

**READINGTON TOWNSHIP COMMITTEE
MEETING - MAY 15, 2006**

Mayor Shamey *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 Shamey, Deputy Mayor Auriemma, Mrs. Allen and Mrs. Muir

ABSENT: Mr. Gatti

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>
Administration Office.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Police Department.....	Personnel.....	" " "
Jacobs-BBL.....	Contract Negotiations.....	" " "
Professional Services.....	Contract Negotiations.....	" " "
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation – Hromoho).....	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.

A MOTION was made at 6:30 p.m. by Mr. Auriemma to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:50 p.m.

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

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

Personnel - Administration Office

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

Contract Negotiations - Police Department

A **MOTION** was made by Mr. Auriemma to hire Werner Rodas effective July 1, 2006, at the 2006 5th year patrolman rate of \$59,637. 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
Mayor Shamey	-	Aye

Contract Negotiations - Jacobs-BBL

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
ENGINEERING SERVICES
#R-2006-72***

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

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

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

WHEREAS, Jacobs-BBL has submitted a proposal indicating they will provide Engineering Services during the construction of the Three Bridges Pump Station for rates as detailed in the contract; and

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

WHEREAS, the Chief Financial Officer’s Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*).

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

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

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2006; and

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

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

A **MOTION** was made by Mr. Auriemma 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
Mayor Shamey - Aye

Contract Negotiations - Professional Services - WordWorks

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2006-67***

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:

WordWorks for editing, limited writing services, typesetting, design and printing of the Township Newsletter on a quarterly basis at a cost of \$14,720 per year.
2. Said contract shall expire on December 31, 2006.
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. Muir 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
Mayor Shamey - Aye

Contract Negotiations - Professional Services - Richard P. Cushing, Esq.

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
SPECIAL COUNSEL SERVICES
#R-2006-68***

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

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

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

WHEREAS, Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC, has submitted a Proposal indicating he will provide Special Counsel Services to represent Ronald Monaco, Julia Allen, Frank Gatti, Gerard Shamey and Beatrice Muir in certain litigation at a rate of \$200 per hour; and

WHEREAS, Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC, has completed and submitted a Business Entity Disclosure Certification which certifies that Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC, has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer=s Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*).

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC, as described herein; and

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

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2006; and

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

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

A MOTION was made by Mrs. Muir 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
Mayor Shamey	-	Aye

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

Mayor Shamey said there was no action on this matter.

Mayor Shamey said that the following matter was added to the Executive Session Agenda:

Litigation - Wachendorf vs. Township of Readington

Mayor Shamey said that this matter will remain in Executive Session

CONSENT AGENDA:

1. **APPROVAL OF THE MINUTES** of meeting of April 17, 2006.
2. **Jacobs-BBL - Partial Payment #9** - rehabilitation of Three Bridges Pump Station.
3. **Request for permission to hold a Block Party on Saturday, June 3, 2006** - Pierce Farm Road cul-de-sac.
4. **Silva/Block 51, Lot 21.03** - release of driveway bond - \$600.
5. **Application for Amber Light Permit** - Darren Procacci.
6. **Monthly Collection Report** for April, 2006.
7. **Monthly Collection Report for Sewers** for April, 2006.

8. ***Lien Redemption*** - resolution.

9. ***Payment of the Bills.***

Fund Description	Fund No.	Received Total
CURRENT FUND APPROPRIATION	001	\$
SEWER APPROPRIATION	002	\$
TRUST APPROPRIATION	003	\$
CAPITAL APPROPRIATIONS	004	\$
MISC. REFUND, COUNTY TAX, LIENS	005	\$
PAYROLL DEDUCTIONS	006	\$
TOTAL OF ALL FUNDS:		\$

A MOTION was made by Mrs. Muir 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
Mayor Shamey - Aye

PUBLIC HEARING:

1. ***Readington Wine & Spirits, LLC*** - Public Hearing for issuance of Plenary Retail Distribution Liquor License.

Mayor Shamey said this Public Hearing will be carried until the next meeting.

CORRESPONDENCE/OTHER INFORMATION:

Mayor Shamey said he would like to thank the Township of Branchburg for a letter in support of Readington's efforts with respect to the bond referendum and in opposition to any expansion at Solberg Airport. He asked that a letter be sent to Branchburg thanking them for their support.

