spent for legal fees so far this year.

Mr. Joe Troegner commented on the CAP.

Mr. Troegner questioned the construction appropriation budget.

Mayor Gatti said that you can't anticipate higher revenue than what was received in the prior year.

Mr. Troegner said he has heard several times tonight that the tax rate is stable however his taxes have gone up 34% over the last four (4) years.

Mr. Ed Nagle commented on the surplus used this year and voiced concern for what will happen in 2006.

Mr. Nagle asked what is being reduced in the budget.

Mr. Swisher said you can use the surplus to offset the taxes each year. You have to look at the budget as more than a one year thing. Each year there is a surplus at the beginning of the year. You use a portion of that for the budget and hope to generate back surplus to use for next years budget. Each year you have to worry about how much money is going to be generated back.

Mr. Ben Smith commented on the cost of preserving open space verses heavy development.

Mr. Santo Libero asked what the Committee has done to try and reduce the Township's expenses.

Administrator Mekovetz said there were very minimal increases to the individual department's budgets. The Township is paying more for fuel for trucks, equipment and our revenues have not gone up. We also try to keep our administrative costs down.

Ms. Donna Henry commented that she resents that her taxes keep increasing.

Mr. Shamey said putting aside legal fees and the open space program, he asked where the public would recommend budget cuts - museums, recreation, administration, police department, road maintenance, etc.

## **2005 Municipal Budget - continued:**

Mayor Gatti said as a Township we have a certain responsibility for the health, safety and welfare of the residents. This includes providing protection in the form of police, providing safe transportation in the way of roadways.

Ms. Betty Ann Fort said she is pleased that so many residents came to tonight's meeting. Ms. Fort encouraged everyone to attend a Board of Education meeting and to vote in tomorrow's Board of Education election since their budget has tripled in the last ten (10) years. She said the Committee has done a very difficult job in trying to maintain the quality of life in Readington Township.

Ms. Inga Krug said that her son and family had to leave Readington Township because they could not afford to live here. She said the resurfacing on Old Readington Road was a waste of money because the potholes were not filled and the original black top is showing through. Two-thirds of her pension is used for health insurance.

Mr. Ron Monaco said he knows how difficult the budget process can be. Having done this process for 21 years the Township does do zero based budgeting. There is no padding in the budget. Any unspent monies go back into surplus and is used to subsidize the next years budget. Regarding the reserve for uncollected taxes, the \$400,000 Mr. Lewis referred to was the receipts from delinquent taxes which is a completely different account. The reserve for uncollected taxes is for the current years taxes. Mr. Monaco said the process is an arduous one at it is the Committee's money as well.

Mr. James Hunter said the taxes keep increasing and he asked if the Township hired another condemnation lawyer for the Solberg Airport.

Mayor Gatti said the Township hired McKirdy & Riskin under a professional services contract. Mayor Gatti said the federal lawsuits referenced earlier claim that the Township did an illegal taking. If the Township wants to consult with this law firm regarding those suits a contract is needed.

Mr. Don Baldwin said he disagrees with the Committee on many items, however he agrees about one item - the budget reflecting personnel increases between 2.5% and 3.7%, which is not out of line with the private sector. However, several years ago the Committee asked for a 13% increase in the rate and now they are asking for another 14.3%. That is very out of line with the amount resident's salaries are increasing.

Mayor Gatti said if the revenues go down they have to be subsidized somewhere. The Township is very careful in hiring personnel. The State has decreased the amount of aid that is being given. Mayor Gatti said we are in the bottom half with Readington's tax rate when compared to other municipalities on an equalized basis in Hunterdon County. Property taxes are a statewide problem and there needs to be reform.

Ms. Lynette Gladdis said that she finds the general cavalier attitude of the Committee offensive. The Committee was elected by the residents to address what is going on in this community.

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

Mr. Shamey said when the Committee completes work on the budget it is the result of hours of work along with the Administrator, Chief Financial Officer and auditor.

Mr. Shamey said he would like the residents to show the Committee where to cut the budget. Residents want safety, recreation programs, good fire prevention, museum programs and open space preservation. In addition, the Committee must defend the Township's ordinances when lawsuits are filed.

Mrs. Muir said two (2) people who spoke this evening had sued the Township.

