

**READINGTON TOWNSHIP COMMITTEE  
MEETING – May 18, 2009**

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

**PRESENT:** Mayor J. Allen, Mr. F. Gatti, Mr. G. Shamey

**ALSO PRESENT:** Administrator Mekovetz, Attorney S. Dragan

**ABSENT:** Mrs. B. Muir, Mr. T. Auriemma

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis Of Public Exclusion</u></b>	<b><u>Date Anticipate When Disclosed to Public</u></b>
Contract Negotiations.....	Police PBA.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Contract Negotiations.....	Princeton Hydro.....	“ “ “
Contract Negotiations.....	New Jersey Barn Company.....	“ “ “
Contract Negotiations.....	Award of Brush Chipper Bid.....	“ “ “
Contract Negotiations.....	Block 93, Lot 1 (Amawalk).....	“ “ “
Contract Negotiations.....	Block 22, Lot 6 (Jensen).....	“ “ “
Contract Negotiations.....	Block 94, Lot 6.02, 8 and 11..... (Readington Properties, LLC)	“ “ “
Contract Negotiations.....	Block 94, Lots 15.01, 17 and 19..... (Toll NJ, VI, LLP)	“ “ “
Attorney-Client Privilege.....	Executive Session Minutes..... (May 4, 2009)	“ “ “

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

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

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

The meeting reconvened 7:39 p.m.

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

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

***Contract Negotiations/Police PBA***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Princeton Hydro***

The following resolution was offered for consideration:

***#R-2009-56***

***TOWNSHIP OF READINGTON RESOLUTION***

**WHEREAS**, Readington Township has contracted with Princeton Hydro to provide advice and general environmental services for the Township of Readington as a professional service for several years; and

**WHEREAS**, an Environmental Resource Inventory (ERI)/ Natural Resource Inventory (NRI) was prepared in 2002 for Readington Township with the assistance of Princeton Hydro; and

**WHEREAS**, Princeton Hydro has advised the Township that NJDEP GIS datalayers have been updated since 2002; and

**WHEREAS**, Princeton Hydro has created an outline listing additional mapping that could be updated for the Readington Township ERI/NRI; and

**WHEREAS**, Princeton Hydro proposes to update all the mapping, including critical habitats for a total cost of \$3,500.

**NOW, THERE, BE IT RESOLVED**, that the Township Committee of the Township of Readington approves an agreement with Princeton Hydro to update the ERI/NRI for a total cost not to exceed \$3,500; and

**BE IT FURTHER RESOLVED**, that the Township Committee is committed to updating the ERI/NRI as needed in the future based on the availability of funds for this purpose.

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

Mr. Gatti - Aye  
Mr. Shamey - Aye  
Mayor Allen - Aye

**Contract Negotiations/New Jersey Barn Company**  
The following resolution was offered for consideration:

**#R-2009-58**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, Readington Township entered into a Professional Services Agreement with New Jersey Barn Company in 2006 (Resolution #2006-18); and

**WHEREAS**, the purpose for the agreement was to acquire a unique and historically significant structure in the Township known as the “Reno Barn” from the Seller who, as part of the contract, also agreed to dismantle the barn at its then location at 109 Cole Road in the Township, and reconstruct the barn frame at another location owned by the Township, specifically the former P. Lomar property at 397 Route 22 East, Whitehouse Station, NJ 08889 (Block 21, Lot 30), and

**WHEREAS**, the project required a specialized knowledge and expertise in the area of historic barn restoration, and

**WHEREAS**, the agreement reflected a total cost of \$74,000 to complete this project; and

**WHEREAS**, the payment schedule for this project was broken down into three phases as follows: 40% upon execution of the contract - \$29,600.00, 30% upon delivery of the frame - \$22,200, and 30% upon completion of the erection of the frame - \$22,200; and

**WHEREAS**, Phases I and II have been completed and payment has been made by the Township to New Jersey Barn according to the contract; and

**WHEREAS**, New Jersey Barn has requested in a letter dated May 12, 2009 addressed to Vita Mekovetz, Administrator/Municipal Clerk, that the Township Committee consider an addendum to the contract that would allow for a cost of living increase of 5% per year of the outstanding balance of \$22,200 for Phase III due to the length of time since Phase II has been completed, and

**WHEREAS**, New Jersey Barn has estimated the proposed increase to be \$3,300 to cover its costs.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Readington has considered this request to be reasonable.

**BE IT FURTHER RESOLVED** that the Township Committee approves an addendum to the contract executed in 2006 to add the amount of \$3,300 to the final payment for Phase III of this project bringing the total amount to be paid for Phase III of the project to \$25,500 and a total cost for all phases of this project to \$77,300.

