

**READINGTON TOWNSHIP COMMITTEE
MEETING – FEBRUARY 5, 2007**

Mayor Shamey *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 G. Shamey, Deputy Mayor T. Auriemma, Mrs. J. Allen, Mr. F. Gatti and Mrs. B. Muir

ALSO PRESENT: Administrator Mekovetz, Attorney Dragan 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>
Finance Office.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Personnel Matters.....	Personnel.....	" " "
Block 20, Lot 1 (Huska).....	Contract Negotiations.....	" " "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	" " "
Allies Inc. Group Home.....	Contract Negotiations.....	" " "
Professional Services	Contract Negotiations.....	" " "
WordWorks – Newsletter Services		
Parker, McCay & Criscuolo, PA		
Robert A. Ballard, Jr. – Municipal Prosecutor		
Patrick Clare, Esq. – Public Defender		
Princeton Hydro, LLC – Airport Environmental Impact Analysis		
Executive Session Minutes - January 16, 2007.....	Attorney-Client Privilege.....	" " "
Waste Management v. Readington Twp.	Litigation.....	" " "
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation - Hromoho).....	Litigation.....	" " "

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

EXECUTIVE SESSION RESOLUTION – continued:

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

The meeting reconvened at 8:05 p.m.

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

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

Personnel – Finance Office

A ***MOTION*** was made by Mr. Gatti to hire Nancy Annunziata to replace Assistant Treasurer Omayra Rosa, effective February 5, 2007 at an annual salary of \$43,000 with a probationary period of one (1) year. This motion was seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

Personnel - Personnel Matters

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

Contract Negotiations - Block 20, Lot 1 (Huska)

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

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

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

Contract Negotiations - Allies Inc. Group Home

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

Contract Negotiations - Professional Services

WordWorks – Newsletter Services

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

Parker, McCay & Criscuolo, PA

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

Robert A. Ballard, Jr. – Municipal Prosecutor

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

Patrick Clare, Esq., Public Defender

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

Princeton Hydro, LLC – Airport Environmental Impact Analysis

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

Attorney-Client Privilege - Executive Session Minutes (January 16, 2007)

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

Litigation - Waste Management v. Readington Township

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

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

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

CONSENT AGENDA:

1. ***APPROVAL OF THE MINUTES*** of meeting of January 16, 2007.
2. ***Request for Division of Local Government Services to review Readington Township Budget & waiving option for local examination - Resolution.***

***RESOLUTION TO ELECT NOT TO SELF EXAMINE THE 2007 TOWNSHIP BUDGET
R-2007-37***

WHEREAS, NJSA 40A:4-78B authorizes municipalities in sound fiscal condition to assume the responsibility normally granted to the Director of the Division of Local Government Services of conducting the annual budget examination; and

WHEREAS, the Township of Readington is eligible for self examination of the 2007 Municipal budget.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Readington hereby elect to pass on self examination and request that the Division of Local Government Services perform the examination.

3. ***Stadnik - Handel/Block 21.12, Lot 28*** - release of driveway bond - \$600.
4. ***Jacobs-BBL*** - Partial Payment #17 for Three Bridges Pump Station project (\$4,594.82).
5. ***DeMaio Electric*** - Payment #3 for Three Bridges Pump Station project (\$227,332.56).
6. ***Lee/Block 12, Lot 12*** - request for release of unused escrow funds (\$138.87).
7. ***Applications for Raffles License*** – Anderson House, Inc. (June 4, 2007).
8. ***Lien Redemptions*** – resolutions.

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

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 13, Lot 24.01; and

CONSENT AGENDA – continued:

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 \$436.11, known as TSC #514, to the lien holder, Joanne Musa.

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

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 36, Lot 117; 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 \$452.92, plus a \$900.00 premium paid at Tax Sale, known as TSC #04-06, to the lien holder, Eugene Denagel.

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

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 36, Lot 117; 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 \$649.03, known as TSC #518, to the lien holder, Anthony Malinowski.

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

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 66, Lot 39.02; 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 \$29,429.66, plus a \$27,000.00 premium paid at Tax Sale, known as TSC #509, to the lien holder, Crusader Servicing Corp.

9. **Payment of the Bills.**

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND APPROPRIATION	001	\$ 836,074.55
SEWER APPROPRIATION	002	\$ 145,394.59
TRUST APPROPRIATION	003	\$ 17,514.86
CAPITAL APPROPRIATIONS	004	\$ 8,971.00
MISC REFUND, COUNTY TAX, LIENS	005	\$ 4,347,603.93
PAYROLL DEDUCTIONS	006	\$ 954,038.69
REGIONAL AND LOCAL SCHOOL TAX	007	\$ 2,476,195.92
 TOTAL OF ALL FUNDS:		 \$ 8,785,793.54

CONSENT AGENDA – continued:

A **MOTION** was made by Mrs. Muir 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 (except for minutes of January 16, 2007 as he was not in attendance)
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mayor Shamey	-	Aye

PUBLIC HEARINGS:

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

Clerk read by Title:

***AN AMENDMENT TO AN ORDINANCE OF THE TOWNSHIP OF READINGTON,
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO FEES
FOR COPIES OF PUBLIC RECORDS***

Ordinance #01-2007

Mayor Shamey said this ordinance is an amendment to the Township's ordinance pertaining to fees for copies of public records.

