

**READINGTON TOWNSHIP COMMITTEE  
MEETING – November 2, 2015**

Mayor Fort *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 B. Fort, Deputy Mayor T. Auriemma, Mr. J. Broten, Mrs. M. Duffy and Mr. S. Tropello

**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**

<b><u>Subject Matter</u></b>	<b><u>Basis Of Public Exclusion</u></b>	<b><u>Date Anticipated When Disclosed to Public</u></b>
Three Bridges Library.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
Historic Preservation / Museum..... Committee	Personnel.....	“ “ “
Municipal Court.....	Personnel.....	“ “ “
Public Works Employee / Local 469....	Contract Negotiations.....	“ “ “
Building & Grounds / Local 469.....	Contract Negotiations.....	“ “ “
Municipal Services Agreement / ..... Country Classics	Contract Negotiations.....	“ “ “
Haypress Cemetery.....	Contract Negotiations.....	“ “ “
Executive Session Minutes..... • October 19, 2015	Attorney-Client Privilege.....	“ “ “
Affordable Housing.....	Potential Litigation.....	“ “ “

388 Readington Realty Holdings, LLC... Litigation..... “ “ “  
vs. Township of Readington

Block 48, Lot 23; Block 55, Lot 33;  
Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2  
(Solberg Aviation)..... Litigation..... “ “ “

Ryland Developers LLC..... 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 Mr. Broten to adopt this resolution, seconded by Mrs. Duffy with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:50 p.m.

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

**Executive Session:**

**Personnel / Three Bridges Library**

A **MOTION** was made by Mrs. Duffy to hire Megan McCoy as the part-time Librarian Assistant at a rate of \$14 per hour for approximately 15-18 hours per week, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

- Mr. Auriemma - Aye
- Mr. Broten - Aye
- Mrs. Duffy -Aye
- Mr. Tropello - Aye
- Mayor Fort - Aye

**Personnel / Historic Preservation Commission/ Museum Committee**

A **MOTION** was made by Mr. Auriemma to accept the resignation of James Horvath from the Historic Preservation Commission and Museum Committee and send him a letter of thanks for his service, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

**Personnel / Municipal Court**

The following resolution was offered for consideration:

**#R-2015-124**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**BE IT RESOLVED**, in accordance in N.J.S.A. 2B:12-11E, that Kimberly Marino be appointed Court Administrator for the Township of Readington for the period of September 2, 2015 through September 1, 2016.

A **MOTION** was made by Mrs. Duffy to adopt this resolution, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Broten - Aye  
Mrs. Duffy -Aye  
Mr. Tropello - Aye  
Mayor Fort - Aye

***Contract Negotiations / Public Works Employees / Teamsters Local No. 469***

Mayor Fort stated that this matter remains in Executive Session.

***Contract Negotiations / Building and Grounds / Teamsters Local No. 469***

Mayor Fort stated that this matter remains in Executive Session.

***Contract Negotiations / Municipal Services Agreement / Country Classics***

A **MOTION** was made by Mrs. Duffy to approve the Municipal Services Agreement with Country Classics beginning January 1, 2016, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Broten - Aye  
Mrs. Duffy -Aye  
Mr. Tropello - Aye  
Mayor Fort - Aye

***Contract Negotiations / Haypress Cemetery***

Alan Harwick, on behalf of the Historic Preservation Commission, stated David Reading approached the Commission with a proposal to use the services of the Mt. Amwell Project to voluntarily maintain historic cemeteries and preserve headstones throughout the area.

A **MOTION** was made by Mrs. Duffy to authorize Attorney Dragan to prepare a Maintenance Agreement with the Mt. Amwell Project, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

***Attorney-Client Privilege / Executive Session Minutes / October 19, 2015***

A **MOTION** was made by Mrs. Duffy to approve the Executive Session Minutes of October 19, 2015 for content only, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

***Potential Litigation / Affordable Housing***

Mayor Fort stated that this matter remains in Executive Session.

***Litigation / 388 Route 22 Readington Realty Holdings, LLC vs. Twp of Readington***

A **MOTION** was made by Mr. Broten to authorize Attorney Dragan to send a letter confirming that the offer of gallonage made to the the Plaintiff was rejected and is therefore withdrawn, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Broten - Aye  
Mrs. Duffy -Aye  
Mr. Tropello - Aye  
Mayor Fort - Aye

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

Mayor Fort stated that this matter was not discussed in Executive Session.

***Litigation / Ryland Developers, LLC***

Michael Sullivan, Township Planner, was present to give a brief summary of the litigation and terms of the settlement of the lawsuit which would require a zoning change on the properties permitting the development of thirty nine (39) single family homes and the preservation of approximately seventeen (17) acres of open space and agricultural land in addition to requiring an amendment to the wastewater management plan and sewer service area.

