

**READINGTON TOWNSHIP COMMITTEE  
MEETING - JUNE 5, 2006**

Deputy Mayor Auriemma *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. Allen, Mr. 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 AA@

**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>
Recreation.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
PBA - Sergeant=s Promotion.....	Personnel.....	" "
		"
Block 95, Lot 15 (St. Elizabeth Ann Seton Church).....	Contract Negotiations.....	" " "
Block 55, Lot 5.01 (Rolling Meadows).....	Contract Negotiations.....	" " "
Block 98, Lot 2 (Padovani).....	Contract Negotiations.....	" " "
Block 65, Lot 7 (Orlando).....	Contract Negotiations.....	" " "
Block 57, Lot 13.01 (Staats).....	Contract Negotiations.....	" " "
Dobozynski Rental Property.....	Contract Negotiations.....	" " "
Raritan Valley Disposal.....	Contract Negotiations.....	" " "
Maintenance & Repair Bids.....	Contract Negotiations.....	" " "
Professional Services.....	Contract Negotiations.....	" " "
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).....	Contract Negotiations.....	" " "
Executive Session Minutes - May 1, 2006.....	Attorney-Client Privilege...	" " "

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 AA.@

3. This Resolution shall take effect immediately.

***EXECUTIVE SESSION RESOLUTION - continued:***

**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 - Recreation***

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

***Personnel - PBA – Sergeant’s Promotion***

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

***Contract Negotiations - Block 95, Lot 15 (St. Elizabeth Ann Seton Church)***

**A MOTION** was made by Mrs. Muir to approve the Developer=s Agreement for Block 95, Lot 15 (St. Elizabeth Ann Seton Church), 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 55, Lot 5.01 (Rolling Meadows)***

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

***Contract Negotiations - Block 98, Lot 2 (Padovani)***

No action was necessary on this matter as a Resolution was adopted by the Committee at their May 1, 2006 meeting.

***Contract Negotiations - Block 65, Lot 7 (Orlando)***

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

***Contract Negotiations - Block 57, Lot 13.01 (Staats)***

**A MOTION** was made by Mrs. Muir to approve the Municipal-County Cost Share Agreement for Block 57, Lot 13.01 (Staats). 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

**A MOTION** was made by Mrs. Muir to approve the contract for sale of the Development Easement on Block 57, Lot 13.01 (Staats), 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

***Contract Negotiations - Dobozyński Rental Property***

A **MOTION** was made by Mrs. Allen to approve the Jay Kelly as the applicant for residence and to provide services on the property. 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 - Raritan Valley Disposal***

A **MOTION** was made by Mr. Gatti to extend the contract for curbside solid waste disposal and recycling with Raritan Valley Disposal for two (2) years at an annual cost of \$479,354.00, 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 - Maintenance & Repair Bids***

A **MOTION** was made by Mrs. Allen to award the Maintenance and Repair Bids as listed:

**SCHEDULE OF LOW BIDDERS - 2006 MAINTENANCE & REPAIR MATERIALS**

ITEM	DESCRIPTION	MODE	QUANTITY	UNIT	SUCCESSFUL BIDDER 2005	UNIT PRICE
1a	3/4" ROAD STONE	DEL	1,000	TON	Stavola	\$11.75
1b	3/4" ROAD STONE	FOB	1,000	TON	Stavola	\$7.00
2a	3/4" CLEAN STONE	DEL	1,500	TON	Stavola	\$13.25
2b	3/4" CLEAN STONE	FOB	1,500	TON	Stavola	\$8.50
3a	1-1/2" CLEAN STONE	DEL	200	TON	Stavola	\$12.75
3b	1-1/2" CLEAN STONE	FOB	200	TON	Stavola	\$8.00
5	no. 9 (1/4") STONE OR SANDING GRITS	DEL	500	TON	Trap Rock	\$13.00
6	SAND - COARSE	DEL	100	TON	Weldon	\$24.00
7	LIQUID CALCIUM CHLORIDE	FDA	20,000	GAL	James Reed Sales	\$0.92
8a	BITUMINOUS CONC., F.A.B.C., I-5	FDS	3,500	TON	Stavola	\$44.50
8b	BITUMINOUS CONC., F.A.B.C., I-5	FOB	3,500	TON	Stavola	\$38.00
9a	BITUMINOUS CONC., MABC, I-4	FDS	1,000	TON	Stavola	\$44.50
9b	BITUMINOUS CONC., MABC, I-4	FOB	1,000	TON	Stavola	\$38.00
10a	BITUMINOUS CONC., STAB. BASE, I-2	FDS	700	TON	Stavola	\$43.50
10b	BITUMINOUS CONC., STAB. BASE, I-2	FOB	700	TON	Stavola	\$37.00
11a	BITUMINOUS CONC., FABC, I-5	DLC	1,000	TON	Mannon Excavating & Paving	\$55.50
11b	BITUMINOUS CONC., MABC, I-4	DLC	1,000	TON	Mannon Excavating & Paving	\$55.50
11c	BITUMINOUS CONC., STAB. BASE, I-2	DLC	1,000	TON	Mannon Excavating & Paving	\$55.50
12	HIGH PERFORMANCE COLD PATCH	FOB	50	TON	Weldon	\$72.00
13	STREET SWEEPING	DEL	150 mile	HOUR	Apgar Power Sweeping	\$102.00

