

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING  
RARITAN TOWNSHIP MUNICIPAL BUILDING  
TUESDAY, JUNE 18, 2019**

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**MEETING CALLED:** Mayor Kuhl called the regular meeting to order at 6:31 p.m.

**ROLL CALL:** The following were present: Mayor, Jeff Kuhl; Deputy Mayor, Louis Reiner; Comm. Karen Gilbert; Comm. Michael Mangin

**ABSENT:** Comm. Gary Hazard

**ALSO PRESENT:** Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Attorney, William Robertson (for Township Attorney, Ed Purcell)

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**MEETING NOTICED:** Mayor Kuhl advised that the meeting was advertised in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975 in the January 8, 2019 issue of the Courier News and noticed to the Hunterdon County Democrat, Star Ledger, TapInto, Express Times and posted on the municipal bulletin board and the Township website.

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Attorney, William Robertson, read Resolution #19-143 in full.  
Mayor Kuhl asked for a motion to approve Closed Session Resolution.  
Motion by Gilbert, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hazard

**RESOLUTION #19-143**

**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: Comcast Franchise Negotiation; PBA/SOA Negotiations Update; Teamsters Negotiations; CWA Negotiations; Clover Hill Road/Case Farm Right-of-Way

- b) Personnel:
- c) Attorney-Client Privilege:
- d) Pending Litigation: Affordable Housing update

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

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The regular meeting reconvened at 7:03 p.m.

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

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**AMEND/APPROVE THE AGENDA**

Mayor Kuhl asked for a motion to amend or approve the Agenda.

Committee Member Mangin requested that the Committee advance item 13.c, a request by Eagle Scout candidate, Michael Migliorino to do a project at Blackwell Park for consideration prior to the Comcast Cable Municipal Consent Hearing, as interested parties were in attendance.

Motion by Mangin, seconded by Reiner to approve change in order of the Agenda.

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hazard

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**Request by Eagle Scout candidate, Michael Migliorino, to do a project at Blackwell Park –** Michael Migliorino appeared before the Committee seeking approval to do an Eagle Scout project at Blackwell Park. Mr. Migliorino presented a power point presentation, Blackwell Park Improvement, that included the following:

- \*Land specifications
  - Total land (17 acres)
  - Potential useable land (15.8 acres)
  - Current useable land (3.7 acres)

Current used land (1.4 acres)

Current undeveloped useable land (2.3 acres)

\*Proposed improvements

Horseshoe pits

Volleyball Court

Swings for older children

Trail improvements

Trail extension

Tennis Court

Pickleball Court

\*Photographs

Park

Existing pavilion, grill, signage, playground, trail, wetlands and wooded areas

Committee Members raised questions and concerns regarding the source of cost estimates for concrete; timeline for completion; and future maintenance requirements and liability to the Township of the proposed projects including the volleyball court.

During the presentation, Mr. Migliorino explained that he had called concrete companies for estimates and that he would like to complete the project before winter.

Superintendent, Public Works, Brion Fleming commented that Mr. Migliorino is proposing to “tackle” most of the project by himself without the help of the Public Works Department and expressed support for the horseshoe pit, volleyball court and trail improvements. He commented that the project “can’t be any liability to us or a major cost.”

Mayor Kuhl advised that the Parks and Recreation Committee has expressed the need for a pickleball court.

Committee Member Gilbert advised of her role as liaison to the Parks and Recreation Committee and reiterated the desire for a pickleball court in the area as people are traveling to Doylestown to play. Committee Member Gilbert also expressed support for such and added, “I am really excited that you are looking at this property to make it more useful for the entire community as opposed to just focusing on the tot lot and the trail. I think people use it to run but the fact that you are looking at that to make it more appealing to not just kids but for adults and everybody – great job! Love it.” Committee Member Gilbert offered to be a point of contact along with Mr. Fleming.

Deputy Mayor Reiner commented, “you have my gratitude and you have the community’s thanks. You are an ambitious young man...we greatly appreciate it. I like the pickleball idea.”

Discussion continued regarding the possible coordination with the Parks and Recreation Committee. Committee Member Gilbert advised that that particular committee is presently in a “state of flux” and operating with an existing budget so there is no funding available. Mr. Migliorino advised that he was going to seek donations from local businesses in the community.

Mr. Migliorino to submit more detailed information regarding the proposed projects for review. Township Committee to advise Mr. Migliorino accordingly on preferred improvements.

