

**READINGTON TOWNSHIP COMMITTEE  
MEETING – August 3, 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. T. Auriemma, Mrs. B. Muir, Mr. F. Gatti,  
Mr. G. Shamey

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

**ABSENT:** 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 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>
Personnel.....	Municipal Court.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Personnel.....	Police.....	“ “ “
Contract Negotiations.....	Building and Grounds.....	“ “ “
Contract Negotiations.....	ECHO Unit (Block 90, Lot 1).....	“ “ “
Contract Negotiations.....	Block 22, Lot 3 (Fenton).....	“ “ “
Contract Negotiations.....	Block 3, Lot 3 .....	“ “ “
Litigation.....	Wilmark Building Contractors, Inc. v. Board of Adjustment, <i>et al.</i>	“ “
Attorney-Client Privilege.....	Executive Session Minutes..... (July 6, 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 Mrs. Muir to adopt this resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

The meeting reconvened 7:45 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:**

***Personnel/Municipal Court***

Mayor Allen stated this matter remains in Executive Session.

***Personnel/Police***

A **MOTION** was made by Mr. Shamey to promote Sgt. Joseph Greco, who successfully completed the minimum three years at the rank of Sergeant as of August 1, 2009, to rank of Sergeant 1st class as per the Sergeants contract, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

***Contract Negotiations/Building and Grounds***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/ECHO Unit/Block 90, Lot 1***

The following resolution was offered for consideration:

***#R-2009-91***

***TOWNSHIP OF READINGTON  
RESOLUTION***

**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

**Resolution # R-2009-91 cont'd:**

Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:

- Richards Building Contractors for the removal on an ECHO housing unit located at Block 90, Lot 1 (Randazzese) in the amount of \$13,500.00
2. Said contract shall expire on December 31, 2009
  3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
  4. This Resolution shall take effect immediately.

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

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

**Contract Negotiations/Block 22, Lot 3 (Fenton)**

Mayor Allen stated this matter remains in Executive Session.

**Contract Negotiations/Block 3, Lot 3**

Mayor Allen stated this matter remains in Executive Session.

**Litigation/Wilmark Building Contractors, Inc. v. Board of Adjustment, et al.**

Mayor Allen stated this matter remains in Executive Session.

**Attorney-Client Privilege/Executive Session Minutes (July 20, 2009)**

A **MOTION** was made by Mrs. Muir to approve the Executive Session Minutes of July 20, 2009 for content only, seconded by Mr. Auriemma with a vote of ayes all, Mr. Gatti and Mr. Shamey abstained since they were not present at that meeting.

**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 July 20, 2009

p2. **Appointment of CERT-OEM Volunteers**

The following volunteers were appointed as OEM Volunteers:

Kevin Anderson	Jeanne Lavelle
Suzanne Anderson	Adam Levinson
Brian Apgar	Jane Lundy
Alex Bahrami	Linda Mishinski
Gene Berliner	Eugene Ngai
Victoria Brito	William Pettenger
Frank Caporelli	Wendy Sheay
Christopher Casey	Cathleen Siessel
Janet Doerer	Robert Spielberger
Josephn Doerer	Marjorie Thul
Paul Grassie	Nick Thul
Lois Heikkila	Leslie Weiss
Ron Komar	

ρ3. *Corrective Action Plan to 2008 Audit*

The following resolution was offered for consideration:

**#R-2009-92**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Annual Audit Report for the year 2008 prepared by the firm of Suplee, Clooney & Co., CPA/RMA, contained aGeneral Comments@ and aRecommendations@ regarding the financial practices of the Township of Readington; and

**WHEREAS**, the Chief Financial Officer has prepared a Corrective Action Plan to address all the issues raised by the Auditor and submitted said plan for approval by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Corrective Action Plan prepared by the Chief Financial Officer with regard to the 2008 Audit is hereby approved and adopted.

