

**READINGTON TOWNSHIP COMMITTEE
MEETING – June 6, 2011**

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

PRESENT: Mayor F. Gatti, Deputy Mayor T. Auriemma, Mrs. J. Allen, Mrs. B. Muir
Mrs. D. Simon

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan, Engineer R. O'Brien

ABSENT: None

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 Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

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

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Recreation.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
126 Buttercup Court.....	Contract Negotiations.....	“ “ “
Personnel / OPRA.....	Attorney-Client Privilege.....	“ “ “
Executive Session Minutes..... •May 16, 2011	Attorney-Client Privilege.....	“ “ “
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).....	Litigation.....	“ “ “

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

2. This Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Muir to adopt this resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

Mayor Gatti led those present in the *Salute to the Flag*.

Executive Session:

Personnel / Recreation Department

A **MOTION** was made by Mrs. Allen to accept the letter of retirement from Greta Kenney, effective June 30, 2011 and to send a letter thanking her for her 24 years of service, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

A **MOTION** was made by Mr. Auriemma to advertise for the vacancy of the position of Director of Recreation, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

Contract Negotiations / 126 Buttercup Court

A **MOTION** was made by Mrs. Muir to amend the contract to extend the mortgage commitment date from May 16 to June 7, 2011, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Attorney –Client Privilege / Personnel / OPRA

Mayor Shamey stated that this matter remains in Executive Session.

Attorney –Client Privilege / Executive Session Minutes (May 16, 2011)

A **MOTION** was made by Mrs. Allen to approve the Executive Session Minutes of May 16, 2011 for content only, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Gatti stated that this matter remains in Executive Session.

PRESENTATION - Award of Bronze 2010 Sustainable Jersey Certification

Carol Hoffman, from the Sustainable Jersey Committee, presented Readington Township with an award for achieving Bronze 2010 Sustainable Jersey Certification.

CONSENT AGENDA:

Mayor Gatti read the following statement:

All items listed with an asterisk “*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- * 1. **APPROVAL OF MINUTES** of meeting of February 28, 2011, March 17, 2011 and May 16, 2011

- * 2. ***Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into a Stipulation of Settlement Relative to the Tax Appeal Captioned Robert & Susan Brandell vs. Readington Township, Tax Court of New Jersey, Docket No. 010457-2010***

The following resolution was offered for consideration:

#R-2011-53

***TOWNSHIP OF READINGTON
RESOLUTION***

RESOLUTION AUTHORIZING THE SPECIAL TAX COUNSEL FOR THE TOWNSHIP OF READINGTON TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEAL CAPTIONED ROBERT & SUSAN BRANDELL VS. READINGTON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NO. 010457-2010.

WHEREAS, Robert & Susan Brandell ("Taxpayers"), the owners of Block 45, Lot 25.42 on the Township of Readington's Tax Assessment Maps, commonly known as 12 Overlook Road ("Property"), filed an appeal of their 2010 tax assessment in the Tax Court of New Jersey, Docket No. 010457-2010; and

WHEREAS, the Township Committee of the Township of Readington met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Special Tax Counsel; and

WHEREAS, the Assessor has inspected the property and reviewed the relevant market and has determined that the assessment on the Property should be reduced; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon Taxpayers' Property; and

WHEREAS, the 2010 total tax assessment, based upon said reduction will be \$950,000 instead of \$1,067,200 for the Property; and

WHEREAS, Taxpayers have agreed to waive interest on any refunds; and

WHEREAS, Taxpayers agree that the Freeze Act not apply to the Judgment to be entered by the Tax Court pursuant to the Stipulation of Settlement for the 2011 tax year; and

WHEREAS, Taxpayers, their successors and assigns have further agreed to waive any right it may have to file an appeal of the 2011 assessment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Township of Readington's Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reductions have no general application to other properties within the Township of Readington as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Readington Township's taxpayers' request for tax assessment reduction; and

WHEREAS, the Township Committee has reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

Resolution #R-2011-53 cont'd:

