RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, JULY 17, 2018

MEETING CALLED: Mayor Mangin called the regular meeting to order at 6:00 p.m.

ROLL CALL: The following were present: Mayor, Michael Mangin; Deputy Mayor, Karen Gilbert; Comm. Gary Hazard; Comm. Craig O'Brien (arrived at 6:07 p.m.); and Comm. Louis Reiner

ABSENT: None.

ALSO PRESENT: Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Township Attorney, Jeff Lehrer; Attorney, Ed Purcell; Acting Police Chief, Al Payne

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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.

Mr. Lehrer read Resolution #18-145 in full.

Mayor Mangin asked for a motion to approve Closed Session Resolution.
Motion by Hazard, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: O'Brien

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:	Francavilla Property Purchase
b)	Personnel:	Police retirements; Tax Collector position; Public Works New Hire
c)	Attorney-Client Privilege:	Dayton Road/ROSI (Recreation and Open Space Inventory (ROSI) Amendment
d)	Pending Litigation:	Affordable Housing

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.

CLOSED SESSION MINUTES WILL BE DONE IN A SEPARATE DOCUMENT

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

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.

AMEND/APPROVE THE AGENDA

Mayor Mangin asked for a motion to approve the Agenda.
Motion by Hazard, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

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.

At this time, Mayor Mangin requested that the Committee deviate from the meeting agenda and advance presentations for the Raritan Township Municipal Utilities Authority Annual Audit Report and the 2017 Municipal Audit as interested parties were in attendance. Mayor Mangin also requested that Public Comment be delayed until later in the meeting agenda during the Dayton Road/ROSI Amendment discussion due to members of the public in attendance.

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

John Kendzulak, Chairman, Raritan Township Municipal Utilities Authority (RTMUA) presented the Report of Audit for Fiscal Years Ended November 30, 2017 and 2016 highlighting the following:

Project status -

*focus on addressing infrastructure and identifying areas of inflow and infiltration in the system
*completion of re-lining of the Commerce Street sewer line
*testing and flow metering for the detection of water entry into the sanitary sewer system
*relocation of the sewer lines underneath the football field at Hunterdon Central High School

Background –

*RTMUA services all of Flemington Borough; the Three Bridges portion of Readington Township; fifty percent (50%) of Raritan Township
*64 miles of gravity sewer lines
*15 miles of force main
*11 pump stations
*$3.8 million treatment plant
*$7 million in current debt
*estimated $3 million in additional debt for the rehabilitation of four (4) clarifiers over 20-year bond life for a total of $11.5 million in debt to be completed in 2020

Committee Members raised questions and concerns regarding fund balance; reserved capacity; debt service and increased revenues; the impact of clarifier rehabilitation on capacity; the lack of planning; and the status of the wastewater management plan.

During the presentation, Mr. Kendzulak addressed questions and concerns explaining that 300,000 gallons of capacity is on reserve for which an annual user fee is collected. Mr. Kendzulak reported that overall debt service will be $11.5 million including an estimated $3 million for the rehabilitation of four (4) clarifiers over twenty (20) years and that current debt service is approximately ten percent (10%) of the budget. He also explained that the increase in revenue was due to an increase in connection fees of approximately $4,000 per household and a two percent (2%) rate increase.

Regarding planning, Mr. Kendzulak advised that initiative is underway to find capacity including the possibility of a plant expansion which is dependent upon the County and getting back some of the reserve. He commented that, "the wastewater management plan is being administered by the County and timing-wise it is beneficial at this point because the Township's Master Plan re-evaluation is this year." He continued that the RTMUA is performing field inspections, smoke testing along South Main Street and in the vicinity of Flemington Fields and Flemington South.

It was the consensus of the Committee to direct the Township Attorney to draft a letter to the Freeholders on behalf of Mayor Mangin following up on the status of the wastewater management plan.

PRESENTATION – 2017 MUNICIPAL AUDIT

Chief Financial Officer, William Pandos provided highlights of the 2017 Audit Report that included the following:

SUMMARY

*Township's cash position increased almost $7 million between 2016 and 2017 attributed to the prepayment of 2018 taxes
*Fifteen percent (15%) decrease in deferred charges to future taxation due to the write-off of the remaining balances of unfunded improvement authorizations
*More than ten percent (10%) decrease in bonds/loans/notes payable
*Increase in fund balance of over $400,000; almost $3.8 million on December 31, 2017

RECOMMENDATIONS

*More adequate segregation of duties with respect to recording and treasury functions
*Greater care in the posting of all transactions for other trust fund accounts
*Authorized signatures on the Township bank account should be independent of the purchasing and accounts payable duties
*Dedication by Rider for engineering inspections, school and park donations and traffic study
*Custodianship of the Clerk's Performance Bond/Escrow Account by the Finance Department
*Authorization of change funds by resolution
*Fire Prevention Department's collections not turned over to the Treasurer within forty-eight (48) hours
*Tickets Assigned but Not Issued Report of the Municipal Court containing a large number of tickets assigned over six (6) months
*Municipal Court should utilize separate cash boxes for each court personnel
*Analysis of the balance for Reserve for Tax Sale Premiums was not maintained

Mr. Pandos addressed the findings as follows:

Finance

Mr. Pandos explained that the 2017 mid-year hire of additional personnel in the finance department has resulted in more adequate segregation of duties and greater care in the posting of all transactions to the General Ledger. He advised that other trust fund accounts will be set up with respective cash accounts by the end of the year and that authorized signatures on the Township bank account have been removed from accounts payable and now include the Mayor, CFO and Administrator.

Dedication by Rider

Mr. Pandos advised that in November 2017, the Township had received an email from Robert Kennedy of the Division of Local Government Services confirming an authorized Dedication by Rider in August 1988 establishing a developer's escrow trust fund and engineering inspection trust fund, as well as a copy of the law confirming his opinion. Mr. Kennedy recommended the cancellation of the school and park donation and traffic study trust funds as the Township does not use such.

Clerk's Performance Bond Account

Mr. Pandos advised Committee Members that the Township had researched custodianship of the Performance Bond Account including advisement of current Auditor, Robert Swisher, who had no preference. Mr. Pandos continued that custodianship of such will remain in the Clerk's office.

Authorization of Change Funds

Mr. Pandos explained that in October 2017, the Township had received an email from Jorge Carmona of the Division of Local Government Services confirming authorization of all petty cash accounts and respective custodial changes.

Collections, Fire Prevention Department

Mr. Pandos explained that the department had been inadequately staffed during the first half of 2017 and that with the addition of a full-time administrative assistant deposits are turned over to the Finance Department within forty-eight (48) hours of receipt.

Municipal Court

Mr. Pandos informed Committee Members that the Court Administrator advised that she will review the Assigned but Not Issued Tickets Report for those six (6) months and older for collection or reassignment to the respective officer. Mr. Pandos added that the Court Administrator has also verified that individual cash boxes are being utilized by court staff.