**BE IT FURTHER RESOLVED** that this amended agreement is entered into pursuant to N.J.S.A. 40A:11-5(1) (a) and/or (ii), and any other applicable law.

A **MOTION** was by Mr. Gatti to adopt this resolution, seconded by Mr. Shamey and on Roll Call vote the following:

Mr. Gatti                   - Aye  
Mr. Shamey               - Aye  
Mayor Allen               - Aye

**Contract Negotiations/Award of Brush Chipper Bid**

Mayor Allen stated this matter was not discussed in Executive Session.

***Contract Negotiations/Block 93, Lot 1 (Amawalk)***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Block 22, Lot 6 (Jensen)***

A ***MOTION*** was made by Mr. Shamey to approve the amended contract, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Gatti                   - Aye  
Mr. Shamey               - Aye  
Mayor Allen              - Aye

***Contract Negotiations/Block 94, Lots 6.02, 8 and 11 (Readington Properties, LLC)***

A ***MOTION*** was made by Mr. Shamey to approve the contract to purchase this property, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Gatti                   - Aye  
Mr. Shamey               - Aye  
Mayor Allen              - Aye

***Contract Negotiations/Block 94, Lots 15.01, 17 and 19 (Toll NJ, VI, LLP)***

A ***MOTION*** was made by Mr. Shamey to approve the contract to purchase this property, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Gatti                   - Aye  
Mr. Shamey               - Aye  
Mayor Allen              - Aye

***Attorney-Client Privilege/Executive Session Minutes (May 4, 2009)***

A ***MOTION*** was made by Mr. Shamey to approve the Executive Session Minutes of May 4, 2009 for content only, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

Mayor Allen stated this matter remains in Executive Session.

***CONSENT AGENDA:***

Mayor Allen read the following statement:

All items listed with an asterisk “p” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- p1.       **APPROVAL OF MINUTES** of meeting of May 4 and May 11, 2009
- p2.       ***Resolution Supporting State Funding of the Black River & Western Railroad Upgrade and Improvements***

The following resolution was offered for consideration:

***#R-2009-57***

***READINGTON TOWNSHIP  
RESOLUTION***

**Resolution #R-2009-57 cont'd:**

**SUPPORTING STATE FUNDING OF THE  
BLACK RIVER & WESTERN RAILROAD**

**WHEREAS** the **BELVIDERE & DELAWARE RIVER RAILWAY COMPANY INC.**, operating on the line of the **BLACK RIVER & WESTERN RAILROAD** has applied for, and been awarded grant monies under the State of New Jersey Rail Freight Assistance Program (NJAC 16:53C, 1.1) to rebuild approximately 1,500 feet of its main track at Three Bridges Track Improvement and approximately 208 feet at Raritan River Bridge Upgrade.

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

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

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

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

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

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

**NOW THEREFORE** let it be resolved that Readington Township shall support this track improvement project.

ρ3. **Tax Lien Redemption** – Block 21.06/Lot 301.06

The following resolution was offered for consideration:

**RESOLUTION**

**READINGTON TOWNSHIP, HUNTERDON COUNTY**

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 21.06, Lot 301.06 known as Tax Sale Certificate #565 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 \$919.41 to the lien holder, Tad Dabrowski.

ρ4. **Tax Refunds (2009)**

The following resolution was offered for consideration:

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

**WHEREAS**, the Tax Collector has recommended the following 2009 refunds:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
70/44.13	Wells Fargo Real	duplicate payt	\$2,560.00
87/10	Calhoun, Jeffrey & Nancy	tax exempt	\$1,711.66

***NOW, THEREFORE, BE IT RESOLVED BY*** the Township Committee that the Township Treasurer be authorized to refund the amounts recommended.

ρ5. ***Tax Lien Redemption*** – Block 95, Lot 12.312

The following resolution was offered for consideration:

***RESOLUTION  
 READINGTON TOWNSHIP, HUNTERDON COUNTY***

***WHEREAS***, that an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.314 known as Tax Sale Certificate #559 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 \$1,134.16 plus a premium paid in the amount of \$1,000.00 to the lien holder, Tad Dabrowski.

ρ6. ***Tax Exemption*** – Block 72, Lot 5

The following resolution was offered for consideration:

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

***RESOLUTION***

***WHEREAS***, it has been determined that the property owner of Block 72, Lot 5 is a permanently disabled vet and therefore is tax exempt; date of determination, November 1, 2008 and

***WHEREAS***, the property owner has resided in Readington Township since 1945.

***NOW THEREFORE, BE IT RESOLVED***, by the Township Committee that the Tax collector be authorized to refund prorates taxes paid in 2008 in the amount of \$1,968.75 and 2009 taxes paid in the amount of \$2,943.17 plus cancel the 2009 taxes.

