

**READINGTON TOWNSHIP COMMITTEE
MEETING – December 19, 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

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>
Police Department.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Recreation.....	Personnel.....	“ “ “
PBA Local No. 317.....	Contract Negotiations.....	“ “ “
Teamsters Local No. 317.....	Contract Negotiations.....	“ “ “
Professional Services..... γ Animal Control Solutions	Contract Negotiations.....	“ “ “
404 Dove Cote Court..... Goyo-Shields	Contract Negotiations.....	“ “ “
Developers Agreement / Homeowners Association Documents / Ridge Road Realty / Block 38, Lots 54, 74 & 75	Contract Negotiations.....	“ “ “
Executive Session Minutes..... γ December 5, 2011	Attorney-Client Privilege.....	“ “ “

Devine v. Twp. of Readington..... Litigation..... “ “ “
et al. / Docket No. HNT-L-447-06

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. Simon to adopt this resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:40 p.m.

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

Executive Session:

Personnel / Police Department

A **MOTION** was made by Mr. Auriemma to recommend Patrolman Medvetz as a permanent Patrolman after completing his one year probationary period effective December 1, 2011, 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

Personnel / Recreation

A **MOTION** was made by Mr. Auriemma to accept the resignation of John Hunt from the Recreation Committee and send him a letter of thanks for his service, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Personnel / Shared Services / Township of Bethlehem

Mayor Gatti stated that there is no action on this matter.

Contract Negotiations / PBA Local No. 317

Mayor Gatti stated that this matter remains in Executive Session.

Contract Negotiations / Teamsters Local 469 / DPW

Mayor Gatti stated that this matter remains in Executive Session.

Contract Negotiations / Professional Services / Animal Control Solutions

The following resolution was offered for consideration:

#R-2011-110

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Readington has a need to acquire Animal Control 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 \$17,500.00; and

WHEREAS, Animal Control Solutions has submitted a proposal indicating they will provide Animal Control Services at an annual rate of \$28,800.00, and a service charge of \$100.00 for each call-out between the hours of 10:00 p.m. and 6:00 a.m.; and

WHEREAS, Animal Control Solutions has completed and submitted a Business Entity Disclosure Certification which certifies that Animal Control Solutions 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 Animal Control Solutions from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer’s Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*) and will be amended to reflect the final approved funds for this purpose upon adoption/approval of the 2012 budget.

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 Animal Control Solutions as described herein; and

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

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2012; and

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

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

A MOTION was made by Mr. Auriemma to approve this resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

Contract Negotiations / 404 Dove Cote Court / Goyo-Shields

A MOTION was made by Mrs. Allen to request Attorney Dragan draft a contract for the sale of this unit in the amount of \$100,000, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

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

Contract Negotiations / Developers Agreement / Homeowners Association Documents / Ridge Road Realty / Block 38, Lots 54, 74 & 75

Mayor Gatti stated that this matter will be discussed in open session under old business.

Attorney-Client Privilege / Executive Session Minutes / December 5, 2011

A **MOTION** was made by Mrs. Allen to approve the Executive Session Minutes of December 5, 2011 for content only, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Litigation / Devine v. Township of Readington, et al. / Docket No. HNT-L-447-06

Mayor Gatti stated that this matter remains in Executive Session.

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.

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.

Mrs. Allen requested to remove Item #1 from New Business to discuss that matter separately.

- * 1. **APPROVAL OF MINUTES** of meeting of December 5, 2011
- * 2. **Tax Cancellation**

The following resolution was offered for consideration:

**READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY**

RESOLUTION

WHEREAS, the Readington Township Tax Collector recommends that property taxes owed for the following properties be cancelled for the reasons stated:

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER</u>	<u>REASON</u>	<u>AMOUNT</u>
31/37.01	Unknown	Unknown Owner	\$ 66.83
61/4.01	Unknown	Unknown Owner	181.76

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Tax Collector is hereby authorized to cancel \$248.59 from the tax records for the year 2011.

* 3. *Release of Escrow* – Hook, Joan (Block 73, Lot 3.39)

* 4. *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	1-01	\$ 857,371.20
SEWER APPROPRIATIONS	1-02	\$ 1,918.50
TRUST FUNDS	X-03	\$ 20,339.53
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 13,655.35
PAYROLL DEDUCTIONS	X-06	\$ 196,389.07
2010 CAPITAL	X-10	\$ 2,897.30
2011 CAPITAL	X-11	\$ 61,048.90
TOTAL OF ALL FUNDS		\$1,153,619.85

A **MOTION** was made by Mr. Auriemma 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.

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, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Amending Chapter 187-25 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Sewer Connection Fees

□ **Ordinance #21-2011**

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

There were none.

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

There were none.

