

**READINGTON TOWNSHIP COMMITTEE
 MEETING - SEPTEMBER 19, 2005**

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

PRESENT: Mayor Gatti, Deputy Mayor Shamey, Mrs. J. Allen and Mr. T. Auriemma

ABSENT: Mrs. B. Muir

ALSO PRESENT: Attorney Dragan, Administrator Mekovetz and Engineer McEldowney

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

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

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

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

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

EXHIBIT A

<u>Subject Matter</u>	<u>Basis of Public Exclusion</u>	<u>Date Anticipated When Discussion Will Be Disclosed to Public</u>
Block 22, Lot 49 (Rescue Squad).....	Contract Negotiations.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Block 15, Lot 4 (Arnaudy).....	Contract Negotiations.....	" " "
Block 64, Lots 29 (Chesla).....	Contract Negotiations.....	" " "
Block 70, Lot 38.02 (Kean).....	Contract Negotiations.....	" " "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	" " "
Disposition of MacArthur/Ditmars House....	Contract Negotiations.....	" " "
Awarding of Bikeway/Pedestrian Walkway Bid	Contract Negotiations.....	" " "
Awarding of Hunting Bids.....	Contract Negotiations.....	" " "
Awarding of Ambulance Bid.....	Contract Negotiations.....	" " "
Awarding of Renovation to the Eversole Hall House Bid	Contract Negotiations.....	" " "
Professional Services - Fisher & Phillips, LLP.....	Contract Negotiations.....	" " "
Police Department.....	Personnel.....	" " "
Executive Session Minutes - Sept. 19, 2005 ..	Attorney-Client Privilege.....	" " "

EXECUTIVE SESSION RESOLUTION - continued:

2. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit AA.@
3. This Resolution shall take effect immediately.

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

The meeting reconvened at 7:50 p.m.

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

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

Contract Negotiations - Block 22, Lot 49 (Rescue Squad)

A MOTION was made by Mrs. Allen to update the appraisal on Block 22, Lot 49 (Rescue Squad). This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 15, Lot 4 (Arnaudy)

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-116**

WHEREAS, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$16,000 per acre for the development easement on the Arnaudy (Block 15, Lot 4 - 15+/- acres) farm, which is contained in Readington Township=s 2005A Round Planning Incentive Grant list of farms; and

WHEREAS, the SADC approved the five (5) year allocation of \$4,206,150.00 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township=s 2000A Planning Incentive Grant application, conditioned upon Garden State Preservation Trust, legislative and gubernatorial appropriation; and

WHEREAS, based on Readington Township=s application, the County of Hunterdon will provide a cost share for the purchase of the development easements, holding title to the development easements.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey:

1. Approves the purchase of the development easement on Block 15, Lot 4 (Arnaudy).
2. Commits to funding of the purchase of the development easement on Block 15, Lot 4 (Arnaudy).
3. Authorizes funding pursuant to the Township=s five (5) year funding plan.

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to forward certified copies of this Resolution to the County Agricultural Development Board and the State Agricultural Development Committee as requested and required.

Block 15, Lot 4 (Arnaudy) – continued:

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

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

Contract Negotiations - Block 64, Lots 29 (Chesla)

A **MOTION** was made by Mr. Shamey to authorize Administrator Mekovetz to obtain quotes for two (2) appraisals of Block 64, Lot 29 (Chesla). This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 70, Lot 38.02 (Kean)

A **MOTION** was made by Mr. Shamey to approve the contract for Block 70, Lot 38.02 (Kean), subject to review and approval by Attorney Dragan. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters)

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

Contract Negotiations - Disposition of MacArthur - Ditmars House

Mayor Gatti said as part of the settlement with Fallone, the developer offered to give the Township \$30,000 to save or relocate the house. The Township has found someone who is interested in dismantling the house and moving it.

