

**READINGTON TOWNSHIP COMMITTEE  
MEETING – DECEMBER 3, 2007**

Mayor Shamey *called the meeting to order at 6:00 p.m.* announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

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

**ALSO PRESENT:** Administrator Mekovetz and Attorney Dragan

**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>                                    |
|---|---|---|
| Block 44, Lots 18, 50 & 54 (Herr).....  | Contract Negotiations.....              | Certain information at the discretion of the Township Committee tonight... other information will remain confidential |
| Block 46, Lot 20 (Wachendorf).....  | Contract Negotiations.....              | " " "   |
| Block 36, Lot 96 (Doyle - Serra) –<br>Sewer Assignment Agreement).....  | Contract Negotiations.....              | " " "   |
| Block 55, Lots 7.04–7.09 (Rolling Meadows)...   | Contract Negotiations.....              | " " "   |
| Executive Session Minutes (Nov. 19, 2007).....  | Attorney-Client Privilege.....          | " " "   |
| Block 48, Lot 23; Block 55, Lot 33; Block 56,<br>Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67,<br>Lot 2 (Solberg Aviation - Hromoho)..... | Litigation.....                         | " " "   |
| Police Department.....  | Personnel.....                          | " " "   |

2. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

3. This Resolution shall take effect immediately.

A **MOTION** was made at 6:00 p.m. by Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:50 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 44, Lots 18, 50 & 54 (Herr)***

Mayor Shamey said there was no discussion on this matter.

***Contract Negotiations - Block 46, Lot 20 (Wachendorf)***

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

***Contract Negotiations - Block 36, Lot 96 (Doyle - Serra) – Sewer Assignment Agreement***

A **MOTION** was made by Mr. Auriemma to approve the Assignment and Assumption of Sewer Capacity Agreement for Block 36, Lot 96 (Doyle/Serra). This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Contract Negotiations - Rolling Meadows of Readington, LLC***

A **MOTION** was made by Mrs. Allen to approve the Consent and Hold Harmless Agreement regarding garbage pick-up and recycling services in Rolling Meadows of Readington, LLC. prior to the road being formally accepted. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

***Attorney-Client Privilege - Executive Session Minutes (November 7, 2007)***

A **MOTION** was made by Mr. Gatti to approve the Executive Session Minutes from the meeting of November 7, 2007 for content. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded. Mrs. Allen abstained from this vote as she did not attend the November 7, 2007 meeting.

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

Mayor Shamey said there was no discussion on this matter.

***Personnel - Police Department***

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

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

***Personnel – Municipal Court***

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

**CONSENT AGENDA:**

1. ***Block 36, Lot 96 (Doyle/Serra)*** – resolution regarding assignment of sewer capacity.

**CONSENT AGENDA – continued:**

**WHEREAS**, Anthony J. Serra and Judith L. Serra (hereinafter “Serra”) contract purchaser and prospective developer of Block 36, Lot 96 in the Township of Readington and having a street address of 587 Route 22 East, Whitehouse Station, N.J. 08889 (hereinafter “the Property”), submitted a request to the Readington Township Committee for approval of the assignment of 800 gallons of sewer capacity per day, which gallonage is equivalent to 2.28∇ units of sewage treatment capacity (calculated at 1 unit = 350 g.p.d.) from Thomas J. Doyle and Teresa J. Doyle, (hereinafter “Doyle”), owners of the Property; and

**WHEREAS**, the Property is within the Readington-Lebanon Sewerage Service Area, which is operated by the Readington-Lebanon Sewerage Authority by agreement with Readington Township and Lebanon Borough; and

**WHEREAS**, the total sewer capacity allocated to Doyle for use on Block 36, Lot 96 is 1,850 gallons per day, which gallonage was derived by a previously existing allocation of 350 g.p.d. prior to the expansion of the Readington-Lebanon Sewerage Authority’s sewer plant in 1998 and a 1,500 g.p.d. allocation per Sewer Allocation Agreement entered into between the Township of Readington and Doyle, dated September 17, 2001; and