ρ4. *Resolution of the Township of Readington Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of Debt Obligations in Connection with its Participation in the 2009 New Jersey Environmental Infrastructure Trust Financing Program*

The following resolution was offered for consideration:

**#R-2009-93**

**RESOLUTION OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

**WHEREAS**, the Township of Readington, in the County of Hunterdon, New Jersey (the “Borrower”) intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the “Project”);

**WHEREAS**, the Borrower intends to finance the Project with debt obligations of the Borrower (the “Project Debt Obligations”) but may pay for certain costs of the Project (the “Project Costs”) prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

**Resolution # R-2009-93 cont'd:**

**WHEREAS**, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), will be issued by the New Jersey Environmental Infrastructure Trust (the “Issuer”) to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer’s obligations (the “Project Bonds”); and

**WHEREAS**, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower as follows:

**Section 1.** The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

**Section 2.** This resolution is intended to be and hereby is a declaration of the Borrower’s official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

**Section 3.** The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$13,000,000.

**Section 4.** The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

**Section 5.** No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1).

**Section 6.** All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**Section 7.** This resolution shall take effect immediately.

**EXHIBIT A**

Acquisition of Block 48, a portion of Lot 23, Block 55, Lot 33, Block 56, Lot 1 and a portion of Lot 3, Block 56, Lots 6 and 8, Block 67, a portion of Lot 2. The purpose of the acquisition will help protect important segments of the Holland Brook and Chamber Brook watersheds.

ρ5. ***Resolution of Township of Readington Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-26(e) and N.J.S.A.. 58:11B-9(a)***

The following resolution was offered for consideration:

**#R-2009-94**

**RESOLUTION OF TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e) AND N.J.S.A. 58:11B-9(a)**

**WHEREAS**, the Township of Readington, in the County of Hunterdon, New Jersey (the “Township”) desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-26(e) and N.J.S.A. 58:11B-9(a) in connection with the financing of a land acquisition project through the 2009 New Jersey Environmental Infrastructure Trust Financing Program;

**WHEREAS**, the Township 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;
- (c) 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 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 auditor, 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 bond ordinance and this resolution 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.

ρ6. **Resolution to Cancel Tax Sale Premium over Five Years Old**

The following resolution was offered for consideration:

**#R-2009-95**

**TOWNSHIP OF READINGTON  
RESOLUTION TO CANCEL TAX SALE PREMIUM OVER FIVE YEARS OLD**

**WHEREAS**, N.J.S.A. 54-5-33 states that if the owner (lien holder) does not redeem the fee within five years from the date of tax sale, the premium payment shall be turned over to the municipality and become part of the funds of the municipality,

**WHEREAS**, the Township has \$1,000.00 (Block 91, Lot 2) in outdated tax sale premiums on it’s current fund balance sheet which may be canceled,

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Township of Readington hereby directs the Tax Collector and Chief Financial Officer to cancel said \$1,000.00 and transfer it to Current Fund Balance.

- ρ7. **Resolution for Certification of Availability of Funds**  
(Scott Wilhem, Alternate Public Defender)

The following resolution was offered for consideration:

**#R-2009-96**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds are available for the following professional contract for the year 2009: (provided for in the 2009 municipal budget unless otherwise noted)  
This Resolution replaces the following Resolution #R-2009-28 adopted during the Temporary Budget term.

<u>Vendor</u>	<u>Not to Exceed</u>	<u>Acct. No.</u>	<u>Fund</u>
Scott Wilhem, Alt. Public Defender (\$95/hour)	\$5,000.00	9-01-118-20	Trust Fund

Certified by Thomas J. Carro, CMFO  
June 4, 2009

- ρ8. **Resolution to Award Wood Brush Chipper**

The following resolution was offered for consideration:

**#R-2009-97**

**TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES**

**WHEREAS**, the Township of Readington wishes to purchase a wood chipper from an authorized vendor under the Somerset County Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, *N.J.S.A. 40A:11-12*; and

**WHEREAS**, R.J. Sherman & Associates, Inc. d/b/a Vermeer North Atlantic Sales & Service, 7 Maple Avenue, Lumberton, NJ 08048 has been awarded Somerset County Cooperative Contract No. #CC-94-08 for a 2008/2009 Vermeer BC1800XL Wood Chipper; and

**WHEREAS**, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$46,871.00

**WHEREAS**, the Chief Finance Officer has certified the availability of funds for this contract.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Vermeer North Atlantic Sales & Service be awarded a contract for a Wood Chipper; and

**BE IT FURTHER RESOLVED**, The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of this award; and

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

ρ9. Tax Lien Redemption – Block 91/Lot 2

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 91, Lot 2 known as Tax Sale Certificate #598 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 \$942.15 to the lien holder, Tad J. Dabrowski.