A **MOTION** was made by Mr. Auriemma to close the Public Hearing and open the regular meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Amending Chapter 187-25 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Sewer Connection Fees

□ ***Ordinance #21-2011***

A ***MOTION*** was made by Mr. Auriemma to adopt this ordinance, 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

A ***MOTION*** was made by Mr. Auriemma to adjourn the regular meeting to open the Public Hearing, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Authorizing Modification of the Approved Acquisition of Certain Rights in Certain Property in the Township of Readington Block 48, Lots 23, 23.01 and 23.02; Block 55, Lots 33 and 33.01; Block 56, Lots 3.01, 3.02 and 6; Block 67, Lots 2 and 2.01

□ ***Ordinance #22-2011***

Mayor Gatti stated that this ordinance would authorize a new offer to Solberg Aviation with a modification of the Township's plan to acquire certain rights to the Solberg property in light of the August 2009 Superior Court Appellate decision. Mayor Gatti stated that this would be a fee simple purchase of 215.67 acres of land which is that portion of open space parcel that lies beyond the airport safety zone and a purchase of development rights to 408.52 acres of land which is that portion of open space parcel that falls within the airport safety zone.

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

There were none.

Mayor Gatti asked if there were any comments from the Public.

There were none.

A ***MOTION*** was made by Mr. Auriemma to close the Public Hearing and open the regular meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Authorizing Modification of the Approved Acquisition of Certain Rights in Certain Property in the Township of Readington Block 48, Lots 23, 23.01 and 23.02; Block 55, Lots 33 and 33.01; Block 56, Lots 3.01, 3.02 and 6; Block 67, Lots 2 and 2.01

□ ***Ordinance #22-2011***

A ***MOTION*** was made by Mr. Auriemma to adopt this ordinance, 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

CORRESPONDENCE / OTHER INFORMATION

1. Legal Notice from Donna P. McCutcheon, Planning Board Clerk, Township of Branchburg regarding *Notice of Public Hearing on Land Use Element of the Master Plan*. No action taken.
2. Letter from Jay F. Kelly, Ph.D., Member of Readington Township Environmental Commission dated December 8, 2011 to Honorable Sean Kean regarding *Opposition of Senate Bill S1954*.

Mrs. Allen stated that she had suggested to Jay Kelly, who was in agreement, that a letter also be sent to members of the legislature. Mrs. Muir also suggested that the letter be sent to other municipalities that have state owned forest parklands within their boundaries.

A MOTION was made by Mrs. Allen to send a letter to members of the legislature and also those identified municipalities that have state owned forest parklands, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

3. Letter dated December 8, 2011 from Lawrence E. Sweeney, Director, Rates & Regulatory Affairs, NJ regarding *the Matter of the Verified Petition of Jersey Central Power & Light Company for the Review and Approval of Costs Incurred for Environmental Remediation of Manufactured Gas Plant Sites Pursuant to the Remediation Adjustment Clause of its Filed Tariff*. No action taken.

OLD BUSINESS

1. *Developers Agreement / Homeowners Association Ridge Road Realty Block 38, Lots 54, 74 & 75*

Lloyd Tubman, Esq. was present on behalf of Ridge Road Realty. She stated that on the vacation of Sophie Street there is a small piece where Pearl Street abuts the extension of Sophie Street which would remain in Township ownership. Attorney Tubman stated that the paper street was created by a subdivision and requested that the Township only vacate those portions adjacent to approved lots so the portions may merge into the lot. Attorney Dragan requested that Engineer O'Brien review the map for his approval and advised that although it was too late in the year for the Committee to introduce an ordinance this year, it could be resolved to introduce the ordinance in January.

A MOTION was made by Mrs. Allen to introduce an ordinance in January to vacate a portion of Sophie Street, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Attorney Tubman stated that there are three bonding obligations under the Planning Board approval. One of the obligations is to bond for the materials of the pedestrian walkway in the amount of \$31,830 and the Township would be responsible for obtaining the necessary permits/approvals and construct the walkway. Attorney Tubman continued that there is an obligation to post the bond for the widening of the Ridge Road frontage in the amount of \$22,000 and the developer is amendable to the Committee's proposal of the longer term of ten (10) years from the issuance of the last certificate of occupancy. Attorney Tubman further stated the Planning Board Engineer determined that the widening of Sophie Street was necessary because of the subdivision and no certificates of occupancy can be obtained unless the on/off site improvements necessary for safety are completed. Attorney Tubman reported the bond for Sophie Street is \$31,125 for materials, of which the pro rata share is 50% of materials, and the developer is requesting the release of the bond after ten (10) years if the Township has not widened Sophie Street. The Committee discussed their recommendation

to wait to release the bond after the tenth certificate of occupancy is issued and agreed to reduce the term.

A MOTION was made by Mrs. Allen to amend the Developers Agreement for the release of the improvement bond from ten (10) certificate of occupancies to five (5) certificate of occupancies, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Attorney Tubman stated that the final item which needs to be addressed is the ability to increase the amount of bonds over time due to passage of time and cost of materials. Attorney Tubman stated that this is specified in the land use law as 120% of the estimate of cost of improvement as approved by the Township engineer and the bonds must be posted at the time of final subdivision approval. Attorney Dragan stated some of the figures were already written in the Developers Agreement even though final subdivision approval has not been granted yet. Attorney Tubman agreed to hold the Developers Agreement until they have received final subdivision approval and the final amounts will be determined at that time.

