

**READINGTON TOWNSHIP COMMITTEE  
MEETING – DECEMBER 4, 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 G. Shamey, Deputy Mayor T. Auriemma, Mrs. J. Allen, Mr. F. Gatti and Mrs. B. Muir

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

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis of Public Exclusion</u></b>	<b><u>Date Anticipated When Discussion Will Be Disclosed to Public</u></b>
Tax Collector's Office .....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
PBA - Lieutenant's Contract.....	Contract Negotiations.....	" " "
Block 20, Lot 11 (Csepi) .....	Contract Negotiations.....	" " "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	" " "
Professional Services – Parker, McCay & Criscuolo, PA.....	Contract Negotiations.....	" " "
Lamington Hospitality, LLC.....	Potential Litigation.....	" " "
Wilmark Building Contractors, Inc. vs. Twp. of Readington Board of Adjustment, Twp. of Readington, John Doe & Mary Roe.....	Litigation.....	" " "
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation - Hromoho) .....	Litigation.....	" " "

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

**A MOTION** was made at 5:30 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 7:50 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:**

***Personnel - Tax Collector's Office***

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

***Contract Negotiations - PBA – Lieutenant's Contract***

A **MOTION** was made by Mr. Auriemma to approve the Collective Bargaining Agreement between the Township of Readington and PBA Local 317 - Lieutenant's. This motion was seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

***Contract Negotiations - Block 20, Lot 11 (Csepi)***

A **MOTION** was made by Mrs. Allen to approve the contract for Block 20, Lot 11 (Csepi). This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

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

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

***Contract Negotiations - Professional Services – Parker, McCay & Criscuolo, PA***

Mayor Shamey said there was no action taken on this matter..

***Potential Litigation - Lamington Hospitality, LLC.***

A **MOTION** was made by Mrs. Muir to authorize Robert Ballard, Esq. to file an answer to the Lamington Hospitality, LLC. appeal of the Township's denial of their application for a Liquor License transfer, and to represent the Township's interests in this litigation. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

***Litigation - Wilmark Building Contractors, Inc. vs. Township of Readington Board of Adjustment, Township of Readington, John Doe and Mary Roe***

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

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

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

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

***Contract Negotiations – Professional Services/Gebhardt & Kiefer***

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
SPECIAL COUNSEL SERVICES  
#R-2006-150***

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

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

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

***WHEREAS***, Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC has submitted a proposal indicating he will act as Special Counsel at the rate of \$200 per hour, billable monthly, for the following:

- to represent the Township in certain litigation entitled Liberty Hill Realty, Inc. v. Township of Readington, *et al*, and any other litigation as requested.

***WHEREAS***, Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC has completed and submitted a Business Entity Disclosure Certification which certifies that Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC from making any reportable contributions through the term of the contract; and

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

***NOW, THEREFORE, BE IT RESOLVED***, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Richard P. Cushing, Esq. of Gebhardt & Kiefer, PC as described herein; and

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

***BE IT FURTHER RESOLVED***, that said contract shall expire on December 31, 2006; and

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

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

***A MOTION*** was made by Mrs. Allen to adopt this Resolution, 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

***Presentation by Assemblywoman Marcia Karrow.***

Mayor Shamey introduced Assemblywoman Marcia Karrow, who is also a member of the Hunterdon County Board of Chosen Freeholders.

Ms. Karrow said she has served as a Freeholder for almost eight (8) years, and her term will expire in 28 days. She has attended Township meetings in all 45 towns in her district.

Ms. Karrow introduced her Legislative Director, Melissa Nichols and her Office Manager, Allison Connelly.

Ms. Karrow complimented the Committee on the way they did there Executive Session announcements. This is the first municipality she has seen disclose which items are staying in Executive Session and what action was taken.

Ms. Karrow discussed several issues that are affecting Readington Township, including the deer carcass issue. Ms. Karrow also referred to SCR 121, which is being heard on Thursday at 10:00 a.m. in the State House Annex. This Bill will open up the State Constitution regarding farmland assessment. It will roll back taxes seven (7) years.

