

**READINGTON TOWNSHIP COMMITTEE  
MEETING – September 8, 2009**

Mayor Allen *calls the meeting to order at 6:00 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>
Police Department.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will remain confidential
Library.....	Personnel.....	“ “ “
Electrical Sub-Code Official.....	Personnel.....	“ “ “
Municipal Court.....	Personnel.....	“ “ “
Building and Grounds.....	Contract Negotiations.....	“ “ “
Lake Cushetunk Woods Condo. .... Road Dedication	Contract Negotiations.....	“ “ “
New Jersey Barn Company/..... Amendment to Contract	Contract Negotiations.....	“ “ “
Hanna Saqa (Block 75, Lot 33)/..... Hunterdon County	Contract Negotiations.....	“ “ “

Toll NJ, VI, LLP..... Block 94, Lots 15.01, 17 and 19	Contract Negotiations.....	“	“	“
Wilmark Bldg. Contractors, Inc.... Block 25, Lot 38.01	Contract Negotiations.....	“	“	“
Winfield Management Corp..... Block 8, Lot 3/Sewer Agreement	Contract Negotiations.....	“	“	“
Green Acres Plan. Incentive Grant... Tewksbury Township/Shared Svcs...	Contract Negotiations.....	“	“	“
Amawalk(Block 93, Lot 1).....	Contract Negotiations.....	“	“	“
Executive Session Minutes..... (August 3, August 24, August 26, 2009)	Attorney-Client Privilege.....	“	“	“
Block 48, Lot 23; Block 55, Lot 33,. Block 56, Lots 1, 3, 6 & 8; Block Lot 24 and Block 67, Lot 2 (Solberg Aviation/Hromoho)	Litigation.....	“	“	“
Ryland Developers vs. Readington.. Township (Docket L49609)	Litigation.....	“	“	“
Auction Properties.....	Contract Negotiations.....	“	“	“

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 8:00 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/Police Department***

Mayor Allen stated this matter remains in Executive Session.

***Personnel/Library***

**A MOTION** was made by Mr. Gatti to hire Joanne LaForgia on a temporary basis as an alternate to cover for Florence Zarate for approximately 12 hours per week at \$14.00/hr, 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

***Personnel/Electrical Sub-Code Official***

A ***MOTION*** was made by Mr. Shamey to appoint David Franklin as temporary Electrical Sub-Code Official to replace David Greenhill for a period not to exceed 60 days at a rate of \$33.37/hr, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

***Personnel/Municipal Court***

Mayor Allen stated this matter remains in Executive Session.

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

A ***MOTION*** was made by Mr. Shamey to ratify the contract for the Building and Grounds Department for a 3 year contract, retroactive to January 1, 2008, 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/Lake Cushetunk Woods Condo. Association Road Dedication***

A ***MOTION*** was made by Mr. Shamey for the Township to respond to the February 17, 2009 letter from Lake Cushetunk Woods Condo. Association denying the request to dedicate the five roads for approval, 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/New Jersey Barn Company***

The following resolution was offered for consideration:

***#R-2009-102***

***TOWNSHIP OF READINGTON  
RESOLUTION***

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

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

***WHEREAS***, on May 18, 2009 the Township Committee approved a change order by Resolution R-2009-58 to allow for a cost of living increase of \$3,300 bringing the total cost for all phases of this project to \$77,300

***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

**Resolution #R-2009-102 cont'd:**

**WHEREAS**, the damage to the barn sustained by the windstorm required New Jersey Barn Company to replace the damaged rafters and studs, and

**WHEREAS**, New Jersey Barn Company provided an estimate for equipment and materials (\$3,800) and labor (\$5,900) for an estimated total of \$9,700; and

**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.

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Readington approves the change order in the amount of \$9,700 in compliance with N.J.A.C. 5:30-11.1 et seq. to the contract awarded to New Jersey Barn Company in the amount of \$77,300 bringing the total for this contract to \$87,000.

**BE IT FURTHER RESOLVED**, that the Township Administrator/Clerk is authorized to notify New Jersey Barn Company 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 New Jersey Barn Company.

**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

**Contract Negotiations/Hanna Saqa (Block 75, Lot 33)/Hunterdon County**

The following ordinance was offered for introduction:

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 75, LOT 33 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION**

**ORDINANCE # 25-2009**

**WHEREAS**, the Township of Readington ("Township"), is about to acquire an agricultural development rights easement on property known as Block 75, Lot 33, in the Township of Readington, consisting of approximately 116+/- acres along Pleasant Run Road in the Township (hereinafter "Property") which was contracted for with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

**WHEREAS**, the property has qualified for enrollment in the Hunterdon County Agricultural Development farmland preservation program and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$22,000.00 per acre, for an estimated total of \$2,552,000.00 (based on 116+/- acres), subject to adjustment for the required Municipal contribution and any survey/right-of-way adjustments; and

**Ordinance # 25-2009 cont'd:**

**WHEREAS**, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

**WHEREAS** the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

**WHEREAS**, the Township is permitted to sell the Easement under N.J.S.A. 4: 1C-11 et seq., 4:1C-34 ,4:1C-43.1, N.J.S.A. 40A:12-13 et seq. and any other applicable law.