Administrator Mekovetz said in there was a typo and the number "1" in that paragraph should be deleted. Also, in Section "I" where the faxing fee is referred to, she recommended that the language be changed to the following:

"All records faxed will be charged based on the copying costs outlined in Subsection A"

This change would require reintroduction of the ordinance.

Mayor Shamey asked if this ordinance is comparable to similar ordinances in other municipalities.

Administrator Mekovetz said she did some research and it is in line with other municipalities. She said if the Committee considers this change the ordinance would have to be reintroduced.

Attorney Dragan said if it's not necessary to photocopy a document it would be .50¢ per page. This is basically to cover the costs in the Administration office for pulling information, faxing it, etc. because it is taking time for the office staff to respond to these requests.

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

Mr. Gatti asked how often documents have to be faxed in response to requests.

Administrator Mekovetz said the majority of the requests are not for faxes, but there are fax requests. Some municipalities will not fax responses to requests.

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

Ms. Ingelore Krug said if she was out of town and needed information she would ask that it be faxed. She said she would not need a copy so why should she pay twice?

Mayor Shamey said this refers to if a document has to be retrieved and then photocopied before it can be faxed. There are certain documents that have to be photocopied before they can be put in the fax machine.

Attorney Dragan said you can't send an original photo or a bound book through the fax machine.

Ordinance #01-2007 – continued:

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

Clerk read by Title:

***AN AMENDMENT TO AN ORDINANCE OF THE TOWNSHIP OF READINGTON,
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO FEES
FOR COPIES OF PUBLIC RECORDS***

Ordinance #01-2007

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

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

The following Ordinance was offered for introduction:

***AN AMENDMENT TO AN ORDINANCE OF THE TOWNSHIP OF READINGTON,
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO FEES
FOR COPIES OF PUBLIC RECORDS***

Ordinance #03-2007

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

Section 1: Section **§119-S entitled "Procedures and fees for purchasing copies of public records"** is hereby supplemented and amended as follows (deletions are indicated ~~thus~~; additions are indicated thus):

Copies of records may be purchased for the fee prescribed by law or regulation. If a fee is not prescribed by law or regulation, the fee shall be the actual cost of duplicating the record, provided, however, that where the actual cost for duplication of a record exceeds the rates below, the actual cost shall be imposed:

A. Standard-sized paper documents, up to 8 ½ x 14 inches in size:

1 to 10 pages	\$0.75 per page
11 to 20 pages	\$0.50 per page
All over 20	\$0.25 per page

B. Large-sized paper documents and maps (exceeding 11 x 17): actual cost of duplicating plus service charge referred to in Subsection "G" below.

C. Pre-printed documents:

Zoning Map	\$ 5.00
Street Map	\$ 4.00
Land Use Pamphlet	\$30.00
Master Plan	\$30.00
Supplements to Master Plan	\$30.00 each
Sr. Citizens Supplement	\$50.00

Ordinance #03-2007 – continued:

D. Police Reports and Photographs:

- (1) Police accident reports: same as Subsection "A" above, if requested and picked up in person.
- (2) Police accident reports, when copies are requested other than in person: \$5 for the first three pages and \$1 per page for each additional page, as established by *N.J.S.A. 39:4-131*.
- (3) Photographs

E. Audio Tape: cost of duplication.

**F. Information on CD, diskette or cassette tape:
\$5.00 per CD, diskette or cassette tape**

G. A special **service** charge shall be imposed, in addition to the actual cost of duplicating the record, **in the following circumstances:** where the nature, format, manner of collation or volume of printed matter is such that it cannot be reproduced by ordinary document-copying equipment in ordinary business size or where such record involves an extraordinary expenditure of time and effort to accommodate the request; **or where a request is for a record in a medium not routinely used by the Township, not routinely developed or maintained by the Township or requiring a substantial amount of manipulation or programming of information technology.** **The special service charge shall reflect the labor cost of personnel necessary to accommodate the request or the cost for any extensive use of information technology. The special service charge rate for supervisory, programming and/or clerical services shall be charged per hour and as follows: The hourly rate shall be the hourly wage of the employee conducting the supervisory, programming and/or clerical services as set by the Township from year to year and/or P.B.A. agreement(s) from time to time.** The requestor shall have the opportunity to review and object to the special service charge prior to it being incurred.

H. Applicable postage shall be added for any and all records requested by mail.

I. **All records faxed will be charged based on the copying costs outlined in Subsection A above.**

J. A deposit shall be paid prior to filling any request where it is estimated that the information requested will cost in excess of \$5 to reproduce. The amount of the deposit shall equal the total estimated cost of filling the request.

Section 2: All ordinances and parts of ordinances which are inconsistent with the provision of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 4: This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

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

Public Hearing was scheduled for Tuesday, February 20, 2007 at 8:00 p.m.

Ordinance #02-2007

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

Clerk read by Title:

ORDINANCE APPROPRIATING \$85,000 FROM THE OPEN SPACE TRUST FUND FOR THE ACQUISITION OF A CONSERVATION EASEMENT ON BLOCK 36, LOTS 9 & 27 (OWNER: COOK) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY.

