

**READINGTON TOWNSHIP COMMITTEE  
MEETING – October 15, 2018**

Mayor Smith *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. Smith, Deputy Mayor B. Fort, Mr. J. Albanese, Mrs. M.E. Duffy and Mr. J. Heller

**ALSO PRESENT:** Administrator Mekovetz, Attorney S. Dragan, Engineer R. Clerico

**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:

- 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>
Municipal Court.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Planning Board / Bd of Adjustment / ... Environmental Commission	Personnel.....	“ “ “
Telleri (Block 39, Lot 10).....	Contract Negotiations.....	“ “ “
Saums (Block 74, Lot 4).....	Contract Negotiations.....	“ “ “
Professional Services / ..... Nassau Capital Advisors	Contract Negotiations.....	“ “ “
Executive Session Minutes..... • October 1, 2018	Attorney-Client Privilege.....	“ “ “
Affordable Housing.....	Potential Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “
388 Route 22 Readington Realty..... Holdings, LLC v. Twp of Readington	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. Fort to adopt this resolution, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:00 p.m.

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

***Executive Session:***

***Personnel / Municipal Court***

A **MOTION** was made by Mrs. Duffy to hire Julie Kosakowski for the position of Court Administrator for 25 hours per week at a rate of \$40/hour, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Duffy	- Aye
Mrs. Fort	-Aye
Mr. Heller	-Aye
Mayor Smith	- Aye

***Personnel / Planning Board / Board of Adjustment / Environmental Commission***

A **MOTION** was made by Mrs. Fort to Ann Marie Lehberger for the full-time position of Secretary to the Planning Board/Board of Adjustment/Environmental Commission, including evening meetings, at an annual rate of \$64,000 per year seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Duffy	- Aye
Mrs. Fort	-Aye
Mr. Heller	-Aye
Mayor Smith	- Aye

***Contract Negotiations / Telleri (Block 13, Lot 24)***

Mayor Smith stated that this matter remains in Executive Session.

***Contract Negotiations / Saums (Block 74, Lot 4)***

Mayor Smith stated that this matter remains in Executive Session.

***Contract Negotiations / Professional Services / Nassau Capital Advisors***

Mayor Smith stated that this matter remains in Executive Session.

***Attorney-Client Privilege / Executive Session Minutes / October 1, 2018***

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of October 1, 2018 for content only, seconded by Mrs. Duffy with a vote of ayes all, nays none recorded.

***Potential Litigation / Affordable Housing***

Mayor Smith 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 Smith stated that nothing was discussed.

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

Mayor Smith stated that this matter remains in Executive Session.

**CONSENT AGENDA:**

Mayor Smith 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 October 1, 2018
- \* 2. **Tax Lien Redemption Refund**

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 63, Lot 9 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 \$111,927.04, plus a premium paid in the amount of \$120,000.00, known as Tax Sale Certificate #2016-008, to the lienholder, Pro Cap 4.

- \* 3. **Release of Escrow / Block 22, Lot 8 (Rosa)**
- \* 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	8-01	\$ 592,423.62
SEWER APPROPRIATIONS	8-02	\$ 2,825.00
TRUST FUNDS	X-03	\$ 17,559.86
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 240,127.40
PAYROLL DEDUCTIONS	X-06	\$ 192,276.80
2018 CAP. IMPROVEMENTS	X-18	<u>\$ 2,334.00</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$1,047,546.68</b>

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

Mr. Albanese	- Aye
Mrs. Duffy	- Aye
Mrs. Fort	-Aye
Mr. Heller	-Aye
Mayor Smith	- Aye

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

John Broten, Dogwood Drive, questioned if the *Saums/Contract Negotiations* matter discussed under Executive Session is being considered for open space.

