

**READINGTON TOWNSHIP COMMITTEE
MEETING – October 19, 2015**

Mayor Fort *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

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

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan

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>
Three Bridges Library.....	Personnel.....	Certain information at the discretion of the Township Committee tonight...other information will remain confidential
158 Aster Court Estate of Metzler → Weisman	Contract Negotiations.....	“ “ “
Transcontinental Pipeline Co.	Contract Negotiations.....	“ “ “
Cellular Tower.....	Contract Negotiations.....	“ “ “
Executive Session Minutes..... • October 5, 2015	Attorney-Client Privilege.....	“ “ “
Executive Session Minutes..... • May 3, 2010 (<i>For Redaction</i>)	Attorney-Client Privilege.....	“ “ “
Wells Fargo v. Joy Iferika-Oswae..... 202 Dove Cote Court	Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “

Affordable Housing.....	Potential Litigation.....	“	“	“
388 Route 22 Readington Realty	Litigation.....	“	“	“
Holdings, LLC v/ Twp. of Readington				

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

2. This Resolution shall take effect immediately.

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

The meeting reconvened at 7:50 p.m.

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

Executive Session:

Personnel / Three Bridges Library

Mayor Fort stated that this matter remains in Executive Session.

Contract Negotiations / 158 Aster Court (Estate of Metzler → Weisman)

The following resolution was offered for consideration:

#R-2015-102

**TOWNSHIP OF READINGTON
COUNTY OF HUNTERDON
RESOLUTION**

BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon , State of New Jersey hereby approves and authorizes the Declaration of Covenants, Conditions and Restrictions, to be signed by Moore and Metzler, Co-Executors under the Last Will and Testament of Charles Metzler, deceased, which documents are necessary to restrict the property known as Block 34, Lot 36.158 on the official Tax map of Readington Township, also known as 158 Aster Court , together with all required mortgage and closing documents given to the Township of Readington as necessary to deed restrict the property for use as affordable housing in accordance with Ordinance #09-2015 authorizing the acquisition of the deed restriction adopted by the Readington Township Committee on September 8, 2015; and.

BE IT FURTHER RESOLVED, that the Readington Township Mayor and/or Deputy Mayor, Township Administrator/Clerk, Township Housing Officer and Township Attorney, as applicable, are authorized to execute and deliver such Declaration of Covenants, Conditions and Restrictions, and all other documents, instruments and papers and to take any and all other action as they or any of them deem necessary or appropriate for the purpose of transferring the aforesaid property for affordable housing purposes in accordance with the regulations known as the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and any amendments thereto.

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

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

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

The following resolution was offered for consideration:

#R-2015-103

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, the Township Committee has received a proposed deed from the Township's Municipal Housing Liaison for the transfer of a single family low income affordable housing unit currently owned by The Estate of Charles G. Metzler, having an address of 158 Aster Court, Whitehouse Village in Readington Township, which deed contains affordable housing restrictions for the benefit of the Township; and

WHEREAS, the Township Attorney has reviewed the form of deed and recommends approval of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee as follows;

1. The Township Committee hereby approves the form of deed offered for the sale of 158 Aster Court, Whitehouse Station, N.J., which property is currently owned by The Estate of Charles G. Metzler. On behalf of the Township Committee of the Township of Readington, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare/sign the deed and any other documentation necessary to facilitate the sale of 158 Aster Court, Whitehouse Village as recommended/prepared by the Township's Municipal Housing Liaison so as to further the property's use as an affordable housing unit pursuant to NJ COAH rules and regulations. In the event any corrective documents are required by COAH to be placed of record in the future in order for the Township to receive the proper COAH credits under the Township's third round fair share plan, they are also authorized.
2. This resolution shall take effect immediately.

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

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

Contract Negotiations / Transcontinental Pipe Line Co.

A **MOTION** was made by Mr. Broten to authorize Attorney Dragan to sign the Consent Order, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Contract Negotiations / Cellular Tower

Mayor Fort stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / October 5, 2015

A **MOTION** was made by Mrs. Duffy to approve the Executive Session Minutes of October 5, 2015 for content only, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

Attorney-Client Privilege / Executive Session Minutes / May 3, 2010 (For Redaction)

A **MOTION** was made by Mr. Broten to approve the release of the Executive Session minutes of May 3, 2010 as redacted in response to an OPRA request, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Litigation / Wells Fargo v. Joy Iferika-Osawe

Mayor Fort 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 67, Lot 2

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

Potential Litigation / Affordable Housing

Mayor Fort stated that this matter remains in Executive Session.

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

Mayor Fort stated that this matter remains in Executive Session.

CONSENT AGENDA:

Mayor Fort read the following statement:

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

Mr. Broten requested that the Approval of Minutes of the September 21, 2015 meeting be removed from the Consent Agenda.

***1. Approval of Minutes** of meeting of October 5, 2015

All recommendations made by the Sewer Advisory Committee as referred to in the following Township of Readington Resolutions in Connection with the Sewer Capacity Analysis as an attachment are printed in full in the Township Committee minutes of October 5, 2015.

***2. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 28, Lot 13.01 / Zacios – Kline Blvd**

The following resolution was offered for consideration:

#R-2015-104

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 28, LOT 13.01
ZACIOS - KLINE BLVD**

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

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

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

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

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

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

#R-2015-104 cont'd:

WHEREAS, the Township Committee received a letter and completed questionnaire in response to the Township's June 11, 2015 notification letter from JoAnn and Wladyslaw Zacios ("Zacios"), dated June 18, 2015. Mr. and Mrs. Zacios own a vacant, single family building lot consisting of 3.07 +/- acres known as Block 28, Lot 13.01, located off Kline Boulevard in the Township and were made defendants in the Litigation. Their letter and completed questionnaire were forwarded to the Readington Township Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, Readington Township Sewer Advisory Committee considered the submission made by Zacios in support of their request to retain their 350 gpd sewer allocation for Block 28, Lot 13.01 and voted to recommend that none of the capacity be returned to the Township as set forth in their Recommendation, attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same; and

WHEREAS, for the purpose of making a complete record, the Township Committee notes that there appears to be no sewer agreement made in 1985 for this capacity, but that it was based on an approval reflected in the Township's January 16, 1985 Planning Board minutes, and observes that the capacity predated the sewer expansion plant and the Township's 1987 sewer ordinance which required sewer allocation agreements.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the Zacios property, the Township Committee accepts the findings set forth therein: specifically, that Block 28, Lot 13.01 remains a buildable lot within the VR/RR zone, has the infrastructure already installed or available to build a single family house upon it and has been taxed and paid for as such for the past 30 years, and, further, that the owners have indicated that they intend to build a house upon or sell the property within the next two years and further, that 350 gpd sewerage capacity is the amount required by ordinance to serve one single family residential unit. Therefore, the Township Committee agrees that the full amount of capacity allocated (350 gpd) will be utilized and does not require that any of the sewerage capacity which was allocated for the property be returned to the Township.

2. This resolution shall be effective immediately.

***3. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 32, Lot 9 / John and Jacqueline Cunha**

The following resolution was offered for consideration:

#R-2015-105

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 32, LOT 9
JOHN AND JACQUELINE CUNHA**

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

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

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

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

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

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

WHEREAS, the Township Committee, in response to its request of June 11, 2015, received a completed questionnaire from John and Jacqueline Cunha, husband and wife, owners of Block 32, Lot 9 which submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by John and Jacqueline Cunha in support of their request to retain their 350 gpd sewer allocation for Block 32, Lot 9 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

#R-2015-105 cont'd:

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the Cunha property, the Township Committee accepts the findings set forth therein, specifically, that due to the recent approval of the 350 gpd allocation and sewer contribution and allocation agreement made between Cunha and Readington Township and Cunha's expressed intention to move forward with construction plans prior to the end of this year and the fact that the aforesaid sewer agreement specifies a performance date which does not expire until 2020, the Township Committee agrees that the full amount of capacity allocated (350 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for, and is the amount necessary to serve, a single family house on Block 32, Lot 9 to the Township.

2. This approval does not appear to be affected by the N.J. Permit Extension Act as it is not due to expire prior to the expiration date of the Act (December 31, 2015).