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

Section 1. The Township of Readington shall convey to the County of Hunterdon, by way of Assignment, a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 75, Lot 33 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 116+/- acres of the Property for the price of \$22,000.00 per acre and an approximate total price of \$2,552,000.00, subject to adjustments for the Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, to be paid in accordance with the contract on file with the Township Clerk.

Section 2. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement and Assignment thereof to the County of Hunterdon, including a Restrictive Covenant regarding mowing, together with any other documents or corrective documents required by the County.

Section 3. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law.

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

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

A Public Hearing was scheduled for September 21, 2009 at 8:00 p.m.

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

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Wilmark Building Contractors Inc. /Block 25, Lot 38.01***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Winfield Management Corp/Block 8, Lot 3/Sewer Agreement***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Green Acres Planning Incentive Grant***

The following resolution was offered for consideration:

***#R-2009-103***

***STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES  
ENABLING RESOLUTION***

***WHEREAS***, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in acquisition and development of lands for outdoor recreation and conservation purposes; and

***WHEREAS***, the Township of Readington desires to further the public interest by obtaining a loan of \$3,250,000 and/or a grant of \$5,700,000 from the State to fund the following project(s): Greenway Incentive Acquisition

***NOW, THEREFORE***, the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey resolves that Julia Allen, Mayor, or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

***WHEREAS***, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and to notify the applicant of the amount of the funding award; and

***WHEREAS***, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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

1. That Julia Allen, Mayor, of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Greenway Incentive Acquisition, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$500,000.00.
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the

***Resolution #R-2009-103 cont'd:***

project, and;

4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

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

***Contract Negotiations/Tewksbury Township/Shared Services***

Mayor Allen stated this matter remains in Executive Session.

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

Mayor Allen stated this matter remains in Executive Session.

***Attorney-Client Privilege/Executive Session Minutes (August 3, August 24, August 26, 2009)***

A ***MOTION*** was made by Mrs. Muir to approve the Executive Session Minutes of August 3, 2009 for content only, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

A ***MOTION*** was made by Mr. Shamey to approve the Executive Session Minutes of August 24, 2009 for content only, seconded by Mrs. Muir with a vote of ayes all, nays none recorded. Mr. Auriemma abstained since he was not present at that meeting.

A ***MOTION*** was made by Mr. Shamey to approve the Executive Session Minutes of August 26, 2009 for content only, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

Mayor Allen stated this matter remains in Executive Session.

***Litigation/Ryland Developer vs. Readington Township***

Mayor Allen stated this matter remains in Executive Session.

***Contract Negotiations/Auction Properties***

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.

ρ1. **APPROVAL OF MINUTES** of meeting of August 18, August 24, August 26, 2009

ρ2. Tax Lien Redemption – Block 95/Lot 12.195

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 95, Lot 12.195 and,

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$1,160.65 known as Tax Sale Certificate #566, plus a premium paid in the amount of \$100.00 to the lien holder, CCTS Tax Lien I, LLC.

ρ3. Tax Lien Redemption –Block 95, Lot 12.253

The following resolution was offered for consideration:

**RESOLUTION**

**READINGTON TOWNSHIP, HUNTERDON COUNTY**

**WHEREAS**, that an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.253 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 \$631.92 known as Tax Sale Certificate #603 to the lien holder, Rainbow Associates, LLC.

ρ4. Disabled Vet Tax Exemption – Block 48, Lot 33

The following resolution was offered for consideration:

**READINGTON TOWNSHIP**

**HUNTERDON COUNTY, STATE OF NEW JERSEY**

**RESOLUTION**

**WHEREAS**, it has been determined that the property owner of Block 48, Lot 33 is a permanently disabled vet and therefore is tax exempt; date of determination, January 3, 2004 and

**WHEREAS**, the property owner has resided in Readington Township since August 13, 2009.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee that the Tax collector be authorized to cancel the balance of 2009 taxes in the amount of \$3,847.51.

ρ5. ***Tax refunds for overpayments***

The following resolution was offered for consideration:

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

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

<u>BLOCK/LOT</u> <u>2009</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
21.06/509.04	Jane Verloop	duplicate payt	\$2,052.64
21.09/4	Wendy & Jiang Wu	duplicate payt	\$2,357.76
98.01/1	Peter & Christine Dolan	duplicate payt	\$3,308.45

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

ρ6. ***Sustainable Land Use Pledge***

The following resolution was offered for consideration:

**#R-2009-104**

***Township of Readington  
Sustainable Land Use Pledge***

**WHEREAS**, land-use is an essential component of overall sustainability for a municipality;

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources.

**WHEREAS**, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources;

**WHEREAS**, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

**NOW THEREFORE**, we the Township of Readington, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Readington Township a truly sustainable community. It is our intent to include these principles in the next master plan revision and to update our zoning accordingly.

