

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING  
RARITAN TOWNSHIP MUNICIPAL BUILDING  
TUESDAY, JUNE 19, 2018**

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**MEETING CALLED:** Mayor Mangin called the regular meeting to order at 6:33 p.m.

**ROLL CALL:** The following were present: Mayor, Michael Mangin; Deputy Mayor, Karen Gilbert; Comm. Gary Hazard; Comm. Craig O'Brien; and Comm. Louis Reiner

**ABSENT:** None.

**ALSO PRESENT:** Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Township Attorney, Jeff Lehrer; Attorney, Ed Purcell

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**MEETING ADVERTISED:** Mayor Mangin advised that the meeting was advertised in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975 in the January 10, 2018 issue of the Courier News and was posted on the municipal bulletin board and the Township website.

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Mr. Lehrer read Resolution #18-134 in full.

Mayor Mangin asked for a motion to approve Closed Session Resolution.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**RESOLUTION #18-134**

**RESOLUTION RETIRING INTO EXECUTIVE SESSION**

**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 Mayor and 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) Contract Negotiations:
- b) Personnel: Police Department Retirement/Replacement/  
Compensation; Tax Collector Retirement; Assistant  
Supervisor of Accounts; Public Works Employee Hire;  
Police Chief
- c) Attorney-Client Privilege: Northlandz Update
- d) Pending Litigation: Dayton Road/ROSI (Recreation and Open Space  
Inventory) Update; PBA/SOA Arbitrations

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 return to Regular Session and may take further action.
- 5. This Resolution shall take effect immediately.

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***CLOSED SESSION MINUTES WILL BE DONE IN A SEPARATE DOCUMENT***

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The regular meeting reconvened at 7:05 p.m.

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**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE:** 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.

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**AMEND/APPROVE THE AGENDA**

Mayor Mangin asked for a motion to amend the agenda with the removal of the presentation by the Raritan Township Municipal Utilities Authority (RTMUA) and the addition of a resolution providing for the insertion of any special item of revenue in the budget for the Clean Communities Grant.

Motion by Reiner, seconded by Gilbert to approve the agenda as amended.

**ROLL CALL VOTE:**

- AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
  - NOES:** None
  - ABSTAIN:** None
  - ABSENT:** None
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**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.

The following members of the public spoke during public comment:

**Barbara Sachau**, a resident of 2 Glenway Drive, inquired whether BaseCamp31 was a local organization; suggested use of the NJDOT property (Block 36 Lots 24, 25 and 27 – Royal Road) for affordable housing; expressed opposition to a portion of the Dayton Road property designation for affordable housing including the environmental impact of trees; and expressed dissatisfaction regarding the quality of the sound system.

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**PRESENTATION – RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (RTMUA) – ANNUAL REPORT**

Mayor Mangin reiterated that the presentation was removed from the scheduled agenda and carried to a future scheduled meeting.

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**FINANCIAL ISSUES**

Payment of Bills as listed for Raritan Township: **\$984,224.54**

Mayor Mangin asked for a motion to approve the bill list for Raritan Township.  
Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

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Payment of Bills as listed for Raritan Township Fire Company: **\$1,650.00**

Deputy Mayor Gilbert asked for a motion to approve the bill list for Raritan Township Fire Company.

Motion by Reiner, seconded by Hazard

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None  
**RECUSE:** Mayor Mangin

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**REPORTS**

The following May 2018 staff reports were acknowledged by the Township Committee:

- \*Planning/Engineering Escrow Accounts
- \*Tax Collector
- \*Animal Control
- \*Fire Safety
- \*Court

At this time, Committee Member O'Brien expressed concern for the high planning/engineering escrow fees charged to the Moose Lodge and other charitable organizations and the impact of such fees on these organizations' ability to provide community aid.

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**LIAISON REPORTS**

Karen Gilbert: Environmental Commission/Green Team, Finance; Historians; Open Space; Parks and Recreation; Planning Board (Class III Member)

Deputy Mayor Gilbert reported that estimated tax bills have been mailed and advised of confusion among residents regarding the municipal tax rate. Deputy Mayor Gilbert continued that an explanation of the bill has been posted on the Township website and suggested that an explanation of such be included in future estimated tax mailings to avoid confusion.

Deputy Mayor Gilbert reported on meetings of the Environmental Commission and Parks and Recreation Committee advising on the June 16 Senior luncheon; discussion regarding the Township's \$1,000 donation to the East Amwell Senior Group; community outreach to Township Senior's regarding the opportunity to participate in the East Amwell Group; and survey solicitation solicitation for input regarding activities and programs of possible interest to Township seniors.

