

**READINGTON TOWNSHIP COMMITTEE
 MEETING - AUGUST 1, 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

<u>Subject Matter</u>	<u>Basis of Public Exclusion</u>	<i>Date Anticipated When Discussion Will</i>	<i>Be Disclosed to Public</i>
Library.....	Personnel.....		Certain information at the discretion of the Township Committee tonight... other information will remain confidential
PBA Local 317.....	Contract Negotiations.....	"	" "
Awarding of Ambulance Bid.....	Contract Negotiations.....	"	" "
Block 98, Lot 2 (Padovani).....	Contract Negotiations.....	"	" "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	"	" "
Block 63, Lots 11, 12 & 13 (Accetola).....	Contract Negotiations.....	"	" "
Block 39, Lot 14 (Cuchiaro).....	Contract Negotiations.....	"	" "
Block 70, Lot 38.02 (Kean).....	Contract Negotiations.....	"	" "
Block 74, Lot 7 (Readington Twp.).....	Contract Negotiations.....	"	" "
Block 80, Lots 1 & 2 (Readington Twp.).....	Contract Negotiations.....	"	" "
Auction - Block 15, Lot 24/3474 Route 22...	Contract Negotiations.....	"	" "
Old York Road Section V - Mitigation.....	Contract Negotiations.....	"	" "
Disposition of MacArthur/Ditmar House.....	Contract Negotiations.....	"	" "
Czyzewski (109 Dove Cote Court).....	Litigation.....	"	" "
Executive Session Minutes - July 18, 2005.....	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.

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 - Library

A MOTION was made by Mr. Auriemma to hire JoAnne LaForgia as a Library Assistant at the Readington Library at a rate of \$12.11 per hour, for a maximum of 10 hours per week. 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

A MOTION was made by Mr. Auriemma to approve Karen Konn's request to exceed two (2) weeks consecutive vacation from October 8th to October 26th. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Contract Negotiations - PBA Local 317

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

Contract Negotiations - Awarding of Ambulance Bid

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-100**

WHEREAS, the Township Committee of the Township of Readington ("Committee") publicly advertised for bids for a new ambulance for use by the Whitehouse First Aid and Rescue Squad; and

WHEREAS, on July 12, 2005, the Township Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders responding to the bid specifications was one (1); and

WHEREAS, upon review of the bids, the Township Administrator/Municipal Clerk and Township Attorney determined that the bid does not meet the Township's requirements as stated in the specifications; and

WHEREAS, from the documents submitted by the bidder in support of the bid and the number of responses to the bid package, it appears that the technical specifications were not drafted in a manner to encourage free, open and competitive bidding as required by the Local Public Contracts Law, *N.J.S.A.* 40A:11-13, *et seq.*; and

WHEREAS, *N.J.S.A.* 40A:11-13.2 states that the contracting unit may reject all bids for among other reasons, "d" the contracting unit wants to substantially revise the specifications for the goods or service; and "e" the purposes or provisions or both of the "Local Public Contracts Law" are being violated; and

WHEREAS, the Township Attorney has recommended that the Township Committee reject

the sole bid received because: 1) according to the bidder's supporting documentation submitted with the bid, there appears to be a conflict of interest among the rescue squad membership and the bidder, which, from the response received to the bid, appears to have worked to discourage free, open and competitive bidding in violation of the Local Public Contracts Law; thus, the Township is compelled to revise the specifications and to readvertise for bids for the ambulance.

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 Township Committee hereby accepts the recommendation of the Township Attorney and rejects the sole bid received on July 12, 2005 for the above ambulance, for all the reasons set forth above, effective immediately.
2. The Township Administrator/Municipal Clerk is authorized to notify the bidder of this decision.
3. The Township Administrator/Municipal Clerk is authorized to rebid the Project, as well as revise the specifications, with the assistance of the Township Attorney and any other necessary Township personnel. The bid shall be readvertised so that all notification provisions of the Local Public Contracts Law are complied with.