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

**Contract Negotiations - Professional Services**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-74**

**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:
  - X Princeton Hydro, LLC, for preparation of a Municipal Stormwater Pollution Prevention Plan at a cost not to exceed \$9,440.00.
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 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 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)**

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

**Attorney-Client Privilege -Executive Session Minutes - May 1, 2006**

**A MOTION** was made by Mr. Auriemma to approve the Executive Session Minutes from the meetings of May 1, 2006 for content. This motion was seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

**CONSENT AGENDA:**

1. **APPROVAL OF THE MINUTES** of meetings of May 1, 2006 & May 15, 2006.

**CONSENT AGENDA – continued:**

2. **Intercounty Paving Associates, LLC**/Payment #3 - Dreahook Road Section I Drainage Improvements.
3. **Application for Membership in NJ Firemen’s Association** - Elliot Gray.
4. **Application for Membership in NJ Firemen’s Association** - Kevin Malinowski
5. **Application for Blue Light Permit** - Daniel Kaplan.
6. **Tax Refund** - resolution.

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, it has been determined that the property owner of Block 39, Lot 21.01 is a permanently disabled vet and therefore is tax exempt, date of determination December 27, 2001; and

**WHEREAS**, the property owner has resided in Readington Township since September 20, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee that the Tax Collector be authorized to refund prorated 2005 taxes in the amount of \$2,398.70 and 2006 taxes paid in the amount of \$2,026.51 and cancel 2006 taxes.

7. **Payment of the Bills.**

<b>Fund Description</b>	<b>Fund No.</b>	<b>Received Total</b>
CURRENT FUND APPROPRIATION	001	\$ 1,654,780.64
SEWER APPROPRIATION	002	\$ 98,346.34
TRUST APPROPRIATION	003	\$ 28,741.77
CAPITAL APPROPRIATIONS	004	\$ 12,340.63
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 18,108.26
PAYROLL DEDUCTIONS	006	\$ 694,156.47
REGIONAL AND LOCAL SCHOOL TAX	007	\$ 2,221,132.55
TOTAL OF ALL FUNDS:		\$ 4,727,606.66

**A MOTION** was made by Mr. Gatti 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 (except for minutes of May 15, 2006 as he was not in attendance)  
Mrs. Muir - Aye  
Mayor Shamey - Aye

**CORRESPONDENCE/OTHER INFORMATION:**

1. Memo dated May 10, 2006 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders regarding **an adopted resolution encouraging the State of New Jersey to continue their responsibility to provide a Deer Recovery Program throughout the State**, noted for information. No action taken.

2. Letter dated May 24, 2006 from Judith A. Allen, Municipal Clerk, Township of Delaware to Senator Leonard Lance ***endorsing the resolution adopted by the Hunterdon County Board of Chosen Freeholders to continue a Deer Recovery Program throughout the State***, noted for information. No action taken.

***CORRESPONDENCE/OTHER INFORMATION – continued:***

3. Resolution #06-111 from Township of West Amwell ***endorsing the resolution adopted by the Hunterdon County Board of Chosen Freeholders to continue a Deer Recovery Program throughout the State***, noted for information. No action taken.
4. Memo dated May 10, 2006 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders regarding ***an adopted resolution urging the State of New Jersey to re-evaluate the allocation of motor vehicle court fines***, noted for information. No action taken.
5. Notice of Public Hearing received May 22, 2006 from Lloyd H. Tubman, Esq., Archer & Greiner, regarding ***appeal by John & Kathleen Fry on the denial for a permit for residence and home office use of an existing structure***, noted for information. No action taken.
6. Notice dated May 19, 2006 from Donna J. Burham, Deputy Clerk, Township of Clinton regarding ***introduction of Ordinance #908-06 amending Chapter 165 entitled “Land Use Regulations,”*** noted for information. No action taken.
7. Notice of Public Hearing dated May 17, 2006 from Cozen O’Connor ***regarding proposed merger of Elizabethtown Water Co. and Mount Holly Water Co. into New Jersey American Water Co.***, noted for information. No action taken.
8. Letter dated May 15, 2006 from State of New Jersey, Div. of Watershed Management regarding ***Block 46.01, Lot 7 and Block 47, Lot 48 (Four Seasons at Tewksbury Proposed Revision Denial)***, noted for information. No action taken.
9. Notice of Public Hearing received May 11, 2006 from Township of Tewksbury regarding ***preliminary major site plan and subdivision approval for “Four Seasons at Tewksbury,”*** noted for information. No action taken.
10. Resolution #06-96 from Township of West Amwell ***opposing any proposed bill which would increase local taxpayers burden for services proved by the New Jersey State Police***, noted for information. No action taken.
11. Resolution #06-110 from Township of Raritan regarding ***extension of time for review of defeated school budgets***, noted for information. No action taken.
12. Notice of Pending Ordinance #06-21 from Township of Raritan ***regarding “Revised General Ordinances of the Township of Raritan, 1999,”*** noted for information. No action taken.
13. Notice of Public Hearing dated May 15, 2006 from Conley & Sozansky, LLC regarding ***Block 37, Lots 3.01 & 3.02 in Township of Raritan (Great American Railway Co., Inc.)***, noted for information. No action taken.
14. Resolution #115-06 from Township of Clinton ***opposing Senate Bill S-1219 amending the Open Public Meetings Act***, noted for information. No action taken.
15. Notice of Public Hearing received May 11, 2006 from NJ Transit regarding ***Senior Citizen and Disabled Resident Transportation Assistance Program***, noted for information. No action taken.
16. Letter dated May 17, 2006 from NJ Audubon Society ***seeking support in urging Governor Corzine to propose stronger protections for threatened and endangered species habitat.***