Ms. Karrow said she has seven (7) staff members. She said she and her staff would be happy to assist the Township with any issues or concerns they may have

Ms. Karrow distributed contact information for her office and thanked the Committee for their time.

***CONSENT AGENDA:***

1. ***APPROVAL OF THE MINUTES*** of meeting of November 20, 2006.
2. ***Morris County Cooperative Purchase Program*** – purchase of vehicle.

***TOWNSHIP OF READINGTON  
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES  
R-2006-145***

***WHEREAS***, the Township of Readington wishes to purchase a Ford Escape, 2007 Model from an authorized vendor under the Morris County Cooperative Purchasing Program; and

***WHEREAS***, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, *N.J.S.A. 40A:11-12*; and

***WHEREAS***, , Warnock Fleet, P.O. Box 524, 175 Route 10, East Hanover, NJ, 07936-0524 has been awarded Morris County Cooperative Contract No. 15-C for Utility Vehicles for the period one (1) year; and

***WHEREAS***, the actual cost for the purchase of Ford Escape, 2007 Model is expected not to exceed \$20,000.00; and

***WHEREAS***, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

***WHEREAS***, the Chief Finance Officer has certified the availability of funds for this contract.

***NOW THEREFORE BE IT RESOLVED***, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that , that Warnock Fleet be awarded a contract for a Ford Escape, 2007 Model; and

***BE IT FURTHER RESOLVED***, The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of this award; and

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

**CONSENT AGENDA – continued:**

3. **Tilcon** - Partial Payment #1 in the amount of \$288,367.79 for Road Improvements.
4. **Resolution awarding the contract for the purchase of rock salt for the 2006/2007 season to International Salt Company, LLC. at a price of \$44.28 per ton.**

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-146**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-10 *et seq.*, Readington Township authorized a joint agreement with the County of Hunterdon at the August 7, 2006 Township Committee meeting; and

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders, in accordance with this agreement, has awarded the bid for rock salt to International Salt Company, LLC. at a price of \$44.28 per ton; and

**WHEREAS**, pursuant to N.J.S.A. 5:34-5 the Governing Body is required to award this contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby award the contract for the purchase of rock salt for the 2006/2007 season (November 14, 2006 to November 13, 2007) to International Salt Company, LLC., at a price of \$44.28 per ton.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the County of Hunterdon Purchasing Department.

5. **Mannon Excavating & Paving/Road Reclamation 2006** – Payment #2 in the amount of \$4,236.58.
6. **Compass Construction, Inc./Bikeway & Pedestrian Walkway** – Change Order #4 in the amount of -\$7,048.24.
7. **Compass Construction, Inc./Bikeway & Pedestrian Walkway** – Payment #6 in the amount of \$31,066.39.
8. **Recommendation from Sewer Advisory Committee** – Potts/Block 42, Lot 3.02.  
Due to a failing septic system, and because of public health and safety concerns, the Committee recommends approving the Pott's request for one (1) sewer unit for Block 42, Lot 3.02, contingent on review of the information by Engineer McEldowney and verification that all other alternatives have been exhausted.
9. **Resolution to Cancel Tax Sale Premiums Over Five Years Old.**

**RESOLUTION TO CANCEL TAX SALE PREMIUMS OVER FIVE YEARS OLD  
R-2006-147**

**WHEREAS**, N.J.S.A. 54: 5-33 states that if the owner (lien holder) does not redeem the fee within five (5) years from the date of tax sale, the premium payment shall be turned over to the municipality and become part of the funds of the municipality; and

**WHEREAS**, the Township has \$31,700.00 in outdated tax sale premium on it's current fund balance sheet which may be canceled.

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Township of Readington hereby directs the Tax Collector and Chief Financial Officer to cancel said \$31,700.00 and transfer it to Current Fund Balance.