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

1. The Township of Readington's Tax Assessor is hereby directed to establish allocation between land and improvements of a \$117,200 total tax assessment reduction for the 2010 tax year which is most beneficial to the Township of Readington and advise the Special Tax Counsel of that allocation.
2. The Special Tax Counsel is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Robert & Susan Brandell, Docket No. 010457-2010 which reduces the total tax assessment on Block 45, Lot 25.42 from \$1,067,200 to a reduced total tax assessment of \$950,000 for the 2010 tax year; which further provides that Mr. and Ms. Brandell waive interest on any refunds; and which further provides that the Freeze Act shall not be applicable to the 2010 Judgment for the 2011 tax year; and provides that Mr. and Ms. Brandell, their successors and assigns further agreed to waive any right it may have to file an appeal of the 2011 assessment; and acknowledge that the Township has entered into this Settlement in part in consideration for this waiver; and that the allocations between land and improvements as established by the Township Tax Assessor shall be set forth in said Stipulation of Settlement.
3. The settlement outlined above shall be without prejudice to the Township of Readington's dealings with any other Township taxpayers' request for tax assessment reductions.

- * 3. ***Grant Agreement between Readington Township and the State of New Jersey by and for the Department of Environmental Protection (Grant Identifier : PF11-095)***

The following resolution was offered for consideration:

#R-2011-54

GRANT AGREEMENT BETWEEN READINGTON TOWNSHIP AND STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (GRANT IDENTIFIER : PF11-095) RESOLUTION

The governing body of the Township of Readington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project:

2011 Green Communities Grant
Community Forestry Management Plan

Therefore, the governing body resolves that Frank Gatti or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000 and not more than \$3,000 and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Township of Readington authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified. 50% of the match will be made up of in-kind services.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

- * 4. **Resolution Authorizing Morris County Cooperative Purchases**
(International Truck Cab/Chassis Dump Truck & Additional Equipment)

The following resolution was offered for consideration:

#R-2011-55

**TOWNSHIP OF READINGTON
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE
PURCHASES**

WHEREAS, the Township of Readington wishes to purchase one (1) International Truck Cab/Chassis and additional equipment of a body, spreader, hydraulics and plow from an authorized vendor under the Morris County CO-OP Purchasing Program and

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

WHEREAS, Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601 has been awarded Morris County CO-OP Purchasing Program Contract No. # 15-C for the Cab/Chassis Dump Truck (item #13) for a period of eleven (11) months to expire August 31, 2011; and

WHEREAS, Cliffside Body Corporation, 130 Broad Avenue, Fairview, NJ 07022 has been awarded Morris County CO-OP Purchasing Program Contract No. # 15-D (item #3) for the Dump Truck body, spreader, hydraulics and plow to be additional equipment for the trucks for a period of eleven (11) months to expire August 31, 2011; and

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

WHEREAS, the actual cost for the purchase of (1) Cab/Chassis Truck and the additional equipment of the body, spreader, hydraulics and plow is expected not to exceed \$150,000; and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Deluxe International Trucks, Inc. be awarded a contract for the International Truck Cab/Chassis and Cliffside Body Corporation be awarded the contract for the additional equipment of body, spreader, hydraulics and plow; and

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

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

- * 5. **Resolution Authorizing Morris County Cooperative Purchases**
(Chemung Supply Corp. / Drainage Pipe)

The following resolution was offered for consideration:

R-2011-56

**TOWNSHIP OF READINGTON
RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES**

Resolution #R-2011-56 cont'd:

WHEREAS, the Township of Readington wishes to purchase drainage pipe from an authorized vendor under the Morris County Cooperative Purchasing Program; and

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

WHEREAS, Chemung Supply Corp., P.O. Box 527, Elmira, New York 14902-0527 has been awarded Morris County Cooperative Contract No. #7 for drainage pipe for the period one (1) year, January 1, 2011 – December 31, 2011; and

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$120,000.00;

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Chemung Supply Corp. be awarded a contract for drainage pipe; and

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

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

* 6. **Resolution for Certification of Availability of Funds after Adoption of 2011 Budget**