***A MOTION*** was made by Mrs. Allen to send a letter to Governor Corzine urging him to

propose stronger protections for threatened and endangered species habitat. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

17. Resolution #125-06 from Township of Clinton *urging Governor Corzine to cut State spending and taxes to reduce property taxes for fiscal year 2007*, noted for information. No action taken.

#### **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 Mr. Gatti with a vote of ayes all, nays none recorded.

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

Administrator Mekovetz asked that this Public Hearing be continued until the June 19, 2006 meeting.

#### ***Readington Township 2006 Budget.***

**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.

Mr. Gatti said this year the Municipal portion of the taxes will increase by .014 which represents a 3% increase. Major increases in the budget include elections, engineering, Police & Fire Pension, Public Employees Pension, LOSAP.

Mr. Gatti said there is also an increase in debt service, which is the result of incurring additional interest when the bond the Township did last year, the notes rolled over into February of 2006.

Mr. Gatti said decreases in the budget include Administration/Executive, Capital Improvement Fund and the Reserve for Uncollected taxes.

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

Mr. Tom Carro, Township CFO, said this is a very conservative budget with a 3% increase in comparison to other municipalities in Hunterdon County.

Mayor Shamey asked if there were any comments from the public.

Ms. Ingelore Krug said she heard that a member of the Committee made the comment that if a person cannot afford to live in Readington Township they should just leave.

Mayor Shamey asked if Ms. Krug could be more specific.

Ms. Krug said she overheard people talking. She asked why such comments would be made.

Mayor Shamey said that rumor is not productive.

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

**A MOTION** was made by Mrs. Muir to adopt the Readington Township 2006 Budget, 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

**Ordinance #18-2006**

*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.

**Ordinance #18-2006 – continued:**

Clerk read by Title:

***AN ORDINANCE AMENDING AND SUPPLEMENTING THE  
READINGTON TOWNSHIP 2005 SALARY AND WAGE ORDINANCE, FOR OFFICERS  
AND EMPLOYEES OF READINGTON TOWNSHIP***

**Ordinance #18-2006**

Mayor Shamey said this is the 2006 Salary Ordinance which sets forth the salary of Municipal Employees.

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

Administrator Mekovetz said there is one amendment to the Ordinance as introduced. On page 3, AEmergency Management Coordinator. @ The correct salary is \$10,010.00.

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

*A MOTION* was made by Mr. Gatti 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 AMENDING AND SUPPLEMENTING THE  
READINGTON TOWNSHIP 2005 SALARY AND WAGE ORDINANCE, FOR OFFICERS  
AND EMPLOYEES OF READINGTON TOWNSHIP***

**Ordinance #18-2006**

*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
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mayor Shamey	-	Aye

**Ordinance #19-2006**

*A MOTION* was made by Mr. Gatti 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 AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL  
DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 72, LOTS 5  
AND 5.02 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION***

**Ordinance #19-2006**

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

Mrs. Allen said this property was approved for Farmland Preservation under the conventional County Farmland Preservation Program. Readington Township had pre-purchased the easement a number of years ago. The County will be purchasing the easement from Readington Township. The property consists of approximately 90 acres and fronts on Route 523 and the South Branch of the Raritan River.

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

**Ordinance #19-2006 – continued:**

*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:

***AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 72, LOTS 5 AND 5.02 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION***

**Ordinance #19-2006**

*A MOTION* was made by Mr. 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

***OLD BUSINESS:***

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

Mayor Shamey said on May 16<sup>th</sup> the voters of Readington Township ratified the Bond Ordinance that was adopted by the Committee on February 21, 2006.

Mayor Shamey thanked Administrator Mekovetz for all her work and also Raritan Township Municipal Clerk Dorothy Gooditis who assisted Administrator Mekovetz on Election Day.

Mayor Shamey said a letter dated May 24<sup>th</sup> was sent to Solberg Aviation and the Solberg family indicating that the Township wishes to resume negotiations with regard to the preservation of the open space and the development rights of the airport. No response has been received.

Mayor Shamey said he spoke to Thor Solberg once and he has not gotten back to him regarding resumption of negotiations. Mr. Gatti is also waiting to hear from Mrs. Nagle.