**CONSENT AGENDA – continued:**

10. **Special Item of Revenue/Chapter 159** - resolutions.

**TOWNSHIP OF READINGTON  
 SPECIAL ITEMS OF REVENUE IN THE 2006 BUDGET  
 PURSUANT TO N.J.S.A. 40A:4-87  
 #R-2006-148**

**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 2006 in the sum of \$ 45,418.42 which items are now available as a revenue from the following sources pursuant to the provision of statute:

NJDEP - Division of Watershed Management RP04-088	\$ 4,960.00
NJ Dept of Law and Public Safety - Click it or Ticket NJ	850.00
Historical Commission GOS-07-025	12,000.00
NIDEP - Clean Communities	1,662.55
Drunk Driving Enforcement Fund	12,970.05
Court Alcohol Education Rehab & Enforcement Fund	6,366.82
NJDCA - Domestic Violence Police Training Reimbursement	6,609.00

**BE IT FURTHER RESOLVED**, that a like sum of \$ 45,418.42 be and the same is hereby Appropriated under the caption of the following:

NJDEP - Division of Watershed Management RP04-088	\$ 4,960.00
NJ Dept of Law and Public Safety - Click it or Ticket NJ	850.00
Historical Commission GOS-07-025	12,000.00
NIDEP - Clean Communities	1,662.55
Drunk Driving Enforcement Fund	12,970.05
Court Alcohol Education Rehab & Enforcement Fund	6,366.82
NJDCA - Domestic Violence Police Training Reimbursement	6,609.00

11. **Payment of the Bills.**

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND APPROPRIATION	001	\$ 472,881.02
SEWER APPROPRIATION	002	\$ 99,696.29
TRUST APPROPRIATION	003	\$ 39,530.16
CAPITAL APPROPRIATIONS	004	\$ 87,805.00
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 168,637.73
PAYROLL DEDUCTIONS	006	\$ 221,703.70
 TOTAL OF ALL FUNDS:		 \$ 1,090,253.90

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

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

**CORRESPONDENCE/OTHER INFORMATION:**

1. Memorandum dated November 28, 2006 from Sharon L. Brienza, Municipal Clerk, Twp. of Branchburg, regarding *adoption of Ordinance #2006-1053 Amending the Land Development Ordinance of the Twp. of Branchburg by revising the bulk standards in the R/S-1 and R/S-2 retail service zones, removing automobile service station as a conditional use in the R/S-1 retail service zone and revising the conditional use standards for automobile service stations*, noted for information. No action taken.
2. Notice dated November 7, 2006 from Donna J. Burham, Acting Municipal Clerk, Twp. of Clinton, regarding *adoption of a Resolution opposing P.L. 2006 c. 44 which amended the New Jersey Sales & Use Tax to extend the base of the sales tax to include new services in addition to a 1% increase*, noted for information. No action taken.
3. Memorandum dated November 14, 2006 from Barbara Nyitrai, Municipal Clerk, Twp. of South Brunswick, regarding *adoption of a Resolution responding to the US Army Corps of Engineers Final Environmental Impact Statement regarding proposed Route 92*, noted for information. No action taken.
4. Notice from Dean A. Gaver, Esq., regarding *hearing before the Tewksbury Twp. Planning Board – Paul W. Sullivan, Block 29, Lot 8.02*, noted for information. No action taken.
5. Notice dated November, 2006 from ENSR, regarding *application for renewal of existing Systemwide Pipeline Maintenance Project – Transcontinental Gas Pipe Line Corporation (Transco)*, noted for information. No action taken.
6. Letter dated November 27, 2006 from Ronald K. Lacey, Staff Consultant, JCP&L, regarding *application for Wetlands General Permit No. 1/Special Condition #3 - JCP&L*, noted for information. No action taken.