The following resolution was offered for consideration:

#R-2011-57

**TOWNSHIP OF READINGTON
RESOLUTION**

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds are available for the following professional contracts for the year 2011: (All are provided for in the 2011 municipal budget unless otherwise noted) This Resolution replaces the following Resolutions adopted during the Temporary Budget term:

- #2010-139 Valerie Kimson, Esq.
- #2010-140 JWS Computer Services
- #2010-141 Animal Control Solutions
- #2011-15 Suplee, Clooney & Co.
- #2011-16 Robert Ballard, Prosecutor
- #2011-17 Fischer and Phillips
- #2011-18 Martin Allen, Tax Attorney
- #2011-19 McManimon and Scotland
- #2011-20 Hatch Mott McDonald
- #2011-21 Princeton Public Affairs Group
- #2011-22 Gebhardt and Kiefer
- #2011-23 Clarke Caton and Hintz
- #2011-24 Sharon Dragan, Esq.
- #2011-25 Scott Mitzner, Public Defender
- #2011-26 Connell Foley

Resolution #R-2010-57 cont'd:

- #2011-27 Anthony Rotunno, Esq., Alt. Public Defender
- #2011-28 Advanced Engineering Inspections Services
- #2011-29 Princeton Hydro
- #2011-30 Britt Simon, Esq., Alt. Public Defender

* 7. **Release of Escrow** - J. Fletcher Creamer & Son Inc. (Police escrow)

* 8. **Tax Refund** (Block 22, Lot 6)

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the U.S. Department of Veterans Affairs has determined that the property owner of Block 22, Lot 6 is a 100% permanently disabled veteran (date of determination – September 11, 2009) and,

WHEREAS, the property owner purchased the property on May 26, 1981.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Tax Collector be authorized to cancel the 2011 property taxes and refund the owner \$10,440.39, the amount of property taxes paid for 2010.

* 9. **Tax Refund** (Block 73, Lot 340)

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the Readington Township Tax Collector has recommended the following refund for property taxes:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
2011 73/340	BAC Tax Services Corp.	Overpayment	\$ 1,167.23

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the amount recommended.

* 10. **Payment of Bills** – (Complete bill list is on file in Clerk's Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	0-01	\$ 13,064.00
CURRENT FUND	1-01	\$ 775,711.38
SEWER APPROPRIATIONS	1-02	\$ 153,020.78
TRUST FUNDS	X-03	\$ 13,855.35
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 108,457.37
PAYROLL DEDUCTIONS	X-06	\$ 155,081.83
REG. & LOCAL SCHOOL TAX	X-07	<u>\$2,417,944.00</u>
TOTAL OF ALL FUNDS		\$ 3,637,134.71

A **MOTION** was made by Mrs. Simon to approve the Consent Agenda, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

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

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated May 16, 2011 from Lupe Fowler, Transportation Coordinator, County of Hunterdon, Department of Human, regarding ***Hunterdon County Notice of Public Hearing / Casino Revenue Funding.*** No action taken.
2. Notice of Public Hearing from James Weinstein, Executive Director, New Jersey Transit Corporation regarding ***Fiscal Year 2011 Request for Federal Financial Assistance.*** No action taken.

OLD BUSINESS

1. ***An Ordinance Amending Chapter 204 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey to Add New Provisions Concerning the Installation, Replacement and Repair of Sidewalks***

Mayor Gatti stated that there is currently an ordinance regarding sidewalks; however, this ordinance is more comprehensive and in keeping with neighboring townships. Mrs. Muir questioned how the process would work in the event the property owner does not comply and the Township would be required take over the maintenance or repair. A discussion took place on those situations where a resident could not afford the repair.

