

**READINGTON TOWNSHIP COMMITTEE  
MEETING - AUGUST 7, 2006**

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 Shamey, Deputy Mayor Auriemma, Mrs. J. Allen and Mrs. B. Muir

**ABSENT:** Mr. F. Gatti

**ALSO PRESENT:** Attorney Dragan, Administrator Mekovetz and Engineer McEldowney

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

| <b><u>Subject Matter</u></b>   | <b><u>Basis of Public Exclusion</u></b> | <b><u>Date Anticipated<br/>When Discussion Will<br/>Be Disclosed to Public</u></b>                                    |
|--|---|---|
| Administration Office.....   | Personnel.....                          | Certain information at the discretion of the Township Committee tonight... other information will remain confidential |
| Code Enforcement.....  | Personnel.....                          | " " "   |
| DPW.....   | Personnel.....                          | " " "   |
| Police Department.....   | Personnel.....                          | " " "   |
| Recreation.....  | Personnel.....                          | " " "   |
| LOSAP.....   | Contract Negotiations.....              | " " "   |
| East Whitehouse Fire Dept.<br>Pumper Specifications.....   | Contract Negotiations.....              | " " "   |
| Bedminster - Lamington Hospitality.....  | Contract Negotiations.....              | " " "   |
| Hunting on Township Properties.....  | Contract Negotiations.....              | " " "   |
| Waste Management.....  | Potential Litigation.....               | " " "   |
| Executive Session Minutes.....   | Attorney-Client Privilege.....          | " " "   |
| Block 48, Lot 23; Block 55, Lot 33;<br>Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24<br>& Block 67, Lot 2<br>(Solberg Aviation - Hromoho)..... | Contract Negotiations.....              | " " "   |
| Professional Services.....   | Contract Negotiations.....              | " " "   |

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 Mr. Auriemma to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:45 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:**

***Contract Negotiations - 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 gave a brief history of the negotiations with the Solbergs, along with the May 16<sup>th</sup> bond referendum, which followed six (6) public information meetings. The information from these meetings is available for review on the Township's website and in hard-copy form at the Municipal Building.

On July 11<sup>th</sup> the Committee adopted an ordinance authorizing the Township to begin the necessary legal steps in order to make a formal offer for purchase of the property. The ordinance that was passed authorizes the committee to obtain appraisals and surveys for the purpose of the acquisition of the referenced property.

The Township Committee remains committed to a negotiated resolution of this issue. We are ready to resume negotiations and have made numerous overtures in that regard, however, so far, the Committee has not received any information.

The Township has received two (2) appraisals on the property. The first, in the amount of \$20,545,000, was obtained from Value Research Group for the fee simple purchase of the 625 acres of open space surrounding the airport and the development rights for the 100+/- acres that comprise the airport facility. The second appraisal by Appraisal Consultants Corp. was \$21,738,000.

Mayor Shamey introduced Kevin Cimel, Council President, Clinton Township. Mr. Cimel said Clinton Township supports Readington's efforts to protect the community from over development and from transportation infrastructure that would adversely affect the quality of life in this region.

Mayor Lisa Uchrin from Lebanon Borough and Councilman Frank Clark thanked the Committee for the opportunity to speak tonight. Mayor Uchrin said she is inspired by the leadership and the foresight and vision of Readington Township.

Councilman Frank Clark said he is grateful for the work Readington is doing to preserve the type of living residents in the area enjoy.

Bob Hauck, Flemington Borough Council, said he previously served on the Readington Township Committee. He said he will take back the information presented this evening to the Flemington Borough Council.

Mayor Shamey said Branchburg Township was supposed to send a representative. They indicated their complete support for Readington's efforts.

Mayor Shamey read the following letter from the Mayor of the Town of Clinton:

Dear Mayor Shamey,

I am in complete support and admiration of your Township Committee in its efforts to protect Readington Township and our region from the adverse affects of sprawl. I believe strongly in honle rule and support you in exercising your right to control land-use in your township. The people of Readington have spoken loudly against the growth of transportation infrastructure and the adverse affects of such growth on Readington Township. I agree with your constituents and feel that the adverse affects of such growth would negatively impact our region.

***Contract Negotiations - 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)***

Please feel free to call on me for any additional support you may need in your efforts. I wish you continued success in your efforts.

Christine Schaumburg,  
Mayor, Town of Clinton

Mayor Shamey thanked the representatives from surrounding municipalities for attending tonight's meeting and expressing their support.

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON***

***RESOLUTION APPROVING APPRAISAL REPORTS AND AUTHORIZING  
PRESENTATION OF AN OFFER FOR THE ACQUISITION OF PROPERTY  
IN THE TOWNSHIP OF READINGTON Block 48, Lot 23; Block 55, Lot 33;  
Block 56, Lots 1, 3, 6, 8; Block 67, Lot 2***

***#R-2006-102***

***WHEREAS***, the Township of Readington ("Township") has evaluated the advisability of municipal acquisition of a fee interest in certain real property known and designated as Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, 8; Block 67, Lot 2 (the "Open Space Property") as shown on the official Tax Map of the Township and consisting of 624 acres of land, more or less (less and except portions of Block 56, Lots 3 and 6 as more particularly described on Attachment A hereto, consisting of 102 acres of land, more or less, which is referred to as the "Airport Facilities Area") (the Open Space Property and the Airport Facilities Area being collectively referred to as the "Property"); and

***WHEREAS***, the Township also has evaluated the advisability of municipal acquisition of development and/or easement rights to the Airport Facilities Area, leaving fee ownership and control of the Airport Facilities Area to the owner thereof; and

***WHEREAS***, the Township has determined that the public interest will be served by acquisition of a fee interest in the Open Space Property for public use and purposes, including, without limitation, open space and farmland preservation; land for recreational uses, conservation of natural resources, wetlands protection, water quality protection, preservation of critical wildlife habitat, historic preservation, and preservation of community character; and

***WHEREAS***, the Township has determined that the public interest will be served by acquisition of development and/or easement rights to the entirety of the Airport Facilities Area, for public purposes, including, without limitation, airport preservation, preservation of community character, and to further the purposes for which the Property is to be acquired; and

***WHEREAS***, the Township has determined that the unique and interrelated attributes of the Open Space Property and the Airport Facilities Area require acquisition of a fee interest in the entirety of the Open Space Property and acquisition of development rights and/or easement rights to the entirety of the Airport Facilities Area to accomplish the manifold public purposes aforesaid; and

***WHEREAS***, the Township Master Plan, Parks, Recreation & Open Space and Circulation Elements recommend acquisition of the above referenced parcels as priority parcels to be acquired for the reasons described therein; and

***WHEREAS***, the subject parcels have been designated within a Natural Heritage Priority Site by the New Jersey Department of Environmental Protection; and

***WHEREAS***, the subject parcels have been designated a priority preservation area in both

local and state open space and farmland preservation planning; and

***Contract Negotiations - 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)***

**WHEREAS**, the Township is authorized pursuant to numerous enabling statutes to acquire the parcels or interest therein aforesaid for the manifold public purposes hereinbefore described; and

**WHEREAS**, the Township has determined that it may acquire the Open Space Property and the above-described interest in the Airport Facilities Area through voluntary negotiations or condemnation pursuant to the Eminent Domain Act; and

**WHEREAS**, the Township desires a negotiated agreement with the owners of the Property, taking into account the reasonable objectives and interests of both parties; and

**WHEREAS**, the Township Committee of the Township of Readington adopted Ordinance No. 25-2006 on July 11, 2006, which authorized the acquisition of the Open Space Property and acquisition of development rights over the Airport Facilities Area; and

**WHEREAS**, in furtherance of the acquisition, authorized by Ordinance No. 25-2006, the Township has obtained two appraisal reports for the Property, one from Appraisal Consultants Corp. which determined the value of the aforementioned interests to be \$21,738,000.00, and the other from Value Research Group, LLC which determined the value of the same to be \$20,545,000.00 (together, the "Appraisal Reports").

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

The Appraisal Reports are hereby accepted and approved and counsel for the Township be and hereby is authorized and directed to make an offer to the owners of the Property to acquire a fee interest in the Open Space Property and certain development and/or easement rights in the Airport Facilities Area in the amount of \$21,738,000.00, being the greater of the two values as determined by the Appraisal Reports, subject to delivery of the Open Space Property and the Airport Facilities Area free from environmental contamination as assumed by the Appraisal Reports, and subject to marketable title and other normal and customary contractual provisions as determined by counsel for the Township.

**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. Auriemma | - |     | Aye |
| Mrs. Muir    | - | Aye |     |
| Mayor Shamey | - | Aye |     |

**Swearing in of Sergeant.**

Administrator Mekovetz swore in Joseph Greco as a Probationary Sergeant.

**Personnel - Administration Office**

**A MOTION** was made by Mrs. Muir to award Darlene Mitchell a \$1,000 stipend in recognition of her receipt of Certification as Registrar of Vital Statistics, and also to increase the annual rate for the Registrar position to \$1,200. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Personnel - Code Enforcement***

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

***Personnel - DPW***

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

***Personnel - Police Department***

A **MOTION** was made by Mr. Auriemma to hire Harlean Kuzmiw as a Clerk/Transcriber in the Police Department at a rate of \$27,584, effective August 28, 2006 to replace Christine Ferrari. This motion was 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 |     |

***Personnel - Recreation***

A **MOTION** was made by Mr. Auriemma to increase the salary for Clean Communities worker David Kroll from \$6.25 to \$8.00 per hour, retroactive to the beginning of his employment. This motion was 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 |     |

***Contract Negotiations - LOSAP***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-103***

**WHEREAS**, the Township of Readington adopted Ordinance #08-99 entitled “Ordinance Creating a Length of Service Awards Program (“LOSAP”) in accordance with Chapter 388 of the Laws of 1997” (N.J.S.A. 40A:14-183 *et seq*), to reward members of the Readington Township Volunteer Fire and Rescue Services for their loyal, diligent and devoted services to the residents of the Township of Readington; and

**WHEREAS**, the above ordinance and subsequent amendments thereto (Ordinance #31-2002 adopted on August 5, 2002 and Ordinance #39-2004 adopted on December 6, 2004) require that, in order for members of the Readington Township Volunteer Fire and Rescue Services to receive benefits under the LOSAP program, they must meet the established criteria for eligibility. The criteria consists of a point system based on the members’ length of service, participation in training courses and drills, actual time spent in the line of duty, as well as the amount of time given to governance of their respective volunteer organizations; and

**WHEREAS**, the Readington Township Volunteers Fire and Rescue Service members have requested an increase to the current annual individual contribution of \$380; however, if an increase to the individual contribution is made by the Township, the estimated cost of the Program will exceed \$40,000, the amount originally approved in the public question of November 1999; and

**WHEREAS**, the State laws governing LOSAP require that the public referendum process be used to increase the award contribution when the total appropriation would exceed the amount

originally approved by the voters.

***Contract Negotiations – LOSAP – continued:***

***NOW, THEREFORE, BE IT RESOLVED***, that Township Committee of the Township of Readington, Hunterdon County, New Jersey requests that the Hunterdon County Clerk place on the 2006 General Election Ballot for the Township of Readington the following public question:

*Shall the Township of Readington be authorized to increase the total annual appropriation for the Township's Length of Service Awards Program from the current total amount of \$40,000 to \$80,000 in accordance with an incremental schedule establishing the individual annual contribution amounts to be adopted by the Township of Readington upon passage of an ordinance after public hearing?*

*Yes*

*No*

**Explanatory Statement:**

The establishment of a Length of Service Awards Program for the Readington Township Volunteer Fire and Rescue Service Members at a total estimated cost of \$40,000 per year was approved by the voters on November, 1999. The public question provided that the proposed annual individual contribution for an active volunteer would be a minimum of \$100 up to a maximum of \$1,150, as allowed by State statute, and, that the annual contributions would be made into a deferred income account for each active volunteer member that met the eligibility criteria.

After the passage of the public question in 1999, the Township Committee adopted an ordinance and subsequent amendments thereto (which are codified in the Code of the Township of Readington at Section 21-10, *et seq.*) establishing criteria for eligibility in the LOSAP program. The criteria consisted of a point system based on the members' length of service, participation in training courses and drills, actual time spent in the line of duty, as well as the amount of time given to governance of their respective volunteer organizations. The ordinance also established the individual annual contribution, which is currently \$380.00 per year per qualifying volunteer (Ordinance #39-2004 adopted on December 6, 2004).

The Readington Township Volunteer Fire and Rescue Services members have requested an increase to the current individual contribution of \$380 and have also requested that the Township Committee adopt a plan to continue to raise the annual award on an incremental basis. If an increase to the individual contribution of \$380 is made by the Township, the estimated cost of the program will exceed the \$40,000 annual appropriation originally approved by the voters.

The laws governing LOSAP (*N.J.S.A. 40A:14-183 et seq.*) require that the public referendum process be used in order to increase award contribution amounts when the total appropriation would exceed the amount originally approved.

If the referendum is passed, the total annual appropriation will be increased from \$40,000 to \$80,000. The Township Committee will then introduce an ordinance for adoption at a public hearing to implement the referendum to provide for the annual award to be increased by increments according to a schedule, not to exceed the total annual amount of \$80,000. Annual appropriations pursuant to the LOSAP program will continue to be made to a deferred income account for each active volunteer who meets the eligibility criteria as established by the Township's LOSAP ordinances and the original public question approved in 1999.

**A MOTION** was made by Mrs. Allen 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

***Contract Negotiations - East Whitehouse Fire Dept. Pumper Specifications***

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

***Contract Negotiations - Bedminster - Lamington Hospitality***

Mayor Shamey said action on this item was deferred.

***Contract Negotiations - Hunting on Township Properties***

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

***Potential Litigation - Waste Management***

A **MOTION** was made by Mrs. Allen to commence an action in superior court to obtain a court order for cessation of the current business activities on the property which have been deemed to be in violation of the Township's zoning ordinance, and any approvals that have not been granted previously to the current tenant on that property. This motion was seconded Mrs. Muir and on Roll Call vote the following was recorded:

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

***Attorney-Client Privilege - Executive Session Minutes  
(June 13, 2006; June 28, 2006 & July 5, 2006 & July 17, 2006)***

A **MOTION** was made by Mrs. Allen to approve the Executive Session minutes from the June 13, 2006; June 28, 2006 & July 17, 2006 meetings. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Action on the Executive Session minutes from the July 5, 2006 meeting was deferred.