Deputy Mayor Gilbert also reported on a meeting of the Open Space Advisory Committee including discussion of the Dayton Road property and announced that the Committee along with Raritan Headwaters held a rain garden clean-up day.

Deputy Mayor Gilbert announced that no meeting was held for the Local Historians Committee.

Lastly, Deputy Mayor Gilbert reported on a meeting of the Planning Board advising that the Hollenback subdivision was approved and the County Freeholder Board approved the Francavilla property.

At this time, Committee Member O'Brien inquired as to the status of the donation to the East Amwell Senior Group. Mr. Hutchins advised that the group will be receiving the check on Friday.

Gary Hazard:

Court/Police; RTMUA

Committee Member Hazard reported that Judge Mennen is doing well with the Court and suggested a six-month review. Committee Member Hazard announced the upcoming meeting date (June 21) of the RTMUA and advised that the Authority will present its annual report at the July 17, 2018 meeting of the Township Committee.

At this time, Mr. Lehrer confirmed that Committee Member Hazard could serve as both an appointed member and liaison to the RTMUA.

Craig O'Brien:

Open Space

Committee Member O'Brien provided no report, however acknowledged TapInto editor, Curtis Leeds, for his coverage of HackHunterdon, an annual Hackathon, recently held at Hunterdon Central High School. Committee Member O'Brien praised and commended the efforts of this year's winner, a freshman at Hunterdon Central.

Louis Reiner:

Agriculture Advisory Board; Fire/Rescue/OEM; Public Works; Wildlife Management Advisory Committee

Committee Member Reiner reported on a recent meeting of the Wildlife Management Advisory Committee advising that discussion regarding deer fencing was held. Committee Member Reiner also expressed opposition to affordable housing in the Township.

Michael Mangin:

Board of Health; Finance; Personnel; Planning Board (Class I Member)

Mayor Mangin announced that the upcoming Board of Health meeting (June 21) was cancelled and reported on a meeting of the Planning Board. Mayor Mangin advised that Raritan Town Square had received preliminary and final subdivision approval for one hundred (140) affordable housing units.

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## UNFINISHED BUSINESS

**a. Follow up regarding NJDOT Property Management Unit's inquiry regarding the Township's interest in acquiring NJDOT property located at Block 36, Lots 24, 25 & 27 (Royal Road)** – Township Administrator, Don Hutchins, provided an update on the status of the Township's interest in the above referenced parcel. Mr. Hutchins advised that Magna Power expressed no interest. He continued to explain that the State will advise as to the purchase price. However, at this time, the Township must designate a specified use and advise the State accordingly.

Discussion was held regarding the designation of specified use.

Committee Member Hazard proposed active recreation.

Motion by Reiner designating specified use of Block 36, Lots 24, 25 & 27 (Royal Road) as active recreation. Committee Member Reiner expressed opposition to passive recreation.

Mayor Mangin suggested that language include "active and/or passive."

Deputy Mayor Gilbert commented, "if we make it 'and/or' then it can be a combination of walking trails and fields."

Mayor Mangin commented, "it can be redesignated."

Motion seconded by Hazard to designate specified use as active recreation.

### ROLL CALL VOTE:

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Mr. Hutchins to proceed with response to NJDOT.

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## NEW BUSINESS

**a. Cannabis Ordinance – Attorney update** - Mr. Lehrer provided an update regarding the status of medical marijuana use in New Jersey. Mr. Lehrer advised that the State currently allows the use of medical marijuana and dispensaries for which there are six (6) in New Jersey including one in Woodbridge and that others are being applied for. Mr. Lehrer continued that there is a bill, not yet passed, to expand the types of disorders permitting someone to apply for a license and for recreational usage. Mr. Lehrer explained that the Governing Body has a choice as to whether it wants to limit or prohibit use in the municipality. He continued that the Statute provides the right

to limit medical marijuana in a community and that some towns have taken the position that limit means prohibit and have adopted ordinances in accordance with such and others, that limit means limit and not prohibit. Mr. Lehrer advised that there has been no case law or decision challenging the language of the legislation to date.

Discussion commenced regarding medical marijuana in the Township.

Committee Member Reiner expressed opposition to such and spoke in favor of an ordinance banning usage.

Committee Members raised questions regarding the number of licenses applied for to date and which towns have passed ordinances prohibiting use.

