

**READINGTON TOWNSHIP COMMITTEE  
MEETING –March 2, 2020**

Mayor Heller *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 J. Heller, Deputy Mayor J. Huelsebusch, Mr. J. Albanese, Mrs. BA Fort and Mr. B. Smith

**ALSO PRESENT:** Administrator V. 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:

- 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
Building & Grounds / Summer Help.....	Personnel .....	“ “ “
Personnel Manual Update .....	Personnel .....	“ “ “
Block 58, Lot 7 (Dabrowski) .....	Contract Negotiations.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• February 18, 2020		
Affordable Housing.....	Potential Litigation.....	“ “ “
Tax Appeal ... ..	Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; 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.”

- This Resolution shall take effect immediately.

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

The meeting reconvened at 8:05 p.m.

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

***Executive Session:***

***Personnel / Municipal Court***

The following resolution was offered for consideration:

**#R-2020-38**

***TOWNSHIP OF READINGTON  
RESOLUTION***

***BE IT RESOLVED***, in accordance in N.J.S.A. 2B:12-11E, that Julie Kosakowski be appointed Interim Court Administrator for the Township of Readington for the period of October 24, 2019 through October 24, 2020.

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

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

***Personnel / Building and Grounds / Summer Help***

Mayor Heller stated that the Township will be advertising for two (2) summer helpers for building and grounds. Mayor Heller added that they are also proposing to hire an outside contractor to assist with maintaining the open space trails.

***Personnel / Personnel Manual Update***

The following resolution was offered for consideration:

**#R-2020-39**

***RESOLUTION ADOPTING A DOMESTIC VIOLENCE POLICY***

***WHEREAS***, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy (DVP) for Public Employers, which is attached hereto; and

***WHEREAS***, pursuant to N.J.S.A. 11A:2-6a(b)(1), "The [Civil Service Commission] shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 1 1A, Civil Service, of the New Jersey Statutes;" and

***WHEREAS***, the Township of Readington seeks to update its Personnel Policies and Procedures Manual to comply with N.J.S.A. 1 1A:2-6a(b)(1).

***NOW, THEREFORE, BE IT RESOLVED***, by the Mayor and Township Committee of the Township of Readington, in the County of Hunterdon, that the Township of Readington Policies and Procedures Manual is updated as follows:

**Resolution #R-2020-39 cont'd:**

1. The Statewide DVP (On file in the Clerk's Office) shall be referenced and adopted in the Township of Readington Personnel Policies and Procedures Manual.
2. The Township of Readington Personnel Policies and Procedures Manual shall designate Vita Mekovetz as primary and Christine Dey, Social Services Director, as secondary for purposes of the DVP.
3. The Table of Contents shall be updated to reflect the inclusion of the Township's adoption of the Statewide DVP.

**BE IT FURTHER RESOLVED** that a copy of the updated Township of Readington Personnel Policies and Procedures Manual is on file in the Clerk's office; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution and Policy will be distributed to all Township employees.

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

**Contract Negotiations / Dabrowski (Block 58, Lot 7)**

Mayor Heller stated that this matter remains in Executive Session.

**Attorney-Client Privilege / Executive Session Minutes / February 18, 2020**

**A MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of February 18, 2020 for content only, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

**Potential Litigation / Affordable Housing**

**A MOTION** was made by Mr. Smith to approve the amended Developers Agreement with Allies Inc., seconded by Mrs. Fort and on Roll Call vote the following was recorded:

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

The following resolution was offered for consideration:

**#R-2020-40**

**RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN  
FOR THE TOWNSHIP OF READINGTON**

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Township of Readington is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Township of Readington are affirmatively marketed to very-low, low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Readington.

**Resolution #R-2020-40 cont'd:**

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Committee of the Township of Readington, County of Hunterdon, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:  
Affirmative Marketing Plan

A. All affordable housing units in the Township of Readington shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very-low, low and moderate income units, including those that are part of the Township's prior round and Round 3 obligations and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

B. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Readington. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).

C. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township, shall undertake all the following strategies: 1. Review, approve and ensure that the developers/sellers/owners publish at least one advertisement in a newspaper of general circulation within the housing region. 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region. 3. At least one additional regional marketing strategy using one of the other sources listed below at Sec. E of this plan.

D. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Readington is in Housing Region 3, consisting of Somerset, Middlesex and Hunterdon Counties.

E. The Affirmative Marketing Plan is a continuing plan intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for very-low, low, and moderate-income units shall appear in the Star Ledger.

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements must be approved in advance by the Township's Administrative Agent.

Advertisements will be placed on the following websites: Readington's Affordable Housing website at: <https://www.readingtontwpnj.gov/departments/affordable-housing>; Affordable Homes New Jersey - <https://www.affordablehomesnewjersey.com/> and New Jersey Housing Resource Center (NJHRC) at <http://www.njhrc.gov/>.

2. The advertisement shall include a description of the: a. Street address(es) of the units; b. Directions to the units; c. Range of prices for the units; d. Numbers of bedrooms in units; e. Maximum income permitted to qualify for the units; f. Location of applications; g. Business hours when interested households may obtain an application; h. Application fees, if any; i. Number of units currently available; and j. Anticipated dates of availability.

***Resolution #R-2020-40 cont'd:***

3. Newspaper advertisements, announcements and information on where to request applications for very-low, low, and moderate-income housing shall also appear in the Hunterdon County Democrat, and Readington News.
4. Advertisements on where to request applications for very-low, low, and moderate-income housing shall be broadcast on at least one regional cable television or radio station.
5. Applications shall be mailed or emailed by the Administrative Agent to the all prospective applications upon request. Locations of applications, brochures, and flyers to affirmatively market the program are listed in Exhibit “A” attached and will also be made available on the Township’s website. In addition, information on how to apply shall be made available at the developer’s sales/rental office and shall be mailed or emailed to prospective applicants upon request.
6. The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Hunterdon, Somerset, and Middlesex Counties that will aid in Readington’s affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers. This list will be available and maintained by the Housing Office Information shall be sent every six (6) months to every entity on the Township’s affirmative marketing list in Appendix I.
7. In addition, the Township’s Affirmative Marketing Plan will address the Settlement Agreement provisions to include the following community groups listed below for direct notification of affordable housing unit availability.
  - Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)
  - New Jersey State Conference of the NAACP (15 West Front St., Trenton, NJ 08608);
  - The Latino Action Network (P.O. Box 943, Freehold, NJ 07728);
  - New Brunswick branch of the NAACP (PO Box 235, New Brunswick, NJ, 08903);
  - Plainfield Area branch of the NAACP (300 Central Avenue, Plainfield, NJ, 07060);
  - Perth Amboy branch of the NAACP (PO Box 1219, Perth Amboy, NJ, 08621);
  - Metuchen/Edison branch of the NAACP (127 Newman St., Metuchen, NJ, 08840);
  - Supportive Housing Association of New Jersey (185 Valley St, South Orange, NJ 07079).
  - NORWESCAP (350 Marshall Street, Phillipsburg, NJ 08865; and
  - Central Jersey Housing Resource Center (600 1<sup>st</sup> Ave., Raritan, NJ 08869).
8. Whenever necessary, a random selection method as described in the attached Exhibit “B” to select occupants of very-low, low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I).
9. The Administrative Agent shall administer the Affirmative Marketing Plan that is on file in the Housing Office. The Administrative Agent has the responsibility to income qualify very-low, low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very-low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.
10. Whenever appropriate, the Administrative Agent shall provide or direct qualified very-low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law. The Administrative Agent shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of very-low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent. The implementation of the Affirmative Marketing Plan for a new development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy.

***Resolution #R-2020-40 cont'd:***

12. The implementation of the Affirmative Marketing Plan shall continue until all very-low, low, and moderate-income affordable housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Township-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Readington Township that is subject to NJAC 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Township's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval.

13. The Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Township a Final Judgement of Compliance and Repose.

***BE IT FURTHER RESOLVED*** that the appropriate Township officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

***BE IT FURTHER RESOLVED*** that this Resolution shall take effect pursuant to law.

## **EXHIBIT "A"**

### **APPLICATIONS**

Affordable Housing applications will be available at the Readington Township Housing/Social Service office; via the Readington Township website; county administration offices; main branch library sites and sales/rental offices (when applicable).