***Contract Negotiations - Professional Services:***

***CN Communications International, Inc.***

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

***Princeton Public Affairs Group, Inc.***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-104***

**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:

***Princeton Public Affairs Group, Inc. – continued:***

- Princeton Public Affairs Group, Inc. for all Governmental Relations Matters relating to the Township’s legislative and regulatory matters at a rate of \$250 per hour, not to exceed \$5,000
2. Said contract shall expire on December 31, 2006.
  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 Mrs. Allen and on Roll Call vote the following was recorded:

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

***Matthew Mulhall, M<sup>2</sup> Associates***

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
HYDROLOGY EXPERT SERVICES  
#R-2006-105***

**WHEREAS**, the Township of Readington has a need to acquire Hydrology Expert 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**, M<sup>2</sup> Associates has submitted a proposal indicating they will provide Hydrology Expert Services for the following action at a rate of \$130 per hour:

Toll Brothers, Inc. v. Township of Readington, *et als.*  
Docket No. SOM-L-618-04 (formerly HNT-L-495-02)

**WHEREAS**, M<sup>2</sup> Associates has completed and submitted a Business Entity Disclosure Certification which certifies that M<sup>2</sup> Associates 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 M<sup>2</sup> Associates 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 M<sup>2</sup> Associates 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 August 7, 2007; and

**Matthew Mulhall, M<sup>2</sup> Associates – 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 Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

**Hardin, Kundla, McKeon & Potello**

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

**Suplee, Clooney & Co.**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-107**

**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:
  - Suplee, Clooney & Co., CPA/RMA, to review the financial statements of the Township’s LOSAP program since its inception at a cost not to exceed \$1,500.00.
2. Said contract shall expire on December 31, 2006.
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 Mrs. Allen and on Roll Call vote the following was recorded:

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

**CONSENT AGENDA:**

Attorney Mekovetz asked that #13 under New Business "**Circelli Construction, Inc.** - renovations to Eversole Hall House/payment #2." be removed from the consent agenda and considered in its normal sequence on the agenda.

1. **APPROVAL OF THE MINUTES** of meetings of June 28, 2006; July 11, 2006 & July 17, 2006.
2. **Corrective Action Plan** - 2005 Audit.

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-109**

**WHEREAS**, the Annual Audit Report for the year 2005 prepared by the firm of Suplee, Clooney & Co., CPA/RMA, contained "General Comments" and "Recommendations" regarding the financial practices of the Township of Readington; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Corrective Action Plan prepared by the Chief Financial Officer with regard to the 2005 Audit is hereby approved and adopted.

3. **Increase in Municipal Court Change Fund** - resolution.

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-110**

**WHEREAS**, currently the Municipal Court has a change fund in the amount of \$100.00 and there is a need for a larger fund due to the volume of activity and the increased minimum amount of the fines.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Chief Financial Officer increase the amount of the Municipal Court change fund from \$100.00 to \$200.00, effective immediately.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be sent to the State of New Jersey, Director of the Division of Local Government Services.

4. **Sletteland/Block 50, Lot 27** - request for release of escrow funds.
5. **Ages/Block 45, Lot 26.03** - request for release of escrow funds.
6. **Coddington Homes Company, Inc./Block 32, Lot 9** - request for release of escrow funds.
7. **Stanton Holly Trail** - application for raffles license.
8. **American Red Cross of Central NJ** - applications for raffles license.

- 9. *Application for Social Affair Permit* - Polish American Citizens Club.
- 10. *Lien Redemption* - resolutions.

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

**CONSENT AGENDA – continued:**

**WHEREAS**, the property owner has paid to the Tax Collector the amount necessary to redeem the lien on Block 36, Lot 63; 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 \$509.88 known as Tax Sale Certificate #517, to the lien holder, James Pilewski.

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

**WHEREAS**, the property owner has paid to the Tax Collector the amount necessary to redeem the lien on Block 50, Lot 27.01; 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 \$13,787.86, plus a premium paid in the amount of \$1,100.00 to the lien holder, Tad J. Dabrowski.

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

**WHEREAS**, the property owner has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.417 known as Tax Sale Certificate #524; 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 \$281.06, plus a premium paid in the amount of \$100.00 to the lien holder, Trebron Enterprises, LLC.

- 11. *Payment of the Bills.*

| <b>Fund Description</b>         | <b>Fund No.</b> | <b>Received Total</b>  |
|---------------------------------|-----------------|------------------------|
| CURRENT FUND APPROPRIATION      | 001             | \$ 1,209,734.44        |
| SEWER APPROPRIATION             | 002             | \$ 141,168.37          |
| TRUST APPROPRIATION             | 003             | \$ 27,944.36           |
| CAPITAL APPROPRIATIONS          | 004             | \$ 336,239.00          |
| MISC. REFUND, COUNTY TAX, LIENS | 005             | \$ 3,249,689.33        |
| PAYROLL DEDUCTIONS              | 006             | \$ 171,484.44          |
| REGIONAL & LOCAL SCHOOL TAX     | 007             | \$ 2,529,866.58        |
| <b>TOTAL OF ALL FUNDS:</b>      |                 | <b>\$ 7,666,127.52</b> |

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

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

**PUBLIC HEARINGS:**

As it was after 8:00 p.m., A **MOTION** was made by Mr. Auriemma 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.

**Readington Wine & Spirits, LLC.** - Public Hearing for issuance of Plenary Retail Distribution Liquor License.

Mayor Shamey said this is regarding the issuance of a new plenary retail distribution license that became available as a result of population increase. It was put out for bid and Readington Wine & Spirits, LLC was the successful bidder. Also, the Police Department has completed their investigation into the two (2) applicants and finds no cause to deny the application.

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 issuance of a new plenary retail distribution license to Readington Wine & Spirits, LLC., effective August 8, 2006. This motion was 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 |     |

**Ordinance #26-2006**

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

Clerk read by Title:

**TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY - AN  
ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE TOWNSHIP OF  
READINGTON, PERTAINING TO THE OPEN SPACE ADVISORY BOARD CREATED BY  
TOWNSHIP ORDINANCE #06-2003**

**Ordinance #26-2006**

Mayor Shamey said this Ordinance amends the section of the Readington Township Code pertaining to the Open Space Advisory Board by providing for two (2) alternate members.



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. Muir with a vote of ayes all, nays none recorded.

Clerk read by Title:

***TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY -  
AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE TOWNSHIP OF  
READINGTON, PERTAINING TO THE OPEN SPACE ADVISORY BOARD CREATED BY  
TOWNSHIP ORDINANCE #06-2003***

**Ordinance #26-2006**

**Ordinance #26-2006 – continued:**

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

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

**Ordinance #27-2006**

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

Clerk read by Title:

***AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN EASEMENT  
DEDICATED ON A PORTION OF BLOCK 43, LOT 13 FOR DRAINAGE PURPOSES ON  
KOSCIUSZKO ROAD IN THE TOWNSHIP OF READINGTON, COUNTY OF  
HUNTERDON AND STATE OF NEW JERSEY FROM DAVID A. GILLIAM AND  
AURORA BIANCO GILLIAM, HIS WIFE AND ATTILIO BIANCO AND ASSUNTA  
BIANCO, HIS WIFE***

**Ordinance #27-2006**

Mayor Shamey said this Ordinance provides for the acceptance of a drainage easement on Kosciuszko Road.

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.

Ms. Ingelore Krug said the drainage from Kosciuszko Road impacts her property.

Engineer McEldowney said this property is further north than the area Ms. Krug is concerned about.

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

Clerk read by Title:

***AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN EASEMENT DEDICATED  
ON A PORTION OF BLOCK 43, LOT 13 FOR DRAINAGE PURPOSES ON KOSCIUSZKO  
ROAD IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF  
NEW JERSEY FROM DAVID A. GILLIAM AND AURORA BIANCO GILLIAM, HIS WIFE  
AND ATTILIO BIANCO AND ASSUNTA BIANCO, HIS WIFE***

**Ordinance #27-2006**

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

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

**Ordinance #28-2006**

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

**Ordinance #27-2006 – continued:**

Clerk read by Title:

***BOND ORDINANCE PROVIDING THE ACQUISITION OF PROPERTY (BLOCK 63, LOTS 12 & 13, OWNER: ACCETTOLA) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$840,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$798,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #28-2006**

Mayor Shamey said this Ordinance provides for the acquisition of the Accettola property.

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

Mrs. Allen said this property is located on West Woodschurch Road. It back up to Round Mountain and is across the street from Deerpath Park. The State will contribute 60%, the County 20% and the Township 20%.

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. Muir with a vote of ayes all, nays none recorded.

Clerk read by Title:

***BOND ORDINANCE PROVIDING THE ACQUISITION OF PROPERTY (BLOCK 63, LOTS 12 & 13, OWNER: ACCETTOLA) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$840,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$798,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #28-2006**

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

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

***CORRESPONDENCE/OTHER INFORMATION:***

1. Notice dated July 18, 2006 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities regarding *CAP Exceptions*, noted for information. No action taken.
2. Letter from Suzanne Lagay, President, Hunterdon County Chamber of Commerce, regarding *resolution supporting and endorsing the work of the Chamber of Commerce to coordinate and facilitate a shared services study in an effort to assist municipalities with saving*

*taxpayers' dollars that can ultimately result in a reduction of property taxes.*

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-111**

**WHEREAS**, the Hunterdon County Chamber of Commerce (the Chamber) is desirous of partnering with Hunterdon County's twenty-six (26) municipalities by promoting shared services among them; and

**Resolution #R-2006-111 – continued:**

**WHEREAS**, the Hunterdon County Chamber of Commerce has joined together with the Hunterdon County Municipal Officers Association, Mayors, and Municipal Officials representing each of Hunterdon's municipalities to form the Hunterdon County Business & Government Council (the Council); and

**WHEREAS**, the Chamber and the Council have met with the Somerset County Partnership on shared services, where Somerset County demonstrated over a thirteen million dollar (\$13,000,000.) savings in 2005 through shared services; and

**WHEREAS**, the Council has held four meetings since February to discuss how Hunterdon's municipalities can benefit from shared services; and

**WHEREAS**, the Chamber has put forth the idea of applying for a grant from the New Jersey Department of Community Affairs for a feasibility study of the services that can be shared among municipalities and the costs and savings that will result from shared services; and

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders participates and supports the work of the Chamber and the Council; and

**WHEREAS**, the Chamber seeks the support of each municipality in Hunterdon to partake with other municipalities in exploring shared services and applying for the grant; and

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey hereby supports and endorses the work of the Hunterdon County Chamber of Commerce to coordinate and facilitate a shared services study in an effort to assist municipalities with saving precious taxpayers dollars that can ultimately result in an reduction of property taxes; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to Governor Jon S. Corzine, Assembly Speaker Joe Roberts, Senate President Richard Codey, Senator Robert Littell, Assemblywoman Allison McHose, Assemblyman Guy Gregg, Senator Leonard Lance, Assemblyman Michael Dougherty, Assemblywoman Marcia Karrow and the Hunterdon County Board of Chosen Freeholders.

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

3. Memorandum dated July 25, 2006 from Sharon L. Brienza, Municipal Clerk, Twp. of Branchburg, regarding **adoption of Ordinance #2006-1040 Amending the Land Development Ordinance of the Twp. of Branchburg by amending Section 4-8.10 entitled "Temporary Signs,"** noted for information. No action taken.
4. Resolution from the Township of Lebanon **urging the State of New Jersey to re-evaluate the allocation of the motor vehicle court fines so they are used for Law Enforcement Initiatives which would include the continuation of the State Police rural patrol services,** noted for information. No action taken.
5. Notice dated July 18, 2006 from Dorothy L. Gooditis, Municipal Clerk, Twp. of Raritan, regarding **adoption of a Resolution opposing the elimination of the statewide Deer**

*Recovery Program*, noted for information. No action taken.

6. Notice from John R. Dusinberre, Esq., regarding *hearing before the Tewksbury Township Planning Board - Toll Brothers Crossroads and Oldwick, Block 45, Lots 42 & 43*, noted for information. No action taken.
7. Notice from Public Service Electric & Gas regarding *Filing and Public Hearings for filing for an increase in the Statewide Electric & Gas Permanent Universal Service Fund Program Factors within the Electric & Gas Societal Benefit Charges Rates*, noted for information. No action taken.

**OLD BUSINESS:**

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

Mayor Shamey said that this matter was addressed earlier in the meeting.

2. *Traffic Light Cycle* - Route 22 & County Line Road Intersection.

Mayor Shamey said that this matter was discussed at the July 5<sup>th</sup> Committee meeting and was referred to the Police Department for their review and recommendation. A memo was received from Chief Paganessi indicating that the Traffic Officer reviewed the letter from the Planning Board expressing concern about the traffic signal timing. There are four (4) approaches to the signal and without additional information there is nothing to review.

Administrator Mekovetz said the Committee had asked that this letter be forwarded to the Police Department for review and comment. She suggested that the letter be sent back to the Planning Board asking for more information. All agreed.

3. *Compass Construction, Inc./Bikeway & Pedestrian Walkway* - Change Order.

Engineer McEldowney said there are two (2) Change Orders. At the July 17<sup>th</sup> meeting Rob O'Brien presented a Change Order that was necessary to complete the stormwater management ditch and infiltration device that was required by the NJDEP when they renewed the permits for stream encroachment and freshwater wetlands. This cost was not included in the project estimate that was originally put out for bid.

Administrator Mekovetz said there aren't sufficient funds for the Change Order. As there were additional costs that were not anticipated, the Committee can consider introducing an amendment to the Bond Ordinance in order to complete the project.