During the discussion, Mr. Lehrer clarified that medical marijuana is allowed by law and its use by individuals cannot be prohibited if they are in possession of a card from the New Jersey Department of Health. Mr. Lehrer continued that, "the Township can prohibit the grow houses, recreational use, medical marijuana facilities" but could not guarantee that such an ordinance would be upheld. Attorney, Ed Purcell, advised that Harding Township, Chatham, Madison and a number of Morris County municipalities have adopted ordinances prohibiting medical/recreational marijuana.

Mr. Hutchins advised that there is interest in the Luggage Factory as a possible site which does meet Zoning requirements.

Mr. Purcell further clarified that if the Township does nothing, both the sale of medical and recreational marijuana are essentially retail activities and would be arguable permitted used under the existing code. He continued, "so going forward, action would be required to regulate or limit it to certain areas." Mr. Lehrer added that legislation exists providing no interference from the federal government for those states allowing medical or recreational use.

Committee Member Reiner reiterated his support for prohibiting dispensaries in the Township.

Committee Member Hazard voiced opinion against the sale in the Township and commented on the need to listen to the public.

It was the consensus of Committee Members that the discussion be carried to the July 17 regular meeting as additional information was required and that Counsel provide sample ordinances and regulations regarding dispensaries to Committee Members for review.

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**b. BaseCamp31 request for permission to utilize a portion of Township Roads for the Main Street Half Marathon, October 7, 2018** - Mayor Mangin explained that BaseCamp31 is requesting use of River, Hamden, Old Clinton, Sandhill, Thatcher Hill, Oak Grove, Barton Hollow and Old Croton roads for the "Main Street Half Marathon, October 7, 2018. Mr. Hutchins advised that they had been notified of the insurance requirement and that they had received police approval as well. Committee Members commented that the event is a fundraiser for addiction and was held

last year. It was the consensus to authorize use of Township roads for the BaseCamp31 half marathon.

**c. Internet/Phone Service update** – Mr. Hutchins provided an update on the status of internet/phone service for municipal offices. Mr. Hutchins reported that Comcast had been selected for a three-year contract as a result of cost savings and service improvements including an annual savings of \$9,856.56; increased internet speed; single provider for all phone lines; unlimited minutes; upgrade to Business Services (two-hour response time for service, 24/7); waiver of fees; and Session Initiation Protocol (SIP) Service. Mr. Hutchins explained that the Township’s IT provider highly recommended the SIP service for which there will be an approximate \$2,000 installation fee from the phone provider. Mr. Hutchins continued that SIP features include better voice and automatic routing of calls to the police and public works departments in the event of loss of power or internet service.

Mayor Mangin commented that the Fire Company is experiencing issues with its phone system and advised the Fire Chief to contact Committee Member Reiner.

It was the consensus of the Committee that Mr. Hutchins proceed.

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**d. Dayton Road/ROSI (Recreation and Open Space Inventory) Amendment – Attorney update** – Mr. Lehrer provided an explanation regarding the history and status of Dayton Road parcel, Block 63.14, Lot 23 regarding the designation of open space/affordable housing. Mr. Lehrer commented, “believing that the placement of this property, Block 63.14, Lot 23 on the 2011 Recreation and Open Space Inventory (ROSI) was a mistake by whomever submitted the ROSI and that the record exists prior to and after, that reflects that it really was a mistake. He continued that the State of New Jersey, Green Acres, issued a ruling on May 24, 2018 by way of email from Nancy Lawrence, that read, “based on a review of the information submitted by the Township and a review of the information in our files, the Green Acres Program has determined that this situation appears to meet the bona fide error standard for ROSI amendment referencing a citation to the code, and agrees with the Township that the listing of the entire Block 63.14, Lot 23 on the Township ROSI appears to be in error.”

Mr. Lehrer went on to clarify (referencing Exhibit A1: Dayton Road/Affordable Housing Conservation Easement) that the area identified in pink, the nine-plus acres, was to be used for the development of one hundred four (104) affordable units and the areas depicted in green were and are the conservation easements and were recorded as such. He continued that, “a special deed was recorded in 2006 and 2007 that memorialized the creation of these conservation easements. He reiterated that, “the Dayton Road parcel has always been a part of the Township’s affordable housing obligation intended for housing going back to 2008 when the Township submitted a Housing Element and Fair Share plan including the parcel as part of its third-round affordable housing obligation.” Mr. Lehrer added that the Counsel on Affordable Housing (COAH) had issued substantive certification to allow this property to be used for affordable housing.