NEW BUSINESS

1. ***Resolution Authorizing State Contract Purchase under Cranford Township CO-OP Purchasing Program*** (Ford Police Interceptors - \$107,000)

Mrs. Allen stated she would like to have a discussion on the subject of tinted windows in the police cars since the majority of townships don't have tinted windows in their police cars. Mayor Gatti stated that he has spoken with the Chief of Police on this matter in the past and supports his decision on the necessity of tinted windows. Mrs. Simon questioned the need for four (4) police interceptors for the police department. Administrator Mekovetz stated one of the cars is funded through the DEA funds and the remaining three have already been budgeted for 2011. Mrs. Muir wanted to know if there was a balance in the DEA funds and also what the future plans would be for those funds. Mrs. Simon stated that there are grants available for the mobile visions recording system and asked if the Chief had looked into this. A discussion ensued on the purchase of the vehicles and the Committee determined that before voting they needed more information on whether additional accessible funds were available. This matter was deferred to the December 27th meeting.

- * 2. ***Release of Escrow*** – Hook, Joan (Block 73, Lot 3.39)

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that there will be information forthcoming for the "My Republic Rewards" program in the January issue of the Readington News along with information posted on the website by early next week.

Mrs. Allen stated that the Principal of Three Bridges School requested the Committee to arrange for a cart for the "My Republic Rewards" program at the school so that she could introduce this to the children as part of their "Go Green" program.

Administrator Mekovetz wished everyone a Happy Holiday!

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti stated that he had nothing further to report.

Julia Allen

Mrs. Allen reported that there will be a Sewer Advisory Committee meeting the second week in January.

Mrs. Allen also reported the Open Space walk took place yesterday up Cushetunk Mountain and along the ridge.

Tom Auriemma

Mr. Auriemma stated that he had nothing further to report.

Beatrice Muir

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

Donna Simon

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

COMMENTS FROM THE PUBLIC

Betty Ann Fort commented on the tinted windows of the police cars and asked the Committee to consider not tinting the windows on the proposed new vehicles.

John Kalinach, Whitehouse Station, commented that he favored a distinction on the types of police vehicles that use tinted windows.

Mr. Kalinach also expressed that he felt that recycling should not be emphasized as part of the school curriculum.

Mr. Kalinach congratulated on the Committee on the amended Solberg ordinance.

COMMENTS FROM THE GOVERNING BODY

Mrs. Allen stated there is a draft resolution before the Committee regarding the proposed legislation on commercial logging of state forested lands and asked the Committee to consider passing the resolution. Mrs. Allen suggested attaching to the resolution a letter by Emil DeVito and signed by 37 PhD scientists across the state stating that this is detrimental to the forest. Mrs. Allen also requested mailing the letters to legislators and towns in Morris, Hunterdon and Somerset Counties. Mrs. Muir recommended some corrections to the resolution which the Committee agreed upon.

The following resolution was offered for consideration:

#R-2011-111

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS State Legislators are considering a bill that would open New Jersey's prized State owned lands to commercial logging, (S1954/A4358, Forest Harvest on State Lands), and

WHEREAS New Jersey's State Lands, including its Parks, Wildlife Management Areas and forested Green Acres Lands have been set aside for conservation and recreation purposes, and

WHEREAS these forested State lands were paid for and preserved with the support of a trusting public which assumed they would be protected from commercial exploitation, and

WHEREAS the towering hardwood trees growing in our State parks and forests contribute a far greater ecological and recreational value to the citizens of the State than they would if they were to be cut and sold as commercial lumber, and

WHEREAS according to information provided by the DEP, at the end of the five-year contract for the proposed Forest Harvest Program, a \$2.7 million net operating deficit is projected due to the high cost of oversight, and

WHEREAS commercial logging is likely to cause damage to roads, streams, and drainage swales in State lands that will cost money to restore and cause soil compaction and disturbance of the fragile ecosystem on the forest floor that will be impossible to restore, and

WHEREAS 37 PhD biologists, forest scientists, and ecologists from across the State have signed onto a letter in opposition to this Bill, agreeing that commercial timber harvesting would be detrimental to the public forests, and

WHEREAS this bill does not properly address the most serious threat to today's forests; that common hardwood species such as oaks, hickory, poplar and birch among others, are not regenerating due to high deer densities, and

WHEREAS, because of high deer densities, openings in the forest canopy, occurring as a result of timber harvesting, are colonized not by young hardwood trees, but by noxious weeds, typically vines, briars, and invasive plants from Asia, and

WHEREAS opening State lands to commercial logging would be detrimental to the flora and fauna, including the threatened and endangered species, that presently inhabit these lands;

NOW THEREFORE BE IT RESOLVED, that the Readington Township Committee hereby finds and declares that the commercial exploitation of public lands that have been set aside for conservation and recreation purposes is a betrayal of the public trust, and

BE IT FURTHER RESOLVED, that the Readington Township Committee urges the legislators of the State of New Jersey to vote NO to S1954/A4358 Forest Harvest on State Lands.

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

Mayor Gatti wished everyone a Happy Holiday!

As there was no further business, **A MOTION** was made by Mr. Auriemma at 9:15 p.m. to adjourn the meeting, seconded by Mrs. Allen with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO
Municipal Clerk