The following ordinance was offered for introduction:

***AN ORDINANCE AMENDING CHAPTER 204 OF THE CODE OF THE TOWNSHIP OF
READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO ADD
NEW PROVISIONS CONCERNING THE INSTALLATION, REPLACEMENT AND
REPAIR OF SIDEWALKS***

Ordinance #13-2011

WHEREAS, the Township is authorized by N.J.S.A. 40:65-1, et seq. to enact ordinances regulating and providing for the construction and reconstruction, paving and repaving, curbing, and recurbing, repairing and improving of the sidewalks of the streets and highways of the municipality; and

WHEREAS, the cost of the installation and/or repair of said sidewalks and highways may be made wholly at the cost of the municipality or wholly at the cost of the owner or owners of the real estate in front of which the improvement is made, or at the cost of the municipality and such owner or owners; and

WHEREAS, the Township Committee believes that it is reasonable for the municipality to bear the cost of such sidewalk improvements in some instances and for the owner or owners of the real estate in front of the sidewalks to bear the cost of same in other instances, as more fully set forth below in this ordinance.

NOW, THEREFORE 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 204 of the Code of the Township of Readington, pertaining to streets and sidewalks is hereby amended to add the following new provisions:

SECTION 1. Article V – Sidewalks - Section 204-32. Installation of new sidewalks.

A. The governing body of Readington Township shall determine when to install new sidewalks along existing streets and roads on a case-by-case basis, taking into consideration traffic density, the nature of the street or roadway involved, including whether it is an arterial, dead-end or cul-de-sac street, pedestrian usage, proximity of existing sidewalks on neighboring roads, topography of the road and shoulder area, the width of the right-of-way and comments of property owners in the area or the public in general. The cost of installing new sidewalks on existing roads shall be borne by the Township,

B. In the matters of Land Use Development applications, the Planning Board will base its decision on whether or not to require sidewalks in connection with any application before it according to criteria and consideration set forth in Sec. 148-76C(1) and in the *Residential Site Improvement Standards*. The cost of constructing such sidewalks shall be borne by the developer.

SECTION 2. Section 204-33. Replacement of Existing Sidewalks.

A. Responsibility for Repair, Replacement and Maintenance. All repair or replacement of existing sidewalks shall be the responsibility of the owner or owners of the land abutting the sidewalk. It shall be the duty of the owner or owners of land abutting the sidewalks within the Township to maintain them in reasonable repair at the owners' proportionate costs and expense, and in accordance with the standards and specifications contained in this Chapter. If an individual property owner wishes to change the material composition of the sidewalks abutting his/her property, at his/her own cost and expense, he/she must first obtain written approval of the same from the Township.

B. Permit required. No person shall construct or reconstruct any sidewalk, or any portion thereof, without first obtaining a permit from the Township in accordance with this Chapter. The applicant shall submit detailed specifications for the design and construction of the sidewalk, and the site must be inspected by the Township prior to placement of any concrete or other walkway surfaces.

C. Report of required construction, repair, alteration, relaying or maintenance. Notwithstanding an owner's responsibility to maintain the sidewalks abutting the improvement, the Director of Public Works or Township Engineer may report to the governing body that a specific sidewalk is in need of construction, repair, alterations, relaying or maintaining due to a significant safety hazard. The governing body may require the property owner to replace or repair such sidewalk at the owner's cost and expense.

D. Municipal road improvement projects. The governing body may determine when a street or road shall be reconstructed or improved and that the construction, replacement or repair of curbs and sidewalks abutting such street or road shall be included as part of the total improvement project. The cost of

Ordinance #13-2011 cont'd:

construction, replacement or repair of curbs and sidewalks, when part of a capital improvement project involving multiple properties, will be borne by the Township.

E. Notice to owner of required improvements.

(1) The Township Committee, upon receipt of the report set forth in Sec. 204-33C above, shall determine the necessity of said improvement, and, if it deems that said improvement is necessary, shall, by resolution, cause a notice in writing to be served upon said abutting owner(s) of said lands, requiring the necessary specified work to said sidewalk to be done by said owner(s), at the owner(s) cost and expense within a period of not less than 60 days from the date of service of such notice, and a statement that unless the owner(s) complete the same within said 60 days after service, the municipality will make the improvement(s) at the expense of the owner(s). If there is more than one affected owner, the notice will contain the percentage of the cost to be borne by the owners of the abutting real estate. The governing body may, at its discretion and by resolution, extend the period of time permitted for the work to be done upon application by the affected owner(s), in writing, within the forty-five day notice period, either setting forth his/her need for said extension or requesting a hearing before the governing body stating the basis for such request.

