

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, NOVEMBER 21, 2017**

MEETING CALLED: Mayor Gilbert called the regular meeting to order at 6:30 p.m.

ROLL CALL: The following were present: Mayor, Karen Gilbert; Comm. Richard Chen; Comm. Craig O'Brien; Comm. Michael Mangin; Comm. Lou Reiner. Also present were Township Attorney, Jeff Lehrer; Attorney, Ed Purcell; Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Police Captain, Kevin Donovan and Special Counsel on Affordable Housing, John Belardo.

MEETING ADVERTISED: Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the January 11, 2017 issue of the Courier News and was posted on the office bulletin board and the Township Website.

Township Attorney Lehrer read Resolution #17-277 in full.

Mayor Gilbert asked for a motion to approve Closed Session Resolution.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-277

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: Judge appointment; public defender
 - c) Attorney-Client Privilege: Accepting EDUs (COAH)
 - d) Pending Litigation:

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.

3. The Committee will return to Regular Session and may take further action.

4. This Resolution shall take effect immediately.

CLOSED SESSION MINUTES ARE COMPLETED IN A SEPARATE DOCUMENT

The regular meeting reconvened at 7:04 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE: Mayor Gilbert asked all to join in the Pledge of Allegiance to our flag and to remain standing for a moment of silence to remember our men and women serving in the Armed Forces and in particular those serving in troubled areas around the world.

AMEND/APPROVE THE AGENDA

Mayor Gilbert asked for a motion to approve the Agenda.
Motion by Reiner; seconded by Chen to approve the Agenda.

ROLL CALL VOTE:

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

MINUTES

Motion by Mangin, seconded by Reiner to approve Regular and Executive Meeting Minutes of September 19, 2017.

MOTION UNANIMOUSLY CARRIED

Motion by Reiner, seconded by Chen to approve Regular and Executive Meeting Minutes of October 17, 2017.

ABSTAIN: O'Brien, Mayor Gilbert

MOTION CARRIED

Motion by Mangin, seconded by Chen to approve the Regular and Executive Meeting Minutes of October 24, 2017.

MOTION UNANIMOUSLY CARRIED

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.

Barbara Sachau, a resident of 2 Glenview Drive, inquired as to the length of time the Dayton Road property was being considered as an affordable housing site.

Mr. Lehrer advised that the parcel has been part of the Township's affordable housing obligation dating back to 2008, 2010 and that the matter will be further discussed later in the agenda.

At this time, Mayor Gilbert requested that the Committee consider action on proposed Resolution #17-284 Authorizing the Allocation of Sewer Capacity for Affordable Housing on Dayton Road, as the Township's Special Counsel on Affordable Housing was in attendance. It was the consensus of all to proceed.

Mayor Gilbert read Resolution #17-284 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-284.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, Mayor Gilbert

NOES: O'Brien, Reiner

ABSTAIN: None

ABSENT: None

RESOLUTION #17-284

**A RESOLUTION AUTHORIZING ALLOCATION OF SEWER CAPACITY
FOR AFFORDABLE HOUSING AT MUNICIPAL PROPERTY
ON DAYTON ROAD, BLOCK 63.14, LOT 23**

WHEREAS, the Raritan Township Municipal Utilities Authority ("Authority") previously entered into an Agreement with the Township of Raritan ("Township") dated August 17, 2006, for the transfer of 15,000 gallons per day ("gpd")/50 equivalent dwelling units ("EDUs") for use by the Township to assist in development of affordable housing within the Township; and

WHEREAS, the Township is now in further need of wastewater treatment capacity to provide for the development of affordable housing within the Township; and

WHEREAS, the Authority has available wastewater treatment capacity for this purpose; and

WHEREAS, the Township believes that it is in the best interest of all of the residents of the Township that wastewater treatment capacity be made available to the Township for the development of affordable housing; and

WHEREAS, the Authority by **Resolution 2017-71** dated November 16, 2017, on the advice of its consulting engineers, has made available to the Township 24,000 gpd/80 EDUs of wastewater treatment capacity for affordable housing use; and

WHEREAS, the Township received from the Council of Affordable Housing Third Round Substantive Certification on July 15, 2010, including 104 affordable housing units on Township-owned property on Dayton Road, Block 63.14, Lot 23 consisting of ± 19.557 acres; and

WHEREAS, the Township has as part of Mt. Laurel litigation In the Matter of the Application of Raritan Township, Docket No. HNT-L-312-15 affirmed the intent to make available the Dayton Road property for development of 104 affordable housing units.