**WHEREAS**, prior to approaching the Township Committee in conjunction with the subject request, Doyle and Serra applied to the Readington Township Sewer Advisory Committee for a recommendation as to the assignment of the above capacity, at which point it was determined that Serra did not need the entire 1,850 g.p.d. for the proposed development (a 5,995 square foot kindergarten school) on Block 36, Lot 96. As a result, the Sewer Advisory Committee recommended by memo dated October 31, 2007 that the entire 1,850 g.p.d. be assigned to Serra, with the understanding that only 800 g.p.d. would be utilized by and billed to Serra (2.28∇ units rounded up to three (3) units for billing purposes per ordinance) and that the remaining gallonage of 1,050 g.p.d. (equivalent to three (3) units) would be reserved to Block 36, Lot 96, but billed to Doyle. The remaining gallonage of 1,050 g.p.d. was to be assignable by Serra or Doyle, as in the future might be agreed between them, conditioned on prior application to and recommendation by the Sewer Advisory Committee and approval by the Township Committee. A Summary of the disposition of the gallonage is attached hereto as Schedule A and made a part hereof; and

**WHEREAS**, Doyle and Serra have submitted a proposed Assignment and Assumption of Sewer Capacity Agreement (hereinafter “Assignment Agreement”) memorializing the transfer and disposition of the sewer capacity, which Assignment Agreement is on file with the Administrator/Municipal Clerk; and

**WHEREAS**, the Township Committee is in agreement with the proposed transfer as contemplated by the parties and as recommended by the Sewer Advisory Committee.

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

1. The Township Committee does hereby acknowledge, endorse and approve of the assignment of 1,850 g.p.d. from Doyle to Serra on Block 36, Lot 96, as recommended by the Sewer Advisory Committee and as described above. Of this gallonage, 800 g.p.d. shall be for use by Serra in connection with the proposed development (a 5,995 square foot kindergarten school) on the Property, and 1,050 g.p.d. shall be held by Serra in reserve, but billed to Doyle. Serra’s gallonage is the equivalent of 2.28+/- units, which means that he shall be billed for three (3) units, as required by the Township’s ordinance, although his actual gallonage is 800 g.p.d. Doyle shall be billed for 1,050, which is the equivalent of three (3) units, per ordinance.
2. Any future assignments or different use of the sewer capacity, whether it be the 800 g.p.d. held by Serra or the 1,050 g.p.d. reserved by Doyle must first come through the Sewer Advisory Committee for recommendation and then the Township Committee for approval, in accordance with Township ordinances.

**CONSENT AGENDA – continued:**

3. Billing for the above sewerage capacity shall be coordinated between the Tax Office and the Administrator/Municipal Clerk’s office.
  4. This Resolution shall take effect immediately and conditioned upon the Administrator/Municipal Clerk’s receipt of the fully executed Assignment and Assumption of Sewer Capacity Agreement by Doyle and Serra
2. **Special Item of Revenue/Chapter 159** - resolution.

**TOWNSHIP OF READINGTON  
 SPECIAL ITEMS OF REVENUE IN THE 2007 BUDGET PURSUANT  
 TO N.J.S.A. 40A:4-87  
 R-2007-124**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Readington hereby requests The Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2007 in the sum of \$22,154.95 which items are now available as a revenue from the following sources pursuant to the provision of statute:

|  |             |
|--|-------------|
| NJ Historical Commission 08HIST127AGO            | \$12,000.00 |
| NJDEP - Clean Communities                        | 2,825.49    |
| Court Alcohol Education Rehab & Enforcement Fund | 7,329.46    |

**BE IT FURTHER RESOLVED**, that a like sum of \$22,154.95 be and the same is hereby appropriated under the caption of the following:

|  |             |
|--|-------------|
| NJ Historical Commission 08HIST127AGO            | \$12,000.00 |
| NJDEP - Clean Communities                        | 2,825.49    |
| Court Alcohol Education Rehab & Enforcement Fund | 7,329.46    |