(2) The written notice to the owner(s), as ordered by the governing body, shall be sent by certified mail, return receipt requested, by the Municipal Clerk. Whenever any said abutting lands are unoccupied and the owner cannot be found within the Township, the notice may be mailed to his/her post office address, if same can be ascertained. If the owner is unknown, or if, for any reason service cannot be made as hereinbefore directed, then the notice may be inserted for four weeks, once each week, in the newspaper designated to publish notices of Readington Township.

F. Failure to comply; fines; work to be done by the Township; costs to become lien.

(1) Notwithstanding the provisions of Sec.204-38 below, failure by the owner to comply with the written notice within the time specified or any extension pursuant to Sec.204-33E (1) shall result in the issuance of a summons in Municipal Court and a fine of \$1,000.

(2) Nothing contained herein shall be construed to relinquish a landowner's primary responsibility for the maintenance and repair of any sidewalk abutting the landowner's property.

(3) In the event the Township does the work referred to in Sec. 204-33E(1) above, in addition to the penalties set forth in this sub-section, the cost of such work shall become a lien on the property in accordance with the procedures set forth in N.J.S.A. 40:65-8 and 9, et seq.

G. Standards for performing the work.

(1) All sidewalks shall be constructed in accordance with this Chapter and in accordance with the following:

- a. New sidewalks shall be constructed on a subgrade properly prepared with a four-inch base course of No. 8 gravel or crushed stone coarse aggregate, or its approved equivalent.
- b. All driveway aprons (the portion of the driveway between the edge of the roadway pavement and the sidewalk) shall be constructed of bituminous concrete (hot-mix asphalt) pavement of the same depth and materials as the existing or proposed roadway pavement as approved by the Township Engineer or the Director of Public Works, or of concrete no less than six inches thick.
- c. Concrete sidewalk, and driveway aprons, shall be provided with transverse expansion joints one-half-inch wide, at intervals of not more than 20 feet as specified in Subsection 908.01 of the NJDOT *Standard Specifications for Road and Bridge Construction*. Transverse grooves, 1/4 the thickness of the concrete in depth, shall be cut in the sidewalk between the expansion joints at intervals equal to the sidewalk width. Concrete shall be protected and cured as specified in Subsection 607.05 of the *Standard Specifications*.
- d.

Ordinance #13-2011 cont'd:

(2) All improvements herein provided for, as nearly as practicable, shall conform to the grade and lines approved by the Township, and all work performed shall be done in a good and workmanlike manner to the standards proscribed herein and to the reasonable satisfaction of the Director of Public Works or Township Engineer. A copy of the standards may be obtained from the office of the Township Engineer.

(3) Where the construction or repair work herein provided for is performed by the Township, it shall be done under the supervision of the Director of Public Works or Township Engineer, and all materials used for said improvements where the work is done by the Township shall be inspected and approved by such supervisors.

SECTION 3. Section 204-34 Permitted Materials.

New sidewalks and areas of reconstruction or replacement of existing sidewalks shall be constructed of concrete, slate, bluestone, concrete pavers, asphalt or other construction material approved by the governing body. The Director of Public Works or Township Engineer shall have final approval of the construction material called for in the specifications of any sidewalk project. Individual property owners who wish to change the material composition of sidewalks abutting their property, at their own cost and expense, must secure permission in writing from the governing body.

SECTION 4. Section 204-35 Width.

The width of all sidewalks in residential areas shall be four feet, unless the governing body, after reviewing professional and public input, decides that another width is appropriate. Sidewalks in commercial areas shall extend from curb to adjoining building, unless the governing body, after reviewing professional and public input, decides that another width is appropriate.

SECTION 5. Section 204-36. Maintenance; snow and ice removal.