**OLD BUSINESS:**

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

Mayor Shamey said the Superior Court Judge denied the motion of Kevin Devine and the Taxpayer's Alliance of Readington to intervene in the litigation between the Township and Solberg Aviation.

The Township had filed a Motion to Dismiss the case filed by Mr. Devine and Taxpayer's Alliance, which was heard by the Judge this past Friday. The Judge stayed any decision on that motion pending the resolution of the matters that are now before the court for litigation.

2. **Deer Path Park** - surveying & marking of 30 ft. wide access easement.

Mayor Shamey said this matter was discussed at a previous Committee meeting.

Township Zoning Official John Barczyk sent a memorandum indicating that in July he met with Davis Lilien of Deer Path Road to identify a 30 ft. wide access easement to Deer Path Park from Rowlands Road. The only safe way to utilize the easement is to have the property correctly surveyed and permanently marked with Lot Line Monuments.

Engineer McEldowney suggested that the easement markings be installed similar to the open space surveys.

Mrs. Muir said this is a request by one (1) individual. She said there are several people in the development who do not want this to be done, particularly the property owners who are adjacent to the area of the easement. Mrs. Muir said she also has safety concerns.

Mrs. Allen said she met with both adjoining property owners regarding this matter. She said it would provide a way for residents of this neighborhood to go directly to Deer Path Park. Mrs. Allen said the neighbors are willing to meet with Mr. Lilien and show him the approximate location of the easement.

***Deer Path Park - surveying & marking of 30 ft. wide access easement – continued:***

Mayor Shamey said in his letter, Mr. Lilien said if he and his wife would be the only users, then it is clearly not worth the Township's resources.

Mr. Lilien appeared before the Committee. He suggested that the Township do a cost benefit analysis of his request. He said his neighbors are against the idea.

After a short discussion, no action was taken on this request.

3. ***S. Brothers, Inc./Improvements to Mill Road Section I - Acceptance of Maintenance Bond.***

Attorney Dragan said the form of the bond is correct.

Engineer McEldowney said the amount of the bond is correct.

***A MOTION*** was made by Mrs. Muir to accept Maintenance Bond #18808 in the amount of \$25,661.71 for the Mill Road Section I project. This motion was seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

***NEW BUSINESS:***

1. ***Presentation by Assemblywoman Marcia Karrow.***

This matter was addressed earlier in the meeting.

2. ***DeMaio Electric - request for extension of time to the contract for the rehabilitation work at the Three Bridges Pump Station.***

Mayor Shamey said that DPW Director Scott Jesseman has no objection to this request.

***A MOTION*** was made by Mrs. Muir to approve the request for an extension of seven (7) weeks (from December 12, 2006 to January 30, 2007) of the contract for the rehabilitation work at the Three Bridges Pump Station. 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

3. ***Bond Ordinance for payment of Regional Contribution Agreement with Perth Amboy - introduction.***

The following ordinance was offered for introduction:

***BOND ORDINANCE OF AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE FUNDING OF CERTAIN REGIONAL CONTRIBUTION AGREEMENTS BETWEEN THE TOWNSHIP AND THE CITY OF PERTH AMBOY AS APPROVED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING, APPROPRIATING \$2,680,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,546,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

***Bond Ordinance for payment of Regional Contribution Agreement with Perth Amboy – continued:***

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 is hereby authorized to be undertaken by the Township of Readington, New Jersey (the “Township”) as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$2,680,000, including the sum of \$134,000 as the down payment required by the Local Bond Law. The 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 cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,546,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the funding of the Township's Regional Contribution Agreements with the City of Perth Amboy, as approved by the New Jersey Council on Affordable Housing, and all related expenses.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 ordinance, is 8 years.

***Bond Ordinance for payment of Regional Contribution Agreement with Perth Amboy – continued:***

(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 \$2,546,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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 by the Local Bond Law.

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

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

Public Hearing was scheduled for Monday, December 18, 2006 at 8:00 p.m.