A **MOTION** was made by Mrs. Allen to accept the offer from Fallone Developers to contribute \$30,000 into the Township's Museum Trust to be used for a preservation project of the Township's choice to satisfy their obligation, pursuant to Planning Board Resolution #2003-126. This motion was seconded by Mr. Shamey and on Roll Call vote the following was recorded:

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

A **MOTION** was made by Mrs. Allen to approve the reimbursement to Ms. Kevin Whitney for a HABS survey on the MacArthur/Ditmars house for an amount not to exceed \$8,000 from the Museum Trust, upon receipt by the Township of required documentation and approval by the Museum Committee for such reimbursement to be paid from the \$30,000 contribution by Fallone Developers into the Museum Trust. This motion was seconded by Mr. Shamey and on Roll Call vote the following was recorded:

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

Disposition of MacArthur - Ditmars House – continued:

Mrs. Allen said letters regarding the Committee's action must be sent to the Museum Committee, the Developer and the contract purchaser, with copies of all letters going to the Planning Board.

Contract Negotiations - Awarding of Bikeway - Pedestrian Walkway Bid

A **MOTION** was made by Mrs. Allen to award the contract in the amount of \$257,130.00 to Compass Construction for the Bikeway-Pedestrian Walkway project. This motion was seconded by Mr. Shamey and on Roll Call vote the following was recorded:

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

Contract Negotiations - Awarding of Hunting Bids

§ **Block 55, Lot 13.51 (Pinebank Road)**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
R-2005-117**

WHEREAS, the Township Committee of the Township of Readington (ACommittee@) publicly advertised for bids a written agreement granting permission to hunt game for conservation and management purposes during the 2005-2006 hunting season on N.J.D.E.P. Green Acres-assisted, publicly-accessed property owned by the Township, being approximately 50.55 acres, situated along Pine Bank Road in the Township, and known as Block 55, Lot 13.51 on the official tax map of Readington Township; and

WHEREAS, on September 9, 2005, the Township Administrator/Municipal Clerk conducted the bid opening whereupon two (2) bids were received; and

WHEREAS, upon review by the Township Attorney it was determined that the two (2) bids received were incomplete because they did not comply with the Certificate of Insurance requirements specified in the bid package; and

WHEREAS, because the bids submitted did not comply with the Certificate of Insurance requirements specified in the bid package, the bids have an incurable defect and are considered non-responsive.

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

1. The Township Committee hereby rejects the two (2) bids received on September 9, 2005 for a written agreement granting permission to hunt game for conservation and management purposes during the 2005-2006 hunting season on N.J.D.E.P. Green Acres-assisted, publicly-accessed property owned by the Township, being approximately 50.55 acres, situated along Pine Bank Road in the Township, and known as Block 55, Lot 13.51 on the official tax map of Readington Township
2. The Township Administrator/Clerk is authorized to notify the bidder of this decision.

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

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

Awarding of Hunting Bids – continued:

§ **Block 96, Lot 18 (Old York Road)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 9, Lot 18 (Old York Road) to the Pines Rod & Gun Club for \$2,639.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

§ **Block 25, Lots 19 & 20 (Route 523)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 25, Lots 19 & 20 (Route 523) to the Flemington-Raritan Rod & Gun Club for \$1,612.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

§ **Block 66, Lots 2 & 3 (Cole Road)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 66, Lots 2 & 3 (Cole Road) to the Flemington-Raritan Rod & Gun Club for \$1,512.00, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

§ **Block 63, Lots 19 & 64 (Woodschurch Road)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 63, Lots 19 & 64 (Woodschurch Road) to the Pines Rod & Gun Club for \$3,211.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

§ **Block 52.01, Lot 14.06 (Cole Road)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 52.01, Lot 14.06 (Cole Road) to the Flemington-Raritan Rod & Gun Club for \$5,112.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