I. **Facilities Siting-** *We pledge*, to the extent feasible, to take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable land-use considerations into account when locating their own facilities.

II. **Housing Variety-** *We pledge*, through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages and walks of life. A variety of housing options, from single family homes to one-bedroom apartments, including housing affordable to people with low, moderate and middle incomes, is

**Resolution #R-2009-104 cont'd:**

vital to allow residents to live and work in a municipality through various stages of their lives.

III. **Natural Resource Preservation-** *We pledge* to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future. FURTHER, if feasible, *we pledge* to complete a Natural Resources Inventory to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis and land use planning and zoning.

IV. **Transportation Choices-** *We pledge* to create transportation choices within our municipality by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Given that emissions from transportation, mainly passenger cars, make up the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.

V. **Mix of Uses-** *We pledge* to use our zoning power to allow for a mix of uses in areas that make the most sense for our municipality and the region. Development is not needed in every municipality. But where development makes sense, land-use patterns that segregate uses such as commercial and residential create an environment where the only feasible mode of transportation is the automobile. Allowing for a mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations.

VI. **Green Design-** *We pledge* to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting, and avoidance of environmentally sensitive features.

VII. **Regional Cooperation-** *We pledge* to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration their concerns when making regional level land-use decisions. Local land-use decisions can often have regional impacts, even though they are decided exclusively by one municipality. For example, a large mall built in one municipality can affect traffic and retail opportunities in neighboring towns.

VIII. **Parking Regulations-** *We pledge* to reevaluate our parking requirements with the goal of limiting the amount of required parking spaces and promoting shared parking. In areas where walking, biking, and transit are possible, stringent parking requirements can hinder the goal of creating vibrant centers that have a critical mass or people to support local arts, shopping, and other services. Flexible parking requirements decrease the amount of land dedicated to parking lots, storm water runoff, land clearing, and heat island effects, while promoting transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking. Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

ρ7. ***Hunterdon County Municipal Alliance*** – 2009 Renewal Application

ρ8. ***Resolution to Purchase Vehicle under State Contract***

The following resolution was offered for consideration:

***#R-2009-105***

***TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING STATE CONTRACT PURCHASES***

***WHEREAS***, the Township of Readington wishes to purchase one (1) 2010 Dodge Grand Caravan 4Dr Wagon for the Recreation Department from authorized vendor under State Contract – Warnock #A72468; 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***, Warnock Fleet, 75 Route 10- East Hanover, NJ 07936, has been awarded State Contract – Warnock # A72468 - 2010 Dodge Grand Caravan 4 Dr. Wagon for the period of one (1) year; and

***WHEREAS***, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

***WHEREAS***, the actual cost for the purchase of one (1) 2010 Dodge Grand Caravan 4 Dr Wagon is expected not to exceed \$22,710; and

***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 Warnock Fleet be awarded a contract for a 2010 Dodge Grand Caravan 4 Dr. Wagon; 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. ***Environmental Commission*** – Annual End-of-Year 2008 Report

ρ10. ***Fiddler's Elbow Country Club*** – release of escrow (\$589.12)

ρ11. ***Postponement of Mortgage*** – 723 Well Sweep Road (Geltz-Smerrillo)

ρ12. ***Firemen's Membership Application*** – Jason L. Adams

ρ13. ***Blue Light Permit*** – Justin Pfauth

ρ14. ***Blue Light Permit*** – Arthur Stryker, Jr.

ρ15. ***Social Affairs Permit*** – Knights of Columbus #6930 – November 20, 2009

ρ16. **Resolution to Auction Municipally Owned Personal Property**

The following resolution was offered for consideration:

**#R-2009-106**

**READINGTON TOWNSHIP  
 RESOLUTION**

**WHEREAS**, the Public Works Director has presented a list of municipally owned items as shown on the attached Appendix “A” that are no longer needed for public use; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36 a governing body may authorize the sale of municipally owned personal property not needed for public use.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby declare the items listed on the attached Appendix “A” as surplus; and

**BE IT FURTHER RESOLVED**, that the Township Committee of the Township of Readington does hereby authorize a public auction to be held October 17, 2009.

**Appendix “A”**

**Surplus Vehicle & Equipment Auction**

ITEM NO.	YEAR	VIN OR SERIAL NO.	BRAND	DESCRIPTION	CONDITION
1	1996	2FALP71W4TX119198	FORD	CROWN VIC	GOOD
2	2002	2FAFP71WX3X118604	FORD	CROWN VIC	POOR
3	2000	2FALP71W9YX110310	FORD	CROWN VIC	POOR
4	2000	2FALP71W1YX110298	FORD	CROWN VIC	POOR
5	1970	NONE	DYNAPACK	1 TON, 2 WHEEL STATIC ROLLER	GOOD
6	1983	SRH8243W	EAGER BEAVER	1 TON, 2 WHEEL STATIC ROLLER	GOOD
7	1991	986492	OLATHE	BRUSH CHIPPER	GOOD