**PUBLIC HEARINGS**

As it was after 7:45 p.m., A **MOTION** was made by Mrs. Duffy to adjourn the regular meeting to hold a Public Hearing, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

Clerk read by Title:

*An Ordinance to Provide for the Acceptance of Property Known as Block 39, Lot 10 in the Township of Readington, County of Hunterdon and State of New Jersey from Estate of Gene Gallo, et als.*

◆ **Ordinance #16-2018**

Mayor Smith asked if there were any comments from the governing body.

Mrs. Duffy noted that the Township did their due diligence on this property by having a Phase I Environmental Assessment completed.

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

There were none.

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

Clerk read by Title:

*An Ordinance to Provide for the Acceptance of Property Known as Block 39, Lot 10 in the Township of Readington, County of Hunterdon and State of New Jersey from Estate of Gene Gallo, et als.*

◆ **Ordinance #16-2018**

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

Mr. Albanese	- Aye
Mrs. Duffy	-Aye
Mrs. Fort	-Aye
Mr. Heller	- Aye
Mayor Smith	- Aye

**CORRESPONDENCE / OTHER INFORMATION**

1. Letter dated June 29, 2018 from M. Patricia Keefe, Esq., Elizabethtown Gas, regarding ***the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs and Approval of Associated Cost Recovery Mechanism.*** No action taken.
2. Notice to Public Service Electric and Gas Company Customers regarding ***the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Energy Efficiency Program and Recover of Associated Costs.*** No action taken.
3. Resolution from Stan Prater, JCP&L Area Manager, regarding ***Declaring Township of Readington Resolution of Support for the JCP&L Reliability Plus.*** No action taken.
4. Letter dated September 26, 2018 from Steven Pudney, C. Eng., MICE, Section Chief, Bureau of Water System Engineering, NJDEP regarding ***Master Permit for an Existing Class IV Water System to Construct Certain Water Main Extensions with an Additional Peak Demand of 10.104 MGD to Serve Residential and Non-Residential Developments within the NJ American Water – Raritan Water Distribution System (Counties of Hunterdon, Mercer, Middlesex, Morris Somerset and Union and Distribution of Water for Potable Purposes from said works.*** No action taken.
5. Notice to Public Service Electric and Gas Company Customers regarding ***the Matter of the Petition of Public Service Electric and Gas Company for Approval of Gas Base Rate Adjustments Pursuant to its Gas System Modernization Program.*** No action taken.

**OLD BUSINESS**

1. ***Request for Readington Township Committee to Consent to the Establishment of Rosedale & Rosehill Cemetery (Block 12, Lots 16 and 16.01) – continuation of hearing***

*Mrs. Duffy recused herself from this matter and left the meeting.*

***~ TRANSCRIPT IS ON FILE IN MUNICIPAL CLERK'S OFFICE ~***

Glenn Pantel, Esq., Drinker Biddle & Reath, LLC, representing Chubb INA Holdings owner of the property, stated that Jim Koslovski, President of Rosedale/Rosehill Cemetery Association, would be presenting testimony regarding the mode of operation as well as addressing the public need for a cemetery in Readington Township.

Mr. Koslovski gave a brief overview of the history of Rosedale/Rosehill Cemetery. Mr. Koslovski presented several exhibits depicting the operation of cultivating gravesites and photos representing the quality of improvement and level of maintenance at their Linden Cemetery location. Mr. Koslovski laid out the vision for the proposed cemetery that would include a veteran's memorial area and the intended clientele that they potentially would be serving. Mr. Koslovski defined the life cycle of a cemetery and stressed the urgency to move forward with the proposed cemetery due to a shortage of available space, not only locally but regionally as well. Mr. Koslovski asserted that the benefits the cemetery would offer to the Township would include, 1) preserved open space for public use, 2) positive impact on the community through maintaining rural character, 3) providing local burial spaces and a veterans memorial, therefore eliminating travel 4) economic value for local funeral homes, houses of worship, florists, restaurants, overnight accommodations and memorial retailers, 5) societal responsibility to provide services, including financial aid, medical services, police forces and educational services and 6) obligation to establish non-sectarian cemeteries. Mr. Koslovski continued that the recognized New Jersey cemeteries must have a Certificate of Authority to operate in NJ.