3. This resolution shall be effective immediately.

4. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lots 29.02 and 29.03 / Ryland Developers, LLC

The following resolution was offered for consideration:

#R-2015-106

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY ANALYSIS
BLOCK 14, LOTS 29.02 and 29.03
RYLAND DEVELOPERS, LLC**

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

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

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

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

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

#R-2015-106 cont'd:

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

WHEREAS, in response to its request and questionnaire, the Township Committee received a letter and submission from Alexander Fisher, Esq. dated June 29, 2015 on behalf of Ryland Developers, LLC (“Ryland Developers”), which was a named defendant in the Litigation, with respect to property known as Block 14, Lots 29.02 and 29.03, which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

WHEREAS, the Readington Township Sewer Advisory Committee held public meetings on July 21, 2015 and on September 30, 2015 to assist the Township Committee in its review and final recommendation, and heard from Mr. Fisher, who made a presentation to the Sewer Advisory Committee on behalf of Ryland Developers; and

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission and presentation made on behalf of Ryland Developers in support of its request to retain its entire 30,125 gpd sewer allocation for Block 14, Lots 29.02 and 29.03 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, at a public meeting held on October 5, 2015, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee meeting and also solicited, received and reviewed an opinion dated October 1, 2015 from the Township’s Planning consultant in connection with the issues regarding the NJ Permit Extension Act and the Township’s land use policies as they presently relate to the project for which the sewerage capacity was granted; and

WHEREAS, it was stated by the Township Attorney at the October 5, 2015 Township Committee meeting that the findings in the Sewer Advisory Committee’s Recommendation regarding the applicability of the Permit Extension Act and how it relates to the applicant’s approvals for the office buildings were based on the submissions proffered by Ryland Developers, LLC. However, after subsequent discussions with the Township’s special litigation counsel, it was determined that the Permit Extension Act issue was in dispute, was not otherwise resolved and had been in the process of being litigated between Ryland Developers and the Township in the case of Ryland Developers v. Township of Readington, et al. Docket #HNT-L-496-09. However, the litigation is currently in the subject of settlement negotiations which the parties are hopeful will be finalized; accordingly, it was her opinion that the Sewer Advisory Committee’s findings regarding the applicability of the Permit Extension Act with respect to the office building approvals should not be accepted at this time and that, under the circumstances, the Township Committee should make no findings with respect to that issue, in this particular case.

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

1. After review, it appears that analysis of the Permit Extension Act as it relates to the office development approvals and permits on Block 14, Lots 29.02 and 29.03 is a factual and complicated issue which was disputed in the litigation instituted by Ryland Developers against the Township, and that it remains unresolved since the case is the subject of a settlement. Accordingly, the Township Committee believes that given these circumstances, it is more prudent to not take a position on the Permit Extension Act in this particular case. Therefore, it does not accept the findings or recommendation of the Sewer Advisory Committee with respect to the applicability of the Permit Extension Act.

#R-2015-106 cont'd:

2. However, the Township Committee accepts all other findings set forth in the attached Recommendation made by the Sewer Advisory Committee regarding Block 14, Lots 29.02 and 29.03 and agrees that, due to the uncertain state of the litigation and the length of time the developer has had the sewerage allocation, the full allocation of sewer capacity (30,125 gpd) should remain with Block 14, Lots 29.02 and 29.03 at this time.

3. This resolution shall be effective immediately.

***5. Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 4, Lot 51 / Readington Commons II, LLC**

The following resolution was offered for consideration:

#R-2015-107

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 4, LOT 51
READINGTON COMMONS II, LC**

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

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

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

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

WHEREAS, in addition to the above, the Township also must analyze on a case-by-case basis which holders are affected by the N.J. Permit Extension Act; and

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

#R-2015-107 cont'd:

WHEREAS, in response to its request and questionnaire, the Township Committee received a letter and submission from Alexander Fisher, Esq. dated June 29, 2015 on behalf of Readington Commons, LLC, which was a named defendant in the aforementioned case, with respect to property it is developing known as Block 4, Lot 51 (located at 460 Route 22 West) in the Township which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, Mr. Fisher appeared at the July 21st meeting, along with Lawrence Gardner and David Gardner, both principals of Readington Commons, LLC, and presented the case on behalf of the developer; and

WHEREAS, Mr. Fisher appeared again at the September 30, 2015 meeting on behalf of his client where further discussions took place based upon additional information found by the Township with respect to the amount of gallonage actually approved by the NJ DEP in connection with the treatment works approval obtained for the property as a result of the final size of the buildings to be constructed on the property; and

WHEREAS, the Sewer Advisory Committee reviewed the submission made by Mr. Fisher on behalf of Readington Commons and the information provided by the Township and voted to recommend, as set forth in the Recommendation attached as Schedule A, that none of the 7,628 gpd originally allocated under the March 16, 2000 Sewer Plant Expansion Contribution Agreement be returned unless it was finally determined that the developer was issued a treatment works approval permit from the NJDEP for a lesser amount of gallonage and, in that case, recommended that the difference be returned to the Township for repurchase and reallocation; and

WHEREAS, at a public meeting held on October 5, 2015, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee and also received from the Township Engineer, a copy of the Treatment Works Approval issued by the NJDEP on February 25, 2005 which confirmed that it was based on a projected flow of 6,080 gpd for the developer's project to be built on Block 4, Lot 51, which amount was less than the original 7,628 gpd originally allocated to the project; and

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

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee with respect to Block 4, Lot 51, the Township Committee accepts the findings set forth therein, specifically, that Readington Commons has held a sewerage allocation of 7,628 gallons per day since the signing of its sewer contribution and expansion agreement in 2000 and has obtained the development approvals required by it within the time frames set forth. Since that time, a significant monetary investment has been made by the developer in developing the property and substantial progress has been made in constructing the on-site improvements and buildings comprising the project, despite the effects of the recession and the slowed economy. Those reasons, coupled with the fact that the project is already partially occupied by tenants, as well as the developer's ongoing marketing and construction efforts and its expressed intention to complete the project within the next two years, support the developer's position that its allocation is being utilized and should be retained. The Township Committee also agrees with the Sewer Advisory Committee's finding that the Permit Extension Act applies to the sewer agreement.

#R-2015-107 cont'd:

2. However, the Township Committee notes the second portion of the Sewer Advisory Committee's recommendation which stated, that "notwithstanding the above, if it is finally determined that the developer was issued a treatment works approval permit from the NJDEP for a lesser amount of gallonage for the project to be built upon the property, then the Sewer Advisory Committee recommends that the difference be returned to the Township for repurchase and reallocation". In this case, since the Township Engineer has produced a treatment works approval permit dated February 25, 2005 demonstrating that the final projected flow for the project was based on a total of 6,080 gpd (4,880 gpd for 48,800 sq. ft. of office space and 1,200 gpd for a 120 student child care center), the Township Committee hereby modifies the Sewer Advisory Committee's Recommendation by these additional factual findings and agrees and determines that the remaining gallonage (1,548 gpd) should be returned by the developer to the Township for reallocation and repurchase.

3. The Township Committee further adopts the conclusions set forth in the opinion letter from the Township Planner attached hereto and made a part hereof as Exhibit 1 which finds that, with respect to the Township's land use policies and the importance of the Readington Commons II, LLC project to the community, that said project is of critical importance for the maintenance of future employment opportunities and the expansion of Readington's tax base. With respect to zoning, this project reflects the Township's land use policies which reflect a continuing policy to support such uses within the RO Research Office zone.

4. This resolution shall be effective immediately.

6. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 21. Lot 3 / Lot 3 Development, LLC

The following resolution was offered for consideration:

#R-2015-108

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 21, LOT 3
LOT 3 DEVELOPMENT, LLC**

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

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

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

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

#R-2015-108 cont'd:

6) Any other relevant factors; and

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

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

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

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

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

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

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

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

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

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

#R-2015-108 cont'd:

1. The Township Committee commenced a further review of the June 2, 1986 sewer agreement which approved the 5,000 gpd allocation given to the original owner, Readington Mountain Associates. Mr. Riley urged that this contract was made before the Township's 1987 sewer ordinance, which was the first Township sewer ordinance providing for potential expiration and recapture of sewerage capacity by the Township. He stated that because this contract was made prior to that ordinance, it had no expiration date and that the capacity could not be recaptured. The Township Committee finds, however, that the entire basis for which the 1986 sewer agreement was predicated no longer exists and that fact alone, nullifies the agreement. The original sewer agreement recited that it was necessitated by a site plan approval (for a commercial development) which Readington Mountain Associates had previously received on or about 1986, prior to the date of the agreement. However, the site plan approval was never pursued and lapsed. It was not extended by any Permit Extension Act, as it expired even before the first Permit Extension enacted in 1992. In 2002, the Township had agreed to an assignment of the sewer agreement from Readington Mountain Associates to the current owners; at that time, the lot was zoned Research Office (RO). However, no use of the sewer capacity or any development on the property was pursued in the ensuing 13 years. Six years ago, in 2009, the property was rezoned "Agricultural Residential" which requires a minimum individual lot size of 8 acres (Block 21, Lot 3 is undersized at 7.63+/- acres) or allows clustering on lots of 24 acres or greater. Further, the lot was removed from the Township's Sewer Service Area, per the Planner's report attached hereto as Exhibit 1. At this point, the property could support one residence, which is why the Township Sewer Advisory Committee was willing to recommend that 350 gpd be retained. The Township Committee agrees the Sewer Service Area may have to be appropriately amended to allow for the connection for the single family residence, but that such a use would be permitted under the zone.