§ **Block 57, Lots 2 & 2.05 (Thor Solberg Road)**

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 57, Lots 2 & 2.05 (Thor Solberg Road) to the Pines Rod & Gun Club for \$616.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Awarding of Hunting Bids/Block 57, Lots 2 & 2.05 (Thor Solberg Road) – continued:

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

§ ***Block 66, Lot 13 (Pleasant Run Road)***

A MOTION was made by Mr. Shamey to award the bid for hunting on Block 66, Lot 13 (Pleasant Run Road) to the Flemington-Raritan Rod & Gun Club for \$2,612.00, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Attorney Dragan said the record should reflect that there were three (3) bids submitted by a hunting club called ASafety First Fish and Game. They were the high bidder on Block 66, Lots 2 & 3 (Cole Road); Block 63, Lots 19 & 64 (Woodschurch Road) and Block 66, Lot 13 (Pleasant Run Road), however they were not recognized as a qualified bidder because they did not provide any of the requirements requested in the bid. They only submitted a piece of paper with their bids on it. As such, they were disqualified.

Contract Negotiations - Awarding of Ambulance Bid

A MOTION was made by Mr. Shamey to award the contract in the amount of \$336,164.00 to VCI Emergency Vehicle Specialists for two (2) ambulances, subject to appropriate members of the Rescue Squad signing certifications to the effect that they have no financial interest in the bid be awarded to this company, and that the Rescue Squad will be responsible for the difference between the \$305,000 appropriated by the Township in a previous bond ordinance and the total cost of \$336,164. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Contract Negotiations - Awarding of Renovation to the Eversole Hall House Bid

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-118***

WHEREAS, the Township Committee of the Township of Readington (ACommittee@) publically advertised for bids for the proposed Renovation to the Eversole Hall House, in the Township (hereinafter referred to as Athe Project@); and

WHEREAS, on September 8, 2005, the Township Administrator/Municipal Clerk conducted the bid opening whereupon the total number of bidders responding was one (1); and

WHEREAS, upon review of the bid, which was from HHR Construction, the Museum Committee determined that the amount offered of \$87,200.00 was higher than the estimated cost of the project which was \$86,450.00; and

WHEREAS, the Township reviewed the recommendation of the Museum Committee dated September 16, 2005, which recommends rejection of the bid; and

WHEREAS, N.J.S.A. 40A:11-13.2 *et seq.* permits a municipality to reject all bids when, among other things, the lowest bid received exceeds the cost estimates of a project.

Awarding of Renovation to the Eversole Hall House Bid – continued:

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

1. For the reasons set forth above, the Township Committee hereby accepts the recommendation of the Museum Committee and rejects the only bid received on September 8, 2005 for the above Project, effective immediately.
2. The Township Administrator/Municipal Clerk is authorized to notify the bidder, HAHR Construction, of this decision.
3. The Township Administrator/Municipal Clerk is authorized to rebid the Project, as well as revise the specifications, if necessary.

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

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

Contract Negotiations - Professional Services - Fisher & Phillips, LLP

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON
RESOLUTION
R-2005-119***

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

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

1. That the following contract has been awarded without competitive bidding as a Professional Service in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
Fisher & Phillips, LLP as Labor Counsel at rates as listed:
X Partner-Level Attorney - \$250 per hour.
X Senior Associate - \$200 per hour.
X Junior Associate - \$175 per hour.
2. Said contract shall expire on December 31, 2005.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. This Resolution shall take effect immediately.

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

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

Personnel - Police Department

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

Attorney-Client Privilege - Executive Session Minutes (September 6, 2005)

A **MOTION** was made by Mrs. Allen to approve the Executive Session minutes of the meeting September 6, 2005 for content. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded. Mr. Shamey abstained from this vote as he left after the first portion of the Executive Session.