3. **Buckhorn Development/Block 38, Lot 50.03** - request for release of unused escrow funds (\$128.50).
4. **Winfield Management Corp./Block 4, Lot 22.01** - request for release of unused escrow funds (\$18.18).
5. **Application for Blue Light Permit** – William Sean Holland.
6. **Application for Blue Light Permit** – Todd Franzen.
7. **Payment of the Bills.**

| <u>Fund Description</u>        | <u>Fund No.</u> | <u>Received Total</u> |
|--------------------------------|-----------------|-----------------------|
| CURRENT FUND APPROPRIATION     | 001             | \$ 474,605.46         |
| SEWER APPROPRIATION            | 002             | \$ 150,513.72         |
| TRUST APPROPRIATION            | 003             | \$ 7,804.98           |
| CAPITAL APPROPRIATIONS         | 004             | \$ 11,676.71          |
| MISC REFUND, COUNTY TAX, LIENS | 005             | \$ 35,683.70          |
| PAYROLL DEDUCTIONS             | 006             | \$ 162,813.89         |
| REGIONAL AND LOCAL SCHOOL TAX  | 007             | \$ 2,459,746.88       |
| TOTAL OF ALL FUNDS:            |                 | \$ 3,302,845.34       |

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

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

**PUBLIC HEARINGS:**

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

Clerk read by Title:

***BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A DEVELOPMENT RIGHTS EASEMENT ON BLOCK 39, LOT 49 AND BLOCK 40, LOT 2 (OWNER: PETERS) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,168,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #38-2007**

Mayor Shamey said this ordinance provides for the acquisition of a development rights easement on property on County Line Road that consists of 65 acres +/- acres.

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

Mrs. Allen said this property has been approved for funding through the 2005A Planning Incentive Grant.

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

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

Clerk read by Title:

***BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A DEVELOPMENT RIGHTS EASEMENT ON BLOCK 39, LOT 49 AND BLOCK 40, LOT 2 (OWNER: PETERS) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,168,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #38-2007**

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

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

**Ordinance #39-3007**

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

Clerk read by Title:

***BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY (BLOCK 53, LOT 5 OWNER: HOLLAND BROOK REALTY) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$460,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$437,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #39-2007**

Mayor Shamey said this ordinance provides for the acquisition of property known as Block 53, Lot 5.

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

Mrs. Allen said this ordinance provides for the pre-purchase of this easement with the idea that there will be funding available in next year's Planning Incentive Grant.

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

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

Clerk read by Title:

***BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY (BLOCK 53, LOT 5 OWNER: HOLLAND BROOK REALTY) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$460,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$437,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #39-2007**

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

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

**Ordinance #40-3007**

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

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROHIBITING OVERNIGHT PARKING IN CERTAIN MUNICIPAL PARKING LOTS IN THE TOWNSHIP AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF***

**Ordinance #40-2007**

**Ordinance #40-3007 – continued:**

Mayor Shamey said this ordinance prohibits parking in certain municipal parking lots between the hours of 2:00 a.m. and 6:00 a.m. These lots include the following:

1. Block 22, Lot 63 (behind former Whitehouse Cakebox)
2. Block 30, Lot 3 (known as the Bank Street Parking Lot)
3. Block 75, Lot 18 (Summer Road Park)
4. Block 55, Lot 23.03 (Hillcrest Park)
5. Block 25, Lot 20 (Pickell Park)
6. Block 13, Lot 54 East Whitehouse Park

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

Mr. Gatti said this ordinance is the result of discussions with some of the businesses on Main Street in Whitehouse Station.