2. At the October 5, 2015 meeting, Mr. Riley represented that the owner has been making quarterly payments for the sewerage allocation on Block 21, Lot 3 and the Township noted that, if that was true, an accommodation might be necessary for the return of the capacity. However, since then, the Township researched its records and has found copies of checks supporting that the original owner, Readington Mountain Associates, made a total of \$8,750.00 in payments for the sewerage allocation, the last one being in 1990. Other than that, both the Tax Collector and the Township's financial officer have confirmed that no sewer payments or user fees of any kind have been made for the past twenty-five (25) years or billed to the current property owner. Further, there is no indication that Lot 3 Development, LLC is being assessed for property taxes based on a commercial lot or a lot that has sewer capacity.

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

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

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

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

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

#R-2015-108 cont'd:

5. This resolution shall be effective immediately.

***7. Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 4, Lots 4.01, 49, 99, 100, 104 and Block 2.01, Lot 9 / Merck, Sharp & Dohme Corp.**

The following resolution was offered for consideration:

#R-2015-109

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 4, LOTS 4.01, 49, 99, 100, 104 AND BLOCK 2.01, LOT 9
MERCK, SHARP & DOHME CORP.**

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

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

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

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

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

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

WHEREAS, in response to its questionnaire, the Township Committee received from Christopher Stracco, Esq. of Day Pitney, LLP: 1) a letter dated June 29, 2015 and submission containing a completed questionnaire with numerous exhibits ; and 2) a supplemental letter dated July 7, 2015. Both submissions were made on behalf of Merck, Sharp & Dohme Corp. f/k/a Merck & Co., Inc., which was a named defendant in the Litigation (hereinafter referred to as “Merck”) , with respect to property known as Block 4, Lot 4.01, 49, 99, 100 and 104; and Block 2.01 Lot 9, and were forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body, and are made a part hereof; and

#R-2015-109 cont'd:

WHEREAS, the Readington Township Sewer Advisory Committee held public meetings on July 21, 20015 and on September 30, 2105 to assist the Township Committee in its review and final recommendation; and

WHEREAS, Mr. Stracco appeared before the Sewer Advisory Committee at the July 21, 2015 meeting to present the case on behalf of his client, and also appeared at the September 30, 2015 meeting; and

WHEREAS, the following exhibits were attached to the questionnaire provided by Mr. Stracco and are made a part hereof:

1. Exhibit 1 - Sewer Agreement dated November 9, 1987 between Readington Township and Merck
2. Exhibit 2 - Sewer Plant Expansion and Contribution Agreement dated March 10, 1999 between Readington Township and Merck
3. Exhibit 3 - Planning Board Resolution dated June 30, 1988 granting Preliminary and Final Site Plan Approval (for Phase I office building and preliminary site plan approval only for Phase II office building - 20 years)
4. Exhibit 4 - Amended Site Plan Approval Resolution dated March 25, 1991 (Planning Board approval for a day care center and sewer pump station)
5. Exhibit 5 - Resolution - Bl. 4, Lot 4.01 Hall's Mill Road, dated April 26, 1999 (granting preliminary and final major site plan approval for 220,000 sq. ft. office building)
6. Exhibit 6 - Planning Board Resolution 2008-253 memorialized July 28, 2008 (10 year extension of June 30, 1988 resolution to June 30, 2008 for Phase II office)
7. Exhibit 7 - Letter dated June 5, 2015 to Mayor Fort of Readington from Fox, Rothschild, LLP on behalf of Readington Affordable Housing, LLC proposing affordable housing on a portion of the Merck properties, including the following properties which are not covered by the sewer agreements: Bl. 4, Lots 47, 48,50, 96, 98 & 112; Bl. 9, Lot 2; Bl. 4, Lots 4, 102, 103 and 107; and Block 2, Lots 7Q and 13.
8. Exhibit 8 - Sewer Allocation Agreement between Merck and Readington Twp. dated July 28, 2003;
9. Exhibit 9 - Letter dated June 29, 2015 from Christopher Stracco, Esq. outlining Merck's position and enclosing the following exhibits:
 - Exhibit A - May 5, 2015 Supreme Court opinion in the Litigation;
 - Exhibit B - First Sewer Agreement made with Merck's predecessor Imfeld dated 1983 for 70,000 gpd sewer allocation;
 - Exhibit C - Same as Exhibit 1 above
 - Exhibit D - Same as Exhibit 3 above
 - Exhibit E - Same as Exhibit 4 above
 - Exhibit F - May 1991 agreement between Merck and Readington Twp. pertaining to installation of sewer line improvements and pro-rata reimbursement of costs from adjacent potential users

#R-2015-109 cont'd:

Exhibit G - December 18, 1995 Amendment to November 9, 1987 sewer agreement changing priority allocation from 100,000 gpd to 90,000 gpd from sewer plant expansion

Exhibit H - Same as Exhibit 2 above

Exhibit I - Same as Exhibit 5 above

Exhibit J - Same as Exhibit 8 above

Exhibit K - Same as Exhibit 6 above

Exhibit L - Amended and Restated Sewer Allocation Agreement with Township dated June 29, 2008 (Extension of sewer allocation to coincide with Planning Board extension heard on 5/12/08)

Exhibit M - Concept Plan submitted by Plaintiff 388 Rt. 22 Readington Realty Holdings for "Shops at Readington")

Exhibit N - Google Image of Plaintiff's property on Route 22; and

WHEREAS, the following exhibits were attached to Mr. Stracco's letter of supplemental letter of July 7, 2015 and are made a part hereof:

Exhibit A - 2010 Chart prepared by Township Engineer Robert S. O'Brien of Hatch Mott Mac Donald Sewer Capacity identifying those users who are not "on-line" and those who are "partially on-line"

Exhibit B - Letter invoices dated September 26, 2014 from the Township Tax Collector to Merck stating that the 2014 annual installment due for the sewer allocation fee is \$146,160.00 and that the annual sewer rent payment (for the capacity being used) is due in the amount of \$70,000

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission and presentation made by Mr. Stracco in support of Merck's request to retain its entire 211,900 gpd sewerage allocation and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with same; and

WHEREAS, the Township Committee in furtherance of its obligations hereunder, requested and received an opinion dated October 1, 2015 from its Township Planner relating to the Township's land use policies regarding the Merck property and the importance of the facilities approved for development thereon to the Township, which opinion is attached hereto as "Exhibit 1-T" and made a part hereof.

WHEREFORE, the Township Committee makes the following additional findings to supplement the findings and Recommendation made by the Sewer Advisory Committee:

1. The Township Committee agrees with and adopts the findings and the opinions set forth in the Township Planner's report dated October 1, 2015 and attached hereto as Exhibit 1-T with respect to the Township's land use policies as they relate to the property covered by the sewer agreements made between the Township and Merck, including but not limited to the portion of his opinion which states:

#R-2015-109 cont'd:

The Merck facilities and properties occupy an important niche in Readington's land use policies, specifically those relating to the RO Research Office zone. It is the largest contiguous commercial property in the Township. Occupying the majority of the RO Research Office zone, Merck's offices and research facilities represent a longstanding economic development strategy to provide for commercial uses in an appropriate location to support the tax base of the Township. This strategy provides a necessary counterpoint that balances the coordinated efforts to effectuate the preservation and conservation of agriculture, open space and sensitive environmental features throughout the Township.

While Merck has relocated its headquarters outside of Readington, maintaining the potential for continuation and expansion (900,000 SF) of the existing research and office facilities is of critical importance for the maintenance of jobs and future employment opportunities, as well as , the maintenance and expansion of Readington's tax base. Readington's land use policies reflect a continuing policy to support such uses within the RO Research Office zone.

2. The Committee also adopts the findings of the Planner with respect to the land use policies found in the Township's 1981 Master Plan, the 1991 Master Plan and its land use element which created the RO office zone to coincide with those areas of the Township with direct access to and visibility from both Interstate 78 and State Highway Route 22; the 2009 Master Plan Reexamination Report and 2009 Master Plan which intentionally re-zoned to RO an isolated portion of the Merck property which was situated in the middle of other Merck lands zoned RO, but had been zoned RR; all this was done to promote and encourage economic development in appropriate areas of the Township which were not considered to be detrimental to disturbing the fragile residential-agricultural balance in the rest of the Township or negatively impacting traffic circulation . See Exhibit 1-T, attached hereto.

