

**READINGTON TOWNSHIP COMMITTEE  
MEETING - FEBRUARY 19, 2008**

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

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

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

**ABSENT:** None

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

EXHIBIT A

<u>Subject Matter</u>	<u>Basis of Public Exclusion</u>	<u>Date Anticipated When Discussion Will Be Disclosed to Public</u>
Administration Office..... the	Personnel.....	Certain information at the Discretion of Township Committee tonight... Other information will remain confidential
Police Department.....	Personnel.....	“ “ “
Professional Services..... Robert A. Ballard, Jr. Mason, Griffin & Pierson Tom Rodriguez Associates Toole Recreation Planning Advanced Engineering & Inspection Services	Contract Negotiations.....	“ “ “
Executive Session Minutes (Jan. 15, 2008 & Jan. 22, 2008).....	Attorney-Client Privilege.....	“ “ “
Block 75, Lot 33 (Hanna Saqa)..... “	..... Land Acq/Contract Negotiations..	“ “ “
Block 39, Lot 49 & Block 40, Lot 2 (Peters).....	Land Acq/Contract Negotiations..	“ “ “
Block 44, Lots 18, 50, 54 (Herr).....	Land Acq/Contract Negotiations..	“ “ “
Block 53, Lot 5 (Holland Brook Realty).....	Land Acq/Contract Negotiations..	“ “ “
Stephanie Moore v. Twp of Readington.....	Litigation.....	“ “ “
Strobel & Luckstone v. Twp of Readington..	Litigation.....	“ “ “
Waste Management of New Jersey v. Readington Twp Board of Adjustment.....	Litigation.....	“ “ “
Lamington Hospitality, LLC.....	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.....	“ “ “

***Executive Session – cont'd***

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

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

The meeting reconvened at 7:45 p.m.

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

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

***Personnel/Administration Office***

Mayor Auriemma announced that this matter will remain in Executive Session.

***Personnel/Police Department***

Mayor Auriemma announced that this matter will remain in Executive Session.

***Contract Negotiations/Professional Services: Robert A. Ballard, Jr., Esq.***

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
FOR MUNICIPAL PROSECUTOR SERVICES  
#R-2008-40***

**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 non-prosecutorial litigation services for \$175 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, 2008; and

**BE IT FURTHER RESOLVED**, that copies of this Professional Service Contract are on file  
**Resolution #R-2008 – cont'd**

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

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

**Contract Negotiations/Professional Services: Mason, Griffin & Pierson**

The following Resolution was offered for consideration:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
PROFESSIONAL LEGAL SERVICES TO BE PERFORMED ON A ROUTINE BASIS IN  
CONNECTION WITH RECORDS REQUESTS MADE UNDER THE OPEN PUBLIC RECORDS  
ACT (N.J.S.A. 47:1A-1 ET SEQ.)  
#R-2008-41**

**WHEREAS**, the Township of Readington has a need to acquire Professional Legal Services to be performed on a routine basis in connection with records requests made under the Open Public Records Act (N.J.S.A. 47:1A-1 *et seq.*) 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**, Mason, Griffin & Pierson, PC has submitted a proposal indicating they will provide Professional Legal Services to be performed on a routine basis in connection with records requests made under the Open Public Records Act (N.J.S.A.47:1A-1 *et seq.*) and matters related thereto, including hearings and litigation, at a rate of \$180 per hour for Attorneys and \$90 per hour for Paralegals; and

**WHEREAS**, Mason, Griffin & Pierson, PC has completed and submitted a Business Entity Disclosure Certification which certifies that Mason, Griffin & Pierson, PC 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 Mason, Griffin & Pierson, PC 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 Mason, Griffin & Pierson, PC 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, 2008; 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 Mr. Gatti to adopt this Resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

**Contract Negotiations/Professional Services: Tom Rodriguez Associates**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON RESOLUTION  
#R-2008-42**

**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:
  - Tom Rodriguez Associates for GIS Mapping Services at a rate of \$250 per parcel.
2. Said contract shall expire on December 31, 2008.
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. Gatti to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

**Contract Negotiations/Professional Services: Toole Recreation Planning**

Mayor Auriemma announced that this matter will remain in Executive Session.