NOW, THEREFORE BE IT RESOLVED that the Township Committee designates the 24,000 gallons per day/80 EDUs received from the Authority for use by a qualified developer of affordable housing of the municipally-owned property at Dayton Road, Block 63.14, Lot 23, (the "Property") and this capacity shall be reserved for the Property until December 31, 2025.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$19,165,84.23**

Motion by Reiner, seconded by Chen to approve the bill list for Raritan Township.

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

Payment of Bills as listed for **Raritan Township Fire Company: \$415.00**

Motion by Reiner, seconded by Chen to approve the bill list for Raritan Township.

ROLL CALL VOTE:

AYES: Chen, O'Brien, Reiner, Mayor Gilbert

NOES: None

RECUSE: Mangin

ABSTAIN: None

ABSENT: None

REPORTS

The following November, 2017 staff reports were acknowledged by the Township Committee:

*Animal Control

*Planning/Engineering Escrow Accounts

*Court

*Tax Collector

LIAISON REPORTS

Richard Chen: Finance, Open Space, Parks & Recreation

No report.

Michael Mangin Planning Board (Class II, RTMUA)

Deputy Mayor Mangin reported that the past two (2) Planning Board meetings have been cancelled and announced the date of the upcoming December meeting. Deputy Mayor Mangin advised that the RTMUA adopted its 2018 budget including a \$12.00 increase per household, as well as a resolution establishing new administrative salaries, not including Commissioners; and held discussion on affordable housing equivalent dwelling units (EDUs).

During Deputy Mayor Mangin's report, Committee Member O'Brien inquired as to the status of the sign ordinance with the Planning Board.

Mayor Gilbert advised that the ordinance is currently in review with the Planning Board.

Craig O'Brien: Open Space

No report.

Louis Reiner: Environmental Commission, Green Team, Fire/Rescue/OEM

Committee Member Reiner recognized and commended the Township's Fire Marshal, Dennis Concannon, and his department for their efforts in getting the department current with inspections and all the work they do in keeping the residents safe.

Karen Gilbert: Historians, Finance, Planning Board (Class I)

No report.

During Liaison reports, Mr. Hutchins advised that this is the first time in seven (7) years that all life hazard inspections are complete.

UNFINISHED BUSINESS

There was no unfinished business on the meeting agenda.

NEW BUSINESS

Open Burn Ordinance and Fire Prevention Fee Schedule – Township Fire Marshal, Dennis Concannon, appeared before the Committee to propose amending the current Open Burn Ordinance and Fire Prevention Fee Schedule. Mr. Concannon advised that the ordinance is ambiguous and inconsistent with the New Jersey Uniform Fire Code and that proposed amendments would clarify and define permitted burning in the Township such as agricultural open burning and recreational fires (backyard fire pits), as well as become more consistent with State regulations.

Mr. Concannon also informed Committee Members that Township fees for fire prevention are set at the State minimum and that the New Jersey Division of Fire Safety had just increased fees twenty percent (20%) for the first time since 2002. Mr. Concannon explained a handout detailing current and proposed fees for smoke detector/carbon monoxide/fire extinguisher inspections; permits; certificate of fire code compliance; and non-life hazard use inspections.

Mr. Concannon explained that the fees for the non-life hazard use inspections are proposed new fees, as these inspections have not been completed on a regular basis. He advised that a number of destructive fires have occurred in the Township for commercial occupancies and it has been discovered that work is being done without permits and people are residing in businesses. Mr. Concannon explained a handout detailing fees for comparable municipalities including Hillsborough, Montgomery, Franklin, Flemington and Readington. He added that the fee schedule for non-life hazard use inspections for most towns is by square footage regardless of the type of occupancy, which is what is proposed for Raritan Township.