Mr. Lehrer explained that the property was acquired by way of a dedication deed and that the Township did not pay for it. He continued that “it was part of an overall settlement with Beazer Homes whereas the land was dedicated to the Township. There seems to be a misunderstanding that the Township paid for the land; it did not.” Mr. Lehrer further explained that the Quick Claim Deed was issued in 2006 and modified in 2007 to properly identify the conservation easements depicted in green on Exhibit A1...”

Mr. Lehrer read into the record language from information submitted to the State, “the 2008 Raritan Township Master Plan does not include the property in the Parks Recreation and Open Space Element. The Township Planning Board adopted a new Master Plan two years earlier, two years after the Township acquired the property. Pages 20 and 21 of the Master Plan set forth existing parks, recreation facilities and open space, notably the property is not listed. This fact provides additional proof that the entire property was not intended to be used for recreation and conservation purposes.” Mr. Lehrer continued, “so between 2002 and 2010 this property was never identified on any ROSI. It only came about in 2011 when someone inadvertently included this property as part of the ROSI.” Referencing the 2002 map recorded by Beazer Homes with the Hunterdon County Clerk, Mr. Lehrer added, that “such map shows the conservation easement along the Walnut Brook and the first Neshanic River; and the remaining land as vacant.”

Mayor Mangin solicited public comment.

The following members of the public spoke during public comment:

**Barbara Sachau**, a resident of 2 Glenway Drive, voiced concern regarding the impact of increased traffic; inquired as to why residents promised sewer capacity have not received such but that capacity has been designated for this area; and voiced opinion regarding the seriousness of such a mistake.

Committee Members commented as follows:

**Deputy Mayor Gilbert** clarified that there will be no tree removal regarding the proposed Dayton Road affordable housing development area as the trees are located within the conservation easements. She further continued that prior to any construction, plans must be reviewed by the Planning Board including traffic studies, etc. Deputy Mayor Gilbert added that “this is just to get the land back into the list of affordable housing properties where it belongs” and announced the upcoming date of the public hearing, July 9.

**Township Administrator, Don Hutchins**, advised that the Clerk had noticed all property owners within 200 feet of the parcel of such issue including the public hearing date and that he had also reached out to the Carriage Gate Homeowners Association.

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**ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)**

Mayor Mangin read by title Ordinance #18-21.

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF RARITAN TO ACCEPT AMENDED AND CORRECTED CONSERVATION EASEMENTS, LAND MAINTENANCE COVENANT AND TEMPORARY RESTRICTIVE COVENANT APPLICABLE TO BLOCK 86, LOT 10.01 FROM LANDMARK INFRASTRUCTURE OPERATING COMPANY, LLC (41 HIGHWAY 202)

Mayor Mangin asked for a motion to open public hearing.

Motion by Gilbert, seconded by Hazard

**MOTION UNANIMOUSLY CARRIED**

There was no public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-21 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**ORDINANCE ADOPTED**

Ordinance advertised June 8, 2018, The Courier News. Posted on municipal bulletin board as required by law.

**ORDINANCE 18-21**

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF RARITAN TO ACCEPT AMENDED AND CORRECTED CONSERVATION EASEMENTS, LAND MAINTENANCE COVENANT AND TEMPORARY RESTRICTIVE COVENANT APPLICABLE TO BLOCK 86, LOT 10.01 FROM LANDMARK INFRASTRUCTURE OPERATING COMPANY, LLC**

**WHEREAS**, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, wishes to accept Amended and Corrected Conservation Easements, Land Maintenance Covenant and Temporary Restrictive Covenant conveyed to the Township by Landmark Infrastructure Operating Company LLC, applicable to Block 86, Lot 10.01 as shown on the Tax Map of the Township of Raritan ("Property"); and

**WHEREAS**, these Easements are required by Township of Raritan Board of Adjustment Resolution Nos. 2016-07, 2017-03 and 2017-06, R.T.Z.B. Application No. 8-2016; and

**WHEREAS**, the purpose of the Amended and Corrected Conservation Easements, Land Maintenance Covenant and Temporary Restrictive Covenant is to correct the field location of a detention basin; and

**WHEREAS**, the Landmark Infrastructure Operating Company LLC, agreed to the Amended and Corrected Conservation Easements, Land Maintenance Covenant and Temporary Restrictive Covenant at no cost to the Township; and

**WHEREAS**, the Township Attorney for the Township of Raritan reviewed the Amended and Corrected Conservation Easements, Land Maintenance Covenant and Temporary Restrictive Covenant in substantially the form attached and finds same acceptable.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that it hereby authorizes acceptance of the Amended and Corrected Conservation Easements, Land Maintenance Covenant and Temporary Restrictive Covenant attached hereto and directs its appropriate officials to record same as may be necessary.