4. ***Drainage Issue - Round Valley Road.***

Ms. Cheryl Filler appeared before the Committee. She said she wrote this letter and has discussed the drainage problems on her property with the DPW. She would like her property to be remediated prior to the drainage being put in the road.

Mrs. Allen will meet with DPW Director Scott Jesseman to discuss this matter further.

***NEW BUSINESS – continued:***

5. ***Morris County Cooperative Purchase Program*** – purchase of vehicle.

This item was addressed under the Consent Agenda.

6. ***Tilcon*** - Partial Payment #1 in the amount of \$288,367.79 for Road Improvements.

This item was addressed under the Consent Agenda.

7. ***Resolution awarding the contract for the purchase of rock salt for the 2006/2007 season to International Salt Company, LLC. at a price of \$44.28 per ton.***

This item was addressed under the Consent Agenda.

8. ***Mannon Excavating & Paving/Road Reclamation 2006*** – Payment #2 in the amount of \$4,236.58.

This item was addressed under the Consent Agenda.

9. ***Compass Construction, Inc./Bikeway & Pedestrian Walkway*** – Change Order #44 in the amount of -\$7,048.24.

This item was addressed under the Consent Agenda.

10. ***Compass Construction, Inc./Bikeway & Pedestrian Walkway*** – Payment #6 in the amount of \$31,066.39.

This item was addressed under the Consent Agenda.

11. ***Recommendation from Sewer Advisory Committee*** – Potts/Block 42, Lot 3.02.

This item was addressed under the Consent Agenda.

12. ***Resolution to Cancel Tax Sale Premiums Over Five Years Old.***

This item was addressed under the Consent Agenda.

13. ***Special Item of Revenue/Chapter 159*** - resolutions.

This item was addressed under the Consent Agenda.

***ADMINISTRATOR'S REPORT:***

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

***ATTORNEY'S REPORT:***

Written report submitted.

Attorney Dragan offered the following Resolution for the Committee's consideration. The resolution memorializes the Committee's denial of the Lamington Hospitality, LLC liquor license transfer:

**TOWNSHIP OF READINGTON  
RESOLUTION MEMORIALIZING DECISION ON APPLICATION MADE  
BY LAMINGTON HOSPITALITY, LLC FOR APPROVAL OF PERSON-TO-PERSON  
AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION  
LICENSE # 102233002009  
R-2006-149**

***Resolution R-2006-149 – continued:***

**WHEREAS**, the Township of Readington received an application filed by Lamington Hospitality, LLC (hereinafter “Applicant”), for a Person-to-Person and Place-to-Place Transfer Approval of Plenary Retail Consumption License #102233002009, which is an inactive license, from Steven Mitnick, Esq., Assignee for the Benefit of Creditors of Pirantello, LLC, t/a Anthony’s Restaurant, for use at Fiddler’s Elbow Golf and Country Club, and

**WHEREAS**, Fiddler’s Elbow Golf and Country Club is located in two (2) municipalities, specifically: Block 11, Lots 8, 9B, 13, 14, 15 in Readington Township and Block 37A, Lots 1 and 1.01 in Bedminster Township, Somerset County. The property in Readington Township consists of vacant land used for the golf course and the property in Bedminster contains the club house building where the liquor license would be posted, as well as other associated buildings; and

**WHEREAS**, at the Public Hearing held on November 6, 2006, the Applicant was represented by its attorney George Dilts, who presented the application on its behalf; and

**WHEREAS**, in addition to the application filed by the Applicant, the Township Committee has received investigations, reports and recommendations filed by the Readington Township Police Department dated 12/18/03; 7/18/06; 7/19/06 and 11/06/06, as well as Applications made by the Applicant to the New Jersey Division of Alcoholic Beverage Control (“ABC”) for special rulings for various extensions on the inactive license since it was originally obtained by the Applicant. Further, the Township is also in receipt of various correspondence among the Applicant, Township of Bedminster and ABC pertaining to various objections made by the Township of Bedminster (“Bedminster”), which have since been resolved as they pertain to Bedminster; and

**WHEREAS**, the Township of Bedminster has provided the Township Committee with letters dated 9/29/04 and 2/09/05 outlining the conditions under which it would approve of the transfer, as well as a proposed Interlocal Agreement that is acceptable to it, all of which have been reviewed; and

**WHEREAS**, the Township Committee heard comments from three (3) members of the public, all of whom objected to the application.