***NEW BUSINESS:***

1. ***Resolution declaring the results of the Special Election held May 16, 2006.***

The following Resolution was offered for consideration:

***RESOLUTION DECLARING AND ACCEPTING THE RESULTS OF A SPECIAL ELECTION HELD ON MAY 16, 2006 REGARDING BOND ORDINANCE #04-2006 APPROPRIATING \$22,000,000 FOR THE ACQUISITION OF AIRPORT AND LAND AND OTHER INTERESTS THEREIN FOR PRESERVATION***  
***R-2006-75***

**WHEREAS**, the Township Committee on February 21, 2006 adopted Bond Ordinance #04-2006 entitled, "BOND ORDINANCE PROVIDING FOR AIRPORT AND LAND OR INTEREST IN LAND FOR PRESERVATION (BLOCK 48, LOT 23, BLOCK 55, LOT 33, BLOCK 56, LOTS 1, 3, 5, 6 AND 8, BLOCK 39, LOT 24 AND BLOCK 67, LOT 2; OWNER: SOLBERG AVIATION/ HROMOHO), IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$22,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$21,700,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and;

**Resolution declaring the results of the Special Election held May 16, 2006 – continued:**

**WHEREAS**, a petition was filed pursuant to *N.J.S.A. 40:49-7* through *N.J.S.A. 40:49-12* seeking a public referendum of the above-referenced bond ordinance; and

**WHEREAS**, a special election was scheduled and held on May 16, 2006; and

**WHEREAS**, the vote at such special election was 3,474 in favor of the adoption of the bond ordinance and 2,777 opposed with 3 votes having been rejected; and

**WHEREAS**, pursuant to the provisions of *N.J.S.A. 40:49-11*, the Township Committee desires to declare and accept the results of the election and to provide for the publication of this resolution as provided for therein;

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

**Section 1.** The Township hereby accepts and declares the results of the special election held on May 16, 2006 as certified on May 17, 2006 by the Municipal Clerk of the Township with the results being the following:

Votes in favor - 3,474  
Votes opposed - 2,777  
Votes rejected - 3

**Section 2.**

This resolution shall take effect immediately.

**Section 3.** A copy of this resolution shall be published in the same manner as provided for the publication of the notice of the special election.

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

2. **Block 13, Lot 19 (Alix)** - introduction of ordinance accepting drainage easement.

The following Ordinance was offered for introduction:

**AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN EASEMENT DEDICATED ON A PORTION OF BLOCK 13, LOT 19 FOR DRAINAGE PURPOSES ON OLD HIGHWAY ROUTE 28 IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM JEFFREY R. ALIX AND CATHERINE A. ALIX**

**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 Township of Readington shall accept an easement of approximately .13+/- acres on a portion of Block 13, Lot 19 which easement has been dedicated to the Township by Jeffrey R. Alix and Catherine A. Alix, husband and wife, as contained in the document entitled "Drainage Easement" which is on file in the office of the Readington Township Clerk, at the Readington Township Municipal Building, 509 Route 523, Whitehouse Station, N.J. and may be reviewed during regular business hours. Acceptance of this Drainage

**Block 13, Lot 19 (Alix) - ordinance accepting drainage easement – continued:**

Easement will allow the Township to install, improve and/or maintain needed stormwater management facilities on Old Highway Route 28 and on Block 13, Lot 19 as part of the public road improvement project the Township is undertaking on Old Highway Route 28.

**SECTION 2.** This easement is being acquired pursuant to *N.J.S.A.* 40A:12-3, 4 and 5 *et seq.* of 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 Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 3.** This ordinance shall take effect immediately upon final adoption and publication according to law, and upon the recording of the Drainage Easement.

**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	-	Aye
Mayor Shamey	-	Aye

Public Hearing was scheduled for June 19, 2006 at 8:00 p.m.

2. **Block 57, Lot 13.01 (Staats)** - introduction of ordinance authorizing conveyance of Development Rights Easement.

The following Ordinance was offered for introduction:

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 57, LOT 13.01 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION**

**Ordinance #21-2006**

**WHEREAS**, the Township of Readington ("Township"), is about to acquire an agricultural development rights easement on property known as Block 57, Lot 13.01 in the Township of Readington, consisting of approximately 53 +/- acres along Harlan School Road in the Township (hereinafter "Property") which was contracted for with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

**WHEREAS**, the Property has qualified for enrollment in the Hunterdon County Agricultural Development Farmland Preservation program and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 53 +/- acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$17,000.00 per acre, for an estimated total of \$901,000.00, subject to an adjustment for the required Municipal contribution and any survey/right-of-way adjustments; and

**WHEREAS**, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

**WHEREAS**, the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

***Block 57, Lot 13.01 (Staats) - ordinance authorizing conveyance of Development Rights Easement – continued:***

**WHEREAS**, the Township is permitted to sell the Easement under *N.J.S.A. 4:1C-11 et seq.*, *4:1C-34*, *4:1C-43.1*, *N.J.S.A. 40A:12-13 et seq.* and any other applicable law.