CONSENT AGENDA:

1. **APPROVAL OF THE MINUTES** of meeting of September 6, 2005.
3. **Stanton Properties, LLC/Block 45, Lot 5** - request for release of unused escrow funds.
4. **Stanton Properties, LLC/Block 45, Lots 26 & 26.03** - request for release of unused escrow funds.
5. **Whitehouse Management, LLC/Block 36, Lot 47** - request for release of unused escrow funds.
6. **Derwid/Block 20, Lot 17.01** - request for release of unused escrow funds.
7. **Application for Blue Light Permit** - Donald Sigler.
8. **Applications for Raffles License** - Round Valley Trout Association.
9. **Payment of the Bills.**

Fund Description	Fund No.	Received Total
CURRENT FUND APPROPRIATION	001	\$ 428,144.87
SEWER APPROPRIATION	002	\$ 100.00
TRUST APPROPRIATION	003	\$ 25,548.22
CAPITAL APPROPRIATIONS	004	\$ 159,267.90
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 10,111,637.69
PAYROLL DEDUCTIONS	006	\$ 154,504.87
TOTAL OF ALL FUNDS:		<hr/> \$ 10,879,203.55

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

Mrs. Allen	-	Aye
Mr. Auriemma	-	Aye
Mr. Shamey	-	Aye (except for minutes of September 6, 2005 as he did not attend the meeting)
Mayor Gatti	-	Aye

CORRESPONDENCE/OTHER INFORMATION:

1. Notice dated August 31, 2005 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities **regarding Fuel Cost Cap Relief**, noted for information. No action taken.
2. Resolution from the Borough of Frenchtown **in support of State funding for State mandated use of Alcotest**, noted for information. No action taken.
3. Notice dated August 9, 2005 from Debra J. Schulze, Planning Board Clerk, Hillsborough Township, regarding **public meeting regarding the Hillsborough Township Master Plan - Phase II**, noted for information. No action taken.
4. Resolution from the Township of Mansfield **opposing exclusion of State from CAP Law (AGoose and the Gander@)**, noted for information. No action taken.

CORRESPONDENCE/OTHER INFORMATION – continued:

5. Resolution from the Borough of Milford **regarding AGoose and the Gander@ requesting that legislation be enacted to impose limits on the Annual NJ State Budget to include spending limitations comparable to those required of Municipalities, Counties, Authorities and School Districts**, noted for information. No action taken.
6. Resolution from the Township of West Amwell **opposing exclusion of State from CAP Law (AGoose and the Gander@)**, noted for information. No action taken.
7. Resolution from the Township of West Amwell **in support of State funding for State mandated use of Alcotest**, noted for information. No action taken.
8. Letter dated August 31, 2004 from Edward A. Kuc, Principal Ecologist, Eastern States Environmental Associates, Inc. regarding **NJDEP General Permit Authorization - Whitehouse Station Walkway Project, Block 21.12, Lots 34, 34.01, 34.02, 38 & 39**, noted for information. No action taken.
9. Letter dated September 1, 2005 from Jeff Tareila Environmental Consultants, regarding **Letter of Interpretation application - American Dream at Stanton Ridge, Block 45, Lots 26.03 & 26.08**, noted for information. No action taken.
10. Letter dated August 18, 2005 from Troy L. Ettel, Director of Conservation & Stewardship, NJ Audubon Society, regarding **preservation of Solberg Airport**.

A **MOTION** was made by Mr. Shamey to send a letter to the New Jersey Audubon Society thanking them for their support and stating that the Committee would be interested in meeting with them at the appropriate time. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

OLD BUSINESS:

1. **Wilmark Building Contractors, Inc.** - request for release of Performance Bond.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
 RESOLUTION
 R-2005-120**

WHEREAS, Wilmark Building Contractors, Inc. did on March 24, 2005 file a written request with the Clerk of the Township of Readington for the release of Performance Bond #139449 for Dreahook Road Off-Site Improvements completed on Block 25, Lots 43 & 50 (Wilmark at Readington); and

WHEREAS, the Township Engineer has reviewed this request, conducted a final inspection of bonded items, and has no objection to the release of these funds, contingent upon receipt of a two (2) year Maintenance Bond in the amount of \$17,675.00, as indicated in his Letter dated August 25, 2005.