Ordinance #02-2007

Mayor Shamey said this ordinance provides for the acquisition of a conservation easement on Block 36, Lots 9 & 27.

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

Mrs. Allen said this property, when preserved, will further the Township's greenways goals of protecting land along stream corridors, which in this case is the Chambers Brook. It is a conservation easement that allows public access.

Mayor Shamey asked if there were any comments from the public. There were none.

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

Clerk read by Title:

ORDINANCE APPROPRIATING \$85,000 FROM THE OPEN SPACE TRUST FUND FOR THE ACQUISITION OF A CONSERVATION EASEMENT ON BLOCK 36, LOTS 9 & 27 (OWNER: COOK) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY.

Ordinance #02-2007

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

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

CORRESPONDENCE/OTHER INFORMATION:

1. Letter dated January 19, 2007 from George D. Muller, Freeholder Director, regarding ***Readington Township hosting a public session of the Board of Chosen Freeholders.***

Mayor Shamey said he thinks this would be a great opportunity to bring County Government into the Township.

Mrs. Allen said she would be in favor of Readington hosting a meeting of the Freeholders.

Mayor Shamey suggested that notice of this meeting be placed in the Township's newsletter once it is scheduled.

2. Letter dated January 23, 2007 from Senator Robert W. Singer, Assemblyman Joseph R. Malone and Assemblyman Ronald S. Dancer, regarding ***a petition asking Governor Jon S. Corzine to make every effort to revise the school funding formula as soon as possible.***

Petition asking Governor Jon S. Corzine to make every effort to revise the school funding formula – continued:

A ***MOTION*** was made by Mrs. Allen to send a letter in support of this petition and also make it available to the public to sign in the Municipal Building and the libraries. This motion was seconded by

3. Notice dated January 17, 2007 from Rebecca E. D'Alleinne, Planning Board Administrator regarding ***public hearing of the 2007 Clinton Township Housing Element & Fair Share Plan.***
4. Letter dated January 25, 2007 from Donna J. Burham, Municipal Clerk, Twp. of Clinton, regarding ***adoption of a resolution in opposition to A-3857 – Regional Contribution Agreements***, noted for information. No action taken.
5. Memorandum dated January 24, 2007 from Roberta A. Brassard, Municipal Clerk, Twp. of Tewksbury, regarding ***the following:***
 - ***Adoption of Ordinance #01-2007 - to Amend an Ordinance whose short title is “Tewksbury Twp. Development Regulations Ordinance (2000)” by transferring to the Planning Board the powers of the Zoning Board of Adjustment and renaming the Planning Board the “Land Use Board.”***
 - ***Public Hearing of Ordinance #01-2007 - to Amend an Ordinance whose short title is “Tewksbury Twp. Development Regulations Ordinance (2000).”***

The items listed above were noted for information. No action taken.

6. Letter dated January 24, 2007 from Lou Cattuna, Section Chief, Bureau of Inland Regulation, NJDEP, regarding ***Freshwater Wetlands Statewide General Permit No. 2, - Elizabethtown Water Company/DBA NJ American Water, Block 4, Lot 42***, noted for information. No action taken.
7. Letter dated January 11, 2007 from Edward A. Kuc, Principal Ecologist, Eastern States Environmental Associates, Inc. regarding ***Application for Letter of Interpretation – Rockaway Creek, LLC, Block 39, Lot 57***, noted for information. No action taken.
8. Letter dated January 8, 2007 from Annette G. Kavanagh, Permit Coordinator, Environmental Management Group, regarding ***application for Letter of Interpretation, Presence/Absence Determination – Wachovia Bank, Block 8, Lots 4 thru 7***, noted for information. No action taken.
9. Notice from Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas Company, regarding ***Public Hearings on Petition filed with the Board of Public Utilities***, noted for information. No action taken.

OLD BUSINESS:

1. ***Solberg Airport*** - update by Mayor Shamey.

Mayor Shamey said the court, at the suggestion of the special discovery masters in the Solberg Aviation litigation, has extended the discovery period until June 20, 2007. Depositions have begun and are ongoing.

2. ***Country Classics Legacy at Readington*** – recommendation for street name.

Mayor Shamey said the Committee had requested that the Street Naming Committee provide additional recommendations for this road name.

Administrator Mekovetz said the new recommendation is Open Acres Drive.

Mrs. Muir said that the property was the Berry Farm. She suggested Berry Farm Road.

Country Classics Legacy at Readington – recommendation for street name – continued:

After a short discussion, **A MOTION** was made by Mrs. Allen to name the road in the Country Classics Legacy at Readington development “Berry Farm Road,” contingent on review and recommendation by the 911 coordinator. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

3. ***Bikeway/Walkway*** – request for trash receptacles, walkway benches, picnic tables & park benches.

Mayor Shamey referred to a letter dated January 14, 2007 from resident Janie Apgar of Dove Cote Court requesting trash receptacles, walkway benches, picnic tables & park benches on the walkway.