ρ17. **Firemen’s Membership Application – Patrick Kennedy**

ρ18. **Payment of Bills**

Fund Description	Fund No.	Received Total
CURRENT FUND	8-01	\$ 8,000.00
CURRENT FUND	9-01	\$2,250,110.09
SEWER APPROPRIATIONS	9-02	\$ 155,554.71
TRUST FUNDS	X-03	\$ 29,418.81
MISC REFUND, COUNTY TAX, LIENS	X-05	\$3,199,856.38
PAYROLL DEDUCTIONS	X-06	\$ 611,779.80
REGIONAL & SCHOOL TAX	X-07	\$5,606,363.80
DUE TO STATE OF NJ	X-09	\$ 160,795.34
2006 CAPITAL	X-66	\$ 602.50
2008 CAPITAL	X-88	\$ 39,886.50
<b>TOTAL OF ALL FUNDS</b>		<b>\$12,062,367.93</b>

A **MOTION** was made by Mr. Auriemma to approve the Consent Agenda, 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

**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 these same bond ordinances were on the agenda for August 3, 2009 but there was an advertising irregularity which was brought the Township's attention and the two ordinances will be repeated for that reason. Mayor Allen stated that Readington is proposing to buy this property in fee simple with the idea that it can be preserved for open space. Mayor Allen stated that a little more than half of the property will be used for farmland preservation and a little less than half for open space preservation. Mayor Allen stated that it is the intent of the Township to get state and county funding for the farmland preservation easements, resell at least three farms deed restricted and obtain green acres planning incentive grant money and county open space trust fund money for reimbursement on the open space. Mayor Allen stated the total reimbursement conservatively would be 75% of the total, assuming the programs continue as they have in the past.

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

Mr. Shamey stated that he made comment on both of these ordinances at the August 3<sup>rd</sup> meeting which he would just like incorporated into the record for this meeting.

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

Don Baldwin asked the committee if there was an appraisal report that supported this proposal from Readington to acquire this property.

Mayor Allen stated that the purchase price was approximately 15% below the appraisal value.

**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 is the approximate 150 acre portion of the 310 acre tract which will also be put to open space and farmland preservation.

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.

There were none.

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 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

**CORRESPONDENCE/OTHER INFORMATION**

1. Memo dated July 28, 2009 from Sharon Brienza, Municipal Clerk, Branchburg Township regarding ***An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Adding New Requirements for Tree Removal, Reforestation and Tree Replacement to the Site Plan and Subdivision Requirements.*** No action taken.
2. Letter dated July 29, 2009 from Sally J. Cheong, Tariff Activity Lead, Jersey Central Power and Light regarding ***Annual Universal Service Fund Compliance Filing and Public Hearing.*** No action taken.
3. Notice to Public Service Electric and Gas Company Gas Customers from Andrew Dembia, Esq. Assistant Corporate Rate Counsel to PSE&G regarding ***Public Service Electric and Gas Company's 2009/2010 Annual BGSS Commodity Charge Filing for its Residential Gas Customers.*** No action taken.
4. Notice of Permit dated July 10, 2009 from County of Hunterdon, Engineering Department regarding ***permit approval for flood hazard area and freshwater wetlands on Holland Brook Road, Township of Readington.*** (Entire File Available in Clerk's Office for review) No action taken.
5. Memorandum from NJ Transit regarding ***NJ Transit Notice of Availability of the Environmental Assessment for the Pennsauken Junction Transit Center and Park and Ride Project.*** No action taken.
6. Letter from Lou Cattuna, Northern Delaware Regional Supervisor, Bureau of Inland Regulation, Department of Environmental Protection, Division of Land Use Regulation regarding ***Freshwater Wetlands Letter of Interpretation/Line Verification, Block 2.01, Lots 9.01 & 11.*** (Entire File Available in Clerk's Office for Review) No action taken.
7. Memorandum dated August 11, 2009 from Sharon L. Brienza, Municipal Clerk, regarding the following:
  - ***An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Adding a New Section 12-4 Entitled "Private Storm Drain Inlet Retrofitting"***
  - ***An Ordinance Amending the Land Development Ordinance of the Township of Branchburg by Adding a New Section 12-3 Entitled "Refuse Containers/Dumpsters"***No action taken.
8. Letter dated August 5, 2009 from William G. Dressel, Jr. Executive Director, New Jersey League of Municipalities regarding ***A-3508, Enabling Municipalities to Utilize Credit Unions as Depositories.***

The following resolution was offered for consideration:

**#R-2009-107**

**A RESOLUTION CALLING UPON THE NEW JERSEY LEGISLATURE TO ADOPT AND THE GOVERNOR TO SIGN LEGISLATION (A-3508; s-2357) WHICH WOULD ENABLE MUNICIPALITIES AND OTHER LOCAL GOVERNMENT ENTITIES TO UTILIZE CREDIT UNIONS AND DEPOSITORIES**