OLD BUSINESS:

1. ***Solberg Airport*** - update by Mayor Shamey.

Mayor Shamey said he would like to thank the residents of Readington Township on behalf of the Township Committee. He has recently completed six (6) public information sessions on the Bond Referendum which will be voted on tomorrow.

Mayor Shamey said the Committee wanted to provide every resident with the tools necessary to participate in this process. He encouraged everyone to get out and vote. Either outcome will directly affect every property owner and home owner in Readington Township.

NEW BUSINESS:

1. ***2006 Salary Ordinance*** - introduction.

The following Ordinance was offered for introduction:

***AN ORDINANCE AMENDING AND SUPPLEMENTING THE
READINGTON TOWNSHIP 2005 SALARY AND WAGE ORDINANCE, FOR OFFICERS
AND EMPLOYEES OF READINGTON TOWNSHIP***

Ordinance #18-2006

BE IT ORDAINED by the Township Committee of the Township of Readington, in the County of Hunterdon, State of New Jersey, that the 2005 salaries and wages Ordinance be amended as follows:

From To

SECTION 1
GOVERNING BODY AND
SUPERVISORY PERSONNEL

MAYOR	per annum		\$7,448
TOWNSHIP COMMITTEE MEMBER	per annum		\$6,628
ADMINISTRATOR/MUNICIPAL CLERK/ DEPUTY REG. OF VITAL STATISTICS/TREASURER	per annum		\$123,651
Administrator - per annum		\$13,744	
Clerk/Deputy Reg. of Vital Stat/Treasurer - per annum		\$109,907	
TAX COLLECTOR/TAX SEARCH OFFICER (P/T-17.5 hrs per wk)	per annum		\$47,731
TAX ASSESSOR (P/T 25/hrs per wk)	per annum		\$55,825
CONSTRUCTION OFFICIAL	per annum		\$72,625
COURT ADMINISTRATOR	per annum		\$38,159
LIBRARIAN	per annum	\$16,754	\$40,052
HOUSING COORDINATOR & ADM OF PUBLIC ASSIST			\$53,005
CHIEF OF POLICE	per annum		\$97,226
RECREATION DIR./CLEAN COMMUNITIES COORD.	per annum		\$58,792
Recreation Director - per annum		\$56,792	
Clean Communities Coordinator - per annum		\$2,000	
CHIEF FINANCIAL OFFICER	per annum		\$79,120
DIRECTOR OF PUBLIC WORKS	per annum		\$76,946
ROAD SUPERINTENDENT	per annum		\$64,089
PLANNING & ZONING COORDINATOR/ SECRETARY TO ENVIRONMENTAL COMMISSION	per annum		\$58,814
Planning & Zoning Coordinator - per annum		\$54,529	
Secretary to Environmental Commission - per annum		\$4,285	
DIRECTOR BUILDINGS & GROUNDS/PARKS	per annum		\$65,829
FIRE OFFICIAL/LAND USE ADMIN.	per annum		\$78,141
ASSISTANT MUNICIPAL TREASURER	per annum		\$40,365
SUPERVISOR OF ADMIN. SERVICES - per annum		\$45,901	\$46,601
DEPUTY REGISTRAR - per annum		\$700	

SECTION 2
CLERICAL (CONFIDENTIAL) PERSONNEL

RECEPTIONIST/DOG LICENSE OFFICIAL	per annum	\$26,545	\$27,542
SECRETARY TO TWP ADMINISTRATOR	per annum	\$28,757	\$30,971
DEPUTY MUNICIPAL CLERK/SEWER ADVISORY COMMITTEE SECRETARY	per annum	\$42,035	\$43,691
ADMINISTRATIVE ASSISTANT/RANK VI	per annum	\$34,843	\$49,651