Mrs. Allen said she is very familiar with this area and concurs with everything Ms. Apgar is suggesting. Readington Township owns a nine (9) acre park contiguous with the Lake Cushetunk Dam, and also contiguous to the six (6) acres the Township purchased for the walkway. There is a gazebo with a concrete floor and a grill, but nothing else in it.

Administrator Mekovetz said she met with Engineer McEldowney and Kevin Fischer regarding this matter. All of the suggestions were discussed and she has comments that might be helpful.

They discussed having three (3) benches along the walkway rather than two (2). Also, as an alternative, the Township could purchase the picnic tables and benches and possibly the Homeowners’ Association could be responsible for the upkeep of the area of the gazebo.

Mayor Shamey suggested that a letter be sent to the Homeowners’ Association asking if they would be willing to maintain the area around the gazebo. Also, that Ms. Apgar be contacted regarding the progress and thanked for her ideas.

J. NEW BUSINESS:

1. ***Appointment of Member of Environmental Commission.***

A MOTION was made by Mrs. Muir to appoint Jay Kelly to the Environmental Commission as an alternate member. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

2. ***2007 Memorial Day Parade*** – discussion.

Mr. Auriemma said last year the parade route started at Railroad Avenue. There has been discussion about starting it this year at Nelson Avenue to get additional homes and businesses to participate. However, that would mean that there would be no detour on Route 523 traveling south. Route 523 would have to be closed at the Route 22 intersection. The detour would be at School Road. This would require State approval and probably two (2) additional officers for traffic control.

Mrs. Allen said she thinks this is a good change because it would involve more of the community.

A MOTION was made by Mrs. Allen to begin the Memorial Day parade at Nelson Street and to apply to the State for approval to close Route 523 at the Route 22 intersection. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

NEW BUSINESS – continued:

3. **Readington Township Board of Education** – easement agreement.

Mayor Shamey said this relates to an easement over private property for the sewer pipe for the Board of Education. There is already an access easement. This would not increase the size of the easement.

Attorney Dragan said Engineer McEldowney had changes to the easement and she also has two (2) changes.

A **MOTION** was made by Mrs. Muir to approve the sewer easement agreement with the Readington Township Board of Education, with the changes recommended in Engineer McEldowney's January 29, 2007 memo and Attorney Dragan's January 30, 2007 letter. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

Mr. Auriemma said the Committee had previously discussed possibly putting a walkway along this easement.

Attorney Dragan said it is a pedestrian access easement. Her suggested change was to make sure that the Township does not give up its rights to maintain a pedestrian access easement.

4. **Chubb Non-Smoking Policy** – request from Environmental Commission to contact Chubb and ask them to implement methods to contain the disposal of cigarette butts.

Mrs. Muir said Chubb no longer allows employees to smoke in the building or on company premises so employees are going out to the road and throwing cigarette butts in the street and down the storm drains. The Environmental Commission is asking that the Committee send a letter to Chubb asking if they are aware of the situation and if they could remedy it by getting cigarette receptacles.

Mr. Auriemma said the non-smoking policy was issued at the corporate headquarters. Their suggestion was to put a "no littering" sign, with a fine, at the street and send a memo via email to the people who have been identified via camera as offenders. The problem is who is going to initiate a fine – Chubb is not going to do it and the Township is not going to do it. He said the solution would simply be placement of cigarette receptacles.

Mrs. Allen said, given the situation that has developed, maybe they should amend their policy to have a small area demarcated where the employees can smoke that has receptacles for the reasons set forth in the Environmental Commission's memorandum.

All agreed that a letter should be sent.

5. **Ordinance #43-2006 (Perth Amboy RCA - \$2,680,000/\$2,546,000)** – reaffirmation of adoption.

A **MOTION** was made by Mrs. Muir to reaffirm the adoption Ordinance #43-2006 (Perth Amboy RCA - \$2,680,000/\$2,546,000), seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

NEW BUSINESS – continued:

6. **Readington Wine & Spirits, LLC.** – Change of Corporate Structure.

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

Mayor Shamey said a memo was received from Chief James Paganessi stating that the investigative unit of the Police Department has concluded their investigation of this application and recommends that it be approved.

Mayor Shamey asked if there were any comments from the Governing Body. There were none.

Mayor Shamey asked if there were any comments from the public. There were none.

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

A **MOTION** was made by Mr. Auriemma to approve the application for Change of Corporate Structure for Readington Wine & Spirits, LLC, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

7. **Amendments to Land Development Ordinance/Checklist Requirements & Administrative Sections** – introduction.

The following Ordinance was offered for consideration:

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

**AN ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY AMENDING THE ADMINISTRATIVE CHECKLIST PORTIONS
OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON
AS CONTAINED IN CHAPTER 148 OF THE READINGTON TOWNSHIP CODE**

Ordinance #04-2007

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

Section 1. The Land Development Ordinance of the Township of Readington, published In Chapter 148 of the Readington Township Code, is hereby amended as follows:

- A. The following shall be listed as additional requirements to Attachment 4 entitled "Checklist - Details Required for Minor Subdivision Plats and Minor Site Plans":

1. **CERTIFICATION BY SURVEYOR:**

I certify that, to the best of my knowledge and belief this (subdivision plat) (site plan) is based on a field survey made on INSERT DATE, under my direct supervision, in accordance with rules and regulations promulgated by the State Board of Professional Engineers and Land Surveyors. The information shown hereon correctly represents the conditions found as the date of the field survey, except such improvements or easements, if any, below the surface and not visible.