DEVELOPMENT	BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	CURRENT REMAINING PERFORMANCE GUARANTEE @ 120% VALUE	RECOMMENDED REDUCTION BY (%) FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTEE @ 120% VALUE
Wilmark at Readington Dreahook Road Off-Site Improvements Block 25, Lots 43 & 50	Frontier Insurance Co. #139449	\$141,403.80	\$141,403.80	100%	\$0.00

Wilmark Building Contractors, Inc. - request for release of Performance Bond – continued:

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to release Performance Bond #139449, as recommended by the Township Engineer, contingent upon receipt of a two (2) year Maintenance Bond in the amount of \$17,675.00; and

BE IT FURTHER RESOLVED, that authorization is given to the Township Clerk to forward a copy of this Resolution approving the release to the applicant.

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

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

2. ***Block 74, Lot 27 (Chesla)*** - design review by Historic Preservation Commission.

A MOTION was made by Mrs. Allen to approve the final design for the renovation to the house on Block 74, Lot 27 (Chesla). This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

NEW BUSINESS:

1. ***Amendment to Stream Corridor Ordinance*** - introduction.

The following Ordinance was offered for consideration:

***AN ORDINANCE AMENDING THE LAND DEVELOPMENT
ORDINANCE OF THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY,
NEW JERSEY, OF DECEMBER 1992 AS HERETOFORE SUPPLEMENTED
AND AMENDED***

Ordinance #27-2005

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

SECTION 1. Section 148-9 entitled "Definitions" and Section 148-50 entitled "Critical Areas" contained in the Land Development Ordinance of the Township of Readington, Hunterdon County, New Jersey, of December 1992 are revised as follows [Deletions are indicated ~~thus~~; Insertions are indicated thus.]

§ 148-9. Definitions.

CRITICAL AREA -- Any area which is environmentally sensitive or which, if disturbed, would adversely affect the environment. Stream corridors, flood hazard areas, state open waters, wetlands, headwaters, vernal pools and steep slope areas with slopes greater than 15% are critical areas for which regulations for development are specified in this chapter.

HEADWATERS -- The source and upper part of a stream or stream system.

Formatted: Font: Times New Roman, All caps

STREAM CHANNEL -- The bed and banks which confine and conduct continuously or intermittently flowing water. This includes permanent or intermittent watercourses shown on U.S.G.S. quadrangle maps or the Hunterdon County Soil Survey, designated state open waters, headwaters and features that have not yet been mapped, but that are identified by the Township as a stream channel, state open waters or headwaters during the review of an application for development. [Amended 11-4-2002 by Ord. No. 49-2002]

Deleted: P

Amendment to Stream Corridor Ordinance – continued:

STREAM CORRIDOR -- The stream channel, the area within the one-hundred-year flood line and a minimum of 100 feet (for non-trout maintenance waters), 150 feet (for trout maintenance waters) or 300 feet (for Category 1 waters) from the one-hundred-year flood line, extending outward from the stream channel in any direction. If there is no one-hundred-year flood line delineated, the distance shall be measured outward from the top of the bank of the stream channel. If slopes of 15% or greater abut the outer boundary of the stream corridor, the area of such slopes shall be included within the stream corridor. [Amended 11-4-2002 by Ord. No. 49-2002]

Deleted: (the bed and banks of a stream which confine and conduct continuously or intermittently flowing water),

Deleted: , on both sides of the stream.

Deleted:

UNCONSTRAINED TRACT AREA -- The area of the tract that does not contain critical areas, 90% of the slopes between 15% and 25% and all slopes greater than 25%, existing or proposed easements (excluding sight triangles), stormwater management facilities and right-of-way areas.