SECTION 3
CLERICAL PERSONNEL

CLERK/TRANSCRIBER	per annum	\$27,584	\$33,898
CLERK TYPIST	per annum	\$24,958	\$30,316
DEPUTY TAX COLLECTOR (40 HRS/WK)	per annum	\$36,423	\$51,809
ACCOUNTS PAYABLE CLERK	per annum	\$31,219	\$40,944
ADMINISTRATIVE ASSISTANT, TAX ASSESSOR	per annum	\$32,841	\$40,281
CONTROL PERSON	per annum	\$36,423	\$44,213
DEPUTY COURT ADMINISTRATOR	per annum	\$32,677	\$40,700
FINANCIAL SECRETARY	per annum	\$35,710	\$41,206
FLOATER	per annum	\$30,607	\$36,054

SECTION 4
TECHNICAL PERSONNEL

SUB-CODE OFFICIAL PLUMBING & MECH (21 hours per week)	per hour		\$36.06
ELECTRICAL SUB-CODE OFFICIAL (21 hours per week)	per hour		\$30.00
BUILDING INSPECTOR	per annum		\$52,800
INSPECTOR (PART-TIME)	per hour	\$25.00	\$37.50
FIRE SUB-CODE OFFICIAL (21 hours per week)	per annum		\$37.00
FIRE INSPECTOR	per hour		\$25.88

SECTION 5
ROAD, UTILITY AND MAINTENANCE
PERSONNEL

RATES FOR TITLES HELD LONGER THAN ONE YEAR:

DRIVER - LABORER 6	per hour		\$23.44
SR. DRIVER - LABORER 3	per hour		\$25.69
JR. MECHANIC	per hour		\$21.59
MECHANIC	per hour		\$27.52

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SR. MECHANIC	per hour		\$30.20
CREW LEADER	per hour		\$29.20
OPERATOR	per hour		\$27.52
WORKING FOREMAN	per hour		\$31.85
SEWER OPERATORS:			
C-1 LICENSE (HOURLY ADDITIONS)	per hour		\$1.00
C-2 LICENSE (HOURLY ADDITIONS)	per hour		\$1.25

RATES FOR GRADES WITHIN TITLES:

LABORER - 1	per hour		\$17.21
LABORER - 2	per hour		\$17.93
DRIVER-LABORER - 1	per hour		\$18.64
DRIVER - LABORER - 2	per hour		\$19.36
DRIVER - LABORER - 3	per hour		\$20.08
DRIVER - LABORER - 4	per hour		\$20.80
DRIVER - LABORER - 5	per hour		\$21.51
DRIVER - LABORER - 6	per hour		\$22.22

SECTION 6
POLICE DEPARTMENT PERSONNEL

POLICE MATRON	per hour	\$6.97	\$31.00
SPECIAL POLICE OFFICER	per hour	\$12.15	\$22.21
PATROLMAN (FIRST YEAR) Certified/Probationary.	per annum		\$45,145
PATROLMAN (SECOND YEAR)	per annum		\$48,766
PATROLMAN (THIRD YEAR)	per annum		\$52,391
PATROLMAN (FOURTH YEAR)	per annum		\$56,015
PATROLMAN (FIFTH YEAR)	per annum		\$59,637
PATROLMAN (SIXTH YEAR)	per annum		\$62,407
PATROLMAN (SEVENTH YEAR)	per annum		\$66,310
PATROLMAN FIRST CLASS	per annum		\$70,207
CORPORAL	per annum		\$71,614
INVESTIGATOR - OVER GRADE	per annum		\$600
PROBATIONARY SERGEANT	per annum		\$73,519
SERGEANT'S BASE SALARY	per annum		\$77,519
SERGEANT FIRST CLASS	per annum		\$79,884
PROBATIONARY LIEUTENANT	per annum		\$72,904
LIEUTENANT	per annum		\$84,894
Contract Pending (Lieutenant)			