Discussion was held among Committee Members regarding non-life hazard use inspections including clarification as a new fee; inspection frequency; if state mandated; completion of all inspections within one (1) year; estimated number of inspections; and potential revenue. Committee Members also inquired as to the time frame for implementation of the proposed fee schedule and recommended lowering the proposed fees.

During the discussion, Mr. Concannon advised that the State does not mandate non-life hazard inspections but recommends annual inspections and the frequency not to exceed more than five (5) year intervals. He also advised that there are approximately five to six hundred (500-600) inspections in the Township; estimated at about \$100,000 in revenue. He continued that there are various non-life hazard use types where inspections are required in order for the establishment to maintain its license such as pet stores and doctor's offices.

Committee Member O'Brien commented that this is a \$100,000 tax levied upon the business community for a voluntary inspection schedule not required by law.

It was the consensus of the Committee to proceed with amending the Open Burn ordinance.

It was also the consensus of all Committee Members that Mr. Concannon lower the proposed fees and modify inspection frequency and revisit for consideration at a future meeting.

Mr. Lehrer reminded the Committee as to the protocol for ordinance adoption advising that the process cannot carry to the new year, as the membership of the 2018 governing body will be changing with a newly elected official.

Solicitor's Ordinance - Mayor Gilbert explained that the proposed ordinance is on the agenda for informational purposes and review by the Committee and that it is in the process of being reviewed by the Police Chief. Mayor Gilbert advised that consideration for amending the ordinance was initiated as a result of a request from a business owner located in an industrial zone, where food trucks are prohibited, to have a food truck at an event, in addition to increased food truck use in the municipality.

Mayor Gilbert explained that the new ordinance permits food trucks based on events.

Mr. Hutchins reiterated that presently food trucks are restricted from certain zones and that the proposed amendments include no zone restriction; limits use to four (4) occasions per year; and clearly defines what a food truck is. He added that it is less restrictive for ice cream vendors as well.

Committee Member Reiner commented that the eateries in the community are not in favor of the food trucks and Committee Member O'Brien inquired as to the impact and status of the Coffee House matter.

During the discussion, Mr. Hutchins provided an update regarding the Coffee House matter advising that the permitted use may be considered a temporary use and is in review with the Planning Board. He further explained that the parties involved have been notified. Attorney Purcell added that the Coffee House was not defined as a food truck under the current ordinance.

Mr. Hutchins clarified that soliciting by political candidates and veterans is exempt from the ordinance.

Appointment of Raymond Simonds to the Environmental Commission – Mayor Gilbert advised that appointments to the Environmental Commission are authorized under the authority of the Mayor and no vote is required. Mayor Gilbert announced the appointment of Raymond Simonds to the Environmental Commission as Alternate #2 Member for an unexpired term expiring December 31, 2018.

ORDINANCES (FINAL ADOPTION, PUBLIC HEARING)

Mayor Gilbert read by title Ordinance #17-38.

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING ORDINANCE #05-38 IN ORDER TO AMEND THE DEED RESTRICTION TO AUTHORIZE CERTAIN FIRE COMPANY EVENTS BY RESOLUTION RATHER THAN BY ORDINANCE

Mayor Gilbert asked for a motion to open public hearing.

Motion by Mangin, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Gilbert asked for a motion to close the public hearing and adopt Ordinance #17-38 on final consideration, same to be published according to law.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised November 9, 2017, The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #17-38

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING ORDINANCE #05-38 IN ORDER TO AMEND THE DEED RESTRICTION TO AUTHORIZE CERTAIN FIRE COMPANY EVENTS BY RESOLUTION RATHER THAN BY ORDINANCE

WHEREAS, in 2005 the Township Committee of the Township of Raritan authorized the sale of Lot 6 in Block 65 ("the Property"), through the passage of Ordinance #05-38, to the Raritan Township Fire Company for nominal consideration pursuant to the Local Lands and Buildings Law; and

WHEREAS, Section 8 of Ordinance #05-38 placed two (2) restrictions on the use of the Property, the second restriction being a prohibition against "banquets, bingo, social or other activities;" unless authorized by ordinance of the Township Committee and