Mr. Heller questioned the total number of interment spaces on the property and commented on the scattering of ashes.

Patrick Cerillo, Esq., on behalf of Robert and Julia Greifeld, questioned if any of the other cemeteries were consulted in the research, beyond the two that were mentioned, and asked Mr. Koslovski if he had walked those properties to see how they were maintained. Attorney Cerillo also commented on the proposed veterans' memorial area.

James Hubbell, Meadow Road, commented on the density of gravesites per acre. Mr. Hubbell questioned the funding for deposit on mausoleums and other structures.

Lisa Hall, Springtown Road, questioned what the level of accountability would be to monitor compliance to the claims made in terms of the presentation made this evening. Ms. Hall asked how the scattering of ashes would be contained since it is in the Lamington Watershed, further questioning the cited source "for the failure of Readington to meet the needs of its residents in terms of burial capacity".

Attorney Dragan questioned the degree to which the Planning Board would be involved regarding the type and size of monuments to be erected.

Mrs. Fort pointed out that the statistics being provided for Readington are solely based on the Rural and Newell cemeteries; opining that an invalid assumption is being made since there is not information from the religious cemeteries in Readington.

Bob Schoenfeld, Oldwick Road, requested clarification on the anticipated number of interments, the impact of traffic in the area and the access of the public walkway relative to incoming vehicles. Mr. Schoenfeld commented on bicycle traffic within the proposed cemetery.

Karen Mittleman, Glenmont Road, questioned if there were any funeral directors present at the meeting this evening to concur with the need for a cemetery.

Attorney Dragan questioned the hours of operation relating to services or the hours visitors are allowed and anticipated number of visitors. Attorney Dragan also requested confirmation that the letter to the Township Committee, regarding the stipulations that would be agreed to, would be provided as part of the record.

Mayor Smith asked about the average number of cars in during a funeral service.

Susan Masinda, Meadow Road, presented the question that based on the testimonial given that Rosehill/Rosedale service approximately 3,000 burials per year, and it is anticipated that Readington would serve approximately 1,300 burials, where would the remainder of 1,700 burials be held.

Ricard Allen, Hillcrest Road, commented on the proposed list of terms and conditions.

Neil Hendrickson, Glenmont Road, commented on the number of cemeteries in Hunterdon and Somerset Counties relative to State of New Jersey and the limited data being made available to base the need for the proposed cemetery.

*The Committee took a short break at 9:58 pm and the meeting resumed at 10:10 p.m.*

Susan Masinda, Meadow Road, provided exhibits regarding cemeteries currently located throughout Readington Township. Ms. Masinda presented testimony in opposition to the proposed cemetery regarding the five-limit cemetery rule and the public need and public interest. Ms. Masinda also offered photographs of the Rosehill Rosedale Cemetery located in Linden depicting the maintenance of the cemetery.

Attorney Pantel questioned Ms. Masinda on her testimony that she provided.

Bob Schoenfeld, Oldwick Road, requested clarification on Ms. Masinda's testimony regarding infrastructure.

Attorney Cerillo addressed Attorney Pantel's brief regarding the requirement for Township Committee approval since there are only two certified cemeteries in the Township. Attorney Cerillo reiterated that it must be shown that there is not only a public need but public interest as well. Attorney Cerillo maintained that the data provided should include all cemeteries within the 25-mile radius to address the regional need.

Attorney Dragan asked Attorney Cerillo if the non-religious cemeteries, not governed by the New Jersey Cemetery Board, can receive burials at them.

Attorney Pantel questioned Ms. Masinda on the research she provided in her testimony regarding the activity in the five "most active" cemeteries in Readington.

Attorney Pantel summarized his arguments in support of the proposed cemetery, maintaining that the applicant is complying with applicable provisions of the ordinance.