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## **MUNICIPAL CONSENT HEARING: COMCAST FRANCHISE RENEWAL APPLICATION**

**Robert Clifton**, Senior Director Government Affairs, Comcast of Central NJ II, LLC, appeared before the Committee seeking municipal consent for the renewal of Comcast's franchise agreement. He explained that the current Certificate of Approval with the Township, the cable operator's license required to operate a cable television franchise in New Jersey, will expire December 30, 2019. He explained the renewal process including notification of intent to renew, public hearing, and ordinance adoption.

**Jacqueline Klapp**, stenographer, was present pursuant to the requirements of the Cable Television Act.

Mr. Clifton advised that upon the close of the public hearing, the Township has thirty (30) days to issue an ordinance of renewal or resolution of denial. He continued that the timeframe is flexible as long as both parties are negotiating. Mr. Clifton further added that the Municipal Ascertainment Report is in review.

Mr. Clifton continued that Comcast Cable is seeking a consent ordinance authorizing a Right-of-Way agreement permitting Comcast to continue to place its equipment, fiber optics and plant in the municipal right-of-ways. He explained that the authorization is non-exclusive which allows other cable providers to seek permission to same rights to offer service.

He further advised that the governing body must judge the application in accordance with the following four (4) criteria pursuant to State and Federal regulations:

1. Cable operator complied with the existing terms of the current franchise;
2. Has the operator service been reasonable in light of the community's cable-related needs;
3. Does the operator have the financial, legal, technical ability to continue to provide the services currently provided and are proposing to provide; and
4. Is the renewal proposal reasonable to meet the future cable-related needs of the community.

Mr. Clifton continued that renewal or denial of the application cannot be judged on rates, which are outside of the purview of the governing body, as they are overseen by State and Federal regulations; and the channel line-up which is protected under the first amendment such as newspaper content.

Mr. Clifton lastly commented that a formal proposal including a draft ordinance will be submitted to the Township Committee for review.

Mayor Kuhl asked for a motion to open the public hearing.

Motion by Reiner, seconded by Gilbert

**MOTION UNANIMOUSLY CARRIED**

Mayor Kuhl solicited comments from Committee Members.

Mayor Kuhl inquired about non-exclusivity; the outcome of not renewing the contract; and commented on negative feedback from residents.

Deputy Mayor Reiner inquired about Comcast's relationships with community members and concurred about the negative feedback from residents.

Mayor Kuhl solicited public comment.

There was no comment from the members of the public in attendance.

During Public Comment, Mr. Clifton clarified that unlike phone lines where space can be rented by other carriers, cable providers build their own plants. He continued to explain that 2007 Legislation created two (2) franchising procedures, municipal consent or state-wide franchise which bypasses municipal approval and goes directly to the Board of Public Utilities (BPU) to seek the right to locate a cable plant in the municipality. He continued to explain that Verizon has opted for the state-franchise route for which they offer video service throughout the State. Mr. Clifton further added that if the Township chooses not to renew its contract, Comcast would apply for direct certification with the BPU; and that Comcast has chosen face-to-face negotiations with municipalities.

Regarding the inquiry concerning customer relationships, Mr. Clifton advised of the following:

- \*Equipment improvements over the last five (5) years

- \*New X1 platform home security, phone and internet service, as well as two new call centers – one in New Jersey and one in Delaware

- \*New technicians, new customer facing/customer-friendly stores mirroring Apple and Verizon stores

Township Attorney, William Robertson, asked that the Municipal Ascertainment Report and its contents be made part of the record referenced as RT1. Mr. Clifton had no objection and stated that he had advised Township Counsel of a "couple of corrections" including that internet service is not covered in the franchise agreement.

Mayor Kuhl asked for a motion to close the public hearing with the acknowledgement that negotiations are ongoing and communications will continue with the Township of Raritan, the Township Attorney and other Township professionals.

Motion by Gilbert, seconded by Mangin

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Mayor Kuhl

**NOES:** Reiner

**ABSTAIN:** None

**ABSENT:** Hazard

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

The following members of the public spoke during public comment:

**Sharon Winnick**, a resident of 20 Monsey Road, asked if the Township's affordable housing litigation had been settled.

**Barbara Sachau**, a resident of 2 Glenway Drive, requested that the date, time and place of the Fairness Hearing be posted on the website when scheduled and commented on the difficulty of hearing Deputy Mayor Reiner speak during the meeting.

During public comment, Mr. Robertson advised that the Fairness Hearing will be held in Somerville with Civil Assignment Judge, Judge Miller, at which time the public will have the opportunity to express concerns and comments.