**WHEREAS**, the Township Committee is also in receipt of applications for special rulings made by the applicant, an opinion from the AG dated 8/25/04 and various correspondence from the Township of Bedminster, including a proposed interlocal services agreement.

**WHEREAS**, as a result of said review and Public Hearing, the Township Committee hereby makes the following findings:

1. The liquor license in question formerly belonged to Pirantello, LLC which operated Anthony's Restaurant on Route 22 in Readington Township and subsequently became insolvent. The license became subject to seizure by the State of New Jersey Division of Taxation. The Applicant was the successful bidder after a sale conducted by the Assignee Steven Mitnick, under the Assignment for the Benefit of Creditors of Pirantello, LLC. According to the Court Order of June 7, 2002, provided by the Applicant as part of the application, the sale was not contingent on the Purchaser's ability to obtain the transfer.
2. The licensed premises is proposed to cover the club house facilities in Bedminster Township and the golf course grounds in Readington Township. Fiddler's Elbow Golf and Country Club, Inc. (hereinafter "Fiddler's Elbow") is a private golf course and is also the property owner. Lamington Hospitality, LLC will hold the liquor license and operate the food and service at the country club under a lease with Fiddler's Elbow.
3. Fiddler's Elbow currently holds a club liquor license from Bedminster Township for the sale of alcohol to its members. A club license has never been issued to it from

***Resolution R-2006-149 – continued:***

Readington Township. Currently, Fiddler's Elbow has to obtain special permits from the ABC for special events. If the transfer of the Plenary Retail Consumption License is approved, then special events permits would no longer be required. Fiddler's Elbow would then have to surrender its club License, in favor of the new one. Bedminster would have retire the club license by resolution.

4. As stated in the Readington Township Police investigation report of July 18, 2006, the license applied for would allow the sale of alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle. It also would allow the sale of beverages in original containers for consumption off the licensed premises. However, packaged goods may only be sold from the public barroom and may only be displayed on perimeter walls.
5. The Applicant has been in the application process for this license since 2002, but, since then, it has continually renewed its inactive license with the ABC then and remains current. According to the various correspondence Readington Township has received, Bedminster Township originally objected to the application due to its concerns that, since the premises were located in both Bedminster and Readington, that Bedminster's population cap would be affected, even though the license might be issued from Readington Township. Bedminster was also concerned that the club house would turn into a restaurant open to the general public and that the property was not zoned for such uses. The Applicant obtained a written opinion from the D.A.G. Michele Boyer, dated August 25, 2004 which essentially indicated that only Readington's population cap would be affected if the license were to issue from Readington. The opinion references N.J.S.A. 33:1-16 which states that "when a building or premises to be licensed is located in more than one municipality, for the purpose of the limitation on the number of licenses which issued in a municipality, the issuance of the license is only charged to the municipality in whose name the license is issued". However, the opinion goes on to state that the statutory provision only provides guidance as to the division of fees for the license. It further states that

"[I]t appears in this case, that a number of more complex threshold issues relating to the proposed transfer would have to be resolved prior to considering division of fees".