#### **Hunterdon County**

- Hunterdon County Library (Main Branch): 314 State Rt. 12, Bldg #3, Flemington, NJ 08822
- North County Branch Library: 65 Halstead St., Clinton, NJ 08809
- South County Branch Library: 1108 Old York Rd. Ringoes, NJ 08551
- Hunterdon County Housing Dept.: 8 Gauntt Place, P.O. Box 2900, Flemington, NJ 08822
- Readington Township Housing/Social Service Office: 509 Rt. 523 Whitehouse Station, NJ 08889
- Website: [readingtontwpnj.gov](http://readingtontwpnj.gov)

#### **Middlesex County**

- East Brunswick Public Library: 2 Jean Walling Civic Center, East Brunswick, NJ 08816
- New Brunswick Public Library: 60 Livingston Ave., New Brunswick, NJ 08901
- South Brunswick Public Library: 110 Kingston Ln, Monmouth Junction, NJ 08852
- Middlesex Division of Housing: 75 Bayard, New Brunswick, NJ 08901

#### **Somerset County**

- Somerset County Library System of New Jersey: 1 Vogt Dr, Bridgewater Township, NJ 08807
- Central Jersey Housing Resource Center: 600 1st Ave, Raritan, NJ 08869

**EXHIBIT “B”**

**RANDOM SELECTION**

Describe the random selection process that will be used once applications are received.

New units will be marketed for 4 months prior to expected occupancy and marketing will continue until all units are occupied.

Existing units will be marketed on a continuing basis for re-occupancy until there is a sufficient applicant pool for 2 years of resales/vacancies (approximately 5-10%) obtained.

Applicants will be prequalified as applications are received and applicants will be notified in writing of their preliminary eligibility or ineligibility prior to the lottery.

Random selection is conducted when a unit is available. Households in need of the available unit are certified for income eligibility and placed in a lottery. Only eligible households seeking the specific type of unit available: sale or rental, very-low, low or moderate, bedroom size and any other special requirements such as accessibility of the available unit are placed in the lottery.

After the lottery is conducted the first household selected is notified via phone and a full application is sent to the applicant via e-mail or mail. The applicant is given seven (7) days to express interest or disinterest in the unit. If the first household is not interested the second household is contacted and the process continues until a certified household selects the unit.

Applications are accepted on an ongoing basis; households are added to the applicant pool for the appropriate household income and family size. Advertising and outreach are ongoing according to the Affirmative marketing plan.

***Certification***

I hereby certify that the above information is true and correct to the best of my knowledge.

Name (Print) \_\_\_\_\_

Title: \_\_\_\_\_ Municipality: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

***Litigation / Tax Appeal***

The following resolution was offered for consideration:

**#R-2020-41**

***RESOLUTION AUTHORIZING THE SPECIAL TAX COUNSEL FOR THE TOWNSHIP OF READINGTON TO FILE A COUNTERCLAIM RELATIVE TO THE TAX APPEAL CAPTIONED: UNICOM SCIENCE AND TECHNOLOGY PARK, INC. vs. READINGTON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NO. 000934-2020 AND ANY APPEAL FILED BY MERCK, SHARP & DOHME FOR THE 2020 TAX YEAR***

***WHEREAS***, UNICOM SCIENCE AND TECHNOLOGY PARK, INC. (“UNICOM”) is the owner of property shown as Block 4, Lot 4.01, 48, 49, 99, and 100 and Block 9, Lot 2 on the Township of Readington’s Tax Assessment Maps (“Property”); and

***WHEREAS***, UNICOM filed appeals of their 2019 and 2020 tax year assessments in the Tax Court of New Jersey; and

***WHEREAS***, Merck, Sharp, & Dohme (“Merck”) filed appeals of their 2016 through 2019 tax assessments on all and/or portions of the Property, Merck having sold the Property and leased back from Unicom the offices at Block 4, Lot 4.01, One Merck Drive; and

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

***WHEREAS***, the Township Special Tax Appeal Counsel and Tax Assessor have reviewed preliminary analysis of the market value of the Property and in light of same and initial advices of the Township Appraiser, they recommend the filing of a Counterclaim in regard to the 2020 tax appeal, Docket No. 000934-2020 to increase the assessments on the Property, and the filing of a counterclaim in regard to the filing of any tax appeal seeking a reduction by Merck, Sharp, & Dohme with regard to any portion of the Property in which they have standing to file a 2020 appeal; and

***WHEREAS***, the Township Committee authorizes the filing of these counterclaims to increase the assessments on the Property without prejudice to its dealing with any other Readington Township’s taxpayers’ request for tax assessment reduction.

**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 Special Tax Counsel is hereby authorized to file a Counterclaim in the Tax Appeal captioned: Unicom Science and Technology Park, Inc. vs. Readington Township, Tax Court of New Jersey, Docket No. 000934-2020 on the properties shown as Block 4, Lot 4.01, 48, 49, 99, and 100 and Block 9, Lot 2 on the Township of Readington’s Tax Assessment Maps (“Property”) and a Counterclaim in any appeal filed by Merck, Sharp & Dohme for the 2020 tax year on any one or more of the lots of the Property.

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

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



***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 Heller stated that this matter remains in Executive Session.

**CONSENT AGENDA:**

Mayor Heller read the following statement:

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

1. \* **APPROVAL OF MINUTES** of meeting of February 18, 2020
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 95, Lot 12.320 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 \$1,054.58, plus a premium paid in the amount of \$1,200.00, known as Tax Sale Certificate #2019-023, to the lienholder, US Bank Cust/Pro Cap 8/Pro Capital Mgt II.

3. \* **Release of Board of Health Escrow / Block 70, Lot 31.44 (Bauer)**
4. \* **Release of Soil Witness Fees / Block 49, Lot 4 (Morris)**
5. \* **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	0-01	\$ 1,039,632.99
SEWER APPROPRIATIONS	0-02	\$ 97,947.52
CURRENT FUND	9-01	\$ 15,184.48
SEWER APPROPRIATIONS	9-02	\$ 4,306.05
TRUST FUNDS	X-03	\$ 19,714.25
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 15,099.18
PAYROLL DEDUCTIONS	X-06	\$ 154,219.35
REG & LOCAL SCHOOL TAX	X-07	\$ 5,976,471.22
2019 CAP IMPROVEMENTS	X-19	<u>\$ 431.32</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 7,323,006.36</b>

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

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

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

John Broten, Dogwood Drive, commented on the proposal to hire an outside contractor to maintain the open space trails. Mr. Broten also commented on the proposed open space acquisition listed as *Contract Negotiations / Dabrowski* and the proposed tree ordinance. Mr. Broten further inquired on the status of the Solberg litigation.

Scott Scammell, Dreahook Road, commented on the proposed tree ordinance and inquired about the taxes currently being paid on the Dabrowski property, pointing out the loss of tax revenue if the Township acquires this property.

**CORRESPONDENCE / OTHER INFORMATION**

There was none.

**OLD BUSINESS**

1. ***An Amendment of the Ordinance Establishing the Environmental Commission***

The following ordinance was offered for introduction:

***AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE CODE OF READINGTON TOWNSHIP, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE ENVIRONMENTAL COMMISSION***

***Ordinance #06 -2020***

***BE IT ORDAINED*** by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey that the following amendments shall be made to the Code of the Township of Readington as follows (language underlined thus \_\_\_ represents new language; language in brackets thus [ ] signifies deletions:

***SECTION 1.*** Chapter 18 of the Code of the Township of Readington entitled "Environmental Commission" shall be amended to provide the following:

**Sec. 18-2 Appointment of members; term.**

The Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board, one of whom may also be a tree expert licensed by the State of New Jersey or an arborist certified by the International Society of Arboriculture, ISA and all of whom shall be residents of Readington Township. The members shall serve without compensation except as provided. The Mayor shall designate one of such members to serve as Chairman and presiding officer of the Commission. The terms of office of the first Commissioners shall be for one, two or three years, to be designated by the Mayor in making his or her appointments, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed so that the terms of two of the members will expire each year.