Tax Collector

Mr. Pandos responded to the finding regarding Analysis of the Balance for Reserve for Tax Sale Premiums that the Tax Collector advised, "a lien register has been maintained for each year of the tax sale by the tax department and lists each lot and block that was sold. For each property, it has the details of the sale including how much was collected for the premium..." He continued that the Tax Collector also advised that she offered the lien register and details to the audit team and they did not want to review any of it. She added that they also could not explain the type of report they were seeking. Furthermore, the Tax Collector advised that the team led her to believe they wanted an "analysis" that went back to the time the premium account was established. She advised that through research she discovered that there is no statutory requirement of such an analysis. Mr. Pandos commented that he shared the above information with Mr. Swisher and he agreed with the Tax Collector's findings.

At this time, Township Administrator, Don Hutchins presented the following highlights:

*Surplus is seventeen percent (17%) of the budget
*Debt service is at .371% and the State allows up to 3.5%
*Debt service will drop an additional $433,000 in 2020

Mr. Hutchins commented, "we have tried very hard to get everything we need done and operate in a very tight budget, keeping debt down." Mr. Hutchins recognized and commended Committee Members for their fiscally responsible direction as well.

Committee Member O'Brien commented, "this covers the year 2017, page A1. The spending went up from $16.8 million to $17.6 million, that is $760,000 about 4 ½% - a pretty big spending increase. I think this year its about 3 ½%, so that is one of the items that concerns me greatly going forward. The other concern, surplus used went from $875,000 to $1.4 million – that is a big jump too."

Committee Members commended and extended gratitude to Mr. Pandos, his staff and Mr. Hutchins for their efforts in the preparation of the 2017 Audit.

FINANCIAL ISSUES

Payment of Bills as listed for Raritan Township: **$5,032,890.53**

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

REPORTS

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

*Tax Assessor – 2018 County and State Tax Appeals
*Fire Safety
*Animal Control
*Court
*Tax Collector
*Planning/Engineering Escrow Accounts

LIAISON REPORTS

Karen Gilbert: Environmental Commission/Green Team; Finance; Historians; Open Space; Parks and Recreation; Planning Board (Class III Member)
Deputy Mayor Gilbert reported on a meeting of the Planning Board advising on approval of the Living Waters Lutheran Church application; announced that fireworks were held on behalf of Flemington-Raritan Parks and Recreation. Deputy Mayor Gilbert advised that Raritan Township contributes $60,000 towards the Parks and Recreation budget and Flemington Borough $14,000. Deputy Mayor Gilbert also reported that Township Seniors are assisting in clean-up at Morales Park; that the Senior Luncheon was held in June; and that solicitation regarding activities and programs of interest to Seniors is underway. Deputy Mayor Gilbert also announced that the next meeting of the Parks and Recreation Committee will be in September.

Gary Hazard: Court/Police; RTMUA
Committee Member Hazard announced that he and Mr. Hutchins will be meeting with Judge Mennen for a six-month review; that the RTMUA is evaluating shared services; and that Police Chief, Glenn Tabasko, will be retiring after serving the Raritan Township community for thirty-eight (38) years. Committee Member Hazard offered words of praise and honor for Chief Tabasko and wished him success.

At this time, Mayor Mangin asked for a motion to accept the retirement of Police Chief, Glenn Tabasko.
Motion by Reiner, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

During the vote, Committee Members commented as follows:

Mayor Mangin read the following into the record, "Glenn Tabasko graduated from Middlesex County Police Academy December 21, 1977 as part of the 28th graduating class. He then served in South Amboy, Clinton Township and Flemington police departments until he began with Raritan Township on May 5, 1980. He served as Patrolman until 1987 when promoted to Detective and subsequently to Detective Sergeant in 1989. In 1995, Glenn was promoted to Lieutenant and served at this capacity until 2000 when he was promoted to Captain. Glenn Tabasko received the highest rank of Police Chief on April 1, 2007 and has served the community in this capacity until announcing his retirement today. Chief Tabasko has served the community with dignity and honor throughout his career. He has attained many accomplishments within the department and community. Chief Tabasko is also the recipient of many citations, awards, and honors throughout his career. I want to thank him for his service for thirty-eight (38) years. Thank you."

Committee Member O'Brien, "I don't know if I can do it, I think the world of the Chief but yes."

Committee Member Reiner, thanked the Chief immensely for his service and offered best wishes.

Deputy Mayor Gilbert, "When I served in 2016, Mayor 2017, I had the opportunity to work closely with Chief Tabasko. He has always put the Township first, a really good person and I am going to miss him."

Liaison reports continued.

Craig O'Brien: Open Space
No report.

Louis Reiner: Agriculture Advisory Board; Fire/Rescue/OEM; Public Works; Wildlife Management Advisory Committee
No report.

Michael Mangin: Board of Health; Finance; Personnel; Planning Board (Class I Member)
No report.

At this time, Mayor Mangin requested that Committee Members deviate from the meeting agenda and advance Unfinished Business Item C. Dayton Road/ROSI Amendment Update, as interested parties were in attendance.

Prior to the beginning of the Dayton Road discussion, Mayor Mangin invited members of the public to comment on any item on the meeting agenda. There were no comments.

Dayton Road/ROSI (Recreation and Open Space Inventory) Amendment – Attorney Update – Township Attorney, Jeff Lehrer, provided clarification regarding the intent of the July 9, 2018 public hearing on the Dayton Road/ROSI (Recreation and Open Space Inventory) amendment. Mr. Lehrer explained that the purpose of the hearing was to demonstrate that the parcel was

mistakenly placed on the ROSI and was always intended for affordable housing and not to address suitability or viability of the site. Mr. Lehrer also clarified that the property was donated by Beazer Homes and not purchased with "one penny of Township money." Mr. Lehrer continued to explain that the governing body must provide an affordable housing plan to the Court or the Township will be found in non-compliance and subjected to builders' remedy lawsuits resulting in development with no restrictions.

Mr. Lehrer summarized the history of events regarding the designation of the Dayton Road parcel, Block 64.13, Lot 23, as well as, provided background on the Counsel on Affordable Housing (COAH) that included the following:

*2015 Supreme Court eliminated Counsel on Affordable Housing placing affordable housing with the court system

*Affordable housing issues dealt with by Fair Share Housing Center's (FSHC) Adam Gordon and Kevin Walsh

*On or about May 2015, Raritan Township filed a Declaratory Judgment and has been working to develop an affordable housing plan acceptable to FSHC and the Court which included the Dayton Road property

*2001 Beazer Homes entered a settlement with the Township; Township received six (6) lots some of which were retained by the Homeowner's Association and one (1) 19-acre lot was conveyed to the Township by deed in 2006

*March 10, 2006 first deed conveyed

*May 27, 2006 corrective deed conveyed

Mr. Lehrer commented, "that second deed is very critical. It has language identifying the 19.6 acres and identifies the property by Metes and Bounds....a complete description identifying that parcel of land (referring to Exhibit A1: Dayton Road/Affordable Housing Conservation Easement), the green and the pink." He continued, "that deed went further and actually described by separate Metes and Bounds, two (2) conservation easements depicted in green bordering on streams, rivers; intended to protect or act as barriers to the interior parcel. That map was filed and recorded in the County Clerk's Office by Beazer Homes identifying the pink area as dedicated to the municipality for municipal purposes." Mr. Lehrer continued, "the areas in green were clearly shown on the deed as Conservation Easements."