The following resolution was offered for consideration:

***#R-2015-125***

***TOWNSHIP OF READINGTON RESOLUTION  
APPROVING SETTLEMENT BETWEEN  
RYLAND DEVELOPERS AND THE TOWNSHIP OF READINGTON***

***WHEREAS***, on or about August 25, 2009, Ryland Developers (“plaintiff”), owner of Block 14, Lots 29.02 and 29.03 in the Township of Readington (the “subject property”) filed suit in the Law Division of the Superior Court of New Jersey against the Township of Readington (“Readington”), Docket No. HNT-L-496-09 (“Lawsuit”), challenging the VH, SC-4 and AR Zones, alleging spot zoning and inverse spot zoning, alleging an inverse condemnation/taking, alleging constitutional violations, alleging violation of the Permit Extension Act, and alleging contract claims regarding the allocation of sewer capacity and the removal of Block 14, Lot 29.02 from the Sewer Service Area and seeking certain damages and attorney fees; and

***WHEREAS***, the plaintiff hired planners, hotel experts and engineers to support its position that the zoning of its property was improper and the Township obtained a report from its Planner supporting the zoning; and

***WHEREAS***, the plaintiff had previously assigned to it sewer capacity in the amount of 30,125 gallons per day for the subject property, and

***WHEREAS***, plaintiff asserted existing rights to a previously secured approval to construct an office complex in two buildings having a total floor area square footage of about 300,000 square feet and plaintiff asserted that approval was protected by the Permit Extension Act, although this position was contested by Readington; and

***WHEREAS***, at the request of the Superior Court and at other times the parties engaged in negotiations wherein the plaintiff sought approval to construct on the property a number of different development proposals, including a large number of townhouses, an assisted living facility and an office complex of approximately three hundred thousand square feet; and

***WHEREAS***, the Superior Court scheduled trial in this matter for May 19, 2015; and

***WHEREAS***, the parties engaged in extensive negotiations to develop a settlement that achieved the goals of the Township Master Plan, but allowed development of the site in a reasonable fashion; and

***WHEREAS***, the salient terms of a settlement were placed on the record before the Hon. Peter A. Buchsbaum, J.S.C., on May 19, 2015, subject to certain contingencies, including, but not limited to, (a) the Parties agreeing on a Concept Plan; (b) the Parties executing a written settlement agreement; (c) the Township rezoning the subject property to implement the Concept Plan and settlement agreement; and (d) the NJDEP approving a site specific amendment to the Water Quality Management Plan returning a portion of Block 14, Lot 29.02 to the sewer service area; and

**Resolution #R-2015-125 cont'd:**

**WHEREAS**, in consultation with the Township Planner and the Engineer for the plaintiff a Concept Plan was drawn up which permits 39 single-family detached homes to be constructed on the property in such a way that provides buffering from the adjacent Ryland Inn, maintains a connection to the historic village of East White House, preserves a significant portion of the tract for open space or agricultural use and involves a use which is consistent with the surrounding single-family properties; and

**WHEREAS**, the Mayor and Committee believe that the proposed settlement of the Litigation is in the best interests of the Township because it accomplishes a result that avoids development of the property for uses which are not harmonious with the surrounding properties, the continuation of litigation would involve expenditure of large sums of public funds and the possibility of uncertain results; and

**WHEREAS**, the settlement has been reduced to a writing entitled "Settlement Agreement," a copy of which is attached to this Resolution; and

**WHEREAS**, in order to accomplish the settlement and as a condition thereof, it is necessary to amend the Water Quality Management Plan for a portion of Block 14, Lot 29.02; and

**WHEREAS**, NJDEP published notice of a proposed site specific amendment to the Water Quality Management Plan for a portion of Block 14, Lot 29.02 on or around October 7, 2015; and

**WHEREAS**, in order to accomplish an amendment to the Water Quality Management Plan, it is necessary for the Township to adopt and deliver to NJDEP a resolution, in the form attached hereto, consenting to the proposed site specific amendment to the Water Quality Management Plan pursuant to *N.J.A.C. 7:15-3.4*; and

**WHEREAS**, the Township recognizes that the above-referenced amendment is an appropriate part of the settlement, but that *N.J.A.C. 7:15-3.4* requires a response from the Township prior to the other contingencies being completed; and

**WHEREAS**, the Township would also like to be protected and returned to the position it was in prior to the proposed settlement if all contingencies cannot be met and the Litigation recommences so it has prepared an agreement confirming this, known as "An Agreement Regarding Consent to Site Specific Amendment to the Water Quality Management Plan," a copy of which is attached hereto.