**A MOTION** was made by Mr. Shamey to adopt the 2005 Municipal Budget, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

**2005 Municipal Budget - continued:**

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

**CORRESPONDENCE/OTHER INFORMATION:**

1. Letter dated March 28, 2005 from Keith Hendrickson, President, Lake Cushetunk Woods Property Owners Association, requesting ***that a street light be installed at the corner of Well Sweep Road and Van Horne Road.***

Administrator Mekovetz said this request was forwarded to Engineer McEldowney and Scott Jesseman for their review and comment.

Engineer McEldowney said he and Mr. Jesseman will look into this request further and report back to the Committee.

2. Notice dated April 4, 2005 from Dorothy D. Wilkie, Municipal Clerk, Twp. of Bedminster, regarding ***adoption of Ordinance #05-05 - Supplementing & Amending Chapter XIII Entitled "Land Management" of the revised General Ordinances of the Township of Bedminster by rezoning Lot 1, Block 28 from a Public Zoning District to a Low Density Residential Zoning District.***
3. Notice dated April 5, 2005 from Dorothy D. Wilkie, Municipal Clerk, Twp. of Bedminster, regarding ***public hearing of Ordinance #05-07 - Amending Article 13-500 entitled "General Provisions and Design Standards" of Chapter XIII Entitled "Land Management" of the revised General Ordinances of the Township of Bedminster by adding Subsection 13-526 entitled "Resource Conservation Calculations,"*** , noted for information. No action taken.
4. Notice dated March 28, 2005 from Gail W. McKane, Municipal Clerk, Twp. of Clinton, regarding ***public hearing of Ordinance #885-05 Supplementing & Amending Chapter 165 entitled "Land Use Regulations," amending the definition of setbacks*** , noted for information. No action taken.
5. Notice dated March 30, 2004 from Diane L. Schottman, Municipal Clerk, Borough of Flemington, regarding ***adoption of a Resolution objecting to the Federal Government's cuts to Community Development Block Grant Funds*** , noted for information. No action taken.
6. Notice from Ernest A. Renda, Esq., regarding ***hearing before the Readington Township Planning Board - LFP Holdings, LLC, Block 77, Lot 28*** , noted for information. No action taken.
7. Letter dated March 24, 2005 from Lou Cattuna, Section Chief, Land Use Regulation Program, NJDEP, regarding ***Letter of Interpretation - Footprint of Disturbance - Present - Coddington Homes Inc./Joseph Farinella, Block 32, Lot 9*** , noted for information. No action taken.
8. Letter dated April 1, 2005 from Lou Cattuna, Section Chief, Land Use Regulation Program, NJDEP, regarding ***Stream Encroachment Permit Rejection - Rockaway Creek/Readington Township*** , noted for information. No action taken.

**OLD BUSINESS:**

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

Action on this item was deferred.

2. ***East Whitehouse Fire Company/Fire Truck*** - discussion.

Ms. Stephanie Moore appeared before the Committee. She said funding is available from

**East Whitehouse Fire Company/Fire Truck discussion - continued:**

Homeland Security. She said an application was filed on-line. She said both Mike Ferguson and Rush Holt must be notified that the application has been submitted. Letters will be sent to the Township and to Chief Ted Beady stating that the application has been submitted. Because of Readington's proximity to New York City and recent events in Newark, funding will most likely be received in the amount of \$400,000, of which the fire company will have to pay \$10,000 and the Township will have to match the \$10,000. Only one (1) fire company from the municipality can apply at one time.

Administrator Mekovetz said a call was received from Mike Ferguson's office regarding a \$96,000 grant for the Three Bridges Fire Company.

Ms. Moore said that was old funding. This new application is strictly for the pumper truck. Once the funding is awarded then another application can be submitted.

3. **Rencor, Inc.** - request for release of Performance Bond.

Action on this item was deferred.

4. **Stowaway Self Storage** - request for reduction of Performance Bond.

The following resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-72**

**WHEREAS**, Stowaway Self Storage, LLC. did on March 31, 2005 file a written request with the Clerk of the Township of Readington for a reduction in Cash Performance Guarantee Check # 8702 in the amount of \$40,993.20 and Performance Bond #SP9616 in the amount of \$368,938.00 for work completed on Block 39, Lots 62 & 64; and

**WHEREAS**, the Township Engineer has confirmed that a certain amount of work has been done by Stowaway Self Storage, 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 #8702 and Performance Bond #SP9616, as indicated in his letter of April 7, 2005, 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
Stowaway Self Storage, LLC. Block 39, Lots 62 & 64	St. Paul Fire & Marine Insurance Co. #SP616	\$368,938.00	\$292,306.00	\$76,632.00
	Check #8702	\$40,993.20	\$32,478.20	\$8,515.00

**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 reduce Cash Performance Guarantee Check #8702 and Performance Bond #SP616, as recommended by the Township Engineer; and

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

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

*Stowaway Self Storage - continued:*

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

**NEW BUSINESS:**

1. ***Amendment to 2005 Municipal Budget*** - resolution.