**Contract Negotiations/Professional Services: Advanced Engineering & Inspection Services**

The following Resolution was offered for consideration:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
INSPECTION SERVICES FOR THE LAKE CUSHETUNK DAM  
#R-2008-43**

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

**Resolution #2008-43 – cont'd**

**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 with 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:

\* AEIS (Advanced Engineering & Inspection Services) for inspection services for the Lake Cushetunk Dam at a cost of \$10,900 and \$6,500 for monitoring and coordination of repair work of the main auxiliary spillway structure of the dam.

2. Said contract shall expire on December 31, 2008.

3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.

4. This Resolution shall take effect immediately.

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

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

***Attorney-Client Privilege/Executive Session Minutes (Jan. 22, 2008 & Feb. 4, 2008)***

A ***MOTION*** was made by Mrs. Muir to approve the Executive Session Minutes of January 22, 2008 and February 4, 2008 for content, seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

Mr. Gatti was not present at the January 22, 2008 meeting and, therefore, abstained from voting on these minutes.

***Litigation/Lamington Hospitality, LLC.***

Mayor Auriemma announced this item will remain in Executive Session.

***Land Acquisition/Contract Negotiations/Block 75, Lot 33 (Hanna Saqa)***

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

***Land Acquisition/Contract Negotiations/Block 39, Lot 49 and Block 40, Lot 2 (Peters)***

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

***Land Acquisition/Contract Negotiations/Block 44, Lot 18, 50, 54 (Herr)***

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

***Land Acquisition/Contract Negotiations/Block 53, Lot 5 (Holland Brook Realty)***

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

***Litigation/Stephanie Moore v. Twp. of Readington, et als.***

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

***Executive Session – cont’d***

***Litigation/Strobel & Luckstone vs. Readington Twp. et al.***

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

***Litigation/Waste Management of New Jersey v. Readington Twp. Board of Adjustment***

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

**CONSENT AGENDA:**

Mayor Auriemma read the following statement:

*All items listed with an asterisk “\*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*

- \* 1. **APPROVAL OF THE MINUTES** of meeting of February 4, 2008.
- \* 2. **Application for Membership in NJ Firemen’s Association** – Joseph R. Pfauth, Jr.
- \* 3. **Application for Membership in NJ Firemen’s Association** – Anthony J. Garofalo.
- \* 4. **Payment of Bills.**

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND APPROPRIATION	001	\$ 365,972.96
SEWER APPROPRIATION	002	\$ 98,789.42
TRUST APPROPRIATION	003	\$ 24,955.52
MISC REFUND, COUNTY TAX, LIENS	005	\$ 3,324,146.85
PAYROLL DEDUCTIONS	006	\$ 181,543.27
REGIONAL AND LOCAL SCHOOL TAX	007	\$ 5,302,325.39
 TOTAL OF ALL FUNDS:		 \$ 9,297,733.41

A **MOTION** was made by Mr. Gatti to approve the Consent Agenda. This motion was seconded by Mrs. Muir and on Roll Call the following vote was recorded:

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

**PUBLIC HEARINGS:**

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

**Public Hearings – cont’d**

Clerk read by Title:

***AN ORDINANCE AMENDING 148-50 TO ESTABLISH MANDATORY LANGUAGE  
TO BE INCLUDED IN CONSERVATION EASEMENTS***

**Ordinance #02-2008**

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

Mrs. Muir asked for clarification on the ordinance as to whether it would apply to previous ordinances pertaining to the 100 ft. setback and standing water/wetlands. Attorney Dragan said that it was her understanding that it will only apply to new developments that go before the Planning Board and will not apply to existing conservation easements. Mrs. Muir asked Attorney Dragan to report back to the Committee if there is additional information.

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

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

Clerk read by Title:

***AN ORDINANCE AMENDING 148-50 TO ESTABLISH MANDATORY LANGUAGE  
TO BE INCLUDED IN CONSERVATION EASEMENTS***

**Ordinance #02-2008**

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

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

**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 ORDINANCE FOR THE ACCEPTANCE OF CERTAIN ROADWAYS WITHIN THE  
RESIDENTIAL DEVELOPMENT KNOWN AS STANTON RIDGE IN THE  
TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY  
FROM STANTON PROPERTIES, II, A NEW JERSEY GENERAL PARTNERSHIP***

**Ordinance #03-2008**

Engineer McEldowney requested that certain conditions be included in the approval of the ordinance.