**Now, Therefore, Be It Resolved by the Mayor and Committee** as follows:

1. The Mayor and Clerk are hereby authorized to execute the Settlement Agreement in the form attached hereto upon execution by the plaintiff.
2. The Mayor and Clerk are hereby authorized to execute the Agreement Regarding Consent to Site Specific Amendment to the Wastewater Management Plan upon execution by the plaintiff.
3. The Mayor and Committee hereby request that the Planning Board prepare a Master Plan Re-Examination Report Amendments to the Land Use and Utility Plan Elements of the Master Plan within 45 days, the purpose of which shall be to conform the Master Plan to Concept Plan and Ordinance referred to and attached to the Settlement Agreement.

**A MOTION** was made by Mrs. Duffy to adopt this resolution, seconded by Mr. Broten and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

The following resolution was offered for consideration:

**#R-2015-126**

**TOWNSHIP OF READINGTON RESOLUTION  
APPROVING STATEMENT OF CONSENT TO THE  
PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT  
ENTITLED**

***“Proposed Amendment to the Upper Raritan Water Quality Management Plan”  
for the Ryland Residential Development***

**WHEREAS**, the Township Committee of the Township of Readington desires to provide for the orderly development of wastewater facilities within Readington Township; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the *New Jersey Department of Environmental Protection Bulletin* on October 7, 2015, for Ryland Residential Development has been prepared by Ryland Developers, LLC.

**NOW, THEREFORE, BE IT RESOLVED** on this 2<sup>nd</sup> day of November, 2015, by the Township Committee of Readington Township that:

1. The Township Committee of Readington Township hereby consents to the amendment entitled Ryland Residential Development, and publicly noticed on October 7, 2015, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with *N.J.A.C.* 7:15-3.4.

**BE IT FURTHER RESOLVED** that a certified copy of the within Resolution be forwarded to the following:

NJDEP, Office of Water Resources Management Coordination  
P.O. Box 420  
Mail Code 401-02A  
401 East State Street  
Trenton, NJ 08625

Steven M. Dalton, Esq.  
Giordano, Halleran & Ciesla, P.C.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701  
Attorney for Glenmont Commons Developers, LLC

**A MOTION** was made by Mr. Broten to adopt this resolution, seconded by Mr. Tropello and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

**CONSENT AGENDA:**

Mayor Fort 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.

Mr. Tropello requested to remove *Item # 6 Under New Business* from the Consent Agenda.

- \* 1. **Approval of the Minutes** of meeting of October 19, 2015
- \* 2. **Tax Lien Redemption**

The following resolution was offered for consideration:

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

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 13, Lot 24.01 and,

**WHEREAS**, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$309.61, plus a premium paid in the amount of \$1,000.00, known as Tax Sale Certificate #2015-003, to the lienholder, FWDSL & Associates, LP.

- \* 3. **Tax Lien Redemption**

The following resolution was offered for consideration:

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

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 15, Lot 12 and,

**WHEREAS**, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$62,291.40, plus a premium paid in the amount of \$42,000.00, known as Tax Sale Certificate #2013-001, to the lienholder, FWDSL & Associates, LP.

\* 4. ***Tax Lien Redemption***

The following resolution was offered for consideration:

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

***WHEREAS***, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 21.06, Lot 508.02 and,

***WHEREAS***, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

***NOW THEREFORE BE IT RESOLVED*** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$14,972.17, plus a premium paid in the amount of \$22,000.00, known as Tax Sale Certificate #2014-005, to the lienholder, FWDSL & Associates, LP.

\* 5. ***Tax Lien Redemption***

The following resolution was offered for consideration:

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

***WHEREAS***, an interested party has paid to the Tax Collector the amount necessary to redeem the liens on Block 44, Lot 51 and,

***WHEREAS***, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

***NOW THEREFORE BE IT RESOLVED*** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$150.26, plus a premium paid in the amount of \$100.00, known as Tax Sale Certificate #'s 2013-017 and 2014-014, to the lienholder, Anthony Malinowski.