This Ordinance shall become effective according to law.

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Mayor Mangin read by title Ordinance #18-22.

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF THE TOWNSHIP OF RARITAN TO SIGN A DEVELOPMENT AGREEMENT WITH PULTE HOMES OF NJ, LIMITED PARTNERSHIP, LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36, LOT 17; TO ACCEPT A SIGHT TRIANGLE EASEMENT FROM PULTE HOMES OF NJ, LIMITED PARTNERSHIP, FOR BLOCK 36.05, LOTS 1, A PORTION OF 2, A PORTION OF 3, 43-72, 102-118 AND 140-143 AND BLOCK 36.06, A PORTION OF LOT 1; TO ACCEPT A SIGHT TRIANGLE EASEMENT FROM LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36.05, PART OF LOTS 2, 3, 4, 5, 21, 33, 34, 80, 81, 97, 98, 132, 133 AND 136; TO ACCEPT A DETENTION BASIN, DRAINAGE AND CONSERVATION EASEMENT FROM LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36.05, PART OF LOTS 3 AND 4; AND TO ACCEPT A DETENTION BASIN, DRAINAGE AND CONSERVATION EASEMENT FROM PULTE HOMES OF NJ, LIMITED PARTNERSHIP, FOR BLOCK 36.05, LOTS 1, A PORTION OF 2, A PORTION OF 3, 43-72, 102-118 AND 140-143 AND BLOCK 36.06, A PORTION OF LOT 1 (PENNSYLVANIA AVENUE AND CASE BOULEVARD)

Mayor Mangin asked for a motion to open public hearing.

Motion by Reiner, seconded by Gilbert

**MOTION UNANIMOUSLY CARRIED**

There was no public comment.

At this time, Mr. Lehrer reiterated his suggestion raised at a previous Township Committee meeting regarding the adoption of a resolution by the Governing Body at the 2019 Reorganization meeting authorizing the Mayor and Clerk to execute post approval compliance ordinances.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-22 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**ORDINANCE ADOPTED**

Ordinance advertised June 8, 2018, The Courier News. Posted on municipal bulletin board as required by law.

**ORDINANCE #18-22**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF THE TOWNSHIP OF RARITAN TO SIGN A DEVELOPMENT AGREEMENT WITH PULTE HOMES OF NJ, LIMITED PARTNERSHIP, LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36, LOT 17; TO ACCEPT A SIGHT TRIANGLE EASEMENT FROM PULTE HOMES OF NJ, LIMITED PARTNERSHIP, FOR BLOCK 36.05, LOTS 1, A PORTION OF 2, A PORTION OF 3, 43-72, 102-118 AND 140-143 AND BLOCK 36.06, A PORTION OF LOT 1; TO ACCEPT A SIGHT TRIANGLE EASEMENT FROM LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36.05, PART OF LOTS 2, 3, 4, 5, 21, 33, 34, 80, 81, 97, 98, 132, 133 AND 136; TO ACCEPT A DETENTION BASIN, DRAINAGE AND CONSERVATION EASEMENT FROM LINQUE FLEMINGTON II, L.L.C., AND LINQUE FLEMINGTON III, L.L.C., FOR BLOCK 36.05, PART OF LOTS 3 AND 4; AND TO ACCEPT A DETENTION BASIN, DRAINAGE AND CONSERVATION EASEMENT FROM PULTE HOMES OF NJ, LIMITED PARTNERSHIP, FOR BLOCK 36.05, LOTS 1, A PORTION OF 2, A PORTION OF 3, 43-72, 102-118 AND 140-143 AND BLOCK 36.06, A PORTION OF LOT 1**

**WHEREAS**, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, wishes to enter into a Development Agreement among Pulte Homes of NJ, Limited Partnership, as Developer; Linque Flemington II, L.L.C., and Linque Flemington III, L.L.C., as Owner; and the Township of Raritan, for Block 36, Lot 17, as shown on the Tax Map of the Township of Raritan ("Property"); and

**WHEREAS**, the Township Committee also wishes to accept a Sight Triangle Easement from Pulte Homes of NJ, Limited Partnership, for Block 36.05, Lots 1, a portion of 2, a portion of 3, 43-72, 102-118 and 140-143 and Block 36.06, a portion of Lot 1; and