Attorney Dragan advised against passing this ordinance if it would include conditions as there would be no way to know when the conditions are met. Attorney Dragan advised deferring the motion for a few months.

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

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

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

***Public Hearings – cont'd***

Clerk read by Title:

***AN ORDINANCE FOR THE ACCEPTANCE OF CERTAIN ROADWAYS WITHIN THE RESIDENTIAL DEVELOPMENT KNOWN AS STANTON RIDGE IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM STANTON PROPERTIES, II, A NEW JERSEY GENERAL PARTNERSHIP***

**Ordinance #03-2008**

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

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

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

Clerk read by Title:

***CALENDAR YEAR 2008 TOWNSHIP OF READINGTON  
ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)***

**Ordinance #04-2008**

Mayor Auriemma stated that this allows the municipality to increase its COLA to 3.5 percent from the 2.5 percent set by the State.

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

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

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

Clerk read by Title:

***CALENDAR YEAR 2008 TOWNSHIP OF READINGTON  
ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)***

**Ordinance #04-2008**

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

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

***CORRESPONDENCE/OTHER INFORMATION:***

1. Letter dated February 7, 2008 from Peter F. Keledy, Region Supervisor, Bureau of Land Use Compliance and Enforcement, regarding ***Freshwater Wetlands Protection Act and the Flood Hazard Area Control Act - Block 43, Lot 12 (Denning)***. ***No action taken.***

**OLD BUSINESS:**

1. **Solberg Airport** – update.  
 Mayor Auriemma said there was nothing to report at this time.
  
2. **Spring Meadows Estates** – request for reduction of Performance Bond.  
 Engineer McEldowney updated the committee on the work that remains to be completed prior to reduction of this Performance Bond. Mr. Scotto and Mr. Morris of Holly Lane appeared before the Committee to express the concerns and wishes of the residents in the Spring Meadow development to conclude this matter.

Action on this requested reduction was deferred until Engineer McEldowney provides the Committee with a report that all punchlist items have been addressed to his satisfaction.

3. **Lake Drive Estates** - request for release of Performance Bond.  
 Engineer McEldowney’s written recommendation was provided to the Committee

The following Resolution was offered:

**TOWNSHIP OF READINGTON  
 RESOLUTION  
 R-2008-39**

**WHEREAS**, Wilmark Building Contractors, Inc. did on October 16, 2007 file a written request with the Township of Readington for a release of Cash Performance Guarantee in the amount of \$12,136.32 and Irrevocable Standby Letter of Credit No. 04-06 in the amount of \$109,226.88.00 for work completed on Block 21.12, Lots 46 and 46.03 and

**WHEREAS**, the Township Engineer has confirmed that work has been completed by Wilmark Building Contractors, Inc. on said property; and

**WHEREAS**, in accordance with the Municipal Land Use Law the Township may retain up to 30% of a Performance Bond to assure the completion of site work; and

**WHEREAS**, the Township Engineer has released the Cash Performance Guarantee and the Irrevocable Standby Letter of Credit No. 04-06, as indicated in his letter of January 15, 2008, based upon the Municipal Land Use Law requirement:

DEVELOPMENT	BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	CURRENT REMAINING PERFORMANCE GUARANTEE @ 120%	RECOMMENDED REDUCTION FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTEE @ 120% VALUE
Wilmark Building Contractors, Inc. Block 21.12, Lots 46 and 46.03	Peapack Gladstone Bank - Irrevocable Standby Letter	\$364,089.60	\$109,226.88	100%	\$0
	Cash	\$40,454.40	\$12,136.32	100%	\$0
	Total	404,544.00	\$121,363.20	100%	\$0

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to release Cash Performance Guarantee in the amount of \$12,136.32 and Irrevocable Standby Letter of Credit No. 04-06 in the amount of \$109,226.88.00 as recommended by the Township Engineer; and

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

**Old Business – cont’d**

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

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

4. ***New Jersey Housing Code***

Mr. Shamey and the other members of the Committee addressed several questions to Attorney Dragan regarding this matter. The Committee requested that the Administrator provide them with another copy of the sample ordinance and that this be listed for consideration at a later date.

5. ***Flood Hazard Area Control Act Rules***

This matter was deferred until the next meeting.