SECTION 7
PART-TIME PERSONNEL

MUNICIPAL JUDGE	per annum		\$27,985
SUBSTITUTE MUNICIPAL JUDGE	per hour		\$127.71
PUBLIC ASSISTANCE CASE WORKER/ FILING CLERK (33 hrs)	per annum		\$28,492
PART-TIME BOOKKEEPER	per hour		\$18.36
SCHOOL CROSSING GUARDS	per annum	\$3,317	\$13,761
LIBRARIAN	per hour	\$15.12	\$17.06
LIBRARY ASSISTANT	per hour	\$7.68	\$14.77
COURT CLERK	per hour	\$16.20	\$18.57
EXERCISE PROGRAM COORDINATOR	per annum	\$5,560	\$6,363
EXERCISE PROGRAM INSTRUCTOR	per hour	\$12.28	\$30.00
KARATE INSTRUCTOR	per student/ per hr	\$6.15	\$7.15
TEEN ACTIVITIES SUPERVISOR	per hour	\$12.69	\$19.85
ASSIST. DIRECTOR OF RECREATION (25 hrs/wk)	per annum		\$24,219
EMERGENCY MANAGEMENT COORDINATOR	per annum		\$5,460
DEPUTY EMERGENCY MANAGEMENT COORD.	per annum		\$1,000
PART-TIME PLANNING BOARD CLERK	per hour		\$13.46
MUSEUM ADMINISTRATOR	per hour		\$23.05

SECTION 8
SUMMER RECREATION PERSONNEL

DIRECTOR OF SUMMER RECREATION	per annum		\$10,198
SUPERVISOR & ASS'T SUP'V SUMMER PROG	per hour	\$7.65	\$15.30
SUMMER PROG. & SPECIAL PROG. COUNSELOR	per hour	\$8.00	\$10.93
BUS DRIVERS	per hour	\$8.32	\$15.00
CONCESSION STAND ATTENDANT	per hour	\$6.15	\$8.77
SUMMER PUBLIC FACILITIES MAINT. LABORER	per hour	\$6.15	\$12.42

SECTION 9
BUILDINGS, MAINTENANCE AND RECYCLING

PUBLIC FACILITIES MAINTENANCE LABORER	per hour	\$14.45	\$24.74
PART TIME PUBLIC FACILITIES MAINT LABORER	per hour		\$8.94
HOUSE KEEPER	per hour		\$11.06
RECYCLING WORKER	per hour		\$17.96

SECTION 10

Rates of compensation provided herein are retroactive to January 1, 2006.

A MOTION was made by Mrs. Muir 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
Mayor Shamey	-	Aye

Public Hearing was scheduled for June 5, 2006 at 8:00 p.m.

2. ***Hunterdon Central High School Defeated Budget*** - resolution.

Mayor Shamey said there will be no action on this item this evening.

Mayor Shamey said there will be a special joint meeting between the Readington Township Committee and the Readington Township Board of Education on May 17, 2006 at 6:30 p.m. here in the Municipal Building.

3. ***Ditmars House/McArthur Farm (Block 36, Lot 49)*** - resolution.

Administrator Mekovetz said Attorney Dragan has drafted a Resolution

The following Resolution was offered for consideration:

TOWNSHIP OF READINGTON
RESOLUTION #2006-69

WHEREAS, Fallone at Spring Meadows, LLC (hereinafter "Fallone" or "Developer") received preliminary and final major subdivision and site plan approval from the Readington Township Planning Board concerning property known as Block 36, Lot 49 for a project known as "Renaissance at Readington" located adjacent to Route 22; and

WHEREAS, the aforementioned approvals were memorialized in Resolution #2003-120 of preliminary subdivision approval dated August 11, 2003 and in Resolution #2005-181 of final major subdivision and site plan approval dated December 12, 2005 (hereinafter "Resolutions"); and

WHEREAS, both Resolutions contained a condition concerning the demolition of the existing farmhouse on the property known as the "MacArthur Farm". Condition #4 of the Resolution for preliminary approval contemplated that the Developer would donate the farmhouse and \$30,000 towards moving expenses to the Township or, if not accepted by the Township within the time set forth in resolution, the Developer could demolish the house. The Resolution for final approval thereafter amended the time frame for removal by the Township to May 1, 2006; and

WHEREAS, since the time the Resolutions were adopted, the Township and Developer have been discussing alternative methods for removal of the farmhouse which would be satisfactory to both parties in terms of cost and logistics, so as to prevent the demolition of the farmhouse due to its historical significance; and

WHEREAS, the Township and Developer have come to a mutual agreement on resolving the house removal so as to avoid demolition of the farmhouse.