\* 6. ***Amended Resolution in Connection with Sewer Capacity Analysis – Block 21, Lot 3 / Lot 3 Development, LLC***

The following resolution was offered for consideration:

***#R-2015-127***  
***TOWNSHIP OF READINGTON***  
***AMENDED RESOLUTION IN CONNECTION WITH SEWER CAPACITY***  
***ANALYSIS - BLOCK 21, LOT 3***  
***LOT 3 DEVELOPMENT, LLC***

***WHEREAS***, the Township of Readington was mandated with conducting a sewer capacity analysis by the N.J. Supreme Court in 388 Rt. 22 Readington Realty Holdings, LLC v. Readington (Docket No. A. 63-13) (hereinafter referred to as “the Litigation”) and as directed by a subsequent court order issued on June 4, 2015 by Judge Buchsbaum, on remand ; and

***Resolution #R-2015-127 cont'd:***

**WHEREAS**, the aforesaid analysis required the Township of Readington to review its sewer capacity agreements to determine what amount of unused gallonage might possibly be recalled for re-allocation purposes; and

**WHEREAS**, the Township was directed to analyze the unused sewerage capacity being held by private parties in accordance with the following criteria established by the NJ Supreme Court:

- 1) Length of time the landowner has possessed unused sewer capacity;
- 2) The holders or landowner's development plans to use some or all of the capacity and the imminence of that happening;
- 3) The complexity of the project and importance of it to the community;
- 4) Whether the economy has retarded economic development;
- 5) Whether there are proposed development projects by others that cannot proceed because of the unavailability of sewer capacity and the importance of those projects to the community; and
- 6) Any other relevant factors; and

**WHEREAS**, in addition to the above, the Township was directed to identify on a case-by-case basis which holders were affected by the N.J. Permit Extension Act; and

**WHEREAS**, in furtherance of reviewing the above criteria, the Township of Readington sent out a notification letter and Sewer Capacity Analysis Questionnaire on June 11, 2015 to all persons and/or entities that it was aware 1) were identified by the plaintiff in the Litigation as holders of unused sewer capacity and/or 2) had been issued sewer allocations by the Township; and

**WHEREAS**, in response to its request and questionnaire, the Township Committee received a letter and completed questionnaire from Pansy Muller, principal in Lot 3 Development LLC (hereinafter "Owner") dated June 29, 2015 which was a named defendant in the aforementioned case with respect to property it owns known as Block 21, Lot 3 (located at 522 Mountain Road) in the Township which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

**WHEREAS**, the Readington Township Sewer Advisory Committee held public meetings on July 21, 2015 and on September 30, 2015 to assist the Township Committee in its review and final recommendation; and

**WHEREAS**, Mrs. Muller and her husband Dan Muller appeared at the July 22<sup>nd</sup> meeting, along with John Hisko, who was introduced as the contract purchaser of the property; and

**WHEREAS**, the Readington Township Sewer Advisory Committee reviewed the submission made by the Owner and considered the representations made by the above parties with respect to the circumstances surrounding the 5,000 gpd sewer allocation previously granted for the property and voted to recommend that 4,650 gpd of the original sewerage allocation be returned to the Township and that 350 gpd be permitted to remain with the property, as set forth in the Recommendation attached hereto as Schedule A; and

**WHEREAS**, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015; and

***Resolution #R-2015-127 cont'd:***

**WHEREAS**, Greg Riley, Esq. appeared at the October 5, 2015 meeting and advised the Township Committee that he had appeared at the September 30, 2015 Sewer Advisory Committee meeting, and prior to the Committee's vote memorializing the attached Recommendation, stated that he represented Wilmark Developers, Inc. ("Wilmark") which was present at the time the Sewer Advisory Committee considered the case at the July 30, 2015 meeting, and after that meeting, entered into a contract in September 2015 to purchase Block 21, Lot 3 from the Owner. Based on the contract it had made in September, Wilmark claimed that it had succeeded to the owner's rights in the sewerage allocation and, on behalf of both Wilmark and the Owner Lot 3 Development, LLC, had asked the Sewer Advisory Committee to re-open the case as it wished to retain the entire 5,000 gpd capacity, but that Sewer Advisory Committee had declined to do so; and

**WHEREAS**, the Township Committee, received and reviewed an opinion from the Township Planner dated October 1, 2015, herein referred to as "Exhibit 1", which opinion is made a part hereof.