Mr. Lehrer further explained that in 2008 COAH adopted a set of rules called the Growth Share Regulations giving towns a time deadline to provide a plan. Raritan Township provided a plan which included the Dayton Road property dating back as far as early 2010. He added, "it was included in the 'petition for substantive certification' and COAH issued an opinion endorsing that site."

Mr. Lehrer read into the record, "the Dayton Road site is located in the south, central part of the Township at 68 Dayton Road. The site is located in planning area 3 and is currently zoned R-3, Residential. The site has direct access to Dayton Road. The property is surrounded by residential development to the northwest; a car storage lot to the south; and a railroad to the east. The Township indicates that the site contains wetlands and wetlands buffers on the west portion of the site but the wetlands have already been placed into conservation easements." Mr. Lehrer continued, "as I mentioned in the 2006 deed, a small portion of the site is in the 100-year flood zone, however, the Township indicates that this portion is also in the wetlands and therefore, no development or disturbance will affect this area. The Township indicates that buffers associated with the water bodies are also within the conservation easements encompassing the wetlands. The Township indicates that there are approximately ten (10) acres of buildable area on the site. The development will be served by public water and sewer. Raritan Township indicates that it will partner with a non-profit to construct the units. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding that was adopted on April 7, 2009…."

Mr. Lehrer advised that all of the documents referred to were submitted to the NJDEP with an application advising that a mistake occurred in 2011 when the entire site was identified on the ROSI. He continued that only the green portions were intended to be included on the ROSI. "It was a mistake. It was never repeated again and that is why the Township received an initial determination from Green Acres that it was a mistake and a public hearing was required." Mr. Lehrer continued to comment that the Township has a right, if it settles its lawsuit with the Court, other developers and FSHC, to look back and consider if there is a better site.

Mr. Lehrer recommended that the governing body proceed with action to obtain Green Acres approval that this was a mistake on the ROSI and that the parcel was not intended to be on the ROSI, only the green portions.

Mayor Mangin solicited comments from Committee Members.

Committee Member Reiner spoke in opposition to affordable housing but in favor of such for seniors, group homes, nursing homes, handicapped people, commenting, "COAH housing is not affordable housing. It is government subsidized housing. I feel that it is taxing one segment of the population to subsidize another with an attempt to redistribute population…..I have to also conclude that these unfunded state mandates do not generate revenue and our tax base cannot support it."

Mayor Mangin solicited public comment.

The following members of the public spoke during public comment:

Catherine Ward, 39 Stirrup Lane, urged the Committee to seek alternatives. Ms. Ward cited data from the 2008 Integrated Water Quality Monitoring Assessment Report including "the area was at risk for water quality and quantity due to increased land use and compromised critical habitats for endangered and threatened species." Ms. Ward also commented on the property's proximity to the First Neshanic River, Walnut Brook and the Black River and Western Railroad; and spoke of the Township's health and safety concerns regarding the over population of the white-tailed deer

and Dayton Road flooding; and mentioned resident objection for use of Block 63 Lot 36, 82 Johanna Farms Road, as a lacrosse field.

Barbara Sachau, a resident of 2 Glenway Drive, commented on the current zoning of the parcel; suggested a smaller development for senior citizens; and inquired about the possibility of rehabilitation of existing units or buildings.

Elli Kuras, a resident of 75 Dayton Road, urged Committee Members to keep the property on the ROSI; commented on the limitations of Dayton Road; and expressed dissatisfaction regarding information concerning the timing of the proposed development.

Staci Schipper, a resident of 23 Surrey Lane, also requested that Committee Members explore other alternatives regarding the Dayton Road property. Ms. Schipper expressed safety concerns for citizens within the community mentioning the presence of a bobcat in the proximity of Dayton Road.

Scott Stallwood, a resident of 23 Colts Lane, inquired as to whether other parcels were considered. Mr. Stallwood expressed concern regarding FEMA's (Federal Emergency Management Agency) designation of the property as a "troublesome area" and one of its maps indicating that eighty-two percent (82%) of the approximate 20-acre parcel is in a flood plain."

Tony Koester, Esq., Dilts and Koester, appeared on behalf of Johanna Foods, Inc., expressing concern regarding future development of the property. Mr. Koester explained that "it was Johanna Foods purpose in 2001....to create a buffer actually using that property. Mr. Koester praised Township Administrator, Don Hutchins, for his explanation regarding the matter. Mr. Koester inquired as to why this property is "a linchpin," if there is a larger requirement, and requested the exploration of other options.

Amy Greene, a resident of 32 Wyndham Court and Chair of the Raritan Township Open Space Committee, spoke in favor of open space and encouraged the participation and support of residents for open space and farmland preservation. Ms. Greene added that during the updating of the ROSI, it was discovered that the entire Dayton Road parcel was included.

During public comment, Mr. Lehrer addressed questions and comments raised. Mr. Lehrer provided a brief explanation of affordable housing litigation explaining negotiations between towns, Fair Share Housing Center, interveners (developers) and the Court. Mr. Lehrer explained that Raritan Township has about five or six developers that have come forth with intent to intervene and build affordable housing. He continued to explain that the balance of the number for the Township's overall settlement number was one-hundred four (104) units. He added that if that land is developed by developers, then the one-hundred four (104) units will be multiplied by 5 and become 520 units because the developer will get to build market rate development in return for building affordable housing.

Mr. Lehrer continued that this parcel is a linchpin because it fills in the blank for the Township's affordable housing plan. He commented that, "COAH thought the parcel met the four (4) criteria back in 2010 which included developable, suitable, permittable, and approvable." Mr. Lehrer advised that "the Township was issued Substantive Certification in 2010 and, in 2015 when it

turned to litigation the Township just filled in the blank with this property as it was already an approved site."

Mr. Lehrer explained that if the Township enters into a settlement agreement, including this site, the Township will be granted immunity through 2025 against builders' remedy lawsuits by Court order. He continued that that agreement is subject to a Fairness Hearing in the Court where members of the public will be provided the opportunity to review the plan and comment. The Township then adopts ordinances to implement the plan within one hundred twenty (120) days. The Township can then look back and immediately search for other sites. Mr. Lehrer advised that if the Township does not settle, litigation will cost hundreds of thousands of dollars more and its affordable housing obligation could be higher. He recommended that the governing body examine the distinct issue before it – whether it was a mistake to include the entire Dayton Road parcel on the ROSI and not whether the site is good or bad.

Mayor Mangin expressed opinion in favor of proceeding with NJDEP Green Acres and pledged to look for a new site.

Committee Member Reiner inquired as to how long the process would take.

Committee Member O'Brien commented, "I would like to say something. We heard the attorney give a very good presentation about how this piece of land was never part of open space.....The developers were required to put a footbridge and a path to a picnic area on that land when it was deeded over. You would not do that if it was COAH, it was intended to be part of an open recreational area whatever flavor of open space you want to call it. To me, that was intended to be open space, plain and simple....As for the COAH plan, go to the judge and tell him we are going to find a new site. If we take it off the ROSI now, you can be pretty sure someone is going to build on that site and put in an application pretty darn quick. There is a couple million dollars in the COAH fund to go build it."