ρ10. Tax Lien Redemption – Block 70/Lot 19.20

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 70, Lot 19.20 known as Tax Sale Certificate #593 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 \$9,020.42 plus a premium paid in the amount of \$1,000.00 to the lien holder, US Bank-Cust/SASS Muni V dtr.

ρ11. Tax Lien Redemption – Block 91/Lot 2

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 91, Lot 2 known as Tax Sale Certificates #04-15 and #512 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 \$9,360.13 to the lien holder, Elliot Loeb-Keogh Plan.

ρ12. Tax Refund – Block 73/Lot 3.08

The following resolution was offered for consideration:

**RESOLUTION**

**READINGTON TOWNSHIP, HUNTERDON COUNTY**

**WHEREAS**, the Tax Collector has recommended the following refund:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
<u>2009</u>			
76/3.08	Trivedi, Shivang &	overpayment	\$ 59.97

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee that the Tax Collector is hereby authorized to refund the amounts recommended.

ρ13. Tax Lien Redemption – Block 93/Lot 38

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 93, Lot 38 known as Tax Sale Certificate #600 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 \$12,042.36 plus a premium paid in the amount of \$10,000.00 to the lien holder, US Bank-Cust/SASS Muni V dtr.

ρ14. **Payment of Bills**

<b>Fund Description</b>	<b>Fund No.</b>	<b>Received Total</b>
CURRENT FUND	9-01	\$ 657,945.46
SEWER APPROPRIATIONS	9-02	\$ 101,310.78
TRUST FUNDS	X-03	\$ 22,393.97
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 56,388.15
PAYROLL DEDUCTIONS	X-06	\$ 181,239.79
REGIONAL & SCHOOL TAX	X-07	\$2,461,193.00
DUE TO STATE OF NJ	X-09	\$ 4,953.87
2006 CAPITAL	X-66	\$ 19,661.00
2008 CAPITAL	X-88	\$ <u>35.00</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$3,505,121.02</b>

**A MOTION** was made by Mr. Auriemma to approve the Consent Agenda, seconded by Mrs. Muir. Mr. Gatti and Mr. Shamey abstained on the approval of the July 20<sup>th</sup> minutes since they were not present at that meeting and on Roll Call vote the following was recorded:

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

**PUBLIC HEARINGS**

As it was after 8:00 p.m., **A MOTION** was made by Mrs. Muir adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Clerk read by Title:

***Bond Ordinance Providing for the Acquisition of Property  
(Block 94, Lots 15.01, 17 and 19, Owners : Toll NJ, VI, LP and Hunterdon  
Chase, LP) in and by the Township of Readington, in the County of  
Hunterdon, New Jersey, Appropriating \$3,871,000 therefor and Authorizing the  
Issuance of \$3,677,450, Bond or Notes of the Township to Finance Part  
of the Cost thereof***

***Ordinance #22-2009***

Mayor Allen stated that this ordinance and the following ordinance (#23-2009) are bond ordinances that will allow the Township to move forward with the acquisition of 310 acres on Route 202, Summer Road and Lazy Brook Road. Mayor Allen stated that there has been about seven years of pending litigation with Toll Bros. and this acquisition would settle all outstanding litigation. Mayor Allen stated this opportunity arose as a result of the economic conditions and the Committee is looking favorably at this opportunity to preserve this large tract of open farmland. Mayor Allen stated that the Open Space funding will be used to reimburse the town for a portion of the property. Mayor Allen stated the two of the lots initially lend themselves to be stand alone farms and will be auctioned off with a deed restriction, which will be funded through the Farmland Preservation Program. Mayor Allen stated that Readington has a million dollars saved in its Planning Incentive Grant application for Green Acres which may be utilized for a portion of this land and they would apply to the County for funding under their Extraordinary Purchase Program. Mayor Allen stated that in addition, the state funding will be on the November ballot for \$400 million dollars and Readington anticipates taking advantage of the State Open Space funding to reimburse an estimated 70-80% of the value of the land when combined with the resale. Mayor Allen stated that the argument to being proactive in purchasing large tracts of land is an alternative to housing developments which are more costly to the Township since they necessitate supplying infrastructure.