The following Ordinance was offered for introduction:

The following Ordinance was offered for introduction:

***BOND ORDINANCE AMENDING SECTION 6(b) OF BOND ORDINANCE NUMBER 21-2005, FINALLY ADOPTED JULY 18, 2005 AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR THE COMPLETION OF THE SENIOR WALKWAY/BRIDGE ON RAILROAD AVENUE IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION***

**Ordinance #33-2006**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Readington, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose

described in Section 3, there is hereby appropriated the supplemental amount of \$70,000, such sum being in addition to the \$100,000 appropriated therefor in Section 3(b) of bond ordinance #21-2005 of the Township finally adopted July 18, 2005, and including the sum of \$3,500 as the additional down payment required by the Local Bond Law. The additional down payment is now 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 additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$66,500 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.

***Compass Construction, Inc./Bikeway & Pedestrian Walkway – continued:***

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is for the completion of the senior walkway/bridge on Railroad Avenue, as more fully described in Section 3(b) of bond ordinance #21-2005 of the Township finally adopted July 18, 2005, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$161,500, including the \$95,000 bonds or notes authorized in Section 3(b) of bond ordinance #21-2005 of the Township finally adopted July 18, 2005 and the \$66,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$170,000, including the \$100,000 appropriated in Section 3(b) of bond ordinance #21-2005 of the Township finally adopted July 18, 2005 and the \$70,000 appropriated herein.

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 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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years. Section 6(b) of bond ordinance #21-2005 of the Township, finally adopted July 18, 2005 is hereby amended to read as follows:

“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 8.52 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 \$66,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$11,000 for items of expense listed in and

***Compass Construction, Inc./Bikeway & Pedestrian Walkway – continued:***

permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$6,000 was estimated for these items of expense in bond ordinance #21-2005 of the Township finally adopted July 18, 2005, and an additional \$5,000 is estimated therefor herein.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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.

**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 |
| Mrs. Muir    | - | Aye |
| Mayor Shamey | - | Aye |

Public Hearing was scheduled for Tuesday, September 5, 2006 at 8:00 p.m.

***NEW BUSINESS:***

1. ***Letter of Resignation from Historic Preservation Commission*** - Michael Porubcan.

**A MOTION** was made by Mr. Auriemma to accept Michael Porubcan's letter of resignation with regret and to send him a letter thanking him for his years of service. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

2. ***Recommendation for Appointment of member to Historic Preservation Commission.***

A ***MOTION*** was made by Mr. Auriemma to appoint Robyn Rasmussen as a Class C member of the Historic Preservation Commission to replace Michael Porubcan. This motion was seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

3. ***Cerillo/Block 18, Lot 14 - request for lot line adjustment.***

Mayor Shamey said this is a request that the property line on Block 18, Lot 14 be moved to include a twenty-foot abandoned road.

Attorney Dragan said she would need to review a copy of Mr. Cerillo's deed. She will look into the matter further.

***NEW BUSINESS – continued:***

4. ***Stormwater Management Ordinance - introduction.***

The following Ordinance was offered for consideration:

***AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, IS HEREBY SUPPLEMENTED AND AMENDED.***

**Ordinance #29-2006**

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

1. Section 148-65 entitled “Stormwater” of is hereby supplemented and amended as follows (deletions are indicated ~~thus~~; additions are indicated thus):

**§ 148-65. Stormwater. [Amended 6-17-2002 by Ord. No. 15-2002; 10-7-2002 by Ord. No. 40-2002]**

See §§ 148-65.1 through 148-65.4.

Definitions:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Where common definitions exist, the definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

13. “Agriculture” or “Agricultural use” means the use of the land for common farmsite activities including but not limited to production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, and water management, and grazing.

14. “Agricultural development” means construction for the purposes of supporting common farmsite activities, including but not limited to: the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

|  |
|--|
| <p>“Category 1 (C1) Waters” means Waters of the State, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC 14 watershed, designated in NJAC 7:9B-1.15 (c) through (h) for purposes of implementing the anti-degradation policies set forth at NJAC 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources(s).</p>   |
| <p>“Compaction” means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.</p>   |
| <p>15. “Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.</p>   |
| <p>“County review agency” means the Hunterdon County Planning Board, as designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s).</p>  |
| <p>16. “Department” means the New Jersey Department of Environmental Protection.</p>   |
| <p>17. “Designated Center” means a State Development and Redevelopment Plan Center, such as urban, regional, town, village, or hamlet, as designated by the State Planning Commission.</p>   |
| <p>18. “Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.</p>  |
| <p>19. “Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.</p> |
| <p>20. “Disturbance” means any activity including the clearing, excavating, storing, grading, filling or transportation of soil or any other activity that causes soil to be exposed to the danger of erosion.</p>   |
| <p>21. “Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.</p>  |
| <p>22. “Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; well head protection areas; and ground water recharge areas. Habitats of endangered or threatened species are those identified by the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at NJSA 13:20-32k. and 13:20-34a(4).</p>   |
| <p>23. “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.</p>   |
| <p>24. “Ground water” means a body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.</p>  |
| <p>25. “Highlands Act” means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, codified at N.J.S.A. 13:20-1 et.seq. as amended.</p>   |
| <p>26. “HUC-14” means a watershed as defined by the United States Geological Survey with a 14-digit identifier; a subwatershed.</p>  |
| <p>27. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area,</p>   |

|   |
|---|
| <p>for that period of a year during which the most significant ground water infiltration would normally occur, including soil which, either naturally or through compaction, exhibits in situ permeability less than one-half (0.5) inch per hour. and has a permeability of less than <math>1 \times 10^{-5}</math> CM/SEC (approximately 1.0 CM per day)</p>  |
| <p>28. “Infiltration” is the process by which water from precipitation seeps into the soil to a level below the normal root soil of plant species.</p>  |
| <p>29. ”Karst Terrain” means an area where karst topography, with its characteristic surface and subterranean features, is developed as a result of the dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include but are not limited to sinkholes, sinking streams, caves, blind valleys, large springs and subterranean drainage. See also limestone area.</p>   |
| <p>30. “Limestone area” means an area of Hunterdon County underlain by carbonate sedimentary rock consisting chiefly of calcium carbonate. Limestone is commonly used as a general term for the class of rocks that consist of at least 80 percent calcium or magnesium carbonate. See also karst terrain.</p>  |
| <p>“Low Impact Development” (LID) means methods incorporating design measures to replicate pre-development hydrology to reduce the impacts of development at a lot-level basis, treating rainwater where it falls by creating conditions that allow the water to infiltrate back into the ground. LID emphasizes greater infiltration of stormwater on-site rather than regarding the stormwater as a nuisance condition and disposable.</p>  |
| <p>“Maintenance Plan” means a document required for all major development projects for stormwater management maintenance. The document shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement).</p>   |
| <p>31. “Major development” means any “development” that provides for ultimately disturbing one or more acres of land or would create one-quarter acre or more of impervious surface.</p>  |
| <p>32. “Maximum Extent Practicable” means compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including but not limited to, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-specific environmental conditions, cost and technical or engineering feasibility.</p>  |
| <p>33. “Mitigation” means an action by an applicant -providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in NJAC 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of this ordinance, includes both the mitigation plan detailing how the project’s failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same HUC-14 within which the subject project is proposed (if possible and practical), or a contribution of funding toward a regional stormwater control project, or provision for equivalent treatment at an alternate location, or other equivalent water quality benefit.</p> |
| <p>34. “Municipality” means any city, borough, town, township, or village.</p>  |
| <p>35. “Node” means an area designated by the State Planning Commission concentrating facilities and activities that are not organized in a compact form.</p>   |
| <p>“Nonstructural Stormwater Management Techniques” means techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and piped conveyances), such as minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, <a href="#">increasing time of concentration</a> and maintaining and enhancing natural drainage features and characteristics.</p>  |
| <p>36. “Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of plants, algae and other organisms or vegetation.</p>  |
| <p>37. ”Nutrient load” means the total amount of a nutrient such as nitrogen or phosphorus</p>  |

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| <p>entering the water during a given time, such as "tons of nitrogen per year", or "pounds of phosphorus per day." Nutrients may enter the water from runoff, ground water recharge, point source discharges, or the air (in the form of wet deposition such as rain or snow as well as dry deposition).</p>  |
| <p>”Nutrient concentration” means the amount of a nutrient in a defined volume of water (such as milligrams of nitrogen per liter). The relationship between nutrient concentration and nutrient load can vary and depends on the surface water flow, the volume of water in the water body or aquifer, and watershed characteristics.</p>  |
| <p>“Permeable” means a surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.</p>  |
| <p>38. “Person” means any individual, corporation, company, partnership, firm, association, [<i>insert name of municipality</i>], or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.</p>   |
| <p>39. “Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.</p>   |
| <p>40. ”Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water to the extent that the pollutant concentration or level violates either the Ground Water Quality Standards (N.J.A.C. 7:9-6) or the Surface Water Quality Standards (N.J.A.C. 7:9B) of New Jersey.</p>  |
| <p>41. “Recharge” means the amount of water from precipitation that infiltrates into the ground, and becomes part of a ground water body.</p>   |
| <p>42. “Review agency (municipal)” means the municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.</p>   |
| <p>43. “Sediment” means solid material, mineral or organic, that is in suspension and is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.</p>  |
| <p>44. “Site” means the lot or lots upon which a major development is to occur or has occurred.</p>   |
| <p>45. “Soil” means all unconsolidated mineral and organic material of any origin.</p>  |
| <p>46. “Solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids.</p>  |
| <p>”Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to raw materials, intermediate products, final products, waste materials, by-products, industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.</p>  |
| <p>“Special Resource Waters” means water bodies receiving special protections due to their drinking water status or role as high-quality habitat for Threatened and Endangered species or species of commercial or recreational importance. This includes waterways so designated through the NJ Stormwater Management Rules (N.J.A.C. 7:8) because of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resource. Waters so designated are protected by a 300-foot buffer extending on either side of the waterway measured perpendicular from top-of-bank or center of channel for waterways lacking a defined top-of-bank.</p> |
| <p>47. “State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment</p>   |

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| and revitalization efforts.   |
| 48. “State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.  |
| 49. “Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.  |
| 50. “Stormwater runoff” means the flow of stormwater on or across the surface of the ground, in drainage facilities or in storm sewers.   |
| 51. “Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (a constructed stormwater wetland).   |
| 52. “Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or ground water recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.  |
| “Stream buffer” means a strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained within a flood plain or floodway or may extend beyond a wetland, floodplain or floodway boundary.  |
| “Structural Stormwater Techniques” means a stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.  |
| ”Threatened and Endangered Species” – Endangered Species are those whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened Species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at NJSA 13:20-32k. and 13:20-34a(4). |
| "Time of concentration" is defined as the time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.   |
| ”Transition area” means an area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also called "buffer" area.   |
| 53. “Urban Redevelopment Area” is defined as previously developed portions of areas delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1); Designated Centers, Cores or Nodes.   |
| 54. “Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.   |
| 55. “Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.  |

All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper drainage.

- A. The system shall include the natural drainage basin area and shall be adequate to carry off the stormwater and natural drainage water which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in their current state of development. The system shall be extended along the full length of any road improvement. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- B. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with current specifications of NJDOT for Road and Bridge Construction, as prepared by the New Jersey Department of Transportation and any supplements, addenda and modifications thereto unless otherwise specified by the reviewing municipal agency. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the Township Engineer after discussion with the reviewing municipal agency.
- C. Pipe sizes shall be determined by acceptable drainage design procedures, provided that the pipe size in a surface water drainage system shall in no instance be less than 15 inches in diameter.

***Stormwater Management Ordinance – continued:***

- D. Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 300 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum four-hundred-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.
- E. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create ponding in paved areas. Gutters or paved swales shall be used whenever, in the judgment of the Township Engineer, they are necessary to avoid erosion.
- F. Lots shall be graded away from the building(s) at a minimum two-percent grade in order to secure proper drainage. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than predevelopment rates.
- G. Approval of drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and office. Where required, each applicant shall make application to NJDEP, the Hunterdon County Engineering Department and the Township Engineer. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, with a copy of each letter forwarded to the Township Engineer.
- H. When required by the Township and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream. Said easement and right-of-way shall include provisions assuring the following: preservation of the channel of the watercourse; prohibition of alteration of the contour, topography or composition of the land within the easement and right-of-way; prohibition of construction within the boundaries of the easement and right-of-way which will obstruct or interfere with the natural flow of the watercourse; and reservation to the Public Works Department of a right of entry (but not the obligation) for the purpose of maintaining the natural flow or drainage of the watercourse, of maintaining any and all structures related to the exercise of the easement and right-of-way and of installing and maintaining a storm or sanitary sewer system or other public utility. The drainage right-of-way easement shall conform substantially with the thread of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan but not less than 25 feet in width. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Development

Ordinance of Readington Township. All developments shall adhere to the regulations from water and erosion control as specified in the Readington Township Soil and Surface Water Management Ordinance, October 18, 1976.

- I. Surface drainage of each lot will be reviewed to assure that stormwater flows will not cascade from one lot to another in a manner that would be detrimental to the use of an adjoining lot. This may require surface water controls such as swales, surface drainage inlets and appropriate easements.

**§ 148-65.2. Technical standards. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]**

A. Non-Structural Best Management Practices

(1) To the maximum extent practicable, the standards in N.J.A.C. 7:8-5.4 and 5.5 shall be met by incorporating nonstructural stormwater management strategies at N.J.A.C. 7:8-5.3 into the design. The persons submitting an application for review shall identify the

nonstructural strategies incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management strategies identified in (b) below into the design of a particular project, the applicant shall identify the strategy and provide a basis for the contention.

***Stormwater Management Ordinance – continued:***

(2) Nonstructural stormwater management strategies incorporated into site design shall:

1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
3. Maximize the protection of natural drainage features and vegetation;
4. Minimize the decrease in the “time of concentration” from pre-construction to postconstruction. “Time of Concentration” is defined as the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed;
5. Minimize land disturbance including clearing and grading;
6. Minimize soil compaction;
7. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
8. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
9. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff.

These source controls include, but are not limited to:

- i. Site design features that help to prevent accumulation of trash and debris in drainage systems;
- ii. Site design features that help to prevent discharge of trash and debris from drainage systems;
- iii. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- iv. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(3) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual available from the Department through the address listed at N.J.A.C. 7:8-1.3.