**NOW, THEREFORE 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 Township of Readington shall convey to the County of Hunterdon, by way of Assignment, a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 57, Lot 13.01 in the Township of Readington, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 53+/- acres of the Property for the price of \$17,000.00 per acre and an approximate total price of \$901,000.00, subject to adjustments for the Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, to be paid in accordance with the contract documents/offer on file with the Township Clerk.

**Section 2.** On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement and Assignment thereof to the County of Hunterdon, including a Restrictive Covenant regarding mowing, together with any other documents or corrective documents required by the County.

**Section 3. 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 Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4. Effective Date.**

This ordinance shall take effect immediately upon final adoption and publication according to law.

**A MOTION** was made by Mrs. Muir 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	-	Aye
Mayor Shamey	-	Aye

Public Hearing was scheduled for June 19, 2006 at 8:00 p.m.

3. **Amendment to Land Use Code** - introduction.

The following ordinance was offered for introduction:

***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 #22-2006**

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

***Amendment to Land Use Code – continued:***

1. 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. **The stormwater management system for the proposed subdivision may not be located in the open space parcel.**
- (3) The set-aside of common open space shall comply with § 148-60.
- (4) **Where open space and residential lots are adjacent, residential lots shall be configured to face open space and shall not 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 to open space, the side yard shall be considered a front yard for zoning purposes.**
- (6) **The interface between residential lots and open space shall be delineated with, and occupied by, an improved street. The un-paved area within the half of a street right-of-way that is located directly adjacent to 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.**
- (7) **Notwithstanding minimum lot circle requirements for open space, the minimum width or depth for any portion of the open space shall be 500 feet.**

2. 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 adjacent to US Routes 22 or 202, 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]

*Amendment to Land Use Code – continued:*

- (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. The stormwater management system for the proposed subdivision may not 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 or Route 202 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 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~~

*Amendment to Land Use Code – continued:*

~~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.

(6) Where open space and residential lots are adjacent, residential lots shall be configured to face open space and shall not 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 zoning purposes.

(8) The interface between residential lots and open space shall be delineated with, and occupied by, an improved street. The un-paved area within the half of a street right-of-way that is located directly adjacent to 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.**

4. 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 adjacent to US Routes 22 or 202, as follows (deletions are indicated ~~thus~~; additions are indicated thus):

*Amendment to Land Use Code – continued:*

§ 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. The stormwater management system for the proposed subdivision may not 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~~
- (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 or Route 202 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 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

***Amendment to Land Use Code – continued:***

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. **The stormwater management system for the proposed subdivision may not be located in the open space parcel.**
- (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.
- (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) **Where open space and residential lots are adjacent, residential lots shall be configured to face open space and shall not 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 zoning purposes.**
- (10) **The interface between residential lots and open space shall be delineated with, and occupied by, an improved street. The un-paved area within the half of a street right-of-way that is located directly adjacent to 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.**

6. 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 *N.J.S.A. 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;

***Amendment to Land Use Code – continued:***

- (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.
  - (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~~ **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

*Amendment to Land Use Code – continued:*

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 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.

7. 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.~~

8. **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.

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

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

*A MOTION* was made by Mr. Auriemma 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 July 3, 2006 at 8:00 p.m.

***NEW BUSINESS – continued:***

5. ***Block 44, Lots 18, 50 & 54 - 2007 Funding Round Farmland Preservation Program - resolution.***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION***

***COST SHARING FOR APPLICATIONS IN THE 2007 FUNDING ROUND  
OF THE FARMLAND PRESERVATION PROGRAM  
R-2006-73***

***WHEREAS***, the Hunterdon County Agricultural Development Board (CADB) has received applications for the 2007 Funding Round for the Farmland Preservation Program from Township landowners; and

***WHEREAS***, the CADB has completed its final review of the applications to the Farmland Preservation Program; and

***WHEREAS***, Block 44, Lots 18, 50 and 54 in Readington Township has been approved by the County Freeholders to be part of the Farmland Preservation Program; and

***WHEREAS***, the CADB requires a resolution of Township approval and a commitment of cost-share funding for the following application:

Block 44, Lots 18, 50 & 54 (Herr Farm/79 +/- acres)

***NOW THEREFORE BE IT RESOLVED*** that the Township Committee of the Township of Readington is willing to cost-share on the application for Block 44, Lots 18, 50 and 54 (Herr Farm /79 +/- acres) for the 2008 Funding Round for the Farmland Preservation Program; and

***BE IT FURTHER RESOLVED***, that the Municipal Clerk is directed to forward certified copies of this Resolution to the County Agricultural Development Board as requested and required.

