

**READINGTON TOWNSHIP COMMITTEE  
VIRTUAL ONLINE MEETING – JUNE 15, 2020**

Mayor Heller *calls the meeting to order at 5:30 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

**ABSENT:** None

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

**WHEREAS**, *N.J.S.A. 10:4-6 et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

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

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

**EXHIBIT A**

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Personnel Matters .....	Personnel .....	Certain information at the discretion of the Township Committee tonight..... Information will remain confidential
Professional Services / Mediation Services .....	Contract Negotiations.....	“ “ “
Executive Session Minutes..... June 1, 2020	Attorney-Client Privilege.....	“ “ “
Attorney-Client Privilege.....	Attorney-Client Privilege.....	“ “
Affordable Housing.....	Potential Litigation.....	“ “ “
<ul style="list-style-type: none"> <li>• <i>Contract Negotiations / Declaration of Covenants and Restrictions / Mobile Park – Affordable Housing</i></li> <li>• <i>Contract Negotiations / Save Associates / Plaza Corp.</i></li> </ul>		
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 7:30 p.m.

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

Executive Session:

***Personnel / Personnel Matters***

A **MOTION** was made by Mrs. Fort to raise the salary of Angela DeVoe, Construction Code Official, to \$85,000 pursuant to the agreement upon successful completion of the probationary period effective July 1, 2020, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

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

A **MOTION** was made by Mrs. Fort to increase the salary of Mike Balogh, Tax Collector, to \$86,313 effective July 1, 2020, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

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

***Contract Negotiations / Professional Services / Mediation Services***

The following resolution was offered for consideration:

***#R-2020-62***

***RESOLUTION AMENDING THE AWARD OF A CONTRACT FOR  
MEDIATION SERVICES***

**WHEREAS**, the Township of Readington has a need to acquire Mediation Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

**WHEREAS**, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

**WHEREAS**, the Township Administrator has determined and certified in writing that the value of the services may not exceed \$15,000; and

**WHEREAS**, JAMS, for the Professional Services of Honorable John Hughes, in connection with the Solberg litigation has submitted a proposal indicating he will provide Mediation Services at a rate of \$750 per hour, for which the Township will only be responsible for half; and

**WHEREAS**, the Chief Financial Officer’s Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*)

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the amendment to the contract with JAMS described herein; and

**BE IT FURTHER RESOLVED**, that said contract shall expire on December 31, 2020; and

**Resolution #R-2020-62 cont'd:**

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

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

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

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

**Attorney-Client Privilege / Executive Session Minutes / June 1, 2020**

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of June 1, 2020 for content only, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

**Attorney-Client Privilege / Attorney-Client Privilege**

Mayor Heller stated that this matter remains in Executive Session.

**Potential Litigation / Affordable Housing**

Mayor Heller stated that this matter remains in Executive Session.

**Contract Negotiations / Declaration of Covenants and Restrictions / Mobile Park – Affordable Housing**

Mayor Heller stated that this matter remains in Executive Session.

**Contract Negotiations / Save Associates / Plaza Corp.**

Mayor Heller stated that this matter remains in Executive Session.

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

Mayor 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 June 1, 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 63, Lot 9 and,

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$56,844.47, plus a premium paid in the amount of \$114,000.00, known as Tax Sale Certificate #2019-014, to the lienholder, US Bank Cust/Pro Cap 8/Pro Capital Mgt II.

**3.\* Tax Overpayments**

The following resolution was offered for consideration:

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

**WHEREAS**, there exist several tax overpayments from 2019, and

**WHEREAS**, the Tax Collector desires to apply the following 2019 overpayments to the amounts due for 2020 taxes prior to the printing and mailing of the estimated property tax bills:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>AMOUNT</u>
4	91		\$ 250.00
10	16.01		3,877.79
11	1.04		250.00
12.01	5		279.34
21.04	507.08		121.38
22	18		333.50
22	40.02	C02	133.10
22	40.17	C05	23.19
22	55		238.83
34	36.148		237.76
34	36.175		290.71
34	36.260		253.11
36	2.01		1,984.65
36	49.077		1,442.42
36	105		618.23
41	1		314.16
42	42		468.27
46	6		360.58
48	1		2,020.25

**Tax Overpayment Resolution cont'd:**

50	3	Q0261	32.38
51.03	21		58,427.02
54	1.01		393.77
57	2.04		349.86
69	13.33		2,474.75
70	43		59.03
70.01	44.04		409.60
74	30.01		196.75
75	18.02		230.92
95	12.066		799.31
95	12.248		257.85
95	12.269		250.00
98	2.37		250.00

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Readington that the Tax Collector is hereby authorized to apply the above-referenced 2019 property tax overpayments to 2020 property taxes receivable.