(4) All applicants are required to prepare and submit as part of the project’s stormwater management report, a New Jersey Nonstructural Stormwater Management Strategies Point System (NSMPS), including the NJSMPSS spreadsheet showing such strategies have been used to the “maximum extent practicable” as part of all major

Development applications.

~~B. Post-Development Controls~~ Structural Best Management Practices

- (1) ~~No net increase in~~ Nonpoint source pollution control. Stormwater control systems shall be designed to prevent degradation of water quality in the receiving watercourse due to nonpoint source pollution associated with stormwater runoff. NJDEP's Surface Water Quality Standards, N.J.A.C. 7:9B, and NJDEP's Stormwater Management Regulation, N.J.A.C. 7:8, shall be used as guidelines for this determination.
- (2) Stormwater control systems shall be designed to reduce pollutant loading (according to the requirements of Table 3-1) generated by the development for storm events up to the water quality design storm and to retain, as closely as possible, the predevelopment hydrologic response of the site, and the watershed.
- (3) Stormwater control systems shall be designed so that the post-development stormwater runoff rates, from the site, and at any point in the watershed between the site and the receiving body of water, shall be reduced according to N.J.A.C. 7:8. Therefore, the post-development peak runoff rate for the two-year storm event shall be 50% of the predevelopment peak runoff rate, ~~and~~ the post-development peak runoff rate for the ten-year storm event shall be 75% of the predevelopment peak runoff rate, and the one-hundred-year storm events shall be 80% of the predevelopment peak runoff rates, respectively.

***Stormwater Management Ordinance – continued:***

- (4) In accordance with the requirements and performance standards set forth in NJAC 7:8-5.4(a)2, there shall be no loss in recharge following site development. Specifically the applicant must:
  - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual preconstruction groundwater recharge volume for the site; or
  - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

~~CB.~~ Procedures for measuring compliance with the Post-Development Control provisions of this chapter.

- (1) Hydrologic/hydraulic analyses; suitability of soil for infiltration.
  - (a) Hydrologic/hydraulic analyses shall be prepared and submitted demonstrating that the post-development stormwater runoff rates do not exceed the standards set forth in this chapter for the water quality storm and the two-, ten-, and one-hundred-year storms. The water quality storm shall be the NJDEP defined 1.25 inches of rain, uniformly distributed over a two-hour period.
  - (b) The hydrologic and hydraulic analyses shall follow generally accepted methodologies for evaluating stormwater runoff rates and volumes, including the methodologies specified in NJDEP's Stream Encroachment Manual, the USDA/SCS's TR-55 and TR-20 methodologies, and the US Army Corps of Engineers HEC-1 model.
  - (c) For infiltration facilities proposed to meet the ~~no net change~~ recharge provisions of this chapter, the results of soil tests demonstrating the suitability of the area's soils for infiltration of runoff shall also be provided. Computation shall be conducted in accordance with NJCA 7:8, the 2004 NJDEP Best Management Practices Manual and GSR-32 Recharge Methodology.
- (2) A nonpoint source pollutant loading analysis shall be prepared and submitted demonstrating that the post-development nonpoint source pollutant and sediment loadings do not exceed the standards set forth in this chapter as a result of the proposed land development project. In preparing the required analysis it shall be acceptable to

utilize the average removal efficiency statistics provided in the Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual, dated December 1994 and May 2000, and any subsequent revisions thereto, prepared by the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture.

~~D.C.~~ Mitigation measures.

- (1) If the natural or existing physical characteristics of the project site preclude achievement of any of the above provisions, the municipality may grant a variance from strict compliance with the specific provisions that are precluded, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Township professionals that the immediately downstream waterways will not be subject to:
  - (a) Deterioration of existing culverts, bridges, dams and other structures;
  - (b) Deterioration of their biological functions, as well as for drainage and other purposes;
  - (c) Stream bank or streambed erosion or siltation;
  - (d) Increased threat of flood damage to public health, life and property.
- (2) Furthermore, where partial compliance with a specific provision is possible, the Township professionals will direct the applicant to satisfy a reduced performance criterion. Mitigation measures will be required to compensate for the unfulfilled component of the no-net-increase provision.

***Stormwater Management Ordinance – continued:***

- (3) In all cases, however, those stormwater design provisions that are not precluded by the site's physical characteristics shall be met. Mitigation measures may include, but are not limited to, the following. If one or more of the Stormwater Management provisions of this chapter cannot be met on-site then the applicant shall meet the provisions of this chapter, precluded by the site's physical characteristics, by employing one or more of the following mitigation measures, in this order of preference:
  - (a) The purchase or donation of privately owned lands within the Readington Township Stream Corridor Preservation Area that are not currently protected by NJDEP's Freshwater Wetlands Protection Act Rules or NJDEP's Flood Hazard Area Control Regulations, said lands to be dedicated for preservation and/or reforestations.
  - (b) Mitigation on previously developed properties, public or private, that currently lacks stormwater management facilities designed and constructed in accordance with the purposes and standards of this chapter.
  - (c) Cash contributions to fund stormwater management related studies within Readington Township, including wetland delineation studies, stream-monitoring studies for water quality and macroinvertebrates, stream flow monitoring, and threatened and endangered species studies.
  - (d) Other stormwater enhancement, Stormwater Management Resource Protection / Restoration Mitigation options deemed acceptable by the Township Professionals.

~~E.D.~~ Detention/retention basins for stream flooding and erosion control. The standards for detention/retention basins shall be conducted in accordance with NJAC 7:8, as follows:

- (1) Detention and /or retention basins shall be designed to capture and retain all stormwater runoff from the site's impervious surfaces during the water quality storms, and from all smaller storms. The runoff shall then be slowly released in accordance with the requirements presented in Section 3.7.1. For detention basins, in order to meet minimum water quality standards set forth by the Township they will need to be used in concert with other BMPs, such as drywells, infiltration systems, grassed swales, manufactured treatment devices, etc., in order to achieve a minimum of 90% TSS removal.
- (2) The post development peak runoff rate for the two-year storm event shall be 50% of the predevelopment peak runoff rate, the post-development peak runoff rate for the ten-year

storm event shall be 75% of the predevelopment peak runoff rate, and the one-hundred-year storm events shall be 80% of the predevelopment peak runoff rates, respectively.

- (3) Most water quality control and infiltration measures will also provide some benefit in runoff peak control. Where water quality control or infiltration measures are instituted, appropriate adjustments to the post development peak runoff may be incorporated by the introduction of modified runoff coefficients (e.g., time of concentration, initial abstraction, SCS runoff curve number). Procedures used by the applicant to adjust runoff coefficients to take credit for the detention properties of miscellaneous stormwater control measures (i.e., measures not specifically designed for providing runoff peak control) must be approved by the Township professionals.
- (4) The US Soil Conservation Service procedures, such as Urban Hydrology for Small Watersheds, Technical Release No. 55, or other generally accepted methodologies, may be used for computing predevelopment and post development runoff rates and volumes.
- (5) In computing pre-project construction runoff, all significant land features, such as ponds, depressions, or hedgerows which increase the ponding factors, shall be accounted for.
- (6) The applicant shall provide plans and calculations which show that the discharge attributable to the proposed project will not cause erosion along the flow path between the outfall and the receiving waterbody.
- (7) Soil erosion and sediment control shall be provided in accordance with Standards for Soil Erosion and Sediment Control promulgated by the State Soil Conservation Committee pursuant to N.J.A.C. 4:24-42 administered by the Hunterdon County Soil Conservation District.

***Stormwater Management Ordinance – continued:***

- (8) If detention basins or other detention facilities are provided through which water passes at times other than following rainfall, the Township professionals shall be consulted concerning design criteria. It will be necessary for detention requirements to be met, despite the necessity of passing certain low flows. This applies to all on-stream or on-line detention basins.
- (9) Detention basins located in freshwater wetlands may be allowed only in accordance with Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and any rules adopted pursuant thereto.
- (10) Any detention facility that impounds water through the use of any artificial dike, levee or other barrier and raises the water level five feet or more above the usual mean low-water height when measured from the downstream toe-of-dam to the emergency spillway crest is classified as a dam and subject to the New Jersey dam safety standards, N.J.A.C. 7:20. All such dams must be designed, constructed, operated and maintained in compliance with the rules of N.J.A.C. 7:20.

***F.E. Water quality control and infiltration measures.***

- (1) In most instances, the water quality control and infiltration performance requirements of this chapter will be satisfied by multiple structures or devices (see section 3.6 of this chapter). Furthermore, most structures or devices will achieve both a water quality control and infiltration benefit. Compliance with the provisions of this chapter will be based on a project-wide summation of runoff characteristics. The applicant will show how the collection of structures or devices incorporated in the stormwater management plan will jointly satisfy the performance requirements of this chapter.
- (2) In order to meet the provisions of this chapter with regard to stormwater runoff volumes, sediment loadings and other nonpoint source loadings, stormwater management facilities shall provide for the control of a water quality design storm, in accordance with the following basic principles:
  - (a) Infiltration facilities shall be designed to achieve no net change in recharge under post-developed conditions as compared to pre-developed conditions (tabulated on an annual basis). This will be achieved by the implementation of measures which will retain and infiltrate runoff generated by the 1.25", two-hour storm (NJDEP water quality event) or the differences in volume between the pre-and post development

condition generated by the 2-year storm. In general, multiple infiltration facilities may be required to collectively satisfy the infiltration requirement.

- (b) Concentrations of stormwater volume shall be minimized by designing small impervious surface drainage units where appropriate.
  - (c) Runoff shall be collected, attenuated and managed as close to its source as practicable.
  - (d) The design of water quality and infiltration device treatment trains shall utilize to the fullest extent possible the existing natural qualities of the landscape.
  - (e) Due to the difficulties associated with their design and maintenance, detention/retention basins are not suitable as infiltration facilities. Therefore, retention volumes associated with basins may not be used to comply with the provision of this chapter as it regards runoff volume. However, retention basins (or wet basins) may be used to satisfy the water quality requirements of this chapter.
  - (f) The incorporation of porous pavement systems, including porous asphalt pavement and modular paving block systems, are encouraged as a means of lowering the effective runoff curve number for a developed site. By increasing the perviousness of the developed site, benefits will be achieved in the form of reduced infiltration and peak runoff control requirements.
- (3) Utilizing the above design principles, a stormwater management plan shall be designed for the project area, utilizing the stormwater control Best Management Practices (BMPs) presented in The NJDEP Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual, ~~dated 2004,~~ and any subsequent revisions thereto, prepared by the New Jersey Department of Environment Protection and the new Jersey Department of Agriculture.

***Stormwater Management Ordinance – continued:***

- (4) The provisions of this chapter shall be ~~deemed to have been~~ met regarding nonpoint source pollutants if the estimated postdevelopment nonpoint source ~~annual pollutant load~~ after water quality treatment, has been reduced by ~~80%~~ 90% prior to discharge.
  - (5) In estimating the total suspended solids removal efficiencies of the water quality control measures proposed, it shall be acceptable to utilize the removal efficiency statistics provided in the NJDEP Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual, ~~dated 2004,~~ and any subsequent revisions thereto, prepared by the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture.
- F. Requirements for selected stormwater management measures. Considerations will be given to other innovative BMPs not listed in this chapter, however, the applicant will be required, when proposing the use of alternative BMPs, to provide the Planning Board with detailed engineering plans and performance capabilities. Any vegetation used in the creation of BMPs shall be noninvasive, nonexotic species.
- (1) For detention basins:
    - (a) Detention basins shall not be located within the floodway of any watercourse;
    - (b) The construction of detention basins in floodplains should be avoided, but where this is unavoidable, a special examination to determine adequacy of a proposed detention facility during extreme storm events shall be required. This examination is required to determine what effects, if any, the tailwaters created by the floodplain have on the outflow from and effective storage within the detention facility. All designs of basins in floodplains, therefore, should be based upon an accurate and thorough determination of tailwater effects resulting from runoff from the site and the watershed contributing to the floodplain;
    - (c) Beginning at the time of peak storage in the basin for the water quality design storm, (1.25" / 2 hour) no more than 90% of the total peak storage volume is released over an eighteen-hour period for residential developments or over a twenty-four-hour period for commercial developments. Longer drawdowns are permissible, but in no

case shall the drawdown period exceed 72 hours. The rate of release shall be as uniform as possible;

- (d) The minimum outlet diameter, width or height is 2.5 inches. If this minimum outlet size does not allow for the detention times required in this chapter, then alternative techniques for the removal of TSS prior to discharge into the basin shall be provided; and
  - (e) ~~The~~ Species of native, nonintrusive, nonexotic vegetation used in the basin shall be approved by Readington Township and the Hunterdon County Soil Conservation District.
- (2) For wetponds/retention basins:
- (a) Such basins shall not be located within the floodway of any watercourse;
  - (b) The volume of the permanent pool shall be at least four times the volume of the expected runoff from the water quality design storm (1.25" / 2 hour event);
  - (c) The permanent pool shall be shallow enough to avoid thermal stratification and deep enough to minimize algal bloom and resuspension of decomposing organics and other previously deposited materials;
  - (d) An applicant, when proposing the use of a wetpond, shall submit data (e.g., average monthly flushing rates) which document that the wetpond will not be subject to excessive stagnation during periods of nominal inflow. If the wetpond will become stagnant, the applicant may be required to provide some form of aeration or circulation to eliminate such conditions and associated negative water quality and public health consequences;
  - (e) The configuration of the permanent pool shall promote maximum sedimentation and minimize plug flow;
  - (f) Where feasible, native fish stock shall be used to control mosquitoes; and