Mayor Gatti said this item was addressed earlier in the meeting.

2. ***Hunterdon County Open Space Trust Fund FY 2004 Municipal Grants Program.***

Mayor Allen said this program returns 10% of the funds outlaid by each Township for a specific project. Last year the Township recommended that Block 13, Lot 34.01 be submitted for this program. She suggested that Block 50, Lot 13 (Bloys) be submitted this year.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-74**

**WHEREAS**, the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan established a Municipal Grants Program to provide Open Space Trust Funds for their acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal Master Plan and/or restoration of county-owned historic facilities; and

**WHEREAS**, the Township Committee of the Township of Readington desires to obtain Open Space Trust Funds in the amount of \$88,344.20 to fund the following project: Block 50, Lot 13 (Bloys).

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

1. Vita Mekovetz, Administrator/Municipal Clerk, is authorized to (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program, and (c) act as the principal contact person and correspondent of the above-named municipality.
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is will to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto.
3. The Mayor, Frank Gatti, is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

**A MOTION** was made by Mrs. Allen 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

**NEW BUSINESS - continued:**

3. ***Appointment of a subcommittee/COAH plan.***

Mayor Gatti said that the Township must submit its COAH plan to the State this year for approval. He said that members of the Planning Board as well as members of the Township Committee should serve on the subcommittee to work with the Township's planner in moving forward with this plan.

Mayor Gatti said he would like to serve on this subcommittee.

Mrs. Allen said she would also like to serve on this subcommittee. She also suggested that Ron Monaco from the Planning Board serve on the subcommittee. All agreed.

Mayor Gatti said he will bring this matter up at the next Planning Board meeting.

4. ***Amendment to Land Development Ordinance to Clarify The Applicability of Affordable Housing Fees For Residential & Nonresidential Development in Accordance with Current COAH Rules*** - introduction.

Mrs. Allen said this ordinance was amended in December 2004 to reflect the new COAH regulations that allowed a 1% fee for residential development and a 2% fee for non-residential development to be assessed on new construction and put into a trust fund to be used to help the Township effect its COAH plan.

Mrs. Allen said the amendment that was done in December did not include all of the zones in the Township. This amendment addresses this issue.

The following Ordinance was offered for introduction:

***AN ORDINANCE TO AMEND ARTICLE XI ENTITLED "FEES, GUARANTIES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS" OF CHAPTER 148 TO CLARIFY THE APPLICABILITY OF AFFORDABLE HOUSING FEES FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH THE CURRENT RULES OF THE COUNCIL ON AFFORDABLE HOUSING***

**Ordinance #14-2005**

**WHEREAS**, the Township of Readington did adopt Ordinance, entitled "COAH Development Fees" in May 1993, with subsequent amendments in October 1999 and December 2000, in accordance with the rules promulgated by the Council On Affordable Housing (COAH) for the purpose of providing low and moderate-income housing and said Ordinance has been codified as §148-111 in Township's Land Use Ordinance; and

**WHEREAS**, §148-111.C provides for the collection of fees from residential development within specific residential zones in the Township, namely SSR, AR, RR, R-1 and VR zoning Districts, at one percent (1%) of the equalized assessed value for such residential development; and

**WHEREAS**, §148-111.D provides for the collection of fees from non-residential development within specific non-residential zones in the Township, namely VC, B, ROM-1, ROM-2 and RO zoning Districts, at two percent (2%) of the equalized assessed value for such non-residential development; and

**WHEREAS**, Readington wishes to clarify the language to indicate that development fees shall be collected for qualifying residential and non-residential development, regardless of the zoning designation, thus simplifying the task of ordinance revisions when new zones are created.

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

**Section 1.** Article XI, entitled "Fees, Guaranties, Inspections and Off-Tract Improvements" is hereby amended and revised as follows (changes are underlined in bold, deletions are represented by strike-throughs):

**Ordinance #14-2005 - continued:**

§ 148-111. COAH development fees. [Added 5-17-1993; amended 10-4-1999 by Ord. No. 20-99; 12-4-2000 by Ord. No. 40-2000EN]

**A. Purpose.** In *Holmdel Builder's Ass'n. v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq.*, and the State Constitution subject to COAH developing rules. The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this section shall be used for the sole purpose of providing low and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees.