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

1. For the reasons set forth in the aforementioned supplemental findings above, as well as the findings in the attached Recommendation made by the Sewer Advisory Committee and made a part hereof, the Township Committee agrees that Merck should retain its entire sewerage allocation of 211,900 gpd which the Sewer Advisory Committee believes, and the Township Committee agrees, has been reserved for the previously approved office use and related facilities on Block 4, Lots 4.01, 49, 99, 100, 104 and on Block 2.01, Lot 9 as was recited in sewer agreements made in 1987, 1999, 2003 and 2008 with the Township. The Township Committee agrees with the Sewer Advisory Committee's determination that it is most appropriate to use the NJDEP design flow regulations for these uses, as opposed to metering, because the Township does not have sufficient information to the contrary and because, it was represented that the contract purchaser will utilize the capacity for the uses on the property for which it was allocated, but it is not known to what extent at this time.

2. Further, although the Township Committee believes that the Permit Extension Act applies to protect the approvals through June 30, 2016, regardless of that fact, the Committee concludes that both Merck's current site plan approvals and its sewer allocation of 211,900 gpd are in place until June 30, 2018, pursuant to the extended resolution and 2008 Restated Sewer Allocation Agreement and that there was good cause to extend said agreement, as stated therein.

3. The Township Committee further agrees and confirms that in adopting this Resolution, it makes no determination with respect to sewerage allocation for uses on the aforementioned lots and blocks other than the currently approved uses and, further, does not approve the assignment or transfer of any gallonage allocated to Merck as a result of the aforementioned sewer agreements made with the Township to any other properties owned by Merck which are the subject of its sales contract at this time.

3. This Resolution shall be effective immediately.

8. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 4, Lot 57 / Wilmark Building Contractors, Inc.

The following resolution was offered for consideration:

#R-2015-110

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 4, LOT 57
WILMARK BUILDING CONTRACTORS, INC.**

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

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

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

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

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

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

WHEREAS, in response to its request and questionnaire, the Township Committee received a letter and submission from Greg Riley, Esq. dated June 30, 2015 on behalf of Wilmark Building Contractors, Inc., (“Wilmark”) developer and successor in title and interest to Scott Carbone ,who was a named defendant in the aforementioned case along with C. Delvecchio and and A. Carbone, with respect to property known as Block 4, Lot 57 in the Township which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

#R-2015-110 cont'd:

WHEREAS, Mr. Riley appeared at the July 22nd meeting, along with Mark Hartman, principal of Wilmark and presented the case on behalf of the developer; and

WHEREAS, the Readington Township Sewer Advisory Committee reviewed the submission made by Mr. Riley on behalf of Wilmark in support of its request to retain its 350 gpd sewer allocation, as well as the information regarding same in the Township's files, and voted to recommend that none of the gallonage be returned to the Township, as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee regarding Block 4, Lot 57, the Township Committee accepts the findings set forth therein, specifically, that Wilmark Building Contractors, Inc. holds a sewerage allocation of 350 gallons per day originating from a Sewer Plant Contribution Agreement dated in May 2000, which was thereafter amended and thereafter based upon a Sewer Allocation Agreement dated March 23, 2004 made with Carbone and sold with the land to Wilmark Building Contractors. The property has received development approvals for three (3) residential lots to be served by septic systems and one (1) lot for a single family dwelling to be served by the capacity, which complies with the Township's zone requirements and that it further intends to use the gallonage shortly. Accordingly, the Township Committee agrees that with the Sewer Advisory Committee's recommendation that the 350 gpd sewerage capacity allocated to Block 4, Lot 57 should remain with it for use in connection with the development project previously approved in 2008, which property is subject to an on-going application with the Township Planning Board for final major subdivision approval.

2. The Township Committee further finds that the sewer agreement was extended by the Permit Extension Act, to coincide with the Planning Board preliminary approval of 2008.

3. This resolution shall be effective immediately.

***9. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 2.01, Lots 9.01 and 11 / Bellemead Development Corporation**

The following resolution was offered for consideration:

#R-2015-111

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 2.01, LOTS 9.01 AND 11
BELLEMEAD DEVELOPMENT CORPORATION**

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

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

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

#R-2015-111 cont'd:

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

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

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

WHEREAS, in response to its questionnaire, the Township Committee received from Glenn S. Pantel, Esq. of Drinker, Biddle & Reath, LLP, a letter dated June 30, 2015, together with a submission containing a completed questionnaire with numerous exhibits attached, on behalf of Bellemead Development Corporation which was a named defendant in the Litigation (hereinafter referred to as "Bellemead"), with respect to property known as Block 2.01, Lots 9.01 and 11, all of which were forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body, and are made a part hereof; and

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

WHEREAS, Mr. Pantel appeared before the Sewer Advisory Committee at the July 21, 2015 meeting to present the case on behalf of his client, as well as the meeting on September 30, 2015; and

WHEREAS, the following exhibits were attached to the questionnaire provided by Mr. Pantel and considered by the Sewer Advisory Committee, and are made a part hereof:

1. Exhibit A - Resolution of the Readington Township Planning Board memorialized on August 8, 1988 granting preliminary and final site plan approval for a 660,600 sq. ft building known as the "Hall's Mill Farm Project" for an eight (8) year term
2. Exhibit B - Resolution of the Readington Township Planning Board memorialized on October 28, 1996 granting extensions of the preliminary and final site plan approvals for the office building developments on Lots 5.01 and 7, Block 3.01 - the Overlook Project and Lots 9.01 and 11, Block 2.01 - Hall's Mill Project (extension granted for 5 years to 8/8/01)
3. Exhibit C - Resolution #2001-54 of the Readington Township Planning Board adopted March 26, 2001 granting an extension of the site plan approval for the Hall's Mill Project on Bl. 2.01, Lots 9.01 and 11 (extension granted for 3 years to 8/8/04)
4. Exhibit D - Resolution #2006-185 of the Readington Township Planning Board adopted February 14, 2006 granting an extension of the site plan approval for the Hall's Mill Project for 18 months (from December 12, 2005)

#R-2015-111 cont'd:

5. Exhibit E - Resolution #2007-225 of the Readington Township Planning Board adopted on July 9, 2007 granting an extension of the final site plan approval for the Hall's Mill Project (for one year)
6. Exhibit F - Resolution # 2008-251 of the Readington Township Planning Board adopted July 14, 2008 (granting a two year extension for Hall's Mill Farm)
7. Exhibit G - Letter dated June 6, 1989 from NJDEP granting a wetlands exemption letter for the Halls Mill Farm
8. Exhibit H - Stream Encroachment Permit from NJDEP with an effective date of December 20, 1990 - 1995
9. Exhibit I - Letter of Interpretation/Line Verification re wetlands from NJDEP dated October 26, 1998
10. Exhibit J- Letter of Interpretation/Line Verification re wetlands from NJDEP dated July 23, 2009
11. Exhibit K-Letter Extending July 23, 2009 Letter of Interpretation re wetlands dated September 18, 2014 (extension granted to July 23, 2019)
12. Exhibit L- Letter from NJDEP dated 11/8/10 confirming that the Halls's Mill Project properties (Bl. 2.01, Lots 9.01 and 11) are appropriate for identification as sewer service area within the Hunterdon County Wastewater Management Plan currently under development
13. Exhibit M - Copy of the May 5, 2015 NJ Supreme Court opinion in the Litigation
14. Exhibit N – Copy of a map entitled “Shops at Readington” 388 Route 22 West Whitehouse Station, NJ prepared by Ritter & Plante Associates, LLC dated August 2, 2010

WHEREAS, the Readington Township Sewer Advisory Committee considered the submissions and presentation made by Mr. Pantel in support of Bellemead's request to retain its entire 66,060 gpd capacity for Block 2.01, Lots 9 and 11 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same; and

WHEREAS, the Township Committee, in furtherance of its obligations hereunder, requested and received an opinion dated October 1, 2015 from its Township Planner relating to the Township's land use policies regarding the Bellemead property and the importance of the facilities approved for development thereon to the Township, which opinion is attached hereto as “Exhibit 1-T” and made a part hereof; and

WHEREAS, Mr. Pantel appeared at the October 5, 2015 and submitted an additional letter dated October 5, 2015 in support of its request to retain its capacity, which letter, among other things, compares the relative importance of Bellemead's approved office project to the Plaintiff's offered concept plan for its property, and is attached hereto as “Exhibit O” and made a part hereof.