***Stormwater Management Ordinance – continued:***

- (g) There shall be no adverse effects to the receiving watercourse resulting from differences in temperature between the discharge and the waters in the receiving watercourse.
- (3) For artificial wetlands:
- (a) A least one-half of the perimeter of the water area shall be graded to form a shallow bench for aquatic emergents;
  - (b) The surface area of the artificial wetlands shall be at least three percent of the total area contributing flow into the artificial wetland;
  - (c) Vegetation shall be commercial native wetland plant stock, either live plants or dormant rhizomes, instead of transplants from existing wetlands areas or seeding;
  - (d) At least two hardy and rapid colonizing indigenous primary wetlands species shall be planted in three or four monospecific stands with individual plants spaced two to three feet apart. Up to three less aggressively colonizing secondary wetlands species shall be randomly distributed in clumps around the perimeter of the marsh; and
  - (e) At least 25% of the total surface area of a basin designed exclusively to act as a shallow marsh shall be open water with a depth of at least two feet in order to provide habitat for waterfowl and other marsh birds.
- (4) For vegetated or biofilter swales:
- (a) The water velocity shall not exceed two feet per second (FPS) to allow for settlement of TSS during the water quality design storms. The slope shall not be less than 0.5% so that positive drainage is maintained. The bottom of the swale shall not be compacted during construction to preserve infiltration value. The swale slope shall not exceed 5% and shall be of sufficient length to allow for settlement of TSS taking into consideration the velocity, depth of flow and expected loading of TSS;

- (b) Where feasible, vegetation shall be used in the swale to filter ~~out~~ the TSS and to provide a secondary treatment by absorption of pollutants leached into the soil. Vegetation used in the swale shall be native, nonintrusive, nonexotic species approved by Readington Township and the Hunterdon County Soil Conservation District,
  - (c) If the swale is designed to provide infiltration, the soil texture shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture and there shall be a minimum of three feet separation between the bottom of the swale and the seasonal high water table; and
  - (d) The swale shall be used internally within the stormwater collection system and in conjunction with other methods such as vegetated filter strips to increase their effectiveness.
- (5) For above-grade infiltration facilities:
- (a) There shall be at least three feet vertical separation between the bottom of the facility and the seasonal high-water table;
  - (b) The maximum depth of impoundment shall be two feet;
  - (c) The soil texture of the upper six inches of the facility (i.e., immediately below the surface layer of turf, gravel, paving blocks, etc.) shall be sand, loamy sand or sandy loam, as described by the US Department of Agriculture. As necessary, the applicant will import appropriate cover material to comply with this requirement;
  - (d) The surface of the facility may be stabilized by turf, gravel, modular paving blocks, or other measures approved by the Township professionals;
  - (e) The entire volume of the runoff impounded during a storm shall be recharged to groundwater within 72 hours; and
  - (f) The design of the infiltration facility shall be based on infiltration rates measured using procedures outlined in the design standards presented in the ~~the 2004~~ NJDEP Best Management Practices Manual for aboveground infiltration systems.

***Stormwater Management Ordinance – continued:***

- (6) For below-grade infiltration facilities.
- (a) Where porous media are used (e.g., gravel surfaced parking areas, gravel filled trenches), the applicant shall provide documentation of the in-place porosity of the media for purposes of estimating the retained runoff volume;
  - (b) A media separation (e.g., geotextile or graded sand filter) shall be used to maintain the integrity of the interface between porous media and the native soil;
  - (c) The design of the facility shall be based on infiltration rates measured using procedures outlined in the design standards presented in the ~~2004~~ NJDEP Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual for aboveground infiltration systems;
  - (d) The entire volume of the runoff impounded during a storm shall be recharged to groundwater within 72 hours. Standpipes are required in all below-grade infiltration facilities for the purpose of inspecting water levels; and
  - (e) As required by the Township professionals, runoff shall be pre-treated prior to discharge into the below-grade infiltration facility to remove TSS and other nonpoint source pollutants. Treatment may consist of a vegetated buffer strip, sediment trap, manufactured treatment devices, etc.
- (7) For porous pavement:
- (a) The soil beneath the pavement shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture, or the applicant could create a suitable sub-grade reservoir for the storage of runoff using gravel or other appropriate medium;
  - (b) The porous pavement shall be buffered with vegetative screening to prevent the intrusion of aeolian sand and silt;

- (c) A strict maintenance schedule including but not limited to vacuum sweeping on a weekly basis and high-pressure water washing on a monthly basis will be required of any approved porous pavement.
  - (d) The porous pavement shall be used in light traffic areas subject to automobiles only and is marked by a sign restricting traffic to only passenger vehicles;
  - (e) No asphalt sealer may be used;
  - (f) No sand shall be applied to porous pavement during periods of snow and ice;
  - (g) Refer to the design standards presented in the ~~2004~~ NJDEP Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual for aboveground infiltration systems; and
  - (h) The area where porous pavement is being used should be disconnected from stormwater flows generated from all adjacent areas, and should be designed to manage the volume runoff generated only from the area in which the porous pavement is being installed. This disconnect of the area from adjacent areas limits the hydrologic load that the system will manage and decreases the opportunity for fine sediment that could potentially clog the pavement from being directed onto the surface.
- (8) For modular paving block systems:
- (a) The upper six inches of soil beneath the paving system shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture. As necessary, the applicant will import appropriate cover material to comply with this requirement;
  - (b) In-place infiltration rates shall be measured using procedures outlined in NJDEP guidance or other methods acceptable to the Township professionals;
  - (c) Permissible paving blocks include, but are not limited to, bricks bedded in sand (minimum one-half inch separation between blocks) and interlocking concrete blocks with open-work cutouts;

***Stormwater Management Ordinance – continued:***

- (d) Paving block systems shall be used in pedestrian and in light traffic areas subject to automobiles only and marked by a sign restricting traffic to only passenger vehicles;
  - (e) A semiannual program of inspection and maintenance shall be required of all modular paving block systems;
  - (f) Modification of paved areas to provide benefits associated with below grade infiltration facilities can be obtained by constructing pavement over a layer of coarse aggregate or similar porous media.
- (9) Manufactured treatment devices:
- (a) The applicant shall submit design calculations and performances data ~~curves~~ for all devices.
  - (b) Devices should be used for pretreatment, not post-treatment of stormwater routed through a primary stormwater management BMP.
  - (c) Manufactured treatment devices shall be used to treat mostly impervious surfaces. No large tracts of pervious surfaces should be routed into the device.
  - (d) All considered manufactured treatment devices shall be recognized by NJDEP and deemed suitable for use in New Jersey.
  - (e) Removal of TSS by such approved devices shall be in accordance with the removal rates established by NJDEP.

**G. Stormwater quality management**

- ( 1 ) Stormwater management measures shall be designed to reduce the post-

construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm by 90 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional one-quarter acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

(2) For purposes of TSS reduction calculations, presumed TSS removal rates shall be consistent with those provided in the New Jersey Stormwater Best Management Practices Manual.

(3) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:  $R = A + B - (AXB)/100$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

(4) If there is more than one onsite drainage area, the 90 percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub-areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the

***Stormwater Management Ordinance – continued:***

developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in N.J.A.C. 7:8-5.4 and 5.5.

**H.G. Planning and design standards for maintenance and repair.**

(1) The goal for the planning and design of a stormwater management facility is for its operation with the least practical amount of maintenance. To accomplish this, the facility shall be developed to eliminate avoidable maintenance tasks, minimize the long-term amount of regular maintenance, facilitate the performance of required maintenance tasks, and reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts.

(2) Strong, durable, and non-corrodible materials, components, and fasteners shall be used to reduce required maintenance efforts. These include but are not limited to: lightweight non-corrodible metals such as aluminum for trash racks, orifice plates, and access

hatches; hardy, disease resistant grasses for bottoms and side slopes as prescribed by soil erosion and sediment control standards administered by the Hunterdon County Soil Conservation District; reinforced concrete for outlet structures and let headwalls; and gabions for channel and outlet linings.

(3) Stormwater Best Management Practices structures and facilities, including those designed for infiltration, detention or retention with or without vegetation, shall be designed to minimize propagation of insects, particularly mosquitoes.

- (4) Stormwater Best Management Practices structures and facilities, including those designed for infiltration, detention or retention with or without vegetation, should be designed in a harmonious and attractive manner.
- (5) Stormwater Best Management Practices structures and facilities, including those designed for infiltration, detention or retention with or without vegetation, outlets shall be designed to function without manual, electric or mechanical controls. Design specifications shall be consistent with those required by NJDEP.
- (6) Maintenance shall be required as part of all stormwater management plans. Specific maintenance techniques and schedules shall be provided for each type of system used on the site.
  - (a) The In no case shall the maintenance of any BMP be the responsibility of an individual property owner. Specifically, the responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. If maintenance of the system will be the responsibility of a person other than a state, county or municipal agency, then the maintenance plan approved by the municipality shall be recorded upon the deed of record for the property.
  - (b) The maintenance plan shall include the name, address and telephone number of the party or parties responsible for long-term maintenance. Documentation of their assumption of this responsibility shall be submitted as part of the permit application. The transfer of maintenance responsibility to individual property owners in residential subdivisions is prohibited except through a homeowners' association agreement.
  - (c) Written maintenance and repair records for all stormwater management systems shall be maintained for at least five years by the person's identified in Subsection G(6) above and shall be provided to the municipality upon request.
  - (d) Maintenance of artificial wetlands shall include, but not be limited to:
    - [1] Documented visual inspection of all components of the system at least once ~~every six months~~ every quarter and following any rain event that produces at least 1" of precipitation.

***Stormwater Management Ordinance – continued:***

- [2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup; and
  - [3] Vegetation removal and replacement, as necessary, at least once a year.
- (d) Maintenance of detention basins shall include, but not be limited to:
- [1] ~~Documented visual inspection of all components of the system at least once every six months;~~ Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1" of precipitation.
  - [2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup;
  - [3] Documented maintenance, including grass cutting, and necessary replacement of all landscape vegetation within the basin at least once a year; and
  - [4] Documented aeration/aerification of basin bottoms at least once a year and scraping and replanting at least once every five years to prevent the sealing of the basin bottom.
- (e) Maintenance of wet ponds/retention basins shall include, but not be limited to:
- [1] Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1" of precipitation.

[2] Annual documented monitoring of water quality, dissolved oxygen, vegetative growth, temperature and fish population for a period of three years to ensure that the wet pond/retention basin is working as intended.

(f) Maintenance of infiltration structures shall include but not be limited to:

- [1] ~~Documented visual inspection of all components of the system at least once every six months;~~ Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1” of precipitation.
- [2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup;
- [3] Inspection and proper refurbishment of the sand layer of the infiltration basin, trench or sub-surface structure upon evidence of failure of the infiltration system to fully void collected runoff within 72 hours following the completion of a storm event. Replacement of sand or infiltration media shall be done in a manner that does not result in the compaction of the sub-surface soils and results in the restoration of the infiltration structure’s original design infiltration capacities and capabilities.

I. H. Safety measures. Safety measures are to be incorporated in the design of all stormwater and infiltration control projects. These may include but not be limited to fencing, warning signs/stadia rod indicating depth at lowest point, and outlet structures designed to limit public access as deemed needed and appropriate by the Township Professionals. Safety requirements must at a minimum conform with the NJAC 7:8-6.

**148-65.3. Requirements for a site development/stormwater plan. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]**

A. Submission of site development stormwater plan.

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan, 4.3, as part of the submission of the application for subdivision of site plan approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.

***Stormwater Management Ordinance – continued:***

- (3) The submission requirements set forth in the checklist in 4.3 are in addition to any other required development checklists. Failure to provide all items will result in an application being deemed incomplete.

B. Site development stormwater plan approval. The applicant’s plans for development shall be reviewed as a part of the subdivision or site plan review process by the approving authority. The approving authority may consult its professionals (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Checklist requirements. The following information shall be required:

- (1) Topographic base map. A topographic base map of the site shall be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map shall indicate existing surface water drainage; marshlands and other wetlands; pervious or vegetative surfaces; existing man-made structures; roads; bearing and distances of property lines; and significant natural and manmade features not otherwise shown. The reviewing professionals may require upstream tributary drainage system information as necessary.
- (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs shall be provided. This description should include a discussion of soil conditions, slopes, wetlands, and vegetation on the site.

Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

- (3) Project description and site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (4) Stormwater management facilities map. The following information shall be provided and illustrated on a map of the same scale as the topographic base map:
  - (a) Total area to be paved or built upon, proposed surface contours, estimated land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of surface water.
  - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (5) Calculations.
  - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms as specified in Section 3 of this chapter.
  - (b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. This soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. Borings must be conducted within the footprint of the proposed stormwater control measure.
- (6) Maintenance and repair plan.
  - (a) The design and planning of the stormwater management facility shall meet the objectives of Section 3.8.

***Stormwater Management Ordinance – continued:***

- (b) Preventative, corrective and aesthetic functional maintenance procedures shall be detailed which ensure the continuation of the intended function of the facility.
- (c) Maintenance and repair plans for stormwater management facilities shall identify the parts or components of the facility that need to be maintained, and when repairs are required, the equipment and skills or training necessary. Plans for stormwater management facilities shall detail the accessibility of maintenance personnel and equipment. Costs and sources of funds shall be identified when possible.
- (d) A mandatory schedule shall be developed of when and how often maintenance will occur to maintain proper function of the stormwater management facility. To reduce the potential for extensive and costly remedial or emergency maintenance efforts, the schedule of maintenance activities shall include inspections to ensure proper performance of the facility between scheduled cleanouts.
- (e) Where a stormwater management facility is used for sediment control during construction, a debris and sediment disposal site shall be confirmed before the facility is constructed. The disposal site may or may not be at the site of the proposed development. The responsible party shall demonstrate that he or she is capable of financing the removal and disposal of debris and sediment before the facility is operating. Disposal site(s) shall be included in the soil erosion and sediment control plan and certified by the Hunterdon County Soil Conservation District.

- (f) Provisions for periodic review and evaluations to determine the overall effectiveness of the maintenance programs and the need for revised or additional maintenance procedures, personnel and equipment shall be included in the facilities maintenance and repair plan.