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

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

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY PROHIBITING OVERNIGHT PARKING IN CERTAIN  
MUNICIPAL PARKING LOTS IN THE TOWNSHIP AND ESTABLISHING PENALTIES  
FOR THE VIOLATION THEREOF***

**Ordinance #40-2007**

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

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

**CORRESPONDENCE/OTHER INFORMATION:**

1. Memorandum from Josie Glynn, Hunterdon County Planning Board, regarding ***adoption of the Hunterdon County Growth Management Plan***, noted for information. No action taken.
2. Notice dated November 20, 2007 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities regarding ***opposition to S-2249 which would extend Temporary Disability Insurance protection to provide up to twelve (12) weeks of paid family leave for workers caring for sick family members.***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-126***

***WHEREAS***, S-2249, proposes to extend Temporary Disability Insurance protection to provide up to 12 weeks of paid family leave for workers caring for sick family members; and

***WHEREAS***, this would apply to all private and governmental employers; and

***Resolution in Opposition to S-2249 – continued:***

***WHEREAS***, this new benefit will be funded by an assessment of 0.1% on the wages of

each employee in addition to any monies the employee already contributes; and

**WHEREAS**, because the benefit will be employee funded, there are questions about the sufficiency and sustainability of this source and there are also concerns about employer responsibilities as they relate to protection of the employee=s work status during and after the mandatory twelve week Family Disability Leave and whether the employee would retain the right to the exact position he or she held prior to going out on leave, or is the entitlement limited to re-employment within the same workforce.

**WHEREAS**, the new assessment on employee wages might impact collective bargaining; and

**WHEREAS**, recent amendments to S-2249 reduce the maximum duration of family leave benefits from 12 to 10 weeks; require employees taking family leave to schedule leave, if possible, to minimize disruption of job operations; the 0.1% of assessment on employees will increase to 0.18% in the year 2010; employers would be permitted to require employees to use up to two weeks of vacation time before using family leave and employers would also be required to post notification and provide workers a written copy of their rights under Family Leave; and

**WHEREAS**, these amendments do not render S-2249 any more acceptable; and

**WHEREAS**, granting nearly three months of leave to employees will undoubtedly affect any operation and the unmentioned costs of lost productivity and overtime to cover for absent employees are real costs that will be borne by all property taxpayers.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, joins with the New Jersey League of Municipalities in opposition of S-2249 for the reasons outlined above; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to Governor Jon S. Corzine, Senator Leonard Lance, Assemblyman Michael Dougherty, Assemblywoman Marcia Karrow and to the New Jersey League of Municipalities.

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

3. Notice dated November 26, 2007 from Judith A. Sullivan, Municipal Clerk, Twp. of Bedminster, regarding **public hearing of Ordinance #2007-41 – Releasing, extinguishing & vacating the rights of the public in a portion of Kline’s Mill Road and consolidating the vacated portion with adjacent properties**, noted for information. No action taken.
4. Notice from Andy S. Norin, Esq., Drinker, Biddle & Reath, regarding hearing before the Bedminster Township Planning Board - **Lobell North, LLC, Block 44, Lots 2.01 & 2.02**, noted for information. No action taken.

**OLD BUSINESS:**

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

Mayor Shamey said oral arguments will be heard on Friday, December 14<sup>th</sup> in the Somerset County Courthouse on the motions for summary judgment which have been filed by Readington Township and Solberg Aviation Company.

**NEW BUSINESS:**

1. **Swearing in of Julia Allen as Deputy Mayor.**

Mrs. Allen said that she has been asked to perform a wedding on December 8<sup>th</sup>.

**Swearing in of Julia Allen as Deputy Mayor – continued:**

**A MOTION** was made by Mrs. Muir to appoint Mrs. Allen as Deputy Mayor for

Saturday, December 8, 2007. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

2. ***Absolute Tree Experts, LLC*** – upkeep of trees/placement of sign at Cushetunk Rest Area.

Mayor Shamey said a letter was received from Absolute Tree Experts stating that they would like to provide upkeep of the trees at the Cushetunk Rest Area at no cost, as long as they are allowed to place a sign at the site advertising their business.

Mayor Shamey suggested that Township ownership of this area be confirmed. In addition, whether or not NJDOT approval would be required.

3. ***Amendment to Readington Township Code Chapter 204*** - Moratorium on Street Openings.

Mayor Shamey said this Ordinance amends the Township's Code regarding excavation of public streets, roads, sidewalks and curbing to protect the roadways from degradation as the result of being dug up.