*A MOTION* was made by Mrs. Muir 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

6. **Block 80, Lots 1 & 2** - resolution accepting CADB/SADC=s offer of \$33,700 per acre.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2006-76**

**WHEREAS**, the New Jersey State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$40,500.00 per acre for the development easement on the former Illva Saronno property (Block 80, Lots 1 & 2) now owned by the Township of Readington, which is contained in Readington Township=s 2005 Planning Incentive Grant VIII list of farms; and

**WHEREAS**, the Township understands that, by State statute, it is not able to sell an easement for more than the Township paid for it; and

**Block 80, Lots 1 & 2 - resolution accepting CADB/SADC=s offer of \$33,700 per acre – continued:**

**WHEREAS**, the cost sharing breakdown for the acquisition of the development rights easement is based on a discounted 20% price of \$33,700.00 per acre for approximately 60 acres (subject to the actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, as well as any additional adjustments pursuant to State statute rule, regulation or policy) as follows:

State Agriculture Development Committee (\$20,220.00/acre; 60% of est. total cost)	\$1,213,200.00	
Hunterdon County (\$6,740.00/acre; 20% of est. total cost)	\$ 404,000.00	(\$40,400.00/year)
Readington Township (\$6,740.00/acre; 20% of est. total cost)	\$ 404,000.00	
TOTAL	\$2,022,000.00	

**WHEREAS**, the Hunterdon County Agriculture Development Board (CADB) gave final approval to the proposed acquisition of the development easement on Block 80, Lots 1 & 2, as set forth in a Resolution of Final Approval memorialized on February 9, 2006.

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

1. Approves the purchase of the development easement on Block 80, Lots 1 & 2 as set forth in the CADB Resolution of Final Approval of February 9, 2006.
2. Accepts and approves the cost-share based on the per acre purchase price of \$33,700 per acre for approximately 60 acres as more particularly described in the CADB resolution and in the Township=s 2005 PIG VIII application.
3. Commits to funding of the purchase of the development easement on Block 80, Lots 1 & 2.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is directed to forward certified copies of this Resolution to the Hunterdon County Agricultural Development Board and to the State Agricultural Development Committee as requested and required.

**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. 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

7. ***Road Detour - Harlan School Road Bridge reconstruction.***

*A MOTION* was made by Mrs. Muir to approve the detour and traffic control plan for the Harlan School Road Bridge reconstruction as recommended by Detective Patrick Gooley. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

8. ***Refund of Overpayment of COAH fees to Fallone Properties - memorandum from Tax Assessor Mary Mastro.***

Attorney Dragan said this is a five (5) lot project. The Township adopted a COAH Developer Spending Fee in 2005 which increased the fees to 1%. This project received preliminary subdivision approval prior to the ordinance being changed.

***Refund of Overpayment of COAH fees to Fallone Properties – continued:***

*A MOTION* was made by Mr. Gatti to approve refund of overpaid COAH fees to Fallone Properties Buckingham Estates, Block 76, Lots 3.03, 3.06, 3.07, 3.08 & 3.09, in the amount of \$ 9,268.75. 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

9. ***New Jersey Transit - installation of new utility pole by JCP&L.***

Mayor Shamey said that JCP&L is asking for the Township=s permission to install a new 45' pole within a Township road right-of-way adjacent to Block 20, Lot 17. The customer at that location is refusing to sign the utility easement.

Action on this item was deferred until additional information is obtained.

10. ***Letter of resignation from Kenneth Fisher, Readington Twp. Environmental Commission.***

*A MOTION* was made by Mrs. Allen to accept Kenneth Fisher=s resignation from the Environmental Committee with regret, and to send him a letter thanking him for his years of service to the Township. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

11. ***Letter of resignation from Chip Shepherd, Readington Twp. Environmental Commission.***

*A MOTION* was made by Mrs. Allen to accept Chip Shepherd=s resignation from the Environmental Committee with regret, and to send him a letter thanking him for his years of service to the Township. This motion was seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

*A MOTION* was made by Mrs. Muir to appoint Jack Oliphant to the Environmental Commission to fill the vacancy left by Chip Shepherd. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

12. ***Ernest Renda Contracting/Block 39, Lots 8, 9 & 53 - release of Maintenance Bond.***

Engineer McEldowney said he has no objection to the release of the remaining \$40,933.04 cash maintenance bond.

**A MOTION** was made by Mrs. Muir to approve the release of the remaining Cash Maintenance Bond in the amount of \$40,933.04 for Block 39, Lots 8, 9 & 53. 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

13. **Commerce Bank/Block 19.01, Lot 8** - release of Performance Bond.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY RESOLUTION AUTHORIZING EXECUTION OF  
AMENDMENT TO DEVELOPMENT AGREEMENT DATED AUGUST 29, 2005 FOR  
COMMERCE BANK BLOCK 19.01, LOT 8  
R-2006-77**

**Commerce Bank/Block 19.01, Lot 8 - release of Performance Bond – continued:**

**WHEREAS**, in connection with preliminary and final major site plan approval for a development project consisting of the construction of a bank on property commonly known as Block 19.01, Lot 8, on the Tax Map of the Township of Readington, Commerce Bank, N.A. having an address of 1100 Atrium Way, Mt. Laurel, New Jersey 08054 (hereinafter referred to as “Developer”), and the Township of Readington, a municipal corporation, having an address of 509 Route 523, Whitehouse Station, New Jersey 08889 (hereinafter referred to as “Municipality”), have entered into a Development Agreement dated August 29, 2005 regarding the installation of the sidewalk; and