ρ5. ***Payment of Bills***

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	9-01	\$ 384,615.33
SEWER APPROPRIATIONS	9-02	\$ 37,455.04
TRUST FUNDS	X-03	\$ 9,681.61
2004 CAPITAL APPROP.	X-04	\$ 4,586.36
MISC REFUND, COUNTY TAX, LIENS	X-05	\$3,208,628.65
PAYROLL DEDUCTIONS	X-06	\$ 146,868.01
DUE TO STATE OF NJ	X-09	\$ 1,192.68
2006 CAPITAL	X-66	\$ 2,734.95
<b>TOTAL OF ALL FUNDS</b>		<b>\$3,795,792.63</b>

A **MOTION** was made by Mr. Shamey to approve the Consent Agenda, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Gatti	-Aye
Mr. Shamey	-Aye
Mayor Allen	-Aye

**PUBLIC HEARING**

1. **Mitnick (Pirantello) to Fiddler’s Elbow (Lamington Hospitality) Liquor License** – Person to Person/Place to Place

A **MOTION** was made by Mr. Shamey to adjourn the regular Meeting to hold a Public Hearing, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Anthony Koester, Esq., representing Lamington Hospitality, and David McGee, General Manager of Fiddler’s Elbow appeared before the Committee to give a presentation on the request for an application of a person to person/place to place liquor license transfer.

Administrator Mekovetz swore in David McGee.

Mr. Koester stated that his client currently holds a Club Liquor License for the Fiddler’s Elbow Clubhouse which is located in Bedminster Township but is seeking a Plenary Retail License for the ranch style house on the golf course located in Readington Township. Mr. Koester stated that the property was granted a conditional use as a golf course facility and stated that the ranch house, to be used as a snack bar, would fall under ancillary facilities.

Attorney Dragan stated that Readington Township had adopted an ordinance which only allows liquor licenses to be held within 500 hundred feet of a major highway corridor or along business or commercial zones and this application would be in violation of that ordinance. Attorney Dragan stated there was a ruling with a provision for a special golf facility permit which would be an alternative to allow the sale of alcoholic beverages on the golf course.

Mr. McGee stated that the intent would be to provide cart service to the golf course members and they were looking to license the entire property. Mr. McGee stated currently they are serving food to the members from an outside grill.

Mayor Allen stated that a condition of the variance was that “membership clubs for open air recreation as accessory building have no nuisance factor” and she was not certain that serving alcohol would not create a nuisance factor.

Mr. Shamey stated that the purpose of the alcoholic beverage control ordinance adopted by the Township was to keep the liquor license in the town to revitalize certain areas of Readington Township. He stated that this license really did not serve any purpose to the residents of the Township. Mr. Shamey stated that before use changes or interpretations were made by the Board of Adjustment, the major issue is that this license would violate the previously adopted ordinance.

Mayor Allen stated that the Committee had worked very hard on this ordinance and felt comfortable with the way the ordinance was written; and since there was no variance procedure from it, she was not inclined to change the ordinance; however offered the alternative that Attorney Dragan had mentioned previously, which was to obtain a special Golf Liquor License permit.

Mr. Koester asked the Committee to consider his request on behalf on his client, and to look past the ordinance, whether it be a suspension of the application of that ordinance or a special application in this case.

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

There were none.

Mayor Allen asked if there were any further comments from the governing body.

There were none.

**A MOTION** was made by Mr. Shamey to close the Public Hearing and open the regular meeting, seconded by Mr. Gatti with a vote of a yeas all, nays none recorded.

**A MOTION** was made by Mr. Shamey to deny the application, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Gatti	-Aye
Mr. Shamey	-Aye
Mayor Allen	-Aye

Attorney Dragan stated a written resolution of denial will be prepared for the next meeting.