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

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

Contract Negotiations - Block 98, Lot 2 (Padovani)

A MOTION was made by Mrs. Allen to approve the contract, as amended, for Block 98, Lot 2 (Padovani). 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 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters)

Mayor Gatti said there was no action on this matter.

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

A MOTION was made by Mrs. Allen to approve the contract, as amended, for Block 63, Lots 11, 12 & 13 (Accetola). 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 39, Lot 14 (Cuchiaro)

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

Contract Negotiations - Block 70, Lot 38.02 (Kean)

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

Contract Negotiations - Block 74, Lot 7 (Readington Twp.)

A ***MOTION*** was made by Mrs. Allen to approve the contract with the State of New Jersey for the purchase of the historic house on Block 74, Lot 7 for the price of \$1.00. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 80, Lots 1 & 2 (Readington Twp.)

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-106***

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:
 - X Max Spann Auction Co. as an Auction Specialist to effectuate the sale of real property located on Block 80, Lots 1 & 2 for a charge of a Buyers Premium of ten percent (10%) to be added to the sales price.
2. Said contract shall expire on August 9, 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. Allen to adopt this Resolution, seconded by Mr. Shamey and on Roll Call vote the following was recorded:

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

Contract Negotiations - Auction - Block 15, Lot 24 - 3474 Route 22

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-105***

WHEREAS, the Township of Readington ("Township"), pursuant to *N.J.S.A. 12-13, et seq.*, held an auction on July 27, 2005 to sell the property it owns known as Block 15, Lot 24 in the Township of Readington, County of Hunterdon and State of New Jersey, consisting of approximately 3.926± acres, and having a mailing address of 3474 Highway 22 West in the Township of Readington, having determined that such property is surplus property, not needed for public use; and

WHEREAS, as a result of the auction, the Township received the highest bid to purchase the property which bid was offered by Mahesh Singh and Kemlesh Patel (hereinafter "Singh and Patel" and/or "Bidder" "Buyer"), in the amount of \$585,000.00; and

WHEREAS, the purchase price in the contract reflects the amount of \$643,500.00 which includes a ten percent (10%) premium to be paid by the buyer to the auctioneer/broker Max Spann Auction Co. per the terms of the auction agreement made with the Township; and

WHEREAS, the Township notes that Schedule A included with the contract signed by Singh and Patel is the deed that the Township received from the prior owner ADDE Limited Partnership when it purchased the property on January 15, 2004, which deed also included a separate 1.678 acre lot known as Block 15, Lot 21; and

WHEREAS, the Township wishes to make clear that Block 15, Lot 21 was not advertised for sale as part of the auction, was not intended to be sold as part of the auction for Block 15, Lot 24 and therefore is not part of the property to be sold as part of the contract with Singh and Patel.

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

1. The Township Committee hereby approves of and awards the contract for the sale of Block 15, Lot 24 to the highest Bidder/Buyer Singh and Patel in the amount of \$585,000.00, together with the ten percent (10%) buyers premium to be added to the purchase price of \$585,000.00, which premium shall be paid by the buyer directly to the broker/auctioneer Max Spann, Inc. Approval and award of this contract is conditioned on the Bidder/Buyer's express understanding that this sale does not include the property known as Block 15, Lot 21. Should the Bidder/Buyer in any way believe that this sale includes Block 15, Lot 21, then this award shall be withdrawn and be void and of no effect.
2. The Mayor or Deputy Mayor is hereby authorized to sign the contract on behalf of the Township Committee based on the terms of this resolution and the Township Administrator/Clerk and Township Attorney, Mayor and/or Deputy Mayor, as the case may be, are authorized to prepare and sign any necessary documentation to effectuate the sale of Block 15, Lot 24 to Singh and Patel.
3. This Resolution is made pursuant to *N.J.S.A. 40A:12-13 and 13.1* and any other applicable law, and shall take effect immediately.