**WHEREAS**, the Developer agreed to complete off-site improvements consisting of a sidewalk extension and posted a performance guarantee in order to secure completion of off-site improvements consisting of a sidewalk extension required in connection with the development; and

**WHEREAS**, the Zoning Board of Adjustment (the “Board”) conducted a public hearing on April 20, 2006; and

**WHEREAS**, the Developer was represented by William Robertson, Esq., and presented the testimony of Dean Sulpy, a member of the Board of Trustees of the United Methodist Church and Bret Skapinetz, P.E.; and

**WHEREAS**, the Board approved the applicant's request to eliminate the sidewalk from the preliminary and final site plans and therefore there is no need for the performance bond posted by the Developer.

**WHEREAS**, the parties desire to amend the August 29, 2005 Development Agreement to permit the release of the performance guarantee taken in connection with the sidewalk project; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 5<sup>th</sup> day of June, 2006, by the Township of Readington, County of Hunterdon, State of New Jersey that the Mayor and Clerk be authorized to release the performance bond posted pursuant to the Development Agreement dated August 29, 2005 by and between the Developer and Municipality.

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

14. **Ferreira Construction Co., Inc./Block 39, Lots 53.17, 61.03 & 61.04** - acceptance of Performance Bond.

**A MOTION** was made by Mrs. Muir to approve the requirement for a Performance Bond and to accept check #30154 in the amount of \$32,910.00 as a Cash Performance Bond for Block 39, Lots 53.17, 61.03 & 61.04 (Ferreira Construction Co., Inc.). 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

15. **Hedgerow Estates** - release of Performance Bonds.

The following Resolution was offered for consideration:

Hedgerow Estates - release of Performance Bonds – continued:

**TOWNSHIP OF READINGTON  
 RESOLUTION  
 R-2006-78**

**WHEREAS**, VRH Associates, LP did on May 19, 2004 file a written request with the Clerk of the Township of Readington for the release of Performance Bonds #S01719; #S01443; #S01945 & #S03131 for work completed on the Hedgerow Estates Subdivision - Block 73, Lots 7, 17 & 26; and

**WHEREAS**, the Township Engineer has reviewed this request, conducted a final inspection of bonded items, and has no objection to the release of these funds, as indicated in his letter of June 2, 2006.

DEVELOPMENT	BOND OR CHECK	ORIGINAL BONDED AMOUNT @ 120%	CURRENT REMAINING PERFORMANCE GUARANTEE @ 120% VALUE	RECOMMENDED REDUCTION BY (%) FOR WORK COMPLETED	REMAINING PERFORMANCE GUARANTEE @ 120% VALUE
Hedgerow Estates Subdivision Block 73, Lots 7, 17 & 26	First Indemnity of America Insurance Co. #S01719	\$893,856.00	\$300,142.32	100%	\$0.00
	First Indemnity of America Insurance Co. #S01443	\$1,806,973.20	\$309,970.80	100%	\$0.00
	First Indemnity of America Insurance Co. #S01945	\$610,178.40	\$193,513.92	100%	\$0.00
	First Indemnity of America Insurance Co. #S03131	\$276,452.40	\$92,910.72	100%	\$0.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that authorization is hereby given to release Performance Bonds #S01719; #S01443; #S01945 & #S03131, as recommended by the Township Engineer; and

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

*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
Mr. Gatti	-	Aye	
Mrs. Muir	-	Aye	
Mayor Shamey	-	Aye	

*A MOTION* was made by Mrs. Allen to authorize Attorney Dragan to draft an ordinance to accept for public use the improvements within the various phases and Sections of Hedgerow Estates. This motion was seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

16. *Dreahook Road - Section I Drainage Improvements.*

This item was addressed under the Consent Agenda.

*NEW BUSINESS – continued:*

17. *Application for Membership in NJ Firemen=s Association* - Elliot Gray.

This item was addressed under the Consent Agenda.

18. *Application for Membership in NJ Firemen=s Association* - Kevin Malinowski

This item was addressed under the Consent Agenda.

19. *Application for Blue Light Permit* - Daniel Kaplan.

This item was addressed under the Consent Agenda.

*ADMINISTRATOR=S REPORT:*

Written report submitted.

Administrator Mekovetz said she received a request from the CADB asking that the Committee consider a resolution regarding the 2008 Funding Round.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
COST SHARING FOR APPLICANTS IN THE 2008 FUNDING ROUND  
OF THE FARMLAND PRESERVATION PROGRAM  
R-2006-79**

*WHEREAS*, the Hunterdon County Agricultural Development Board has received applications for the 2008 funding round for the Farmland Preservation Program from township landowners; and

*WHEREAS*, applications will be evaluated in April and May, 2007 and the Hunterdon County Agricultural Development Board will select as many applications as the County=s budget will permit; and

*WHEREAS*, if an application from the Township of Readington is among those selected there must be a commitment of cost-sharing for the preservation of this land.