Deleted: floodplains, wetlands

Deleted: site

VERNAL POOL -- A pool or wetland that predictably forms in depressions or basins during the wet season and dries out in late spring to summer. Vernal pools serve an important local biodiversity function because of their connection to surrounding terrestrial habitats. Along with other ephemeral wetlands, they are the primary habitat for animal species that require relatively predator-free pools for feeding or breeding, including many amphibians.

Formatted: Font: Times New Roman, All caps

Formatted: Font: Times New Roman, 12 pt

§ 148-50. Critical areas.

B. Stream corridors. [Amended 2-20-2001 by Ord. No. 3-2001^{EN}; 11-4-2002 by Ord. No. 49-2002]

- (1) The purpose of this section is to protect property from flooding; to reduce land development impacts on stream water quality and flows; to maintain quality of streams and improve the currently impaired streams in the Township; to protect significant ecological components of stream corridors such as wetlands, floodplains, woodlands, steep slopes, wildlife, plant and riparian habitats within the stream corridors of the Township; to complement existing state, regional, county and municipal stream corridor protection and management regulations and initiatives; to protect existing natural drainage features; to protect other's rights within the same watershed from adverse effects of improper stream corridor development; and, to provide recreation and wildlife migration corridors.

(2) Stream corridors shall remain in their natural state, with no clearing or cutting of trees and brush (except for removal of dead vegetation and pruning for reasons of public safety), altering of watercourses, regrading or construction. Only the following uses shall be permitted within stream corridors, subject to the aforementioned parameters:

Deleted: (2) Stream corridors shall mean the stream channel (the bed and banks of a stream which confine and conduct continuously or intermittently flowing water), the area within the one-hundred-year flood line and a minimum of 100 feet from the one-hundred-year flood line, extending outward from the stream channel, on both sides of the stream. If there is no one-hundred-year flood line delineated, the distance shall be measured outward from the top of the bank of the stream channel. If slopes of 15% or greater abut the outer boundary of the stream corridor, the area of such slopes shall be included within the stream corridor. Stream channels shall mean permanent or intermittent watercourses shown on U.S.G.S. quadrangle maps or the Hunterdon County Soil Survey.

- (a) Agriculture according to the best management practices of the Natural Resource Conservation Service or the Soil Conservation District, but excluding enclosed structures.
- (b) Pasture and controlled grazing of animals as part of an agricultural operation in accordance with conservation practices approved by the Natural Resource Conservation Service or the Soil Conservation District.

Amendment to Stream Corridor Ordinance – continued:

- (c) Wildlife sanctuary, woodland preserve, and arboretum, except if subject to damage by flooding.
- (d) Hunting and fishing reserves, operated for the protection and propagation of wildlife, but excluding enclosed structures.
- (e) Passive recreational uses.
- (f) Stream corridor restoration that utilizes plantings of native and indigenous species.

Deleted: ¶

Deleted: 3

(g) Dams, culverts and bridges that have received approval from the appropriate municipal, county and state agencies having such authority;

(h) Roads that cross the stream corridor as directly as feasible.

(3) Any use not specifically permitted in the stream corridor is prohibited.

Deleted: 4

(4) Any development or use requiring approval under Subsection B(2) above shall require either site plan review or subdivision review pursuant to Article X of this chapter. The procedures and standards of review prescribed in Article X shall be applicable and shall be in addition to the requirements for submission listed in Subsection B(5) below. Nothing in this section shall relieve an applicant from complying with other requirements that are applicable to the development.

Deleted: 5

Deleted: 3

Deleted: 6

(5) The following information shall be supplied for any development within a stream corridor. Such information shall be in addition to information required by Article X:

Deleted: 6

(a) Delineation of stream corridors as defined in [section 148-9](#).

Deleted: Subsection B(2) above

(b) Detailed hydrologic engineering studies indicating the effects on drainage, streams and adjacent properties as well as the property in question, including the necessary data to determine whether the boundaries of the stream corridor would be affected if the application were granted.