**Ordinance #06-2020 cont'd:**

**Sec. 18-3. Purposes of Commission.**

(A) The Commission is established for the protection, development and use of natural resources, including water resources, soil and landscape protection, environmental appearance and protection of flora and fauna located within the territorial limits of the Township of Readington. The Commission shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and for the development and use of such areas.

(B) The Environmental Commission shall also have the authority to receive, review and make recommendations and inspections in connection with applications for tree removal or planting permits as may be provided for elsewhere in the Township Code. In conjunction therewith, the Commission may form subcommittees of its members to assist in accomplishing such recommendations and inspections.

**Sec. 18-5 Records and reports.**

The Environmental Commission shall conduct its meeting in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-7, et seq), keep records of its meetings and activities and make an annual report to the Township Committee.

**Sec. 18-6 Appointment of employees.**

The Commission may appoint such clerks and other employees as it may from time to time require, provided that the same shall be within the limits of the funds appropriated to it by the Township Committee. In the event there is no licensed tree expert or certified arborist serving on the Commission, then the Commission or Township Committee shall hire one to consult with in order to perform the duties set forth in Sec. 18-3(B) above.

**SECTION 2.** All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

**SECTION 3.** The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

**SECTION 4.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** 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 6.** This ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

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

*The Public Hearing was scheduled for March 16, 2020 at 7:45 p.m.*

2. ***An Ordinance Amending & Supplementing Chapter 148 Entitled "Land Development" to Allow Limited Breweries as a Conditional Use in the AR Agricultural Residential Development Zone***

Attorney Dragan explained that as a result of the Planning Board review, it was recommended to change the hours of *Brewery Sales of Operation from noon and 9:00 pm to noon and 10:00 pm.*

The following ordinance was offered for re-introduction:

***AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 148 ENTITLED "LAND DEVELOPMENT" TO ALLOW LIMITED BREWERIES AS A CONDITIONAL USE IN THE AR AGRICULTURAL RESIDENTIAL DEVELOPMENT ZONE***

***Ordinance #05 -2020***

***BE IT ORDAINED*** by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey that the following amendments shall be made to Chapter 148 of the Land Use Ordinance of the Township of Readington,

***SECTION 1.*** Article II entitled "Definition of Terms " shall be amended to add the following language:

Sec. 148-9. Definitions:

**Limited Brewery.** A limited brewery licensed by the State of New Jersey (1b) pursuant to N.J.S.A. 33:1-10.

***SECTION 2.*** Chapter 148, Article IV. District Regulations shall be amended to add the following language:

Sec. 148-15. AR Agricultural Residential Zone

C. Conditional Uses - AR Zone (subject to regulations set forth in Article V)

1. Limited Brewery

~~(2)(1)~~ Home occupations

~~(3)(2)~~ Public Utilities

~~(4) (3)~~ (Reserved)

~~(5) (4)~~ Previously converted agricultural buildings, such as barns, wagons, sheds and chicken coops for storage and warehousing prior to the effective date of this chapter.

***SECTION 3.*** Chapter 148, Article V. Conditional Uses, Exceptions, Modifications and Critical Areas shall be amended to add the following new subsection:

Sec. 148-35 Limited Brewery. A Limited Brewery (1b) licensed by the State of New Jersey pursuant to N.J.S.A. 33:1-10, subject to the following conditions:

A. Shall not utilize a Plenary Retail License (1c) for alcohol consumption with the limited brewery license;

B. Shall be located upon a tract of land exclusively under the control of the brewery licensee;

C. The brewery licensee shall be actively engaged in farming on, or on a tract directly adjacent to, the brewery premises;

D. The brewery licensee shall grow and cultivate hops or other products on the farm used in the manufacturing of brewery products at the brewery;

E. The brewery licensee shall hold no other brewery licenses within Readington Township;

F. Shall not exceed 5,000 barrels of production per year. Production shall be demonstrated via documentation provided to the Township Clerk and Zoning Officer on an annual basis;

***Ordinance #05-2020 cont'd:***

- G. Shall be located on a commercial farm;
- H. Shall be located on a contiguous tract at least 20 acres in area;
- I. The property upon which the brewery is located shall abut US Route 22 or US Route 202 and shall have direct vehicular access from such abutting highway;
- J. Shall have tasting room/areas;
- K. Brewery Sales Hours of Operation: Shall not extend outside of the hours of noon and 10:00 pm;
- L. Entertainment and Media Hours of Operation: Other than background music, radio and television contained within the brewery building, all other forms of entertainment/media permitted by the license shall not occur outside the hours of noon and 9:00 pm.
- M. Outdoor Beverage Service: Sales and service of beverages is permitted outside within a fenced or walled enclosed area with such fence or wall having a minimum height of three feet, provided that such an area is delineated on an approved site plan;
- N. Outdoor On-Premises Special Events (open to the general public) shall be subject to the following:
  - (1) Events that exceed 60 attendees shall be limited to six events per year, subject to section P below;
  - (2) Shall be located within a delineated area depicting the location and extent of the area that is be used for such events and which is shown on an approved site plan;
  - (3) Shall not occur outside the hours of noon and 9:00 pm;
  - (4) Off-street parking for special events shall not be permitted in areas other than those parking areas depicted on an approved site plan;
- O. On-Premises Private Parties and Social Affairs shall be subject to the following:
  - (1) Events that exceed 60 attendees shall be limited to six events per year, subject to section P below;
  - (2) Shall be located within a delineated area depicting the location and extent of the area that is be used for private parties and which is shown on an approved site plan. The site plan shall illustrate, in plan and details, the manner in which this area shall be segregated from the general public;
  - (3) If held outdoors, shall not occur outside the hours of noon and 9:00 pm;
  - (4) Off-street parking for private parties shall not be permitted in areas other than those parking areas depicted on an approved site plan;
- P. A maximum of six (6) outdoor events with amplified music shall be permitted per year among the various described activities in subsections L, N and O above.
- Q. On-Premises Special Event Notice: A copy of the notice required to be provided to the New Jersey Division of Alcoholic Beverage Control for an on-site special event shall be provided to the Township Clerk and Zoning Officer no less than 10 days prior to an event;
- R. Entertainment Notice: A copy of the notice required to be provided to the New Jersey Division of Alcoholic Beverage Control advising of the intent to have live music, DJ's, television programs, movies or sporting events shall be provided to the Township Clerk and Zoning Officer no less than 10 days prior to an event;
- S. Compliance with Maximum Permissible Sound Levels: All activities, other than agricultural activities, shall comply with Chapter 158 Noise, of the Readington Township Code with respect to the maximum permissible sound levels.
- T. Maximum floor area ratio for brewery buildings: .02. This is not in addition to the overall maximum permitted floor area ratio of 0.04.

**Ordinance #05-2020 cont'd:**

- U. Maximum Building height for any buildings associated with brewery shall not exceed two stories and 30 feet;
- V. Minimum building and off-street parking setback from street line or property line, excluding existing agricultural buildings: 100 feet.
- W. Minimum street frontage on a street: 200 feet.
- X. Minimum Off-Street Parking shall be provided as follows:
  - (1) One space for every three seats in tasting room/areas plus one space for every employee on the shift with the greatest census; plus
  - (2) One space for every 100 square feet of special event or private party space not accounted for in the calculation of the brewery/tasting room
- Y. Off-street Parking Screening: Parking for visitors, employees and commercial vehicles for the brewery shall be screened from public view and the view of any adjacent properties with a screen planting, berm, fence, wall or combination thereof, no less than four feet in height. This buffering shall be provided between the off-street parking areas and any lot line or street line. Where a building intervenes between a street line or property line to sufficiently buffer views of parking, such screening shall not be required.
- Z. Outdoor Storage: No outdoor storage, except for agricultural materials, supplies and equipment, shall occur on the property;
- AA. Refuse and recycling containers shall be enclosed within masonry enclosures with gates with a height sufficient to conceal all materials stored within;
- BB. Lighting: Maximum height of any fixture shall be 14 feet; parking lot lights shall be turned off within two (2) hours after the close of business.
- CC. Permanent Freestanding Sign Permitted: Not more than one permanent freestanding sign having a maximum permitted sign area of 64 square feet and a maximum permitted height of eight feet;
- DD. Temporary Freestanding Sign Permitted: Not more than one temporary sign having a maximum sign area of no more than 14 square feet and a maximum height of four feet. The maximum permitted duration for a temporary sign is 30 days;
- EE. Building-Mounted Sign Permitted: Not more than one building-mounted sign having a maximum sign area of 24 square feet and a maximum height of 15 feet;
- FF. Major site plan approval is required.