Mayor Allen asked if there were any comments from the Governing Body.

Mrs. Muir stated that the purchase price is a reasonable price and this very large tract of land helps define our township.

Mr. Gatti brought up the question of how long the debt would have to be carried. Mayor Allen responded that although it is difficult to estimate; based on the history from past acquisitions, it could be approximately be two or three years from the time to acquisition to the time of reimbursement.

Mr. Shamey questioned the track record of the County as far as the Extraordinary Purchase Program. Mayor Allen stated that the County needed some framework and there is a procedure manual to follow. Mayor Allen stated that the funding would be for the year 2010. Mr. Shamey stated that these two tracts of land have been part of Readington's long time plan to preserve the open space. Mr. Shamey stated he shares the concern of the debt but he is confident that these two properties will get funded and he would like to see whatever portions of the property that can be auctioned off, be done so as quickly as possible to cover all the bases of the funding.

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

Frank Renda, of 12 Judge Thompson Road, asked the Committee how much Toll Bros. paid for the property originally and expressed concern about the ramifications of not getting back the

money through funding. Mr. Renda asked that the Committee consider putting this on a referendum as they did with the Solberg Airport.

Mary Grace Flynn, of 8 Wheatfield Road, urged the Committee to vote for this Ordinance.

George Bayer, of 63 Summer Road, asked the Committee what would have become of the property had it not been preserved. Mayor Allen stated it would have become a housing development.

David Simpson, of 651 Route 523, asked about the interest rates on the bonds.

Pamela Swallow, of 75 Summer Road, commended the Committee for preserving open space and farmland, not only for the residents of Readington but also for the wildlife preservation.

Attorney Dragan stated that the Township is still in litigation on these two cases and until the case is settled, the legal fees will continue and this acquisition will dispose of that. Attorney Dragan stated that it is in the best interest of the Township to not continue to pay legal fees in two places for both these properties.

Mr. Gatti stated that his sentiments echo those of Mr. Shamey and Mr. Renda in regards to the tough economic times and expressed his concern in the uncertainty of the funding. Mayor Allen stated there are also alternative funding opportunities not dependent on the bond.

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 ayes all, nays none recorded.

Clerk read by Title:

***Bond Ordinance Providing for the Acquisition of Property  
(Block 94, Lots 15.01, 17 and 19, Owners : Toll NJ, VI, LP and Hunterdon  
Chase, LP) in and by the Township of Readington, in the County of  
Hunterdon, New Jersey, Appropriating \$3,871,000 therefor and Authorizing the  
Issuance of \$3,677,450, Bond or Notes of the Township to Finance Part  
of the Cost thereof***

***Ordinance #22-2009***

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

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

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

Clerk read by Title:

***Bond Ordinance Providing for the Acquisition of Property  
(Block 94, Lots 6.02, 8 and 11, Owners : Readington Properties LLC and/or  
Fred Daniel, et als.) in and by the Township of Readington, in the County of  
Hunterdon, New Jersey, Appropriating \$4,080,000 therefor and Authorizing the  
Issuance of \$3,876,000 Bond or Notes of the Township to Finance Part  
of the Cost thereof***

***Ordinance #23-2009***

Mayor Allen stated that this property along Route 202, Summer Road and Lazy Brook Road is open farmland, wooded areas and stream corridors, mostly good quality farmland.

Mayor Allen asked if there were any comments from the Governing Body.