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 - Old York Road Section V - Mitigation

A MOTION was made by Mr. Shamey to approve the bid specifications for Old York Road Section V - Mitigation. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Contract Negotiations - Disposition of MacArthur - Ditmar House

A **MOTION** was made by Mrs. Muir that the Township has no objection to the MacArthur/ Ditmar house being dismantled and moved by Mr. Kevin Whitney and relocated to Higginsville Road and preserved at that location. This motion was seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

Litigation - Czyzewski (109 Dove Cote Court)

A **MOTION** was made by Mr. Shamey to authorize the Township to bid at the Sheriff's Sale on property located at 109 Dove Cote Court. 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

Attorney-Client Privilege - Executive Session Minutes (July 18, 2005)

Mayor Gatti said this item will be discussed when the Committee returns to Executive Session at the conclusion of the regular meeting.

Professional Services - Connell Foley, LLP

Mayor Gatti said this item will be discussed when the Committee returns to Executive Session at the conclusion of the regular meeting.

CONSENT AGENDA:

1. APPROVAL OF THE MINUTES of meeting of July 18, 2005.
2. ***Resolution making application to the Local Finance Board for waiver of down payment requirement.***

RESOLUTION OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND 40A:2-11(c).

R-2005-101

WHEREAS, the Township of Readington, in the County of Hunterdon, New Jersey, desires to make application to the Local Finance Board for its review and approval of a waiver of the down payment requirement in connection with a proposed ordinance authorizing the issuance of not to exceed \$22,000,000 to provide for the acquisition of land; and

WHEREAS, the Township Committee of the Township of Readington believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (b) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel and financial advisor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

3. ***Intercounty Paving Associates, Inc./Mountain Road Project*** - Payment #2/\$104,028.11.
4. ***Applications for Raffles License*** - American Red Cross.
5. ***Lien Redemption*** - resolutions.

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

WHEREAS, the an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 48, Lot 38; 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 \$6,177.87 known as Tax Sale Certificate #507, plus a premium paid in the amount of \$19,100.00 to the lien holder, American Tax Funding.

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

WHEREAS, the an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.270; 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 \$5,132.01 known as Tax Sale Certificate #513, plus a premium paid in the amount of \$7,600.00 to the lien holder, Anthony Malinowski.

6. ***Payment of the Bills.***

Fund Description	Fund No.	Received Total
CURRENT FUND APPROPRIATION	001	\$ 968,069.25
SEWER APPROPRIATION	002	\$ 96,568.02
TRUST APPROPRIATION	003	\$ 25,627.15
CAPITAL APPROPRIATIONS	004	\$ 186,950.74
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 3,175,309.66
PAYROLL DEDUCTIONS	006	\$ 173,587.35
REGIONAL & LOCAL SCHOOL TAX	007	\$ 2,261,257.62
 TOTAL OF ALL FUNDS:		 \$ 6,887,369.79

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

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

A MOTION was made by Mr. Shamey to withdraw the motion he made at the July 18, 2005 meeting approving the minutes of the July 5, 2005 meeting, which he did not attend.

A MOTION was made by Mrs. Muir to approve the minutes of the July 5, 2005 Committee meeting, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded. Mr. Shamey abstained from this vote as he did not attend the July 5, 2005 meeting.

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 Mrs. Allen with a vote of ayes all, nays none recorded.

Ordinance #23-2005

Clerk read by Title:

**TOWNSHIP OF READINGTON
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AN ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE
OF NEW JERSEY ESTABLISHING A RECREATION COMMITTEE**

Ordinance #23-2005

Mayor Gatti said this ordinance formally establishes a Recreation Committee in Readington Township.

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

Mrs. Allen said the Recreation Committee currently meets at the school. She suggested that the Committee meet at the Municipal Building so that members of the public know where the meetings are held and can attend if they wish.

Mr. Auriemma said he will bring up this suggestion at the next meeting.

Mayor Gatti asked if there were any comments or questions from the public. There were none.