Reeve Schley, Island Road, commented on the corridor of preserved farms from North Branch to Pottersville and offered support for the local farmers to continue to preserve the property.

Mayor Smith stated that this matter should be continued to the next meeting for anyone wishing to make a presentation in opposition/or support of the cemetery. The Committee concurred that this matter would be carried to the November 19, 2018 meeting.

#### **NEW BUSINESS**

1. ***An Ordinance Authorizing the Conveyance of Block 32, Lot 12 and Block 34, Lots 8, 10 and 11 to Whitehouse Urban Renewal Associates Pursuant to Redevelopment Plan Approved by Ordinance #03-2017 and Authorizing the Acceptance of a 2.515 +/- Acre Portion thereof to be Known as Block 34, Lot 8.01, as Open Space***

The following ordinance was offered for introduction:

***AN ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 32, LOT 12 AND BLOCK 34, LOTS 8, 10 AND 11 TO WHITEHOUSE URBAN RENEWAL ASSOCIATES PURSUANT TO REDEVELOPMENT PLAN APPROVED BY ORDINANCE #03-2017 AND AUTHORIZING THE ACCEPTANCE OF A 2.515 +/- ACRE PORTION THEREOF TO BE KNOWN AS BLOCK 34, LOT 8.01, AS OPEN SPACE AND AUTHORIZING THE GRANT OF AN ACCESS EASEMENT TO CONSTRUCT, MAINTAIN AND REPAIR THE STORMWATER STRUCTURES LOCATED ON BLOCK 34, LOT 8.01 TO WHITEHOUSE URBAN RENEWAL ASSOCIATES PURSUANT TO THE DEVELOPER'S AGREEMENT***

***Ordinance #17 -2018***

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

#### ***SECTION 1. Findings.***

a. At a public hearing held on March 20, 2017, the Township Committee adopted Ordinance #03-2017 which authorized and approved the Nelson Street Redevelopment Plan for municipally owned property designated as Block 32, Lot 12 and Block 34, Lots 8, 10 and 11 on the Tax Map of the Township of Readington (the "Property"), together with accompanying resolutions. The Redevelopment Plan contemplated the development of the Property by the designated redeveloper Whitehouse Urban Renewal Associates, LLC ("Redeveloper") for a 100% affordable multi-family housing development with 72 rental units, community building, playground and other improvements, to be accessed through Nelson Street (the "Project"). As part of the Project, which is a municipally-sponsored Project, the Township and the Redeveloper entered into a Redevelopment Agreement dated March 20, 2017 ("Redevelopment Agreement") which contemplated that after subdivision and site plan approval was

***Ordinance #17-2018 cont'd:***

obtained by the Redeveloper, the Township would convey the Property to the Redeveloper as the municipality's contribution to the Project and would accept a divided portion, consisting of approximately 2.5+/- acres, as open space. The Redeveloper subsequently received the required subdivision and site plan approvals from the Township Planning Board and is in the process of completing all conditions of approval. One of those conditions was to enter into a developer agreement with the Township. The Developer Agreement approved by the Township Committee on October 1, 2018 contemplates that the Redeveloper will be required to construct, maintain and repair the stormwater structures to be located on Block 34, Lot 8.01, which requires an access easement from the Township.

b. The Project and conveyance of the Property will result in the construction and management of affordable housing units which will assist the Township in meeting its affordable housing obligations, thus fulfilling a public purpose; accordingly, the Township does not need to retain ownership of the Property.

***SECTION 2. Authorization of Conveyance.*** On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator and Township Attorney, as appropriate, are authorized to prepare and sign any and all deeds and other documentation necessary to effectuate the conveyance of a fee simple interest of Block 32, Lot 12 and Block 34, Lots 8, 10 and 11 to the Redeveloper Whitehouse Urban Renewal Associates, LLC as set forth in the Redevelopment Agreement made with the Redeveloper dated March 20, 2017.