*NOW, THEREFORE, BE IT RESOLVED*, that the Township Committee of the Township of Readington is willing to cost-share on any applications in Readington Township

that are among those selected by the Hunterdon County Agricultural Development Board for participation in the 2008 funding round of the Farmland Preservation Program.

*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
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Mayor Shamey	-	Aye

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

***ATTORNEY=S REPORT:***

Written report submitted.

Attorney Dragan said she received a request from Social Services Director Diane Clapp that the Committee consider a Postponement of Mortgage on 222 Dove Cote Court/Watson.

***ATTORNEY=S REPORT – continued:***

*A MOTION* was made by Mrs. Muir to approve the Postponement of Mortgage on 222 Dove Cote Court/Watson. 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

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 had nothing to report at this time.

**2. Julia Allen:**

Mrs. Allen said the Attorney representing the Township in the Lackland & Lackland litigation has asked that this matter be placed on the Executive Session agenda to be discussed at tonight=s meeting.

*A MOTION* was made by Mrs. Allen to amend the Executive Session Agenda to include the following:

Litigation - Mark Hartman & Wilmark Building Contractors, Inc. v. Twp. of Readington Lackland and Lackland v. Twp. of Readington Docket No. 02-2017 (SRC)

Litigation - Lackland and Lackland v. Twp. of Readington Docket No. 3:02-5597 (GEB)

This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

**3. Thomas Auriemma:**

Mr. Auriemma said the Memorial Day Parade was a great success. He said he would like to thank all of the volunteers who participated and there will be pictures of the parade posted on the Township=s website in the near future.

Mayor Shamey said he would like to thank Mr. Auriemma for his efforts in organizing the parade. It was a great event and he would like to see it become an annual event.

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

**4. Frank Gatti:**

**a. Finance Department**

**1. Tax Refund - resolution.**

This item was addressed under the Consent Agenda.

**COMMITTEE REPORTS – continued:**

**2. Payment of the Bills.**

This item was addressed under the Consent Agenda.

Mr. Gatti said there is a median on Route 22 near County Line Road that has been landscaped by Garden Associates Landscaping. He suggested that a letter be sent thanking them for making the median such a nice entrance into Readington Township.

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

**5. Beatrice Muir:**

**a. Board of Health**

Mrs. Muir said there was a meeting at Rutgers last week regarding flu pandemic. It was a strategy meeting for the County and local Board of Health. There will be another meeting at Hunterdon County on June 12<sup>th</sup>.

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

**COMMENTS FROM THE PUBLIC:**

Mayor Shamey asked for comments from the public.

Ms. Karen Jenkin said last year she asked the Committee about deer control. She said it is a health and safety issue.

Mrs. Allen said the Township had an expert appear at a meeting several years ago to discuss the options that are available.

Ms. Jenkin asked how residents volunteer for the Environmental Commission.

Mrs. Allen said the person who was appointed to fill Chip Shepherd=s position was attending Environmental Commission meetings for some time, learning the issues, etc. Any member of the public is welcome to attend the meetings and participate. They can also send a letter to the Committee stating that they would be interested when there is an opening.

Ms. Jenkin commented on legal expenses for the last two (2) weeks.

Ms. Ingelore Krug said she does not have a computer. She asked how residents who do not have computers can see the pictures of the Memorial Day Parade.

Mr. Auriemma said there is a computer at the library that is available for public use.

Administrator Mekovetz said she will look into putting the pictures of the Memorial Day Parade be put on the computer in the Municipal Building.

Mr. Gerry Cook said United Bow Hunters of New Jersey are working on two (2) proposed solutions to the deer problem. One is to get the minimum distance requirement to a dwelling reduce for bow hunting. The other is to allow bow hunting on Sundays. In addition, any resident can give written permission to a hunter to hunt on their property.

**COMMENTS FROM THE GOVERNING BODY:**

Mayor Shamey asked for comments from the Governing Body.

Mr. Gatti said that he attended the negotiations with the Solbergs and the airport is for sale. In addition, the Township had no choice but to use an attorney because the Solbergs retained the services of an attorney.

***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 AA@

**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>
Mark Hartman & Wilmark Building Contractors, Inc. v. Twp. of Readington Lackland and Lackland v. Twp. of Readington Docket No. 02-2017 (SRC).....	Litigation.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Lackland and Lackland v. Twp. of Readington Docket No. 3:02-5597 (GEB).....	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 AA.@

3. This Resolution shall take effect immediately.

*A MOTION* was made at 9:45 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 9:50 p.m.

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

***Litigation - Mark Hartman & Wilmark Building Contractors, Inc. v. Twp. of Readington  
Lackland and Lackland v. Twp. of Readington Docket No. 02-2017 (SRC)***

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

***Litigation - Lackland and Lackland v. Twp. of Readington Docket No. 3:02-5597  
(GEB)***

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

Mayor Shamey said a Special Executive Session will be held on June 13<sup>th</sup> at 6:00 p.m.

#### ***ADJOURNMENT***

As there was no further business, a motion was made by Mrs. Allen at 9:50 p.m., seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC  
Administrator\Municipal Clerk