WHEREFORE, the Township Committee makes the additional findings set forth below to supplement the findings and Recommendation made by the Sewer Advisory Committee:

#R-2015-111 cont'd:

1. The Township Committee agrees with and adopts the findings and the opinions set forth in the Township Planner's report dated October 1, 2015 and attached hereto as Exhibit 1-T with respect to the Township's land use policies as they relate to the property covered by the sewer agreements made between the Township and Bellemead (and/or its predecessors in title), including, but not limited to the portion of his opinion, which states:

Bellemead's existing approval for 660,00 SF of office (space) represents the fulfillment of Readington Township's land use policies, specifically those relating to the RO Research Office zone. The development of Bellemead's office project is consistent with Readington's economic development strategy to provide for commercial uses in an appropriate location to support the tax base of the Township. This strategy provides a necessary counterpoint that balanced coordinated efforts to effectuate the preservation of agriculture, open space and sensitive environmental features throughout Readington Township.

Maintaining the potential for the development of Bellemead's proposed office facilities is of critical importance for the maintenance of future employment opportunities and the expansion of Readington's tax base. Readington's land use policies reflect a continuing policy to support such uses within the RO Research Office zone.

2. Further, the Township also adopts the findings of the Planner with respect to the land use policies found in the Township's 1981 Master Plan, the 1991 Master Plan and its land use element which created the RO office zone to coincide with those areas of the Township with direct access to and/or visibility from Interstate 78 , U.S. Route 202 and 22 and the 2009 Master Plan; all this was done to promote and encourage economic development in appropriate areas of the Township which were not viewed as disturbing the fragile residential-agricultural balance in the rest of the Township or negatively impacting traffic circulation. See Exhibit 1-T, attached hereto.

3. According to Bellemead's submission and the question of the project's importance to the community in relation to the Plaintiff's smaller restaurant/retail project, Bellemead's questionnaire response, (outlined in the Exhibits above and on pages 12-15 of its response) and letter of October 5, 2015, set forth the argument that the Plaintiff has not provided any information to refute the conclusion that its projected and unapproved/unapplied-for development is of greater importance to the community than Bellemead's approved office development. The Plaintiff provided very little information regarding the plans for its proposed project and the sewer allocation requested and, based on the information provided, it appears that the size of the building would far exceed the Township's F.A.R. requirements and violate setback and sideyard requirements. Accordingly, the sketch shown on the drawing provided by the Plaintiff, 388 Rt. 22 Readington Realty Holdings, LLC's development plans were not approvable without a "D" variance and did not reasonably support the 11,700 gpd allocation request. In comparison with Plaintiff's project, which would most likely not generate significant tax revenue or create nearly the same number of jobs as Bellemead's office project, Bellemead's development, which would provide an estimated \$2,244,00 in local and regional school taxes, create at least 2,500 new jobs (4 employees per 1,000 sq. ft of office space), provide a boost to house and generate affordable housing funds (\$987,337) as noted by the Sewer Advisory Committee in the Recommendation attached hereto and made a part hereof.

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

1. For the reasons set forth above in the aforementioned supplemental findings, as well as the findings in the attached Recommendation made by the Sewer Advisory Committee and made a part hereof, The Township Committee agrees that Bellemead should retain its remaining sewerage capacity allocation of 66,060 gpd which the Township Committee agrees has been reserved for the previously approved office use on Block 2.01, Lots 9.01 and 11 as was recited in sewer agreements made in 1987, 1988, 1996 and 1999 with the Township. The Township Committee agrees that, by its response to the Township's questionnaire, the exhibits attached thereto, the supplemental letter dated October 5, 2015 to the Township Committee, and the presentation made by its attorney, Bellemead has provided a credible case for the Township to conclude that the project is covered by the Permit Extension Act which carries the validity of the sewer agreement and its preliminary site plan approval to at least June of 2016.

#R-2015-111 cont'd:

The Township Committee also believes that a good and reasonable argument has been made that extension of the sewer agreement(s), so as to permit construction of the project would be in the Township's best interest, particularly the points made with respect to it being an important ratable for the Township and the fact that if built, will generate a substantial COAH contribution; thus there is good cause to extend the sewer agreements governing the property. In addition, as set forth in the Planner's opinion attached hereto, the project still falls within the Township's zoning and land use plan for the property, and Bellemead has represented that it will build the project in accordance with the approval that was given within the zone, as soon as it can. In the event the extended project development and/or sewer agreement approvals are due to expire in the future, Bellemead should request any desired extension(s) and the appropriate Township entities with jurisdiction will review the request. The Township Committee notes that Bellemead has been diligent regarding such requests in the past.

2. This resolution shall be effective immediately.

***10. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lots 29, 29.02 29.03 and Others / Ryland Office Park, LLC**

The following resolution was offered for consideration:

#R-2015-112

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 14, LOTS 29, 29.01, 29.02, 29.03, BLOCK 8, LOT 19.01
AND OTHERS
RYLAND OFFICE PARK, LLC**

WHEREAS, the Township of Readington was mandated with conducting a sewer capacity analysis by the N.J. Supreme Court in 388 Rt. 22 Readington Realty Holdings, LLC v. Readington (Docket No. A. 62-13) (hereinafter referred to as "the Litigation") and as directed by a subsequent court order issued on June 4, 2015 by Judge Buchsbaum, on remand; and

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

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

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

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

#R-2015-112 cont'd:

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

WHEREAS, Ryland Office Park, LLC was not listed as defendant in the Litigation, but is a holder of sewerage capacity in the Township, and as such, was sent a notification and questionnaire in conjunction with the Township's analysis ; and

WHEREAS, in response to its request, the Township Committee received a letter and completed questionnaire from Lloyd H. Tubman, Esq., dated July 7, 2015 on behalf of Ryland Office Park, LLC; and

WHEREAS, the submission received did not provide a complete picture of the utilization of the entire gallonage allocated to Ryland Office Park, LLC and its predecessor entities. Accordingly, in addition to the submission received from Ms. Tubman, the Township Attorney reviewed the Township's files in order to supplement the record and the Sewer Advisory Committee accordingly had adequate information regarding the utilization of the sewerage capacity by Ryland Office Park, LLC and its predecessor entities to enable it to make a recommendation to the Township Committee; and

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

WHEREAS, after considering the submission made on behalf of Ryland Office Park, LLC and reviewing the pertinent Township records, the Township Sewer Advisory Committee voted to recommend that the remaining 946 gpd sewerage capacity held by Ryland Office Park, LLC should be returned to the Township, as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee with respect to the sewerage allocation held by Ryland Office Park, LLC, the Township Committee accepts the findings set forth therein, specifically, that there is 946 gpd sewerage capacity remaining to Ryland Officer Park, LLC which has not been allocated toward any project or property, for any purpose. Further, the owner has given no indication of any future plans for the capacity. Accordingly, the Township Committee agrees that the remaining 946 gpd allocation should be returned to the Township for possible re-allocation purposes.

2. This resolution shall be effective immediately.

***11. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 4, Lot 77, 77.01 and 77.02 / Now or Formerly Ackerman / Dos Santos / Tadros & Samaan**

The following resolution was offered for consideration:

#R-2015-113

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 4, LOTS 77, 77.01 and 77.02
NOW OR FORMERLY ACKERMANN/DOS SANTOS/TADROS & SAMAAAN**

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

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

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

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

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

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

WHEREAS, Rolf Ackermann, Ramyz Tadros and Shadia Samaan (hereinafter referred to as “Ackermann”, “Tadros” and “Samaan”, respectively) were all listed as defendants in the Litigation with respect to property known as Block 4, Lots 77, 77.01 and 77.02, and were sent a letter and questionnaire by the Township, but did not respond to same; and

WHEREAS, despite the lack of response, by Ackermann, Tadros and Samaan, the Township, its attorney and engineer all have and/or provided adequate information about the sewer allocation granted to the properties and its utilization to enable the Sewer Advisory Committee to make a recommendation to the Township Committee; and

WHEREAS, the Readington Township Sewer Advisory Committee held public meetings on July 21, 2015 and on September 30, 2015 to assist the Township Committee in its review and final recommendation, considered the circumstances of these properties and voted to recommend that none of the capacity allocated to Block 4, Lots 77, 77.01 and 77.02 be returned to the Township for the reasons set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

#R-2015-113 cont'd:

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee, the Township Committee accepts the findings set forth therein, specifically that the 1,050 gpd sewerage capacity originally allocated to Rolf Ackermann for one (1) single family dwelling on each of Block 4, Lots 77, 77.01 and 77.02, respectively, has been put to use as each of the properties has been developed and is fully occupied; accordingly, the Township Committee agrees that the aforesaid capacity should not be returned to the Township.