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**FINANCIAL ISSUES**

Payment of Bills as listed for Raritan Township: **\$877,434.25**

Mayor Kuhl asked for a motion to approve the bill list for Raritan Township.

Motion by Mangin, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

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Payment of Bills as listed for the Raritan Township Fire Company: **\$4,887.78**

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

Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

**RECUSE:** Mangin

**REPORTS**

The following reports were acknowledged by the Committee:

- \*Animal Control - May
- \*Court - May
- \*Planning/Zoning Escrow Accounts - May
- \*Tax Collector - May
- \*2018-2019 Final Snow Report (Public Works)

**LIAISON REPORTS**

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

Committee Member Gilbert reported on meetings of the Open Space Advisory and Parks and Recreation Committees, as well as the Planning Board. Committee Member Gilbert advised that the Francavilla property is still in process due to delays beyond the Township's control; that fireworks will be held July 3 at Reading-Fleming Intermediate School, summer intercession programs are commencing and that meetings of the Parks and Recreation Committee will reconvene in September. Committee Member Gilbert continued that the Planning Board reviewed an ordinance permitting overnight parking of commercial vehicles in residential zones and a time extension was granted for one applicant.

Jeff Kuhl: Planning Board (Class I Member); Personnel; Finance; Historians; Open Space  
(Mayor)

Mayor Kuhl reported that he, Susan Miller, and Dick Stothoff (all members of the Local Historians Committee) gave a presentation at the Hunterdon County Library on June 13 on Raritan Township historic events and locations. Mayor Kuhl explained that each spoke of their own experiences based on generations of the respective families that had settled in the

Township. He also reported that discussion continues regarding open space projects with the Open Space Committee and reiterated Committee Member Gilbert's comments regarding action by the Planning Board including approval of one time extension and discussion of the ordinance permitting overnight parking of commercial vehicles in residential zones.

Michael Mangin:

Board of Health; Finance; Public Works

Committee Member Mangin announced that the next Board of Health meeting is June 20 and advised of one septic waiver request and a presentation by a representative from NJ GASP – New Jersey Global Advisors Smokefree Policy.

Louis Reiner:  
(Deputy Mayor)

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

Deputy Mayor Reiner announced that the Wildlife Management Advisory Committee's June 13 meeting was cancelled and that the next meeting will be held in September.

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## UNFINISHED BUSINESS

There was no unfinished business.

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## NEW BUSINESS

**Township Committee Acknowledgement of Certificate of Determination and Award for \$2,275,000 Bond Anticipation Note (BAN)** – Mayor Kuhl asked for any objections to the Bond Anticipation Note Award. There were none.

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**MuniciPAY (On-line payments)** – Mayor Kuhl explained that the Township will be implementing on-line payments through MuniciPAY for the following departments: Clerk, Registrar, Construction, Planning/Zoning/Engineering, Fire Prevention and Public Works. Mr. Hutchins advised that on-line payments should be available near the end of the summer.

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**ORDINANCES (INTRODUCTION/FIRST READING)**

Mayor Kuhl read by title Ordinance #19-19.

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 16 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ENTITLED "LAND DEVELOPMENT CODE" BY AMENDING PARAGRAPH SECTION 16.28A.020 ENTITLED "PRINCIPAL PERMITTED USES" OF CHAPTER 16.28A ENTITLED "I-1 RESTRICTED INDUSTRIAL ZONE" AND REPEALING AND REPLACING SECTION 16.28A.060 ENTITLED "PLANNED RESIDENTIAL REQUIREMENTS" WITH NEW SECTION 16.28A.060 ENTITLED "RESERVED" AND CREATING NEW CHAPTER 16.26I ENTITLED "PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE"**

Mayor Kuhl asked for a motion to introduce Ordinance #19-19 on first consideration.

Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

**ORDINANCE INTRODUCED**

Second reading and public hearing date scheduled for August 20, 2019.

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

Mayor Kuhl read by title Ordinance #19-15.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16.64 ENTITLED "GENERAL DESIGN AND USE REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN BY AMENDING AND SUPPLEMENTING PARAGRAPH (F) OF SECTION 16.64.090 ENTITLED "REGULATIONS APPLICABLE TO ALL ZONES"**

Mr. Robertson explained that there were some minor and non-substantive modifications to the ordinance since its introduction including clarification of the language, replacement vs. revision of Paragraph F, and format change of content from a block paragraph to numbered paragraphs.

Mayor Kuhl asked for a motion to open public hearing.

Motion by Gilbert, seconded by Mangin

**MOTION UNANIMOUSLY CARRIED**

There was no public comment.