**§ 148-65.4. Continued maintenance, repair and safety. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]**

- A. Applicability. Projects subject to review as specified in Section 1.4 of this chapter shall comply with the requirements of Section 5.2 and 5.3.
- B. Responsibility for continued maintenance, repair and safety.
  - (1) The requirements of this section do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. Responsibility for operation and maintenance of stormwater management facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the property owner, unless assumed by a governmental agency, with permanent arrangements that it shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency, or other legally established entity to be permanently responsible for inspection and maintenance, hereinafter in this section referred to as the “responsible person.”
  - (2) Prior to granting approval or as a condition of final subdivision or site plan approval to any project subject to review under this chapter, the applicant shall enter into an agreement with the municipality to ensure the operation and maintenance of the stormwater management facility. In cases where property is subdivided and sold separately, a homeowners' association or similar permanent entity shall be established as a responsible person. Absent an agreement by a governmental agency to assume responsibility, it shall be demonstrated to the municipality that a proposed new responsible entity has the capability to complete and finance necessary maintenance.
  - 4. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Township professionals. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.

***Stormwater Management Ordinance – continued:***

- 5. In no case shall the maintenance of a stormwater management facility intended to manage stormwater generated by multiple lots be the responsibility of an individual lot owner.
- C. Continued maintenance and repair procedures.
  - (1) Preventive maintenance procedures are required to maintain the intended operation and safe condition of the stormwater management facility by reducing the occurrence of problems and malfunctions. To be effective, preventive maintenance shall be performed on a regular basis and include such routine procedures as training of staff, periodic inspections, grass cutting and fertilizing, silt and debris removal and disposal, upkeep of moving parts, elimination of mosquito breeding habitats, pond maintenance, and review of maintenance and inspection work to identify where the maintenance program could be more effective.
  - (2) Corrective maintenance procedures are required to correct a problem or malfunction at a stormwater management facility and to restore the facility’s intended operation and safe condition. Based upon the severity of the problem, corrective maintenance must be performed on an as-needed or emergency basis and include such procedures as structural repairs, mosquito extermination, removal of debris, sediment and trash removal which threaten discharge capacity, erosion repair, snow and ice removal, fence repair and restoration of vegetated and nonvegetated lining.

D. Violations and penalties. Any responsible person who violates any portion of Section 5.2.3 or Section 5.3 of this chapter shall be subject to penalties and, upon conviction, shall be liable to a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days. Each and every day such violation continues shall be deemed to be a separate violation.

3. **Severability.** If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

4. **Inconsistency.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. **Effective Date.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

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 |
| Mrs. Muir    | - | Aye |     |
| Mayor Shamey | - | Aye |     |

Public Hearing was scheduled for Tuesday, September 5, 2006 at 8:00 p.m.

5. **Amendment/Supplement to Volume II, Chapter 148 entitled "Land Development" - Cluster Provision, Open Space** - introduction.

The following Ordinance was offered for consideration:

***AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED "LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, IS HEREBY SUPPLEMENTED AND AMENDED***

**Ordinance #30-2006**

***Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:***

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

1. Section 148-9 entitled "Definitions" of Article II entitled "Definition of Terms" is hereby supplemented and amended to create a new definition for "Stormwater Management Elements", as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§ 148-9. Definitions.

STORMWATER MANAGEMENT ELEMENTS - Include, but are not limited to, Above Grade Infiltration Facilities, Below Grade Infiltration Facilities, Detention Basin, Detention Facility, Dry Well, Infiltration Facility, Retention Basin, Wet Basin, Manufactured Treatment Devices (MTDs), Bioretention Systems and Sand Filters.

2. Section 148-14 entitled "SSR Steep Slope Residential Zone" of Article IV entitled "District Regulations" is hereby supplemented and amended to delete references to "trust" as a form of open space ownership, in accordance with *NJSA 40:55D-43*, and to add additional requirements

governing the configuration of homes and open space within cluster subdivisions, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§ 148-14.G. Open space in two-acre cluster developments shall be permanently deed restricted from further development except for recreation approved by the Township and subject to the following regulations: [Added 4-20-1998 by Ord. No. 9-98; amended 10-4-1999 by Ord. No. 24-99]

- (1) At the time of subdivision application for cluster development under § 148-14E(2), the applicant shall designate whether the proposed open space shall be owned and maintained by an open space organization or be offered for acceptance by the Township or other governmental agency. If open space is not to be dedicated to the Township or other governmental agency, then the developer shall provide for an organization ~~or trust~~ to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the open space organization ~~or trust~~ shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, *N.J.S.A. 40:55D-43*.
- (2) To the greatest extent possible, proposed roads should be located within the development portion of the property. It is the intent to keep the open space portion continuous and free of intrusions; however, adequate access must be provided to this area. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the Approving Authority, provided that the area occupied by said elements shall not count towards the required minimum open space area.
- (3) The set-aside of common open space shall comply with § 148-60.
- (4) Residential lots developed as part of the cluster that are adjacent to the open space should be configured to front on the open space. Although not encouraged, side yards may face open space to permit a degree of flexibility. In no case shall a new residential lot be configured in such a manner as to create a rear yard that faces open space.
- (5) Where a side yard of a residential lot is adjacent the open space, the side yard shall be considered a front yard for bulk zoning purposes.
- (6) Where residential lots developed as part of the cluster front on the open space, an improved public street shall be created between the residential lot and the open space. The un-paved area within the half of a street right-of-way that is located directly adjacent to the open space (those streets having homes on only one side, with open space on the opposite side) may be counted towards the minimum open space requirement.

*Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:*

- (7) Notwithstanding minimum lot circle requirements for the open space, the minimum width or depth for any portion of the open space shall be 500 feet.

3. Section 148-15 entitled "AR Agricultural Residential Zone" of Article IV entitled "District Regulations" is hereby supplemented and amended to create a clear threshold for the implementation of residential clustering and to provide for highway viewshed protection when cluster subdivisions are developed, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§148-15.E(2)Tracts of land ~~40 acres or greater in size either at the time of the adoption of this chapter or that are assembled after the adoption of this chapter and tracts of land 30 acres or greater in size either at the time of the adoption of this chapter or that are assembled after the adoption of this chapter and located adjacent to land which has been deed restricted for farmland or open space preservation~~ shall develop as 1.5 acre open space clusters, ~~and tracts of land 30 acres or greater in size but less than 40 acres either at the time of the adoption of this chapter or that are assembled after the adoption of~~

~~this chapter and not located adjacent to~~

~~land which has been deed restricted for farmland or open space preservation may elect to develop as 1.5 acre open space clusters~~ with the following requirements: [Amended 6-19-2000 by Ord. No. 23-2000]

- (a) Minimum tract area: ~~40~~30 acres.
- (b) Minimum open space set-aside: 70% of tract.
- (c) Minimum residential lot size: 65,000 square feet.
- (d) Minimum lot circle: 200 feet.
- (e) Maximum floor area ratio per building lot: 12.
- (f) Minimum front yard setback: 60 feet.
- (g) Minimum rear yard setback: 35 feet.
- (h) Minimum side yard setback: 35 feet.
- (i) Minimum frontage on a street: 50 feet.
- (j) Circumference of the minimum lot circle may not be more than 125 feet from the street right-of-way.
- (k) Each building lot shall have a minimum of 65,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot to support a residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.
- (l) A minimum 50-foot-wide buffer shall be provided between residential uses and any land utilized for agricultural purposes. This buffer area shall be deed restricted from development and shall contain at a minimum a staggered double row of evergreen plantings, five feet in height or equivalent as approved by the Planning Board.
- (m) The open space parcel shall contain a minimum of 70% of the gross tract area which shall contain a minimum of 65% of the unconstrained tract area. The "unconstrained tract area" shall be defined as the area of the tract that does not contain floodplains, wetlands, 90% of the slopes between 15% and 25% and all slopes greater than 25%, easements (excluding sight triangles), and right-of-way areas. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the Approving Authority, provided that the area occupied by said elements shall not count towards the required minimum open space area. The stormwater management system for the proposed subdivision may be located in the open space parcel.; however, the land area of any detention or retention basin(s) shall not be counted toward the minimum area requirements in this section.
- (n) The open space parcel shall contain a minimum lot circle of 500 feet.
- (o) Rights-of-way or cartways of any existing or proposed public or private streets shall not be included in the calculation of the minimum required open space area, except as provided for in § 148-14.G(6)
- (p) The minimum required distance between a residential lot line and the right-of-way of Route 22, Old Highway 28 or Route 202 shall be 500 feet

***Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:***

4. Section 148-15 entitled "AR Agricultural Residential Zone" of Article IV entitled "District Regulations" is hereby supplemented and amended to delete references to "trust" as a form of open space ownership, in accordance with *NJSA* 40:55D-43, and to add additional requirements governing the configuration of homes and open space within cluster subdivisions, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§148-15.F. Open space regulation - AR Zone. Open space in one-and-one-half-acre cluster developments shall be permanently deed restricted from further development and shall be utilized either for agriculture, conservation/passive open space or recreation as approved by the Township's approving authority and shall be subject to the following regulations:  
[Amended 10-4-1999 by Ord. No. 24-99]

- (1) At the time of subdivision application for ~~voluntary~~ cluster developments under § 148-15E(2), the applicant shall designate whether the proposed open space shall be owned and maintained by an open space organization or be offered for acceptance by the Township or other governmental agency. If the open space is not to be dedicated to the

Township or other governmental agency, then the developer shall provide for an organization or trust to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the open space organization or trust shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, N.J.S.A. 40:55D-43.

~~(2) At the time of subdivision application for mandatory cluster developments under § 148-15E(2), the applicant shall designate whether the proposed open space shall be owned and maintained by an open space organization or be offered for acceptance by the Township or other governmental agency. If the open space is not to be dedicated to the Township or other governmental agency, then the developer shall provide for an organization or trust to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the open space organization or trust shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, N.J.S.A. 40:55D-43.~~

~~(23) It is the intent of this chapter to preserve open space and farmland within Readington Township. Open space parcels shall either be devoted to agriculture, recreation or conservation/passive open space. Mandatory cluster provisions affect only parcels which have a high potential for farming: parcels of 30 acres or more that are within the Hunterdon County Agriculture Development Area (ADA) and are adjacent to preserved farmland. Therefore, in development subject to the mandatory cluster provisions, agriculture is the preferred open space use. Tracts that are subject to the voluntary cluster provisions have sizes of 30 acres to 40 acres that are not within the ADA nor adjacent to preserved farmland. Therefore, on parcels subject to the voluntary cluster provisions, passive recreation and conservation of sensitive environmental features are the preferred uses for open space. Where practical, to the extent that land intended for open space uses is presently being farmed, it should remain as farmland.~~

~~(34) New agricultural construction (e.g., barns, shelters and greenhouses) shall not result in an F.A.R. of greater than 4% nor an impervious surface coverage in excess of 10% of the total acreage of the preserved open space parcel.~~

~~(45) The deed of any single-family dwelling sold as part of a cluster development under this section shall contain a notification that the Township Zoning Ordinance specifically includes farming as a permitted use in the AR Zone and that the open space in the development may be deed restricted for farming use. Furthermore, the developer and/or landowner who plans to sell the dwellings referenced above shall inform prospective purchasers in writing of the protection the Township ordinance conveys to agricultural operations.~~

~~(56) The set-aside of common open space shall comply with § 148-60.~~

*Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:*

(6) Residential lots developed as part of the cluster that are adjacent to the open space should be configured to front on the open space. Although not encouraged, side yards may face open space to permit a degree of flexibility. In no case shall a new residential lot be configured in such a manner as to create a rear yard that faces open space.

(7) Where a side yard of a residential lot is adjacent to open space, the side yard shall be considered a front yard for bulk zoning purposes.

(8) Where residential lots developed as part of the cluster front on the open space, an improved public street shall be created between the residential lot and the open space. The un-paved area within the half of a street right-of-way that is located directly adjacent to the open space (those streets having homes on only one side, with open space on the opposite side) may be counted towards the minimum open space requirement.

(9) Notwithstanding minimum lot circle requirements for open space, the minimum width or

depth for any portion of the open space shall be 500 feet.

5. Section 148-16 entitled “RR Rural Residential Zone” of Article IV entitled “District Regulations” is hereby supplemented and amended to create a clear threshold for the implementation of residential clustering, to express a preference for passive open space or conservation use on open space created through clustering and to provide for highway viewshed protection when cluster subdivisions are developed, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§ 148-16.E. Area and yard requirements - RR Zone

(2) Tracts of land ~~40 acres or more in size and tracts of land~~ 30 acres or more in size ~~and located adjacent to land which has been deed restricted for farmland or open space preservation~~ may elect to develop as one-and-one-half-acre open space clusters with the following requirements: [Amended 11-4-1996 by Ord. No. 22-96; 4-20-1998 by Ord. No. 14-98; 12-21-1998 by Ord. No. 43-98]

- (a) Minimum open space set-aside: 50% of tract.
- (b) Minimum residential lot size: 65,000 square feet.
- (c) Minimum lot circle: 200 feet.
- (d) Maximum floor area ratio per building lot: 12.
- (e) Minimum front yard setback: 60 feet.
- (f) Minimum rear yard setback: 35 feet.
- (g) Minimum side yard setback: 35 feet.
- (h) Minimum frontage on a street: 50 feet.
- (i) Circumference of the minimum lot circle may not be more than 125 feet from the street right-of-way.
- (j) Each building lot shall have a minimum of 65,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot to support a residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.
- (k) A minimum fifty-foot-wide buffer shall be provided on site when adjacent to any land utilized for agricultural purposes. This buffer area shall be deed restricted from development and shall contain at a minimum a staggered double row of evergreen plantings, five feet in height or equivalent as approved by the Planning Board.
- (l) The open space parcel shall contain a minimum of 50% of the gross tract area which shall contain a minimum of 45% of the unconstrained tract area. The "unconstrained tract area" shall be defined as the area of the tract that does not contain floodplains, wetlands, 90% of the slopes between 15% and 25 and all slopes greater than 25%, easements (excluding site triangles) and right-of-way areas. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the Approving Authority, provided that the area occupied by said elements shall not count towards the required minimum open space area. The stormwater management system for the proposed subdivision may be located in the open space parcel; ~~however, the land area of any detention or retention basin(s) shall not be counted toward the minimum area requirements in this section~~

*Amendment/Supplement to Volume II, Chapter 148 “Land Development” - Cluster Provision, Open Space – continued:*