WHEREAS, the use of an "ordinance" instead of "resolution" is clearly a typographical error because such an administrative function is onerous and should only be required to be done by resolution; and

WHEREAS, it was and remains the intent of the Township Committee to be able to waive certain prohibitions on the use of the Property by way of resolution rather than by ordinance;

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

Section 1. Restriction 2 of Section 8 of Ordinance #05-38 entitled "An Ordinance of the Township of Raritan in the County of Hunterdon, Authorizing the Sale of Lot 6 in Block 65 to Raritan Township Fire Company" is hereby amended to read as follows:

2. The Raritan Township Fire Company shall not permit use of the Property, or buildings thereon, for banquets, bingo, social or other activities, since such activities are acknowledged by the Raritan Township Fire Company as causing or having the ability to cause disturbances to the peace, quiet and tranquility of the existing neighborhood surrounding the Property, unless express written consent by means of [ordinance] resolution is obtained from the Raritan Township Committee.

Section 2. Except as set forth above, Ordinance #05-38 shall remain unchanged.

Section 3. The Township Attorney is authorized to correct the aforesaid deed in conformance

Section 4. The Mayor is authorized to execute any and all documents at the Township Attorney's request which are necessary to effectuate the correction of the aforesaid deed in conformance with this ordinance.

Section 5. If any section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. The ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor Gilbert read by title Ordinance #17-39.

ORDINANCE APPROPRIATING \$65,000 FROM THE CAPITAL SURPLUS FUND FOR THE ACQUISITION OF A COMMAND VEHICLE FOR AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Mayor Gilbert explained that the expenditure was originally planned for the 2018 budget, however the fire command vehicle was totaled in an accident and the need for the replacement is now.

Mr. Hutchins also advised that there will be no additional costs incurred to the Township, if so they are the responsibility of the fire company.

Mayor Gilbert asked for a motion to open public hearing.

Motion by Mangin, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Gilbert asked for a motion to close the public hearing and adopt Ordinance #17-39 on final consideration, same to be published according to law.

Motion by Mayor Gilbert, seconded by Reiner

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised November 9, 2017, The Courier News. Posted on municipal bulletin board as required by law.

During the vote, concern was raised regarding Deputy Mayor Mangin's recusal as a member of the Fire Company. Mr. Lehrer stated that due to the funds being appropriated from the General Budget, no ethical concern existed where Deputy Mayor Mangin would give preference to or benefit in any way from the authorization.

ORDINANCE #17-39

ORDINANCE APPROPRIATING \$65,000 FROM THE CAPITAL SURPLUS FUND FOR THE ACQUISITION OF A COMMAND VEHICLE FOR AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. \$65,000 is hereby appropriated from the Capital Surplus Fund to be used together with \$4,000 provided by the Fire Company for the acquisition of a command vehicle for and by the Township of Raritan, in the County of Hunterdon, New Jersey (the "Township").

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.

ORDINANCES (INTRODUCTION, FIRST READING)

Mayor Gilbert read by title Ordinance #17-40.

AN ORDINANCE ACCEPTING A SIGHT EASEMENT AND A STORMWATER MANAGEMENT (BMP) FACILITY EASEMENT AGREEMENT FROM FLEMINGTON INDUSTRIAL PARK, LLC FOR LOT 34 IN BLOCK 27 AND LOT 5 IN BLOCK 28 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

Mr. Lehrer advised that the proposed ordinance accepting a sight easement and stormwater management facility easement is required for land use compliance.

Mayor Gilbert asked for a motion to introduce Ordinance #17-40 on first consideration.
Motion by Chen, seconded by Mangin

ROLL CALL VOTE:

AYES: Chen, O'Brien, Reiner, Mayor Gilbert
NOES: None
ABSTAIN: None
ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for December 5, 2017.