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

Clerk read by Title:

**TOWNSHIP OF READINGTON
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AN ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE
OF NEW JERSEY ESTABLISHING A RECREATION COMMITTEE**

Ordinance #23-2005

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

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

CORRESPONDENCE/OTHER INFORMATION:

1. Letter from Joe P. Serrani *requesting permission to use the abandoned hay field in back of his property.*

Mrs. Allen said that the Township owns Block 63, Lot 49.01 which consists of 7.021 acres on Round Mountain. The Township was alerted by Mr. Robert Barns that there was a piece of heavy equipment on the property clearing the open space.

Mrs. Allen said she met with Mr. Barns and visited the site. Township Zoning Officer John Barczyk spoke with Mr. Joe Serrani who owns Lot 49 and Mr. Serrani verified that he was clearing the property in order to spread manure. Mr. Barczyk suggested that Mr. Serrani send a letter to the Township Committee.

Mrs. Allen said the neighboring property owners do not have the right to go on the open space and clear land. One of the purposes of saving the land is to protect natural vegetation.

Mrs. Allen said the Township does have an ordinance that prohibits motorized vehicles on Open Space. It is referenced on the brown "Open Space" sign. Mrs. Allen said that the DPW should make sure that these signs are posted on this property.

Mrs. Muir suggested that Attorney Dragan review the Township's ordinance to determine if it is strict enough.

A MOTION was made by Mrs. Allen to send Mr. Serrani a letter stating that he should cease all activity on this property and work with the Township on a restoration plan. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

2. Notice dated July 20, 2005 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities *requesting that the Committee adopt a resolution in support of the renewal of the New Jersey Transportation Trust Fund and Increased Dedication for Local Aid*, noted for information. No action taken.
3. Resolution from the Town of Clinton *regarding "Goose and the Gander" requesting that legislation be enacted to impose limits on the Annual NJ State Budget to include spending limitations comparable to those required of Municipalities, Counties, Authorities and School Districts.*

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-103**

WHEREAS, N.J.S.A. 40A:4-45 *et seq.* declares that it is the policy of the legislature that spiraling costs of local government must be controlled to protect the homeowners of the State and enable them to maintain their homesteads; and

WHEREAS, N.J.S.A. 40A:4-45.2 prohibits Counties and Municipalities from increasing their final appropriations by more than 2.5% or the cost-of-living adjustment, whichever is less, over the previous year's appropriations, which is referred to as the "CAP Law;" and

WHEREAS, N.J.S.A. 40A:4-45.2 sets forth the items of appropriation that must be included in the "CAP" which include amounts of revenue generated by an increase in assessments, amounts approved by referendum, expenditures for the assumption of any service or function of a local public utility; and

WHEREAS, local elected officials are extremely aware of the burden imposed upon their taxpayers and exercise appropriate fiscal and community responsibility in the adoption of their respective budgets; and

WHEREAS, the State of New Jersey government does not have the same or similar law limiting how its budget increases from year-to-year, nor does the State have a "CAP Law" to limit its appropriations; and

WHEREAS, without limitations on the amount the Government of the State of New Jersey may increase its budget, taxpayers are vulnerable to rising tax burdens every year; and

WHEREAS, in the spirit of tax relief, the State of New Jersey should voluntarily subject itself to the same financial controls that it has imposed on Municipalities, Counties, Authorities and School Districts.

NOW, THEREFORE, BE IT RESOLVED, that Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, requests that legislation be enacted to impose limits on the Annual New Jersey State Budget to include spending limitations comparable to those required of Municipalities, Counties, Authorities and School Districts; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Acting Governor Cody, the representatives of the 23rd Legislative District, the Board of Chosen Freeholders and all Hunterdon County Municipalities.

