

The Township Committee of the Township of Raritan met on February 16, 2016 at the Municipal Building, One Municipal Drive, Flemington, New Jersey

**MEETING
CALLED**

Deputy Mayor Mangin called the regular meeting to order at 7:00 p.m.

ROLL CALL

The following were present: Deputy Mayor Michael Mangin, Comm. Craig O'Brien, Comm. Richard Chen and Comm. Louis Reiner. Also present was Adm. Jerry Gaiamis and Township Attorney Jeffrey Lehrer.

**MEETING
ADVERTISED**

Deputy Mayor Mangin advised that the meeting was noticed on February 12, 2016 by providing notice to the Hunterdon County Democrat, Star Ledger, Courier-News, Trenton Times and Express Times in accordance with the Open Public Meetings Act and posted on the office bulletin board and the Township Website.

Attorney Lehrer read Resolution #16-43 in full.

Resolution #16-43 – CLOSED SESSION:

Personnel – Building Sub Code Official;

Tax Attorney; Public Defender

Contractual – Flemington Fields Homeowner's

Association

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-43.

Motion was made by Comm. Reiner and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

CLOSED SESSION

Closed Session Meeting Minutes are on a separate document.

The Committee came out of Closed Session at 6:59 p.m.

OPEN SESSION

The Open Session of the Regular Meeting began at 7:06 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Deputy Mayor Mangin asked all to join in the Pledge of Allegiance to our Flag and to remain standing for a Moment of Silence to remember our Men and Women serving in the Armed Forces and in Particular Those Serving In Troubled Areas around the World. Also a Moment of Silence for Supreme Court Justice Antonin Scalia who passed away this past week.

**PUBLIC
COMMENT**

It is the policy of the Township Committee that all public comments on an issue shall be limited to three minutes per person. Public comment shall be permitted on items of concern regarding the agenda only. In addition, time will be allotted at the end of the meeting for public comment on any issue.

Attorney Lehrer addressed the audience by stating that he has been the Township Attorney for a short time and has not been briefed on the matter of Flemington Fields Homeowners Association's concerns. He said that he would have a potential resolution for this matter that he would like to discuss with the Township Committee in Closed Session. He did not want to preclude anyone from being able to speak but they would have to wait until the end of the meeting under Privilege of the Floor. He understood that there was a sense of urgency on this matter. He needs a little more time to go over the file and the emails.

*** Pat Sullivan, 21 Higgins Court, member of the Flemington Fields Homeowner's Association said that Flemington Fields is a senior community under development since 2004. Board members and residents have written to the Township, elected officials, administrator, emergency management and fire marshal regarding the fire safety violations identified in the development. Fire hydrants have to be within four hundred (400) feet of a home within the right-of-way. There are four courts in the development, with two (2) of the courts that have twenty-four (24) homes on each court, have no fire hydrants. The remaining courts have one fire hydrant which does not meet the code.

Mrs. Sullivan said that the Homeowner's Association engaged FWH Engineering in preparation of the final transition from the developer to the Homeowner's Association when all the homes are finally sold. FWH Engineering Report noted the violation of NJ Fire Safety Code (N.J.A.C 5:21-5.4). This engineering report was shared with the Township and the developer. The Township and the developer have a Developer's Agreement in place. The agreement states that the developer will be responsible for the installation of the fire hydrants. On November 17, 2014, the homeowners and board members attended a Township Committee Meeting and the matter was resolved. The Fire Marshal, at that time, was working on the location of the

fire hydrants and the Township would maintain the four additional fire hydrants required to meet the code in the community. The Township then reversed its position because the hydrants were going to be installed on private streets within the development. The Township does not maintain fire hydrants on private streets. However, Mrs. Sullivan said that it was established that the Township has been maintaining two private fire hydrants within the development located on private streets and six fire hydrants on private streets in the adjoining senior development, Flemington Fields Villas. Over one hundred (100) residents wrote and asked that the Township approve the installation of the fire hydrants, that the Township maintain the fire hydrants and that the private roadways be dedicated to the Township as in the other senior community, Walnut Brook.