The following Ordinance was offered for introduction:

***AN ORDINANCE AMENDING ARTICLE IV, CHAPTER 204 OF THE CODE OF THE TOWNSHIP OF READINGTON IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, CONCERNING EXCAVATION IN THE PUBLIC STREETS, ROADS, SIDEWALKS AND CURBING IN THE TOWNSHIP***

**Ordinance #41-2007**

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

**Section 1.** The purpose of this Ordinance is to amend Article IV, Chapter 204 of the Readington Township Code in order to protect the municipal roadways, streets, sidewalks and curbs from premature degradation caused by digging them up or otherwise tearing or excavating them shortly after they have been paved in order to install pipes, wires, conduits for utilities such as gas, water, electric, telephone or other communications, and the like. This enactment of this Ordinance is authorized by *N.J.S.A. 40:67-1 et seq.*

**Section 2.** The following new section shall be added to Article IV, Chapter 204 as new Section 204-30 "Moratorium on Newly-Paved/Improved Roadways:"

- a. Notwithstanding anything to the contrary in this chapter, except in the event of an emergency where immediate repairs must be made as provided in Section 204-12 above, there shall be no excavating, drilling or any other similar disturbance made to any newly constructed, paved, repaved or improved public street, road surface, curbing or sidewalks located within the right-of-way of any street or road in the Township of Readington for a period of five (5) years from the date the work on such street, road surface, curbing or sidewalk has been completed.
- b. Prior to the Township beginning a particular roadway construction or improvement project in the municipality that would limit a utility from excavating or otherwise opening the roadway for a utility line or service connection installation, the Township will notify such utility companies already operating within the Township that the project is pending. Any such company that wishes to perform a roadway excavation on the affected roadway must do so within 90 days after notification has been given from the Township that the roadway improvement project will be undertaken.

***Amendment to Chapter 204 - Moratorium on Street Openings – continued:***

**Section 3.** Current Section 204-30 entitled "Violations and Penalties" shall be re-numbered "204-31."

**Section 4. Severability.**

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

**Section 5. Effective Date.**

This Ordinance shall take effect immediately upon final adoption and publication according to the laws of the State of New Jersey.

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

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

Public Hearing was scheduled for Monday, December 17, 2007 at 8:00 p.m.

4. **Block 36, Lot 96 (Doyle/Serra)** – resolution regarding assignment of sewer capacity.

This item was addressed under the Consent Agenda.

5. **Special Item of Revenue/Chapter 159** - resolution.

This item was addressed under the Consent Agenda.

6. **Buckhorn Development/Block 38, Lot 50.03** - request for release of unused escrow funds (\$128.50).

This item was addressed under the Consent Agenda.

7. **Winfield Management Corp./Block 4, Lot 22.01** - request for release of unused escrow funds (\$18.18).

This item was addressed under the Consent Agenda.

8. **Application for Blue Light Permit** – William Sean Holland.

This item was addressed under the Consent Agenda.

9. **Application for Blue Light Permit** – Todd Franzen.

This item was addressed under the Consent Agenda.

**ADMINISTRATOR'S REPORT:**

Administrator Mekovetz said she will be attending an Open Public Records Act seminar tomorrow, a PARIS Grant meeting on Wednesday and a Shared Services Meeting on Friday morning. She invited the Committee members who were interested to attend Friday's meeting.

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

**ATTORNEY'S REPORT:**

Written report submitted.

Attorney Dragan said the closing was held on Block 96, Lot 18, which was the property that was

put up for auction. The net purchase price was \$878,942.16. She said the purchaser asked that his wife be included as a party on the deed, so it is necessary for the Committee to adopt a Resolution ratifying this addition.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-125**

**WHEREAS**, the Township of Readington ("Township") passed Resolution #2007-122 on November 19, 2007 authorizing the sale of Block 96, Lot 18 in the Township of Readington, County of Hunterdon and State of New Jersey, consisting of approximately 78.5 + / - acres to Antonio Pimenta and authorizing the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney to sign any necessary closing documentation in order to effectuate same; and