Committee Member O'Brien motioned to remove the Township's request from Green Acres and keep the property on the ROSI. Committee Member O'Brien requested to send a letter to Green Acres advising that the Township wants to keep the property on the ROSI and positively affirm that it is open space.

Mr. Lehrer addressed Committee Member Reiner's inquiry regarding the length of time for the process. He advised that "the Court has continued since March 2015 to extend immunity to towns that have been acting in good faith. The Township has had to file a motion with the Court every six (6) months or so to demonstrate it is working diligently to try and confine those sites and has received extended immunity through the end of September 2018." Mr. Lehrer explained that Judge Jacobsen issued a 200-page opinion which became the benchmark for what the numbers should be for most of the other communities in the State. He continued that the Township's numbers are higher and thus the need to settle as soon as possible. Mr. Lehrer commented, "I would say this is going to reach critical mass before three (3) months."

Mr. Lehrer reiterated that there was a motion on the floor to stop the process with Green Acres.

There was no second. Mr. Lehrer advised with no second, the motion fails.

Deputy Mayor Gilbert advised that, "the governing body did not ask the Township Attorney to do a specific thing other than to advise on what he felt was best for the Township and that is the advice he gave, not because we wanted him to represent in a particular way. And, it is our responsibility as elected officials to decide what is best for the entire Township. I totally agree one-hundred percent (100%) with Mayor Mangin that we should start looking for another site immediately."

Committee Member O'Brien commented, "I wish we would go on the record for where we stood on the issue. I'm disappointed the motion was not seconded. I think the people should know where everybody stands."

Following the discussion, Mr. Hutchins inquired as to the presence of Mark Roberts at tonight's meeting regarding a petition he referenced at the July 9, 2018 Dayton Road/ROSI Amendment public hearing. Mr. Lehrer explained that a copy of the petition was needed for the record. **Rebecca Stallwood**, a resident of 23 Colts Lane, responded that Mr. Roberts was not present at this time and that she would contact him to advise him to provide a copy of the petition to the Clerk's office for the record.

At this time, Mr. Hutchins requested that the Committee deviate from the meeting agenda and advance New Business Item 14A. Acknowledgement of Township retirements and thirty years' service and resolution Item 18E. Appointing Raymond Hartung to the Community Emergency Response Team (CERT) as interested parties were in attendance. It was the consensus to proceed with Mr. Hutchins' request.

Acknowledgement of Township Retirements and Thirty Years' Service – Mr. Hutchins acknowledged and recognized Township employees for upcoming retirements and years of service including Public Works employee, Robert Marino, 30 years of service; and the retirements of Public Works employees John Brown and Rick Gares, 33 and 20 years of service respectively. Mr. Hutchins commented, "the growth and success of the Township is dependent upon the valuable dedication of employees like these people – the contributions that they make as valuable members of our Township team benefit the residents well beyond their years of service."

At this time, Raritan Township Office of Emergency Management (OEM) Coordinator, Chris Phelan, recognized and acknowledged the recent achievements of new members of the Raritan Township Community Emergency Response Team (CERT). Mr. Phelan explained that these individuals had successfully completed the first-ever Township OEM-sponsored 12-week training program. He continued that the Raritan Township OEM partnered with Holland Township OEM and worked with local emergency services including fire, police and rescue and that "such will be part of an ongoing effort to continue to bolster the roster of emergency services volunteers in the Township."

Mr. Phelan also acknowledged and extended gratitude to Deputy Coordinator, Frank Veneziale, for all of his efforts in the execution of the training program as well. Mr. Phelan introduced the following CERT members: Ed Jabowski, Jane Block, Jim Hanger, John Smith, Randy Block and Raymond Hartung.

Mayor Mangin read by title Resolution #18-150.
Mayor Mangin asked for a motion to adopt Resolution #18-150.
Motion by Gilbert, seconded by Hazard
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-150

AUTHORIZING THE 2018 APPOINTMENT OF RAYMOND HARTUNG TO THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

WHEREAS, the Township of Raritan is required to have an Emergency Operations Plan to provide for actions to be taken to mitigate, prepare for, respond to and recover from the effects of an emergency; and

WHEREAS, the members of the Community Emergency Response Team (CERT) must be appointed by resolution of the governing body.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that Raymond Hartung is hereby appointed as a member of the Raritan Township CERT for a one-year term, effective July 17, 2018.

Municipal Clerk, Lisa Fania, administered the Oath of Office to newly appointed members.

Cannabis Ordinance discussion – Mr. Lehrer recapped from the last meeting discussion that the State currently allows the use of medical marijuana and dispensaries. He continued that there is legislative movement to expand the types of disorders permitting someone to apply for a license and for recreational usage and expansion of the number of alternate treatment centers (ATC). 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 was held regarding the Township's position. Committee Members commented as follows:

Mayor Mangin advised of receipt of resident emails in opposition to medical marijuana in the Township expressing safety concerns. Mayor Mangin voiced opposition to the sale in the Township. Mayor Mangin also advised of interest in the Luggage Factory property as a possible site.

Committee Member Reiner expressed opposition to dispensaries in the Township and spoke in favor of an ordinance prohibiting such.

Deputy Mayor Gilbert also spoke in support of adopting an ordinance prohibiting dispensaries in the Township suggesting the following language be included, "whereas the Township desires to ensure that such facilities that dispense marijuana are not allowed within certain vicinities." Deputy Mayor Gilbert continued that the language should basically say that there is no safe place in our community because such establishment should not be near residences, a house of worship, a school, or other businesses." Deputy Mayor Gilbert expressed the opinion that "there really is no safe place to put a marijuana dispensary in our municipality."

At this time, Committee Member O'Brien asked if any member of the public wished to comment on the issue.

Deputy Mayor Gilbert interjected regarding point of order commenting that Mayor Mangin had previously solicited public comment on the meeting agenda prior to the Dayton Road/ROSI amendment discussion.

Comments continued.

Committee Member Hazard voiced opinion against the sale in the Township; commented on the need to listen to the public; and spoke of Colorado's experience with such.

Elaina Hess, a resident of 30 Nashaway Drive, spoke in favor of an ordinance prohibiting dispensaries in the Township.

Mayor Mangin asked for a motion to direct the Township Attorney to draft an ordinance prohibiting Cannabis use in farming, dispensaries, and grow houses and any type of marijuana sales in the Township for review at a future scheduled meeting.

Motion by Reiner, seconded by O'Brien
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

During the vote, Committee Member O'Brien commented, "in favor of slow walk, but not ready to support the sale of marijuana in the Township."

Mowing Quote – Mr. Hutchins explained that it was requested, during a previous Township Committee discussion, that quotes be solicited for the mowing of Township properties. Mr. Hutchins reported that Superintendent, Public Works, Brion Fleming is awaiting responses from several vendors. Mr. Hutchins to advise accordingly at a future scheduled meeting.