(Affix Seal)

Amendments to Land Development Ordinance/Checklist Requirements & Administrative Sections – continued:

2. *A preliminary grading plan showing existing and final contours for each lot.*
3. *Results and locations of soil profile pits, soil borings, soil suitability classes and permeability tests in accordance with the requirements of N.J.A.C. 7:9A-1.1 et seq., including a reserve area in accordance with Sec. 268-16B(20), certified by a licensed professional engineer, for each proposed lot and development site.*
- B. The following shall be listed as additional requirements to Attachment 4 entitled "Checklist Details Required Preliminary Major Subdivision Plats and Preliminary Major Site Plans":

1. **CERTIFICATION BY SURVEYOR:**

I certify that, to the best of my knowledge and belief this (subdivision plat) (site plan) is

based on a field survey made on INSERT DATE, under my direct supervision, in accordance with rules and regulations promulgated by the State Board of Professional Engineers and Land Surveyors. The information shown hereon correctly represents the conditions found as the date of the field survey, except such improvements or easements, if any, below the surface and not visible. (Affix Seal)

2. *A preliminary grading plan showing existing and final contours for each lot.*
3. *Results and locations of soil profile pits, soil borings, soil suitability classes, and permeability tests in accordance with the requirements of N.J.A.C. 7:9A-1.1 et see, including a reserve area in accordance with §268-16 B (20), certified by a licensed professional engineer, for each proposed lot and development site.*
4. *Applicable "Standard Construction Specifications for Development Projects" included in Article VII of this Ordinance.*
- C. The following shall be revised on Attachment 4 entitled "Checklist- Details Required for Preliminary Major Subdivision Plats and Preliminary Major Site Plans":

1. Revise item #41 as follows:

Replace "typical cross sections" with the following new language: "cross sections at 50-foot intervals for new and existing roads".

2. Revise item #28 as follows:

Replace "Existing and proposed contours as required by Ordinance" with "Topography within 200 feet of the site based on NAD 88 with 2-foot contour intervals and reference to monuments and identification of benchmarks, established on or near the site and as required elsewhere in this chapter".

- D. The following shall be revised on Attachment 4 entitled "Checklist - Details Required for Final Major Subdivision Plats and Final Major Site Plans":

1. In item #6, replace "Sec. 148-100B and C" with "Sec. 148-103B".
2. After item #7, add the following new language as new item #8:
For final subdivision plats, plat details and certifications required by the "Map Filing Law."
3. Renumber current items 8 through 13 as "9 through 14".
4. Renumber current item # 13d from "Statement from" up to and including "township standards" as new item #15. Replace the existing language in its entirety with the following:

Amendments to Land Development Ordinance/Checklist Requirements & Administrative Sections – continued:

"A statement from the Township Engineer that all improvements installed prior to application have been inspected as provided in Article XI of this chapter, and that such improvements installed prior to application for final approval that do not meet or exceed Township standards shall be factored into the required performance guaranty. "

- E. The following shall be added to Section 148-105 of the Land Use Ordinance as new section "F" entitled "Record Drawings - As-Built Plan Requirements":
- (1) Upon completion of all required improvements, and prior to acceptance of improvements as provided in 148-108, the applicant shall submit to the Township Engineer four (4) black and white prints, a mylar and digital file of the "as-built" plans and profiles of all utilities, storm sewer facilities and roads, with certification signed and sealed by a New Jersey licensed professional engineer or land surveyor as to actual construction as approved by the Township Engineer. The as-built drawings shall contain the following:
- (a) Title block labeled "as-built plans and profiles." The scale shall be the same as the approved preliminary drawings, unless otherwise approved by the Township Engineer.
- (b) Plans and Profile elevations of the centerline of streets and roads to the nearest hundredth of a foot, at one-hundred-foot stations, clearly defining the as-built elevations versus the approved tentative elevations.
- (c) Plans and profiles of all storm sewers and stormwater BMP's, including detention basins, with volume calculations, approved by the Township Engineer. Invert and rim elevations shall be provided to the nearest hundredth of a foot, clearly defining the as-built elevations and lengths versus the approved elevations.
- (d) Plans and profiles of all sanitary sewers, including sanitary sewer laterals, approved by the Township Engineer. Invert and rim elevations shall be provided to the nearest hundredth of a foot, clearly defining the as-built elevations and lengths versus the approved elevations. Symbols denoting location of sanitary cleanouts shall be provided
- (e) Plans of public utilities, including gas mains, gas services, watermains, water services, valves, hydrants and fire protection structures.
- (f) Cross-sections, profiles and established grades of streets and roads, approved by the Township Engineer, or a typical as-built roadway section.
- (g) Signage and pavement markings.
- (h) House numbers.
- F. The following shall be added to Article 148-102(B) of the Land Use Ordinance as new item "43" entitled "Standard Construction Specifications for Development Projects":
- (a) No work shall be commenced on the project within an existing municipal street or road until a road opening permit is obtained. All required bonds and inspection fees shall be deposited with the Readington Township Administrator before a road opening!! permit will be issued.
- (b) All standards of Readington Township shall be complied with when installing facilities within the existing! and proposed public rights-of-way. Included in these standards shall be standards of construction for the sewer line facilities, storm drainage, sidewalks, driveways, driveway aprons, curbs, grading, pavement, shade trees, landscaping, and soil erosion and sedimentation control devices.
- (c) Prior to commencing construction, the developer shall arrange for a pre-construction conference among the develop, Contractor, Township Engineer, soil conservation district, and any other interested party.