At this time, Committee Member Gilbert acknowledged the diligent efforts of the Planning Board and Township Planner, Jessica Caldwell to ensure clarity of the language and enforceability of the ordinance.

Mayor Kuhl asked for a motion to close the public hearing and adopt Ordinance #19-15 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

**ORDINANCE ADOPTED**

**ORDINANCE #19-15**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16.64 ENTITLED “GENERAL DESIGN AND USE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN BY AMENDING AND SUPPLEMENTING PARAGRAPH (F) OF SECTION 16.64.090 ENTITLED “REGULATIONS APPLICABLE TO ALL ZONES”**

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

**Section 1.** Chapter 16.64 entitled “General Design and Use Regulations” is hereby amended and supplemented through the replacement of paragraph (F) of Section 16.64.090 entitled “Regulations Applicable to All Zones” as follows:

**F. Parking of Commercial Vehicles in Residential Zones:**

1. No more than two total commercial vehicles of a pickup or van-type may be stored overnight in a residential zone. Commercial vehicles must be parked off-street.
2. Commercial vehicles, not exceeding a gross vehicle weight rating of 14,000 pounds, may be parked out of doors overnight in any residential zone.
3. Commercial vehicles individually exceeding a gross weight rating of 14,000 pounds shall be stored within a structure totally enclosing the vehicle.
4. No more than one (1) commercial trailer, with an overall length of 20 feet (excluding tongue), may be parked outside overnight in any residential zone. A commercial trailer would count as one (1) of the two (2) permissible commercial vehicles. The storage of trailers pulled by semi or truck tractors, construction equipment and non-school buses, is prohibited in residential zones.
5. One truck tractor owned by the resident occupant may be housed on residential lots greater than two acres, but only if stored in an enclosed building.

**Section 2.** After introduction, the Township Clerk is hereby directed to submit a copy of the Ordinance to the Planning Board of the Township of Raritan for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 3.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 4.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

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**CORRESPONDENCE**

There was no correspondence.

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**NON-CONSENT**

**Township Committee Regular Meeting Minutes**

Mayor Kuhl asked for a motion to approve the Regular Meeting Minutes of June 5, 2019.  
Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hazard

**Township Committee Executive Session Meeting Minutes**

Mayor Kuhl asked for a motion to approve the Executive Session Meeting Minutes of June 5, 2019.

Motion by Reiner, seconded by Gilbert

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

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**RESOLUTIONS**

Mayor Kuhl read Resolution #19-145 by title.

Mayor Kuhl asked for a motion to adopt Resolution #19-145.

Motion by Gilbert, seconded by Reiner

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

**RESOLUTION #19-145**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY DESIGNATING APPROXIMATELY 7.7 ACRES KNOWN AS BLOCK 27, LOT 22 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN AS A “NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT” UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute a “non-condemnation area in need of redevelopment” as described in Section 5 of the Redevelopment Law; and

**WHEREAS**, to determine whether a certain parcel of land constitutes an area in need of redevelopment, the Township Committee of the Township of Raritan (the “Township Committee”) by way of Resolution No. 2019-117, dated May 7, 2019, authorized and directed the Township of Raritan Planning Board (the “Board”) to conduct a preliminary investigation to determine whether the area identified as Block 27, Lot 22 as shown on the Tax Map of the Township of Raritan consisting of approximately 7.7 acres (the “Study Area”), meets the criteria set forth in Section 5 of the LRHL and should be designated as a “non-condemnation area in need of redevelopment;” and

**WHEREAS**, the Board authorized the undertaking of the preliminary investigation as to whether the Study Area, or any portion thereof, constitutes an area in need of redevelopment in accordance with the LRHL; and

**WHEREAS**, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as “an area in need of redevelopment,” at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

**WHEREAS**, the LRHL requires that the Board, prior to conducting such public hearing, publish notice in a newspaper of general circulation in the Township once each week for two consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

**WHEREAS**, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Township’s assessment records; and

**WHEREAS**, the Board held a public hearing (the “Public Hearing”) to determine whether the Study Area is a “non-condemnation area in need of redevelopment” under the criteria set forth in Section 5 of the LRHL at a regular meeting of the Board on June 12, 2019; and

**WHEREAS**, notice of the Public Hearing was provided in the official newspaper of the Township on two consecutive weeks, the last being not less than ten (10) days before the Public Hearing; and

**WHEREAS**, the Board also provided notice to property owners in the Study Area; and

**WHEREAS**, at the Public Hearing, Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates, Inc. presented a report dated May 20, 2019 entitled “Area in Need of Redevelopment Study Block 27, Lot 22-66 Junction Road;” and