6. From the letter dated September 29, 2004, as well as proposed interlocal agreement received from Bedminster, it appears that the Township of Bedminster does not object to the application, provided that Readington Township essentially ensures that the license remains a club license. Among other things, Bedminster requires that Readington impose the following limitations on the license: 1) the Applicant shall not operate a restaurant or bar open to the general public; 2) the Applicant shall not solicit the general public for non-member functions at the licensed premises; 3) the Applicant shall not hold more than 52 non-member functions per year at the licensed premises; 4) the liquor license shall be automatically revoked if in fact Bedminster's population cap is affected contrary to the 8/25/04 letter from the D.A.G.; and 5) The above conditions shall be memorialized in a Declaration to be recorded in both the Hunterdon and Somerset County Clerk's offices. By subsequent letter, the Township of Bedminster has also agreed that the entire liquor license application fee and renewal fee would belong to Readington Township.
7. According to an investigation report completed by the Readington Township Police Department in July of 19, 2006, the Applicant was deemed qualified to hold the proposed liquor license. However, the police report contained concerns about the feasibility of the license, particularly with respect to enforcement, due to club house facility's physical location in Bedminster Township. The report cited concern with the fact that Readington police department would have to rely on the Bedminster police to notify and provide them with investigation results on Readington Township's liquor license. The Readington Township report contained a recommendation that the Applicant be required to seek a license in both jurisdictions.
8. Bedminster Township had provided a letter in February of 2005 stating that it would

**Resolution R-2006-149 – continued:**

agree that its police department and municipal court would retain jurisdiction with respect to enforcement of violations within the property situated in Bedminster Township and that the Township of Readington would retain jurisdiction with respect to the violations occurring on the premises situated in Readington Township. Bedminster stated that it would agree to have its Police Department provide copies of any police reports for violations occurring in Bedminster upon Readington Township's request. However, Bedminster also wishes to include language within the interlocal agreement that indemnifies it from and against any liability relative to the issuance of said reports to Readington Township.

9. Upon reviewing the February 2005 letter, the Readington Township Police Chief issued another report (dated November 6, 2006) stating that some of his concerns were alleviated by the Bedminster letter. However, he thought that Bedminster should be required to notify Readington Township if a violation occurred; otherwise Readington would not know to request the reports.
10. The Applicant's attorney indicated that the Applicant was willing to go back to Bedminster and negotiate further conditions and completion of an interlocal agreement. However, the Township Committee members, as well as members of the public, remained concerned with jurisdiction and enforcement issues. The Township Committee was not convinced that the enforcement arrangement would in fact be workable in practice and that the potential enforcement problems present here were not in the best interests of the general public. The Committee was especially concerned about Bedminster's request for indemnification in view of the fact that the license is being issued from Readington Township.
11. In addition to the enforcement issue, despite the fact that the license would be issued from Readington Township, the Township Committee did not believe that Readington's general population would benefit from the issuance of it to the Applicant because Fiddler's Elbow is a private club, not open to the general public. It is not available for general use by the residents of Readington Township. Even though the golf course grounds are located in Readington, the actual club house facility is located in Bedminster Township; therefore, the public perception is that this is a Bedminster license. The license was previously in the ownership of a restaurant physically located in Readington; now, a possible business opportunity for a restaurant located in Readington will be lost.

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

1. The various reports from the Readington Police Department and correspondence listed above from Bedminster Township, as well as the correspondence between the ABC and the Applicant are made a part of this Resolution, by reference.
2. For the all reasons listed in the findings set forth above, the Township Committee hereby disapproves the transfer application made by the Applicant Lamington Hospitality, LLC for a person-to-person and place-to-place transfer of plenary retail consumption license #102233002009.
3. This Resolution memorializes the Township Committee's vote taken at the public hearing on November 6, 2006. It shall take effect immediately and the Township Administrator/ Clerk is directed to supply a copy to the applicant and to Bedminster Township.

**A MOTION** was made by Mr. Gatti to adopt this Resolution, 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

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

***ENGINEER'S REPORT:***

Written report submitted.

Engineer McEldowney said that the bikeway is complete, however the concrete items through the parking lot are not. He received assurance from the contractor that they plan to complete the items next week.

Engineer McEldowney said there were recent landscaping additions to the DPW parking lot behind the library.