**B. Retention of fees.** Any fees collected prior to December 13, 1990, shall be retained by the Township of Readington pursuant to COAH's rules regarding the retention of development fees.

**C. Residential development fees.** ~~Within the SSR, AR, RR, R-1 and VR Zoning Districts,~~ Residential developers shall pay a development fee of 1% of the equalized assessed value of any eligible residential activity pursuant to Subsection F of this section.

**D. Nonresidential development fees.** ~~Non-residential developers within VC, B, ROM-1, ROM-2 and RO Zoning Districts~~ shall pay a fee of 2% of the equalized assessed value for eligible nonresidential activities pursuant to Subsection F of this section.

**E. Eligible exaction, ineligible exaction and exemptions.**

(1) Developers of low- and moderate-income units shall be exempt from paying development fees.

(2) Developers that expand an existing nonresidential structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

(3) Developers that have received preliminary or final approval prior to the effective date of this section (May 17, 1993) shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

(4) Within PND Zones where inclusionary development is required, developers shall be exempt from paying a development fee.

(5) Repairs, maintenance, and the construction of decks and accessory improvements to existing residential properties shall be exempt from payment of a development fee.

(6) Reconstruction of, and additions or improvements to, existing residential structures where no new dwelling unit(s) are created shall not be subject to payment of a development fee.

**F. Collection of fees.**

(1) Developers shall pay 50% of the calculated development fee to the Township of Readington at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.

(2) Developers shall pay the remaining fee to the Township of Readington at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.

**G. Housing Trust Fund.**

(1) There is hereby created an interest-bearing Housing Trust Fund in First Union Bank for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this section shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH.

**Ordinance #14-2005 - continued:**

(2) If COAH determines that Readington Township is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this section shall be expended. Such authorization is pursuant to this section, COAH's rules on development fees and the written authorization from the governing body to First Union Bank.

**H. Use of funds.**

(1) Money deposited in the Housing Trust Fund may be used for any activity approved by COAH for addressing Readington Township's low and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate-income housing, extensions and/or improvements of roads and infrastructure to low and moderate-income housing sites, assistance designed to render units to be more affordable to low and moderate-income people, and administrative costs necessary to implement Readington Township's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.

(2) Unless specifically waived by COAH, at least 30% of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low-interest loans, and rental assistance.

(3) No more than 20% of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies, and rental or purchase of equipment.

(4) Development fee revenues shall not be expended to reimburse the Township of Readington for housing activities that preceded substantive certification.

**I. Expiration of provisions. This section shall expire if:**

(1) COAH revokes substantive certification or its certification of this section.

(2) Substantive certification/judgment of repose expires prior to Readington Township filing an adopted housing element with COAH, petitioning for substantive certification or receiving COAH's approval of this section.

**Section 2.** The Township Committee shall prepare and adopt a Resolution in accordance with the provisions of *N.J.A.C. 5:94-6.14* and shall transmit both this Ordinance and the Resolution to COAH within seven (7) days of the adoption of this Ordinance. The Resolution shall include a request COAH to review and approve this amendment to the ordinance.

**Section 3.** If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

**Section 4.** This ordinance shall take effect upon final adoption, publication, publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

*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 Monday, May 2, 2005 at 8:00 p.m.

**NEW BUSINESS - continued:**

5. **Wal-Mart Realty Co./Block 14, Lot 49** - acceptance of Maintenance Bond.

Engineer McEldowney said the amount of the bond is correct.

Attorney Dragan said the form of the bond is correct, however verification is needed that this bonding company is authorized to do business in New Jersey.

**A MOTION** was made by Mr. Shamey to accept Maintenance Bond #104472719 in the amount of \$179,337.00, contingent on verification that the bonding company is authorized to do business in New Jersey. 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

Mrs. Allen said in the resolution of approval for Wal-Mart \$100,000 was supposed to be held for road improvements.

Engineer McEldowney said that is not affected by this.

6. **Person-to-Person Liquor License Transfer** - Gespi, Inc. t/a Spiotta's at Whitehouse Station to What's Cookin', Inc.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2005-67**

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License #1022-33-003-005, heretofore issued to GESPI, INC. T/A SPIOTTA'S AT WHITEHOUSE STATION, for premises located at 215 Main Street, Whitehouse Station, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, does hereby approve, effective May 20, 2005, the transfer of the aforesaid Plenary Retail Consumption License to WHAT'S COOKIN', INC., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to WHAT'S COOKIN', INC. effective May 20, 2005."