Planning Board update regarding Temporary Use Ordinance – Mr. Lehrer commented that the Planning Board has recommended no provisions to the existing ordinance regarding the "Coffee House."

Deputy Mayor Gilbert commented that ordinances exist regarding Food Trucks and Temporary Uses. Deputy Mayor Gilbert continued that during the Planning Board discussion it was decided that this particular applicant needs to determine which process to proceed by – food truck or temporary use. She further commented that it was the opinion of the Planning Board that as there is a means in place for this individual and any other individual with a similar application, no further action is necessary.

County Clerk's inquiry regarding the Township's interest in partnering in an Ident-a-Shred event to be held in the Township – Deputy Mayor Gilbert explained that County Clerk, Mary Melfi, is reaching out to Hunterdon County municipalities to determine interest in partnering in a shredding event. It was the consensus of the Committee to participate and advise Ms. Melfi accordingly.

Noise Ordinance regarding Off-Road Vehicle recreational use in residential neighborhoods – Jim Yanuzzi, a resident of 8 Marys Court, appeared before the Committee to express dissatisfaction regarding the noise from the use of off-road vehicles in his neighborhood and ask the Committee to consider action on an ordinance regulating such activity, as no ordinance presently exists. Mr. Yanuzzi explained that he cannot enjoy outside activities due to the noise. Mr. Yanuzzi stated that use of off-road recreational vehicles (motorcycles, ATVs) is occurring on at least three different locations with multiple vehicles running at once, with two-cycle engines, with decibel readings close to the sound of a helicopter, around 100 decibels, and the presence of a track (which had been removed at the time of the meeting). Mr. Yanuzzi advised that the properties include 46 Dory Dilts Road and 377 Old York Road. He continued to advise that riding is occurring in the flood plain at Timberwick Estates as well.

Mr. Yanuzzi presented the 2008 NJDEP Model Noise Ordinance for Off-Road Vehicles and a petition to regulate the excessive noise caused by the recreational use of off-road vehicles in Raritan Township residential neighborhoods to the Committee for review.

Mr. Yanuzzi also presented a signed petition from neighboring residents in support of an ordinance to regulate the excessive noise caused by recreational use of off-road vehicles in Raritan Township residential neighborhoods.

Attorney, Ed Purcell, advised Committee Members that under New Jersey law the Township does not have the ability to "craft" its own noise ordinance and must abide by the NJDEP model as it is regulated by decibels. Mr. Purcell continued that it would require someone from the Township to measure sounds to make sure they fall within the decibel range.

Discussion was held regarding the Township's ability to measure sound; the enforcing entity – board of health, police; and whether such an ordinance exists at the County level.

Mayor Mangin solicited public comment.

The following members of the public spoke during public comment:

Elaina Hess, a resident of 30 Nashaway Drive, spoke of her own experience with a similar situation and sympathized with Mr. Yanuzzi's complaint.

Mike Szymanik, a resident of 46 Dory Dilts Road, advised that track use was for a seven horse-powered go cart and a 50cc dirt bike for a day a week for half an hour at a time.

Andrew England, 46 Dory Dilts Road, commented on the decibel rating of a normal stock dirt bike advising that the rating is the same as a factory-grade lawn mower. Mr. England added that a 19-month old child is asleep every night by 7:30 p.m. so, therefore, the activity is not taking place beyond that.

Mayor Mangin asked for a motion to direct the Township Attorney to research noise ordinances regarding the use of off-road recreational vehicles in neighborhoods and advise accordingly at a future scheduled meeting.

Motion by Gilbert, seconded by Hazard
MOTION UNANIMOUSLY CARRIED

Request from Good News Home for Women to Hold a Coin Toss on County Route 523 at the Intersection of River Road on September 8 and 9, 2018 – There were no objections.

Request from Three Bridges Fire House to utilize a portion of Township roads for Five-Mile Run, Saturday, August 11, 2018 – There were no objections.

Request by Caine Fowler, Skunktown, Distillery, to hold "2018 Summer Weekends at the Distillery" every Friday and Saturday, July 20 through October 20, 2018 – There were no objections.

NJDOT Property Management Unit's inquiry regarding the Township's interest in acquiring NJDOT property: Route 202, Section 7, Parcels 25B, 27, 29, 29B, 30A & Part of R22 (Case Boulevard/Ridge Road) – Mr. Hutchins explained that the New Jersey Department of Transportation (NJDOT) has inquired as to the Township's interest in acquiring the subject property which is located along Ridge Road and Case Boulevard. Mr. Hutchins advised that the Township currently maintains the parcels except for one off of the cul-de-sac on Ridge Road.

Township Engineer, Tony Hajjar, clarified that the intent at this time is to determine Township interest. He continued that the State will provide mapping with exact acreage upon advisement of interest.

It was the consensus of the Committee to direct Mr. Hutchins to advise NJDOT of intent to proceed.

Request from the Hunterdon County Sherriff's Office for a Donation Towards Equipment for "Project Lifesaver" – Mr. Hutchins explained that the Hunterdon County Sherriff's Office is seeking a $500.00 donation towards equipment for Project Life Saver.

Committee Members raised questions and concerns regarding frequency of the donation; if the total donation from all municipalities was $500.00 or a $500.00 donation from each municipality.

Mr. Purcell advised that discussion is needed to determine mechanism for payment.

It was the consensus of the Committee to carry discussion to a future scheduled meeting with the presence of Hunterdon County Sherriff, Fred Brown, as additional information was required. Mr. Hutchins to follow up with Sherriff Brown accordingly.

ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)

There were no ordinances.

At this time, Mayor Mangin requested that the Committee deviate from the meeting agenda and take action on Resolution #18-146 prior to the consideration of Ordinance #18-23 as required in accordance with local budget law.

Mayor Mangin read by title Resolution #18-146.
Mayor Mangin asked for a motion to adopt Resolution #18-146.
Motion by Gilbert, seconded by Reiner
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-146

RESOLUTION AUTHORIZING CHANGE ORDER #3 WITH DESANTIS CONSTRUCTION, INC. FOR ROAD RECONSTRUCTION OF SUNNY HILLS SECTION 1

WHEREAS, a contract was awarded on May 2, 2017 for the road reconstruction of Sunny Hills Section I; and

WHEREAS, the project was awarded to DeSantis Construction, Inc. of Somerset, New Jersey in the amount of $1,130,366.00; and

WHEREAS, on September 5, 2017, the Township authorized Change Order #1 increasing the total contract amount by $825.00; and

WHEREAS, on November 6, 2017, the Township authorized Change Order #2 decreasing the total contract amount by $6,716.24; and

WHEREAS, the Township Engineer recommends Change Order #3, which decreases the total contract amount by $183,327.46, be approved by the Township Committee for the reasons outlined in the memorandum dated July 9, 2018.

NOW, THEREFORE BE IT RESOLVED, on this 17th day of July 2018 by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey:

1. That Change Order #3 representing a decrease in the amount of $183,327.46 be and is hereby approved with respect to the contract for road reconstruction of Sunny Hills Section I.