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

4. Notice from Jeffrey B. Lehrer, Esq., regarding **hearing before the Branchburg Twp. Planning Board - Bridgewater Wholesalers, Inc., Block 17, Lots 16 & 17**, noted for information. No action taken.
5. Notice from Ernest A. Renda, Esq., regarding **hearing before the Readington Twp. Planning Board - LFP Holdings, LLC, Block 77, Lot 28**, noted for information. No action taken.
6. Notices from Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas Company, regarding **petition to revise its Basic Gas Supply Service, Seasonal Delivery Service, Commodity Charge, General Delivery Service and Multi Family Service**, noted for information. No action taken.
7. Letter dated July 5, 2005 from Lou Cattuna, Section Chief, Bureau of Inland Regulation, NJDEP regarding **NJDEP Freshwater Wetlands Letter of Interpretation/Line Verification - Rocco Paternostro, Block 36, Lot 7**, noted for information. No action taken.
8. Letter dated July 18, 2005 from James R. Frace, regarding **request for a Letter of Interpretation - Genesis Home Builders, LLC, Block 44, Lot 47 (Readington Twp.) & Block 18, Lot 3 (Clinton Twp.)**, noted for information. No action taken.
9. Notice dated July 11, 2005 regarding **Stream Encroachment Application & Statewide Freshwater Wetlands General Permit - Township of Readington, Mill Road Project**, noted for information. No action taken.
10. Notice dated July 20, 2005 from John Peel, PP, PK Environmental Planning & Engineering, regarding **Application for Letter of Interpretation - Line Verification - William Luberto, Block 60, Lot 12** (entire file available for review in the Clerk's Office).

OLD BUSINESS:

1. **Commerce Bank Appeal.**

Attorney Dragan stepped down at this time.

Mayor Gatti said after Commerce Bank received approval from the Board of Adjustment a resident filed an appeal regarding the denial of the lefthand turn onto Old Highway 28 from the bank parking lot.

Administrator Mekovetz said when the appeal came before the Committee originally Attorney Dragan had to recuse herself. The Committee sought the service of another attorney who was provided with the information regarding the appeal.

After reviewing the information, the attorney's stated that the Committee had the right to dismiss the appeal because the person who filed the appeal did not follow the proper procedure - they did not provide transcripts to the Committee.

Administrator Mekovetz said the Committee can dismiss the appeal, move forward with the appeal or retain another attorney.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-102**

WHEREAS, the Readington Township Board of Adjustment granted approval to Commerce Bank to construct a bank on Block 19.01, Lot 8 at their September 16, 2004 meeting; and

WHEREAS, an appeal was filed by Frank O. Seals on September 22, 2004 regarding the Board of Adjustment's decision to prohibit a left hand turn onto Old Highway Route 28 from the proposed parking lot; and

WHEREAS, the appellant, did not follow the appropriate procedures for prosecuting his appeal which include providing the Township Committee with transcripts of the Board of Adjustment meetings regarding Commerce Bank's application.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, hereby dismisses the appeal filed by Frank O. Seals on September 16, 2004 regarding Commerce Bank, Block 19.01, Lot 8 for lack of prosecution.

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	-	Nay

NEW BUSINESS:

1. **CVS 6760, LLC/Block 95, Lots 16 & 17.01** - acceptance of Performance Bond.

A MOTION was made by Mr. Shamey to approve Performance Bond #6319286 in the amount of \$18,144.00 and Check #40958 in the amount of \$2,419.00 for CVS 6760, LLC/Block 95, Lots 16 & 17.01, contingent on verification that the bonding company (SafeCo Insurance Company of America) 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

2. **Resolution making application to the Local Finance Board for waiver of down payment requirement.**

This item was addressed under the Consent Agenda.

3. ***Intercounty Paving Associates, Inc./Mountain Road Project - Payment #2.***

This item was addressed under the Consent Agenda.

4. ***Applications for Raffles License - American Red Cross.***

This item was addressed under the Consent Agenda.

K. ADMINISTRATOR'S REPORT:

Written report submitted.

Administrator Mekovetz said she received a voucher from the Green Acres program. The funds for the Township's Planning Incentive Grant VII have been appropriated.

Administrator Mekovetz said the Township will be receiving a check in the amount of \$38,162 for the balance of the Lipka property.

Administrator Mekovetz said a voucher was also received for the Fallone property.

Administrator Mekovetz referred to the auction that was held. She said the auctioneer's fee is paid by the successful bidder.

Administrator Mekovetz said she and Attorney Dragan are working on the rebidding of the liquor license. She said it should be advertised the first week in September.