(c) A plan indicating the disposition of any fill materials proposed to be deposited by the grading or regrading of land.

(d) The designation of how suitable techniques, including erosion and soil stabilization measures, sediment traps and nutrient control by vegetation filters or other mechanisms, will be incorporated to protect the stream.

(e) A demonstration that the use or activity cannot be located outside the stream corridor.

(6) An approved application for development or use on a lot which contains a stream corridor or portion of a stream corridor shall provide a conservation easement for the continued protection of the stream corridor. Conservation easements shall be established either by deed or by plat filed with the County Recording Officer in compliance with the Map Filing Law.

Deleted: 7

(7) Appropriate monuments shall be set by the licensed land surveyor. Such markers shall be set at each conservation easement corner not previously marked by a monument. All boundary markers shall be described on the survey provided to show their relation to the property or corner, or, if appropriate, to the boundary lines.

Deleted: 8

(8) In addition to monumentation, a suitable form of continuous, visible delineation (such as a fence) shall be installed so that it is coterminous with the boundaries of the conservation easement. The location and detailing for this element shall be included on the plans. This element shall be designed to be visually compatible with the character of the stream corridor and the local context and shall be subject to review and approval by the approving authority.

Deleted: 9

Amendment to Stream Corridor Ordinance – continued:

(9) Signs shall be provided along the boundary of the conservation easement in order to clearly identify the limits and nature of the easement, in accordance with § 148-116A(19) and Schedule C of the Land Development Ordinance. Signs shall be affixed at appropriate intervals and locations as directed by the approving authority. The location of signs shall be provided on the plans.

Deleted: 10

SECTION 2. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection,

Deleted: 11

paragraph, subdivision or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. This ordinance supersedes and repeals any portion of any previous ordinance inconsistent herewith.

SECTION 4. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

¹ Editor's Note: This ordinance also repealed former Subsection C, Wetlands.

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

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

Public Hearing was scheduled for Monday, October 17, 2005 at 8:00 p.m.

2. ***East Whitehouse Fire Company*** - new vehicle purchase.

Mr. Shamey gave a short presentation regarding East Whitehouse Fire Company's need for a new pumper.

After a short discussion, it was the consensus of the Committee that a bond ordinance should be drafted for consideration at the next meeting, the amount to be based upon an estimate to be provided by the Fire Company.

3. ***Request for permission to hold wedding at the Bouman-Stickney Farmstead:***

§ Serrani & Semler

A MOTION was made by Mrs. Allen to approve the request to hold the Serrani/Semler wedding at the Bouman-Stickney Farmstead on September 24, 2005. This motion was seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

§ Holck & Lemieux

A MOTION was made by Mrs. Allen to approve the request to hold the Holck/Lemieux wedding at the Bouman-Stickney Farmstead on October 1, 2005. This motion was seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

4. ***Stanton Properties, LLC/Block 45, Lot 5*** - request for release of unused escrow funds.

This item was addressed under the Consent Agenda.

5. ***Stanton Properties, LLC/Block 45, Lots 26 & 26.03*** - request for release of unused escrow funds.

This item was addressed under the Consent Agenda.

NEW BUSINESS – continued:

6. ***Whitehouse Management, LLC/Block 36, Lot 47*** - request for release of unused escrow funds.

This item was addressed under the Consent Agenda.

7. ***Derwid/Block 20, Lot 17.01*** - request for release of unused escrow funds.

This item was addressed under the Consent Agenda.

8. ***Application for Blue Light Permit*** - Donald Sigler.

This item was addressed under the Consent Agenda.

9. ***Applications for Raffles License*** - Round Valley Trout Association.

This item was addressed under the Consent Agenda.

ADMINISTRATOR=S REPORT:

Written report submitted.