- 4. \* **Release of Police Escrow / Oliver Construction**
  
- 5. \* **Release of Escrow / Jerseyman Triathlon**
  
- 6. \* **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	\$ 826,200.09
SEWER APPROPRIATIONS	0-02	\$ 280.96
CURRENT FUND	9-01	\$ 199.95
SEWER APPROPRIATIONS	9-02	\$ 874.01
TRUST FUNDS	X-03	\$ 17,132.42
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 204,725.41
PAYROLL DEDUCTIONS	X-06	\$ 207,173.14
2014 CAP IMPROVEMENTS	X-14	\$ 8,600.00
2019 CAP IMPROVEMENTS	X-9	\$ 2,012,868.61
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 3,278,054.59</b>

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

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

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

There were none.

**PUBLIC HEARINGS**

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

Clerk read by Title:

**ORDINANCE TO ADOPT THE REQUIREMENTS OF  
THE AIR SAFETY AND ZONING ACT OF 1983, N.J.S.A. 6:1-80, et seq.,  
AND ITS ACCOMPANYING REGULATIONS, N.J.A.C. 16:62-1, et seq.**

**ORDINANCE #16- 2020**

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

There were none.

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

John Broten, Dogwood Drive, noted that in the ordinance, prohibited uses are addressed; however, there is no reference to the permitted uses and also pointed out a typo in the ordinance.

Lawrence Orloff, attorney on behalf of Solberg Aviation Company, spoke in opposition to the ordinance. Mr. Orloff opined that the definition of the licensed airport is inaccurate and disagreed with the language as it exists, referencing the Administrative Code N.J.A.C. 16:54. Mr. Orloff pointed out that the ordinance describes only two (2) runways, failing to include runway 10/28 which has recently been reactivated. Mr. Orloff laid out several additional objections in specific sections including the authority of the Planning Board/Board of Adjustment relating to site plan approvals and variances for the entire acreage, failure to address the permitted uses as set forth in the regulations, failure to clarify that the entire 744 acres should be deemed a conforming use, nor does the ordinance clarify the prevention of routine improvements. Mr. Orloff commented on the various aspects of the language written in the ordinance and opined that it does not conform to the regulations as written in the Administrative Code.

Mr. Smith responded to the comment made by Mr. Orloff, referring to omission of runway 10/28, pointing out that the runway is closed through the end of the year.

Bob Schoenfeld, Oldwick Road, questioned if Readington ever recognized that there were three (3) runways and the purpose of the ordinance.

Suzy Nagle, High Ridge Court commented on various verbiage as it refers to specific sections within the ordinance and also pointed out that it is important that the land use ordinances do not encourage unwarranted concentrations of people at the end of the runway.

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

Clerk read by Title:

**ORDINANCE TO ADOPT THE REQUIREMENTS OF  
THE AIR SAFETY AND ZONING ACT OF 1983, N.J.S.A. 6:1-80, et seq.,  
AND ITS ACCOMPANYING REGULATIONS, N.J.A.C. 16:62-1, et seq.**

**ORDINANCE #16- 2020**

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

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

A **MOTION** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW ZONING DISTRICT ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-3 DISTRICT (ARAH-3)***

***ORDINANCE #17- 2020***

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

Mrs. Fort explained that this is an expansion of the existing Mirota senior affordable housing development in Lake Cushetunk and part of the Township’s overall affordable housing plan.

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

There were none.

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

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW ZONING DISTRICT ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-3 DISTRICT (ARAH-3)***

***ORDINANCE #17- 2020***

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

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

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

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-3 (MFAH-3)***

***ORDINANCE #18- 2020***

Michael Sullivan, Township Planner, stated that upon review of the ordinance there are erroneous portions that can be stricken and opined that the changes are not substantive because they are remnants of a previous version of an ordinance referring to townhouses which are no longer relevant.

Attorney Dragan advised that since townhouses are not permitted uses, it can be stricken as a non-substantive change.

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

There were none.

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

Andrew Roth, County Road 523, inquired about the location of the proposed development.

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

Clerk read by title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-3 (MFAH-3)***

***ORDINANCE #18- 2020***

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

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

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by title:

***BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$716,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$430,200 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

***ORDINANCE #20-2020***

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

Mr. Smith stated that this ordinance was re-introduced to amend the \$250,000 deposit along with the 5% down payment.