Mr. Shamey asked about the suitability of these parcels subject to auction. Mayor Allen stated that a portion of this property would go towards green acres with the possibility of having trail systems through it. Mayor Allen stated that the Township has one million dollars set aside under Green Acres funds and the County Open Space Extraordinary Purchase funds would be on the Green Acres side. Mayor Allen stated that a portion of this land would be Green Acres and a portion would be farmland based on the funding from either direction.

Mr. Shamey recommended that sufficient but not excessive acreage be set aside for recreation facilities.

Mr. Shamey stated that he did not consider Mr. Gatti's "no" vote on the bond ordinance as a reflection of where he stands on this Township. Mr. Shamey reminded everyone that Mr. Gatti has always voted with the Committee on Open Space and respects Mr. Gatti's opinion and also shares his concerns but feels this is a good opportunity to acquire these tracts of lands for the Township.

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

Mary Grace Flynn, 8 Wheatfield Road, spoke in favor in buying the property for open space.

Frank Renda expressed his concern about spending money that we currently do not have in these uncertain times.

David Simpson inquired if the property which is farmland, is currently being farmed.

A **MOTION** was made by Mrs. Muir to close the Public Hearing and open the regular meeting, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Clerk read by Title:

***Bond Ordinance Providing for the Acquisition of Property  
(Block 94, Lots 6.02, 8 and 11, Owners : Readington Properties LLC and/or  
Fred Daniel, et als.) in and by the Township of Readington, in the County of  
Hunterdon, New Jersey, Appropriating \$4,080,000 therefor and Authorizing the  
Issuance of \$3,876,000 Bond or Notes of the Township to Finance Part  
of the Cost thereof***

***Ordinance #23-2009***

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

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

Administrator Mekovetz requested a short recess.

Mayor Allen called the meeting to order.

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

Clerk read by Title:

***An Ordinance Amending and Supplementing the Readington Township  
2008 Salary Ordinance for Officers and Employees of Readington  
Township***

***Ordinance #24-2009***

Administrator Mekovetz stated there were two minor errors on the ordinance as follows:

- *Chief of Police salary should be \$105,580*
- *Dog Licensing Official should be \$29,644 in the low end of the range*

Administrator Mekovetz stated that there were several pending contracts to be settled in order to have the most complete salary ordinance that we could accomplish.

Mayor Allen asked if there were any comments from the Governing Body.

There were none.

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

David Simpson asked for clarification on the salary ranges.

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

Clerk read by Title:

***An Ordinance Amending and Supplementing the Readington Township  
2008 Salary Ordinance for Officers and Employees of Readington  
Township***

***Ordinance #24-2009***

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

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

***CORRESPONDENCE/OTHER INFORMATION***

1. Memo dated July 15, 2009 from Roberta Brassard, Municipal Clerk, Tewksbury Township regarding ***An Ordinance to Amend an Ordinance Whose Short Title is "Tewksbury Township Development Regulations Ordinance (2000)." No action taken.***
2. Notice of Public Hearings from Donald Carter, V.P. Of Operations, Pivotal Holdings, Inc. d/b/a/ Elizabethtown Gas regarding ***Petitions filed with the New Jersey Board of Public Utilities to revise its Basic Gas Supply Service.*** No action taken.

***NEW BUSINESS***

1. ***Readington Board of Education*** – release of performance guarantee (\$46,000)

Engineer McEldowney stated that the reason for the performance guarantee was that there was road restoration work that had to be done along Township roads

which has been completed satisfactorily and the performance guarantee may be released.