**WHEREAS**, the Township Committee reconsidered portions of this matter at its meeting held on November 2, 2015, after being advised that certain corrections needed to be made to the Resolution adopted at the October 19, 2015 meeting, which corrections appear underlined below; and

**WHEREFORE**, the Township Committee makes the following additional findings, to supplement the findings contained in the Recommendation of the Sewer Advisory Committee:

1. The Township Committee commenced a further review of the June 2, 1986 sewer agreement which approved the 5,000 gpd allocation given to the original owner, Readington Mountain Associates. Mr. Riley urged that this contract was made before the Township's 1987 sewer ordinance, which was the first Township sewer ordinance providing for potential expiration and recapture of sewerage capacity by the Township. He stated that because this contract was made prior to that ordinance, it had no expiration date and that the capacity could not be recaptured. The Township Committee finds, however, that the entire basis for which the 1986 sewer agreement was predicated no longer exists and that fact alone, nullifies the agreement. The original sewer agreement recited that it was necessitated by a site plan approval (for a commercial development) which Readington Mountain Associates had previously received on or about 1986, prior to the date of the agreement. However, the site plan approval was never pursued and lapsed. It was not extended by any Permit Extension Act, as it expired even before the first Permit Extension enacted in 1992. In 2002, the Township had agreed to an assignment of the sewer agreement from Readington Mountain Associates to the current owners; at that time, the lot was zoned Research Office (RO). However, no use of the sewer capacity or any development on the property was pursued in the ensuing 13 years. Six years ago, in 2009, the property was rezoned "Agricultural Residential" which requires a minimum individual lot size of 8 acres (Block 21, Lot 3 is undersized at 7.63+/- acres) or allows clustering on lots of 24 acres or greater. Further, the lot was removed from the Township's Sewer Service Area, per the Planner's report attached hereto as Exhibit 1. At this point, the property could support one residence, which is why the Township Sewer Advisory Committee was willing to recommend that 350 gpd be retained. The Township Committee agrees the Sewer Service Area may have to be appropriately amended to allow for the connection for the single family residence, but that such a use would be permitted under the zone.
2. At the October 5, 2015 meeting, Mr. Riley represented that the owner has been making quarterly payments for the sewerage allocation on adjacent property it owns known as Block 21, Lot 29, which property, the Committee notes, is not the subject of the Township's sewer analysis. He also opined his belief that the former owner Readington Mountain Associates paid \$1,250 as part of the sewer agreement. After the October 5, 2015 meeting, the Township researched its records and has found copies of checks supporting that the original owner, Readington Mountain Associates, made a total of \$8,750.00 in payments for the sewerage allocation, the last one being in 1990. Other than that, both the Tax Collector and the Township's financial officer have confirmed that no sewer payments or user fees of any kind have been made for Block 21, Lot 3 during the past twenty-five (25) years or billed to the current property owner. Further, there is no indication that Lot 3 Development, LLC is being assessed for property taxes based on a commercial lot or a lot that has sewer capacity.

**Resolution #R-2015-127 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. For the reasons set forth in the aforementioned supplemental findings above, as well as the findings in the attached Recommendation made by the Sewer Advisory Committee with respect to Block 21, Lot 3, the Township Committee hereby agrees with the Sewer Advisory Committee's recommendation that 4,650 gpd of the 5,000 gpd sewer allocation previously allocated to Readington Mountain Associates, Inc. for Block 21, Lot 3 Development, LLC should be returned to the Township. The Township Committee specifically finds that the commercial development for which the sewer allocation was granted and site plan approval obtained, was never constructed or pursued, and has therefore lapsed due to the zoning change to A-R Agricultural Residential, which does not allow commercial development as a permitted use and thus, the entire basis for which the original sewer agreement allocating 5,000 gpd sewer capacity was made in 1986 has been nullified.

2. The Township Committee agrees that 350 gpd sewerage capacity may reasonably remain with the lot to enable the construction of a single-family residence as permitted by current zoning.

3. It does not appear that any monetary refund is due the current property owner for the return of the gallonage since no sewer user fees or allocation payments have been made by it during the entirety of its ownership.

4. Further, in addition to the reasons set forth above, and given the direction of the Supreme Court and the Superior Court on remand with respect to the sewerage analysis being undertaken herein, the Township Committee does not believe it is appropriate for it to approve an assignment of the 5,000 gpd to Wilmark as requested.

5. This resolution shall be effective immediately.

- \* 7. **Resolution Awarding Contract for Purchase of Rock Salt for 2015-16 Season**  
(Atlantic Salt)

The following resolution was offered for consideration:

**#R-2015-128**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, pursuant to *N.J.S.A. 40A:11-10 et seq.*, Readington Township authorized a joint agreement with the County of Hunterdon on July 15, 2013; and

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders, in accordance with this agreement, has awarded the bid for rock salt to Atlantic Salt at a price of \$69.28 per ton, not to exceed \$185,000 ; and

**WHEREAS**, pursuant to *N.J.S.A. 5:34-5* the Governing Body is required to award this contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby award the contract for the purchase of rock salt for the 2015/2016 season (September 16, 2015 to September 15, 2016) to Atlantic Salt at a price of \$69.28 per ton.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the County of Hunterdon Purchasing Department.