2. That the amount of all Change Orders be a 16.74% decrease to the total contract amount for a new contract amount with Desantis Construction, Inc. of $94,114.73.

BE IT FURTHER RESOLVED that a copy of this Change Order shall be affixed and made part of this resolution and that a certified copy be sent to DeSantis Construction, Inc. of Somerset, New Jersey.

ORDINANCES (INTRODUCTION, FIRST READING)

Mayor Mangin read by title Ordinance #18-23.

ORDINANCE REAPPROPRIATING $224,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION AND INSTALLATION OF A VIDEO LINK SYSTEM, COURTROOM RECORDING SYSTEM, SERVER ROOM RENOVATION AND LEFFLER HILL COMPLETE AND OLD CROTON PARTIAL CHIP SEAL TREATMENTS IN AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Mayor Mangin asked for a motion to introduce Ordinance #18-23 on first consideration.
Motion by Gilbert, seconded by Hazard
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None
ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for August 21, 2018.

CORRESPONDENCE

Letter of commendation – Public Works – Township Committee Members acknowledged letter of commendation for Superintendent, Public Works, Brion Fleming.

NON-CONSENT AGENDA

Mayor Mangin read by title Resolution #18-147.
Mayor Mangin asked for a motion to adopt Resolution #18-147.
Motion by Hazard, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-147

CERTIFICATION OF REVIEW OF THE 2017 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

> R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Raritan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mayor Mangin read by title Resolution #18-148.
Mayor Mangin asked for a motion to adopt Resolution #18-148.
Motion by Hazard, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-148

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN RECOMMENDED IN THE ANNUAL REPORT OF AUDIT FOR 2017

BE IT RESOLVED by the Mayor and Township Committee of Raritan Township, County of Hunterdon, State of New Jersey that the attached Corrective Action Plan, submitted by William Pandos, Chief Financial Officer, be approved and submitted by the Township Clerk to the Division of Local Government Services.

BE IT FURTHER RESOLVED that a copy will be placed on file in the Clerk's Office at the Municipal Building and made available for public inspection within the next 45 days.

Mayor Mangin read by title Resolution #18-149.

Committee Member O'Brien advised language be corrected to read "Mr. Irving Smith" instead of "Mr. Irving." Committee Member O'Brien requested the refund be retroactive to the effective date of disability.

Deputy Mayor Gilbert responded that Mr. Smith requested an exemption and was advised by the Tax Assessor that only the governing body can grant an exemption from April 19, 2017 to the date of his letter. She continued that "this resolution is giving him what he requested."

Discussion continued regarding a retroactive refund.

Deputy Mayor Gilbert responded that past practice has been to review a request and make the decision at that point.

Mr. Hutchins commented that the total retroactive refund would be $21,000.00 including all taxes.

Deputy Mayor Gilbert continued that Mr. Smith did not approach the governing body asking for that additional amount despite being advised that he could.

Mayor Mangin commented, "I think we should have moved in the springtime. Mr. O'Brien when we had this discussion and we were looking to set a policy on how far back we should go and I recommended one year… when you were asked to vote, you said I am all for the veteran."

Mayor Mangin asked for a motion to adopt Resolution #18-149 as amended.
Motion by Gilbert, seconded by Hazard
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

During the vote, Deputy Mayor Gilbert commented, "I would encourage Committee Member O'Brien to reach out to Mr. Smith and advise him that he can compose a letter and apply." Committee Member O'Brien acknowledged to follow through.

RESOLUTION #18-149

A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS FOR 100 PERCENT DISABLED VETERAN AND REFUND OF A PORTION OF SECOND QUARTER 2018 TAXES

WHEREAS, on May 21, 2018, Irving Smith, who resides at 4 Old Field Court, Block 63.11, Lot 4, presented and filed an official letter from the Department of Veterans Affairs with the Raritan Township Tax Assessor, Marianne Busher; and

WHEREAS, the official letter stated that his service-connected disability is evaluated at 100 percent with an effective date of April 9, 2017; and

WHEREAS, Mr. Smith is seeking property tax exemption and refund; and

WHEREAS, N.J.A.C. 18:28-2.11 specifically states "Provided all other legal criteria are met, the exemption must be granted as of the date of the letter from the Department of Veterans Affairs granting the rating and provided a written claim is filed with the Assessor. The governing body of a municipality, however, has the discretion to make the exemption retroactive to the date of 100 percent disability stated on the Veteran's Affairs letter provided other legal criteria are met;" and

WHEREAS, Mr. Smith has been granted a 100 percent disabled veteran exemption by the Township Tax Assessor, and

WHEREAS, the Township Tax Collector has recommended a partial refund of second quarter 2018 taxes in the amount of $2,816.19.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that property tax exemption is granted effective May 9, 2018 and a refund in the amount of $2,816.19 for a portion of second quarter 2018 property taxes is hereby granted to Irving Smith.

Mayor Mangin read by title Resolution #18-151.
Mayor Mangin asked for a motion to adopt Resolution #18-151.
Motion by Hazard, seconded by Reiner
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-151

AUTHORIZING THE PROCUREMENT OF SOCIAL ACTIVITIES WITH THE EAST AMWELL SENIOR CITIZENS GROUP

WHEREAS, the Township of Raritan ("Township") and the East Amwell Senior Citizens Group ("Group") wish to enter into an Agreement for the procurement of social activities; and

WHEREAS, the Township is desirous to obtain these activities for its residents; and

WHEREAS, the Group has agreed to provide said activities for the residents of the Township at the cost of one thousand dollars ($1,000.00).

NOW THEREFORE BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the aforementioned agreement on behalf of the Township of Raritan, attached hereto as Exhibit A.

Mayor Mangin read by title Resolution #18-154.
Mayor Mangin asked for a motion to adopt Resolution #18-154.
Motion by Hazard, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Mayor Mangin
NOES: Reiner
ABSTAIN: None
ABSENT: None

RESOLUTION #18-154

RESOLUTION DESIGNATING SCHOOL CROSSING GUARDS FOR THE 2018-2019 SCHOOL YEAR

WHEREAS, the Mayor and Township Committee recognize the need in the Township for School Crossing Guards to maintain safe travel for those students who walk to school; and

WHEREAS, candidates for this position of School Crossing Guard have completed or are in the process of completing their crossing guard training in accordance with Raritan Township Rules & Regulations/Policies and Procedures, Volume II, Chapter 14 of Title 40A of the New Jersey Statutes.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the following persons be designated as School Crossing Guards for 2018-1019:

Regular Guards
Carol Cuccia
Tanya Lovisa
Roberta Porzilli
Linda Ruffa
Lisa Mazzone
Audrey Rounsaville

Substitute Guards
Charlene Santo
Mary Buckley

Mayor Mangin read by title Resolution #18-155.
Mayor Mangin asked for a motion to adopt Resolution #18-155.
Motion by Gilbert, seconded by Hazard
ROLL CALL VOTE:
AYES: Gilbert, Hazard, Reiner, Mayor Mangin
NOES: O'Brien
ABSTAIN: None
ABSENT: None

(A COPY OF RESOLUTION #18-155 IS ATTACHED AND MADE PART OF THESE MINUTES)

Mayor Mangin read by title Resolution #18-156.
Mayor Mangin asked for a motion to adopt Resolution #18-156.
Motion by Reiner, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, Reiner, Mayor Mangin
NOES: O'Brien
ABSTAIN: None
ABSENT: None

RESOLUTION #18-156

RESOLUTION AUTHORIZING THE FULL-TIME EMPLOYMENT OF ROBERT ANTHONY FOLK 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 has interviewed and recommends Robert Anthony Folk to be employed as full-time Department of Public Works employee pending the outcome of a pre-employment physical and drug screening.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Robert Anthony Folk is hereby employed as full-time Department of Public Works employee effective July 30, 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.