**Resolution #R-2009-107 cont'd:**

**By members of town of Township of Readington,**

**WHEREAS**, local government entities are continually seeking ways to cut costs and save taxpayer dollars; and

**WHEREAS**, credit unions are not-for-profit, financial cooperatives established to promote thrift by mutuality of ownership, and

**WHEREAS**, these institutions are locally-owned by their members and play an active role in the community by encouraging personal thrift through savings accounts, homeownership through mortgage lending, and local economic development through small business lending, and

**WHEREAS**, New Jersey Government Unit Depository Protection Act of 1970 (GUDPA) was enacted to ensure that local governments were adequately protected in the event a depository failed but before credit union deposits became federally insured to the same levels of bank and thrift deposits, and

**WHEREAS**, US Government established the National Credit Union Share Insurance Fund (NCUSIF) and beginning in 1971 deposits in New Jersey credit unions have been guaranteed by the full faith and credit of the United States to the same levels as bank and thrifts deposits insured by the Federal Deposit Insurance Corporation (FDIC); and

**WHEREAS**, one-half of states including, Illinois, Indiana, Michigan, Pennsylvania and Texas and many large cities throughout the United States expressly allow for the deposit of public funds in credit unions; and

**WHEREAS**, enacting legislation to permit the deposit of municipal, county and other public funds in credit unions, the state will be helping local government entities by expanding their financial options, increasing the likelihood that these deposits will be used for local economic development and creating additional competition, which can be expected to result in savings to the taxpayer;

**NOW THERE BE IT RESOLVED**, that the Township of Readington calls upon the New Jersey Legislature to adopt and the Governor to sign legislation (A-3508/S-2357) which would permit municipalities and other local government entities to utilize credit unions, which meet the criteria established under the Government Unit Depository Act of 1970 (GUDPA) and which credit unions are on the list of “eligible depositories” maintained by the New Jersey Division of Banking, as a depository.

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby directed to send a certified copy of this adopted resolution to the Governor, New Jersey State Legislature and New Jersey League of Municipalities.

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

9. Letter dated August 14, 2009 from William G. Dressel, Jr., Executive Director, New Jersey League of Municipalities regarding **2009 League Conference Resolutions**. No action taken.
10. Memorandum dated August 12, 2009 from Roberta Brassard, Municipal Clerk regarding **An Ordinance to Amend an Ordinance Whose Short Title is “Tewksbury Township Development Regulations Ordinance (2000).”** No action taken.
11. Letter dated August 19, 2009 from Denise B. Doolan, Clerk of the Board of Chosen Freeholders regarding **Weight Limit on County Bridge RQ-179**,

***Stanton Station Road over the South Branch of the Raritan River.*** No action taken.

12. Memorandum dated August 19, 2009 from Tricia Houck, Deputy Clerk, Township of Clinton regarding ***An Ordinance Amending Article 34, Flood Damage Prevention Regulations, of Chapter 165 of the Code of the Township of Clinton, New Jersey, to Conform the Article to Current Regulations.*** No action taken.
13. Memorandum dated August 19, 2009 from Tricia Houck, Deputy Clerk, Township of Clinton regarding the following:
  - ***An Ordinance Supplementing and Amending Section 165-88, Enforcement of Chapter 165 of the Code of the Township of Clinton, New Jersey, to Require the Submission of a Professionally Prepared Survey, Plat or Plan When Applying for a Zoning Permit***
  - ***An Ordinance Supplementing and Amending Section 165-99, Corner Lots, of Chapter 165 of the Code of the Township of Clinton, New Jersey, Pertaining to the Designation of Yard Areas on Corner Lots***

No action taken.

#### **OLD BUSINESS**

1. ***Historic Structures Documentation Requirements for Demolition Permits***

Mayor Allen stated that this request was initiated by the Historic Preservation Commission to ask that historic structures be documented as a condition of the demolition permit.

***A MOTION*** was made by Mr. Gatti to request Attorney Dragan to draft an ordinance for review, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

#### **NEW BUSINESS**

1. ***Flood Damage Prevention Ordinance*** – introduction

Engineer McEldowney stated that all municipalities that have flood plains are required by the FEMA to adopt an ordinance or face loss of the ability to obtain flood insurance. Engineer McEldowney stated that the Township ordinance is more stringent than most but has it has an advantage for providing a mechanism for the Zoning Officer to monitor potential infractions of flood plain requirements and regulations for instances that don't involve a development application before a board.

The following ordinance was offered for introduction:

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

#### ***THE FLOOD DAMAGE PREVENTION ORDINANCE (60.3) D***

#### ***AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY OF DECEMBER 1992 TO ADD A NEW SUBCHAPTER PERTAINING TO THE PREVENTION OF FLOOD DAMAGE***

#### ***ORDINANCE #26-2009***

#### **SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND**

*Ordinance # 26-2009 cont'd:*

**1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Township Committee of the Township of Readington, of Hunterdon County, New Jersey does ordain as follows:

**1.2 FINDINGS OF FACT**

1. The flood hazard areas of Township of Readington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**Section 2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital

Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is

***Ordinance # 26-2009 cont'd:***

characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (i.e. below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (**FIS**) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain" - shall be as defined in Paragraph 148-99" The Land Development Ordinance of the Township of Readington."