\* 8. ***Resolution Authorizing Disposal of Surplus Property through GovDeals***

The following resolution was offered for consideration:

***#R-2015-129***

***TOWNSHIP OF READINGTON  
 RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY***

***WHEREAS***, the Township of Readington is the owner of certain surplus property which is no longer needed for public use; and

***WHEREAS***, the Township of Readington is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

***NOW THEREFORE BE IT RESOLVED*** by the Township of Readington as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract #A83453/T-2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Township of Readington.
2. The sale will be conducted online and the address of the auction site is govdeals.com
3. The sale is being conducted pursuant to Local Finance Notice 2008-09.
4. A list of the surplus property to be sold is as follows:

<b>Year of Equip</b>	<b>Make</b>	<b>Model</b>	<b>Serial # or VIN</b>	<b>Item description</b>
1991	Ford	F800	1FDXF82J5MVA32464	Dump Truck
2007		TC-160		Electric Tailgate Sander
				Tire Safety Cage

5. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Township of Readington reserves the right to accept or reject any bid submitted.

\* 9. ***Release of Escrow and Application Fee / Polar Cub (Block 18, Lot 4)***

\* 10. ***Release of Soil & Surface Escrow / Wilmark Building (Block 40, Lot 1.05)***

\* 11. ***Release of Soil & Surface Escrow / Wilmark Building (Block 40, Lot 1.07)***

\* 12. ***Release of Developers Escrow / Commerce Street Group LLC (Block 39, Lot 53.06)***

\* 13. ***Release of Board of Health Escrow / Brady (Block 52, Lot 1.11)***

\* 14. **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	5-01	\$ 539,228.93
SEWER APPROPRIATIONS	5-02	\$ 148,378.80
TRUST FUNDS	X-03	\$ 194,569.81
MISC REFUND, COUNTY TAX, LIENS	X-05	\$2,808,932.89
PAYROLL DEDUCTIONS	X-06	\$ 226,258.35
REG & LOCAL SCHOOL TAX	X-07	\$5,352,313.00
CAPITAL	X-14	\$ 35,553.33
CAPITAL	X-15	<u>\$ 84,738.41</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$9,389,973.52</b>

A **MOTION** was made by Mrs. Duffy to approve the Consent Agenda (*with the removal of Item #6 Under New Business*), seconded by Mr. Broten and on Roll Call vote the following was recorded:

- Mr. Auriemma - Aye
- Mr. Broten - Aye
- Mrs. Duffy - Aye
- Mr. Tropello - Aye
- Mayor Fort - Aye

**COMMENTS FROM THE PUBLIC** for items listed on the agenda only

There were none.

**CORRESPONDENCE / OTHER INFORMATION**

1. Memorandum dated October 12, 2015 from Robert Brassard, Township of Tewksbury regarding **Adoption of Highlands Land Use Ordinance**. No action taken.
2. Notice of Public Hearing from Steven Gouin, Esq., Giordano, Halleran & Ciesla, regarding **Consideration of an Application for Preliminary Major Site Plan Approval, Design Waiver, and Variance Relief, and such other relief as the Board may determine necessary submitted by 110-112 Main St. LLC**. No action taken.

**NEW BUSINESS**

1. **Request from Readington Community Theatre Requesting Financial Support to Promote Performing Arts** – email dated October 18, 2015 from Robert Nonni

Rob Nonni, founder of the Community Theatre, was present to request consideration from the Committee to assist with funding to purchase much needed technical equipment. The Committee discussed various options to assist with a donation and proposed that they address this with the Recreation Committee for a recommendation to the Committee.

2. **Request to Film a Low Budget Short Film on Location / November 21, 2015** – letter from Dana Zolli

Mayor Fort stated there was a request to film a low budget short film. Mr. Tropello expressed concern as to how the police officers would be portrayed in the film. Mayor Fort opined that it is imperative that the neighboring residents on both of those streets should be notified that this is a filming and not a reality.

*A MOTION* was made by Mrs. Duffy to approve the request to film the low budget short film on location with the condition that the producer/and or staff notify the neighboring residents of the scene being filmed and provide a certificate of insurance naming *Readington Township as additional insured*, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

3. *An Ordinance Appropriating \$135,000 from the Housing Trust for the Acquisition of an Affordable Housing Unit (Block 21.06, Lot 302.04) in and by the Township of Readington, in the County of Hunterdon, New Jersey*

The following ordinance was offered for introduction:

***AN ORDINANCE APPROPRIATING \$135,000 FROM THE HOUSING TRUST FUND FOR THE ACQUISITION OF AN AFFORDABLE HOUSING UNIT (BLOCK 21.06, LOT 302.04) IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY***

***ORDINANCE # 10-2015***

***BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:***

Section 1. \$135,000 is hereby appropriated from the Housing Trust Fund for the acquisition of a single family affordable housing unit located at 202 Dove Cote Court, Whitehouse Station, New Jersey, also known as Block 21.06, Lot 302.04 on the tax map of the Township, including all related costs and expenditures incident thereto, in and by the Township of Readington, in the County of Hunterdon, New Jersey (the “Township”).