**SECTION 4.** All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

**SECTION 5.** The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

**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.

**Ordinance #05-2020 cont'd:**

**SECTION 8.** This ordinance is subject to review and recommendation of the Readington Township Planning Board in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64 for consistency with the Master Plan. Pursuant to N.J.S.A. 40:55D-15, the Clerk shall provide the required notice and a copy of the proposed ordinance to the Hunterdon County Planning Board and to the Clerks of all adjoining municipalities and any other required recipients at least 10 days prior to the date of the public hearing.

**SECTION 9.** This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

**A MOTION** was made by Mrs. Fort to re-introduce this ordinance with the amendment as noted, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

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

*The Public Hearing was scheduled for March 16, 2020 at 7:45 p.m.*

**NEW BUSINESS**

1. ***An Ordinance Amending Chapter 148 of the General Code of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Tree Removal and Replacement***

The following ordinance was offered for introduction:

***AN ORDINANCE AMENDING CHAPTER 148 OF THE GENERAL CODE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO TREE REMOVAL AND REPLACEMENT***

***Ordinance #07-2020***

**WHEREAS**, the Mayor, Committee and citizens recognize that trees and shrubs are a natural resource that provide aesthetic, economic, ecological, environmental and health benefits to the Township of Readington and its inhabitants, and as such require responsibility for their active stewardship; and

**WHEREAS**, the Mayor and Committee recognize that the treatment of trees and shrubs on individual properties can have significant impacts not only on those individual properties, but also on neighboring properties, the streetscape, the tree canopy, and the entire municipality, and

**WHEREAS**, the Mayor and Committee have found that indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the Township can cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, decreased groundwater recharge, increased buildup of atmospheric carbon, and increased dust, and

**WHEREAS**, the Mayor and Committee recognize these impacts tend to adversely impact the character of the Township and decrease property values, render land unfit and unsuitable for its most appropriate use and adversely affect the health, safety and general welfare of the inhabitants of the Township, and

**WHEREAS**, the Mayor and Committee desire appropriate management of these resources and desire to regulate and control indiscriminate and excessive cutting of trees within the Township, in order to preserve the maximum number of trees in the course of development of a site, protect larger, older specimens of trees, encourage innovative design and grading to promote the preservation of existing trees, and

**Ordinance #07-2020 cont'd:**

***NOW BE IT ORDAINED***, by the Mayor and Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the following amendments to the Code of the Township shall be made to Chapter 148 of the Code of the Township of Readington entitled “Land Use Ordinance”.

**SECTION 1.** Article II “Definitions of Terms”, Section 148-9 Definitions shall be amended as follows: Additions are indicated thus and deletions are indicated ~~thus~~.

**CALIPER**

The ~~size~~ diameter of a tree trunk measured in inches at a point 6 inches above natural grade for trees with trunks 4 inches or less in diameter, and at a point 12 inches above natural grade for trees with trunks greater than 4 inches in diameter. ~~equal to the diameter of its trunk measured four feet above natural grade.~~ This measurement is used to determine the tree size for planting.

**CERTIFIED ARBORIST**

A person certified by International Society of Arboriculture, ISA, which is a professional organization supporting the professional practice of arboriculture.

**CONSERVATION EASEMENT**

A portion of land dedicated for designated conservation purposes and designated as such on any recorded deed, plot plan and/or as otherwise identified and delineated in any site plan.

**CROWN**

The upper mass or head of a tree created by its branches and leaves.

**DBH (DIAMETER AT BREAST HEIGHT)**

The diameter of the main stem of a tree or the combined diameters of a multi-stemmed tree measured 4.5 feet above the surface of the ground, on the uphill side on slopes. The top diameter of a stump less than 4.5 feet tall shall be considered the “DBH” of an illegally destroyed tree for the purpose of calculating recompense.

**DESTROY OR INJURE A TREE**

Any intentional or negligent act causing irreparable damage to or killing a tree, including, including but not limited to cutting the main stem of the tree; girdling the main stem of the tree; damage inflicted to the root system by machinery, storage of materials, excavation, soil compaction or change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pests or other infestation; excessive pruning not in conformance with current American National Standards Institute (ANSI) standards, leading to a failure to thrive; flush cutting of branches; “lionstailing” (excessive branch removal in the interior of the crown); paving over the root system with any impervious materials within such proximity as to be fatally harmful to the tree; application of any substance toxic to the tree or causing the tree to be exposed to any such substance; incursion into a designated root and soil protection area; and various tree climbing practices such as the use of climbing spurs or gaffs on trees not subject to removal that exposes the cambium of a tree to insects or decay organisms



***Ordinance #07-2020 cont'd:***

DRIPLINE

A line on the ground delineated on the surface and subsurface by the outer limits of the branches of a tree and measured plumb from the branches to the ground. When the outer limits of the branches are indistinct or otherwise unclear, the drip line shall be presumed to be located one and one-half feet from the center of the trunk of a tree for each inch of the trunk DBH. In the case of trees with multiple trunks, the dripline of each trunk shall be measured separately.

LICENSED TREE EXPERT/TREE CARE OPERATOR

A person licensed by the New Jersey Board of Tree Experts pursuant to the Tree Experts and Tree Care Operators Licensing Act (N.J.S. 45:15C-17).

NATIVE SPECIES

Native or indigenous plants that naturally occur in the region in which they evolved.

REPLACEMENT TREE

In the case of a deciduous tree, a tree which measures at least three (3) inches in caliper, and in the case of an evergreen tree, a tree which measures at least six (6) feet in height measured from grade. In all cases, the replacement tree shall be of a species and size appropriate for the premises on which it will be planted. Replacement nursery stock shall adhere to the current ANSI American Standard for Nursery Stock.

SPECIMEN TREE

Any of the following:

- A. An individual tree that measures sixty percent (60%) or more of the circumference at breast height of a State Record Tree in New Jersey of the same species as listed by the New Jersey Department of Environmental Protection.
- B. A tree greater than 36 inches DBH.
- C. A coniferous tree greater than 100 feet in height.
- D. A tree of any size listed as a rare, threatened or endangered species by the New Jersey Department of Environmental Protection.

STATE RECORD TREE

The largest tree of each species found in New Jersey eligible to be listed on the New Jersey Big Tree Register, available from the NJDEP Division of Parks and Forestry, State Forest Service, PO Box 404, Trenton, NJ 08625.

TREE

Any live, woody plant having a diameter or width equal to or greater than six (6) inches DBH.

TREE ESCROW FUND

A fund established by the governing body for the administration, planting and maintenance of trees and shrubs on public property.

TREE AND SOIL PROTECTION ZONE

The area within the dripline of a tree, as the term is defined herein.

***Ordinance #07-2020 cont'd:***

TREE REMOVAL

See DESTROY OR INJURE A TREE.

WOODLAND

Managed or unmanaged areas, groves or stands of trees, i.e., greater than six (6) inches DBH covering an area greater than 1/4 acre; or groves of mature trees greater than twelve (12) inches DBH consisting of more than 10 individual trees within an area of ½ acre.

**SECTION 2.** A new Section 148-69.1 shall be added to Article VII Subdivision and Site Plan Design Standards of the Code of the Township of Readington as follows:

**148-69.1. Tree Removal and Tree Replacement Plan.**

A. Every application to a Board for approval of a subdivision, site plan or variance that proposes tree removal of any tree with a DBH of six (6) inches or more, unless exempted pursuant to Section 148-79.10, shall include a Tree Removal and Tree Replacement Plan for approval by the Board in accordance with this Section.

B. The following information shall be provided on the Tree Removal and Tree Replacement Plan:

(1) Location of individual trees with a DBH of six (6) inches or greater identified by size and species with the area of development/limit of disturbance.