**WHEREAS**, the Township Committee also wishes to accept a Sight Triangle Easement from Linque Flemington II, L.L.C., and Linque Flemington III, L.L.C., for Block 36.05, Part of Lots 2, 3, 4, 5, 21, 33, 34, 80, 81, 97, 98, 132, 133 and 136; and

**WHEREAS**, the Township Committee also wishes to accept a Detention Basin, Drainage and Conservation Easement from Linque Flemington II, L.L.C., and Linque Flemington III, L.L.C., for Block 36.05, Part of Lots 3 and 4; and

**WHEREAS**, the Township Committee also wishes to accept a Detention Basin, Drainage and Conservation Easement from Pulte Homes of NJ, Limited Partnership, for Block 36.05, Lots 1, a portion of 2, a portion of 3, 43-72, 102-118 and 140-143 and Block 36.06, a portion of Lot 1; and

**WHEREAS**, these dedications are required by Township of Raritan Planning Board Resolution No. 12-2015, R.T.P.B. Case No. SP-641-PF; and

**WHEREAS**, Pulte Homes of NJ, Limited Partnership, Linque Flemington II, L.L.C., and Linque Flemington III, L.L.C., agreed to donate the Easements at no cost to the Township; and

**WHEREAS**, the Township Attorney for the Township of Raritan reviewed the Development Agreement and the two (2) Sight Triangle Easements and the two (2) Detention Basin, Drainage and Conservation Easements in substantially the form attached and finds each acceptable.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that it hereby authorizes the Mayor and Clerk to sign the Development Agreement and accept the Easements attached hereto and directs its appropriate officials to record same as may be necessary.

This Ordinance shall become effective according to law.

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## **CORRESPONDENCE**

- a. PSE&G notification of Roseland-Pleasant Valley Project
- b. Letter of commendation – Office of the Tax Collector

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## **NON-CONSENT AGENDA**

### **Township Committee Regular Meeting Minutes**

Mayor Mangin asked for a motion to approve the Regular Meeting Minutes of June 4, 2018.

Motion by Gilbert, seconded by Reiner

#### **ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

### **Township Committee Executive Session Meeting Minutes**

Mayor Mangin asked for a motion to approve the Executive Session Meeting Minutes of June 4, 2018.

Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Mayor Mangin

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Mayor Mangin read by title Resolution #18-135.  
Mayor Mangin asked for a motion to adopt Resolution #18-135.  
Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**RESOLUTION #18-135**

**RESOLUTION APPROVING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSE  
#1021-44-012-003 THE ROCK OF RARITAN, LLC  
(BOURBON STREET WINE AND SPIRITS) FOR 2018-2019**

**WHEREAS**, the application and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage Licenses for 2018-2019; and

**WHEREAS**, the applications have been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage licenses for the year 2018-2019.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, that applications for the renewal of the following alcoholic beverage licenses for the year 2018-2019 are hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, is hereby authorized and instructed to issue and deliver said licenses on or before June 30, 2018:

**PLENARY RETAIL DISTRIBUTION LICENSES  
EFFECTIVE JULY 1, 2018**

<b>STATE ISSUED LICENSE NUMBER</b>	<b>LICENSEE</b>	<b>TRADE NAME</b>	<b>ADDRESS</b>
1021-44-012-003	The Rock of Raritan, LLC.	Bourbon Street Wine & Spirits	326 Route 31 N Flemington, NJ 08822

**BE IT FURTHER RESOLVED** that the following condition shall be imposed and made part of this license:

**“In the event of a transfer or move, said license shall be restricted to and shall not be moved out of that section of the Township that is north of the intersection of Route 31 and County Route 523 – Junction Road”**

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Mayor Mangin read by title Resolution #18-136.  
Mayor Mangin asked for a motion to adopt Resolution #18-136.  
Motion by Hazard, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O’Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**RESOLUTION #18-136**

**RESOLUTION APPROVING THE RENEWAL OF  
ALCOHOLIC BEVERAGE LICENSE #1021-31-008-002 FOR 2018-2019  
(LOYAL ORDER OF MOOSE LODGE #1829)**

**WHEREAS**, the applications and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage Licenses for 2018-2019; and

**WHEREAS**, the applications have been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage licenses for the year 2018-2019.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, that applications for the renewal of the following alcoholic beverage licenses for the year 2018-2019 are hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, is hereby authorized and instructed to issue and deliver said licenses on or before June 30, 2018:

**CLUB LICENSE  
EFFECTIVE JULY 1, 2018**

<b>STATE ISSUED LICENSE NUMBER</b>	<b>LICENSEE</b>	<b>TRADE NAME</b>	<b>ADDRESS</b>
1021-31-008-002	Loyal Order of Moose Lodge #1829	Same	81 Barley Sheaf Road Flemington, NJ 08822

**BE IT FURTHER RESOLVED**, that the following condition shall be imposed and made a part of this license:

**“This license shall not permit the consumption, service, sale or otherwise of any alcoholic beverage, Monday through Friday between the hours of 2:00 a.m. and 4:00 p.m. on those days when the Barley Sheaf Elementary School is in session. All other hours of operation shall be in accordance with the Municipal Ordinances of the Township of Raritan”**

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Mayor Mangin read by title Resolution #18-137.  
Mayor Mangin asked for a motion to adopt Resolution #18-137.  
Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O’Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**RESOLUTION #18-137**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER  
FOR SELF-INSURANCE/GENERAL LIABILITY INSURANCE TRUST  
REQUIRED BY (N.J.S.A. 40A:10-1 *et seq.*)**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A:10-1 *et seq.* provides for receipt of self-insurance funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Self-Insurance/General Liability Insurance funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Mayor and Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Self Insurance/General Liability Insurance trust fund according to N.J.S.A. 40A:10-1 *et seq.*
  2. The Clerk of the Township of Raritan, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.
-

Mayor Mangin read by title Resolution #18-138.

Mr. Hutchins advised that the fourth Whereas paragraph be corrected to read, "Central Jersey Housing Resource Center vs. AJM/Assured Partners."

Mayor Mangin asked for a motion to adopt Resolution #18-138 as amended.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Mayor Mangin

**NOES:** Reiner

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #18-138**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING**

**WHEREAS**, there exists a need for professional services for the Township of Raritan for a non-fair and open contract for the administration of affordable housing pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Township Committee has determined that Central Jersey Housing Resource Center (CJHRC) should be awarded the contract for the administration of affordable housing; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-11 *et seq.*) exempts such professional services from competitive bidding; and

**WHEREAS**, prior to the execution of a contract, Central Jersey Housing Resource Center will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger has made any reportable contributions to a political party or candidate for the Township Committee of the Township of Raritan in the previous year, and that the contract will prohibit any individual with a 10% interest or larger from making any reportable contributions through the term of the contract, however, this not to be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during calendar year 2017, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, this was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-18 for the administration of affordable housing.

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

1. Central Jersey Housing Resource Center (CJHRC) is hereby awarded a contract for the administration of affordable housing from July 1, 2018 and continues through June 30, 2019.
2. That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
3. The Business Disclosure Entity Certification shall be placed on file with this resolution.
4. Central Jersey Housing Resource Center (CJHRC) will be compensated in the amount of \$3,755.50 per month for a one-year total of \$45,066.00 as specified in the contract.
5. A notice of this resolution shall be published in an official newspaper of the Township and in accordance with the Local Public Contracts Law.

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Mayor Mangin read by title Resolution #18-139.  
Mayor Mangin asked for a motion to adopt Resolution #18-139.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**RESOLUTION #18-139**

**RESOLUTION AUTHORIZING THE FULL-TIME EMPLOYMENT OF  
ROY LEE KINSLOW IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Township of Raritan is in need of a full-time employee in the Department of Public Works; and

**WHEREAS**, the Mayor and Township Committee desires to fill this position; and

**WHEREAS**, the Superintendent of Public Works, Brion Fleming has interviewed prospective candidates and recommends Roy Lee Kinslow to be employed as a full-time Department of Public Works employee.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Roy Lee Kinslow is hereby employed as full-time Department of Public Works employee effective July 2, 2018 at an hourly rate of \$20.07, as set forth in Teamsters Local 469 Contract, pending the outcome of a pre-employment physical and drug screening.

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Mayor Mangin read by title Resolution #18-141.

Committee Member O'Brien inquired as to the process for removing one-hundred percent disabled veterans from the quarterly approval process. Mr. Hutchins to follow up with the Tax Collector and advise Committee Members accordingly.

Mayor Mangin asked for a motion to adopt Resolution #18-141.