Section 2. 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 3. In accordance with N.J.S.A. 40A:12-1 et seq. authorizing acquisitions of Property for public purposes, the acquisition of the aforementioned affordable housing unit located at 202 Dove Cote Court in order to retain it as an affordable unit is hereby approved. In furtherance of this objective, the Mayor, Deputy Mayor, Administrator/Clerk and Township Attorney are authorized and directed to take all reasonable, necessary and lawful steps, including execution or any and all documents, toward the acquisition of the said affordable housing unit, including purchase of same from the current owner, or at Sheriff sale, as may be applicable.

Section 4. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

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

Mr. Auriemma	- Aye
Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

*The Public Hearing was scheduled for November 16, 2015 at 7:45 p.m.*

4. ***An Ordinance Amending the 2015 Salary Ordinance, Specifically Section 3, Known as Clerical Personnel***

The following ordinance was offered for introduction:

***An Ordinance Amending the 2015 Salary Ordinance,  
Specifically Section 3 Known as Clerical Personnel***

***ORDINANCE #11-2015***

**SECTION 3**

**CLERICAL PERSONNEL**

CLERK/TRANSCRIBER	per annum	\$33,822	\$44,108
OFFICE ASSISTANT	per annum	\$26,412	\$39,447
DEPUTY TAX COLLECTOR (40 HRS/WK)	per annum	\$44,660	\$67,414
ACCOUNTS PAYABLE CLERK	per annum	\$38,279	\$53,276
ADMINISTRATIVE ASSISTANT, TAX ASSESSOR	per annum	\$40,268	\$52,413
TECHNICAL ASSISTANT	per annum	\$44,660	\$57,529
DEPUTY COURT ADMINISTRATOR	per annum	\$40,067	\$52,958
FINANCIAL SECRETARY	per annum	\$43,786	\$53,616
FLOATER	per annum	\$37,529	\$46,914

Rates of compensation provided herein are retroactive to January 1, 2015.

A ***MOTION*** was made by Mr. Broten to introduce this ordinance, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Broten - Aye  
Mrs. Duffy - Aye  
Mr. Tropello - Aye  
Mayor Fort - Aye

*The Public Hearing was scheduled for November 16, 2015 at 7:45 p.m.*

5. ***2015 Budget Appropriation Transfers***

Administrator Mekovetz explained that the New Jersey budget laws allow transfers during the last two (2) months of the year within the budget for any line item deficiencies; adding that funds that be transferred from another line item in the budget to pay any bills. Mr. Broten expressed concern with regard to the perception to the citizens that money is being shuffled around and would like to see a quarterly assessment in order to do a better job of budget forecasting.

The following resolution was offered for consideration:

**#R-2015-130**

**TOWNSHIP OF READINGTON  
 2015 BUDGET APPROPRIATION TRANSFERS**

**PURSUANT TO NJSA 40A:4-58**, a municipality may make budget appropriation transfers during the last two months of the fiscal year,

**WHEREAS**, there appears to be insufficient funds in the following 2015 appropriation account to meet the demands thereon for the balance of the year, viz:

- Current Fund:**  
**Other Expenses:**  
 Legal Services  
 Consultants  
 Engineering Services

**WHEREAS**, there appears to be a surplus in the following accounts, over and above the demand deemed to be necessary for the balance of the current year, viz:

- |                            |                        |
|----------------------------|------------------------|
| <b>Current Fund:</b>       |                        |
| <b>Salaries and Wages:</b> | <b>Other Expenses:</b> |
| Construction Code          | Construction Code      |
| Roads                      | Fuel Oil               |

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the provision of the NJS 40A:4-58 part of the surplus in the accounts heretofore mentioned be and same hereby transferred to the accounts mentioned as being insufficient, to meet the current demands; and

**BE IT RESOLVED**, that the Chief Financial Officer is hereby authorized and directed to make the following 2015 appropriation transfers:

	<u>FROM</u>	<u>TO</u>
<b>Salaries and Wages:</b>		
Construction Code	\$ 35,000.00	
Roads	101,500.00	
<b>Other Expenses:</b>		
Construction Code	20,000.00	
Fuel Oil	8,500.00	
Legal Services		\$ 110,000.00
Consultants		25,000.00
Engineering Services		<u>30,000.00</u>
	<b><u>\$ 165,000.00</u></b>	<b><u>\$ 165,000.00</u></b>

