

**READINGTON TOWNSHIP COMMITTEE  
MEETING – December 22, 2014**

Mayor Allen *calls the meeting to order at 7:00 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. Allen, Deputy Mayor B. Fort, Mr. T. Auriemma, Mrs. M.E. Duffy, Mr. F. Gatti

**ALSO PRESENT:** Deputy Township Clerk Karin Parker, Attorney S. Dragan

**ABSENT:** None

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

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis of Public Exclusion</u></b>	<b><u>Date Anticipated When Discussion Will Be Disclosed to Public</u></b>
Block 48, Lot 23; Block 55, Lot 33; .. Block 56, Lots 1, 3, 6 & 8; Block 39, Lot 24 & Block 67, Lot 2	Litigation.....	Certain information at the discretion of the Township Committee tonight... Other information will remain confidential
COAH.....	Attorney-Client Privilege.....	“ “ “
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• December 15, 2014		

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A”.

2. This Resolution shall take effect immediately.

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

The meeting went into Executive Session at 7:00 p.m.

The meeting reconvened at 8:10 p.m.

**Mayor Allen announced that the following business was completed during 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 Allen stated that this matter remains in Executive Session.

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

The following resolution was offered for consideration:

**#R-2014-116**

***RESOLUTION OF THE TOWNSHIP OF READINGTON DECLARING ITS INTENT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE “CATALYST FOR CHANGE” TO RENDER ANY MOUNT LAUREL LAWSUITS AS “UNECESSARY LITIGATION”***

***WHEREAS***, in *So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel*, 92 N.J. 158, 279-80 (1983) (“*Mount Laurel I*”), the New Jersey Supreme Court ruled, subject to several other limitations, that in order for a plaintiff to be entitled to a builder’s remedy, it must “succeed in litigation;” and

***WHEREAS***, in *Toll Bros. Inc. v. Tp. of W. Windsor*, 173 N.J. 502, 507 (2002), the Supreme Court ruled that in order for a developer to succeed in litigation, it must not only prove that the municipality failed to create a realistic opportunity to satisfy its affordable housing obligation, but also must be the “catalyst for change;” and

***WHEREAS***, on September 26, 2013, the Supreme Court released *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 215 N.J. 578 (2013) which completely invalidated the third round regulations adopted in 2008 by the New Jersey Council on Affordable Housing (“COAH”); and

***WHEREAS***, on March 14, 2014, the Supreme Court issued an order directing COAH to propose new third round regulations on or before May 1, 2014 and to adopt them by October 22, 2014; and

***WHEREAS***, the March 14, 2014 Order further provided that, if COAH failed to meet these deadlines, the Court would entertain a Motion in Aid of Litigant’s Rights which could include an application for the right, on a case-by-case basis, to file a builder’s remedy suit against a municipality under COAH’s jurisdiction, such as the Township of Readington (“Township”); and

***WHEREAS***, on April 30, 2014, in accordance with the March 14, 2014 Order, COAH proposed third round regulations and published them in the New Jersey Register on June 2, 2014; and

***WHEREAS***, COAH accepted public comments on the proposed third round regulations until August 1, 2014, and received roughly 3,000 comments; and

***WHEREAS***, on October 20, 2014, the COAH board met to consider adopting the proposed regulations; and

***WHEREAS***, the COAH board reached a 3-3 deadlock and therefore did not adopt the proposed regulations; and

***WHEREAS***, COAH therefore failed to meet the Supreme Court’s October 22, 2014 deadline; and

***WHEREAS***, the Township has been voluntarily under COAH’s jurisdiction and has complied with its *Mt. Laurel* obligations, receiving first round substantive certification from COAH on June 26, 1989, second round certification from COAH on May 7, 1997, an extension of second round substantive certification on May 11, 2005, and third round substantive certification from COAH on October 4, 2009; and

**Resolution #R-2014-116 cont'd:**

**WHEREAS**, the Township has fully satisfied its first and second round fair share affordable housing obligations and indeed has carried forward affordable housing credits into the third round; and

**WHEREAS**, COAH's failure to adopt the most recent proposed regulations has left the Township in a continuing state of limbo despite its history of voluntary compliance with its affordable housing obligations and its ongoing commitment to satisfying its obligations voluntarily and without the need for litigation; and

**WHEREAS**, on October 31, 2014, Fair Share Housing Center ("FSHC") filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges, instead of COAH to establish standards with which municipalities must comply; and

**WHEREAS**, FSHC's motion included an alternative fair share calculation for each municipality, further highlighting the uncertainty of the framework with which municipalities must ultimately comply; and