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

There were none.

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

Clerk read by Title:

***BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$716,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$430,200 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

***ORDINANCE #20-2020***

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

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

A **MOTION** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-1 DISTRICT (ARAH-1)***

***ORDINANCE #21-2020***

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

There were none.

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

There were none.

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

Clerk read by title:

***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 148 “LAND DEVELOPMENT”, TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-1 DISTRICT (ARAH-1)***

***ORDINANCE #21-2020***

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

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

**CORRESPONDENCE / OTHER INFORMATION**

1. Petition for Special Relief in the *Matter of WRNN License Company, LLC for Modification of the Television Market of Station WRNN-TV*. (Entire File in Clerk's Office for Review)  
No action taken.
2. Memorandum dated June 10, 2020 from Maggie Schmitt, Township of Branchburg, regarding *An Ordinance Temporarily Amending and Modifying the Land Development and Zoning Ordinances of the Township of Branchburg to Expand and Permit Outdoor and in Vehicle Dining and Beverage Service at Existing Local Food Establishments, Restaurants and Bars*. No action taken.

**NEW BUSINESS**

1. *An Ordinance of the Township of Readington, in the County of Hunterdon, New Jersey Limiting Use of "Single-Use Plastic Bags, Polystyrene Foam Containers and Plastic Straws by Businesses"*

Mayor Heller stated that originally the Township was waiting for more comprehensive statewide regulations; however, many municipalities are moving forward to adopt their own ordinances.

Mr. Albanese stated that although he was very much in support of this ordinance, he was concerned that throughout the pandemic and with the uncertainty of a possible resurgence, grocery stores were requesting that consumers pack their own bags if they using the reusable bags otherwise they would only pack the disposable bags.

Mayor Heller stated that this ordinance would not go into effect until January 2021 and could be suspended if a resurgence occurred.

Mrs. Fort inquired if the Environmental Commission reached out to all the local merchants that would be affected and subsequently requested that if the ordinance does get passed, the Environmental Commission provide an article for the Readington News with an explanation of the ordinance. Mr. Smith expressed concern on the financial impact to businesses already burdened during these difficult times.

Neil Hendrickson, Chairman of Environmental Commission, stated that the merchants are well aware of the proposed ban of single use plastic bags and would actually be saving on the cost of bags.

The following ordinance was offered for introduction:

***AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF READINGTON TO LIMIT THE USE OF SINGLE -USE PLASTIC BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS BY BUSINESSES***

***Ordinance #22-2020***

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

***SECTION 1. Purpose and Intent.***

The purpose intent of this Chapter is to adopt regulations relating to and limiting the use of single-use non-biodegradable plastic bags, polystyrene foam containers and plastic straws by businesses in the Township of Readington under its police powers. The regulations are intended as necessary and proper steps by the Township to address a significant global problem relating to the sale and use of single-use plastic bags, polystyrene foam containers and plastic straws; to further incentivize the use of reusable bags at businesses , and ultimately to protect the environment, wildlife, and the public health, welfare and safety.

***SECTION 2. Definitions.***

1. The following definitions shall apply to this Ordinance:

**“Business or Store”** – refers to any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, dry cleaners, food marts, and food service establishments.

**“Effective Date”** – means the date on which final adoption and publication in accordance with the law are complete.

**“Enforcement Date”**- shall be 180 days from the Effective Date of this Ordinance, or January 1, 2021, which ever is later.

**“Food Service Establishment”** – means any establishment which serves made-to-order food or beverages for dine-in, takeout or delivery.

**“Garment Bag”** – refers to a large bag incorporating a hanger on which garments may be hung to prevent wrinkling during travel or storage and used to protect and transport clothing or other textiles.

**“Goods and Products”** - shall mean things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy beverages, merchandise, books, jewelry, tobacco products, toys and any other things and items sold at retail by businesses and stores.

**“Produce Bag or Product Bag”** – refers to any bag without handles that is used exclusively to segregate produce, meat, other food items and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

**“Retail”** – means the sale of goods and products for use and/or consumption.

***Ordinance #22-2020 Cont'd:***

**“Reusable Bag”** – refers to a bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses and its capable of carrying a minimum of 18 pounds.

**“Single- Use, Plastic Carryout Bag”** – means a bag, sheet, or receptacle produced or manufactured from material commonly known as “plastic” or “polyethylene” which does not decompose within 12 months, provided at the check out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term “single-use plastic carryout bag” does not include reusable bags, produce or product bags or garment bags.