ORDINANCE #17-40

AN ORDINANCE ACCEPTING A SIGHT EASEMENT AND A STORMWATER MANAGEMENT (BMP) FACILITY EASEMENT AGREEMENT FROM FLEMINGTON INDUSTRIAL PARK, LLC FOR LOT 34 IN BLOCK 27 AND LOT 5 IN BLOCK 28 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

WHEREAS, Flemington Industrial Park, LLC is the owner of property located at Lot 34 in Block 27 and Lot 5 in Block 28 (the "Property") as shown on the Tax Map of the Township of Raritan; and

WHEREAS, on October 23, 2007, Flemington Industrial Park, LLC, received final site plan and variance approval (the "Approval") for the Property from the Raritan Township Planning Board (the "Board"), RTPB File No. SP-545-PF, which Approval was memorialized by a Resolution of Approval No. 20-2007 adopted on December 11, 2007; and

WHEREAS, as a condition of the Approval, the Board required Flemington Industrial Park, LLC to grant to the Township a Sight Easement and a Stormwater Management (BMP) Facility Easement Agreement; and

WHEREAS, the Sight Easement and Stormwater Management (BMP) Facility Easement Agreement have been reviewed and approved by the Raritan Township Attorney and Township Engineer; and

WHEREAS, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, wishes to accept the Sight Easement and Stormwater Management (BMP) Facility Easement Agreement.

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 above Sight Easement and Stormwater Management (BMP) Facility Easement Agreement attached hereto; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its adoption, passage and publication according to law.

CORRESPONDENCE

- *Thank you email from the Military Order of the Purple Heart
 - *Thank you email from the Flemington-Raritan First Aid & Rescue Squad
-

NON-CONSENT AGENDA

Mayor Gilbert read Resolution #17-279 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-279.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-279

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT BETWEEN THE TOWNSHIP OF RARITAN
AND CAPTAIN KEVIN P. DONOVAN**

WHEREAS, the Township of Raritan ("Township") employs Kevin P. Donovan ("Captain Donovan") as Captain of Police; and

WHEREAS, Captain Donovan has accumulated overtime in the amount of 64.88 days with a current value of \$37,869.16; and

WHEREAS, Captain Donovan would be entitled to use this accumulated overtime as compensatory time upon his retirement or receive a payout of same at a higher cash value than its current value; and

WHEREAS, the Township is desirous of entering into an agreement with Captain Donovan to pay for this accumulated overtime over a period of three years, as set forth in the Memorandum of Understanding ("MOU") attached hereto as Exhibit "A," as a cost saving measure.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby authorize the Mayor to execute the MOU on behalf of the Township.

Mayor Gilbert read Resolution #17-280 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-280.

Motion by Mangin, seconded by Mayor Gilbert

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-280**RESOLUTION OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO NOT AWARD A CONTRACT TO A THIRD-PARTY POWER SUPPLIER TO PROVIDE ELECTRIC GENERATION SERVICE TO RARITAN-FLEMINGTON ENERGY PROCUREMENT COOPERATIVE'S COMMUNITY ENERGY AGGREGATION (RFEPC CEA) PROGRAM PARTICIPANTS AND TO PROVIDE GOVERNMENT ENERGY AGGREGATION SERVICES IN CONNECTION WITH THE RFEPC CEA PROGRAM PURSUANT TO N.J.A.C. 14:4-6**

WHEREAS, the Government Energy Aggregation Act of 2003 (PL. 2003, C24) governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers join together for the purchase of electric utility services by a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

WHEREAS, the Raritan Township Committee passed an ordinance dated August 14, 2014 (No. 14-14) authorizing the formation of a Government Energy Aggregation in the Township of Raritan, New Jersey; and

WHEREAS, the Borough of Flemington ("Borough"), a municipality in the State of New Jersey adopted Ordinance No. 2014-22 on November 17, 2014 authorizing the formation of a Government Energy Aggregation in the Borough of Flemington; and

WHEREAS, on December 2, 2014 the Raritan Township Committee adopted Resolution No. 14-229 which authorizes the Township to form a cooperative pricing system named the Raritan-Flemington Energy Procurement Cooperative ("RFEPC"), with the Township designated as Lead Agency thereof, for the purpose of soliciting proposals for and the purchase of electric generation services and energy aggregation services for residents of the Township of Raritan and the Borough of Flemington called the RFEPC Community Energy Aggregation Program ("RFEPC CEA"), and on May 16, 2017 the Raritan Township Committee adopted Resolution No. 17-124 which renewed the cooperative pricing system for an additional three years; and