Amendments to Land Development Ordinance/Checklist Requirements & Administrative Sections – continued:

- (d) All work shall be subject to the inspection and approval of the Township Engineer, and no work shall be commenced on the project without the proper notice to the Township Engineer. At least twenty-four (24) hours notice shall be provided to the Township Engineer before such work is commenced, so as to allow for the proper scheduling of inspection.*
- (e) Prior to commencing construction, the contractor shall notify all utility companies of his intent to excavate and allow for proper time for such utility companies to mark out and protect their facilities. Protection of the municipal facilities shall be at the expense of the contractor. Protection of other facilities shall be in conformance with state and utility company recommendations.*
- (j) Prior to commencing construction the contractor shall notify the Township Engineer of the names and telephone numbers of at least two (2) individuals in the firm that can be reached in the event of an emergency. These numbers will be on file for the use of the Township Engineer in notifying the contractor of any emergency situations that develop as a result of his work*
- (g) The project engineer or surveyor shall stake all lines and grades for roadways, curbs, storm drains, swales, sanitary sewers and structures and shall furnish the Township Engineer with two (2) copies of a grade sheet before commencing construction of the work*
- (h) All improvements shall be constructed in accordance with applicable standards of the New Jersey Department of Transportation "Standard Specifications."*
- (i) All work shall be performed during the normal hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. No work shall be performed on Saturday, Sunday, or public holidays without the express permission and approval of the Township Engineer. Specific attention shall be directed to work performed in residential areas. The contractor must schedule his operation so as to minimize noise levels and inconvenience of adjacent property owners.*
- (j) All excavations in public thoroughfares shall be performed using suitable barricades, protective devices, and traffic control. All excavation shall be backfilled at the end of the workday, and, when performed in the paved areas, the excavation shall be stabilized and temporary asphaltic pavement placed over the excavation so as to provide for proper and safe travel. Variances to this requirement may be granted on a case-by-case basis from the Township Engineer. At no time shall such excavation be left unpaved without the express approval of the Township Engineer.*
- (k) Construction of sanitary sewage collection facilities shall be performed by competent experienced contractors, and shall be in strict compliance with appropriate state and federal standards. Final acceptance of these facilities will be subject to the approval of the Township Engineer, and responsible public utilities authority shall be in strict compliance with all appropriate specifications and tests. No sewer connections shall be made without the express permission of the responsible public utilities authority.*
- (l) Sanitary sewer laterals shall have a T-Wye and an inspection Tee installed at the road ROW line.*
- (m) All utility crossings shall be installed prior to paving operations.*
- (n) Underdrains and sub-base shall be constructed or placed if and where directed by the Township Engineer during construction.*
- (o) Storm drainage catch basins located within roadway, driveways, or parking areas shall include bicycle grates "AB" inlets (Campbell pattern No. 2618 or equal), and Type P2 - 6" ECD curb piece with markings "Drains to Waterways," unless otherwise permitted by the Township Engineer.*
- (p) Shop drawings of all precast structures must be submitted prior to construction.*
- (q) Riprap shall be of durable rock conforming to the Standard Specifications. It shall be placed in accordance with the construction drawings or as otherwise directed by the Township Engineer.*

Amendments to Land Development Ordinance/Checklist Requirements & Administrative Sections – continued:

- (r) Concrete sidewalk and driveway aprons shall be provided with transverse expansion joints 1/2-inch wide, at intervals of not more than 20 feet as specified in Subsection 908.01 of the Standard Specifications. Transverse grooves, 1/4 the thickness of the concrete in depth, shall be cut in the sidewalk between the expansion joints at intervals equal to the sidewalk width. Concrete shall be protected and cured as specified in Subsection 607.05 of the Standard Specifications.
- (s) Traffic stripes shall be applied using long-life epoxy resin material as specific in Section 617 of the "Standard Specifications," as amended.
- (t) Traffic regulatory signs shall be located in accordance with the requirements of the State of New Jersey and shall be in accordance with the specifications of the MUTCD.
- (u) Street signs shall be four way consisting of extruded aluminum blades with 6" white letters on green background, all High Intensity sheeting. The signs shall be mounted at least 9' above grade on a 2-3/8" o.d. galvanized post with vandal proof hardware.
- (v) Development lighting shall conform to New Jersey Power & Light and Planning Board requirements.
- (w) All electric and telephone utilities shall be underground
- (x) Stripped topsoil shall not be used as spoil or removed from the project site. Redistributed topsoil shall be placed at a depth of at least 5" and stabilized in accordance with the soil erosion and sediment control plan.
- (y) The developer shall be responsible for periodic clean-out of the stormwater and retention basin of any accumulated siltation as directed by the Township Engineer until the release of the maintenance guarantee.
- (z) Maintenance of all public improvements shall be the responsibility of the developer until such facilities are accepted by Readington Township. Upon completion of all improvements, a maintenance guarantee shall be provided as surety that the facilities are properly constructed. All repairs to the improvements shall be the responsibility of the developer within a maintenance guarantee period not to exceed two (2) years. Upon completion of the maintenance period, the Township Engineer shall re-inspect the project in the presence of the developer and/or contractor, and any necessary repairs will be delineated at that time. Upon completion of such repairs, the developer will be released from any further responsibilities for such additional repairs and the maintenance guarantee will be returned.