***SECTION 3. Regulation of Single-use Plastic Carryout Bags, Straws and Take-out Containers***

- a. No business or store shall provide any single-use plastic carryout bags, polystyrene foam containers and/or plastic straws to a customer at the checkout stand, cash register, point of sale or other point of departure for the purpose of transporting products or goods out of the business or store except as otherwise provided in the Chapter.
- b. Paper bags may be made available and it will be up to the discretion of Businesses or Stores whether or not they wish to charge for those bags.
- c. Businesses or Stores may only make paper straws available.
- d. Restaurant take-out containers shall be recyclable #1 or #2 or biodegradable

***SECTION 4. Enforcement.***

- a. Unless an application for an extension as been made to the Township Committee in writing, all Businesses and Stores must be in compliance with this Ordinance by the Enforcement Date. All such requests must be made prior to the Enforcement Date.
  - b. The Township Committee may, in the Township’s sole discretion, grant an extension of time for compliance with this Ordinance when a Business or Store makes an application for an extension. Upon such application, the Township Committee shall consider whether the Business or store has made adequate good faith efforts to comply with the Ordinance by the Enforcement date and has been unable to do so for compelling reasons. The Township Committee may, in its sole discretion, grant an extension for not longer than 180 additional days from the Enforcement Date.
- C. Any Business or Store found not to be in compliance with this Ordinance on the Enforcement Date and which has not made application to the Township Committee for an extension as provided in this section, shall be in violation of this Ordinance and subject to the violation and penalties prescribed herein.

***SECTION 5. Violations and Penalties.***

Each Business or Store violating any of the provisions of this section shall, upon conviction thereof in municipal court be subject to a penalty of up to \$500 for a first offense, up to \$1,000 for a second offense and up to \$2,500 for a third offense. If the violation is of a continuing nature each day during which it continues shall constitute an additional, separate and distinct offense.

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

**Ordinance #22-2020 Cont'd:**

**SECTION 7. Severability.** 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 or 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. Renumbering.** The sections, subsection and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

**SECTION 9. Effective date.** This Ordinance is subject to final passage and publication according to law. Enforcement of this Ordinance shall be January 1, 2021 or 180 days from the effective date, whichever is later.

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. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

*The Public Hearing was scheduled for July 20, 2020 at 7:45 p.m.*

2. **Third Round Amended Housing Element and Fair Share Plan** - memo from Ann Marie Lehberger, Planning Board Secretary dated June 3, 2020

Michael Sullivan, Township Planner, stated that Planning Board held a meeting wherein they adopted the Housing Element and Fair Share Plan which is an amendment to the 2008 Housing Element and Fair Share Plan in accordance with the settlement of the litigation. Mr. Sullivan stated the Township is required to endorse the plan adopted by the Planning Board, reflective of the settlement of the litigation and approved by the court in October of 2019.

The following resolution was offered for consideration:

**#R-2020-63**

**RESOLUTION ENDORSING THE 2020 AMENDED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on November 24, 2008, Readington Township’s Planning Board adopted a Housing Element and Fair Share Plan that addressed the Township’s Rehabilitation Need, Prior Round and Third Round “fair share” obligations; and

**WHEREAS**, the Township Committee endorsed the 2008 Plan, which received third round substantive certification from the Council on Affordable Housing (COAH) on October 14, 2009 and

**WHEREAS**, the New Jersey Supreme Court invalidated COAH’s Third Round rules and ordered COAH to adopt new rules based upon its Prior Round rules and methodologies (see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013)); and

**WHEREAS**, COAH failed to adopt new rules, and on March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court; and

**Resolution #R-2020-63 Cont'd:**

**WHEREAS**, July 2, 2015, the Township submitted a Declaratory Judgement Action to the New Jersey Superior Court; and

**WHEREAS**, on October 3, 2019 the Superior Court approved the Settlement Agreement between the Township of Readington and Fair Share Housing Center (FSHC), which approval was memorialized in an order dated October 15, 2019, which included the Township's three-part fair share obligation and the Township's preliminary compliance measures; and

**WHEREAS**, the Township's Affordable Housing Planning Consultant, Michael F. Sullivan, ASLA, AICP and Emily Goldman, PP, AICP, of Clarke Caton Hintz, PC, prepared a 2020 Amended Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the 2020 Amended Housing Element and Fair Share Plan and adopted the Plan on May 26, 2020; and

**WHEREAS**, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Township Committee endorse the 2020 Amended Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of Readington Township in the County of Hunterdon, and the State of New Jersey hereby endorses the 2020 Amended Housing Element and Fair Share Plan as adopted by the Planning Board on May 26, 2020.