A. Wherever an area exists between the sidewalk and curb, or between the sidewalk and property line, or both, the property owner shall be responsible for the maintenance of said area and for keeping same free of holes, weeds, rubbish and other obstructions; and all grass, weeds, rubbish and other obstructions shall be removed there from within three (3) days after notice to remove same.

B. The owner or tenant of any lands abutting the public streets and roads within the municipality shall remove all snow and ice from the abutting sidewalks within 24 hours after the same shall fall or be formed thereon.

SECTION 6. Section 204-37. Responsibility for intentional or negligent damage.

The responsibility of the Township to reconstruct, replace and repair sidewalks shall not extend to sidewalks damaged by any person, firm or corporation. The person, firm or corporation damaging any sidewalks shall be responsible for the repair of or shall pay for the repairs to any such damaged sidewalk. Any such repairs shall be made under the direction of the Director of Public Works or Township Engineer.

SECTION 7. Section 204-38. Violations and Penalties.

Any person, firm or corporation who violates Sections 204-36, 37 or any other applicable provision of this ordinance shall, upon conviction, be subject to a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days.

SECTION 8. SUPERSEDING ORDINANCE AND INCONSISTENCY. This ordinance supersedes any ordinances, sections or portions of the General Ordinances of Readington Township or any other Township ordinance inconsistent herewith, unless such Ordinance contains more stringent standards than this Ordinance, in which case, the more stringent standards shall apply. All ordinances or parts of ordinances inconsistent with this Ordinance and less stringent than the standards set forth herein are hereby repealed to the extent of such inconsistency.

SECTION 9. 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.

Ordinance #13-2011 cont'd:

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect immediately upon final adoption and publication according to the laws of the State of New Jersey.

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

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

The Public Hearing was scheduled for June 20, 2011 at 8:00 p.m.

NEW BUSINESS

1. **Proposed E-Mail** – email dated May 25, 2011 from Paula Baldwin

Attorney Dragan reviewed the points outlined in the sample written policy adopted by the Franklin Fire District (Somerset County) regarding the use of e-mails, which had been forward to Mrs. Simon by a resident, Paula Baldwin. After considerable discussion, it was the consensus of the Committee members that they were already familiar enough with their obligations under OPRA and OPMA and that it was not necessary to adopt a formal policy delineating them. In addition, it was pointed out that there are some instances where it is acceptable to delete e-mails, such as those which are transient in nature, as set forth in the NJ State DARM policy, which the Committee has previously been provided with. It was decided however, that those Committee members who would like a Township e-mail address would be provided with one. At the meeting, the Mayor indicated that he would keep his and Mrs. Simon also requested one. As in the past, Mrs. Muir indicated that she does not communicate via email.

2. **Proposed Ordinance Prohibiting the Underage Consumption and Possession of Alcohol on Private Property** – letter dated May 24, 2011 from Anthony P. Kearns, III, Hunterdon County Prosecutor

Mayor Gatti stated that he had already previously met with the Associate Executive Director of Hunterdon Prevention Resources regarding underage drinking and the prosecutor's office was seeking compliance from municipalities to adopt the proposed ordinance to address problems related to the dangers of underage drinking. Deputy Mayor Auriemma stated that he was in favor of this ordinance. Mrs. Muir expressed concern that the current situation with underage drinking and subsequent penalties are more severe now than they would be under this proposed ordinance. Attorney Dragan stated that she would like some further clarification on the language. Mayor Gatti stated that he had seen similar ordinances from various municipalities and would like to share those with the Committee and the Police Chief. The Committee agreed to bring this matter back to the next meeting.

- * 3. **Resolution Authorizing the Special Tax Counsel for the Township of Readington to Enter into a Stipulation of Settlement Relative to the Tax Appeal Captioned Robert & Susan Brandell vs. Readington Township, Tax Court of New Jersey, Docket No. 010457-2010.**

This matter was addressed under the Consent Agenda.