(2) Clear labeling of the area intended for tree removal including the size and species of each tree in such area.

(3) List of trees to be removed with a DBH of six (6) inches or greater identified by size and species, including total number of each species to be removed.

(4) Location of staging areas.

(5) Location of slopes greater than 15% where tree removal is proposed.

(6) Location of any stream corridor as defined in Section 148-9 where tree removal is proposed.

(7) Location of individual existing trees noted by the Environmental Commission for preservation within the area of development/limit of disturbance identified by size and species.

(8) Tree and soil protection zone details and limit of tree and soil protection zone. Chain link fencing out to the dripline is preferred, but other forms of protection can be used as recommended by the Environmental Commission. The area within the tree and soil protection zone should not be disturbed except by arboricultural activities that improve the health and safety of the tree.

(9) Location of proposed tree replacements, in accordance with Section 148-69.1.C below.

(10) Such other information as may be deemed necessary in order to effectively evaluate the plan.

C. Tree replacement. Tree replacement shall be provided in accordance with Section 148-79.12.

D. Tree and soil protection zones.

(1) As used in this Section, reference to “construction site” or “site” shall refer to any real property upon which any person (referred to herein as a “contractor”) proposes to or does engage in the construction, reconstruction, or demolition of any building, structure or other improvement including landscaping located upon said real property.

***Ordinance #07-2020 cont'd:***

(2) Contractors shall comply with the provisions of this Section on site during construction.

(3) Contractors shall safeguard areas referred to as “tree and soil protection zones” on site during construction. The phrase “tree and soil protection zone” is defined in Section 148-9.

(a) During any tree removal, protection for adjacent trees, tree roots, and soil shall be installed if required to prevent destruction or injury of the adjacent trees. Tree protection shall remain until construction is complete.

(b) Tree protection shall be provided, as a minimum, in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

(c) No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.

(d) Protection is required for any soil disturbance within the tree and soil protection zone of any tree not being removed.

(e) Any tree damaged during construction must be inspected and treated if required in accordance with written guidance from the Environmental Commission, a Licensed Tree Expert/Tree Care Operator, or a Certified Arborist. If the damage cannot be corrected as determined by those noted above, the damaged tree shall be removed and replaced in accordance with Section 148-79.12.

(f) No materials of any kind shall be stored and no construction machinery shall be placed within the tree protection zone of any tree to be protected.

(g) When the tree protection zone is adjacent to street rights-of-way and utility easements, the location said street rights-of-way and utility easements shall be identified during construction.

**SECTION 3.** A new Article VIIB titled “Tree Removal and Replacement” shall be added to Chapter 148 Land Development as follows:

**Article VIIB. Tree Removal and Replacement**

**148-79.8. Intent and Purpose.**

A. Trees and shrubs are a natural resource that provide aesthetic, economic, ecological, environmental and health benefits to the Township of Readington and its residents. The treatment of trees on individual properties can have significant impacts not only on those individual properties but also on neighboring properties, the streetscape, the tree canopy and the entire Township.

B. The purpose of this article is to control and regulate indiscriminate and excessive removal, injury and destruction of trees, in order to prevent conditions that may cause: reduced ecological and social benefits, including increased stormwater runoff; soil erosion; sedimentation of watercourses; reflected heat, air or noise pollution; diminished aquifer recharge; decreased soil fertility; increased risk to persons and property by failures of trees or their parts, and increased risk to real property and real property values from flash floods and other intense precipitation events.

**148-79.9. Permit Required.**

A. In all zoning districts of the Township any of the following types of tree removal shall require a permit, unless exempt under Section 148-79.10, or unless involving removal of two or more trees within the Special Resource Residential (SRR) and thus requiring conditional use approval pursuant to Section 148-46.

**Ordinance #07-2020 cont'd:**

- (1) Removing or otherwise destroying a tree with a DBH of six (6) inches or more.
- (2) Removing or otherwise destroying a tree with a canopy extending over a public right-of-way.
- (3) Removing or otherwise destroying any specimen tree as defined in Section 148-9.
- (4) Removing or otherwise destroying any tree within a stream corridor as defined in Section 148-9.

(5) Removing or otherwise destroying any tree that was planted or preserved as part of any landscape plan or in accordance with any street tree requirements approved in conjunction with a subdivision or site plan shall be removed. Exceptions shall be such trees directed to be removed pursuant to Section 148.10.A (4) and (10) below.

B. All applications to the Planning Board or Zoning Board of Adjustment for approval of a major subdivision, minor subdivision, any site plan, or variance requiring tree removal, unless otherwise exempt pursuant to Section 148-79.10, shall submit a Tree Removal and Tree Replacement Plan as required by Section 148-69.1 in lieu of a tree removal permit. Where tree removal is proposed for purposes not related to major subdivision, minor subdivision, site plan, or variance approval, an application for a tree removal permit shall be submitted to the Zoning Officer, who shall request written guidance from the Environmental Commission in evaluating the permit application. A tree removal permit shall be considered a required prior approval before a construction permit may be released.

**148-79.10. Exemptions.**

A. The following shall be exempt from the requirements of this Section and do not require a permit:

(1) Any tree located on an individual tract or parcel of land, to be cut for personal use as firewood by the owner of such property. Not more than three (3) trees per acre shall be cut in any one (1) year, and in no case shall more than thirty percent (30%) of the total number of trees located on such property be removed. Tree removal subject to Section 148-79.9.A (2), (3), (4) and (5) above shall not be eligible for this exemption.

(2) Any tree located within fifty (50) feet of an existing residence.

(3) Commercial nurseries.

(4) Trees that are deemed to be removed by the Township Engineer or Department of Public Works that are on or are impeding a public right-of-way.

(5) Public parklands owned by the Township of Readington, in consultation with the Environmental Commission.

(6) Trees that have been determined by the Environmental Commission, a Licensed Tree Expert/Tree Care Operator, or a Certified Arborist to constitute a threat to the health, safety or welfare of the general public, or to any existing structure.

(7) The clearance of power line right-of-ways by companies regulated by the New Jersey Board of Public Utilities (see Section 148-79.13).

(8) Properties devoted to forest management and the practice of silviculture for which farmland assessment has been approved.

(9) Pruning or maintenance of trees in a manner which is not harmful to the health of the tree.

(10) Trees removed in the course of an emergency declared by the federal, state, or Township government.

**Ordinance #07-2020 cont'd:**

(11) The removal of any trees that are part of an approved woodland management program pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964, provided such plan and WD-1 form is filed with the Tax Assessor.

(12) Trees removed during the replacement or repair of a residential individual subsurface sewage disposal systems and/or the replacement or repair of a domestic water supply.

**148-79.11. Existing Individual Lots (Excluding Subdivision, Site Plan and Variances).**

A. Any existing individual lot that does not meet the requirements of Section 148-79.10 (Exemptions) and is not subject to the requirements of Section 148.69.1 (Tree Removal and Tree Replacement Plan) shall submit an application for a tree removal permit as follows:

(1) Application form. The application form shall be available from the Zoning Office and shall include the following information:

(a) Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, etc.);

(b) Status of the applicant with respect to land (owner, lessee, tenant, purchaser, under contract, etc.);

(c) Name and address of the applicant for the permit if other than the owner;

(d) Description of the premises where removal is to take place, including lot and block numbers and street address, if assigned;

(e) A list of all trees to be removed with a DBH equal to or greater than six (6) inches (or circumference of 18 inches) identified by size and species, including total number of each species to be removed;

(f) Purpose for tree removal (construction, street or roadway, driveway, utility easement, recreation area, patio, parking lot, etc.); and

(g) Such other information as may be deemed necessary in order to effectively process and decide such application.

(h) License number of proposed contractor when applicable in accordance with N.J.A.C. 7:3A.

(2) Sketch data.

(a) Base information. A sketch or photo shall be provided showing the location of the tree(s) to be removed with a DBH of six (6) inches (or circumference of 18 inches) or greater in proximity to existing and/or proposed structures and property lines. Such sketch shall be of a scale and clarity to be suitable for review by the Environmental Commission for the purposes of this Article.