Motion by Hazard, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #18-141**

**RESOLUTION AUTHORIZING THE CANCELLATION OF THIRD QUARTER 2018 TAXES DUE TO 100% DISABLED VETERAN EXEMPTION**

**WHEREAS**, N.J.S.A. 54:4-3.30 *et. seq.* provides for one-hundred percent (100%) disabled veterans and their spouses to be exempt from property taxes on their principal residences; and

**WHEREAS**, the property owners listed below have received such designation by the U.S. Veterans Administration and have subsequently applied and been approved such exemption from the Township of Raritan Tax Assessor; and

**WHEREAS**, this designation can result in the overpayment of property taxes and require the cancellation of future tax payments; and

**WHEREAS**, the Township Tax Collector, as a result of recently approved one-hundred percent (100%) disabled veteran status, recommends the cancellation of the third quarter 2018 tax payments as listed.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Raritan that the following third quarter 2018 taxes be cancelled due to a one-hundred percent (100%) disabled veteran exemption.

<b>Name</b>	<b>Block</b>	<b>Lot</b>	<b>Amount</b>
Jose Pacheco 10 Red Robin Way 3 <sup>rd</sup> Quarter, 2018	8	8.26	\$8,183.59
Theodore Landers Sr. 35 Phipps Court 3 <sup>rd</sup> Quarter, 2018	71.20	37	\$2,037.62

## 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 Mangin asked for a motion to adopt the Consent Agenda.  
Motion by Gilbert, seconded by Hazard

### ROLL CALL VOTE:

**AYES:** Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

## RESOLUTION #18-142

### **A RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1985) CLEAN COMMUNITIES GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Raritan has been awarded \$59,374.34 from the New Jersey Department of Environmental Protection and wishes to amend its 2018 Budget to include this amount as a revenue.

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$59,374.34 which is available as a revenue from:

#### Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent  
of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:  
2018 Clean Communities Fund

**BE IT FURTHER RESOLVED** that a like sum of \$59,374.34 is hereby appropriated under the caption of:

General Appropriations  
(a) Operations Excluded from Caps  
Public and Private Programs Off-Set by Revenues:  
2018 Clean Communities Fund  
Other Expenses

**BE IT FURTHER RESOLVED** that the Township Clerk forward two copies of the required Certification to the Director of Local Government Services within three days.

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### **PRIVILEGE OF THE FLOOR**

The following members of the public spoke during public comment:

**Barbara Sachau**, a resident of 2 Glenway Drive, commented on the urgency to designate land for affordable housing; the selection of Comcast services for the municipal offices; expressed opposition to the designation of use for active recreation of the NJDOT property Block 36, Lots 24, 25 & 27 (Royal Road); spoke of an article in the newspaper on Comcast's acknowledgment of doing wrong by its customers; and asked for clarification of notification regarding the Dayton Road/ROSI amendment.

During Public Comment, Mr. Hutchins advised that the franchise renewal agreement is a year away and that the decision to utilize Comcast services for the municipal offices was based on cost savings and improvements to existing service. Mr. Hutchins added that the Township is currently engaged in a survey effort soliciting input from residents regarding cable service experience to leverage improved service for the community.

Mr. Lehrer added that if the Township denies the petition for renewal of the Comcast franchise agreement, it is assured that a petition will be filed by Comcast with the Board of Public Utilities (BPU) challenging the Governing Body's decision.

Municipal Clerk, Lisa Fania, clarified that notification was made to a certified list of property owners within two hundred feet of the Dayton Road parcel, easement holders and utilities. Mr. Lehrer added that notices have been published in the official newspapers and a sign placed on the parcel. He continued that in addition, beyond what is required by law, a special meeting of the Township Committee has been noticed for the same date and time as the public hearing for which he will preside, in the event three or more Committee Members are present. Mr. Lehrer reported that copies of all material submitted to the State is available for review at the Hunterdon County Library, Route 12, Flemington and the Clerk's office.

Deputy Mayor Gilbert clarified that the purpose of the ROSI amendment is to get the Township's affordable housing numbers.

Mr. Lehrer further commented that, "since 2015 when the Supreme Court issued its ruling that COAH no longer functioned, it all went to the Court system through a Declaratory Judgment Action, and the Township has always included this piece of property in any submission made to the Court."

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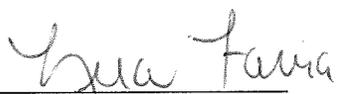
**ADJOURNMENT**

Mayor Mangin asked for a motion to adjourn.  
Motion by Reiner, seconded by Hazard  
**MOTION UNANIMOUSLY CARRIED**

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Meeting adjourned at 8:22 p.m.

Respectfully submitted,

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Lisa Fania, RMC  
Township Clerk