2. This resolution shall be effective immediately.

***12. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lots 93, 94 and 95 / Country Classics Legacy At Readington, LLC**

The following resolution was offered for consideration:

#R-2015-114

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS RE BLOCK 36, LOTS 93, 94 AND 95
COUNTRY CLASSICS LEGACY AT READINGTON, LLC**

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

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

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

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

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

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

#R-2015-114 cont'd:

WHEREAS, the Township Committee received a letter and submission in response to the questionnaire from Alexander G. Fisher, Esq. dated June 29, 2015 on behalf of Country Classics Legacy at Readington, LLC, which was a named defendant in the aforementioned case, with respect to property known as Block 36, Lots 93, 94 and 95 which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by Country Classics Legacy at Readington, LLC in support of its request to retain its 11,700 gpd sewer allocation for Block 36, Lots 93, 94 and 95, and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee with respect to the property known as Block 36, Lots 93, 94 and 95, developed by Country Classics Legacy at Readington, LLC, the Township Committee accepts the findings set forth therein, specifically, that because the 51 unit residential development planned for the property for which the 11,700 gpd sewerage capacity was allocated has been fully built out and is being utilized, the Township Committee agrees that none of the aforesaid gallonage should be returned to the Township.

2. This resolution shall be effective immediately.

***13. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 96 / WPS Realty, LLC – Serra/Doyle**

The following resolution was offered for consideration:

#R-2015-115

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 36, LOT 96
WPS REALTY, LLC - SERRA/DOYLE**

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

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

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

- 1) Length of time the landowner has possessed unused sewer capacity;
- 2) The holders or landowner’s development plans to use some or all of the capacity and the imminence of that happening;
- 3) The complexity of the project and importance of it to the community;

#R-2015-115 cont'd:

- 4) Whether the economy has retarded economic development;
- 5) Whether there are proposed development projects by others that cannot proceed because of the unavailability of sewer capacity and the importance of those projects to the community; and
- 6) Any other relevant factors; and

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

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

WHEREAS, the Township Committee received a completed questionnaire dated June 30, 2015 from Thomas and Teresa Doyle with respect to property known as Block 36, Lot 96 which letter and questionnaire were forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, the Sewer Advisory Committee noted that the response also applied to the entity listed as WPS Realty, LLC which was listed as a defendant in the Litigation since it concerns the same property; and

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by the Doyles in support of their request to retain 800 gpd of the 1,850 gpd sewerage allocation held by them and to sell back 1,050 gpd to the Township and voted to recommend the request as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the Doyle/WPS Realty, LLC property (Bl. 36, Lot 96), the Township Committee accepts the findings set forth therein, specifically: (a) that because the Whitehouse Preparatory School has been built since the Township Committee's approval of the sewer allocation, the Committee agrees it is being fully utilized and there is no reason to return that capacity (which consists of 800 gpd); and (b) the Township Committee agrees that 1,050 gpd of the sewerage allocation which Doyle has offered to return to the Township should be repurchased by the Township for possible reallocation.

2. This resolution shall be effective immediately.

***14. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 2; Block 31, Lots 37 and 37.02; Block 34, Lots 10 and 11; and Block 32, Lot 12 / Fallone Properties, LLC**

The following resolution was offered for consideration:

#R-2015-116

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 36, LOT 2; BLOCK 31, LOTS 37 AND 37.02;
BLOCK 34, LOTS 10 AND 11; AND BLOCK 32, LOT 12
FALLONE PROPERTIES, LLC**

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

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

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

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

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

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

WHEREAS, the Township Committee, in response to its request of June 11, 2015, received a letter from Robert Fallone on behalf of Fallone Properties, LLC, Fallone at Readington, LLC and Fallone at Spring Meadow, LLC (applicant) in response to the Sewer Capacity Analysis Questionnaire with respect to properties known as Block 36, Lot 2 (located on School Road); Block 31, Lots 37 and 37.02 (located on Whitehouse Avenue); Block 34, Lots 10 and 11 and Block 32, Lot 12 (located on Nelson Street and Cleveland Place, both paper streets), which letter was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

#R-2015-116 cont'd:

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the properties known as Block 36, Lot 2; Block 31, Lots 37 and 37.02; Block 34, Lots 10 and 11; and Block 32, Lot 12, the Township Committee accepts the findings set forth therein specifically:

a. Because a home was built in 2008 and has been occupied on the property known as Block 36, Lot 2 (School Road), the Township Committee agrees there is no basis to return the 350 gpd sewerage capacity allocated to this lot.

b. The Township Committee also agrees that there is no basis to return the capacity allocated to the four homes on Block 31, Lot 37 or to the fifth home on Block 31, Lot 37.02 (located on Whitehouse Avenue) because those homes have been built and occupied since 2013.

c. With respect to the remaining gallonage of 1050 gpd which was allocated to Block 34, Lots 10 and 11 and Block 32, Lot 12, the Township Committee agrees with the Sewer Advisory Committee recommendation that this capacity was already purchased by and returned to the Township with its purchase of those lots in January 2015. The Township Committee confirms that this capacity is earmarked for an affordable housing project on those lots and should remain allocated for those purposes.

2. This resolution shall be effective immediately.

15. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 48 / The Farm Property, LLC

The following resolution was offered for consideration:

#R-2015-117

***TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 36, LOT 48
THE FARM PROPERTY, LLC***

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

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

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

- 1) Length of time the landowner has possessed unused sewer capacity;
- 2) The holders or landowner’s development plans to use some or all of the capacity and the imminence of that happening;
- 3) The complexity of the project and importance of it to the community;
- 4) Whether the economy has retarded economic development;

#R-2015-117 cont'd:

5) Whether there are proposed development projects by others that cannot proceed because of the unavailability of sewer capacity and the importance of those projects to the community; and

6) Any other relevant factors; and

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

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

WHEREAS, the Township Committee received a letter and submission in response to the questionnaire from Greg Riley, Esq. dated July 6, 2015 on behalf of The Farm Property, LLC, successor in interest to Urb-Fi Development, which was a named defendant in the aforementioned case, with respect to property known as Block 36, Lot 48 which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, Mr. Riley appeared before the Sewer Advisory Committee on July 21, 2015 on behalf of The Farm Property, LLC; and

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by Mr. Riley on behalf of The Farm Property, LLC's request to retain its entire sewer allocation of 8,100 gpd and thereafter voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee regarding Block 36, Lot 48, the Township Committee accepts the findings set forth therein, and, further, because the mixed affordable housing/commercial development planned for Block 36, Lot 48 is under construction and almost fully built out, the Township Committee agrees that the full amount of capacity allocated (8,100 gpd) to Block 36, Lot 48 is or will be utilized for the purposes expressed in the sewer agreement and agrees with the Sewer Advisory Committee's recommendation that none of the 8,100 gpd sewerage capacity which was allocated for the property should be returned to the Township.

4. This resolution shall be effective immediately.

***16. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 8, Lot 3 Now or Formerly / Winfield Management**

The following resolution was offered for consideration:

#R-2015-118

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 8, LOT 3
NOW OR FORMERLY WINFIELD MANAGEMENT**

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

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

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

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

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

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

WHEREAS, Winfield Management was listed as defendant in the Litigation with respect to property known as Block 8, Lot 3, located on Route 22 West, and was sent a letter and questionnaire by the Township, but did not respond to same; and

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

WHEREAS, despite the lack of response from Winfield Management, the Township, its attorney and engineer all have and/or provided adequate information about the sewer allocation granted to the property and its utilization to enable the Sewer Advisory Committee to make a recommendation to the Township Committee that none of the capacity be returned to the Township for the reasons set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

#R-2015-118 cont'd:

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on Block 8, Lot 3, the Township Committee accepts the findings set forth therein, specifically, that the 6,100 gpd sewerage capacity allocated to Winfield Management is being utilized and should not be returned to the Township.