A **MOTION** was made by Mr. Auriemma to adopt this resolution, seconded by Mr. Broten and on Roll Call vote the following was recorded:

- |              |       |
|--------------|-------|
| Mr. Auriemma | - Aye |
| Mr. Broten   | - Aye |
| Mrs. Duffy   | -Aye  |
| Mr. Tropello | - Aye |
| Mayor Fort   | - Aye |

6. ***Best Practices for CY2015/SFY2016***

Mr. Tropello requested further clarification on an item on the best practices checklist.

***A MOTION*** was made by Mr. Broten to approve the Best Practices Checklist for CY2015/SFY2016, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Broten	- Aye
Mrs. Duffy	-Aye
Mr. Tropello	- Aye
Mayor Fort	- Aye

\* 7. ***Amended Resolution in Connection with Sewer Capacity Analysis – Block 21, Lot 3 / Lot 3 Development, LLC***

This matter was addressed under the Consent Agenda.

\* 8. ***Resolution Awarding Contract for Purchase of Rock Salt for 2015-16 Season (Atlantic Salt)***

This matter was addressed under the Consent Agenda.

\* 9. ***Resolution Authorizing Disposal of Surplus Property through GovDeals***

This matter was addressed under the Consent Agenda.

\* 10. ***Release of Escrow and Application Fee / Polar Cub (Block 18, Lot 4)***

This matter was addressed under the Consent Agenda.

\* 11. ***Release of Soil & Surface Escrow / Wilmark Building (Block 40, Lot 1.05)***

This matter was addressed under the Consent Agenda.

\* 12. ***Release of Soil & Surface Escrow / Wilmark Building (Block 40, Lot 1.07)***

This matter was addressed under the Consent Agenda.

\* 13. ***Release of Developers Escrow / Commerce Street Group LLC (Block 39, Lot 53.06)***

This matter was addressed under the Consent Agenda.

\* 14. ***Release of Board of Health Escrow / Brady (Block 52, Lot 1.11)***

This matter was addressed under the Consent Agenda.

***ADMINISTRATOR'S REPORT***

Administrator Mekovetz reported that the well testing was very successful this year with 195 kits sold and approximately 175 returned. Administrator Mekovetz thanked the Environmental Commission for their hard work on this program.

***ATTORNEY'S REPORT***

Attorney Dragan reported that the Township closed on an affordable housing restriction unit in Whitehouse Village. Attorney Dragan also reported that Mr. Kerwin advised that he has gotten his variance so she will be moving forward with the agreement to sell the ECHO unit and the resolution.

Attorney Dragan requested authorization to do a developers agreement on the Mountain Wood subdivision.

A ***MOTION*** was made by Mrs. Duffy to authorize Attorney Dragan to draft a Developers Agreement, seconded by Mr. Broten with a vote of ayes all, nays none recorded.

***ENGINEER'S REPORT***

Engineer O'Brien reported that Wyckoff Road will be patched on Saturday and weather permitting, paved on Monday.

Engineer O'Brien also reported that they are still waiting for the state contractor to do the work on the flooding near Merck.

***COMMITTEE REPORTS***

**Thomas Auriemma**

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

**John Broten**

Mr. Broten reported that the police station roof was replaced during the last two weeks.

**M. Elizabeth Duffy**

Mrs. Duffy reported that the Planning Board approved a mixed use development at their last meeting for 110-112 Main Street with luxury apartments upstairs and retail on the main floor.

**Betty Ann Fort**

Mayor Fort commended the Recreation Committee for a job well done on the Halloween Trunk or Treat.

Mayor reported that there was a sausage making demonstration at the Bouman Stickney yesterday.

**Samuel Tropello**

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

***COMMENTS FROM THE PUBLIC***

There were none.

***COMMENTS FROM THE GOVERNING BODY***

Mr. Broten read a prepared statement that he gave to the Clerk which stated that, for the record, he and Mr. Tropello were not associated with a letter written by Mayor Fort to District 1 voters dated October 26, 2015.

Mrs. Duffy commented that many members of the public have had many questions with regard to the Merck site and there is much speculation as to the future of the Merck site. Mrs. Duffy stated that she would be in favor of holding a town hall type meeting, inviting the contract purchaser of the site and also possibly the current owner of the Merck site prior to the closing, to provide an opportunity for the public to have their questions answered accurately.

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

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA  
Municipal Clerk