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood way" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface-elevation more~than~0.2-foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

***Ordinance # 26-2009 cont'd:***

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved State program as determined by the Secretary of the Interior;  
or
  - 2. Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area including the basement. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

***Ordinance # 26-2009 cont'd:***

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Section 3.0 GENERAL PROVISIONS**

**3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Readington, Hunterdon County, New Jersey.

**3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Township of Readington, Community No.340514, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions)" dated September 25, 2009.
- b. Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0141F, 34019C0142F, 34019C0143F, 34019C0144F, 34019C0163F, 34019C0164F, 34019C0253F, 34019C0255F, 34019C0256F, 34019C0257F, 34019C0258F, 34019C0259F, 34019C0261F, 34019C0262F, 34019C0264F, 34019C0266F, 34019C0267F, 34019C0268F, 34019C0269F, 34019C0276F, 34019C0277F, 34019C0278F, 34019C0279F, 34019C0286F; whose effective date is September 25, 2009.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file in the office of the Zoning Officer at the Readington Township Municipal Building, 509 Rte 523, Whitehouse Station, New Jersey 08889.

**3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be subject to a fine not more than \$1,000.00 or imprisonment for a term not exceeding 90 days, and shall in addition, pay all costs and expenses involved in the case. Each day a violation continues after the time required for abatement thereof shall constitute a separate offense. Nothing herein contained shall prevent the Township of Readington from taking such other lawful action as is necessary to prevent or remedy any violation.

**3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

***Ordinance # 26-2009 cont'd:***

**3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

**3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Readington, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Section 4.0**

**ADMINISTRATION**

**4.1 ESTABLISHMENT OF PERMIT**

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5.2-2; and,
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying permit applications in accordance with its provisions.

**4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Zoning Officer shall include, but not be limited to:

**4.3-1 PERMIT REVIEW**

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all permits to determine that all necessary permits have been obtained

from those Federal, State or local governmental agencies from which prior approval is required.

3. Review all permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3.1 are met.

***Ordinance # 26-2009 cont'd:***

**4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

**4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood proofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the floodproofing certifications required in Section 4.1.3
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

**4.3-4 ALTERATION OF WATERCOURSES**

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

**4.3-5 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

**4.4 VARIANCE PROCEDURE**

**4.4-1 APPEAL BOARD**

1. The Zoning Board of Adjustment as established by the Township of Readington shall hear and decide appeals and requests for variances from the requirements of this ordinance, except that the Planning Board may consider such variances when requested in connection with its review of a subdivision, site plan or conditional use application pursuant to N.J.S.A. 40:55D-60.
2. The Zoning Board of Adjustment or Planning Board, as applicable, shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Zoning Board of Adjustment or Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in New Jersey laws pertaining to same.
4. In passing upon such applications, the Zoning Board of Adjustment or Planning Board, as applicable, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- i. the danger that materials may be swept onto other lands to the injury of others
- ii. the danger to life and property due to flooding or erosion damage;

***Ordinance #26-2009 cont'd:***

- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. the importance of the services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. the compatibility of the proposed use with existing and anticipated development;
  - viii. the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
  - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of Section 4.4-1.4 and the purposes of this ordinance, the Board of Adjustment or Planning Board, as applicable may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

**4.4-2 CONDITIONS FOR VARIANCES**

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1 [4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - i. a showing of good and sufficient cause;
  - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense,

create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4-1.4 or conflict with existing local laws or ordinances.

***Ordinance # 26-2009 cont'd:***

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

**5.1 GENERAL STANDARDS**

In all areas of special flood hazards the following standards are required:

**5.1-1 ANCHORING**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**5.1-2 CONSTRUCTION MATERIALS AND METHODS**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**5.1-3 UTILITIES**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**5.1-4 SUBDIVISION PROPOSALS**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

**5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other

than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no

***Ordinance # 26-2009 cont'd:***

higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

**5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

**5.2-1 RESIDENTIAL CONSTRUCTION**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
2. Within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**5.2-2 NONRESIDENTIAL CONSTRUCTION**

New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either

- (a)
  1. have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to the level of the base flood elevation: and
  2. within any AO zone on the municipality's DEIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified); and
  3. require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- (b) together with the attendant utilities and sanitary facilities:
  1. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and water; and
  2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3. 2 ii.

**5.2-3 MANUFACTURED HOMES**

1. Manufactured homes shall be anchored in accordance with Section 5.1-1.2.
2. All manufactured homes to be placed or substantially improved within an area of special

flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation

### 5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters

#### *Ordinance # 26-2009 cont'd:*

which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If section 5.3.1 is satisfied, all new construction and substantial improvements must comply with Section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
3. In all areas of special flood hazard in which base flood elevation data has been provided and no flood way has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 6. SUPERSEDING ORDINANCE AND INCONSISTENCY.** This ordinance supersedes sections or portions of the Land Development Ordinance of Readington Township or any other Township ordinance inconsistent herewith, unless such Ordinance contains more stringent standards than this Ordinance, in which case, the more stringent standards shall apply. All ordinances or parts of ordinances inconsistent with this Ordinance and less stringent than the standards set forth herein are hereby repealed to the extent of such inconsistency.