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

1. Fallone, at its own cost and expense, shall be responsible for disassembling the MacArthur farmhouse and for removing the disassembled parts to a location for storage, utilizing its own vendor for those purposes. It is understood that "disassembly" does not mean "demolition". Accordingly, the disassembly shall be done in a manner such that the house can be restored using the same materials that it presently contains.
2. The Township will have one year from the date of storage to pick up the disassembled parts from the storage location. Once the disassembly process has been accomplished and the materials have been moved to the storage location, the Developer will be deemed to have fully satisfied all its obligations with respect to the conditions pertaining to the MacArthur Farm house as set forth in the Resolutions of preliminary and final approval adopted by the Readington Township Planning Board in connection with the development.
3. This Resolution shall take effect immediately and a copy shall be distributed to the Readington Township Planning Board for its files.

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

4. ***Block 72, Lots 5 and 5.02 (Bartles)*** – Introduction of Ordinance.

The following Ordinance was offered for consideration:

***AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 72, LOTS 5 AND 5.02 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION
Ordinance #19-2006***

WHEREAS, the Township of Readington ("Township"), is the owner of an agricultural development rights easement on property known as Block 72, Lot 5 in the Township of Readington, consisting of approximately 87.768 +/- acres, located off of Route 523 in the Township; and

WHEREAS, the Township is about to acquire an agricultural development rights easement on property known as Block 72, Lot 5.02, in the Township of Readington, consisting of approximately 6.5 acres, which property is adjacent to Block 72, Lot 5; and

WHEREAS, both Block 72, Lots 5 and 5.02 are owned by James W. and Eva Gena Bartles and are hereinafter referred to as the "Property"; and

WHEREAS, the agricultural development rights easements on the Property were contracted for with the intention of preserving the Property for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program as one contiguous parcel; and

WHEREAS, the Property has qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program and the Township received an offer from the County of Hunterdon to purchase an agricultural development rights easement from the Township on approximately 94.268 +/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$4,416.00 per acre, for an estimated total of \$416,278.65, 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, 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, by way of Assignment, a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 72, Lots 5 and 5.02 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 94.268+/- acres of the Property for the price of \$4,416.00 per acre and an approximate total price of \$416,287.00, 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 accordance with the contract documents/offer 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 Assignment thereof 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 Mrs. Muir 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
Mayor Shamey	-	Aye

Public Hearing was scheduled for June 5, 2006 at 8:00 p.m.

5. **Carpe Diem Charity Bike Ride** - letter requesting use of the Municipal Building parking lot on June 25, 2006 for charity event.

A MOTION was made by Mrs. Allen to approve the request from Carpe Diem Charity Bike Ride to use the Municipal Building parking lot as a rest area on June 25, 2006, subject to approval of the Police Department and receipt of the required insurance certificate. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

6. **Cole Road Greenway** - Wildlife Habitat Incentive Program (NRCS) grant.

Open Space parcel on Cole Road the Twp applied last year for this property along with the Stickney property and the Cushetunk nature preserve along with a 39 acre piece on Pleasant Run Road. 2 of those properties were accepted last year and this property is being accepted this year. We're working with Pheasants Forever to coordinate this. The agreement is that we pay 25% of the cost and the grant is for the remaining 75% and the result will be enhancing the habitat of the grassland on this piece by planting native warm

season grasses then continuing to mow them in a manner that enhances the wildlife habitat.

This piece is 17.2 acres and the grant is for \$6,450.

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

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

7. **NJDOT – request for a noise waiver** regarding Maintenance Resurfacing Contract No. 268 Route U.S. 202 Southbound.

A MOTION was made by Mrs. Muir to approve the Noise Ordinance Waiver for NJDOT for Maintenance Surfacing Contract No. 268 Route US 202 Southbound. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

8. **Release of Performance Bond** - Block 19.01, Lot 8

Attorney Dragan recused herself at this time.

Mayor Shamey said action on this matter will be deferred until the next meeting.

9. **Jacobs-BBL - Partial Payment #9** - rehabilitation of Three Bridges Pump Station.

This item was addressed under the Consent Agenda.

10. **Request for permission to hold a Block Party** - Saturday, June 3, 2006 - Pierce Farm Road cul-de-sac.

This item was addressed under the Consent Agenda.

11. **Silva/Block 51, Lot 21.03** - release of driveway bond - \$600.

This item was addressed under the Consent Agenda.

12. **Application for Amber Light Permit** - Darren Procacci.