The following resolution was offered for consideration:

**#R-2009-98**

**TOWNSHIP OF READINGTON  
 RESOLUTION**

**WHEREAS**, Readington Township Board of Education did on July 20, 2009 file a written request with the Township of Readington for a release of Performance Guarantee Check #032896 in the amount of \$46,000.00 for work completed in connection with the sanitary sewer connection to Oakland Drive Pump Station; and

**WHEREAS**, the Township Engineer has confirmed that the work has satisfactorily been done by Readington Township Board of Education’s contractor on said property; and

**WHEREAS**, the Township Engineer has recommended the release of the Performance Guarantee Check # 032896, as indicated in his letter of July 30, 2009; and

<b>BOND OR CHECK</b>	<b>ORIGINAL BONDED AMOUNT</b>	<b>CURRENT REMAINING PERFORMANCE GUARANTEE</b>	<b>RECOMMENDED REDUCTION FOR WORK COMPLETED</b>	<b>REMAINING PEFORMANCE GUARANTEE</b>
Check # 032896	\$46,000.00	\$46,000.00	100%	\$0
<b>TOTAL</b>	<b>\$46,000</b>	<b>\$46,000.00</b>	<b>100%</b>	<b>\$0</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to release Cash Performance Guarantee # 032896, as recommended by the Township Engineer; and

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

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

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

2. **New Jersey Ride Against Aids – September 25, 2009** – request to travel planned route

**A MOTION** was made by Mrs. Muir to approve this charity event, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

3. ***Hunterdon County Chamber of Commerce*** – request to hanger banner  
(September and October)

A ***MOTION*** was made by Mrs. Muir to approve the request to hang the banner for one month only and remove the banner within one week of the event, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

- ρ4. ***Appointment of CERT-OEM Volunteers***

This item was addressed under Consent Agenda.

- ρ5. ***Corrective Action Plan to 2008 Audit***

This item was addressed under Consent Agenda.

- ρ6. ***Resolution of the Township of Readington Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of Debt Obligations in Connection with its Participation in the 2009 New Jersey Environmental Infrastructure Trust Financing Program***

This item was addressed under Consent Agenda.

- ρ7. ***Resolution of Township of Readington Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-26(e) and N.J.S.A. 58:11B-9(a)***

This item was addressed under Consent Agenda.

- ρ8. ***Resolution to Cancel Tax Sale Premium over Five Years Old***

This item was addressed under Consent Agenda.

- ρ9. ***Resolution for Certification of Availability of Funds***  
(Scott Wilhem, Alternate Public Defender)

This item was addressed under Consent Agenda.

- ρ10. ***Resolution to Award Wood Brush Chipper***

This item was addressed under Consent Agenda.

### ***ADMINISTRATOR'S REPORT***

Administrator Mekovetz stated that the Ann Reno Barn which is under currently construction sustained damages from the June 24<sup>th</sup> windstorm. Administrator Mekovetz stated that the construction company that was contracted to do the work has proposed a change order to repair the damages. Administrator Mekovetz stated that the insurance company will likely cover the damage, less the \$5,000.00 deductible, but we have to move forward to secure the structure to prevent further damage and approve the change order to the contract.

The following resolution was offered for consideration:

***#R-2009-99***

### ***TOWNSHIP OF READINGTON RESOLUTION***

***WHEREAS***, the Readington Township Committee (“Committee”) publically advertised for bids for a construction project known as the “Ann Reno Barn” a historic barn to be erected at

the Cushetunk Nature Preserve, located on Route 22 East, Whitehouse Station, which property is owned by the Township (hereinafter referred to as “the Property”); and

**WHEREAS**, the Township Committee accepted and awarded the bid of the third lowest bidder, DeSapio Construction, Inc., in the amount of \$166,035.00 encompassing the base bid work and alternates 1, 2, 3, 4 and 5 by Resolution #R-2008-130; and

**Resolution # R-2009-99 cont’d:**

**WHEREAS**, after the construction project began, the Township’s architect Chris Pickell of Pickell Architect, LLC, made a recommendation to improve the historic appearance of the interior ceiling of the barn, at an additional cost of \$6,689.69. Upon review, the Township Committee accepted the architect’s recommendation and adopted Resolution #R-2009-86 authorizing a change order in the amount of \$6,689.69 in compliance with N.J.A.C. 5:30-11.11 et seq. The change order increased the amount of the original contract awarded to DeSapio Construction, Inc. to \$172,724.68; and

**WHEREAS**, subsequent to approval of the above-referenced change order, the barn structure was damaged by a windstorm that moved through the area sometime between June 24 and 29<sup>th</sup>, 2009 and blew down the gable ends of the building, as well as the roof rafters; and

**WHEREAS**, the damage to the barn sustained by the windstorm required DeSapio Construction, Inc. to perform additional cleanup on the site, as well as bring the completion of the project to the level it was before the storm, and

**WHEREAS**, DeSapio Construction, Inc. provided a proposal to cleanup the site and repair the damage in the amount of \$15,638.97.