**SECTION 7. SEVERABILITY.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall take effect immediately upon final adoption and publication according to the laws of the State of New Jersey and upon approval by the Hunterdon County Planning Board pursuant to NJ.S.A. 40: 550-97. If no response is received from the Hunterdon County Planning Board within sixty (60) days of its receipt, the ordinance shall then be considered in effect, as provided by the statute cited above.

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

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

A Public Hearing was scheduled for September 21, 2009 at 8:00 p.m.

#### 2. **Development Fee Ordinance Amendment** – introduction

Administrator Mekovetz stated that as part of our COAH plan the Township was required to amend the Development Fee Ordinance and COAH has approved the draft ordinance.

The following ordinance was offered for introduction:

**READINGTON TOWNSHIP, HUNTERDON COUNTY**

**AMENDED DEVELOPMENT FEE ORDINANCE**

**ORDINANCE #27-2009**

**1. Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the

**Ordinance # 27-2009 cont'd:**

New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**2. Basic requirements**

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b) Readington Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

**3. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
- i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

***Ordinance # 27-2009 cont’d:***

- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**4. Residential Development fees**

a) Imposed fees

- i. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of 6 percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for

this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

***Ordinance # 27-2009 cont'd:***

- iv. Developers of residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

**5. Non-residential Development fees**

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three

years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Readington as a lien against the real property of the owner.

***Ordinance # 27-2009 cont'd:***

**6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Readington fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and

determination by the Board, collected fees shall be placed in an interest bearing escrow account by Readington Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a

***Ordinance # 27-2009 cont'd:***

review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Readington. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**7. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. payments in lieu of on-site construction of affordable units;
  2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  3. rental income from municipally operated units;
  4. repayments from affordable housing program loans;
  5. recapture funds;
  6. proceeds from the sale of affordable units; and
  7. any other funds collected in connection with Readington's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Readington Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

**8. Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Readington's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential

buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

***Ordinance # 27-2009 cont'd:***

- b) Funds shall not be expended to reimburse Readington Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Readington Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**9. Monitoring**

- a) Readington Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Readington's

housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**10. Ongoing collection of fees**

- a) The ability for Readington Township to impose, collect and expend development fees shall expire with its substantive certification unless Readington has filed an

***Ordinance # 27-2009 cont'd:***

adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Readington fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Readington shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Readington Township retroactively impose a development fee on such a development. Readington Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

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

Attorney Dragan stated that the ordinance needs to be put into a final ordinance form.

A Public Hearing has been scheduled for October 5, 2009 at 8:00 p.m.

**3. *Winfield Management Corp/Block 8, Lot 3 – Improvements to Route 22 Median***

Mark Peck, an attorney for the Florio Perrucci law firm, stated that he was here on behalf of Winfield Management Corporation and they had received an approval from the Zoning Board of Adjustment to construct a 14,000 square foot multi-use building on the property of Block 8, Lot 3. Mr. Peck stated that the first floor would be an upscale retail center, the second floor would contain 12 COAH units, which is part of the Township's COAH plan. Mr. Peck stated that as part of the zoning board of approval, there are some issues that require Township Committee action. Mr. Peck stated that the median opening on Route 22 across from Lake Drive has been problematic from a safety perspective for years. Mr. Peck stated that the zoning board, along with the Township police department and County planning board required attention to this opening, which has now been approved. Mr. Peck stated that his client would do all the engineering, work and prepare the application; however the endorsement of the proposal must come from the Township Committee.

**A MOTION** was made by Mr. Shamey to endorse this proposal, 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

ρ4. ***Sustainable Land Use Pledge***

This matter was addressed under Consent Agenda.

ρ5. ***Hunterdon County Municipal Alliance – 2009 Renewal Application***

This matter was addressed under Consent Agenda.

ρ6. ***Resolution to Purchase Vehicle Under State Contract***

This matter was addressed under Consent Agenda.

ρ7. ***Environmental Commission – Annual End-of-Year 2008 Report***

This matter was addressed under Consent Agenda.

ρ8. ***Fiddler's Elbow Country Club – release of escrow (\$589.12)***

This matter was addressed under Consent Agenda.

ρ9. ***Postponement of Mortgage – 723 Well Sweep Road (Geltz-Smerrillo)***

This matter was addressed under Consent Agenda.

ρ10. ***Andrew & Monica McKenna, Block 39, Lot 49.10 – release of escrow***

This matter was addressed under Consent Agenda.

ρ11. ***Firemen's Membership Application – Jason L. Adams***

This matter was addressed under Consent Agenda.

ρ12. ***Blue Light Permit – Justin Pfauth***

This matter was addressed under Consent Agenda.