(c) Tree removal criteria. The Zoning Officer may grant a tree removal permit based upon one or more of the following circumstances:

[1] Where the trees to be removed are limited to those trees necessary to permit the construction of buildings, structures, decks, driveways, individual subsurface sewage disposal systems, lawn area for recreational use by the inhabitants of the dwelling, and any other authorized improvements.

[2] Where the location of an existing tree provides no other alternative but to place a structure outside the permitted building setbacks.

**Ordinance #07-2020 cont'd:**

[3] Where the location of an existing tree negatively impacts on an existing individual subsurface sewage disposal system.

[4] Where no other alternative exists for the placement of an individual subsurface sewage disposal system, driveway, deck, patio, lawn area for recreational use by the inhabitants of the dwelling, or any other authorized improvements but in the vicinity of an existing tree.

[5] Where the location or growth of a tree inhibits the enjoyment of an outdoor pool, patio or deck.

[6] Where the condition, location, angle or growth of any existing tree makes it a hazard to structures or human life.

[7] Where it is the best collective professional judgment and opinion of the Environmental Commission no such alternatives exist and refusal of permit shall preclude the property owner from the personal or professional use of the property.

(3) Tree replacement. Tree replacement shall be provided in accordance with Section 148-79.12.

**148-79.12. Tree Replacement Requirements.**

A. The application required by Sections 148-69.1 and 148-79.11 shall be accompanied by a narrative and/or sketch or printed plan showing a tree replacement plan, to include and comply with the following:

(1) The tree replacement plan shall provide for replacing the removed and destroyed tree(s) in the same or contiguous location(s) on the premises, and in accordance with the following specific requirements. The tree replacement plan shall require that the applicant replace each removed or destroyed tree with one or more trees depending on the DBH of the removed or destroyed tree, and in accordance with Schedule A immediately below, the “Tree Replacement Schedule.”

<b>Schedule A – Tree Replacement Schedule</b>		
<b>Live Regulated Tree(s) Removed/Destroyed</b>	<b>Required No. of Replacement Tree(s) (3” caliper) per Tree(s) Removed/Destroyed</b>	<b>Replacement Fee per Removed Tree in Lieu of Planting</b>
DBH of 6” to less than 17”	Two (2)	\$400.00
DBH of 17” to less than 31”	Four (4)	\$800.00
DBH of 31” to less than 38”	Six (6)	\$1,200.00
DBH of 38” or greater	Eight (8)	\$1,600.00

(2) Tree replacement materials shall be provided in accordance with the standards set forth in ANSI Z60.1, American Standard for Nursery Stock.

(3) Deciduous trees shall be replaced with deciduous trees and evergreen trees shall be replaced with evergreen trees, or as recommended by the Environmental Commission.

(4) The planting of all replacement trees must be protected from *wildlife*.

***Ordinance #07-2020 cont'd:***

(5) If replacement trees are unable to be planted upon the completion of residential work being performed, the owner or his/her designee may post bond as recommended by the Environmental Commission; not to exceed \$2,000 to be issued a certificate of occupancy or certificate of approval from the Construction Official for related construction permits. For major subdivisions, developments and those applications in which tree removal permits were approved in relation to Board applications, the Environmental Commission shall consult with the Township Engineer to determine an appropriate dollar amount to be bonded prior to the approval from the Township Engineer.

**148-79.13. Protection of Trees and Shrubs from Utility Wires.**

Any individual, corporation or other entity having control over any wire for the transmission of electric current or telephone, cable or any other utility service along a public street, highway, property easement, or right-of-way shall at all times guard all trees and shrubs through which such wires pass against any injury from the wires or from the current carried by them. Prior to undertaking any work on the utility affecting any such tree or shrub, the utility company shall provide written notice to the Environmental Commission or its agent and abutting property owner(s) of same. The utility company shall be responsible for the removal of all debris associated with work on the utility affecting any such tree or shrub.

**148-79.14. Tree Escrow Fund**

A. There is hereby established a reserve in the Township's general capital fund which shall be known and designated as the "Tree Escrow Fund". A separate bank account shall be opened and maintained for this purpose.

B. The primary purpose of the Tree Escrow Fund is to provide for the planting and maintenance of trees and shrubs on public property.

C. The funds will also pay administrative costs to implement the provision of this Section, including but not limited to fees for processing of permits, site inspections, consultants, and supervisors of tree replacements. Administrative costs imposed in accordance with this Section shall not exceed 30 percent (30%) of the fund, as determined on an annual basis.

D. Appropriations from the Tree Escrow Fund shall be authorized by the Township Committee in accordance with a municipal tree planting plan with consideration of the recommendations by the Environmental Commission.

E. The Tree Escrow Fund shall be maintained by the Chief Financial Officer.

F. If a tree removal permit is granted for tree removal necessary for adding a patio, sundeck, outdoor private swimming pool, tennis court, sports court, or other permitted accessory use on an already developed single-family residential lot, the cash contribution to the Tree Escrow Fund in lieu of planting on the property in respect of such removal shall not exceed \$2,000.

**148-79.15. Inspections.** Prior to taking final action upon any applications for tree removal, an inspection of the site may be made by:

A. The Environmental Commission or a designee in those cases where final determination is to be made as to the granting or denial of an application.

B. Such inspection may be made of the site referred to in the application, and of contiguous and adjoining lands, as well as lands in the vicinity of the application, for purpose of determining drainage conditions and physical conditions existing thereon.

***Ordinance #07-2020 cont'd:***

**148-79.16. Enforcement.**

A. The Zoning Officer is designated as the enforcing agent for this article, or a designee. Upon review of as-built plans or site inspection of any major site development application, subdivision or soil movement activity, the Township Engineer shall inform the Zoning Officer of any trees removed in excess of those called for removal in the permit. The Zoning Officer has the power to revoke the permit if the applicant provided false or misleading information within the permit application and/or if there is noncompliance with the approved permit.

B. When a tree removal permit is issued as a prior approval to obtaining a construction permit, the Construction Official may not issue a certificate of approval or certificate of occupancy until all conditions set forth by the Zoning Officer are met.

**148-79.17. Permit Approval**

A. Time for Approval. The Zoning Officer shall act on the application within fifteen (15) days of receipt or within such additional time as is consented by the applicant. Failure of the Zoning Officer to act within fifteen (15) days, or any extension thereof, shall be deemed to be an approval of the application and thereafter the Zoning Officer shall issue a tree removal permit based thereon.

B. No approval shall be granted by the Zoning Officer if the proposed tree removal is contrary to the best interests of the public health, safety and general welfare.

C. Duration of Permit. Permits granted for the removal of trees under the terms and conditions of this Article shall run with the land, and shall remain in force and effect for the following periods, and not thereafter.

(1) If granted for a lot or parcel of land which no construction permit is required – one year from the date of issuance.

(2) If granted for a lot or parcel of land for which a construction permit is required, but for which no subdivision or site plan approval is required by the Township's Planning Board – until the expiration of the construction permit granted with such tree removal permit.

**148-79.18. Notice of Commencement of Tree Removal**

A. The holder of a tree removal permit shall notify the Environmental Commission at least seven (7) business days in advance of when tree removal activity will commence.

B. The notice shall also include advice as to the manner of disposal of the removed trees when required by the Zoning Officer upon issuance of the permit. Where appropriate, the Environmental Commission shall advise the Township's Public Works Department of the name of the permit holder, the location of the removal site, the date removal is to commence, and the manner of disposal to be employed. Debris from trees that are in a quarantine area due to a pest shall not be moved outside of the quarantine zone, in accordance with State regulations.

**148-79.19. Violations and Penalties; Restitution.**

A. Any individual, corporation or entity violating any provision of this article shall, upon conviction thereof, be punishable by a fine equaling the payment required pursuant to Section 148-108.K plus 25 percent of that payment, per offense. The cutting, destruction or removal of each tree shall constitute a separate offense.



**Ordinance #07-2020 cont'd:**

**148-79.29. Appeals.**

A. If a tree removal permit request is denied by the Zoning Officer, the applicant shall have a right to appeal the decision. The appeal shall be made to the Readington Township Board of Adjustment within 10 days of receipt of the notice of permit denial.