Mr. Gatti referred to a letter that was received from the NJDOT stating that they will not be able to provide funding for the Township's Municipal Aid Grant Program.

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

***COMMITTEE REPORTS:***

**1. Gerard Shamey:**

**a. Code Enforcement Department\Construction Code Department**

Mayor Shamey said the Readington Reformed Church was hoping to hold a Township Ecumenical Thanksgiving Service on Sunday, December 19<sup>th</sup>, however they recently refurbished the sanctuary and one final inspection was needed in order to get a Temporary Certificate of Occupancy. Pastor Gumpert sent a very complimentary letter thanking Construction Code Official Mike Kovonuk for going above and beyond the call of duty to get the inspection done. Mayor Shamey asked that a copy of this letter be sent to Mike Kovonuk with a thank you from the Committee.

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

**2. Julia Allen:**

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

Mrs. Allen said she has been working with Attorney Dragan on closing various preservation properties prior to the end of the year. She has also been attending the monthly meetings at the County to continue to try to move the reimbursement efforts along.

**b. Sewer Advisory Committee**

Mrs. Allen said the Sewer Advisory Committee met on November 28<sup>th</sup>.

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

**3. Thomas Auriemma:**

**a. Recreation**

Mr. Auriemma said that the Recreation Soccer season has ended. A flag football program was held this year and will be held again next year. The field hockey season has also ended.

Mr. Auriemma said Greta Kenney is working on upgrading the small building at the Doboinski farm to make it an environmental center.

Mrs. Allen said funds were appropriated in the Capital Budget several years ago for that purpose. The building was gutted and different options were discussed, including an environmental center.

**Recreation – continued:**

Mayor Shamey said that Mrs. Kenney should be made aware that the Township is also considering making an environmental center on the former P. Lomar property.

Mr. Auriemma said Hunterdon Central High School sponsored a pizza party for the Readington Township travel soccer teams.

Mr. Auriemma said he was approached by a resident of the Four Seasons development about rejuvenating the walking path around Pickell Park. He spoke to the Recreation Committee and they are looking to get a program in place for an Eagle Scout to work on this project.

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.

**5. Beatrice Muir:**

**a. Board of Health**

Mrs. Muir said the Board of Health has had ongoing discussion about the education its members need to take regarding emergency readiness.

**b. Public Assistance**

Mrs. Muir said that food donations for holiday baskets can be dropped off at local churches. There will also be a gift program that residents can contribute to.

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

Mayor Shamey said he received a memo from Mary Beth Lonergan of Clarke, Caton, Hintz regarding the new Adaptability Standards for affordable housing units. He said the new law states that COAH may require an amendment to a municipality's Housing Element and/or revoke Substantive Certification should affordable units that are issued a building permit on or after October 1, 2006 not comply with the new law.

Mayor Shamey said he would like to congratulate the Hunterdon Central Regional High School football team who won the State Championship at Rutgers Stadium last night.

Mr. Gatti said the girl's varsity volleyball team also won their State Championship.

**COMMENTS FROM THE PUBLIC:**

Mayor Shamey asked for comments from the public.

Mr. Jerry Cook said several months ago he brought up the issue of a problem with vehicles trying to enter the exit at the Station Center Mall on Route 22. He said his wife was almost involved in an accident due to someone using this as an entrance.

Administrator Mekovetz said she sent a letter to the owners of the mall requesting that they look into this situation.

**COMMENTS FROM THE PUBLIC – continued:**

Mr. Cook said simple “exit only” signage may help to alleviate the situation.

Engineer McEldowney said that he will visit this site and report back to the Committee.

Mr. Cook said there is concern by residents on Baneberry Lane with the new development going on at the Hionis property. One of the contractors has been using a Township right-of-way to get to the site.

Mr. Gatti suggested that Zoning Officer John Barczyk be asked to look into this matter.

**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 Mr. Auriemma at 9:35 p.m., seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC  
Administrator\Municipal Clerk