Mrs. Sullivan said that it is estimated that the residents in Flemington Fields HOA alone presently pay annual real estate to the municipality of approximately \$625,000 per year. As an age restricted community, this development does not burden the Township taxpayers with schools and has practically no open space or amenities. In the Township Committee Meeting Minutes of April, 2013, the former Hilltop Development will have dedicated roadways maintained by the Township as well as fire hydrants maintained by the Township. This is justified in the minutes. Walnut Brook senior community of single family homes has fire hydrants and roadways maintained by the Township. Flemington Fields COA senior community has fire hydrants located on private streets that are maintained by the Township. She would like to know why Flemington Fields' residents are not receiving the same benefits. Public safety is a main function of government. The Township has failed to rectify and enforce fire safety violations. She asked the Committee to act, in the near future, to protect the residents of the community.

Mrs. Sullivan mentioned that there was news coverage of a warehouse inferno in Hillsborough. The Hillsborough Mayor and Fire Marshal warned of fire violations. They could not enforce compliance or correct violations because the warehouse was on Federal property. The frigid temperature, high winds, and the inadequate water pressure in the fire hydrants all contributed to injuries of at least two (2) volunteer firefighters. The density of homes in the Flemington Fields Development would contribute to a fast spreading fire in the development. She asked the Committee to act to represent its constituents and assure public health, safety and welfare to the residents. She asked the Committee to approve the installation of fire hydrants, to maintain the hydrants and to accept the dedication of streets just like the Walnut Brook senior community. She thanked the Committee for their consideration and she looks forward for a resolution.

*** Elaine Garen, 1 Apgar Court, Member of the Board of Trustees of the Flemington Fields Homeowner's Association, said that it was her understanding that the developer of Flemington Fields wishes to move forward in applying the final top coat to the roads in the spring. The residents have been notified that there is a meeting on March 15, 2016 to begin this dialog. The Flemington Fields Homeowner's Association are respectfully asking that the Committee not approve the developer's request to move forward until the following three outstanding items are resolved: 1) The road defects that are documented in the engineer's report, be satisfactorily corrected; 2) The fire hydrants be installed; 3) An irrigation project previously approved by the developer and the Planning Board, be completed in the approximate time of four (4) months. The project involves installing a new water supply source to two (2) common property lots in the development. That must be done before the final top coat is put in because then the roads would have to be torn up again.

Deputy Mayor Mangin explained that the Township Committee will review this matter with the Township Attorney. He mentioned that Mayor Gilbert is recusing herself from this matter because she has a family member that lives in the Flemington Fields Development.

**FINANCIAL
ISSUES**

Payment of Bills as Listed for Raritan Township: **\$ 3,858,701.02**

Comm. Reiner asked about Check #01203 payable to Atlantic Salt Company. Adm. Giaimis said that this is for the annual salt purchase from the end of 2015 and the beginning of 2016.

Deputy Mayor Mangin asked for a motion to approve the Bill List.

Motion was made by Comm. Reiner and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

Mayor Mangin recused himself from the participation of this matter since he is a member of the Fire Company.

Payment of Bills as Listed for the Fire Company: **\$ 2,594.25**

Deputy Mayor Mangin asked for a motion to approve the bills for the Fire Company.

Motion was made by Comm. Reiner and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – recuse
 O’Brien – yes
 Reiner - yes

Motion carried.

REPORTS

LIAISON REPORTS

Karen Gilbert – Administration, Personnel, Planning Board (Class I – Mayor) – No report. Mayor Gilbert was absent.

Michael Mangin – Planning Board (Class II – Governing Body), Police, Finance & Business – Comm. Mangin said that the Planning Board approved the Johanna Foods expansion. The residents from the Beazer Development who were concerned about the noise and lights coming from the plant were present at that meeting. Johanna Foods will eventually close the water treatment plant with permission from the NJ DEP. There will then be less noise and odors. Comm. Mangin said that Bill Pandos, CFO and Adm. Giannis have been meeting with the department heads to review the 2016 Budget.

Louis Reiner – Public Works, Fire/Rescue/OEM, Local Historians – Comm. Reiner thanked the emergency personnel and DPW for an awesome job that was done during and after the snow storm. He thanked Shop Rite owner Joe Colallilo for donating all the food for the personnel. Thanks went out to the Fire Department in their response to many calls. Comm. Reiner mentioned that the Flemington-Raritan First Aid & Rescue Squad has been expanded to the northern and southern areas of the Township. He met with the Fire Chief to discuss grants and other pertinent issues. He hopes to speak with Congressman Lance and State Representative to review any grants that might be available. He mentioned that the Rescue Squad would like to move their facility from Route 12 to Church Street and Royal Road. .

- Richard Chen – Open Space, Parks & Recreation, RTMUA – Comm. Chen said that the Open Space Committee met last week and identified one or two locations for possible future consideration for open space. Comm. Reiner asked about the RTMUA capacity. Comm. Chen said that about 78% of capacity is being used and about 22% is left for capacity. Deputy Mayor Mangin said that Peter Kinsella, Commission of the RTMUA, will be present at the next meeting.
- Craig O'Brien – Board of Health, Green Team, Environmental Commission
Comm. O'Brien said that the Board of Health's Reorganization Meeting will be held on Thursday, February 18, 2016. Regarding the Green Team, he said that Comm. Chen and he met with representatives from Solar City who can do projects with municipalities, schools, sewer authorities and the like to install solar panels. This is done to zero out the power for the building itself. Not to generate excess power that is sold back. The next step would be to sit with Don Hutchins and Tony Hajjar and review potential sites and what feasibility that would be.

SNOW REPORTS:

February 5, 2016 & February 9, 2016

Deputy Mayor Mangin said that the Committee was pleased with the work that was done by Public Works.

**UNFINISHED
BUSINESS**

**RARITAN TOWNSHIP FIRE COMPANY – CHIEF TO PRESENT
BUDGET/YEAR IN REVIEW -**

- *** Fire Chief Steven Wetter said that 619 calls were answered in 2015 from major fires to false alarms and animal rescues. There are 26 Fire Departments in Hunterdon County that answered 3,000 calls. The Raritan Township Fire Company accounted for approximately 20% of all fire calls. The average response time was approximately 12 minutes. This is excellent for a volunteer agency in a community of this size. The Fire Company also conducted drills, meetings, work nights and community events. The Raritan Township Fire Company had zero line of duty injuries or deaths in 2015. The Fire Company operated within their budget in 2015 and showed fiscal responsibility. The primary fundraising efforts continue with a letter that is sent out to the community. Membership was flat in 2015 with no new

FIRE CHIEF STEVEN WETTER: (Continued)

senior members, however, there were four new junior members. One junior member moved up to regular member status and several inactive members became active again. The Fire Company always seeks to add to the membership. The tower ladder has been received which replaced a 1992 tower that was costing too much money for maintenance. There will be a dedication ceremony for the tower ladder probably in June. With regard to the Hillsborough Warehouse that the Fire Company was involved in, he reported that there was no damage and no injuries. Chief Wetter will provide a list of firefighters who were present at the Hillsborough Warehouse fire.

Deputy Mayor Mangin said that the Fire Company responds to fires anywhere in Hunterdon County as per Mutual Aid Agreements between the municipalities. It has always been a practice by the Township that if the fire truck should leave the County, the Fire Company must notify Adm. Giaimis' office. Comm. Reiner said that the past snow storm was a 500 ton storm.

CONSTRUCTION CODE FEES – PROPOSAL FROM CONSTRUCTION CODE OFFICIAL

*** Deputy Mayor Mangin said that this is only a work session with Hans Warnebold, Construction Code Official to discuss the status of the construction code fees. Deputy Mayor Mangin wanted to know which specific fees were out of order. Hans Warnebold, Construction Code Official, said that there are items that are not addressed in the current fee schedule. He is working on a six year old fee schedule and needs something in place that is more organized than the current fee schedule. He presented this matter to the Committee last year, however, the fee changes never took place. He is not looking to increase the fees, only to address them. There are some fees that will be increased and some fees that will be combined and will be decreased. Deputy Mayor Mangin said that Raritan Township should be revenue neutral and not revenue generating. Comm. Reiner said that Raritan Township is probably more reasonable when compared to other towns with respect to fees. A sub-committee was formed with Mayor Karen Gilbert, Adm. Giaimis and Comm. Chen to work with Mr. Warnebold on the fee schedule.