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

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

3. **Recommendations from Wildlife Subcommittee 2020-21 Program** - memo from Ann Marie Lehberger, Environmental Commission Secretary dated June 3, 2020

Adam Muller, member of the Wildlife Advisory Subcommittee, stated that in consultation with individual permit holders and representatives of the club leases, they have outlined proposed amendments to the Deer Management Program and club leases. Mr. Muller provided a synopsis of the recommendations to the programs that included 1) open participation in order of preference 2) the Township procuring and posting signage, 3) improved online harvest reporting, 4) Township paid harvest donations, 5) hunters in the program be permitted to use firearms pursuant to state regulations, 6) permission to leave tree stands between seasons, 7) allow motorized vehicles on certain properties, 8) expedited permits and lease renewals, 9) additional properties for hunting and 10) provide community outreach, awareness and education.

Lisa Hall, Springtown Road, member of the Readington Trail Association, expressed safety concerns over the use of firearms since the equestrians use open space properties for recreational purposes and proposed a *quiet period* to balance meeting the needs of everyone.

Jason Giroud, Lazy Brook Road, urged the Committee to expedite the consideration of the recommendations since the hunting season is coming up and also spoke to the hours of hunting during the daytime.

Al Villani, Lazy Brook Road, concurred with Lisa Hall for a proposed *quiet time* and suggested reaching out to the Division of Fish and Wildlife to come up with a better program.

Jimmy Kirchner, Readington Road, participant in the deer management permit program, reiterated the comments made by Adam Mueller and Jason Giroud to continue a successful hunting program.

Susan Masinda, Meadow Road, expressed concerns over several of the proposed recommendations including accountability if participation is opened to all, the use of firearms and the use of motorized vehicles on open space properties. Ms. Masinda added the many of these properties are newly acquired properties and residents have not even had the opportunity to enjoy the property before the properties are leased out for hunting.

Jason Giroud spoke to Ms. Masinda's concern about the vetting of hunters and some of the measures in place to track hunters through the permit numbers.

Jimmy Kircher added that the majority of hunters are safe hunters and use their roles as custodians of the environment.

Holly Roth, County Road 523, reported that while she was walking near Holland Brook School, she heard gunshots and wondered why this is happening when it is not hunting season.

Mayor Heller stated that the sub-committee will reconvene again, and it will be advertised on the website for those interested in attending the meeting.

4. \* ***Release of Police Escrow / Oliver Construction***

This matter was addressed under the Consent Agenda.

5. \* ***Release of Escrow / Jerseyman Triathlon***

This matter was addressed under the Consent Agenda.

## **ADMINISTRATOR'S REPORT**

Administrator Mekovetz reported that the libraries will be restarting curbside pickup.

## **ATTORNEY'S REPORT**

Attorney Dragan stated that she had nothing further to report.

## **JOHN ALBANESE**

Mr. Albanese reported that Recreation has opened registration for the summer camp programs. Mr. Albanese, on behalf of the Recreation Department and Recreation Committee, thanked the Committee for funding the improvements to the Pickell Park basketball courts.

## **BETTY ANN FORT**

Mrs. Fort reported that the Museum Committee voted to have gutters installed at Cold Brook School.

Mrs. Fort commended the Emergency Services for all the hours that they have put in attending the recent three (3) fires in the town and offered her gratitude to those volunteers.

**JUERGEN HUELSEBUSCH**

Mr. Huelsebusch reported that the Gallo Trail is now complete, and they are beginning a trail effort in the Indian Purchase area off Dreahook Road.

Mayor Heller requested that Administrator Mekovetz provide the contact information to have the transformer removed from the top of the telephone pole on the former Gallo property.

**BENJAMIN SMITH**

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

**JONATHAN HELLER**

Mayor Heller echoed the sentiments of Mrs. Fort that the volunteers from the fire departments, office of emergency management and rescue squad are doing a fantastic job and thanked them profusely for all their efforts.

***COMMENTS FROM THE PUBLIC***

Andrew Roth, County Road 523, commented on the proposed single use plastic bag ordinance.

***COMMENTS FROM THE GOVERNING BODY***

There were none.

As there was no further business, ***A MOTION*** was made by Mr. Albanese at 10:00 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