Mayor Mangin read by title Resolution #18-157.
Mayor Mangin asked for a motion to adopt Resolution #18-157.
Motion by Gilbert, seconded by Hazard
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-157

APPOINTING SCOTT M. WILHELM, ESQUIRE AS ACTING MUNICIPAL PUBLIC DEFENDER

WHEREAS, the Township Code, Chapter 2.64 Pursuant to P.L. 1997 c.256 of the Township of Raritan stipulates that the Township Committee of the Township of Raritan shall appoint a Municipal Public Defender whose duty is to represent eligible, indigent defendants charged in a Court with a crime as specified in N.J.S.A. 2B:12-18 or if in the opinion of the Court there is a likelihood that the defendant, if convicted of any other offense, will be subject to imprisonment or other consequence of magnitude; and

WHEREAS, there exists a temporary vacancy for Municipal Public Defender; and

WHEREAS, the Township Committee wishes to fill this temporary vacancy; and

WHEREAS, Scott M Wilhelm, Esquire, Attorney at Law in the State of New Jersey, duly licensed and in good standing before the Supreme Court of New Jersey, has agreed to this temporary appointment.

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby appoints Scott M. Wilhelm of Winegar, Wilhelm, Glynn and Roemersma, 305 Roseberry Street, Phillipsburg, New Jersey, 08865 as Acting Municipal Public Defender beginning July 25, 2018 and terminating November 30, 2018 or upon the return of the duly appointed Municipal Public Defender, Jennifer Toth.

BE IT FURTHER RESOLVED that the Acting Municipal Public Defender shall be compensated at the rate of the Municipal Public Defender as established by Ordinance #18-6.

Mayor Mangin read by title Resolution #18-158.
Mayor Mangin asked for a motion to adopt Resolution #18-158.
Motion by Reiner, seconded by Gilbert
ROLL CALL VOTE:
AYES: Gilbert, Hazard, O'Brien, Reiner, Mayor Mangin
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #18-158

AWARD OF BID FOR PAVEMENT RECLAMATION OF BARTON ESTATES – WILDWOOD AND ROUND HILL COURTS

WHEREAS, on July 12, 2018 at 11:00 a.m. prevailing time one bid was received for full depth reclamation of Barton Estates (Wildwood and Round Hill Courts); and

WHEREAS, the lowest responsible bid was received from Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, New Jersey in the amount of $109,110.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-19 for pavement reclamation of Wildwood and Round Hill Courts in Barton Estates; and

WHEREAS, the Superintendent of Public Works recommends that the bid be awarded to Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, New Jersey, in the amount of $109,110.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the bid for full depth reclamation of Barton Estates (Wildwood and Round Hill Courts), be awarded to Asphalt Paving Systems, Inc., P.O. Box 530 Hammonton, New Jersey in the amount of $109,110.00.

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 #18-152

AUTHORIZING THE PARTIAL REFUND OF A CONSTRUCTION PERMIT FEE (O'CONNOR)

WHEREAS, Jeffrey O'Connor has requested the refund of a permit fee from the Construction Code Office due to veteran status; and

WHEREAS, Jeffrey Klein, Construction Official, has recommended the partial refund of permit fees in the amount of $19.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the construction permit fee in the amount of $19.00 paid by Jeffrey O'Connor is hereby refunded.

RESOLUTION #18-153

AUTHORIZING A PARTIAL REFUND OF A PET LICENSE FEE (O'CONNOR)

WHEREAS, Jeffrey O'Connor has requested a refund of a pet license fee due to veteran status; and

WHEREAS, Lisa Fania, Municipal Clerk, recommended the partial refund of a pet license fee in the amount of $10.80.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that a pet license fee in the amount of $10.80 paid by Jeffrey O'Connor is hereby refunded.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment:

Michael Incantalupo, a resident of 12 Trotter Lane, thanked Committee Members for the work they do; thanked Committee Member O'Brien for sharing the concerns of Carriage Gate residents; inquired about the failed motion made earlier in the meeting agenda by Committee Member O'Brien; and spoke of safety concerns regarding the truck traffic having to back up once or twice a week from the train trestle on Dayton Road, increased population, children playing, bus stops. Mr. Incantalupo stated for the record, "in my professional opinion that is a recipe for disaster just in case something happens." Mr. Incantalupo continued to query Committee Members regarding affordable housing at Dayton Road including what are the houses going to look like; what is proposed or legal to go there; and commented that representatives from the State should have been in attendance during the public hearing.

Scott Schipper, a resident of 23 Surrey Lane, thanked the attorneys and Mayor Mangin for the explanation of the Dayton Road/ROSI situation; acknowledged an understanding of the matter; and voiced opinion that in five years that open space land will be developed.

Staci Schipper, a resident of 23 Surrey Lane, voiced opinion that people in the community feel that they are not heard thus the reason for not attending Township Committee meetings and that the manner in which the July 9, 2018 public hearing was held was disrespectful.

During public comment, discussion was held regarding parliamentary procedures and the Dayton Road/ROSI amendment issue. Mr. Purcell advised on parliamentary procedures explaining that when a motion is not seconded it fails or dies. Committee Member O'Brien added that "silence" is the "no" and continued that he needed three people for it to pass.

Deputy Mayor Gilbert clarified, "we are moving forward to allow the NJDEP to determine whether or not it should have ever been on the open space inventory." Deputy Mayor Gilbert continued, "I do remember your comments and if you remember my comments that I have heard and listened to everything and Mayor Mangin and I both agree that that is not an ideal site....As far as open space goes, Mayor Mangin and I are both supportive of leaving the open space tax as it was so that we can continue to acquire open space properties. The other members of the Committee last year did not do that."

Mr. Purcell commented, "What I said at the last meeting...for purposes of this plan, this is the linchpin for the Township's affordable housing settlement going forward. There is going to be a look back period. There is a possibility there could be a change going forward, other properties, but for purposes of this plan for settling with Fair Share Housing Center, this is the property." Mr. Purcell also advised that NJDEP Green Acres was notified of the public hearing and its regulations require a transcript of the hearing.