This conveyance is authorized by N.J.S.A. 40A:12-13(c) and any other applicable statutes rules and regulations.

***SECTION 3. Authorization of Acceptance.*** On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy, Township Administrator and Township Attorney, as appropriate, are authorized to accept the fee simple deed to the 2.515+/- acre portion of the Property, to be known and designated as Block 34, Lot 8.01, along with any other necessary documentation to effectuate the conveyance thereof, upon the Redeveloper's filing of the filed subdivision map(s) required to create said lot, which lot is being dedicated to the Township for open space purposes

This acquisition is authorized by N.J.S.A. 40A: 12- 3 and 4, and any other applicable statutes, rules and regulations.

***SECTION 4. Authorization of Grant of Easement,*** on behalf of the Township Committee of the Township of Readington, the Mayor, Deputy, Township Administrator and Township Attorney, as appropriate, are authorized to grant an access easement over the 2.515+/- acre portion of the Property, to be known and designated as Block 34, Lot 8.01, along with any other necessary documentation to effectuate the grant thereof, upon the Redeveloper's filing of the filed subdivision map(s) required to create said lot, which lot is being dedicated to the Township as open space.

***SECTION 5.*** Copies of the proposed deeds conveying and accepting the properties which are the subject of this ordinance shall be on file in the Township Clerk's Office for public inspection during regular business hours.

***SECTION 6.*** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

***SECTION 7.*** If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

***SECTION 8.*** This ordinance shall take effect immediately upon final passage and publication in accordance with law.



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

Mr. Albanese	- Aye
Mrs. Duffy	- Aye
Mrs. Fort	-Aye
Mr. Heller	-Aye
Mayor Smith	- Aye

*The Public Hearing was scheduled for November 19, 2018 at 7:45 p.m.*

2. ***Application for Special Events Permit / Alec Stabile (Ryland Inn)***  
♦ December 28, 2018

Mrs. Fort expressed concern that the outdoor tent may be used until midnight, potentially violating the Township noise ordinance. The Committee concurred that they would approve this with the stipulation that the tent be closed by 10:00 p.m.

A **MOTION** was made by Mrs. Fort to approve this application, *contingent upon the tent being shut down by 10:00 p.m.*, seconded by Mr. Heller with a vote of ayes all, nays none recorded.

\* 3. ***Release of Escrow / Block 22, Lot 8 (Rosa)***

This matter was addressed under the Consent Agenda.

***ADMINISTRATOR'S REPORT***

Administrator Mekovetz reported that she received quotes for curb ramp replacement and would like consideration for approval to award the contract

A **MOTION** was made by Mrs. Fort to approve the contract for Top Line Construction in the amount of \$39,850 for curb ramp replacement in the Lake Cushetunk Development, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	-Aye
Mr. Heller	-Aye
Mayor Smith	- Aye

Administrator Mekovetz reported on a question Mr. Broten presented at the previous meeting regarding funding for the Eggeman property prior to obtaining authorization.

***ATTORNEY'S REPORT***

Attorney Dragan stated that she had nothing further to report.

***ENGINEER'S REPORT***

Engineer Clerico stated that he had nothing further to report.

***COMMITTEE REPORTS***

**JOHN ALBANESE**

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

**BETTY ANN FORT**

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

**JONATHAN HELLER**

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

**BEN SMITH**

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

***COMMENTS FROM THE PUBLIC***

Neil Hendrickson, Glenmont Road, commented on the continued funding for the preservation of the ash trees.

***COMMENTS FROM THE GOVERNING BODY***

Mayor Smith shared that members of the Township Committee and the Freeholders were invited to a meeting at the Unicom site with CEO of Unicom and other executives.

As there was no further business, **A MOTION** was made by Mrs. Fort at 11:15 p.m. to adjourn the meeting, seconded by Mr. Albanese with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, *RMC/MMC/QPA*  
Municipal Clerk