**WHEREAS**, as a result of future regulations, litigation, and/or legislation, it is entirely possible that the Township's obligation may indeed differ from that proposed by COAH or advocated by FSHC; and

**WHEREAS**, indeed, new laws may reduce the obligations of the Township under COAH's prior round regulations; and

**WHEREAS**, regardless of what obligation it is ultimately assigned, the Township remains committed to comply voluntarily with its fair share affordable housing obligations; and

**WHEREAS**, the Township brought itself under COAH's jurisdiction because all three branches of government preferred COAH's administrative process to resolve disputes over affordable housing matters rather than litigation; and

**WHEREAS**, the Township wishes to be in a position to complete its efforts to comply voluntarily once its obligations are defined by regulation, order from a court of competent jurisdiction, or legislation; and

**WHEREAS**, accordingly, the Township wishes to be in a position to seek immunity from a trial judge if the Court should rule that trial judges should perform COAH's functions so that the Township can complete its efforts to comply voluntarily with whatever standards the trial judge may determine are appropriate; and

**WHEREAS**, the Township herein intends to make its intentions inescapably clear to the public and all concerned.

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

1. Despite the Township's surplus affordable housing credits to address its future fair share obligation, the Township formally stipulates that, given all the uncertainty in the law, the scope of its current obligation is unknown.
2. The Township hereby reaffirms its commitment to satisfy its future affordable housing obligations voluntarily and in the absence of any *Mount Laurel* lawsuits.
3. Once its affordable housing obligations are defined by regulation, order from a court of competent jurisdiction, or legislation, the Township directs its legal and planning professionals to take all reasonable and necessary action to enable it and its Planning Board to satisfy those obligations expeditiously.

**Resolution #R-2014-116 cont'd:**

4. The Township Clerk is hereby directed to display this resolution in a prominent location and to post this resolution on the Township's website to place the public and all interested parties on notice of the formal commitments herein.
5. The Township hereby authorizes and directs its Affordable Housing Planner and its Township Attorney to use this resolution in such manner as they may deem necessary and prudent to ensure that the Township maintains immunity from exclusionary zoning suits.
6. This Resolution shall take effect immediately.

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

Mr. Auriemma	- Aye
Mrs. Duffy	-Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mayor Allen	- Aye

**Attorney-Client Privilege / Executive Session Minutes / December 15, 2014**

**A MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of December 15, 2014 for content only, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

**CONSENT AGENDA:**

Mayor Allen 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 December 15, 2014
- \* 2. **2014 Budget Appropriation Transfers**

The following resolution was offered for consideration:

**#R-2014-117**

**2014 BUDGET APPROPRIATION TRANSFERS**

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

**WHEREAS**, there appears to be insufficient funds in the following 2014 appropriation account to meet the demands thereon for the balance of the year, viz:

Current Fund:	
Salaries and Wages	Other Expenses:
Construction Code Official	Legal Services
Public Library	Consultants
Uniform Fire Safety	Group Health Insurance
	Snow Removal

**Resolution #R-2014-117 cont'd:**

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

Current Fund:	
Salaries and Wages:	Other Expenses:
Finance Administration	Fuel Oil
Municipal Court	Engineering Services
Police	
Roads	

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

**BE IT RESOLVED**, that the Chief Financial Officer is hereby authorized and directed to make the following 2014 appropriation transfers:

<u>NO.</u>	<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
<b>CURRENT FUND</b>			
	Inside Caps		
	Salaries and Wages:		
103-100	Financial Administration	\$ 11,000.00	
107-100	Municipal Court	24,000.00	
201-100	Police	60,000.00	
301-100	Roads	111,600.00	
023-100	Construction Code Official		\$ 1,000.00
604-100	Public Library		1,500.00
859-100	Uniform Fire Safety		4,500.00
	<b>Other Expenses:</b>		
106-200	Legal Services		150,000.00
114-200	Consultants		36,000.00
117-700	Group Health Insurance		22,100.00
302-200	Snow Removal		17,000.00
702-003	Fuel Oil	8,500.00	
109-200	Engineering Services	17,000.00	
	<b>TOTALS</b>	<b>\$232,100.00</b>	<b>\$232,100.00</b>

\* 3. **2014 Tax Cancellation Resolution**

The following resolution was offered for consideration:

**READINGTON TOWNSHIP**

**HUNTERDON COUNTY, STATE OF NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Readington Township Tax Collector recommends that property taxes owed for the year 2014 on the following properties be cancelled for the reasons stated:

**2014 Tax Cancellation Resolution cont'd:**

<b>BLOCK/LOT</b>	<b>PROPERTY OWNER</b>	<b>REASON</b>	<b>AMOUNT</b>
21.04/502.06	Readington Township	Exempt Owner	\$ 597.53
31/37.01	Unknown	Unknown Owner	40.82
52.01/22	Readington Township Exempt	Owner	3,809.40
61/4.01	Unknown	Unknown Owner	185.03
63/21 Q0378	Hunterdon Land Trust	Exempt Owner	16.27

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Tax Collector is hereby authorized to cancel \$4,649.05 from the tax records for the year 2014.