**WHEREAS**, the insurance carrier will cover the cost of the damage, but Township is responsible for the deductible on the claim in the amount of \$5,000.00.

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Readington approves the change order in the amount of \$15,638.97 in compliance with N.J.A.C. 5:30-11.1 et seq. to the contract awarded to DeSapio Construction, Inc. in the amount of \$172,724.68 bringing the total for this contract to \$188,363.65

**BE IT FURTHER RESOLVED**, that the Township Administrator/Clerk is authorized to notify DeSapio Construction, Inc. of this change order and provide the company a copy of this Resolution.

**BE IT FURTHER RESOLVED**, that the Mayor and Township Administrator/Clerk are authorized to sign all necessary documents needed to implement this change order with DeSapio Construction, Inc.

**BE IT FURTHER RESOLVED**, that the Township Administrator/Clerk will provide all information to the insurance company that is needed to process this claim.

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

Administrator Mekovetz reported that the Township is going through the process of consolidating the General Assistance with the County which will begin in September.

Administrator Mekovetz reported that the website for the Hunterdon County farm stand and market directory is up and running. Administrator Mekovetz reported that there will also be a link from the Township’s webpage.

***ATTORNEY'S REPORT***

Attorney Dragan stated that she had nothing further to report.

***ENGINEER'S REPORT***

Engineer McEldowney reported that the speed limit on Main Street is now posted at 25 mph and two crosswalks have been added at Somerset and Whitehouse Avenue. Engineer McEldowney stated that after the summer there will be an additional crosswalk on the access road into the library parking lot, in addition to signage in the road alerting drivers to pedestrian crosswalks.

Mayor Allen suggested that the Township ask the County to look at the safety of the 523/629 intersection.

***COMMITTEE REPORTS***

**Mayor Allen**

Mayor Allen stated that she would like to forward a recommendation to the Committee that Readington Township ask that a measure be put on the November 2009 ballot that would ask the voters of Readington if they would be in favor instituting an additional 2¢ tax levy for the purpose of the Open Space Trust, bringing it up to 4¢ on the hundred. Mayor Allen stated that in Hunterdon County, Readington's 2¢ on the hundred is an unusually low Open Space tax levy for such a large township. Mr. Shamey stated there are at least eight municipalities in the County whose open space tax is higher than Readington's.

The following resolution was offered for consideration

***#R-2009-100***

***TOWNSHIP OF READINGTON  
RESOLUTION***

***WHEREAS***, the Township of Readington (hereinafter "Township"), in 1995, upon approval of the voters of the Township, instituted a conservation tax in the amount of \$.02/\$100 for the purpose of creating an Open Space Trust Fund to preserve "Greenways and Open Space in the Township including fee simple acquisitions and conservation easements to meet certain goals as stated in the Township's Master Plan, specifically: to conserve and preserve natural areas, critical environmental features, farmland, and land to be used for recreational purposes within the Township; and

***WHEREAS***, in 1997, the State of New Jersey adopted legislation authorizing municipalities in New Jersey to establish, upon referendum and voter approval, an open space tax to create a "Municipal Open Space, Recreation and Farmland Historic Preservation Trust Fund", as one of the various means by which a municipality could raise funds for open space, conservation, recreation, farmland and historic preservation purposes; and

***WHEREAS***, the aforementioned legislation, found at N.J.S.A. 40:12-15.7, et seq., supplanted all previous funds created by municipalities for such purposes and further mandated that the voters of the original municipal proposition were deemed to have approved any prior municipal conservation tax for any or all of the same purpose outlined in the State's legislation; and