Section 2. This ordinance shall become effective immediately upon final adoption and publication required by law and upon filing with the Hunterdon County Planning Board.

Section 3. This ordinance repeals all prior ordinances or portions of ordinances inconsistent herewith.

Section 4. If any portion of this ordinance shall be deemed invalid, such portion shall not affect the validity of the remainder of the ordinance.

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

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

Public Hearing was scheduled for Tuesday, February 20, 2007 at 8:00 p.m.

NEW BUSINESS – continued:

8. ***Ordinance for acceptance of a portion of Block 63, Lot 13 for public roadway purposes*** – introduction.

The following Ordinance was offered for consideration:

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF A PORTION OF BLOCK 63, LOT 13 FOR PUBLIC ROADWAY PURPOSES IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM ALBERT B. ACCETTOLA

Ordinance #05-2007

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 accept as public a .147 ± acre portion of property which has been dedicated to the Township by Albert B. Accettola, Single as contained in the Right-of-Way Easement which is on file in the office of the Readington Township Clerk, at the Readington Township Municipal Building, 509 Route 523, Whitehouse Station, N.J. This conveyance is being done in connection with an application memorialized by Planning Board resolution 2006-195 on June 26, 2006. Acceptance of this Deed would provide for a 25' wide right-of-way from the centerline of West Woodschurch Road along Block 63, Lot 13.

SECTION 2. The Township acknowledges receipt of the aforementioned document conveying the easement for right-of-way, together with an executed Affidavit of Title.

SECTION 3. 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 Judgement 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. This Ordinance shall take effect immediately upon final adoption and publication according to law, and upon the recording of the Deed.

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

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

Public Hearing was scheduled for Tuesday, February 20, 2007 at 8:00 p.m.

9. ***Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a CAP Bank when the COLA is Equal to or Less than 2.5%*** - introduction.

The following Ordinance was offered for consideration:

***CALENDAR YEAR 2007
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT
(N.J.S.A. 40A:4-45.14)***

Ordinance #06-2007

Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a CAP Bank when the COLA is Equal to or Less than 2.5% - continued:

WHEREAS, the Local Government Cap Law, *N.J.S.A. 40A:4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, *N.J.S.A. 40A:4-45.14* provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2007 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5% and,

WHEREAS, *N.J.S.A. 40A:4-45.15a* provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Readington in the County of Hunterdon finds it advisable and necessary to increase its 2007 budget by more than 2.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$99,846.88 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Readington, in the County of Hunterdon, a majority of the fully authorized membership of this governing body affirmatively concurring, that, in the 2007 budget year, the final appropriations of the Township of Readington shall, in accordance with this ordinance and *N.J.S.A. 40A:4-45.14*, be increased by 3.5% amounting to \$349,464.08 and that the 2007 municipal budget for the Township of Readington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

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

Public Hearing was scheduled for Tuesday, February 20, 2007 at 8:00 p.m.

NEW BUSINESS – continued:

10. ***Omnipoint Communications, Inc./Block 20, Lot 6*** – request for acceptance of Performance Bond.

Engineer McEldowney said the amount of the bond is correct.

Attorney Dragan said the form of the bond is correct.

A MOTION was made by Mr. Auriemma to accept Performance Bond #104846804 in the amount of \$103,200.00 seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

11. ***Rolling Meadows/Block 55, Lot 7.01*** – request for reduction of Performance Bond.

Engineer McEldowney said he recommends that the Committee approve the improvements that he determined to be complete and satisfactory.

A MOTION was made by Mr. Auriemma to approve the improvements that Engineer McEldowney determined to be complete and satisfactory on Block 55, Lot 7.01 (Rolling Meadows) per his January 15, 2007 letter. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

12. ***Request for Division of Local Government Services to review Readington Township Budget & waiving option for local examination*** - Resolution.

This item was addressed under the Consent Agenda.

13. ***Stadnik - Handel/Block 21.12, Lot 28*** - release of driveway bond – (\$600).

This item was addressed under the Consent Agenda.

14. ***Jacobs-BBL*** - Partial Payment #17 for Three Bridges Pump Station project (\$4,594.82).

This item was addressed under the Consent Agenda.

15. ***DeMaio Electric*** - Payment #3 for Three Bridges Pump Station project (\$227,332.56).

This item was addressed under the Consent Agenda.

16. ***Lee/Block 12, Lot 12*** - request for release of unused escrow funds (\$138.87).

This item was addressed under the Consent Agenda.