2. This resolution shall be effective immediately.

***17. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 49 / Toll, NJ I, LLC**

The following resolution was offered for consideration:

#R-2015-119

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY ANALYSIS –
BLOCK 36, LOT 49
TOLL, NJ I, LLC**

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

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

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

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

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

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

#R-2015-119 cont'd:

WHEREAS, the Township Committee received a letter and submission in response to the questionnaire from Richard J. Hoff, Esq. dated June 26, 2015 on behalf of Toll, N.J. I, LLC with respect to property known as Block 36, Lot 49, which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purposes of making a recommendation to the governing body; and

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

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made on behalf of Toll, NJ I, LLC in support of its request to retain its 36,286 gpd allocation for Block 36, Lot 49 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on Block 36, Lot 49, the Township Committee accepts the findings set forth therein, specifically, the Township Committee acknowledges that the sewer capacity allocated for this project was obtained in conjunction with the settlement of zoning litigation involving Block 39, Lot 49 by Toll's predecessor in title stemming from 2000. From the information presented, the Township Committee is satisfied that Toll, as well as Fallone Properties, LLC before it, have both in fact, proceeded to develop the 210 unit age-restricted development contemplated by the settlement agreement, and for which the 36,286 gpd sewer capacity was allocated, by pursuing all necessary approvals and installing all the required infrastructure improvements. Further, Toll has constructed and sold least eighty-six (86) of the residences since it purchased the Project in 2013 and continues to market them. There is no reason to believe that Toll will not continue to proceed with the remainder of the development. In addition, it appears that from all the work performed on or about the project to date since the time of its purchase, Toll has made an adequate case that it has a vested interest in keeping the entirety of the gallonage it was assigned, allocated and paid for. Accordingly, the Township Committee agrees with the recommendation that Toll retain all of its allocated sewerage capacity and not be required to return any of it to the Township.

2. This resolution shall be effective immediately.

***18. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 7 / Tom Jr. Property, Inc.**

The following resolution was offered for consideration:

#R-2015-120

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 36, LOT 7
TOM JR. PROPERTY, INC.**

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

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

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

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

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

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

WHEREAS, Tom Jr. Property, Inc. (hereinafter “Tom Jr. Property”) was listed as defendant in the Litigation with respect to property it owns known as Block 36, Lot 7, and was sent a letter and questionnaire by the Township, but did not respond to same; further no one appeared on its behalf at either the July 21, 2015 or the September 30, 2015 meetings which the Readington Township Sewer Advisory conducted to assist the Township Committee in its review and final recommendation; and

WHEREAS, despite the lack of response from Tom Jr., Property, the Township, its attorney, engineer and sewer advisory members all had and/or provided adequate information about the sewer allocation granted to the property and its utilization to enable the Sewer Advisory Committee to make a recommendation to the Township Committee; and

WHEREAS, based on the information it had about the property and the sewer allocation, the Readington Township Sewer Advisory Committee voted to recommend that 1,050 gpd of the 2,450 gpd allocation be returned to the Township for reallocation, as set forth in its Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with same.

#R-2015-120 cont'd:

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the Tom Jr. Property, the Township Committee accepts the findings set forth therein, specifically, that 1,050 gpd of the 2,450 gpd sewerage capacity previously reserved for use by Tom Jr. Property, Inc. was not paid for, is not being utilized and will not be needed in the future since it is not necessary to serve the four (4) lot single-family residential development which previously received preliminary subdivision approval. Further, it does not appear that a more intense use may developed under the current zoning. Accordingly, Township Committee agrees that 1,050 gpd of the 2,450 gpd originally allocated to Block 36, Lot 7 should be returned to the Township.
2. This resolution shall be effective immediately.

***19. Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lot 29 / Formerly Valley National Bank**

The following resolution was offered for consideration:

#R-2015-121

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 14, LOT 29
FORMERLY VALLEY NATIONAL BANK**

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

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

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

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

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

#R-2015-121 cont'd:

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

WHEREAS, Valley National Bank was listed as defendant in the Litigation with respect to property known as Block 14, Lot 29, located on Route 22 West, and was sent a letter and questionnaire by the Township, but did not respond to same; and

WHEREAS, the Readington Township Sewer Advisory Committee held public meetings on July 21, 2015 and on September 30, 2105 to assist the Township Committee in its review and final recommendation; and

WHEREAS, despite the lack of response from Valley National Bank, the Township, its attorney and engineer all possess and/or had provided adequate information about the sewer allocation granted to the property and its utilization to enable the Sewer Advisory Committee to make a recommendation to the Township Committee; and

WHEREAS, the property in question is actually now owned Ryland Inn, LLC/Frank Cretella, successors in title to Valley National Bank, who are operating it as the Ryland Inn and in the process of expanding its facilities for which Planning Board approval was recently memorialized in 2015; and

WHEREAS, based on its knowledge about the site, the Readington Township Sewer Advisory Committee voted to recommend that the 9,450 gpd sewerage allocation be retained by the current owner and not returned to the Township, as set forth in its Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory Committee on the former Valley National Bank property which is now owned by Ryland Inn, LLC/Cretella, the Sewer Advisory Committee finds that the 9,450 gpd sewerage capacity allocated to Block 14, Lot 29 is being utilized for the uses approved and built, or in the process of being built on the property, and should not be returned to the Township.

2. This resolution shall be effective immediately.

***20. Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 14, Lot 49 / National Realty & Development Corp/Readington Holdings, L.P. Whitehouse Plaza (WalMart)**

The following resolution was offered for consideration:

#R-2015-122

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 32, LOT 9
NATIONAL REALTY & DEVELOPMENT CORP/READINGTON HOLDINGS, L.P.
WHITEHOUSE PLAZA (WALMART STORE)**

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

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

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

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

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

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

WHEREAS, the Township Committee received a letter and submission in response to the questionnaire from Richard A. Kaufman, Executive V.P. and General Counsel to National Realty & Development Corp. dated July 8, 2015 on behalf of Readington Holdings, L.P. (hereinafter “Readington Holdings”) owner of the Walmart store located Block 14, Lot 49, which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purpose of making a recommendation to the governing body; and

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

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by Readington Holdings in support of its request to retain their 15,000 gpd sewerage allocation for the Walmart store on Block 14, Lot 49 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

#R-2015-122 cont'd:

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory pertaining to the existing Walmart store and proposed expansion of same located on Block 14, Lot 49 , and due to the recent approval of the request by National Realty & Development Corp./Readington Holdings, L.P., the Township Committee accepts the findings set forth in the Recommendation and agrees that the full amount of capacity allocated (15,000 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

2. This resolution shall be effective immediately.

***21. Township of Readington Resolution in Connection with Sewer Capacity
Analysis - Block 21.12, Lot 94 / Whitehouse Athletic Association**

The following resolution was offered for consideration:

#R-2015-123

**TOWNSHIP OF READINGTON
RESOLUTION IN CONNECTION WITH SEWER CAPACITY
ANALYSIS - BLOCK 32, LOT 9
NATIONAL REALTY & DEVELOPMENT CORP/READINGTON HOLDINGS, L.P.
WHITEHOUSE PLAZA (WALMART STORE)**

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

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

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

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

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

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

#R-2015-123 cont'd:

WHEREAS, the Township Committee received a letter and submission in response to the questionnaire from Richard A. Kaufman, Executive V.P. and General Counsel to National Realty & Development Corp. dated July 8, 2015 on behalf of Readington Holdings, L.P. (hereinafter “Readington Holdings”) owner of the Walmart store located Block 14, Lot 49, which letter and submission was forwarded to the Sewer Advisory Committee for initial review for the purpose of making a recommendation to the governing body; and

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

WHEREAS, the Readington Township Sewer Advisory Committee considered the submission made by Readington Holdings in support of its request to retain their 15,000 gpd sewerage allocation for the Walmart store on Block 14, Lot 49 and voted to recommend that none of the capacity be returned to the Township as set forth in the Recommendation attached hereto as Schedule A; and

WHEREAS, the Township Committee received and reviewed the Recommendation of the Sewer Advisory Committee at a public meeting held on October 5, 2015 and is in agreement with the same.

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

1. For the reasons set forth in the attached Recommendation made by the Sewer Advisory pertaining to the existing Walmart store and proposed expansion of same located on Block 14, Lot 49 , and due to the recent approval of the request by National Realty & Development Corp./Readington Holdings, L.P., the Township Committee accepts the findings set forth in the Recommendation and agrees that the full amount of capacity allocated (15,000 gpd) will be utilized and does not recommend returning any of the sewerage capacity which was allocated for the property to the Township.

2. This resolution shall be effective immediately.

* **22. Permit Fee Refund (Block 54, Lot 1.05 / 47 Holland Brook Road)**

* **23. Social Affairs Permit / Polish American Citizens Club of Whitehouse NJ**
(December 12, 2015)

* **24. Social Affairs Permit / Knights of Columbus #6930**
(November 15 and November 21, 2015)

* **25. Tax Refund Resolution**

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the Readington Township Tax Collector has recommended the following refund for property taxes:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
2015 99/21	AT&T Communications	Assessment Reduction	\$ 266.66

Tax Refund Resolution cont'd:

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the amount recommended.