**A MOTION** was made by Mr. Shamey to adopt this Resolution, 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 - continued:**

7. **Jacobs-BBL** - Partial Payment #5 & Budget Adjustment Request.

Administrator Mekovetz said payment in the amount of \$3,337.50 can be approved, however they also asked for additional funds, and a certification of funds is needed. They are asking that funds be available up to a ceiling not to exceed \$40,000 for optional services. She said action on the additional funding should be deferred until the next meeting.

**A MOTION** was made by Mr. Shamey to approve partial payment in the amount of \$3,337.50 to Jacobs-BBL, 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

8. **Transportation Trust Fund Municipal Aid Program/FY 2006/Mill Road Section II** - resolution.

This item was addressed under the Consent Agenda.

9. **Fiddler’s Elbow Country Club** - request for permission to hold fireworks display at their Independence Day Celebration (July 4, 2005).

This item was addressed under the Consent Agenda.

10. **Application for Membership in NJ Firemen’s Association** - Eric R. Winkelman.

This item was addressed under the Consent Agenda.

11. **Application for Membership in NJ Firemen’s Association** - David C. Hickson.

This item was addressed under the Consent Agenda.

12. **Application for Membership in NJ Firemen’s Association** - Daniel J. Kaplan.

This item was addressed under the Consent Agenda.

**ADMINISTRATOR’S REPORT:**

Written report submitted.

Administrator Mekovetz said she received proposals for the survey of Block 15, Lot 4 (Arnaudy):

- Newton Land Surveyor \$4,200
- Bohren & Bohren \$5,000
- Studer & McEldowney \$6,080

**A MOTION** was made by Mrs. Allen to approve a contract with Newton Land Surveyor in the amount of \$4,200 to perform a survey on Block 15, Lot 4 (Arnaudy). 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

Administrator Mekovetz said she distributed notices regarding Community Day on May 14<sup>th</sup> from 9:00 a.m. to 3:00 p.m. at Summer Road park.

## **ADMINISTRATOR'S REPORT - continued:**

Administrator Mekovetz said she attended the spring Municipal Clerk's Conference, including sessions on ABC licensing, purchasing, redevelopment, Help America Vote Act, traffic ordinances, OPRA and Gov Connect.

Administrator Mekovetz said Congressman Ferguson's office was in contact with the Township to advise that the Three Bridges Fire Department will be receiving a \$96,000 federal grant.

Mike Wernicki, Chief of Three Bridges Fire Company, said the grant is \$96,500 and will be used for encapsulated exhaust systems in both buildings.

Administrator Mekovetz said we have been receiving many of requests regarding road repairs. Engineer McEldowney suggested that the Township take an inventory of the roads and then prioritize every road according to a point system. She said that Engineer McEldowney has experience with this type of system in High Bridge and all of the information regarding the roads, prioritization and point system are available on the municipality's web site.

Mrs. Muir said the Department of Public Works currently does this type of information collection.

Engineer McEldowney said this would be extremely useful not only for budgeting, but would also be very helpful for residents.

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

## **ATTORNEY'S REPORT:**

Written report submitted.

Attorney Dragan said a the Township recently advertised for bids for a retail plenary distribution liquor license. A question was raised regarding the fact that the Township's ordinance limits one (1) retail license per person, business, or association and whether or not that applies to a family.

Attorney Dragan said under the state law a municipality can limit these types of license to one person. The question was raised and an attorney general's opinion was asked for. While waiting for an opinion from the Attorney General's office, she offered an ordinance for the Committee's consideration that provides a definition of person directly from the State Statute.

The following Ordinance was offered for introduction:

### ***AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF READINGTON IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, CONCERNING ALCOHOLIC BEVERAGES***

#### **Ordinance #15-2005**

***BE IT ORDAINED***, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows (items marked \_\_\_\_\_ signifies new language; items marked [ ] signifies deletions):

**SECTION 1.** Section 66-2.1 "Grant of license" added by Ordinance #34-2004 shall be deleted in its entirety and replaced with the following:

**1. For the purposes of this section:**

**"Family" means "immediate family (spouse, children, parents, in-laws or siblings)" as that term is interpreted by the State Alcoholic Beverage Control Commission.**

**"Person" means "Any natural person or association of natural persons, association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer or employee of any of them" as set forth in N.J.S.A. 33:2-2, et seq., and any amendments thereto. For purposes of this ordinance, unless interpreted or promulgated by the State of New Jersey or Federal law to be otherwise, a "family" is not included within the term "association of natural persons."**

**Ordinance #15-2005 - continued:**

2. No more than one (1) retail license, whether it be consumption, distribution or otherwise, shall be granted to any person in the municipality. However, this provision shall not operate to disqualify a guardian, executor, administrator, trustee, receiver or any other fiduciary or court officer from obtaining or holding more than one (1) license in different official capacities.