17. ***Application for Raffles License*** – Anderson House, Inc. (June 4, 2007).

This item was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT:

Written report submitted.

ATTORNEY’S REPORT:

Written report submitted.

ENGINEER’S REPORT:

Written report submitted.

COMMITTEE REPORTS:

No reports were given.

COMMENTS FROM THE PUBLIC:

Mayor Shamey asked for comments from the public. There were none.

COMMENTS FROM THE GOVERNING BODY:

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

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

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

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

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

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

EXHIBIT A

<u>Subject Matter</u>	<u>Basis of Public Exclusion</u>	<u>Date Anticipated When Discussion Will Be Disclosed to Public</u>
Personnel Matters.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Block 20, Lot 1 (Huska).....	Contract Negotiations.....	" " "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	" " "
Allies Inc. Group Home.....	Contract Negotiations.....	" " "
Professional Services	Contract Negotiations.....	" " "
WordWorks – Newsletter Services Parker, McCay & Criscuolo, PA Robert A. Ballard, Jr. – Municipal Prosecutor Patrick Clare, Esq. – Public Defender Princeton Hydro, LLC – Airport Environmental Impact Analysis		

EXECUTIVE SESSION RESOLUTION – continued:

Executive Session Minutes -

January 16, 2007.....Attorney-Client Privilege..... " " "

Waste Management v. Readington Twp. ... Litigation..... " " "

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

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

The meeting reconvened at 10:50 p.m.

Mr. Gatti left the meeting at this time.

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

Personnel - Personnel Matters

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

Contract Negotiations - Block 20, Lot 1 (Huska)

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

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

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

Contract Negotiations - Allies Inc. Group Home

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

Contract Negotiations - Professional Services

WordWorks – Newsletter Services

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON
RESOLUTION
#R-2007-31**

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:
 - WordWorks for editing, limited writing services, typesetting, design and printing of the Township Newsletter on a quarterly basis at a cost of \$15,620 per year.

WordWorks – Newsletter Services – continued:

2. Said contract shall expire on December 31, 2007.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. This Resolution shall take effect immediately.

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

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

Parker, McCay & Criscuolo, PA

The following Resolution was offered for consideration:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
SPECIAL LITIGATION COUNSEL SERVICES
#R-2007-32**

WHEREAS, the Township of Readington has a need to acquire Special Litigation Counsel Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

WHEREAS, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA has submitted a proposal indicating he will act as Special Litigation Counsel at the following rates: Attorney – \$275 per hour; Associates - \$200 per hour, for the following matters:

- Re: Lackland and Lackland *et als* v. Readington Township, *et als*.
Docket No.: HNT-L-344-03, formerly SOM-L-1466-00PW
and Appeal Docket No's: A-2341-05T1, A-2190-05T1
- Re: Lackland and Lackland V. Township of Readington
Docket No.: 3:02-2017(SRC)
- Re: Mark Hartman and Wilmark Building Contractors, Inc. V. The Township of Readington Docket No.: 3:02-2017(SRC)
- Re: Wilmark Building Contractors, Inc. V. Township of Readington
Docket No.: HNT-L-132-03
- Re: Toll Bros., Inc. V. Township of Readington, *et al.*
Docket No.: SOM-L-618-04, formerly (HNT -L-495-02)
- Re: Toll Bros., Inc. V. Township of Readington, *et al.*
Docket No.: 3:04-cv-6043
- Re: Township of Readington V. Solberg Aviation Co., *et al.*
Docket No.: HNT-L-468-06

WHEREAS, Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA has completed and submitted a Business Entity Disclosure Certification which certifies that Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer's Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*).

Parker, McCay & Criscuolo, PA – continued:

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Howard D. Cohen, Esq. of Parker, McCay & Criscuolo, PA as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2007; and

BE IT FURTHER RESOLVED, that copies of this Professional Service are on file with the Municipal Clerk and are available there for public inspection; and

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

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

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

Robert A. Ballard, Jr. – Municipal Prosecutor

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR MUNICIPAL PROSECUTOR SERVICES
#R-2007-33***

WHEREAS, the Township of Readington has a need to acquire Municipal Prosecutor services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

WHEREAS, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, Robert A. Ballard, Jr., Esq. has submitted a proposal indicating he will provide Municipal Prosecutor services for \$140 per hour; and

WHEREAS, Robert A. Ballard, Jr., Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Ballard, Jr., Esq. has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Robert A. Ballard, Jr., Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer's Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*).

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Robert A. Ballard, Jr., Esq. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2007; and

Robert A. Ballard, Jr. – Municipal Prosecutor – continued:

BE IT FURTHER RESOLVED, that copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection; and

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

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

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

Patrick Clare, Esq., Public Defender

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

Princeton Hydro, LLC – Airport Environmental Impact Analysis

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

Attorney-Client Privilege - Executive Session Minutes (January 16, 2007)

A ***MOTION*** was made by Mrs. Muir to approve the Executive Session Minutes from the meeting of January 16, 2007 for content. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Litigation - Waste Management v. Readington Township

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

ADJOURNMENT

As there was no further business, a motion was made by Mr. Auriemma at 10:35 p.m., seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC
Administrator\Municipal Clerk