- (m) The open space parcel shall contain a minimum lot circle of 500 feet.
- (n) Rights-of-way or cartways of any existing or proposed public or private streets shall not be included in the calculation of the minimum required open space area, except as provided in §148-15.F. (8)
- (o) The minimum required distance between a residential lot line and the right-of-way of Route 22, Old Highway 28 or Route 202 shall be 500 feet

6. Section 148-16 entitled “RR Rural Residential Zone” of Article IV entitled “District Regulations” is hereby supplemented and amended to delete references to “trust” as a form of open space ownership, in accordance with NJSA 40:55D-43, and to add additional requirements governing the configuration of homes and open space within cluster subdivisions, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§148-16.F Open space regulation - RR Zone. [Amended 4-20-1998 by Ord. No. 9-98; 10-4-1999 by Ord. No. 24-99]

- (1) Open space in one-and-one-half-acre and two-acre cluster developments shall be permanently deed restricted from further development and shall be utilized either for agriculture, conservation/passive open space or recreation as approved by the Township's approving authority and shall be subject to the following regulations:
- (2) At the time of subdivision application for ~~voluntary~~ cluster developments under § 148-16E(2) or (3), the applicant shall designate whether the proposed open space shall be owned and maintained by an open space organization or be offered for acceptance by the Township or other governmental agency. If the open space is not to be dedicated to the Township or other governmental agency, then the developer shall provide for an organization ~~or trust~~ to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the open space organization ~~or trust~~ shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, N.J.S.A. 40:55D-43.
- (3) It is the intent of this chapter to preserve open space and farmland within Readington Township. Open space parcels shall either be devoted to agriculture, recreation or conservation/passive open space. The preferred use for open space created through cluster subdivisions is passive open space or conservation lands. ~~Where practical, to the extent that land intended for open space uses is presently being farmed, it should remain as farmland.~~
- (4) To the greatest extent possible, proposed roads should be located within the development portion of the property. It is the intent to keep the open space portion continuous and free of intrusions; however, adequate access must be provided to this area. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the Approving Authority, provided that the area occupied by said elements shall not count towards the required minimum open space area.
- (5) New agricultural construction (e.g., barns, shelters and greenhouses) shall not result in a F.A.R. of greater than 4% or an impervious surface coverage in excess of 10% of the total acreage of the preserved open space parcel.
- (6) The deed of any single-family dwelling sold as part of a cluster development under this section shall contain a notification that the Township Zoning Ordinance specifically includes farming as a permitted use in the RR Zone and that the open space in the development may be deed restricted for farming use. Furthermore, the developer and/or landowner who plans to sell the dwellings referenced above shall inform prospective purchasers in writing of the protection the Township ordinance conveys to agricultural operations.

***Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:***

- (7) The set-aside of common open space shall comply with § 148-60. *Editor's Note: Former Subsection F(2), pertaining to open space in developments outside of the Hunterdon County Agricultural Development Area, was repealed 5-3-2004 by Ord. No. 20-2004.*
- (8) Residential lots developed as part of the cluster that are adjacent to the open space should be configured to front on the open space resulting from that cluster. Although not encouraged, side yards may face open space to permit a degree of flexibility. In no case shall a new residential lot be configured in such a manner as to create a rear yard that faces open space.
- (9) Where a side yard of a residential lot is adjacent to open space, the side yard shall be

considered a front yard for bulk zoning purposes.

(10) Where residential lots developed as part of the cluster front on the open space, an improved public street shall be created between the residential lot and the open space. The un-paved area within the half of a street right-of-way that is located directly adjacent to the open space (those streets having homes on only one side, with open space on the opposite side) may be counted towards the minimum open space requirement.

(11) Notwithstanding minimum lot circle requirements for open space, the minimum width or depth for any portion of the open space shall be 300 feet.

7. Section 148-59 entitled “Open Space Requirements” of Article VI entitled “General Provisions” is hereby supplemented and amended to delete references to “trust” as a form of open space ownership, in accordance with NJSA 40:55D-43, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§ 148-59. Open space requirements. [Added 4-20-1998 by Ord. No. 9-98; amended 10-4-1999 by Ord. No. 24-99]

A. In its preparation of the set-aside of common open space and the purposes proposed for its use, the developer shall be guided by the recommendations contained within the Township Master Plan prepared by the Planning Board. High priority concerns include:

- (1) The location and construction of adequate recreational facilities throughout the Township;
- (2) The conservation of stream rambles throughout the Township for passive recreational use;
- (3) The protection of environmentally fragile and important resource land area including aquatic buffer areas, one-hundred-year floodplains, wetlands and wooded acreage;
- (4) The preservation at agriculture and prime agricultural lands and the consolidation of large contiguous agricultural tracts;
- (5) The common open space shall include relatively large contiguous land areas for open space and/or recreational purposes, as appropriate for the particular development, and additional common open space shall be distributed throughout the development so that as many residential lots as is practicable have direct pedestrian access to the relatively large, contiguous land area;
- (6) The common open space shall include a minimum buffer area of 50 feet along any tract boundary line, planted with suitable evergreen screening four feet high, eight feet on center in a staggered row.

***Amendment/Supplement to Volume II, Chapter 148 “Land Development” - Cluster Provision, Open Space – continued:***

(7) The Planning Board shall review the submitted common open space plan in the context of the particular development proposal, the particular characteristics of the subject land area and the ability, desirability and practicality of relating the proposed open space to adjacent and nearby lands. In any case, the lands shall be improved as may be necessary to best suit the purpose(s) for which they are intended.

B. Should the proposed development consist of a number of stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.

- C. Common open space may be deeded to the Township, another governmental agency or dedicated to an open space organization or ~~trust~~, with incorporation and bylaws to be approved by the Planning Board. If common open space is not dedicated and accepted by the Township or another governmental agency, the landowner shall provide for and establish an open space organization or ~~trust~~ for the ownership and maintenance of the common open space. Such organization or ~~trust~~ shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise.
- (1) If the applicant proposes that the common open space shall be dedicated to the Township, then the Planning Board shall forward such request with its recommendation to the Township Committee prior to the granting of preliminary plan approval of any development application containing common open space.
  - (2) All lands not offered to and/or not accepted by the Township shall be owned and maintained by an open space organization or ~~trust~~ as provided in N.J.S.A. 40:55D-43 and stipulated herein.
  - (3) The applicant/developer shall notify the Township Committee at the time 50% of the units have sold; at such time the homeowners' association/open space organization takes over the responsibility of maintaining the open space and commonly owned facilities.
- D. In the event that the organization created for common open space management shall fail to maintain any open space or recreation area in a reasonable order and condition in accordance with the approved site plan, the Township may serve notice upon such organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain such areas in reasonable conditions and said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof and shall set the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time not to exceed 65 days in which the deficiencies shall be cured.
- (1) If the deficiencies set forth in the original notice or in modifications thereof shall not be cured within said 35 days or any extension thereof, the Township, in order to preserve the common open space and maintain the same for a period of one year, may enter upon and maintain such land. Said entry and said maintenance shall not vest in the public any rights to use the open space and recreation areas except when the same is voluntarily dedicated to public by the owners.
  - (2) Before the expiration of said one year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of said areas, call a public hearing upon 15 days' written notice to such organization and to the owners of the development, to be held by the Township, at which hearing such organization and owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain such open space and recreation areas in reasonable condition, the Township shall cease to maintain such open space and recreation areas at the end of said year. If the Township shall

***Amendment/Supplement to Volume II, Chapter 148 "Land Development" - Cluster Provision, Open Space – continued:***

determine such organization is not ready and able to maintain said open space and recreational areas in a reasonable condition, the Township may, in its discretion, continue to maintain said open space and recreation areas during the next succeeding year. Each year thereafter the Township may hold similar public hearings to determine whether the organization is ready and able to maintain the open space and recreation areas. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.

- (3) The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in

accordance with the assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon and enforced and collected with interest by the Township in the same manner as other taxes.

- (4) Any open space organization ~~or trust~~ initially created by the developer shall clearly describe in its bylaws the rights and obligations of the homeowners and tenants in the residential development and the articles of incorporation of the organization shall be submitted for review by the Planning Board prior to the granting of final approval by the Township.

8. Section 148-9 entitled “Definitions” of Article II entitled “Definitions of Terms” is hereby supplemented and amended to delete the definition of flag lot, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

**~~LOT, FLAG -- A lot having its major size and area behind another lot and having access to a street by a strip of land not less than 50 feet wide and a minimum frontage of 50 feet as measured at the cord or straight line distance between the side property lines at the street line.~~**

9. **Severability.** If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

10. **Inconsistency.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

11. **Effective Date.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

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 |
| Mrs. Muir    | - | Aye |
| Mayor Shamey | - | Aye |

Public Hearing was scheduled for Tuesday, September 5, 2006 at 8:00 p.m.

6. ***Amendment/Supplement to Volume II, Chapter 148 entitled “Land Development” - Floor Area Ratio/Lot Coverage/Net Lot Area definitions - introduction.***

The following Ordinance was offered for consideration:

***Amendment/Supplement to Volume II, Chapter 148 entitled “Land Development” - Floor Area Ratio/Lot Coverage/Net Lot Area definitions – continued:***

***AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, IS HEREBY SUPPLEMENTED AND AMENDED***

**Ordinance #31-2006**

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

1. Section 148-9 entitled “Definitions” of Article II entitled “Definition of Terms” is hereby supplemented and amended to amend the definitions of Floor Area Ratio and Lot Coverage and to create a new definition of Net Lot Area. (Deletions are indicated ~~thus~~; additions are indicated thus):

Coverage, **Lot Impervious** – The square footage or other area measurement of the extent to which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of impervious area(s) **expressed as percentage of the net lot area of the site.** All surfaced parking and driveway areas and all required parking and driveway areas which are permitted to remain unsurfaced shall be included in the computation of **lot impervious** coverage.

Floor Area Ratio (F.A.R.) – The sum of the area of all floors of buildings ~~or structures (gross floor area)~~ compared to the **total net** lot area of the site.

**Lot Area, Net – The area contained within the lot lines of a lot after reducing the total area by the amount of land subject to certain environmental constraints as provided in the following schedule:**

| <b><u>Percentage of Area of Constraint by which Lot Area is to be Reduced</u></b> |                          |
|---|--------------------------|
| <b><u>Constraint (1)</u></b>  | <b><u>Percentage</u></b> |
| <b><u>Bodies of water</u></b>   | <b><u>100 %</u></b>      |
| <b><u>Flood Hazard Areas (2)</u></b>  | <b><u>100 %</u></b>      |
| <b><u>Freshwater Wetlands (3)</u></b>   | <b><u>100 %</u></b>      |
| <b><u>Stream Corridor</u></b>   | <b><u>100 %</u></b>      |
| <b><u>Slopes 15% to 25% (4)</u></b>   | <b><u>50 %</u></b>       |
| <b><u>Slopes 25% to 35% (4)</u></b>   | <b><u>75 %</u></b>       |
| <b><u>Slopes 35% and greater (4)</u></b>  | <b><u>100 %</u></b>      |

- (1) If a specific portion of a lot contains more than one overlapping constraint, the constraint with the greater reduction shall apply.**
- (2) Pursuant to the NJDEP or other equally reliable source.**
- (3) Pursuant to Letter of Interpretation by the NJDEP.**
- (4) Calculated within two-foot contour intervals from aerial topography or survey by a New Jersey licensed land surveyor.**

2. **Severability.** If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

3. **Inconsistency.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

4. **Effective Date.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

***Amendment/Supplement to Volume II, Chapter 148 entitled “Land Development” - Floor Area Ratio/Lot Coverage/Net Lot Area definitions – continued:***

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 |
| Mrs. Muir    | - | Aye |
| Mayor Shamey | - | Aye |

Public Hearing was scheduled for Tuesday, September 5, 2006 at 8:00 p.m.

7. **Stream Corridor Ordinance** - introduction.

The following Ordinance was offered for consideration:

***AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, IS HEREBY SUPPLEMENTED AND AMENDED.***

**Ordinance #32-2006**

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

1. Section 148-9 entitled “Definitions” of Article II entitled “Definition of Terms” is hereby supplemented and amended to create a new definition for Off-Line Ponds, clarify the definition of Stream Channel and replace the definition of Stream Corridor, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

**§ 148-9. Definitions.**

OFF-LINE PONDS—Water bodies that are isolated and do not discharge to a stream.  
STREAM CHANNEL -- The bed and banks which confine and conduct continuously or intermittently flowing water. This includes Ppermanent or intermittent watercourses shown on U.S.G.S. quadrangle maps, or the Hunterdon County Soil Survey, the Readington Township Environmental Resources Inventory and features that have not yet been mapped, but that are identified by the Township as a stream channel or portion thereof during the review of an application for development. This definition excludes those water bodies that are classified as off-line ponds. [Amended 11-4-2002 by Ord. No. 49-2002]

STREAM CORRIDOR -- A stream corridor shall include:

1. The stream channel.
2. The area within the one-hundred-year flood line, if delineated.
3. The area extending outward from the stream channel in any direction as measured from either (a) the one-hundred-year flood line or (b) from the top of the stream bank (if the 100-year flood line is not delineated) according to the following classifications:
  - A) 100 feet for non-trout waters
  - B) 150 feet for trout maintenance waters
  - C) 300 feet for Category One waters
4. Areas abutting the outer boundary of the composite area of the stream corridor delineated pursuant to 1 through 3 above that have of slopes of 15% or greater.