Administrator Mekovetz said that Kevin Fischer has been working with the Rotary regarding the placement of the clock at the Whitehouse Station train station. She asked Rotary member Tom Seibert to update the Committee on the status of the project.

Mr. Seibert said Ron Monaco originally wanted to remove the existing light pole and put the clock in it's place. However, when they opened up the light pole, the bolts are so rusty, the entire base would have to be replaced. Mr. Seibert said he and Mr. Fischer had discussed possibly putting the clock more toward the tracks and leaving the light where it is.

Engineer McEldowney said there are two (2) options - to put the clock where the light post is, or to put the clock slightly to the north in a brick area toward the railroad tracks. He discussed this with Mr. Monaco and suggested that they meet with Mr. Fischer to discuss the matter further.

After a short discussion, it was the consensus of the Committee that they would defer the decision on the placement of the clock to Engineer McEldowney, Mr. Monaco and Mr. Fischer.

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

ATTORNEY'S REPORT:

Written report submitted.

Attorney Dragan said she is working on several closings.

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

ENGINEER'S REPORT:

Written report submitted.

Engineer McEldowney said the road reclamation projects which involve Militia Road, Pasture Drive, Rockafellow Mills Road and Dreahook Road are ongoing.

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

COMMITTEE REPORTS:

1. Frank Gatti:

a. Finance Department

1. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

Mayor Gatti said he had nothing further to report at this time.

2. Gerry Shamey:

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

3. Julia Allen:

a. Farmland\Open Space Preservation\Land Projects Liaison

Mrs. Allen said the next Open Space Advisory Board meeting is September 21st.

Mrs. Allen said four (4) walks on Township open space property have been scheduled for this fall. The first was yesterday from Deerpath Park through three (3) Township open space parcels to the Greenway owned by the County along the South Branch of the Raritan River.

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

4. Thomas Auriemma:

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

5. Beatrice Muir:

As Mrs. Muir was not in attendance, no report was given.

COMMENTS FROM THE PUBLIC:

Mayor Gatti asked for comments from the public.

Mr. Don Baldwin questioned the legal fees for 2005.

Mr. Baldwin said a letter he wrote to the Committee asking approximately eleven (11) questions to the Committee was listed on the August 15th agenda. He asked if he would be getting answers to his questions.

Ms. Cheryl Filler referred to the awarding of the hunting bids earlier in the meeting. She asked that hunting clubs who were awarded the bids make sure not to shoot the white deer in the Township.

Mrs. Ingelore Krug referred to an item on the bill list for DiFrancesco, Kunzman, Coley for a bankruptcy item.

Attorney Dragan said that this firm is hired annually to protect the Township's interests when the Tax Collector receives notice that someone has filed for bankruptcy.

Mrs. Krug said she lives on Old Readington Road. She said the overlay work on this road has never been completed.

Mr. Shamey said he will contact DPW Director Scott Jesseman and look into this matter.

COMMENTS FROM THE PUBLIC – continued:

Mrs. Krug referred to the change of the name of her road from Readington Road to Old Readington Road. She said the maps needs to be updated to reflect this change.

Administrator Mekovetz said the name change was recommended by County Emergency Services.

COMMENTS FROM THE GOVERNING BODY:

Mayor Gatti asked for comments from the Governing Body.

Mr. Shamey said that the Township Committee has been hosting informal meetings designed to answer resident's questions regarding taxes, or any other Township issues which may be of concern.

Mr. Shamey said the next meeting will be held on Tuesday, September 27th at 7:00 p.m. at the Whitehouse Station Fire Company on Route 523.

Mayor Gatti said if any residents have any ideas how the Township could save money on legal fees he would be more than happy to speak to them.

ADJOURNMENT

As there was no further business, a motion was made by Mr. Shamey at 9:40 p.m., seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC
Administrator\Municipal Clerk

C:\Documents and Settings\msullivan1\Desktop\Readington LDO
Amendments 2005\050913 Streams and Critical Areas.doc