- \* 4. **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<b>Fund Description</b>	<b>Fund No.</b>	<b>Received Total</b>
CURRENT FUND	3-01	\$ 743.65
CURRENT FUND	4-01	\$ 929,677.76
TRUST FUNDS	X-03	\$ 7,057.58
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 6,490.30
PAYROLL DEDUCTIONS	X-06	\$ 202,987.21
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 1,146,956.50</b>

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

- Mr. Auriemma -Aye
- Mrs. Duffy -Aye
- Mrs. Fort - Aye
- Mr. Gatti - Aye
- Mayor Allen - Aye

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

**PUBLIC HEARINGS**

As it was after 7:30 p.m., **A MOTION** was made by Mr. Auriemma to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Clerk read by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE DISTRICT REGULATIONS CONTAINED IN ARTICLE IV OF CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON LAND USE VOLUME TO ADD “ASSISTED LIVING RESIDENCES” TO THE PERMITTED PRINCIPAL USES IN THE SC-4 OVERLAY ZONE; ADD THE SC-4 OVERLAY ZONE TO THE VH VILLAGE HOSPITALITY ZONE; CORRECT THE ZONING MAP WITH RESPECT TO THE EXISTING LOCATIONS OF THE SC-4 OVERLAY ZONE; AND TO REFLECT THE BOUNDARY CHANGE BETWEEN THE VC AND VR ZONES PREVIOUSLY ADOPTED ON MARCH 17, 2014**

**ORDINANCE #27-2014**

Michael Sullivan, Township Planner, was present to summarize the rationale of the amended ordinance to add assisted living residences to the S-4 zone, add the SC-4 overlay zone to the Village Hospitality zone, clarify the zoning map and the zoning line amendment adopted in March, 2014 now reflected on the zoning map.

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

There were none.

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

Andrew Nowack, on behalf of Ryland Developers, read a letter dated December 18, 2014 from Alexander G. Fisher of Mauro, Savo, Camerino, Grant & Schalf expressing their opposition to Ordinance #27-2014 and stated that it is arbitrary, capricious and unreasonable.

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

Clerk read by Title:

***AN ORDINANCE AMENDING AND SUPPLEMENTING THE DISTRICT REGULATIONS CONTAINED IN ARTICLE IV OF CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON LAND USE VOLUME TO ADD “ASSISTED LIVING RESIDENCES” TO THE PERMITTED PRINCIPAL USES IN THE SC-4 OVERLAY ZONE; ADD THE SC-4 OVERLAY ZONE TO THE VH VILLAGE HOSPITALITY ZONE; CORRECT THE ZONING MAP WITH RESPECT TO THE EXISTING LOCATIONS OF THE SC-4 OVERLAY ZONE; AND TO REFLECT THE BOUNDARY CHANGE BETWEEN THE VC AND VR ZONES PREVIOUSLY ADOPTED ON MARCH 17, 2014***

***ORDINANCE #27-2014***

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

Mr. Auriemma	- Aye
Mrs. Duffy	-Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mayor Allen	- Aye

***NEW BUSINESS***

- \* 1. ***2014 Budget Appropriation Transfers*** – resolution

This matter was addressed under the Consent Agenda.

- \* 2. ***2014 Tax Cancellation Resolution***

This matter was addressed under the Consent Agenda.

- \* 3. ***Bill List***

This matter was addressed under the Consent Agenda.

***COMMENTS FROM THE PUBLIC***

There were none.

**COMMENTS FROM THE GOVERNING BODY**

Attorney Dragan commented that she had received a call from Mr. Bertrand asking if the transaction of his donation had been completed and requested that the Committee consider sending him a letter of thanks for his donation.

**A MOTION** was made by Mrs. Fort to send a letter to Mr. Bertrand thanking him for his donation of property to Open Space, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mrs. Duffy	-Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mayor Allen	- Aye

As there was no further business, **A MOTION** was made by Mr. Auriemma at 8:35 p.m. to adjourn the meeting, seconded by Mr. Gatti with vote of ayes all, nays none recorded.

Respectfully Submitted:

Karin M. Parker, *RMC*  
Deputy Township Clerk