B. Any individual, corporation or entity penalized under Section 148-79.19 shall have a right to appeal the decision. The appeal shall be made to the Readington Township Board of Adjustment within 10 days of receipt of the notice of violation.

**SECTION 4.** A new Subsection K shall be added to Article XI Fees, Guarantees, Inspections and Off Tract Improvements, Section 148-104 Fees of the Code of the Township of Readington as follows:

K. Tree Removal Application, Inspection and Payment in Lieu of Mitigation Fees

(1) Application Fee. Thirty-five (\$35) dollars for each tax lot.

(2) Payment in Lieu of Mitigation Fee. Fees accepted as payment in lieu of mitigation shall be used exclusively for the administration of this ordinance and for the purchase and planting of replacement trees on public land or in a street right-of-way. Payment in lieu of mitigation fees shall be as identified in Section 148-79.12. Tree Replacement Requirements.

**SECTION 5.** All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

**SECTION 6.** This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

**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 and upon filing with the Hunterdon County Planning Board.

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

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

*The Public Hearing was scheduled for March 16, 2020 at 7:45 p.m.*

2. ***An Ordinance Establishing a New Chapter of the Code of the Township of Readington Entitled "Special Events"***

The following ordinance was offered for introduction:

***AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF READINGTON ENTITLED "SPECIAL EVENTS"***

***Ordinance #08 -2020***

***BE IT ORDAINED*** by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey, that a new Chapter entitled “Special Events” is hereby added to the Code of the Township of Readington as follows:

**Section 1. Purpose and Intent.** The purpose and intent of this Chapter is to enable the Township and the Township Committee to have oversight of the type and scope of events to be held within the confines of the Township. Through the input of all operational facets of the Township upon which the special event shall have impact, the Township shall protect the health, safety, and welfare of the Township residents and community as a whole.

**Section 2. Permit Required.**

a. Requirement for permit. Any person or organization desiring to hold any commercial or fund-raising event, i.e. concert, race, parade, walkathon, fair, carnival, festival, celebration, balloon festival, bicycle race, running event, show, seasonal farmers market on a non-agricultural property, or other similar event in or upon any public grounds or private property, park or road of the Township must first apply for, and obtain a permit from the Township Clerk in accordance with the requirements of Section 3 of this ordinance. Any such event which is likely to require the expenditure of Township resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department and/or Emergency Medical Services shall constitute a special event. To obtain a permit for a special event, the applicant shall also satisfy the requirements of Section 4 of this ordinance.

b. Definition of special event. An event shall also be considered a “special event,” when it involves: closing of a public street; the blocking or restriction of public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited, the placement of portable toilets on public property or on private property where otherwise prohibited, or placement of temporary “no parking” signs on a public right-of-way.

c. Other approvals and/or permits. The issuance of a permit shall not excuse the applicant from securing approvals or permits that may be required from any other governmental agency having jurisdiction over the event, including but not limited to, the Division of Alcoholic Beverage Control, the Department of Environmental Protection, and the Board of Health.

d. Outstanding violations. A permit may be denied if there are outstanding governmental zoning, construction or fire code violations against the property.

**Section 3. Application for Permit; Exemptions.**

a. Application. A person or organization seeking a permit hereunder shall file an application with the Township Clerk on a form to be provided by the Clerk for that purpose, and applicant shall furnish the following information:

(1) The name, address and telephone number of the person requesting the permit.

(2) The name, address, and telephone number of the person, persons, corporation, or association sponsoring the activity.

(3) The name, address and telephone number of the person who will act as chairperson of the special event and be responsible for the conduct thereof.

***Ordinance #08-2020 cont'd:***

(4) A detailed description of the proposed event and a sketch showing the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a “footprint.”

(5) The date(s) and hours for which the permit is sought.

(6) Whether or not any music or other entertainment will be provided, either live or recorded, whether it will be indoors or outdoor and the hours of the entertainment.

(7) Whether any food or beverages (alcoholic or non-alcoholic) will be served.

(8) Whether any police or emergency services may be required.

(9) The location of the event for which the permit is sought, and complete details as to how the applicant intends to provide for security and traffic control (subject to review and recommendation of the Township’s Police Department).

(10) The number of participants, spectators, and/or other people that could reasonably be anticipated to attend the event.

(11) An acknowledgment that if the permit is issued, the applicant will: a) be bound by all applicable Township ordinances, rules and regulations; and b) be liable for all loss, damage or injury sustained by any person, for whatever reason, which might occur during the special event due to the negligence of those organizers, persons, corporations or associations.

(12) Any other information which the Township Clerk shall find reasonably necessary to assist the governing body in determining whether or not a permit should be issued hereunder, including sufficient insurance protecting the Township for events occurring on public property.

b. Reference for review. Upon determining that the application is complete, the Township Clerk shall refer the application to the Police Chief, Zoning Officer, Construction Code Official, Fire Official and any other Department Heads, as may be necessary or applicable for preliminary review and recommendation in accordance with Section 5 of this ordinance.

c. Exemptions

(1) No permit shall be required for a governmental agency acting within the scope of its function.

(2) No permit shall be required for events sponsored by the Township of Readington.

(3) No permits shall be required for events sponsored by the Readington Township Board of Education, and/or emergency volunteer services of the Township of Readington, except when they involve the closure or obstruction of any public roads or public property.

(4) Non-commercial private parties, celebrations, gatherings and other events which are conducted by invitation only and are not open to the public and which are conducted on privately-owned lands by the owner thereof unless they involve the anticipated closure or obstruction of any public roads or public property.

**Section 4. Procedure, Fees.**

a. The application shall be filed, in writing, by the person or persons in charge of or responsible for such event, at least forty-five (45) days before the scheduled date of the event, except for block party requests which shall be filed no less than twenty (20) days before.

***Ordinance #08-2020 cont'd:***

b. Per section 148-121B(1)(b) (as may be amended hereafter), A fee of one hundred dollars (\$100.00) shall accompany a request for a permit and shall be used to reimburse the Township for its administrative costs in issuing a permit.

c. Permit fees may be amended by resolution of the Township Committee in the future.

**Section 5. *Review of Application; Recommendations and Decision.***

a. All special event applications shall be presented to the governing body by the Township Clerk, together with any Department recommendations, at a public meeting not more than 20 days following the filing of the completed application. The Township Clerk may withhold an application from consideration by the governing body if the Township Clerk and/or Township departments determine that an informed decision cannot be made without first obtaining additional essential information, in which case the applicant shall be advised, in writing, of the nature of the additional information required within 20 days following the filing of the completed application.

b. When considering whether to grant a permit application, the governing body shall take the following into consideration one or more of the following, based on any recommendations of the Chief of Police or other applicable Department Heads:

(1) The proposed event's impact on the public health, public safety and general welfare of the public.

(2) The impact of the proposed event on the public's enjoyment of the Township's amenities, if applicable.

(3) The impact of the proposed special event on the Township's resources and/or services.

(4) Whether or not the proposed event will unreasonably interfere with the public use of the streets and sidewalks and private properties and can be conducted in a safe manner.

(5) Whether or not the proposed event will conflict with another proposed or scheduled special event in such a fashion that the Township's Police Department and/or other departments would have insufficient manpower to provide for the public safety of the community.

(6) Whether or not there will be a sufficient number of ambulances, emergency service and fire-fighting equipment and the attendant personnel designated for the special event, and the conduct of the event will require the diversion of too many ambulances, emergency service, fire-fighting equipment or related personnel as to prevent normal ambulance, emergency, or fire-fighting service for the rest of the Township during the event. The applicant will consult with and comply with any recommendations of the Chief of the Rescue Squad and the Chief of the fire department servicing the locality.

(7) The manner in which the applicant intends to provide notice of the event to neighborhoods impacted by the proposed special event.

(8) The governing body shall not consider the content of the speech, actions or event in reaching its decision on whether to grant the permit or to incorporate any conditions, unless it determine that such conditions meet a strict scrutiny test in conformance with the United States Constitution and the Constitution of the State of New Jersey and there is a compelling public interest in imposing such stipulations.

b. Other requirements that must be met prior to issuance of a permit, if applicable:

(1) The applicant shall obtain all necessary permits for the sale/service of any alcoholic beverages.