#### ***CORRESPONDENCE/OTHER INFORMATION***

1. Memorandum dated April 28, 2009 from Sharon L. Brienza, Municipal Clerk, Township of Branchburg regarding ***Adoption on “An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Deleting Paragraph A3 in Subsection 13-19.4 Entitled “Residential Development Fees”***. No action taken.
2. Memorandum dated April 29, 2009 from Lupe Fowler, Transportation Coordinator of the Department of Human Services, County of Hunterdon regarding ***Hunterdon County Notice of Public Hearing/Casino Revenue Funding***. No action taken.
3. Letter dated April 29, 2009 from Yacoub E. Yacoub, Bureau Chief of Northern Bureau of Field Operations, Department of Environmental Protection, regarding ***No Further Action Letter and Covenant Not to Sue, Block 98, Lot 2.2, Readington Township***. No action taken.
4. Letter dated April 29, 2009 from Yacoub E. Yacoub, Bureau Chief of Northern Bureau of Field Operations, Department of Environmental Protection, regarding ***No Further Action Letter and Covenant Not to Sue, Block 13, Lot 7, Whitehouse Station***. No action taken.
5. Letter from Lou Cattuna, Northern Delaware Regional Supervisor, Department of Environmental Protection regarding ***Freshwater Wetlands Letter of Interpretation/Line Verification, Block 31, Lot 37, Readington Township***. No action taken.
6. Letter from Lloyd H. Tubman, Esq. for Archer & Greiner, P.C. regarding ***Public Hearing on the Application of the Clyde H. Allison Disclaimer Trust for Preliminary and Final Major Subdivision of Property located at 8 Craig Road, Readington Township***. No action taken.

7. Letter dated May 11, 2009 from Raymond A. Tripodi, P.E., Manager, Corporate Licenses and Permits, Environmental Health and Safety regarding ***Public Service Electric and Gas Company Overhead Electric Transmission Rights-of-Way Maintenance Application for Re-issuance of Statewide General Permit #1.*** (Entire File Available in Clerk’s Office for Review)

Mayor Allen suggested that the Township Committee, with the assistance of the Township Engineer and the Environmental Commission, send a letter to the DEP regarding some of the destruction being done to wetlands and stream corridors using this general permit.

### ***OLD BUSINESS***

1. ***Historic Registry/Ryland Inn***

Mr. Gatti stated this matter should be deferred until the next meeting.

### ***NEW BUSINESS***

1. ***Historic Preservation Commission*** – recommendation for vacancies

***A MOTION*** was made by Mr. Gatti to appoint Terri Illes as a “C” class member and Anne Hercek as the alternate position of the Historic Preservation Commission, seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

- ρ2. ***Resolution Supporting State Funding of the Black River & Western Railroad Upgrade and Improvements***

This item was addressed under Consent Agenda.

### ***ADMINISTRATOR’S REPORT***

Administrator Mekovetz reported that she did apply for the New Jersey Sustainable Grant and part of the process is to do a resolution recommending members for the Green Team to attain points for certification. Mayor Allen made a recommendation to appoint Jay Kelly, Stephen Foster, Kim Yousey, Chip Shepherd, Clay McEldowney and Administrator Mekovetz or Darlene Mitchell as members of the Green Team. Administrator Mekovetz stated that although she had a sample resolution, she first wanted to check to see if she could remove the language of “budgeting money.”

### ***ATTORNEY’S REPORT***

Attorney Dragan stated that she had a question as to what was considered an “agricultural product” under the Farmer’s Market ordinance which was passed at the prior meeting and questioned whether it should be more specific. Mayor Allen stated the Famer’s Market is contingent upon receiving a permit and if something does need to be addressed it will be done through the permit.

### ***COMMITTEE REPORTS***

#### **Mayor Allen**

Mayor Allen reported the Open Space Walk took place along the Stickney Round Mountain Trail on Sunday. Mayor Allen also reported John Klotz is attending the Park Recreation and Leisure Activity Programs and coordinating with the Open Space and Readington Trail Association trail development. Mayor Allen stated the Eagle Scouts did a nice job to develop a trail head on Roosevelt Road for the Lachemayer Trail.

Mayor Allen stated that there is a park and ride proposed in Clinton Township and that Clinton Township is concerned because of the amount of impervious coverage in the Rockaway Watershed. Mayor Allen requested the Committee to pass a resolution to mirror this concern.

*A MOTION* was made by Mr. Shamey to draft this resolution, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

**Frank Gatti**

Mr. Gatti stated he had nothing to report.

**Gerard Shamey**

Mr. Shamey requested Administrator Mekovetz to follow up with a letter to John Glynn on the request to reduce the speed limit and the crosswalks on Main Street. Administrator Mekovetz stated that she is working on this letter with Engineer McEldowney.

***COMMENTS FROM THE PUBLIC***

There were none.

***COMMENTS FROM THE GOVERNING BODY***

There were none.

As there was no further business, *A MOTION* was made by Mr. Shamey at 8:51 p.m. to adjourn the meeting, seconded by Mr. Gatti with a vote of all ayes, nays none recorded.

Respectfully Submitted:

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