Deputy Mayor Gilbert advised that there is a deadline to meet and commented, "we own that property, it is municipally-owned property. In order for us to build somewhere else we would have to acquire property...." She continued, "the right thing to do for the community, in my opinion, is to move forward and let the NJDEP decide. That property was never voted on by any Township Committee or Planning Board to put it on the ROSI; it was a clerical error. It is not on the ROSI except by mistake right now. So, in terms of who advocates for open space, I'm telling you that it is not necessarily the person you are thinking of."

ADJOURNMENT

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

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Lisa Fania, RMC
Township Clerk

TOWNSHIP OF RARITAN CAPITAL BUDGET AMENDMENT

RESOLUTION #
#18-155

Whereas, the local capital budget for the year 2015 was adopted on 9/01/15; and
Whereas, it is desired to amend the capital budget section;
Now, Therefore Be It Resolved, by a majority of the full membership of the Governing Body of the Township of Raritan, County of Hunterdon that the following capital budget amendment be made:

RECORDED VOTE:	AYES	(Karen Gilbert (Gary Hazard (Louis Reiner (Mayor Michael Mangin	NAYS	(Craig O'Brien
(Insert last name)				
ABSTAIN		(None	(	
ABSENT		(None	(	

Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended: Capital Improvement Fund	Funding as Amended: Capital Surplus	Funding as Amended: Debt Authorized
reappropriated from:						
Bond Ordinance #15-13 finally adopted 9/01/15 - Reconstruction of roads in Section 1 of the Sunny Hills area of the Township of Raritan		$1,213,000	$ 989,000.00		$ -	
reappropriate to:						
acquisition of Video Link System			$14,000.00			
acquisition of Courtroom Recording System			$14,000.00			
Server Room Renovation			$6,000.00			
Leffler Hill and Old Croton Chip Seal Treatments			$190,000.00			
Total - All Projects		**$ 1,213,000.00**	**$ 1,213,000.00**	**$ -**	**$ -**	**$ -**

Be It Further Resolved, that one certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and filed with the Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 17 day of July 2018.

July 18, 2018
Date

Lisa Fania
Lisa Fania
Municipal Clerk

Petition to regulate the excessive noise caused by the recreational use of Off Road Vehicles (ORVs) in Raritan Township Residential Neighborhoods

NAME	SIGNATURE	ADDRESS
JAMES YANUZZI	James Yanuzzi	8 MARYS COURT
Danny Scaramella	Danny Scaramella	9 Marys Court
Donato Scaramella	Donato Scaramella	9 Marys Court
Alfonzina Scaramella	Alfonzina Scaramella	9 Marys Court
Barbara Nester	BARBARA NESTER	2 Litton Road
Lahbib Lahtarf	[illegible]	3 Litton Road
Barry Gransky	Barry Gransky	42 Dory Dilts
Jim Milway	[illegible]	7 Marys Ct
Evan Milway	[illegible]	7 Marys Court
Jackie Assuncao	[illegible]	7 Marys ct
Jim Hopta	[illegible]	6 Marys Ct.
[illegible]	[illegible]	6 Marys Ct.
Bikess Bert Guss	B Guss	5 Marys Ct
Karen Guss	Karen Guss	" "
D. Ames	[illegible]	3 marys Ct.
H. Ames	[illegible]	3 Marys Ct
Juli Hentschel	Juli Hentschel	8 Hunt Ct.
Steve Polston	[illegible]	25 Horseshoe Drive
Martha Polston	Martha Polston	25 Horseshoe Drive
JAY TAYLOR	[illegible]	1 MARYS COURT
Lisa Lisiewski	Lisa Lisiewski	22 Horseshoe Drive
Tim [illegible]	[illegible]	20 Horseshoe Dr.
Jess [illegible]	Jessica [illegible]	20 Horseshoe Dr.
Karen WENSTROM	Karen Wenstrom	18 Horseshoe Dr.
Ray Wenstrom	RAY WENSTROM	18 Horseshoe Dr.
Annie Hopta	Annie Hopta	6 marys ct.
John Kosciusko	John Kosciusko	7 Hunt [illegible]

Petition to regulate the excessive noise caused by the recreational use of Off Road Vehicles (ORVs) in Raritan Township Residential Neighborhoods

NAME	SIGNATURE	ADDRESS
Karen Koscinski	Karen Koscinski	7 Hunt Ct. Flemington 08822
Dave Hantschel	[illegible]	8 Hunt Ct. Flemington NJ 08822
John Yankowski	[illegible]	10 Hunt Ct. Flemington NJ 08822
Robert Collins	[illegible]	12 Hunt Ct Flemington NJ 08822
Annette Blunda	Annette Blunda	24 Horseshoe Dr., Flemington, N.J. 08822
Joseph Lisiewski	Joseph Lisiewski	22 Horseshoe Dr. Flemington NJ 08822
Thomas Howe	[illegible]	6 Hunt Co Flemington NJ 08822
Pierre Leonard	P Leonard	9 Hunt Court, Flemington NJ
Carole Leonard	[illegible]	9 Hunt Ct. Flemington NJ 08822
James Tobman	[illegible]	1 Hunt Court, 08822
Lisa Brunetti	Lisa Brunetti	13 Horseshoe Dr. 08822
Sandra Tobito	[illegible]	11 Horseshoe Dr 08822
Paul Tobito	Paul Tobito	11 Horseshoe Drive 08822
Joyce Oppenheimer	Joyce Oppenheimer	4 Marys Court 08822
Christina Cherichello	Cherichello	5 Hunt Ct. Flemington 08822
Alyssa Cherichello	Alyssa Cherichello	5 Hunt Ct. Flemington NJ 08822
Richard Cherichello	Richard Cherichello	5 Hunt Ct. Flemington NJ 08822
Scott W Vogel	Scott W Vogel	10 horseshoe Dr. Flemington, NJ 088
Amanda Vogel	[illegible]	10 horseshoe Dr. Flemington, NJ 088
Craig Parillo	Craig Parillo	23 Horseshoe Dr. Flemington NJ
Jasmine Parillo	[illegible]	23 Horseshoe Dr. Flemington NJ.
Bill Muzychko	[illegible]	329 Old York Rd, Flemington, NJ 08822
Carol Bourdette	Carol Bourdette	329 Old York Rd, Flemington, NJ 08822
Scott Cooper	[illegible]	2 Horseshoe Drive Flemington NJ
Cathy Cooper	Catherine Cooper	2 Horseshoe DR. Flemington NJ
Paulette Weippert	Paulette Weippert	4 Horseshoe Dr. Flemington NJ
Tom Weippert	Tom Weippert	4 Horseshoe Dr. Flemington NJ

Petition to regulate the excessive noise caused by the recreational use of Off Road Vehicles (ORVs) in Raritan Township Residential Neighborhoods

NAME	SIGNATURE	ADDRESS
Kristen Umyn	[illegible]	1 Fox Hollow Ct. Flemington
Matt Tiberio	[illegible]	9 Fox Hollow Ct Flemington
Lauren Tiberio	[illegible]	9 Fox Hollow Ct. Flemington
Anthony Sampson	[illegible]	5 " " " "
Susan Dunnigan	[illegible]	4 Fox Hollow Ct Flemington
MARTA YANUZZI	[illegible]	8 MARYS CT, FLEMINGTON