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

L. ATTORNEY'S REPORT:

Written report submitted.

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

M. ENGINEER'S REPORT:

Written report submitted.

Engineer McEldowney said Mountain Road has been paved.

Engineer McEldowney said the work on Mill Road will be starting soon.

Engineer McEldowney said the signed contract was received from Intercounty Paving for the 2005 Road Reclamation projects.

Engineer McEldowney said the Senior Walkway has been advertised and bids will be opened at the end of the month.

Engineer McEldowney said there was a resolution under correspondence supporting renewal of the Transportation Trust Fund. He asked that the Committee consider adopting a similar resolution.

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-104***

WHEREAS, on June 30, 2006 the New Jersey Transportation Trust Fund will have no capital funding available to provide local aid for transportation projects because all incoming revenue will be used for debt service payments; and

WHEREAS, local governments have received approximately \$2.0 billion from the Transportation Trust Fund and approximately \$300 million in bridge bond funds; and \$275 million in federal local road funds; and

WHEREAS, local roadways and bridges carry 55% of the traffic on county, municipal and state highways; and local governments maintain 32,810 centerline miles of roads, 2,498 major bridges and 4,584 minor bridges; and

WHEREAS, a review of annual local transportation needs indicates \$211 million for county bridges, \$7.5 million for municipal bridges, \$44 million for county roadways and \$112 million for municipal roadways for a total of \$374.5 million; and

WHEREAS, it is imperative that local governments receive a stable, dependable and long-term source of funding to actively maintain the State's roadways and bridges; and

WHEREAS, it is in the best interest of local governments to work in collaboration with the Governor of the State of New Jersey, the Commissioner of the New Jersey Department of Transportation and the New Jersey State Legislature to quantify the State's transportation needs and pursue the appropriate methods of funding:

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, hereby calls upon the Governor and the State Legislature to provide for a stable, dependable and long-term source of funding to support the renewal of the New Jersey Transportation Trust Fund and an increase in the amount dedicated to local aid; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of the State of New Jersey, the Commissioner of the Department of Transportation and members of the State Legislature and the New Jersey League of Municipalities.

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

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

N. COMMITTEE REPORTS:

1. Frank Gatti:

a. Finance Department

1. Lien Redemption - resolutions.

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:

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.

Administrator Mekovetz said she was contacted by a resident who received a telephone call from an unidentified polling agency.

Mayor Gatti said he received similar communications. He said that the Township Committee has not hired any polling company or telemarketer to gather information regarding Solberg Airport. None of the Committee members are involved personally or collectively and they want to assure residents that tax dollars have not and will not be used for this kind of activity.

Mayor Gatti said the Committee is not aware of the source of the funding for this poll however they are looking into it. Residents are in no way required to respond to these questions and the Committee wants to reassure residents of their commitment to fair negotiations with the Solberg family, since the State Department of Aviation has informed the Township that the members of the Solberg family have been contacted in the last three (3) months requesting that contract negotiations be reopened.

Mayor Gatti said the bond issue provides for the opportunity for a positive outcome for both the Township, the residents and the Solberg family. The Solberg's would receive \$22 million in cash possibly. Taxes will not be impacted since a variety of State funding sources will be used in the funding of the acquisition, and reimbursement is assured.

Mrs. Allen suggested that a letter be sent from the Committee or the Mayor to the residents regarding this matter. All agreed that this letter should be sent out as soon as possible and that it should also be posted on the Township's website.

COMMENTS FROM THE PUBLIC:

Mayor Gatti asked for comments from the public.

Ms. Inga Krug asked if the recreation field on Roosevelt Road is designated for a specific sport.

Mr. Shamey said it is Township-owned and is used as practice fields for Readington Junior Baseball.

Ms. Krug said she saw ATV's on the property today.

Mrs. Allen suggested that the DPW be contacted to assure that this property is posted.

Mrs. Muir said that the police can also be contacted to report this activity.