ρ13. ***Blue Light Permit – Arthur Stryker, Jr.***

This matter was addressed under Consent Agenda.

ρ14. ***Social Affairs Permit – Knights of Columbus #6930 – November 20, 2009***

This matter was addressed under Consent Agenda.

ρ15. ***Resolution to Auction Municipally Owned Personal Property***

This matter was addressed under Consent Agenda.

ρ16. ***Firemen's Membership Application – Patrick Kennedy***

This matter was addressed under Consent Agenda.

***ADMINISTRATOR'S REPORT***

Administrator Mekovetz stated the Township is participating in the Department of Agriculture's Gypsy Moth Survey.

Administrator Mekovetz stated that the Township is in the process of transferring General Assistance responsibility to the County during this month.

Administrator Mekovetz stated that the Township is looking for an alternative to the present lighting system on the tennis courts.

### ***ATTORNEY'S REPORT***

Attorney Dragan suggested to the Committee that they should take a vote ratifying the attorney's file of the appeal in the Solberg matter.

A ***MOTION*** was made by Mr. Shamey to request of James Rhatican to file a petition to the Supreme Court in the Solberg matter, 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

### ***ENGINEER'S REPORT***

Engineer McEldowney reported that road and treatment is now substantially complete. Engineer McEldowney stated that Department of Public Works was very much involved in this project and commended Scott Hulcher of the Road Department on the great job. Engineer McEldowney stated overall the road project was well under budget.

Engineer McEldowney reported that the Township has the ability to establish a four way stop locally; however, the state will require the Engineer to do an evaluation on traffic count on that intersection certifying that the intersection warrants a four-way stop.

### ***COMMITTEE REPORTS***

#### **Mayor Allen**

Mayor Allen reported that the Township has a grant application to the Hunterdon County Open Space Farmland and Historic Preservation Trust Fund Program and Readington is submitting an application for the extraordinary purchase on the Toll property. Mayor Allen reported that there is a suggested resolution in support of requesting the county to contribute 20% of the value of the open space portion of the property, estimated to be 140 acres.

The following resolution was offered for consideration:

***#R-2009-108***

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

***WHEREAS***, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes: farmland preservation, preparation of plan elements of a municipal Master Plan, and restoration of county owned or municipal owned historic properties, buildings, structures or facilities, etc.

The Governing Body of the Township of Readington desires to obtain Open Space Trust Funds in the amount of \$714,000 to fund the following projects:

- Block 94, Lots 15.01, 17 and 19
- Block 94, Lots 6.02, 8 and 11

***NOW THEREFORE*** the Governing Body resolves:

1. The Mayor or Administrator/Municipal Clerk is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required

***Resolution #R-2009-108 cont'd:***

Municipal Grants Program and (c) act as the principal contact person and liaison of the above named municipality.

2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local governments rules, regulations and statutes thereto. And;
3. Mayor Julia Allen or Administrator/Municipal Clerk Vita Mekovetz is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

A ***MOTION*** was made by 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

Mayor Allen reported there is a Sewer Advisory Meeting on September 30<sup>th</sup>.

Mayor Allen stated that there is an Open Space Walk scheduled for Sunday, September 20<sup>th</sup> on the River Trail.

**Thomas Auriemma**

Mr. Auriemma stated that he had nothing to report.

**Frank Gatti**

Mr. Gatti stated that he had nothing to report.

**Beatrice Muir**

Mrs. Muir stated that the Board of Health has been involved in discussions with the County on recommended flu vaccinations and to what extent the local board of health would be involved.

Mrs. Muir stated that Public Assistance will be going to the County.

Mrs. Muir stated there is a rabies clinic scheduled for October and requested Administrator Mekovetz to see if it is posted on the Township website.

Mr. Shamey stated he had nothing further to report.

***COMMENTS FROM THE PUBLIC***

Paula Tropello asked the Committee for assistance in regards to getting a property cleaned up along Route 22.

Donald Baldwin asked when and where the public notice for the special meeting of August 26<sup>th</sup> was advertised.

Donald Baldwin asked Committee how long the taxpayers would still have to continue to pay for the Solberg litigation and stated that enough was enough.

Sandra Rosenberg stated that she thought it is was rude that Committee members sign paperwork when someone is speaking.

Mark Rosenberg stated that he was concerned that the public notice of a special meeting was not enough notification to the residents and asked why there was no announcement of action taken at the special meeting when the Committee decided to go ahead and file a petition for review with the NJ Supreme Court.

Robert Fauner asked the Committee why the taxes were so high.

Thomas Finnegan, 7 Springtown Road, stated that he was concerned about the high taxes and the pursuing litigation of the Solberg airport. Mr. Finnegan also stated he was worried about the reliance on grants for funding.

Steven List, Glenmont Road, stated that he supports the Committee in their pursuit of continuing opportunities regarding the airport.

Cheryl Finnegan stated that the taxpayers deserve to be kept informed.

Paula Tropello requested more transparency and communication of the Committee.

As there was no further business, **A MOTION** was made by Mr. Auriemma at 9:20 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