3. With respect to corporations, if any individual stockholder holding 10% or more of the stock would fail to qualify as an individual applicant in all respects, then no license of any class shall be granted. With respect to partnerships, organizations and associations, if any one partner or member of an organization or association would not qualify as an individual applicant in all respects, then no license of any class shall be granted to the partnership, organization or association, as the case may be.

**SECTION 2. 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 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 3. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon final adoption and publication according to the laws of the State of New Jersey.

A *MOTION* was made by Mr. Shamey to introduce this Ordinance, 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

Public Hearing was scheduled for Monday, May 2, 2005 at 8:00 p.m.

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

**ENGINEER'S REPORT:**

Written report submitted.

Engineer McEldowney said the drainage repairs to the Eversole-Hall house next to the Municipal Building have been completed.

Engineer McEldowney said work on Mountain Road is scheduled to begin on April 25<sup>th</sup> and the School Road project is scheduled to begin before the end of the month.

Mrs. Allen asked about the status of the roads in Hedgerow Estates.

Engineer McEldowney said he is in the process of evaluating the conditions of the roads in order to make a recommendation regarding acceptance. He said there are significant issues with the condition of the roads. There is work that needs to be done prior to the Township accepting the roads.

Engineer McEldowney said there are also items that need to be addressed in the Stanton Place development, Sections I & III, prior to the release of the Performance Bond.

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

## **COMMITTEE REPORTS:**

### **1. Frank Gatti:**

#### **a. Finance Department**

1. *Lien Redemption* - resolution.

This item was addressed under the Consent Agenda.

2. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

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:**

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

### **4. Thomas Auriemma:**

#### **a. Recreation Department**

Mr. Auriemma said the Recreation Committee interviewed nine (9) applicants for the Township's Recreation Committee for two (2) openings. A recommendation was provided by Greta Kenney so the Committee can take action at the next meeting.

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.

Ms. Luzette Gilmore asked when the bridge on Dreahook Road will be completed.

Mrs. Muir said that Hunterdon County is in charge of bridges.

Ms. Mora asked if Dreahook Road is on the Township's punch list for road repairs in regard to the catch basins that were installed and the water that gets collected on either side of the catch basins.

Engineer McEldowney said he is working with Scott Jesseman and the DPW to get the problems rectified.

Mike Wernicki, Three Bridges Chief, asked which program the East Whitehouse Fire Company applied to for their grant. He said the Three Bridges grant came from FEMA, which is open for application for thirty days during March and April. The money is usually not awarded until the fall.

Mr. Wernicki asked if there were any alternatives planned if East Whitehouse does not receive their grant. Three Bridges has a truck that is five (5) years older than East Whitehouse's.

Mrs. Muir said the matter would be revisited if that occurs.

Mr. Wernicki said that his department's equipment will soon become out-of-date.

***COMMENTS FROM THE PUBLIC - continued:***

Stephanie Moore said that the Township's fire companies should coordinate with the Township on the submission of grant applications.

Dr. Chuck Westfield said he believes that the Committee has done a very good service to the Township in regard to the budget. He said many residents fail to see the real costs are the schools. Most people in the Township elected the Committee to do what they have been doing and should continue to do.

Inga Krug said commented on the Committee's hiring of David Newton to do surveying.

A resident asked that the Township call the State and ask that the cross-over at Route 22 and School Road be shut down. He spoke to the State and was he was told to have the Mayor contact the State.

Mayor Gatti asked that a phone number be provided.

Cheryl Filler said she would like to thank the Committee and added that according to the Municipal Land Use Law they are doing the right things.

Ms. Filler referred to Dreahook Road and said that there is more construction going on. She said that there are still drainage problems and suggested that the Engineer look into the matter before any more work is done.

***COMMENTS FROM THE GOVERNING BODY:***

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

***ADJOURNMENT***

As there was no further business, a motion was made by Mr. Shamey to adjourn at 11:05 p.m., seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC  
Administrator\Municipal Clerk