*** 26. Tax Lien Redemption Resolution**

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 21.04, Lot 502.09 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 \$11,227.15, plus a premium paid in the amount of \$10,100.00, known as Tax Sale Certificate #2013-005, to the lienholder, US Bank – Custodian for BV001 Trust.

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

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	5-01	\$ 337,885.35
SEWER APPROPRIATIONS	5-02	\$ 10,001.77
TRUST FUNDS	X-03	\$ 11,117.54
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 78,361.01
PAYROLL DEDUCTIONS	X-06	\$ 134,320.43
DUE TO STATE OF NJ	X-09	\$ 700.00
CAPITAL	X-15	<u>\$ 25,600.00</u>
TOTAL OF ALL FUNDS		\$ 597,986.10

A MOTION was made by Mrs. Duffy to approve the Consent Agenda *with the removal of the September 21, 2015 minutes*, seconded by Mr. Broten and on Roll Call vote the following was recorded:

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

APPROVAL OF MINUTES of the September 21, 2015

Mr. Broten reiterated his concerns regarding the lack of documentation of a discussion at that meeting and opined that the discussion between Mr. Auriemma and Mr. Scammel should be recorded; therefore he would not be voting to approve the minutes as currently recorded.

A **MOTION** was made by Mrs. Duffy to approve the September 21, 2015 minutes, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

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

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

CORRESPONDENCE / OTHER INFORMATION

1. Resolution from the Borough of Glen Gardner regarding ***Urging Governor Christie to Protect Local Property Tax Payers by Respecting the Structure and Preserving the Integrity of Local Pension Systems.*** No action taken.
2. Resolution from the Township of Bethlehem regarding ***Urging Governor Christie to Protect Local Property Tax Payers by Respecting the Structure and Preserving the Integrity of Local Pension Systems.*** No action taken.
3. Memorandum dated October 7, 2015 from Denise Doolan, Clerk of Board of Chosen Freeholders, County of Hunterdon regarding ***Speed limits – Both directions along Walter E. Foran Blvd., Walter Foran Ext., Junction Road, Flemington- Whitehouse Road, Main Street, Oldwick Road and Lamington Road, (all County Route 523), in the Township of Raritan, Readington and Tewksbury.*** No action taken.

NEW BUSINESS

- *1. ***Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 28, Lot 13.01 / Zacios – Kline Blvd***

This matter was addressed under the Consent Agenda.

- *2. ***Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 32, Lot 9 / John and Jacqueline Cunha***

This matter was addressed under the Consent Agenda.

- *3. ***Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lots 29.02 and 29.03 / Ryland Developers, LLC***

This matter was addressed under the Consent Agenda.

- *4. ***Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 4, Lot 51 / Readington Commons II, LLC***

This matter was addressed under the Consent Agenda.

- *5. ***Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 21. Lot 3 / Lot 3 Development , LLC***

This matter was addressed under the Consent Agenda.

- *6. *Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 4, Lots 4.01, 49, 99, 100, 104 and Block 2.01, Lot 9 / Merck, Sharp & Dohme Corp.***

This matter was addressed under the Consent Agenda.

- *7. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 4, Lot 57 / Wilmark Building Contractors, Inc.***

This matter was addressed under the Consent Agenda.

- *8. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 2.01, Lots 9.01 and 11 / Bellemead Development Corporation***

This matter was addressed under the Consent Agenda.

- *9. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lots 29, 29.02 29.03 and Others / Ryland Office Park, LLC***

This matter was addressed under the Consent Agenda.

- *10. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 4, Lot 77, 77.01 and 77.02 / Now or Formerly Ackerman / Dos Santos / Tadros & Samaan***

This matter was addressed under the Consent Agenda.

- *11. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lots 93, 94 and 95 / Country Classics Legacy At Readington, LLC***

This matter was addressed under the Consent Agenda.

- *12. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 96 / WPS Realty, LLC – Serra/ Doyle***

This matter was addressed under the Consent Agenda.

- *13. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 2; Block 31, Lots 37 and 37.02; Block 34, Lots 10 and 11; and Block 32, Lot 12 / Fallone Properties, LLC***

This matter was addressed under the Consent Agenda.

- *14. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 48 / The Farm Property, LLC***

This matter was addressed under the Consent Agenda.

- *15. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 8, Lot 3 Now or Formerly / Winfield Management***

This matter was addressed under the Consent Agenda.

16. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 49 / Toll, NJ I, LLC

This matter was addressed under the Consent Agenda.

17. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 36, Lot 7 / Tom Jr. Property, Inc.

This matter was addressed under the Consent Agenda.

18. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 14, Lot 29 / Formerly Valley National Bank

This matter was addressed under the Consent Agenda.

19. *Township of Readington Resolution in Connection with Sewer Capacity Analysis -Block 14, Lot 49 / National Realty & Development Corp/Readington Holdings, L.P. Whitehouse Plaza (WalMart)

This matter was addressed under the Consent Agenda.

20. *Township of Readington Resolution in Connection with Sewer Capacity Analysis - Block 21.12, Lot 94 / Whitehouse Athletic Association

This matter was addressed under the Consent Agenda.

21. *Permit Fee Refund (Block 54, Lot 1.05 / 47 Holland Brook Road)

This matter was addressed under the Consent Agenda.

*** 22. *Social Affairs Permit / Polish American Citizens Club of Whitehouse NJ*
(December 12, 2015)**

This matter was addressed under the Consent Agenda.

*** 23. *Social Affairs Permit / Knights of Columbus #6930*
(November 15 and November 21, 2015)**

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that a request was made by the Open Space Advisory Board to appoint a township employee to the NJ Shade Tree Federation and announced Scott Jesseman would be filling this appointment.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

COMMITTEE REPORTS

Thomas Auriemma

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

John Broten

Mr. Broten reported that the pipeline is nearing completion. Mayor Fort inquired what would happen if the planted grass seed did not take and Mr. Broten explained that Transco is being held to a one year progress review by the DEP.

M. Elizabeth Duffy

Mrs. Duffy reported that the Open Space Walk took place last Sunday along the Pleasant Run Trail.

Betty Ann Fort

Mayor Fort reported that she had nothing further to report.

Samuel Tropello

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

COMMENTS FROM THE PUBLIC

Wayne Borella, 110 Foothill Road, requested an update on the improvements to Foothill Road. Mr. Borella added that after a discussion with the rabbi and congregants of the Temple on Foothill Road, he wanted to submit a petition from them along with a second petition from the residents of Foothill Road to improve the road conditions. Mr. Borella further commented that the transportation department changed the bus route for the grade school and expressed concern about the road conditions and the continuing safety issues. Mr. Borella discussed possible paving alternatives for Foothill Road. Mr. Broten added that he would like to request that when the Director of Public Works is looking at his 2016 road reclamation plan over the next several months that a recommendation be included for Foothill Road to improve it to a more permanent state and would like some options from Scott Jesseman. Mayor Fort stated that this is not a unilateral decision; however, she would like to provide this information to Scott Jesseman and Engineer O'Brien to determine what they can come up with.

Scott Scammel, Dreahook Road, commented that the Daughter/Sons of the American Revolution along with Civil Air Patrol Cadets met at the Rockaway Church graveyard and repaired a number of gravestones over the weekend.

David Owen, County Route 523, commented about a piece of correspondence listed on the agenda from Mrs. Doolan regarding the speed limit on Route 523 and encouraged the Committee to consider the speed limit on Route 523 along with the possibility of a weight limit, especially at the treacherous intersection of Pleasant Run and Stanton Road.

Greg Raimann, 119 Foothill Road, reiterated the dangerous condition of the intersection at Pleasant Run and wanted to know who he could write to in the County about this situation.

Tom Bridegum, 111 Foothill Road, agreed with the comments on the dangerous intersection of Pleasant Run Road and also was in support of Mr. Borella's comments about the road condition of Foothill Road.

Ray Shepherd, 144 Foothill Road, commented on the poor condition of Foothill Road based on his own experience. Mr. Shepherd also commented on a piece of basically landlocked property (Block 63, Lot 2) for acquisition. Several suggestions were offered to assist Mr. Shepperd with his request.

COMMENTS FROM THE GOVERNING BODY

John Broten reported that he attended the Barn dance at the Bouman Stickney on Saturday evening. Mr. Broten briefly commented on a situation posted on the Whitehouse Community Board with regard to a memorial for a woman's son; however believes this matter has since been resolved.

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

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk