

The Township Committee of the Township of Raritan met on May 17, 2016 at the Municipal Building, One Municipal Drive, Flemington, New Jersey

**MEETING
CALLED**

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

ROLL CALL

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

**MEETING
ADVERTISED**

Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the February 25, 2016 issue of the Hunterdon County Democrat and was posted on the office bulletin board and the Township Website.

Attorney Robertson read Resolution #16-123 in full.

Resolution #16-123 – CLOSED SESSION:

**Personnel – Tax Collector; Building Sub Code Official;
Contractual – CWA Union Update;**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a) Contractual:
 - b) Open Space:
 - c) Personnel: Police Chief
 - d) Potential Litigation:
 - e) Attorney Client Privilege:

3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Gilbert asked for a motion to adopt Resolution #16-123.

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

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

Motion carried.

**CLOSED
SESSION:**

Closed Session Minutes are on a separate document.

**OPEN
SESSION**

*The Committee came out of Closed Session and recessed for twenty minutes.
The public portion of the meeting began at 7:00 p.m.*

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Gilbert 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.

Resolution #16-124 – Introduction of the 2016 Budget

The committee tabled Resolution #16-124.

**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.

*** Virginia Wind 15A Demott Road spoke in favor of the township Committee adopting an ordinance to ban the sale of cats or dogs from pet stores. She said the measure would prevent animal cruelty that happens in “puppy mills.” Wind said over 40 municipalities in NJ have adopted similar ordinances, without any legal challenges so far.

**FINANCIAL
ISSUES**

Payment of Bills as Listed for Raritan Township: **\$4,305,056.90**

Mayor Gilbert asked for a motion to approve the Bill List.

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

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

Motion carried.

REPORTS

LIAISON REPORTS

The Committee agreed to forego liaison reports.

**UNFINISHED
BUSINESS**

INGERMAN UPDATE AND GROUNDBREAKING – Mayor Gilbert informed the committee that closing occurred on the Ingerman property and thanked Attorney Leherer for his work. Mayor Gilbert said a date has not yet been set for the groundbreaking.

HABITAT FOR HUMANITY – Mayor Gilbert said she and Township Engineer Tony Hajjar, Township Planner Jamie Sunyak and DPW Superintendent Don Hutchins met with a representative from Raritan Valley Habitat for Humanity (RVHFH) about properties in the township. Mayor Gilbert ask Mr. Hajjar to give the committee an update. Mr. Hajjar said Thomas Fik, the engineer for the Ingerman project is also a board member for RVHFH. Mr. Fik inquired about vacant properties owned by the Township that could be sold or donated to RVHFH. Mr. Hajjar said they conducted a site visit at two properties, 139 and 141 Sergeantville Road and RVHFH is interested in 141 Sergeantsville Road, a 25-acre property. They are going to investigate this matter further. Mr. Hajjar said the Township could subdivide the property to meet the zoning requirement. RVHFH typically builds 1100 to 1200 SF homes that are deed restricted and sold as affordable housing. The Township would

get credit towards its COAH fair share obligation. Mayor Gilbert said what RVHFH pays for property depends on the municipality they are building in. Comm. Mangin asked if RVHFH would want to build multiple homes or subdivide a lot. Mr Hajjar said the Township could subdivide one or two lots along the road frontage. The property adjoins Lenape Park and the balance of the acreage could be added to the park. Mayor Gilbert said the Township also discussed providing access to the park from Route 523 as part of the proposal. Mayor Gilbert said it is just a preliminary proposal at this point.

VEHICLE AUCTION – Township Administrator Jerry Giaimis said the auction has not yet begun. The vehicles are not yet posted onto the auction website. The vehicles have been taken to the DPW garage. Mr. Giaimis said he will obtain a start date for the auction.

CHIMNEY ROCK INN – Comm. O’Brien asked about the status of the Chimney Rock Inn project. Mr. Hajjar said the application will be heard in June. The project already has approval from Flemington Borough. He said the building is located in Flemington Borough but the parking lot is located in Raritan Township.

COUNTY OPEN SPACE FUNDING – Comm. O’Brien asked if the Township received the debt reduction check from Hunterdon County for \$400,000 for open space. Township Clerk Rose Sollena said the Township received the check.

**NEW
BUSINESS**

GREEN TEAM APPOINTMENT – Mayor Gilbert said the Township received a resume from Mohammad Rezaul Karim to fill a vacant position on the Township Green Team for business owner. Mayor Gilbert said the seat has been vacant for several years. Environmental Commission Chairman Ray Simonds said the appointment would be a good asset for the Green Team and he is qualified. Mayor Gilbert asked for a motion to appoint Mr. Karim to the Green Team. Comm. Motion was made by Chen and seconded by Comm. Mangin. Vote 5-0, motion carried.

ORDINANCE BANNING THE SALE OF DOGS AND CATS – Mayor Gilbert said the Township does not have any businesses that currently sell cats or dogs. Attorney Leherer said he would want to review the proposal ordinance to determine its legality and legal implications. Comm. Reiner said before a legal review there should be a consensus of the Committee to adopt such an ordinance. Comm. Reiner said he does not support adopting such an ordinance. Comm. Reiner said there are state laws against animal cruelty and the Township should have other priorities. Comm. Chen said there are other ordinances that would address the issue of animal abuse and because there are no stores currently selling dogs and cats in the Township an ordinance is not needed at this time. Comm. O’Brien said it is not a current issue. Mayor Gilbert said she is mindful of the issue but is reluctant to adopting an ordinance or resolution. It was the consensus of the Committee to take no action on the issue at this time.

AGREEMENT FOR ACCEPTANCE OF A CLOSED DRAINAGE SYSTEM ON JOHANNA FARMS ROAD – Mr. Hajjar said a culvert on Johanna Farms Road was modified during the 1980's to make it a closed system. Because it no longer meets the definition of a culvert, Hunterdon County wants to relinquish its rights. Mr. Hajjar said because it's a Township road, the Township must assume jurisdiction for the system. He said Johanna Foods has agreed to maintain the inflow and outflow of the system. Attorney Leherer said it is a ministerial act because Johanna Foods has the maintenance responsibility. Mr. Hajjar said the maintenance obligation is tied to the land and will transfer from Johann Foods to any future property owner.

ACTION HYUNDAI DEALERSHIP COAH FEE– Attorney Leherer said there is about \$80,000 affordable housing development fee due as a result of new construction. The fee is equal to 2.5 percent of the assessed value. Attorney Leherer said it is a substantially new project based on the issuance of a new preliminary and final site plan approval by the Township. The fee is collected one half at time of the issuance of a building permit and one half at the time of the certificate of occupancy. The Township did not collect the first half of the fee when the permit was issued. Attorney Leherer said he wants the business to acknowledge that the fee is due and then allow it to pay in over a few months. Attorney Leherer said the dealership has challenged the fee in writing saying it was not given proper notice and the dealership received an original approval for two buildings in 2002 but only built one. Attorney Leherer said because the dealership made new application and received a new approval in 2013, he is comfortable with the position that the dealership owes the fee. Attorney Leherer said if the Township issues a temporary certificate of occupancy (TCO) without an acknowledgement and the dealership challenges the fee, it will be a significant problem to revoke the TCO at a later time. Comm. Reiner said the issue of the COAH fee and the issuance of a TCO are separate issues. Comm Reiner said the Township should allow the business to open its doors and pay the fee if it's applicable. Comm. Reiner said the Township should not delay the opening of a large business and valuable ratable. Attorney Leherer said the resolution granting the project's approval in 2014 specifically included language that the fee be paid. Mr. Giaimis said the dealership has known for two years about the fee. Mr. Giaimis said he did not know if there were other outstanding issues that could delay the issuing of a TCO. Mr. Giaimis said it would be a bad idea and set a bad precedent if the Township Committee allowed the TCO to be issued without an acknowledgment that the fee is owed by the dealership. The Township Committee does not have the authority to order the issuance of a TCO over any objection of the construction official. Comm Reiner said it is his understanding that there are no other issues that could hold up the TCO. Comm. Reiner said Township Committee can direct the Township Attorney to recommend the TCO be issued. Mayor Gilbert said any dispute over the fee could go on forever if the business is allowed to open before paying or acknowledging the fee. She said the Township is working with the dealership by offering a payment plan for the fee. Comm. Mangin said it was his understanding that construction was not yet complete when the Township shut the project down.

Mayor Gilbert said the business has not moved into the building. The dealership needs a TCO before it can move into the building. Comm. Chen said at this point the dealership is disputing the fee. Comm. Chen asked how long it would take for the process to come to a conclusion. Attorney Leherer said once they acknowledge the fee is owed the Township could issue a TCO and set up a four-installment payment plan. He said the Township Committee would need to vote to authorize him to recommend the issuance of the TCO subject to the acknowledgement of the fee to be paid in four installments. Comm. O'Brien asked what would happen to the dealership's right to dispute the fee if it acknowledges the fee but want to continue the dispute. Attorney Leherer said the dealership can pay the fee under protest then challenge the fee in New Jersey tax court.

*** Leonard Datello, owner of Action Hyundai and Mazda, said his legal counsel has told him the fee should not apply to his project. He said the fee should also not include the cost of the parking lot. Attorney Leherer said the fee is based on 2.5 percent of equalized assessed value.

*** Mr. Datello said he had staff hired to open the building and his contractor has been off the property for almost a month. He said he wants to work out the issue and would have his attorney call Mr. Leherer the following day.

Mayor Gilbert asked for a voice vote to authorize that upon receipt of an acknowledgment of the fee by the dealership Attorney Leherer is authorize to recommend to the Construction Code Official a Temporary Certificate of Occupancy be issued subject to four installments to pay fee. Comm. Motion was made by Comm. Chen and seconded by Comm. Reiner. Vote 5-0, motion carried.

ORDINANCES:

ORDINANCE #16-07

AN ORDINANCE AUTHORIZING AND APPROVING THE VACATION, RELEASE AND EXTINGUISHMENT OF THE PUBLIC RIGHTS-OF-WAY IDENTIFIED AS A PORTION OF BARLEY SHEAF ROAD KNOWN AS THE BARLEY SHEAF ROAD EXTENSION.

Meeting opened to the public. Comm. O'Brien asked how many accidents have occurred on this section of road. Mr. Hajjar said he contacted police and said there number of reportable accidents were comparable to other areas of the Township. Mr. Hajjar said Township as received a number of reports of cars hitting potholes on this road.

*** Sally McPherson, 25 Forest Drive, Flemington owns 3 Amwell Road, located along the section of road proposed to be vacated. She said the home was

originally the Rayville Tavern and the road was a path for trucks to make deliveries. She said over the years, cars began to cut through and the path was paved. Mrs. McPherson said each time the road was paved, the road encroaches further onto her property. She said the home has sustained damage from vehicles striking its foundation and tractor trailers have become stuck in the road. She said she has been trying to get the road closed for about eight years.

Comm. O'Brien asked if the Township has done a traffic study on the intersection of Old York Road and Amwell Road. Mr. Hajjar said he did not do a study but the other intersection has shorter sight distances, 125 feet East and 80 West on the Barley Sheaf extension compared to 530 feet East and 777 West at Old York and Amwell roads. Comm. O'Brien said he wanted to make sure the committee was not creating a new problem due to the tight turn at the Old York and Amwell roads intersection. Comm. O'Brien suggested we conduct a traffic study before making the decision. Mayor Gilbert said she uses the Old York and Amwell roads intersection all the time and said she was not sure what a study would reveal. Mayor Gilbert said Mr. Hajjar previously provided his observations in support of the vacationing the road and the Committee should move forward with the adoption of the ordinance.

Mayor Gilbert asks for a motion to close the public hearing and adopt Ordinance #16-07 on final consideration, same to be published according to law.

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

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

Motion carried.

CORRESPONDENCE

- a. League of Municipalities: (Information on File in the Clerk's Office)
NJLM Foundation "Smart Cities Program May 13, 2016; May Grant Page Posted; Webinar/Seminar Round Up; Weekly Policy Update – April 29, 2016; President Joseph Tempesta Letter; National Infrastructure Week (May 16 – May 23) Focus on the Benefits of Investment; Legislative Bulletin, April, 2016
- b. Hunterdon County Freeholders Ordinance #2016-02 re: Adjusting the Amount of Administrative Fee Charged for Gasoline Purchased at the County's Public Works Depots
- c. Hunterdon Land Trust Farmer's Market Opens on Sunday, June 12, 2016

- d. HART Commuter Information re: Bike to Work Week – May 16th to May 21st
- e. 2016-2017 Municipal Percentage Shares for Tax Levies for Regional School Districts
- f. Thank You Letters to Sharon Brown, Tax Collector and Ann Marie Silva, Tax Clerk

Comm. Mangin said it was nice to receive a thank you letter for the Tax Collector Sharon Brown and Tax Clerk Ann Marie Silva. Comm. O'Brien asked why the Municipal Percentage Shares for Tax Levies indicates a higher cost per student for Raritan Township over Flemington Borough.

**CONSENT
AGENDA**

All matters listed on the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mayor Gilbert asked the Committee to review the Consent Agenda to indicate if there are any items they wanted removed for discussion.

Resolution #16-120 Authorizing School Crossing Guard for the 2015-2016

School year was withdrawn from the consent agenda after the applicant declined the position. Comm. Reiner asked why the Township pays for crossing guards and can this expense be funded instead by the Board of Education. Chief of Police Glenn Tabasko said the Police Department trains the guards and he doesn't know of a town that get funds from the Board of Education. Mr Giaimis said in Jersey City the Board of Education, at one time, paid for its guards and requested the municipality to assume the costs. He did recall how the issue was resolved.

RESOLUTION #16-121

WHEREAS, Resolution #00-105 was adopted by the Township Committee of the Township of Raritan on May 8, 2000; and

WHEREAS, Stowaway Self Storage requested the return of its Cash Performance Bond in the amount of \$9,290.00 plus any accrued interest; and

WHEREAS, Township Engineer, Fred Coppola, recommended the return of the Cash Performance Bond in the amount of \$9,290 plus any accrued interest; and

WHEREAS, the Cash Performance Bond was never returned.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Raritan that the Cash Performance Bond posted by Stowaway Self Storage in the amount of \$9,290 plus any accrued interest is hereby returned.

RESOLUTION #16-122

WHEREAS, Scozzari Builders, Inc. has requested the release of a Cash Performance Guarantee for the Farmers Insurance Building on Royal Road; and

WHEREAS, Township Engineer, Antoine Hajjar, has submitted a letter dated May 9, 2016, a copy of which is made part of this resolution, recommending the release of the Cash Performance Guarantee in the amount of \$2,000.00.

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan that the release of the Cash Performance Guarantee in the amount of \$2,000.00 posted by Scozzari Builders, Inc. is hereby granted.

RESOLUTION #16-126

WHEREAS, the County of Hunterdon is the owner of County Culvert Q-44 carrying drainage from Johanna Farms Road to a Branch of the Neshanic River; and

WHEREAS, modifications to County Culvert 44-Q resulted in a change in classification of the structure from a culvert to a closed drainage system; and

WHEREAS, this closed drainage system is located on a Township road, Johanna Farms Road, and is no longer the responsibility of the County; and

WHEREAS, the County requested that the Township assume ownership and responsibility for maintenance, including jurisdictional control of the closed drainage system from the County; and

WHEREAS, the Township Engineer reviewed this request and recommends that the Township accept the closed drainage system.

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

1. That upon the County of Hunterdon relinquishing ownership, maintenance and jurisdictional control of the closed drainage system to the Township of Raritan, that the Township will accept same.

2. That the Mayor and Clerk are hereby authorized to sign the attached "County of Hunterdon and Township of Raritan Agreement for the Acceptance of Closed Drainage System (formerly County Culvert Q-44) Situated on Johanna Farms Road, Township of Raritan."

3. This Resolution shall take effect immediately.

RESOLUTION #16-127

AUTHORIZING THE AWARD OF A FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR APPRAISAL SERVICES

WHEREAS, there exists a need for professional services for appraisal services; and

WHEREAS, Requests for Proposals were distributed and the responses were reviewed by the Township Committee and Administrator; and

WHEREAS, the Township Committee of the Township of Raritan has determined to accept the proposal from Mick Schaible of Vanguard Appraisal Services of Stockton, New Jersey; and

WHEREAS, the funds are available and have been certified by the Chief

Financial Officer, said certification #16-_____being attached to this resolution.

NOW THEREFORE BE IT RESOLVED BY THE Township Committee of the Township of Raritan as follows:

- 1) The Mayor and Clerk are authorized to sign a contract with Mick Schaible of Vanguard Appraisal Services of Stockton, New Jersey for the year 2016.
- 2) This contract is awarded as a “Professional Services” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law.
- 3) The fees to be paid for such services to be based upon the properties being appraised. Additional services will be billed at \$175.00 per hour.
- 4) Notice of the award of this contract shall be published once in the Hunterdon County Democrat.

RESOLUTION #16-128

WHEREAS, the Township Tax Collector has recommended the refund of this over-payment; and

WHEREAS, there exists an overpayment of taxes paid to the Tax Collector of the Township of Raritan due to successful State appeals, over bill credits or overpayment by the taxpayer directly.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Raritan that the following receive a refund in the amount specified.

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
Saad A. Attayah	\$1,643.26	72.21	1.10
Duplicate 2 nd Q, 2016			
Pamusda Kunsiri	\$1,924.66	15	45
Duplicate 2 nd Q, 2016			
<i>The follow list is refunds for 2nd Quarter, 2016</i>			
Ravikumar Vellanki	\$1,799.20	18.06	17
Gregory Heist	\$2,109.91	59	20
Kennieth Brubaker	\$1,555.76	79	33
Jerry Whittington	\$2,633.43	47	5.09
Diana Mauro	\$1,382.38	72.01	95
Gerald Nowak	\$1,709.09	79.08	7
Kristipther Jackson	\$1,384.72	71.13	80
Patricia Lucas	\$ 967.90	72.20	1, C0804

Mayor Gilbert asked for a motion to adopt the items on the Consent Agenda.

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

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

Motion carried.

**PRIVILEGE
OF THE
FLOOR**

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

*** Chief Tabasko said he was contact by the owner of Sneakers Plus about restricted access to his business from 202 North due to the 31/202 Circle construction. Chief Tabasko said met with a representative of the contractor who indicated there was no funding for additional safety signage, or to lower the speed limit in the area during construction. Chief Tabasko suggested the Township Attorney send the contractor a letter to the contractor and state that the Township is concerned about the safety to limit our liability should an accident happen. The Township has no jurisdiction because it is a state highway.

Mr Hajjar said he spoke with NJDOT engineer but there has been no action for two weeks. Mr. Hajjar said DOT did repair a catch basin in the area that was collapsing and agreed to make the driveway to the business wider. Attorney Leherer said he would work with the Chief Tabasko and Mr. Hajjar to draft the letter.

Comm. O'Brien asked if there was any action needed for the police body camera grant. Chief Tabasko said the grant funds the cameras but the Township would need to fund a \$14,000 computer software upgrade. Chief Tabasko said body cameras are not currently required and he would place the project at the bottom of his list of capital priorities. He said the Township would need to inform the County Prosecutor's Office by June 1 that it wants to accept the grant.

Resolution #16-125 - CLOSED SESSION:

Personnel – Tax Collector; Building Sub Code Officials;

Contractual – CWA Union Update.

This resolution was not adopted

Retirement Raritan Township Clerk Rose Sollena

Comm. Mangin said he appreciated the work Rose Sollena has done for the Township and the Fire Department and he appreciated her service. Comm. Mangin said Rose has always been there and never complained about anything. Comm. Reiner said he will miss her deeply. Comm. Reiner said she was a good friend, most trusting, and sincere and he appreciated that they form a friendship and bond. He wished all the best to her and will miss her greatly. Comm. O'Brien thanked Rose for her time and service and for all the help and support she provided over the years, it has been greatly appreciated and, she will be missed. Mayor Gilbert said she was glad to have the good fortune to have almost a half of year working with her as mayor. She said she will miss her greatly but knows she will be around. Comm. Chen thanked Rose for her service.

**ADJOURN-
MENT**

Mayor Gilbert asked for a motion to adjourn the meeting

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

Vote: 5 – 0 motion carried.

Meeting adjourned at: 8:51 p.m.

Respectfully submitted,

William Bray
Acting Township Clerk