- * 4. ***Grant Agreement between Readington Township and the State of New Jersey by and for the Department of Environmental Protection (Grant Identifier : PF11-095) – resolution***

This matter was addressed under the Consent Agenda.

- * 5. ***Resolution Authorizing Morris County Cooperative Purchases (International Truck Cab/Chassis Dump Truck & Additional Equipment)***

This matter was addressed under the Consent Agenda.

- * 6. ***Resolution Authorizing Morris County Cooperative Purchases***

This matter was addressed under the Consent Agenda.

- * 7. ***Resolution for Certification of Availability of Funds after Adoption of 2011 Budget***

This matter was addressed under the Consent Agenda.

- * 8. ***Release of Escrow - J. Fletcher Creamer & Son Inc. (Police escrow)***

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported she had received an advisory from the League of Municipalities in opposition of requiring certain public contract bid advertisements to include certified cost estimates or estimate ranges of projected contract costs. Administrator Mekovetz stated that when the cost estimate is provided in a range, it could potentially limit the bid amounts to that range and interfere with competitiveness and asked the Committee for their consideration to adopt the resolution as recommended by the League.

The following resolution was offered for consideration:

#R-2011-58

TOWNSHIP OF READINGTON RESOLUTION OPPOSING THE PASSAGE OF A-3285

WHEREAS, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

WHEREAS, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

WHEREAS, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

WHEREAS, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

WHEREAS, A-3285 also amends the provision to reject all bids; and

Resolution #R-2011-58 cont'd:

WHEREAS, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

WHEREAS, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

WHEREAS, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

WHEREAS, these estimates tend to be in the middle of the current industry cost; and

WHEREAS, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

WHEREAS, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

WHEREAS, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Readington strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

ENGINEER'S REPORT

Engineer O'Brien reported that Branchburg is expecting to put the County Line Road project out to bid in two weeks and they hope to begin the work early August.

Engineer O'Brien reported that they are issuing a notice to proceed on the 2011 Road Reclamation.

Mrs. Allen requested Engineer O'Brien look in to the County receiving a grant for replacing a bridge over the Raritan River in Stanton Station.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti stated that Clay Mason had submitted a citizens leadership form expressing interest in the Historic Preservation Commission and recommended Clay Mason be appointed to the Historic Preservation Commission.

A **MOTION** was made by Mrs. Allen to appoint Clay Mason as 1st Alternate, for a term to expire 12/31/11, seconded by Mrs. Simon with a vote of ayes all, nays none recorded.

Mayor Gatti reported on June 24th Kimberly Costa will be presenting the 18th Century Kitchen. Mayor Gatti reported that the 5th grade students of Readington attended the Colonial Life program and on May 20th the home school association attended a program at Cole Brook School.

Mayor Gatti also reported May 21st was the first barn dance of the year at the Wade Wyckoff Barn and over fifty people had attended.

Mayor Gatti stated that through the Mayor's email he had received a request from a resident to look into the cost of *No Littering* signs in the area of Pulaski Road and Oakland Drive. The Committee stated that they were reluctant to put up the signs since that would most likely not deter the littering. The Committee agreed that they were more in favor of the possibility of an *Adopt a Road* sign and recognizing those residents that clean up the litter along the roadway.

Julia Allen

Mrs. Allen reported on May 27th and May 31st the seventh grade of Readington Middle School took walks on Readington Trails with representatives from the Open Space Committee and commended the Building and Grounds for mowing the five trails.

Thomas Auriemma

Mr. Auriemma reported that the Memorial Day Parade was another success.

Beatrice Muir

Mrs. Muir stated that she had nothing further to report.

Donna Simon

Mrs. Simon reported that Hunterdon County Shared Services Task Force met with the mayors and had a presentation regarding the Somerset Police consolidation and re-allocation to County along with a discussion on IT services and re-allocating animal control and deer carcass pick up back to the County.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

There were none.

As there was no further business, A **MOTION** was made by Mr. Auriemma at 8:50 p.m. to adjourn the meeting, seconded by Mrs. Simon with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/PPPO
Municipal Clerk