This item was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT:

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

ATTORNEY'S REPORT:

Written report submitted.

Attorney Dragan asked if the Committee could formerly memorialize the Resolution on the Three Bridges Pump Station upgrade.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
#R-2006-59**

WHEREAS, the Township of Readington (hereinafter "Township") on April 7, 2006, opened sealed bid proposals from six bidders for a construction project known as the "Three Bridges Pump Station Upgrade"; and

WHEREAS, the Township's specifications stated that the bid would be awarded to the lowest responsible bidder; and

WHEREAS, the Township's bid specifications required, among other things, that the bidder submit with its bid proposal:

1. A list of subcontractors (including plumbing, among others) per subsection .13 (p.100-7) of the General Instructions and, also per the checklist.
2. Business Registration Certificates for each of the subcontractors, as stated on the checklist.
3. A statement of Compliance with Requirement for a Licensed Master Plumber, as set forth on the checklist; and
4. A detailed description of the temporary bypass pumping system, per Section 1006 (p. 01006-1) of the bid specifications; and

WHEREAS, the necessity of submitting plans for the temporary bypass pumping system was reiterated at the mandatory pre-bid construction conference held on March 22, 2006 at which all bidders were present; and

WHEREAS, the New Jersey Local Public contract Law provides, at *N.J.S.A.* 40A:11-23, that when specified by the bid plans and specifications, the list of subcontractors and the submission of their business registrations at the time of the receipt of the bids is a *mandatory* item and..." the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body"; and

WHEREAS, Section 1006.2 of the Township's bid specifications further states that the "Bid proposals without an acceptable detailed plan for temporary bypass pumping system shall be rejected"; and

WHEREAS, the lowest bid proposal received for the project was from CFM Construction, Inc. (hereinafter "CFM") in the amount of \$387,800.00 and the next lowest bid proposal was from DeMaio Electrical Co., Inc., in the amount of \$399,103.00. However, upon review, it was determined by the Township Engineering Consultants who wrote the specifications and confirmed by the Township Attorney, that the bid from CFM failed to list a plumber among its subcontractors, did not provide any documentation demonstrating compliance with the Licensed Master Plumber requirement (although it had marked that this information was included with its bid on its checklist) and, further, did not include a plan for the temporary bypass pumping system; and

WHEREAS, the bid proposals from both the second and third lowest bidder did contain all the above-mentioned items and were complete in all other respects. In addition, two other bidders also included their plumbing subcontractor information. The Township's Engineering Consultant for the project prepared a letter dated April 21, 2006 recommending that the bid be awarded to the second lowest bidder; and

WHEREAS, CFM attempted to cure the defects pertaining to the licensed plumbing subcontractor after the Township's Engineering Consultant contacted it, by submitting a business registration certificate for a plumber the next business day *after* the bids were opened, but still did not include proof that the plumber met N.J. licensing requirements for a Master Plumber. It also did not provide the detailed descriptions for the temporary bypass pumping system and

WHEREAS, CFM thereafter argued that no plumber was necessary for the project and that all that was needed was a well drilling subcontractor. However, the Township Committee notes that the specifications *did* specifically call for a Master Plumber, that CFM indicated compliance with the requirement on the checklist it submitted and that the remaining bidders provided this information, as well the by-pass pumping plan requirement. Further, if there was any question on that or any other issues regarding the bid specifications, opportunities for clarification were provided to the bidders by both the written question process indicated in the bid specification, as well as the pre-bid conference, so that all bidders would be equally aware of any changes and be afforded the ability to respond accordingly. However, no such questions

WHEREAS, in addition to CFM's failure to submit proof of compliance with the Master Plumber requirement and the by-pass pumping system plan, the Township was not permitted to accept the submission of the name of the plumbing subcontractor or its business registration certificate after the bids were opened because, by State statute, this was a fatal defect that rendered the bidder unresponsive which could not thereafter be cured by the governing body.

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

1. For all the reasons listed above, the Township Committee hereby awards the contract for the Three Bridges Pump Station to the second lowest bidder DeMaio Electrical Co., Inc., in the amount of \$399,103.00 as stated in its bid proposal. After the review of the bid documents, the Township finds that the contractor is the lowest responsive bidder.