WHEREAS, on January 26, 2015 the Flemington Council adopted Resolution No. 2015-41 which authorizes the Borough to become a Participating Member of the Raritan-Flemington Energy Procurement Cooperative, and which designates the Township as Lead Agency of the RFEPC, for the purpose of soliciting proposals for and the purchase of electric generation services and energy aggregation services for residents of the Borough, and on May 8, 2017 the Flemington Council adopted Resolution No. 2017-96 which renewed the Borough's participation in the cooperative pricing system; and

WHEREAS, Ordinance No. 14-14 and 2014-22 and Resolutions No. 17-124 and 2017-96 designated the Township as the Lead Agency of the RFEPC, and memorialized the Lead Agency's intent to solicit proposals for electric generation service for Township and Borough residents who do not "opt-out" of the RFEPC CEA program; and

WHEREAS, in accordance with New Jersey Board of Public Utilities rules (N.J.A.C. 14:4-6) and applicable law (PL. 2003, C24), the Township is authorized to award a contract for electric generation service and government energy aggregation services on behalf of participating Township and Borough residential customers; and

WHEREAS, the Township of Raritan, in its capacity as Lead Agency, publicly noticed and issued on July 19, 2017 a Request for Proposals (RFP) for the Provision of Electric Generation Service and

Government Energy Aggregation Services for the second round of the RFEPC CEA Program (RFEPC CEA-Round 2) and has solicited proposals from qualified suppliers in New Jersey; and

WHEREAS, the RFP provided for a two-stage process that included: Stage 1 for the submission of supplier questions and comments and the submission of qualification documents by interested, New Jersey Board of Public Utilities (NJBPU)-licensed electric power suppliers; and Stage 2 for the submission of bid prices; and

WHEREAS, the RFP provides for the submission of separate pricing for electric generation service for one pricing group, Participating Residential Accounts, for several potential start dates and contract durations (terms), and for two different contract language options: Option A) using the form of Master Performance Agreement attached to the RFP; and Option B) using the form of MPA attached to the RFP except that subsection 3.2 (a) (iii) (C) is removed, and a new subsection 2.1.5 as set forth above is added to the MPA; and the RFP provides for the award of a contract, including start date, contract duration and contract language option, at the discretion of the Lead Agency, and in accordance with the evaluation criteria set forth in the RFP; and

WHEREAS, during Stage 1 non-binding Notices of Intent and other required qualification documents were received from four (4) NJBPU-licensed electric power suppliers who were deemed qualified to submit Stage 2 price proposals; and

WHEREAS, a number of supplier questions and comments were received and, as a result, on August 4, 2017 an Addendum No.1 to the RFP was issued and distributed to all suppliers that had submitted a Notice of Intent to Propose; and

WHEREAS, Stage 2 price proposals and accompanying Transmittal Letters were submitted by 3 NJBPU-licensed electric power suppliers by the 2:00 p.m. August 15, 2017 deadline set forth in the RFP; and

WHEREAS, as a result of the evaluation of qualifications and proposals and analysis of price proposals submitted on August 15, 2017, the Raritan Township Committee determined that no contract award would be made at that time, and further determined that the RFP would be held open for a period of up to 120 days, and that the Township may accept refreshed prices in accordance with the RFP, at any time during that 120-day period, consistent with applicable law; and

WHEREAS, on November 8, 2017 an Addendum No.2 to the RFP was issued and distributed to all suppliers that had submitted a Notice of Intent to Propose, announcing the date and deadline time of November 21, 2017 at 2:00 p.m. for submission of refreshed price proposals in response to the RFP, for a contract commencing with March 2018 meter read dates (MRDs) and continuing for a term of either fifteen (15) months or twenty-one (21) months; and

WHEREAS, refreshed Stage 2 price proposals and accompanying Transmittal Letters were submitted by 2 NJBPU-licensed electric power suppliers by the 2:00 p.m. November 21, 2017 deadline set forth in Addendum No.2 to the RFP; and

WHEREAS, the Raritan Township Committee, in consultation with the Borough of Flemington as well the Township's energy agent, has conducted extensive and in-depth evaluation of qualifications and analysis of refreshed price proposals, in accordance with the evaluation criteria set forth in the RFP and Addendum Nos.1 and 2; and

WHEREAS, as a result of the evaluation of qualifications and proposals and analysis of refreshed price proposals submitted on November 21, 2017, the Raritan Township Committee has determined that no contract award shall be made at this time.