**WHEREAS**, after the aforesaid resolution was passed, the Buyer requested that his wife Alice Manuela Santinha be added as a party to the contract and deed; and

**WHEREAS**, the closing occurred on November 30, 2007 at which the aforesaid changes were made.

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

1. The Township Committee hereby confirms that the real estate contract between the Township of Readington and Antonio Pimenta for Block 96, Lot 18 in the Township was amended to add Alice Manuela Santinha, his wife, as a party, with all closing documents accordingly amended to reflect same. The Township Committee further confirms the Mayor's and Township Administrator/Clerk authority to execute same on behalf of the Township at the time of closing and adopts this resolution to memorialize the changes.
2. This Resolution shall take effect immediately.

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

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

**ENGINEER'S REPORT:**

Written report submitted.

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

**COMMITTEE REPORTS:**

**1. Gerard Shamey:**

Mayor Shamey said he would like to congratulate the Hunterdon Central Varsity Football Team who won the North 2 Group 4 State Championship for the second year in a row.

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

**COMMITTEE REPORTS – continued:**

**2. Julia Allen:**

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

Mrs. Allen said a holiday tree lighting ceremony will be held at the Municipal Building on Friday, December 14<sup>th</sup> at 7:00 p.m.

Mrs. Allen said an open space walk was held from the Stickney property to Round Mountain on November 25<sup>th</sup>.

Mrs. Allen said there is a Trail Grant available through the DEP. She suggested that the Township apply for the grant to be used to purchase a piece of equipment that would allow the Township to better map the trails.

Mr. John Kalinitch appeared before the Committee. He said discussed the equipment with Engineer McEldowney, who confirmed that it is reasonable for taking data from GPS satellites to create accurate databases of geographic information that can be used with GIS mapping software. The data can incorporated into maps that would give a very accurate representation of the trails.

Mrs. Allen said the Boy Scouts have built two (2) bridges on the Stickney loop, four (4) benches in East Whitehouse and there is an Eagle Scout candidate who will be making picnic tables and benches for Stickney.

**A MOTION** was made by Mrs. Allen to approve submittal of the Trail Application in the amount of \$8,000 for the device, software and equipment and \$2,000 to be used toward volunteer expert labor. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

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

**3. Thomas Auriemma:**

**a. Recreation**

Mr. Auriemma said there has been a vacancy on the Recreation Committee for quite some time and there is a resident who has been attending the meetings and is very involved in the Township.

**A MOTION** was made by Mrs. Allen to appoint John Hunt as an alternate on the Recreation Committee for a term to expire on December 31, 2007. This appointment fills a vacancy left by Linda Busch, who had filled a full member position vacated in 2006. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

**4. Frank Gatti:**

**a. Finance Department**

**1. Payment of the Bills.**

This item was addressed under the Consent Agenda.

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

**COMMITTEE REPORTS – continued:**

**5. Beatrice Muir:**

**a. Board of Health**

Mrs. Muir said County Health Department Director John Beckley attended the last Board

of Health meeting and made a presentation regarding different types of emergency planning. He would like to make the same presentation to the Township Committee. She suggested that it be done after the first of the year.

**b. Public Assistance**

Mrs. Muir said food donations are being accepted at Our Lady of Lourdes for the upcoming holiday food basket distributions. The Social Services Office also collects gifts for needy Township families.

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

Mrs. Allen said the structure of the Farmland Preservation Program is being changed. The State, County and Township will be relying more on the Planning Incentive Grant process rather than the Traditional Program. The County is applying for an overarching Planning Incentive Grant application for 2008 and Readington has a draft prepared to also submit a Planning Incentive Grant application.

Mrs. Allen said a Public Hearing of this plan is scheduled for the December 10<sup>th</sup> Planning Board meeting.

Mrs. Allen said she sent copies of the draft to the Committee members.

**COMMENTS FROM THE PUBLIC:**

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

**COMMENTS FROM THE GOVERNING BODY:**

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

***ADJOURNMENT***

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

Respectfully Submitted:

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