2. The bid received from CFM Construction, Inc., is rejected as non-responsive and containing fatal defects for failure to submit mandatory required items which could not thereafter be cured, including: the failure to list a plumbing subcontractor and provide its business registration certificate at the time of the bid, the failure to comply with the licensed Master Plumber specification and the failure to submit a detailed plan for the temporary bypass pumping system with its bid proposal, as more particularly set forth above.

3. The Mayor and Township Administrator/Clerk, working together with the Township Engineering Consultant for this project, hereby authorized to sign any and all documentation needed to complete this transaction.

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
Mayor Shamey	-	Aye

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

ENGINEER'S REPORT:

As Engineer McEldowney was not in attendance, no report was given.

COMMITTEE REPORTS:

1. Gerard Shamey:

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

2. Julia Allen:

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

3. Thomas Auriemma:

a. Liaison to Fire Companies and Rescue Squad

Mr. Auriemma said the volunteer fire companies and the Rescue Squad have been working with the Emergency Coordinator to finalize the updated Township Emergency Plan and appropriate annexes. The fire prevention and crisis management requires comprehensive coordination through training. The volunteer firefighters have worked on three (3) training seminars.

Mr. Auriemma said that all four (4) fire companies and the Rescue Squad will be participating in the Township's Memorial Day Parade.

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

4. Frank Gatti:

a. Finance Department

1. *Monthly Collection Report* for April, 2006.

This item was addressed under the Consent Agenda.

2. *Monthly Collection Report for Sewers* for April, 2006.

This item was addressed under the Consent Agenda.

3. *Lien Redemption* - resolution.

This item was addressed under the Consent Agenda.

4. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

As Mr. Gatti was not in attendance, no additional report was given.

5. Beatrice Muir:

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

COMMENTS FROM THE PUBLIC:

Mayor Shamey asked for comments from the public.

Mr. Mike Wernicki, Chief of Three Bridges Volunteer Fire Company, said last year he appeared before the Committee along with representatives from the East Whitehouse Fire Company regarding the purchase of new fire trucks. In October the Committee bonded for \$485,000 for a new truck for East Whitehouse and had said they would consider bonding for a truck for Three Bridges this year. He asked if the purchase of the truck will still be possible this year.

Mayor Shamey said during previous discussions a consensus was reached that there was clearly a need in East Whitehouse, as well as a pumper for Three Bridges.

Mr. Auriemma said he met with the fire companies and there was an agreement last year, before he became the Committee liaison, that two (2) trucks would be bonded for – one (1) for East Whitehouse and one (1) for Three Bridges. After that, Mr. Auriemma said he agreed to meet with all of the Chiefs to draft a 10 – 15 year plan for fire equipment.

Ms. Ingelore Krug asked what the function of the Board of Health is.

Mrs. Muir said the Board of Health is an autonomous body. Other than the Township Committee, the Board of Health is the only body that can adopt ordinances. They review septic system designs with regard to soils testing, water concerns, and other matters in conjunction with the Hunterdon County Health Department.

Mr. Michael Feldman said he attended the Public Information meeting on Tuesday night and it was very informative, however he has several questions. Mr. Feldman asked what is the reason for the election tomorrow.

Mayor Shamey said there is the 1997 Solberg Hunterdon Airport Master Plan and it is accompanied by an airport layout plan. This was conditionally approved by the NJDOT and the FAA in 1997, subject to an Environmental Assessment. Mayor Shamey said Solberg Airport is a reliever status airport and, as such, is eligible for money from the FAA. They would have to update certain areas of the Master Plan.

Mayor Shamey said the Township was told during negotiations that they wanted at least a 5,000

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foot runway and a 3,700 paved cross-winds runway. They were also looking to build 500,000 square feet of hangar space. Public pronouncements by the Solbergs have always been inconsistent with the positions they took at the negotiating table. The purpose of the bond ordinance is to raise \$22,000,000 to hopefully reach an agreement whereby 625 acres of open space surrounding the airport would be preserved and purchase the development rights.

COMMENTS FROM THE GOVERNING BODY:

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

ADJOURNMENT

As there was no further business, a motion was made by Mrs. Muir at 8:40 p.m., seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC
Administrator\Municipal Clerk