RTMUA COMPENSATION CHANGE

Peter Kinsella could not attend this meeting so the matter was postponed until March 1, 2016. Comm. Reiner said that it was his understanding that along with compensation, there includes medical benefits as well. Attorney Lehrer said that he reviewed the Township Code and there is a section that states that the Sewer Authority is an independent body, however, the Township establishes the compensation by ordinance. That compensation is fixed at a maximum of \$1,400 per year. The original codification was \$2,100. Deputy Mayor Mangin said that some members are receiving \$1,400 and others are receiving \$2,100.

ABANDONED AND FORECLOSED PROPERTIES

- 1) ORDINANCE #15-05**
- 2) ORDINANCE #15-06**

Jamie Sunyak, Township Planner, said that there were two ordinances adopted by the Township Committee. Ordinance #15-05 includes the establishment of a policy whereby notification of an intent to foreclose on a specific property must be sent to the Township Clerk. The notice has to provide the name of the party responsible and also provide a timeframe. Ordinance #15-06 deals with registration requirements that has to do with vacant. Once a building becomes vacant, it must be registered with the Township within 30 days. The agent must provide the Township with the person responsible for receiving any notices or violations. The parties responsible for maintaining the property and a requirement for what kind of maintenance is needed. There is a yearly \$50.00 registration fee. Both ordinances are being enforced. The Zoning Office has eighteen (18) registered vacant properties currently. The Zoning Inspector has been very diligent in sending out notices and working with the various agencies. Deputy Mayor Mangin asked about the registration and the penalty. Ms. Sunyak said that if there is a change in ownership, there would have to be a new registration. Comm. Chen asked about the violations and penalties. He thought that the penalty would be capped at \$25,000, however, this was not included in the ordinance. The penalty and violation section of the ordinance will have to be amended to reflect this. Comm. O'Brien said that there were also some requirements about minimum safety maintenance levels. Planner Sunyak said that her office has been working on a number of properties where complaints have been received. Some of those properties have been purchased and are now being renovated. She said that this is a very time consuming process. She will send an updated list of abandoned and foreclosed properties along with the status of each property.

**NEW
BUSINESS**

COMCAST OF CENTRAL NEW JERSEY RE: CHECK \$24,410.37 FOR USE OF MUNICIPAL RIGHT-OF-WAY – Adm. Giaimis said that this is an annual franchise fee from Comcast in the amount of \$24,410.37.

ORDINANCES:

ORDINANCE #16-01

CALENDAR YEAR 2016

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Adm. Giaimis said that this ordinance has been adopted every year for the last seven years. He said that the Township is not exceeding the Municipal Budget Cap. This is the language that the State provides. This ordinance states that, in the event of an emergency or an unforeseen financial crisis, the Township has the ability to bank some leftover money. Because the Township of Raritan is fiscally responsible, this cap bank has never been used. Comm. Reiner said that even though this has never been used, he felt uncomfortable with the ordinance.

Deputy Mayor Mangin asked for a motion to introduce Ordinance #16-01 on first consideration, same to be published according to law with a public hearing and a vote scheduled for the meeting of March 15, 2016 at which time all interested persons will be heard.

Motion was made by Comm. O'Brien and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – no.

Motion carried.

**CORRES-
PONDENCE**

- a. League of Municipalities: (All Information is on File in the Clerk's Office):
Storm Response; Atlantic City Update; CY 2016 Municipal Levy Cap Referendum Procedures; Mayor's Legislative Day; NJ Senators Menendez, Booker and Congressman Pallone on Off-Shore Drilling; Message from the President of the League – Mayor Joseph Tempesta;
- b. JCP&L Public Hearing re: Recovery Charge
- c. Hunterdon Department of Planning, Economic Development & Land Use re: County Responds to citizen Comments in Update to Open Space Trust Fund Plan

CORRESPONDENCE

- d. Approval of a Joint Petition for Approval of a Merger of the Southern Company and AGL Resources, Inc.