6. ***BPU – Vegetation Management***

Mrs. Allen discussed current information concerning excessive vegetation clearing conducted by PSE&G and consequent complaints to the Board of Public Utilities. She referred to a letter from BPU to PSE&G asking that they stop cutting for a three month period in certain municipalities until the concerns of these municipalities could be considered, but as of today PSE&G was working in Readington. She requested that this matter be added to Executive Session.

***NEW BUSINESS:***

1. ***Bond Ordinance for Various Improvements Appropriating \$1,900,000 therefore and authorizing the issuance of \$1,805,000 bonds or notes of the Township***

The following Ordinance was offered for consideration:

***BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPROPRIATING THE ISSUANCE OF \$1,805,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**ORDINANCE #05-2008**

**Section 1:** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Readington, New Jersey (the “Township”) as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,900,000, including the aggregate sum of \$95,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2:** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,805,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3:** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

***Ordinance #05-2008 – cont’d***

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road reclamation and overlay to Winding Way, Hart Road, Clark Court, Stockton Road, Latourette Road, Stillwell Road, Sunset View Road, Quiet Acres, Cardinal Drive South, Cardinal Drive North, Osage Court and Century Road, including all work and materials necessary therefore and incidental thereto.	\$1,101,000	\$1,045,950	10 years
b) Milling and overlay to Old Highway 28, including all work and materials necessary therefore and incidental thereto.	\$449,000	\$426,550	10 years
c) The acquisition of equipment for the Department of Public Works, including a single axle dump truck with plow and spreader, a mason dump truck with spreader and hydraulics, a mower attachment for road mower, a tractor, and a brush hog mower deck, including all related costs and expenditures incidental thereto.	\$300,000	\$285,000	5 years
d) The installation of lighting at Railroad Avenue Parking Lot and Bank Street Parking Lot, including all work and materials necessary therefore and incidental thereto.	\$30,500	\$28,975	10 years
e) Municipal Building electrical upgrades, including all work and materials necessary therefore and incidental thereto.	<u>\$19,500</u>	<u>\$18,525</u>	10 years
<b>TOTALS</b>	<u>\$1,900,000</u>	<u>\$1,805,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the down payment for each purpose.

**Section 4:** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them

**Ordinance #05-2008 – cont'd**

to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5:** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6:** The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.21 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,805,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**Section 7:** Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 8:** The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 9:** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 10:** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**Ordinance #05-2008 – cont'd**

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

*A Public Hearing* date was set for March 17, 2008 at 8:00 p.m.

2. *Lake Cushetunk (BI 21, Lts 27 & 72)* - request for release of Cash Surety.

The following Resolution was offered:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2008-45**

**WHEREAS**, K. Hovnanian Homes did on February 4, 2008 file a written request with the Township of Readington for a release of Cash Surety in the amount of \$45,386.11 for work completed on Block 21, Lots 27 and 72 and

**WHEREAS**, the Township Engineer has confirmed that work has been completed by K. Hovnanian Homes on said property; and

**WHEREAS**, the Township Engineer has released the Cash Surety based upon the Municipal Land Use Law requirement:

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to release Cash Surety in the amount of \$45,386.11 recommended by the Township Engineer; and

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

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

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

3. ***Request to use Hillcrest Park as the primary site for the Relay for Life of Greater Flemington.***

Kristin Campilango, Director of Special Events for the American Cancer Society addressed the Committee regarding their request for the Township to partner with their Relay for Life Event to be held on June 13 and 14, 2008 and permit Hillcrest Park to be the primary site for the event. Ms. Campilango also stated the event would require the use of three (3) generator powered portable lights since the event runs around the clock and she requested a waiver from our Noise Ordinance and No Parking Ordinance as well.

**A MOTION** was made by Mrs. Allen to approve the use of Hillcrest Park and to grant a waiver of the Noise Ordinance and No Parking Ordinance during this event. This motion was seconded by Mr. Shamey with a vote of ayes all, nays none recorded.

**ADMINISTRATOR'S REPORT:**

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

**ATTORNEY'S REPORT:**

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

***ENGINEER'S REPORT:***

Engineer McEdowney stated that he met with Township school officials today and that they had a conference call with a representative from NJDEP to discuss the need to amend the wastewater management plan to allow the school to be tied into the existing Township sewer system. The NJDEP representative advised that the rules governing wastewater management plans will be changing soon and if the Township does not have the plan approval in place before the changes take affect, it will most likely delay the process.