~~STREAM CORRIDOR~~—~~The stream channel (the bed and banks of a stream which confine and conduct continuously or intermittently flowing water), the area within the one hundred year flood line and a minimum of 100 feet from the one-hundred-year flood line, extending outward from the stream channel on both sides of the stream. If there is no one-hundred-year flood line delineated, the distance shall be measured outward from the top of the bank of the stream channel. If slopes of 15% or greater abut the outer boundary of the stream corridor, the area of such slopes shall be included within the stream corridor. [Amended 11-4-2002 by Ord. No. 49-2002]~~

**Stream Corridor Ordinance – continued:**

2. Section 148-50 entitled “Critical Areas” of Article V entitled “Conditional Uses, Exceptions, Modifications and Critical Areas” is hereby supplemented and amended to remove the definition of Stream Corridor, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

**§ 148-50. Critical areas.**

B. Stream corridors. [Amended 2-20-2001 by Ord. No. 3-2001<sup>1</sup>EN; 11-4-2002 by Ord. No. 49-

2002]

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

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

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

- (a) Agriculture according to the best management practices of the Natural Resource Conservation Service or the Soil Conservation District, but excluding enclosed structures.
- (b) Pasture and controlled grazing of animals as part of an agricultural operation in accordance with conservation practices approved by the Natural Resource Conservation Service or the Soil Conservation District.
- (c) Wildlife sanctuary, woodland preserve, and arboretum, except if subject to damage by flooding.
- (d) Hunting and fishing reserves, operated for the protection and propagation of wildlife, but excluding enclosed structures.
- (e) Passive recreational uses.
- (f) Stream corridor restoration that utilizes plantings of native and indigenous species.
- (g) Dams, culverts and bridges that have received approval from the appropriate municipal, county and state agencies having such authority;
- (h) Roads that cross the stream corridor as directly as feasible.

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

(54) Any development or use requiring approval under Subsection B(32) above shall require either site plan review or subdivision review pursuant to Article X of this chapter. The procedures and standards of review prescribed in Article X shall be applicable and shall be in addition to the requirements for submission listed in Subsection B(65) below. Nothing in this section shall relieve an applicant from complying with other requirements that are applicable to the development.

*Stream Corridor Ordinance – continued:*

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

- (a) Delineation of stream corridors as defined in ~~Subsection B(2) above~~ section 148-9.
- (b) Detailed hydrologic engineering studies indicating the effects on drainage, streams and adjacent properties as well as the property in question, including the necessary data to determine whether the boundaries of the stream corridor would be affected if the application were granted.

- (c) A plan indicating the disposition of any fill materials proposed to be deposited by the grading or regrading of land.
- (d) The designation of how suitable techniques, including erosion and soil stabilization measures, sediment traps and nutrient control by vegetation filters or other mechanisms, will be incorporated to protect the stream.
- (e) A demonstration that the use or activity cannot be located outside the stream corridor.

~~(76)~~ An approved application for development or use on a lot which contains a stream corridor or portion of a stream corridor shall provide a conservation easement for the continued protection of the stream corridor. Conservation easements shall be established either by deed or by plat filed with the County Recording Officer in compliance with the Map Filing Law.

~~(87)~~ Appropriate monuments shall be set by the licensed land surveyor. Such markers shall be set at each conservation easement corner not previously marked by a monument. All boundary markers shall be described on the survey provided to show their relation to the property or corner or, if appropriate, to the boundary lines.

~~(98)~~ In addition to monumentation, a suitable form of continuous, visible delineation (such as a fence) shall be installed so that it is coterminous with the boundaries of the conservation easement. The location and detailing for this element shall be included on the plans. This element shall be designed to be visually compatible with the character of the stream corridor and the local context and shall be subject to review and approval by the approving authority.

~~(109)~~ Signs shall be provided along the boundary of the conservation easement in order to clearly identify the limits and nature of the easement, in accordance with § 148-116A(19) and Schedule C of the Land Development Ordinance. Signs shall be affixed at appropriate intervals and locations as directed by the approving authority. The location of signs shall be provided on the plans.

3. **Severability.** If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

4. **Inconsistency.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. **Effective Date.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

*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 |
| Mrs. Muir    | - | Aye |
| Mayor Shamey | - | Aye |

Public Hearing was scheduled for Tuesday, September 5, 2006 at 8:00 p.m.

***NEW BUSINESS – continued:***

8. ***Place-to-Place Transfer*** - ASKJAC, LLC T/A The Foolish Fox Tavern.

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-108**

**WHEREAS**, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License #1022-33-009-002, heretofore issued to **ASKJAC, LLC - T/A The**

**Foolish Fox Tavern**, for premises located at 454 Highway 22 West, Whitehouse Station, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, does hereby approve, effective August 7, 2006, the place-to-place transfer of the aforesaid Plenary Retail Consumption License.

A **MOTION** was made by Mrs. Allen 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 |

9. **CVS Pharmacy** - request for release of Performance Bond.

Action on this matter was deferred until the next meeting.

10. **Sena Builders, LLC** - request for acceptance of bond.

Action on this matter was deferred until the next meeting.

11. **Corrective Action Plan** - 2005 Audit.

This item was addressed under the Consent Agenda.

12. **Increase in Municipal Court Change Fund** - resolution.

This item was addressed under the Consent Agenda.

13. **Circelli Construction, Inc.** - renovations to Eversole Hall House/payment #2.

Administrator Mekovetz said that she did not receive the recommendation from the architect regarding this payment.

Action on this matter was deferred.

14. **Sletteland/Block 50, Lot 27** - request for release of escrow funds.

This item was addressed under the Consent Agenda.

15. **Ages/Block 45, Lot 26.03** - request for release of escrow funds.

This item was addressed under the Consent Agenda.

**NEW BUSINESS – continued:**

16. **Coddington Homes Company, Inc./Block 32, Lot 9** - request for release of escrow funds.

This item was addressed under the Consent Agenda.

17. **Stanton Holly Trail** - application for raffles license.

This item was addressed under the Consent Agenda.

18. ***American Red Cross of Central NJ*** - applications for raffles license.

This item was addressed under the Consent Agenda.

19. ***Application for Social Affair Permit*** - Polish American Citizens Club.

This item was addressed under the Consent Agenda.

20. ***Smith Family Cemetery*** - request from Historic Preservation Commission for Township to apply for ownership of abandoned cemetery.

Attorney Dragan said she will look into this matter further and get additional information.

***ADMINISTRATOR'S REPORT:***

Written report submitted.

Mayor Shamey left the meeting at this time.

Administrator Mekovetz said the Township had applied for additional funds under the Planning Incentive Grant for Green Acres and we were granted \$300,000 for a total of \$4,900,000 over approximately the last ten (10) years. Last year, when the Township applied for additional funding, one of the projects included was the Estate of Carol Sunderhott. In order to proceed with the application, Administrator Mekovetz asked for authorization to have a Phase I Environmental Assessment done.

***A MOTION*** was made by Mrs. Allen to do a Phase I Environmental Assessment on Block 39, Lot 14.02, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

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

***ATTORNEY'S REPORT:***

Written report submitted.

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

Mayor Shamey returned at this time.

***ENGINEER'S REPORT:***

Written report submitted.

Engineer McEldowney said work on Mill Road has been completed.

Engineer McEldowney said the road reclamation projects will start sometime in September.

Engineer McEldowney said the Storm Water Pollution Prevention Plan that is required under the Stormwater Management regulations needs to move forward. He will work with Administrator Mekovetz to arrange a meeting with Scott Jesseman, the Environmental Commission and Princeton Hydro to discuss this matter.

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

**COMMITTEE REPORTS:**

1. **Gerard Shamey:**

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

2. **Julia Allen:**

- a. **Planning Board**

Mrs. Allen referred to the ordinance that was introduced earlier in the meeting regarding the net FAR requirement on residential lots. She said when the Ordinance is presented for consideration by the Planning Board she will address the fact that Readington's ordinance requires that each lot that is created has to have 65,000 square feet of useable land. In addition, the floor area ration doesn't deal with all construction, only habitable area. Finally, the 12% which is the general requirement translates to 7,800 square feet of habitable area on 65,000 square feet of useable land.

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

**3. Thomas Auriemma:**

**a. Recreation Committee**

Mr. Auriemma read the following updates from the Recreation Committee:

A BOPS program (Basketball Outreach Program) for special needs children is on-going at the Whitehouse School Gymnasium through the month of August.

Recreation is sponsoring an "F" License soccer coaching course to upgrade the level of coaching in Recreation and is mandatory for anyone coaching in our Travel Soccer Program. This will be held at the Holland Brook School.

The summer softball tournaments generated \$8,000 in profits.

Summer Recreation ended on a high note with many special programs and activities. Some of the programs and trips were: Eyes of the Wild; Mad Science; Trips to Lakota Wolf Preserve; and weekly trips to the Frenchtown Roller Rink.

Sponsoring a trip to Hershey Park for township residents

Starting to get prepared for the fall activities which include a new Flag Football Program along with soccer, in line skating, field hockey and a special girls basketball clinic.

Preparing for the annual Soccer Fest Tournament September 9<sup>th</sup> & 10<sup>th</sup> at Hillcrest and Summer Road Fields which brings approximately 80 teams from the surrounding area to Readington. This tournament generates \$15,000 which allows for special programs and clinics as well as help pay for nets, goal cages and materials to upgrade the soccer fields.

Fingerprinting and background checks are mandatory for anyone coaching a Readington Recreation activity.

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

**4. Frank Gatti:**

**a. Finance Department**

1. *Lien Redemption* - resolutions.

This item was addressed under the Consent Agenda.

2. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

As Mr. Gatti was not in attendance, no additional report was given.

**COMMITTEE REPORTS – continued:**

**5. Beatrice Muir:**

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

**COMMENTS FROM THE PUBLIC:**

Mayor Shamey asked for comments from the public.

Mr. Mark Rosenberg said he wishes the Committee would give consideration to letting members of the public speak earlier during the meeting when the topic they are interested in is being discussed.

Mayor Shamey said those that spoke earlier during the meeting were invited guests. They are the Committee's counterparts in some of the neighboring municipalities. Some of the guests had other commitments this evening.

Mr. Rosenberg said he is a Readington resident and as such, should be allowed to speak.

Mr. Rosenberg asked why the Committee is opposed to the use of a mediator.

Mayor Shamey said he felt that the use of a mediator was inappropriate in this matter because it would involve an outsider coming in and making an arbitrary decision. However, he has since had time to reconsider this matter and he has stated publicly that he would consider the use of a mediator if it would get the parties to the negotiating table.

Mr. Abraham Farsiou said he does not feel a mediator is necessary. There are five (5) Committee members who were elected by the residents. Also, the residents approved the bond issue in May. The Committee members are the residents' mediators.

Paula Trepello referred to a previous Committee meeting at which Greg Romano spoke about open space funding opportunities. She said at that meeting Mrs. Allen and Mr. Gatti mentioned that they would support the use of mediators.

Ms. Debra Stassi said the Township Committee is acting as an advocate for the residents of Readington Township.

Ms. Ingelore Krug commented on her tax bill in 1962 which was \$232 for the entire year. Her new tax bill is \$7,000.

Ms. Suzanne Solberg-Nagle said that Solberg Aviation Company remains committed to achieving an amicable resolution with regard to the airport. She said they believe that a solution can be achieved through the assistance of a professional mediator.

Ms. Nagle said the bond ordinance included up to \$1 million for expenses. She asked how much of that has been spent.

Administrator Mekovetz said she would have to look at the file.

Ms. Nagle said she agrees that the public should be allowed to speak when an issue is being discussed during the meeting.

Mayor Shamey said he would like to meet with the Solbergs to discuss mediation and other matters.

Ms. Sandra Baker-Rosenberg said approximately two (2) weeks ago there was a legal ad that referenced the members of the Township Committee being sued.

Administrator Mekovetz said if it was a legal ad it was the advertisement of a Professional Services Contract.

#### **COMMENTS FROM THE PUBLIC – continued:**

Mr. Thor Solberg said he supports the comments made by Ms. Nagle. He said he also feels that a mediator should be involved.

Mr. Solberg said the family welcomes the opportunity to meet, negotiate and compromise in a manner that will lead to a mutually acceptable outcome.

Ms. Lisa Nettleship said street sweepers leave large piles of mud and, as a result, the streets appear dirtier than before they were cleaned.

Mrs. Muir said this did not happen when her street was done.

Ms. Nettleship said if the limitation of the airport development is the desired goal, and the Solbergs are willing to deed-restrict the property, why is it necessary for the Township to purchase the 625 acres? In addition, she said she is against the use of eminent domain.

Mr. Ben Smith asked that the Township's offer letter to the Solberg's be put on the Township's website along with the appraisals.

Ms. Cheryl Filler said she supports the Committee's efforts. She said she hopes the Township and the Solbergs will resume negotiations in the near future.

Mr. James Britewell said between 1996 and 2000 Mr. Solberg said he wanted his airport to be like the airport in Morristown. The consequence of that would have been the devaluation of properties in Readington Township. He said the public interest is being served by the Township seeking to preserve the airport as a general aviation airport.

Mr. Joe Dore said he agrees that the use of a mediator would be beneficial.

Ms. Betty Ann Fort said the Solberg's position needs to be clarified.

Mr. Paul Sauerland said he is very encouraged by the dialogue between the Committee and the Solbergs, however he is concerned that representatives from other municipalities were allowed to speak before the residents of Readington Township.

Ms. Jane Butula said mediation requires that both parties submit dossiers on their respective positions which are studied before the first meeting.

Mr. Ted Peters said, prior to making any commitment in public, the entire Township Committee should discuss the matter in Executive Session.

**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:

***EXECUTIVE SESSION RESOLUTION – continued:***

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

**EXHIBIT A**

| <b><u>Subject Matter</u></b>   | <b><u>Basis of Public Exclusion</u></b> | <b><u>Date Anticipated<br/>When Discussion Will<br/>Be Disclosed to Public</u></b>                                    |
|--|---|---|
| Hardin, Kundla, McKeon & Potello.....  | Contract Negotiations.....              | Certain information at the discretion of the Township Committee tonight... other information will remain confidential |
| Block 48, Lot 23; Block 55, Lot 33;<br>Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24<br>& Block 67, Lot 2<br>(Solberg Aviation - Hromoho)..... | Contract Negotiations.....              | " " "   |

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 11:05 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 11:55 p.m.

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

***Contract Negotiations - Hardin, Kundla, McKeon & Potello***

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

***Contract Negotiations - 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.

Mayor Shamey said that the following matter was added to the Executive Session Agenda:

***Personnel – Engineering***

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

***ADJOURNMENT***

As there was no further business, a motion was made by Mrs. Allen at 12:00 a.m., seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC  
 Administrator\Municipal Clerk

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