NOW, THEREFORE, BE IT RESOLVED that the Raritan Township Committee shall make no contract award as a result of the refreshed price proposals submitted on November 21, 2017.

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.

At this time, Committee Member Reiner asked that Resolution #17-281, item b. Authorizing the Refund of a Tow License Application Fee and Resolution #17-282, item c. Authorizing the Reserve of the Municipal Allocation of County Open Space Funds be removed from the consent agenda for further consideration.

Mayor Gilbert read the following resolutions by title.

Mayor Gilbert asked for a motion to adopt the Consent Agenda as amended with the removal of Resolutions #17-281 and #17-282.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-278**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF
DONATION OF A POLICE OFFICER STATUE**

WHEREAS, Michael Fratesi of Raritan Township, the Owner of Northeast Masonry has expressed interest in donating a life-sized concrete statue of a Police Officer to the Raritan Township Police Department; and

WHEREAS, Chief Glenn Tabasko has expressed his desire to accept this donation, as a dedication to past, present and future officers of the Raritan Township Police Department, to the Township Committee; and

WHEREAS, the Mayor and Township Committee wishes to acknowledge the dedication and commitment of the Township of Raritan Police Department.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey authorizes that the donation of a life-sized statue of a Police Officer, saluting and holding a folded flag be graciously accepted from Michael Fratesi of Northeast Masonry.

RESOLUTION #17-285

**A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS
FOR 100 PERCENT DISABLED VETERAN, AND REFUND OF A PORTION OF FOURTH
QUARTER 2017 TAXES**

WHEREAS, on November 6, 2017, Paul Orrell, who resides at 160 Voorhees Corner Road, Block 79.08, Lot 5, 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 September 1, 2010; and

WHEREAS, the deed date is effective October 20, 2017; and

WHEREAS, Mr. Orrell 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. Orrell 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 fourth quarter 2017 taxes in the amount of \$1,595.70.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that property tax exemption is granted effective October 20, 2017 and a refund in the amount of \$1,595.70 for a portion of fourth quarter 2017 property taxes is hereby granted to Paul Orrell.

RESOLUTION #17-286

A RESOLUTION AUTHORIZING FOURTH QUARTER 2017 TAX REFUNDS

WHEREAS, the Township Tax Collector has recommended the refund of overpayments; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that the following receive a refund in the amount specified due to duplicate payments for Fourth Quarter, 2017 taxes.

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CITIMORTGAGE, INC. Michael & Dawna Reid (35 Newcastle Way)	\$573.28	15	21.16

Virginia Kerr c/o Bernard Kerr (11 Greenwood Place)	\$4,106.36	36	34
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RESOLUTION #17-287

**A RESOLUTION AUTHORIZING THE RELEASE OF
OFF-SITE IMPROVEMENT CONTRIBUTION TO FLEMINGTON MALL, LLC**

WHEREAS, as part of its development of the Flemington Mall, the then owner of the property, Flemington Mall, LLC, posted the sum of forty-eight thousand, three hundred dollars (\$48,300) in 2003 for the construction of a traffic light at the intersection of Church Road and Royal Road (the “Off-Tract Improvement”); and

WHEREAS, Flemington Mall, LLC also posted a performance guarantee in the amount of \$18,000 for certain site improvements, such as trash enclosures, bicycle racks, landscaping and certain other improvements (the “On-Site Improvements”); and

WHEREAS, the Township has not undertaken the construction of the Off-Tract Improvement; and

WHEREAS, Flemington Mall, LLC’s eighteen thousand-dollar (\$18,000) performance guaranty is not a sufficient guaranty to ensure that the remaining On-Site Improvements will be completed by the current owner of the Flemington Mall; and