***WHEREAS***, N.J.S.A. 40:12-15.7 provides that the governing body of a municipality may submit a proposition to the voters of the municipality amending or supplementing a referendum previously submitted, approved or implemented with respect to the open space tax and resulting trust fund that either : 1) changes the amount or rate of the annual levy; or 2) adds or removes the purpose for which the levy may be expended, and further provides that, if the voters approve the proposition that the governing body shall implement it; and

**WHEREAS**, the initial \$.02/\$100 tax rate for the open space has remained the same for the past fifteen years, yet the prices for real estate have continued to escalate since that time and, only recently, have begun to decrease; and

**Resolution # R-2009-100 cont'd:**

**WHEREAS**, in the past other Hunterdon County Townships have increased their rates to keep up with inflation, an increase from \$.02/\$100 to \$.04/\$100 will make Readington Township's Open Space tax rate more consistent with other Hunterdon County Township's Open Space tax rates, and

**WHEREAS**, increasing the Open Space tax for the continued preservation of farmland and open space would allow the Township to take advantage of the current economic downturn by preserving properties that would not otherwise be available and preserve properties at a lower cost; and

**WHEREAS**, increasing the Open Space tax would allow the Township to take advantage of funding opportunities for land preservation available through federal, State and County government programs, which require local matching funds, and

**WHEREAS**, increasing the Open Space tax would help Readington Township meet its farmland preservation and open space goals as described in the Township's Master Plan, including preservation of land for continued agricultural use and for natural resources protection, including water resources, native species habitat and ecologically sensitive areas and to further the goal of preserving the Township's rural character by protecting the lands of scenic, historic and cultural value.

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

1. To determine whether or not there is public support for increasing the conservation tax by \$.02/\$100 to supplement and sustain the previously instituted Open Space/Conservation Trust Fund, the following questions shall be placed on the November 3, 2009 election ballot as a binding referendum:

***Would the citizens of Readington Township support a two-cent increase in the Open Space Tax Levy, from \$.02 to \$.04/\$100, in order to supplement the Open Space Trust Fund for the purpose of purchasing land for open space, farmland and conservation purposes within Readington Township?***

2. The Township Administrator/Clerk is hereby directed to forward a certified copy of this resolution to Mary Melfi, County Clerk, prior to August 21, 2009 for inclusion on the ballot.

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

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

**Thomas Auriemma**

Mr. Auriemma stated he had nothing further to report.

**Frank Gatti**

Mr. Gatti suggested that a 4-way stop sign be placed at the intersection of Kosciuszko, Pulaski and School Roads.

A **MOTION** was made by Mr. Gatti to have Engineer McEldowney move forward to confirm if the Township must obtain any necessary approvals from the DOT to place a 4-way stop sign at

the intersection of Kosciuszko, Pulaski and School Roads, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

**Beatrice Muir**

Mrs. Muir reported there is correspondence from Diane Clapp regarding the transition from Public Assistance to Hunterdon County.

**Gerard Shamey**

Mr. Shamey stated he had nothing further to report.

**COMMENTS FROM THE PUBLIC**

Jerry Cook suggested painting striped lines at that intersection of Kosciuszko, Pulaski and School Roads to move the traffic for better vision coming from the east bound side. Jerry Cook inquired about the signage at Whitehouse Mall.

Frank Renda stated that he applauds the proposal to increase the Open Space Tax levy to 4¢.

Frank Renda stated he is having flooding issues and requested an appointment with the Township Engineer for a site visit.

David Simpson commented on the traffic problems on Route 523 near the Flatwoods.

A **MOTION** was made by Mr. Gatti to return to Executive Session to continue a discussion on the Police/Personnel, seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

The Committee returned to Executive Session at 9:56.

**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:

- 3. 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>
Personnel.....	Police.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential

Readington Township Committee

Meeting – August 3, 2009

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

The meeting reconvened at 10:25 p.m.

***Personnel/Police***

Mayor Allen stated there was no action taken on this matter.

As there was no further business, A **MOTION** was made by Mr. Auriemma at 10:26 p.m. to adjourn the meeting, seconded by Mrs. Muir with a vote of all ayes, nays none recorded.

Respectfully Submitted:

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