

READINGTON TOWNSHIP SEWER ADVISORY COMMITTEE
JOINT MEETING – JULY 5, 2011

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

PRESENT: Chairman Ron Monaco, Mrs. J. Allen

ALSO PRESENT: Engineer Robert O'Brien, Attorney S. Dragan, Attorney R. Ballard, Mayor F. Gatti, Deputy Mayor T. Auriemma, Mrs. B. Muir, Mrs. D. Simon, Administrator Mekovetz

ABSENT: Mr. W. Meglaughlin

□ **JOINT MEETING WITH TOWNSHIP COMMITTEE**

Request for Sewer Allocation for Property Located at 388 Route 22 West / Readington Realty Holdings LLC. (Block 17, Lot 8)

Attorney Ballard summarized the history of the case between the Township of Readington and Readington Realty Holdings and updated them on the status of the litigation. He advised that Judge Buchsbaum directed that the Township revisit this request and create an expanded record outlining the reasons for the denial of the applicant's request for sewer capacity.

Attorney Dragan stated that when the Committee met in September of 2010, the Committee had before them a recommendation from the Sewer Advisory Committee that they did not recommend allocation to the requestor, along with letters from current holders of agreements for reserved sewer capacity, stating that they objected to the Township taking reserved sewer capacity from them to give to the applicant.

Mr. Monaco, Chairman of the Sewer Advisory Committee, reiterating what was told to Mr. Berger by the Sewer Advisory Committee when the request was made, stated that he was advised that there was no available capacity and that they could not accede to any agreements in place, some of which required that any excess capacity returned to the Township would be allocated to those who pursuant to their agreement with the Township, would be entitled to such excess capacity.

Mrs. Allen stated that in addition, there is currently an ordinance in place stating that all excess capacity in possession of the Township is reserved for emergencies and affordable housing.

Attorney Dragan added that the former property owner of Block 17, Lot 8 did not seek any interest in acquiring sewer capacity at the time it was available. She continued that it was recommended to Mr. Berger, by the Township Committee, to contact the owners of reserved sewer capacity to see if there was any interest in voluntarily selling capacity back to the Township. This was not done by Mr. Berger. Attorney Dragan further stated that several owners of sewer capacity fall under protections afforded by the Permit Extension Act which also constitutes good cause to extend these agreements with the Township. Attorney Dragan advised that our sewer ordinance provides the Township

Committee with the discretion to extend the sewer agreements and the decision has made upon a showing of “good cause” and further opined that both case law and Municipal Land Use law require that the Township Committee not act arbitrarily and unreasonably with respect to such decisions. Attorney Dragan stated that several letters were received in anticipation of this meeting from the following:

- Berger & Bornstein (Readington Realty Holdings LLC) - letter dated June 24, 2011
- Brach Eichler (Defendant Readington Commons, LLC / Larken - letter dated June 17, 2011
- Benbrook & Benbrook (Defendant Urb-Fi Development Corp.) - letter dated June 17, 2011
- Day Pitney (Defendant Merck) – letter dated June 20, 2011
- Thomas Sweet, Esq.(Defendant Fallone) - dated June 24, 2011
- Drinker, Biddle and Reath (Defendant Bellemead Development Corporation – letter dated July 1, 2011

Attorney Leotti, on behalf of his defendants, Country Classics at Readington Legacy and Ryland Developers, stated that the contracts of his clients have been in place, and they have been paying for capacity for an extended period of time.

A MOTION was made by Mr. Auriemma to request that Attorney Dragan prepare a resolution based on the Committee’s reasons for denial for the next meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

ADJOURNMENT:

As there was no further business, *A MOTION* was made by Mrs. Allen to adjourn at 7:00 p.m., seconded by Mr. Monaco with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Karin M. Parker
Sewer Advisory Secretary