(2) The applicant has provided adequate insurance coverage to the Township, including naming the Township as an additional insured if deemed necessary.

***Ordinance #08-2020 cont'd:***

(3) The applicant shall have secured and paid for all other permits required under municipal, state or federal regulations in connection with the special event, including zoning requirements, if applicable.

**Section 6. *Permit with Conditions.*** Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including, but not limited to, changes in time, duration or number of participants, or such conditions as will satisfy the health, safety and welfare concerns set forth in Section 5 above.

**Section 7. *Miscellaneous Provisions.***

a. For the purpose of protecting the public health, safety and welfare, the Chief of Police may order the temporary closing of streets during the special event and shall direct the posting of proper warning or directional signs in connection therewith.

b. Any permit granted under this ordinance must contain a guarantee from the applicant that the areas used for the special event shall be cleaned up as soon after the conclusion of the special event as is reasonably possible. This cleanup shall include, but not be limited to, such items as refreshments, signage and any litter or debris generated from the special event.

**Section 8. *Liability, Revocation of Permit.***

a. **Liability.** A permit holder shall be bound by all applicable Township ordinances, rules, and regulations, except so expressly set forth in the resolution. The person or persons to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The permittee may be required to submit to the Township Clerk prior to the event evidence of liability insurance in an amount required by the governing body, naming the Township as an additional insured. The permittee shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment.

b. If applicable and recommended by the Township's attorney, the holder of a special event permit shall agree in writing to indemnify and hold harmless the Township, its servants, agents and employees from any claims caused by the activity covered by such permit. The holder of such permit shall present to the Township Clerk a certificate of insurance in advance of the event, which will provide indemnification in a form acceptable to the Township, including listing the Township as an additional insured on the policy, should the event involve more than 200 people, or should it be determined to involve a higher risk of injury or danger to the public health, safety, and welfare.

c. If the Chief of Police deems it necessary to have additional police officers made available for the purpose of preserving the public health, safety and welfare during the course of the special event, then the Chief shall so advise the applicant at the time the permit is issued. If additional expenses or costs are incurred for the purpose of providing such police protection, then the holder of the permit shall be required to pay for same or reimburse the Township for such expenses or costs according to the existing policy of the Township on payment of said officers. The Township reserves the right to require an escrow to be established for such expenses/costs.

**Ordinance #08-2020 cont'd:**

d. If the Chief of Police, Coordinator of the Office of Emergency Management or the Chief of the Rescue Squad or Fire Department (“Emergency Services Department”) determines that it is necessary to have emergency, fire, or rescue squad personnel available at the special event for the purpose of preserving the public health, safety and welfare, then he (they) shall so advise the applicant at the time the permit is issued. The applicant shall be required to pay for same or to reimburse the Township for such expenses or costs according to the existing policy of the Township on payment of said personnel. The applicant shall use local emergency, fire or rescue squad personnel and equipment unless sufficient personnel or equipment is not available; this will be at the discretion of the Chief of Police and/or Chief of the applicable Emergency Services Department. Coordination and logistics of the emergency services will be under the direction of the Chief of Police and/or the Chief of the applicable Emergency Services Department.

e. Revocation of Permit. The Chief of Police, Zoning Official, Construction Code Official and/or Fire Official, as applicable, shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

**Section 9. Violations, Penalties.**

a. A person commits a violation of this ordinance if he or she:

(1) Commences or conducts an event without a permit; or

(2) Fails to comply with any requirement of this ordinance or any provision or condition of an event permit.

b. Any person, firm, or corporation found guilty in the Municipal Court of the Township of Readington of a violation of the terms of this ordinance shall be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the Municipal Court Judge.

**Section 10. Enforcement.**

a. The Police Department of the Township and other authorized personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.

b. The Police Department of the Township and other authorized personnel shall have the authority to eject from the special event area any person or person acting in violation of this ordinance.

c. The Police Department of the Township and any other authorized personnel shall have the authority to seize and confiscate any property, thing, or device used in violation of this ordinance.

**Section 11. Repealer.** This ordinance supersedes and repeals any ordinances, sections or portion(s) of any other Township ordinance inconsistent herewith.

**Section 12. Severability.** If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 13. Effective Date.** 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 Mr. Albanese and on Roll Call vote the following was recorded:

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

*The Public Hearing was scheduled for March 16, 2020 at 7:45 p.m.*

3. ***Solid Waste Advisory Council Vacancy***

*A MOTION* was made by Mrs. Fort to appoint Robert Becker to the Solid Waste Advisory Council for a one (1) year term to expire 12/31/2020, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

4. ***Request to Use Township Roads for Team Somerset Cycling Time Trails / May 16, 2020***

*A MOTION* was made by Mr. Smith to approve the use of township roads for this event, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

5. ***Request to Use Township Roads for Jersey Man Triathlon / May 17, 2020***

*A MOTION* was made by Mr. Albanese to approve the use of township roads for this event, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

6. ***Application for Special Events Permit / RSL Auction (Gemini Antiques)***

*A MOTION* was made by Mr. Fort to approve this Special Event permit, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

7. ***\* Release of Board of Health Escrow / Block 70, Lot 31.44 (Bauer)***

This matter was addressed under the Consent Agenda.

8. ***\* Release of Soil Witness Fees / Block 49, Lot 4 (Morris)***

This matter was addressed under the Consent Agenda.

***ADMINISTRATOR'S REPORT***

Administrator Mekovetz stated that she had nothing further to report.

***ATTORNEY'S REPORT***

Attorney Dragan stated the she had nothing further to report.

***ENGINEER'S REPORT***

Engineer O'Brien stated that he had nothing further to report.

***COMMITTEE REPORTS***

**JOHN ALBANESE**

Mr. Albanese reviewed some of the highlights of the 2019 Annual Recreation Report.

**BETTY ANN FORT**

Mrs. Fort reported that the Bouman Stickney Museum hosted the *Dressed to Kill* event. Mrs. Fort also announced that the First Grade program started today at the Bouman Stickney.

Mrs. Fort further reported that Emergency Services came to an agreement on accessing westbound Route 78 from exit 26 to 24 since Rattlesnake Bridge Road is closed.

**JONATHAN HELLER**

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

**JUERGEN HUELSEBUSCH**

Mr. Huelsebusch reported that the northwest quadrant of Route 78 has been preserved with the assistance of NJ Conversation Foundation.

Mr. Huelsebusch reported that the Open Space Advisory Board started a volunteer opportunity process.

**BENJAMIN SMITH**

Mr. Smith announced that the budget meeting will take place on Thursday, March 5<sup>th</sup> at 8:00 a.m.

Mr. Smith reported that he attended a meeting of the Raritan Valley Line Mayors Association.

***COMMENTS FROM THE PUBLIC***

Mario Orlandi, Dreahook Road, on behalf on the Readington Citizens for Roundabout Alternatives, provided an update on the briefing document that has been prepared for the alternatives to roundabouts and possible solutions as to what may or may not work.

Scott Scammell, Dreahook Road, announced that this Saturday is the men’s breakfast at Stanton. Mr. Scammell cautioned the Committee on moving forward with the proposed acquisition of the Dabrowski property with regard to the potential environmental hazards on the property.

John Broten, Dogwood Drive, asked for a status update on the Silver Bit and Spur Farm.

Neil Hendrickson, Glenmont Road, stated that in conjunction with the schools, a Plastics Recycling container has been placed in the vestibule by the front door of the Municipal Building to collect plastic bags and wrapping.

***COMMENTS FROM THE GOVERNING BODY***

Mrs. Fort stated that she and Mr. Albanese participated in the *Read Across America Day* at the Three Bridges School. Mrs. Fort also commented on the upgraded security in the schools.

Mayor Heller reminded everyone that the Town Hall Meeting in Three Bridges will be held March 11<sup>th</sup> at 7:00 pm.

As there was no further business, ***A MOTION*** was made by Mr. Smith at 9:09 p.m. to adjourn the meeting, seconded by Mr. Smith with vote of ayes all, nays none recorded.

Respectfully Submitted:

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