Engineer McEldowney suggested that the Township send a letter to NJDEP expressing their concern over this issue and emphasizing the benefit to the community.

A ***MOTION*** was made by Mrs. Allen to send a letter to NJDEP with a copy to Assemblywoman Marcia Karrow and Senator Leonard Lance. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Mayor Auriemma addressed questions to Engineer McEldowney regarding Summer Road Park, Lightfield Road and sidewalks on Main Street.

***COMMITTEE REPORTS:***

**Thomas Auriemma:**

Mayor Auriemma stated that he received inquiries from residents regarding NJ Transit trains idling at the train station and asking if the engines could be shut off instead of idling. The Committee discussed this situation as well as complaints regarding the train horns.

**Julia Allen:**

***Farmland\Open Space Preservation\Land Projects Liaison***

Mrs. Allen reported that the Open Space Committee meets on the fourth Wednesday of the month and Open Space walks are held on the third Sunday of the month and those interested in the Sunday walks should meet at the Municipal Building at 1:00 p.m.

**Frank Gatti:**

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

**Beatrice Muir:**

Mrs. Muir said she had nothing to report at this time.

**Gerard Shamey:**

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

***COMMENTS FROM THE PUBLIC:***

Mayor Auriemma asked for comments from the public. Mr. Forner commented on the complaint about the trains idling.

***COMMENTS FROM THE GOVERNING BODY:***

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

A ***MOTION*** was made at 9:25 p.m. by Mr. Shamey to return to Executive Session. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

The meeting reconvened at 10:20 p.m.

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

***Executive Session – cont'd***

***Land Acquisition/Contract Negotiations/Block 75, Lot 33 (Hanna Saqa)***

A **MOTION** was made by Mr. Gatti to amend the appraisals on this property to include an eighteen (18) acre exception. This motion was seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

***Land Acquisition/Contract Negotiations/Block 39, Lot 49 and Block 40, Lot 2 (Peters)***

Mayor Auriemma announced that this matter will remain in Executive Session.

***Land Acquisition/Contract Negotiations/Block 44, Lot 18, 50, 54 (Herr)***

A **MOTION** was made by Mr. Shamey to approve the contract for conservation easement and the contract for farmland preservation. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Land Acquisition/Contract Negotiations/Block 53, Lot 5 (Holland Brook Realty)***

A **MOTION** was made by Mr. Shamey to amend the language in the settlement agreement and deed restriction. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Litigation/Stephanie Moore v. Twp. of Readington, et als.***

A **MOTION** was made by Mr. Shamey to engage the services of Richard Cushing, Esq of Gebhardt & Kiefer to file an answer on behalf of the Township and the individually named defendants. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded.

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

***Litigation/Strobel & Luckstone vs. Readington Twp. et al.***

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
#R-2008-44**

***BE IT RESOLVED***, that the Township Committee of the Township of Readington, County of  
***Resolution #R-2008-44 – cont'd***

Hunterdon, State of New Jersey, hereby formally consents to the settlement of U.S. District Court Case N.J. Civil Action #04-1387 (MLC) (Strobel and Luckstone v. Readington Twp. et. Al) as more

particularly set forth in the Settlement Agreement and Release presented to the Township Committee at its meeting on February 19, 2008; and

**BE IT FURTHER RESOLVED** that the Mayor, Deputy Mayor, Township Administrator/Clerk, Township's legal counsel or any one of them, are authorized to execute such settlement agreement and any other documents on behalf of the Township, the Police Department and its officers, as may be necessary to settle the matter and formally dispose of the case.

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

A **MOTION** was made by Mr. Shamey to approve the Settlement Agreement. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

***Litigation/Waste Management of New Jersey v. Readington Twp. Board of Adjustment***

Mayor Auriemma announced that this matter will remain in Executive Session.

***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 Auriemma announced that this matter will remain in Executive Session.

***Potential Litigation/PSE&G – Vegetation Management***

Mayor Auriemma announced that this matter will remain in Executive Session.

**ADJOURNMENT:**

As there was no further business, a motion was made by Mr. Shamey to adjourn the meeting at 10:30 p.m. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded

Respectfully Submitted:

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

*A full transcript of this meeting was prepared by Sekella Reporting Associates, LLC.*