WHEREAS, Section 16.16.060.E of the Revised General Ordinances of the Township of Raritan provides that all moneys and interest which were deposited with the Township for “off-tract improvements” must be returned if, after ten years of their deposit, no work has been done; and

WHEREAS, while Flemington Mall, LLC has since sold all of its rights, title and interest in the Flemington Mall to a new owner, counsel for Flemington Mall, LLC has represented that Flemington Mall, LLC retained all rights to the funds provided to the Township for the Off-Tract Improvement as part of its closing with the new owner; and

WHEREAS, in addition to the requirements imposed by Section 16.16.060.E of the Revised General Ordinances of the Township of Raritan, the Township also has the duty and obligation to ensure that required on-site improvements are completed or, alternatively, that developers provide the necessary performance guarantees to complete same.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby authorize the following:

1. Based upon the written approval of Flemington Mall, LLC having been given to fully settle all On-Site Improvements items, the Township Committee does hereby authorize the release of forty thousand dollars (\$40,000) to Flemington Mall, LLC in full satisfaction of its previously imposed Off-Tract Improvement obligation pursuant to Section 16.16.060.E of the Revised General Ordinances of the Township of Raritan.
2. The Township will retain the remaining eight thousand three hundred dollars (\$8,300) (plus all accumulated interest on the original \$48,300 Off-Tract Improvement amount) for the purposes of covering the costs of finishing all remaining On-Site improvements on the property.

3. As agreed upon by counsel for Flemington Mall, LLC in her email dated November 6, 2017, the remaining \$8,300 shall be combined with the \$18,000 performance obligation in order to ensure the completion of the On-Site Improvements. As also agreed, the combined \$26,300 (together with accumulated interest) shall be held by the Township and shall be released (if not used by the Township to complete the On-Site Improvements) to the new owner of the Flemington Mall once the On-Site Improvements have been completed to the satisfaction of the Township Engineer.

Mayor Gilbert read Resolution #17-281 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-281.

Motion by Reiner, seconded by Mangin

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-281

**A RESOLUTION AUTHORIZING THE REFUND OF A
TOW APPLICATION FEE**

WHEREAS, Hineline's Mobil paid a Tow Application Fee in the amount of \$100.00; and

WHEREAS, the Raritan Township Police Department has denied approval of such 2017-2018 Tow Application.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the Tow Application fee paid by Hineline's Mobil in the amount of \$100.00 is hereby refunded.

Mayor Gilbert read Resolution #17-282 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-282.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, O'Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-282

**A RESOLUTION AUTHORIZING THE RESERVE OF THE MUNICIPAL
ALLOCATION OF FISCAL YEAR 2017/CALENDAR YEAR 2018
COUNTY OPEN SPACE FUNDS**

WHEREAS, the Township receives monies from the County Open Space Trust Fund annually; and

WHEREAS, the Township seeks to reserve or bank this year's Fiscal Year (FY) 2017/Calendar Year (CY) 2018 Municipal Allocation until a project application is initiated and completed; and

WHEREAS, the funds will be used for any of the following purposes: future acquisition of land, recreation, conservation, farmland preservation and/or historic preservation until a project application for the Open Space Trust Funds will be initiated and completed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the Township seeks to reserve or bank this year's FY 2017/CY 2018 Municipal Allocation.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment.

Eugene Lewandowski, a resident of 3 Phipps Court, commented on the poor sound system in the court room.

Barbara Sachau, a resident of 2 Glenview Drive, asked why there are two (2) attorneys on the dais; and for additional information regarding the resolution authorizing a memorandum of understanding with Police Captain Donovan.

Doug Day, Fire Chief, Raritan Township Fire Company, thanked the Committee for authorization of the command vehicle and Raritan Avenue deed change.

ADJOURNMENT

Mayor Gilbert asked for a motion to adjourn the meeting.

Motion by Reiner, seconded by Chen

MOTION UNANIMOUSLY CARRIED

Meeting adjourned at 8:16 p.m.

Respectfully submitted,

Lisa Fania, RMC
Township Clerk