NON CONSENT AGENDA:

Resolution #16-41 – Authorizing the Transfer of Appropriation Reserve Funds (4 Votes Needed for Adoption)

Adm. Giaimis said that this is a transfer into the utilities fund from the photocopying budget. This is from last year's budgeted money.

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-41.

Motion was made by Comm. Reiner and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

Resolution #16-42 – Authorizing the Appointment of Jeannie Geremia to the Board of Health – Alternate #1

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-41.

Motion was made by Comm. O'Brien and seconded by Comm. Reiner.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

NON-CONSENT AGENDA: (Continued)

Resolution #16-45 – Authorizing the Appointment of Harold Quinn to the Environmental Commission – Alternate #2

Comm. Reiner said that Mr. Quinn was not reappointed to the Environmental Commission. He stated that he always thought that the Environmental Commission was stacked. It was disproportionately slanted to one political party vs. another. He understood that qualifications count, however, he felt that the Committee should be closer to the demographics of the representatives of the community.

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-45.

Motion was made by Comm. O'Brien and seconded by Comm. Chen.

Roll Call Vote: Chen – no
 Mangin – yes
 O'Brien – no
 Reiner – no

Motion defeated.

Resolution #16-46 – Authorizing the Appointment of Judy Dreher to the Board of Adjustment

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-46.

Motion was made by Comm. Reiner and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

Resolution #16-47 – Authorizing the Appointment of Tax Attorney

This resolution was tabled.

NON-CONSENT AGENDA: (Continued)

Resolution #16-48 – Appointment of the Public Defender

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-47 appointing Jennifer Toth to the position of Public Defender.

Motion was made by Comm. Reiner and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes

Motion carried.

Resolution #16-50 – Authorizing the Appointment of Harry Haushalter as Conflict Attorney for Tax Appeals

Comm. Reiner asked why the Township was appointing a conflict attorney. He knew that Martin Allen, former Tax Attorney, was not seeking reappointment so he wanted to know about the conflict. Attorney Lehrer said that this is for one particular case. This is not for the appointment of the new Tax Attorney. When there is a conflict of interest, a conflict attorney must be appointed. Adm. Giaimis said that Mr. Haushalter has been serving the Township in this capacity for a number of years.

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-50.

Motion was made by Comm. Chen and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – abstain

Motion carried.

Attorney Lehrer said that because of the resignation of the Building Sub Code Official, the Township needs to make an acting appointment until a permanent appointment is made. Michael Wright will be appointed to the position of Acting Building Sub Code Official for a period not to exceed sixty (60) days.

**PRIVILEGE
OF THE
FLOOR**

Anyone may address the Committee on any issue for three (3) minutes.

*** Barbara Sachau, 2 Glenway Drive, wanted to know if there was a reorganization sit down dinner and how much it costed. She saw a payment of \$350.00 for table linens.

Deputy Mayor Mangin said that there has always been a reorganization dinner. He said that Rose Sollena, Township Clerk, could retrieve that information for Mrs. Sachau.

*** Mrs. Sachau said that she would like to see another type of reorganization dinner. Perhaps in the court room so the public could be invited. She wanted to know about a payment for meals in the amount of \$51.00. She also mentioned that if Shop Rite provided the food for free during the snow storm, why should the employees receive \$51 for food on those days.

Adm. Giaimis said that it is a contractual amount. He did not know the breakdown. Deputy Mayor Mangin said that the drivers handling the snow removal were on the job all weekend.

*** Mrs. Sachau said that they are earning \$54 per hour, so why should there be an extra payment for food when the food was provided for free. The tax payers are paying for so many levels of government and costs keep going up and up. There are local taxes, county taxes, state taxes, federal taxes and international taxes.

Resolution #16-49 - CLOSED SESSION:

Personnel – Building Sub Code Official;
Tax Attorney; Public Defender;

This resolution was not adopted.

**ADJOURN-
MENT**

Deputy Mayor Mangin asked for a motion to adjourn the meeting

Motion was made by Comm.

Vote: 5 – 0 motion carried.

Meeting adjourned at: p.m.

Respectfully submitted,

Rose Sollena, RMC/CMC
Township Clerk