

**READINGTON TOWNSHIP COMMITTEE  
MEETING - JULY 5, 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, Mrs. J. Allen and Mr. F. Gatti

**ABSENT:** Deputy Mayor Auriemma, Mrs. B. Muir & Administrator Mekovetz

**ALSO PRESENT:** Attorney Dragan, Deputy Clerk McConnell and Engineer Rob O'Brien

**EXECUTIVE SESSION:**

Deputy 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</u></b> <b><u>When Discussion Will</u></b> <b><u>Be Disclosed to Public</u></b>
Police Department.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Recreation.....	Personnel.....	" " "
Block 56, Lot 5 & Block 55, Lot 34 (James).....	Contract Negotiations.....	" " "
Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters).....	Contract Negotiations.....	" " "
Block 55, Lot 5.01 (Rolling Meadows).....	Contract Negotiations.....	" " "
Awarding of 2006 Road Reclamation Bids.....	Contract Negotiations.....	" " "
Executive Session Minutes - June 19, 2006.....	Attorney-Client Privilege.....	" " "
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.....	" " "
Toll Bros., Inc. v. Twp. of Readington, <i>et al</i> Docket No. SOM-L-618-04 (formerly Docket No. HNT-1-495-02).....	Litigation.....	" " "

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

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 6:30 p.m. by Mr. Gatti to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:55 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 - Police Department***

***A MOTION*** was made by Mr. Gatti to hire Kevin Winter on an as-needed basis, at a rate of \$35 per hour, as a summer computer assistant in the Police Department. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Personnel - Recreation***

***A MOTION*** was made by Mr. Gatti to hire the following summer recreation counselors for the Holland Brook School, Readington Middle School and Whitehouse School programs which run from June 21<sup>st</sup> through August 4<sup>th</sup>:

Lauren Dunsavage	\$ 9.00/hr.
Sierra Shepherd	\$ 8.00/hr.
Sarah Bowman	\$12.50/hr.
Zac Toman	\$ 8.00/hr.

This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***A MOTION*** was made by Mr. Gatti to hire the following Clean Communities Workers, to be paid out of the Clean Communities Grant, at a rate of \$7.00 per hour:

David Krol  
Stephen Cottone  
Terry Murray

This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Contract Negotiations - Block 56, Lot 5 & Block 55, Lot 34 (James)***

***A MOTION*** was made by Mrs. Allen to authorize Administrator Mekovetz to obtain quotes for the appraisal of Block 56, Lot 5 (James). This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

A ***MOTION*** was made by Mr. Gatti to approve the contract, as amended, for Block 39, Lots 49 & 14.04 and Block 40, Lot 2 (Peters). This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	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 - Awarding of 2006 Road Reclamation Bids***

A ***MOTION*** was made by Mr. Gatti to award

***Attorney-Client Privilege - Executive Session Minutes (June 19, 2006)***

A ***MOTION*** was made by Mr. Gatti to approve the Executive Session Minutes from the meeting of June 5, 2006 for content. This motion was seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

***Professional Services - Connell Foley, LLP.***

The following Resolution was offered for consideration:

***RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
LEGAL SERVICES  
#R-2006-90***

***WHEREAS***, the Township of Readington has a need to acquire Legal 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***, Connell Foley, LLP has submitted a proposal indicating they will represent the Township, under the direction of the Township Committee, in matters pertaining to the potential acquisition of Solberg Airport; and will perform all usual and customary legal services incident to such representation, and take ordinary measures required for the acquisition of this site, whether voluntary or otherwise, at a rate of \$255 per hour for Partners and \$210 per hour for Associates. In addition, Connell Foley, LLP shall retain all vendors or consultants necessary for such acquisition and shall pay all invoices and will be reimbursed for payments made upon submission of receipts.

***WHEREAS***, Connell Foley, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Connell Foley, LLP 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 Connell Foley, LLP from making any reportable contributions through the term of the contract; and

**Professional Services - Connell Foley, LLP – continued:**

**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 Connell Foley, LLP 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 July 5, 2007; and

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

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

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

Mrs. Allen	-	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 and Block 67, Lot 2 (Solberg Aviation - Hromoho)**

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

**Litigation - Toll Bros., Inc. v. Township of Readington, et al  
Docket No. SOM-L-618-04 (formerly Docket No. HNT-I-495-02)**

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

**CONSENT AGENDA:**

1. **APPROVAL OF THE MINUTES** of meeting of June 19, 2006.
2. **Circelli Construction, Inc.** - renovations to Eversole Hall House/payment #1.
3. **Knights of Columbus #6930** - application for raffles license.
4. **Application for Social Affairs Permit** - Or Chadash Reform Temple of Hunterdon County (July 28<sup>th</sup> - July 30, 2006).
5. **Payment of the Bills.**

<b>Fund Description</b>	<b>Fund No.</b>	<b>Received Total</b>
CURRENT FUND APPROPRIATION	001	\$ 928,995.96
TRUST APPROPRIATION	003	\$ 70,005.89
CAPITAL APPROPRIATIONS	004	\$ 8,297.59
MISC. REFUND, COUNTY TAX, LIENS	005	\$ 4,244.25
PAYROLL DEDUCTIONS	006	\$ 163,758.31
REGIONAL & LOCAL SCHOOL TAX	007	\$ 2,529,866.58
<b>TOTAL OF ALL FUNDS:</b>		<b>\$ 3,705,168.58</b>

**CONSENT AGENDA – continued:**

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

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

**CORRESPONDENCE/OTHER INFORMATION:**

1. Notice dated June 26, 2006 from William G. Dressel, Jr., Executive Director, NJ State League of Municipalities regarding **opposition to A-3174 - Prompt Pay Proposal**, noted for information. No action taken.
2. Memorandum dated June 15, 2006 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders, regarding **adoption of a Resolution recognizing and supporting the efforts of APedals for Progress@ and urging Hunterdon=s residents to support this worthwhile charity**, noted for information. No action taken.
3. Letter dated June 1, 2006 from Sue Dziamara, Director, Hunterdon County Planning Board, regarding **opportunities for Carpool Parking**, noted for information. No action taken.
4. Memorandum dated June 15, 2006 from Diane Pflugfelder, Municipal Clerk, Twp. of Bethlehem, regarding **adoption of a Resolution urging the State of New Jersey to re-evaluate the allocation of the motor vehicle court fines so they are used for Law Enforcement Initiatives which would include the continuation of the State Police rural patrol services**, noted for information. No action taken.
5. Memorandum dated June 27, 2006 from Sharon L. Brienza, Municipal Clerk, Twp. of Branchburg, **regarding adoption of the following:**
  - § Ordinance #2006-1033 Amending the Land Development Ordinance of the Twp. of Branchburg by providing design standards for non-residential development.
  - § Ordinance #2006-1034 Amending the Land Development Ordinance of the Twp. of Branchburg by changing density and review requirements in the VR Village Residential District (Neshanic Station) and the NBH North Branch Hamlet Zone.
  - § Ordinance #2006-1035 Amending the Land Development Ordinance of the Twp. of Branchburg by revising the bulk standards in the R/S-1 Retail Service Zone, removing automobile service stations as a conditional use in the R/S-1 Retail Service Zone and revising the conditional use standards for automobile service stations.

The items listed above were noted for information. No action taken.

6. Notice dated June 15, 2006 from Donna J. Burham, Deputy Municipal Clerk, Twp. of Clinton, regarding **introduction of Ordinance #908-06 Supplementing & Amending Chapter 165 entitled ALand Use Regulations,@ (Amending Standards and the Schedule of Zoning Requirements)**, noted for information. No action taken.
7. Resolution from the Township of Clinton **expressing support for AFighting Gangs, Protecting Our Youth.,@** noted for information. No action taken.
8. Resolution from the Township of Clinton regarding **extension of time for examination of defeated School Budgets.**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
#R-26-91**

***Resolution regarding extension of time for examination of defeated School Budgets – continued:***

***WHEREAS***, N.J.S.A. 19:60-1 provides for the annual School Election for Type II School Districts to be held on the third Tuesday in April; and

***WHEREAS***, it is at this election that members of a school board are elected and voters are asked to approve or disapprove proposed school budgets; and

***WHEREAS***, if a budget is defeated, within two (2) days of the certification of the election results the Board(s) of Education must deliver to the governing body(s) the proposed budget that the voters defeated; and

***WHEREAS***, N.J.S.A. 18A:22-37 and N.J.S.A. 28A:13-19 mandate that by May 19<sup>th</sup> municipal governing bodies, after examination of the defeated budget, meetings and consultation with the Board of Education, must determine and certify to the county board of taxation, the amount of money necessary for school purposes to be raised by taxation for the ensuing school year; and

***WHEREAS***, this mandate for a governing body to determine and certify a school budget by May 19<sup>th</sup> is extremely onerous. The time constraint to examine budgets for millions of dollars, especially where there are regional school systems with multiple governing bodies and in some cases multiple boards of education, who must meet and make just and encompassing determinations by this date is unrealistic; and

***WHEREAS***, this mandated requirement prohibits a governing body from adequately representing the voters, and the taxpayers who have determined that the budget put forth in the school election is unacceptable and deserves closer scrutiny.

***NOW THEREFORE BE IT RESOLVED*** by the Mayor and Township Committee of the Township of Readington that careful consideration to an extension of the period mandated by N.J.S.A. 18A:22-37 and N.J.S.A. 28A: 13-19 by New Jersey Legislators is encouraged. Additional time would enable municipal governing bodies analyzing budgets involving millions of taxpayer dollars and at the same time trying to maintain a standard of education for the youth of New Jersey, to give the time and consideration an issue of this magnitude deserves; and

***BE IT FURTHER RESOLVED*** that copies of this resolution be sent to all municipalities within Hunterdon County, Senator Leonard Lance, Assemblywoman Marcia Karrow and Assemblyman Michael Doherty.

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

9. Notice dated June 19, 2006 from Mary E. MacConnell, Municipal Clerk, Township of Kingwood, regarding ***adoption of Resolution opposing Senate Bill 1219 revising the Open Public Meetings Act***, noted for information. No action taken.
10. Notice dated June 26, 2006 from Mary E. MacConnell, Municipal Clerk, Township of Kingwood, regarding ***adoption of the following:***
  - § ***Resolution urging Governor Corzine & the State Legislature to cut State spending and cut taxes to reduce property taxes in the State Budget for FY 2007.***
  - § ***Resolution encouraging the State of New Jersey to continue the statewide Deer Recovery Program***
  - § ***Resolution regarding extension of time for examination of defeated School Budgets.***

The items listed above were noted for information. No action taken.

11. Notice dated June 23, 2006 from Dorothy L. Gooditis, Municipal Clerk, Twp. of Raritan, regarding adoption of Resolution ***calling upon the Hunterdon County Board of Chosen Freeholders to develop a county-wide program to reduce the overall county population of resident Canada Geese***, noted for information. No action taken.

12. Notice dated June 23, 2006 from Dorothy L. Gooditis, Municipal Clerk, Twp. of Raritan, regarding *adoption of Resolution in support of A-1410, requiring individuals to provide proof of lawful residence in the US before receiving any State Grants, Contracts or Loans, Retirement, Welfare, Health, Disability, Housing, Post Secondary Education, Food Assistance or Unemployment as Authorized by 1996 Federal Immigration Reform Law*, noted for information. No action taken.
13. Notice from Ira G. Megdal, Esq., regarding *filing of joint petition by NJ-American Water Co., Inc., Elizabethtown Water Co. and the Mount Holly Water Co. for approval of increased tariff rates and charges for water and sewer service and other tariff revisions*, noted for information. No action taken.
14. Notices from Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas Company, regarding *petition to revise its Basic Gas Supply Service, Seasonal Delivery Service, Commodity Charge, General Delivery Service and Multi Family Service*, noted for information. No action taken.
15. Notice dated May 11, 2006 from Dewberry - Tsvia Adar, regarding *Application for Letter of Interpretation - Cellco Partnership d/b/a Verizon Wirelss, Block 64, Lot 31.03*, noted for information. No action taken.
16. Notice dated June 20, 2006 from John Peel, PP, PK Environmental Planning & Engineering, regarding *Application for Transition Area Waiver - Ernest Renda, Block 64, Lot 19*, noted for information. No action taken.

**PUBLIC HEARINGS:**

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

Deputy Clerk read by Title:

**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**

Mayor Shamey said this ordinance provides for amendments to the Land Development Ordinance.

Mayor Shamey introduced Township Planner Michael Sullivan, who gave a short presentation on the amendments, which affect the SSR, AR & RR zones. It removes "trust" as an ownership, removes the provision permitting stormwater management systems in open space. It also creates enhanced community design standards where open space is created as a result of clustering.

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

Mrs. Allen said the Planning Board examines the Land Development Ordinance from time to time to determine if any amendments are necessary.

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

Creigh Rahenkamp and Donald Danes, Esq., appeared on behalf of Lackland & Lackland.

Mr. Rahenkamp said he has several concerns about the ordinance, including issues relating to open space. This ordinance says that there can never be a relationship between a residential lot and open space that is not separated by street. It also doesn't address the issue of new lots verses adjoining lots.

**Ordinance #22-2006 – continued:**

Mr. Donald Danes, Esq. appeared before the Committee.

Mayor Shamey asked if Mr. Danes is currently representing Lackland & Lackland in any litigation against Readington Township.

Mr. Danes said his firm is representing Lackland & Lackland in the State and Federal Case.

Mr. Danes referred to the section of the ordinance that does not allow stormwater management systems or facilities in open space. He asked if stormwater management facilities are a defined term in the Land Development Ordinance.

Mr. Sullivan said they are not.

Ms. Ingelore Krug asked if the ordinance would affect her property as it is next to a farm.

Mrs. Allen said the open space referred to in the ordinance is that which is created by clustering.

After a short discussion, it was the consensus of the Committee and Attorney Dragan that the proposed changes to the ordinance would be substantive and that it would be necessary to defeat this ordinance and introduce a new one with the changes.

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

Deputy Clerk read by Title:

***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**

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

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

***OLD BUSINESS:***

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

Mayor Shamey read the following statement:

**READINGTON TOWNSHIP  
MAYOR GERARD SHAMEY  
JULY 11, 2006**

At a Committee meeting on Wednesday, June 28, the Readington Township Committee introduced an ordinance formally authorizing acquisition of the open space surrounding the airport and development rights on the airport itself. Tonight we will have the second reading of this ordinance, and a second opportunity for anyone who wants to go on the record with their thoughts in this public forum.

By creating the framework for a formal offer, this ordinance is the first step in the resumption of bona fide negotiations, which can only begin after such an offer has been tendered. It is an

***Solberg Airport - update by Mayor Shamey – continued:***

important milestone in the efforts of this Township Council to move forward toward a resolution of the future of the airport. After so many years, it is time. This township is tired. Many of us are exhausted from talks that seem to go nowhere, or that permit confusion to develop over who offered what terms at which meetings.

In a recent news article, Thor Solberg was reported as saying, quote, "I'm disappointed that [the Township] ignored my requests to have a meeting so that we could discuss this as neighbors, as fellow citizens, in order to arrive at a solution." We have had those kinds of informal meetings, "as neighbors," for thirty years. Readington residents have repeatedly voted for steps toward more formal discussions, literally at every opportunity. And I am disappointed that, as far as formal negotiations are concerned, it is Mr. Solberg who has recently ignored several invitations from the Township and Township's legal counsel to come to the table.

But that is the next step we are seeking, and that is what this ordinance will make possible. And I am heartened by Thor's statement in the same report that, quote, "everything is on the table for negotiation." This ordinance makes those negotiations possible.

Let me say a few words about what this ordinance is not. The ordinance does not specify an offer price, and does not convey any rights to the Township. Before any transfer of rights can occur, the Township must approve independent appraisals of the property, extend a formal offer to the Solbergs guided by such appraisals, and pursue good-faith negotiations for a voluntary conveyance should the owners reject the formal offer.

Also, this ordinance does not initiate a taking under eminent domain. Condemnation could only be employed, by law, should bona fide negotiations fail. Indeed, the ordinance explicitly highlights the continuing hope and preference of the Township Committee to arrive at a voluntary conveyance at an appropriate price — a price guided, as we must be, by fair and up-to-date independent appraisals of the value of the property and other rights under consideration.

We should have independent appraisals available to review soon, and we will be notifying you about that once we have them in hand. By that time, it is reasonable to expect — and it is our duty as elected officials to deliver — some kind of forward motion on this issue. After more than thirty years, that is not rushing anything. It is simply the willingness to bring some reality into the process.

Readington needs something else at this point. We all need a measure of healing. I've been gratified when we've been able to explain why we are pursuing the course we've chosen, and why we think it represents the best possible course to protect Readington's interests and priorities. But I also know that some have always disagreed. They've disagreed in a way that is principled, reasonable and honest. To those of you tonight who may disagree, I thank you for making this a fairer and better process. And I promise that this process will continue to provide opportunities for all side to be heard.

In summary, let me reiterate that the Township's purpose is to make future negotiations more transparent, productive and conclusive than those that have gone before, and to bring some resolution to an issue that has concerned residents of our Township for over thirty years. As ever, our goal is not to acquire the airport, but to further Readington's long-stated priorities including protection of Readington's natural resources, open spaces and community character.

***NEW BUSINESS:***

1. ***Amendment to Open Space Advisory Board Ordinance*** - consideration.

The following ordinance was offered for introduction:

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

**Ordinance #26-2006**

***Amendment to Open Space Advisory Board Ordinance – continued:***

**BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey, that Chapter 38 of the Code of the Township of Readington, pertaining to the Open Space Advisory Board is amended to provide new sections as follows:

**SECTION 1.** The following new Section is provided as follows:

**Section 38-5 Alternate Members.**

A. Number: Two (2) alternate members shall be appointed to the Readington Township Open Space Advisory Board.

B. Appointment by Township Committee: The alternate members shall be citizens of the township of Readington, appointed by a majority vote of the Readington Township Committee. The alternate members shall be designated at the time of appointment by the Township Committee as AAlternate No. 1@ and AAlternate No. 2.@

C. Term. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members first appointed shall be two (2) years for Alternate No. 1 and one (1) year for Alternate No. 2 so that the terms of not more than one (1) alternate member shall expire in any one (1) year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

D. Conflict of Interest.

An alternate member shall not be permitted to act on any matter in which the alternate member has either directly or indirectly any personal or financial interest.

E. Removal from Office.

An alternate member may, after public hearing, if the alternate member requests one, be removed from office by the Township Committee for cause.

F. Voting.

An alternate member may participate in discussions of the Readington Township Open Space Advisory Board, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member vote instead of an alternate member. In the event a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

**SECTION 2.** This ordinance supersedes any ordinances, sections or portion(s) of Chapter 38 of the Readington Township Code or any other Township ordinance inconsistent herewith.

**SECTION 3.** This ordinance shall become effected immediately upon publication according to law.

**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. Gatti	-	Aye
Mayor Shamey	-	Aye

Public Hearing was scheduled for Monday, July 17, 2006 at 8:00 p.m.

***Block 43, Lot 13 (Gilliam & Bianco) - acceptance of drainage easement – continued:***

2. ***Block 43, Lot 13 (Gilliam & Bianco) - acceptance of 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 43, LOT 13 FOR DRAINAGE PURPOSES ON KOSCIUSZKO ROAD IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM DAVID A. GILLIAM AND AURORA BIANCO GILLIAM, HIS WIFE AND ATTILIO BIANCO AND ASSUNTA BIANCO, HIS WIFE***

**Ordinance #27-2006**

***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 .27 acres on a portion of Block 43, Lot 13 which easement has been dedicated to the Township by David A. Gilliam and Aurora Bianco Gilliam, his wife; and Attilio Bianco and Assunta Bianco, his 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 Easement will allow the Township to install, improve and/or maintain needed stormwater management facilities on Kosciuszko Road and on Block 43, Lot 13 as part of the public road improvement project the Township is undertaking on Kosciuszko Road.

**SECTION 2.** This easement is being acquired pursuant to *N.J.S.A. 40A:12-3, 4 and 5 et seq.* 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 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 Mr. Gatti to introduce this Ordinance, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

Public Hearing was scheduled for Monday, July 17, 2006 at 8:00 p.m.

3. ***Review of Traffic Light Cycle*** at intersection of Route 22 & County Line Road.

Mayor Shamey asked that this matter be referred to the Police Department for review and recommendation.

4. ***Anderson House*** B request to hang Seafood Festival banners at the intersection of Route 523 & West Woodschurch Road, Route 523 & Route 22 near the King=s Market Complex and on Old Highway 28 in front of the Ryland Inn.

***A MOTION*** was made by Mrs. Allen to approve Anderson House=s request to hang Seafood Festival banners at the intersection of Route 523 & Route 22 near the King=s Market Complex and on Old Highway 28 in front of the Ryland Inn. This motion was

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

***NEW BUSINESS – continued:***

5. ***Circelli Construction, Inc.*** - renovations to Eversole Hall House/payment #1.  
This item was addressed under the Consent Agenda.
6. ***Knights of Columbus #6930*** - application for raffles license.  
This item was addressed under the Consent Agenda.
7. ***Application for Social Affairs Permit*** - Or Chadash Reform Temple of Hunterdon County (July 28<sup>th</sup> - July 30, 2006).  
This item was addressed under the Consent Agenda.
8. ***Bond Ordinance/Block 63, Lots 12 & 13 (Accettola)*** - introduction.

The following ordinance was offered for introduction:

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

**Ordinance #28-2006**

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 as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$840,000, including the sum of \$42,000 as the down payment required by the Local Bond Law. The down payment is now available from the Capital Improvement Fund.

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 \$798,000 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 acquisition of property known as Block 63, Lots 12 and 13 (Owner: Accettola) on the tax maps of the Township, including all related costs and expenditures incidental thereto.

(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

***Bond Ordinance/Block 63, Lots 12 & 13 (Accettola) – continued:***

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 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$798,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$30,000 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.

***Bond Ordinance/Block 63, Lots 12 & 13 (Accettola) – continued:***

Section 10. The Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as the case may be, are authorized pursuant to *N.J.S.A. 40A:12-1 et seq.*, and any other applicable law, to prepare and sign any and all necessary documentation to effectuate the acquisition as described herein, concerning the property known as Block 63, Lots 12 and 13 (Owner: Accettola), including, but not limited to, any contracts and amendments thereto and all closing documents needed to complete the purchase.

Section 11. 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. Allen to introduce this Ordinance, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

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

Public Hearing was scheduled for Monday, July 17, 2006 at 8:00 p.m.

**ADMINISTRATOR=S REPORT:**

Written report submitted.

As Administrator Mekovetz was not in attendance, no further report was given.

**ATTORNEY=S REPORT:**

Written report submitted.

Attorney Dragan said the closing on the Hanna property was held last week and the closing on the Pagano property is scheduled for Friday.

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

**ENGINEER=S REPORT:**

Written report submitted.

Mr. O'Brien said work on the bikeway has been delayed due to weather conditions, but will begin sometime next week. Work on Mill Road has also been delayed due to weather.

Mr. O'Brien said his office is waiting for the NJDOT to provide a date to schedule a meeting to discuss the library commuter parking lot.

Mr. O'Brien said he had nothing further to report at this time.

**COMMITTEE REPORTS:**

**1. Gerard Shamey:**

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

**2. Julia Allen:**

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

Mrs. Allen said in reviewing Township ordinances, the Planning Board discovered that the Stream Corridor ordinance does not include a map. Planner Michael Sullivan is working on drafting a map for inclusion in this ordinance.

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

**COMMITTEE REPORTS – continued:**

**3. Thomas Auriemma:**

As Mr. Auriemma was not in attendance, no report was given.

**4. Frank Gatti:**

**a. Finance Department**

**1. Payment of the Bills.**

This item was addressed under the Consent Agenda.

**b. Police Department**

Mr. Gatti said the applications for the Sergeant=s exam have been completed. He suggested that the Committee interview the candidates prior to the next meeting on July 17<sup>th</sup>.

All agreed that the July 17<sup>th</sup> Committee meeting should start at 5:30 p.m.

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

**5. Beatrice Muir:**

As Mrs. Muir was not in attendance, Mr. Shamey read the following:

Re: Update on Health Related Activities  
Date: July 3, 2006

- Chairman Bill Nugent and Board of Health Secretary Lorraine Petzinger have been attending and participating in all Emergency Management Meetings.
- Vice Chair Jane Butula and member, Wendy Sheay and Secretary Lorraine Petzinger have attended the Hunterdon County Department of Health meetings on Pandemic Flu preparations in November 2005 and June 2006. The theme is *self-preparation and self-responsibility*.
- Jane Butula is now proceeding with the following plans:
  - a. Preparing a presentation to the whole Board of Health on July 19, 2006 with Joel Kerwin present. Members of the Committee are invited.
  - b. Met with Vita Mekovetz on 6/29 to update her on Board activities.
  - c. Arranged to have three links put on first page of Township web site (to County Health Department and federal Pandemic site) so residents can obtain up-to-date information on Avian Flu and lists to help with preparations.
  - d. Literature and lists are at the front desk of the Municipal Building.
  - e. Meeting with Joel Kerwin on July 5th to coordinate information.

- f. Writing an informational article for township newsletter.
- Currently arranging a meeting for September with the faith based organizations and volunteer groups in Readington to educate and begin arrangements for home support groups. Guest speakers will be Diane Clapp, Joel Kerwin and a member of the Hunterdon County Board of Health. The Committee will be sent an invitation.

**COMMENTS FROM THE PUBLIC:**

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

**COMMENTS FROM THE GOVERNING BODY:**

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

**ADJOURNMENT**

As there was no further business, a motion was made by Mr. Gatti at 9:25 p.m., seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Patti Jo McConnell, RMC  
Deputy Municipal Clerk