Ms. Marygrace Flynn referred to Item #1 under Correspondence, "Letter from Joe P. Serrani requesting permission to use the abandoned hay field in back of his property." Ms. Flynn said she is a member of the Planning Board and Board of Adjustment and they have worked very hard to make sure that open space is preserved. She said the Committee needs to put sanctions on anyone who encroaches upon open space. She said a precedent needs to be set that the police will be called because it is trespassing, that there will be a fine, and that some type of legal action will be taken.

Mr. Don Baldwin said he and his wife would like to thank Mayor Gatti for the time he spent with them last week. Mr. Baldwin referred to the bond ordinance that was introduced at the July 18th meeting. He said because the Committee has stated that there is no reference to eminent domain in the ordinance, and that the transaction will only be with willing buyers and willing sellers, perhaps the Committee could adopt a Resolution memorializing these comments so that the eminent domain statute will not be used in the future.

Mr. Baldwin suggested that this question be placed on a referendum for the November election.

Mayor Gatti said the Committee has not discussed eminent domain at all. He said the Committee's goal is to enter into fair negotiations with the Solberg family.

Mr. Shamey said at this early stage and in light of the Committee's desire to achieve a negotiated purchase, to speculate any further would only harm that process.

Mrs. Allen thanked Mr. Baldwin for his suggestions and said the Committee will take them under advisement.

Mr. Ted Beady, Chief, East Whitehouse Fire Company, asked if there was any additional information about the status of their grant application.

Mr. Shamey said they have not been eliminated. He is trying to get additional information.

Mr. Mike Wernecki, Chief, Three Bridges Fire Company, asked how capable the fire companies are of getting a grant for a new truck because the ratables in the Township are too high. He said the Township should start thinking about alternative plans. The equipment is getting older and, as a result, resident's insurance rates are starting to increase.

Chief Wernecki said he has attended many recent Committee meetings and has heard the Committee appropriate millions of dollars for farmland preservation, as well as other equipment. He said it is time to start thinking about the safety of the residents.

Mrs. Allen said for twelve years the Township had two (2) five year rotations where one (1) new vehicle was purchased for one (1) of the five (5) companies each year. Recently the Township went from a rotation to an "as-needed" basis.

Mr. Shamey said in a year in which the Township funds a vehicle, \$750,000 - \$800,000 is allocated for emergency services, which is a large amount on a \$13 million budget.

COMMENTS FROM THE GOVERNING BODY:

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

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>
Executive Session Minutes July 18, 2005.....	Attorney-Client Privilege.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential.
Professional Services.....	Contract Negotiations.....	" " "
Block 63, Lots 11, 12 & 13 (Accetola)....	Contract Negotiations.....	" " "

A MOTION was made at 9:20 p.m. by Mrs. Allen to adopt this Resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Mrs. Muir and Mr. Shamey left the meeting at this time.

The meeting reconvened at 9:40 p.m.

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

Attorney-Client Privilege - Executive Session Minutes (July 18, 2005)

A MOTION was made by Mrs. Allen to approve the Executive Session minutes of the meeting July 18, 2005 for content. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Professional Services - Connell Foley, LLP

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-107**

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:

Connell Foley, LLP. to represent the Township, under the direction of the Township Committee, in matters pertaining to the potential acquisition of Solberg Airport; and to perform all usual and customary legal services incident to such representation, and take ordinary measures required for the acquisition of this site, whether voluntary or otherwise at the following rates:
Partners - \$250 per hour; Associates - \$200 per hour. The contract shall retain all vendors or consultants necessary for such acquisition. The contractor shall pay all invoices and will be reimbursed for payments made upon submission of receipts.

2. Said contract shall expire on July 18, 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 Mr. Auriemma to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

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

A ***MOTION*** was made by Mrs. Allen to approve a contract with Curran Realty Advisors in the amount of \$2,295 to perform an appraisal on Block 63, Lots 11, 12 & 13 (Accetola). This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

ADJOURNMENT

As there was no further business, a motion was made by Mr. Auriemma to adjourn at 9:45 p.m., seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC
Municipal Clerk\Administrator