**WHEREAS**, at the Public Hearing, the Board reviewed the Report and considered the testimony of Ms. Caldwell; and

**WHEREAS**, the Board also gave members of the public an opportunity to speak and ask questions related to this matter; and

**WHEREAS**, after the conclusion of the Public Hearing, and in consideration of the Report and the substantial and credible testimony presented, the Board, on June 12, 2019, by unanimous voice vote, determined that the Study Area met one or more criteria to designate the Study Area as an “area in need of redevelopment,” which was memorialized by way of PB Resolution 12-2019 which is attached hereto as Exhibit “A;” and

**WHEREAS**, the Township Committee agrees with the recommendation of the Board that the Study Area be designated as a “non-condemnation area in need of redevelopment” pursuant to the LRHL; and

**WHEREAS**, the Township Committee now desires to authorize and direct Jessica Caldwell, P.P., A.I.C.P., to prepare a draft redevelopment plan for the Study Area and to present same to the Township Committee for its consideration.

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

1. The Township Committee hereby designates Block 27, Lot 22 as shown on the Tax Map of the Township of Raritan consisting of approximately 7.7 acres, as a “non-condemnation area in need of redevelopment” (the “Determination”) pursuant to the LRHL.
2. The Determination shall authorize the Township of Raritan to use all of the powers provided by the Legislature for use in a redevelopment area excluding the use of eminent domain, thus designating it a “Non-Condensation Redevelopment Area.”
3. The Township Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of Community Affairs (the

“Commissioner”) for review. The Determination of the Study Area as a “non-condemnation area in need of redevelopment” shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal, the Determination shall be deemed to be approved.

4. Notice of the Determination (the “Notice”) shall be served, within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor’s records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which the notice of Determination may be sent.
5. A property owner who received notice of the Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge.

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Mayor Kuhl read Resolution #19-156 by title.

Mayor Kuhl asked for a motion to adopt Resolution #19-156.

Motion by Gilbert, seconded by Mangin

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

Following the vote, Curtis Leeds, Reporter, TapInto Flemington-Raritan, asked for point of order regarding the lack of discussion on resolutions by the Township Committee. Mr. Leeds commented, “Mr. Mangin suggested maybe there should be discussion and the Mayor said, ‘this is a resolution.’ So, point of order, there is no discussion amongst the Committee Members on resolutions up for adoption?”

Mayor Kuhl responded, “...I asked that.”

Committee Member Gilbert responded, “also the public comment would be during the three minutes at the beginning of the meeting on items on the agenda.”

Mr. Hutchins commented, “the agreement is now a public document available for public review.”

**RESOLUTION #19-156**

**A RESOLUTION OF THE TOWNSHIP OF RARITAN  
AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT  
BETWEEN THE TOWNSHIP OF RARITAN AND  
FAIR SHARE HOUSING CENTER**

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

**WHEREAS**, the Township of Raritan (hereinafter “Township”) filed a Complaint on or about July 7, 2015 seeking a declaration of its compliance with the Mount Laurel Doctrine and Fair Housing Act of 1987, N.J.S.A. 53:27D-301, et seq., in accordance with In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015); and

**WHEREAS**, after extended negotiations with the participation of the Court and the Court-appointed Special Master, Fair Share Housing Center and the Township have agreed to settle the litigation and present the settlement for review and approval by the Superior Court having jurisdiction over this matter; and

**WHEREAS**, the Township Attorney, Special Affordable Housing Counsel, Township Planner, and Township Administrator have participated in the extended negotiations and have advised the Township Committee regarding the proposed Settlement Agreement and have also recommended that the proposed Settlement Agreement be approved by the Township Committee; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township of Raritan to approve said settlement and to authorize the appropriate Township officials to execute same on behalf of the Township of Raritan.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Raritan that the appropriate Township officials are hereby authorized to execute a written Settlement Agreement attached hereto as Exhibit “A;” and

**BE IT FURTHER RESOLVED**, that the Township Clerk is directed to make the Settlement Agreement available for public review; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

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**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 Kuhl commented that the proposed resolution awarding a contract in the amount of \$1,203,470.00 is for Sunny Hills road reconstruction.

Mayor Kuhl asked for a motion to approve the Consent Agenda.

Motion by Reiner, seconded by Mangin

**ROLL CALL VOTE:**

**AYES:** Gilbert, Mangin, Reiner, Mayor Kuhl

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Hazard

**RESOLUTION #19-144**

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

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

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

**WHEREAS**, the Township of Raritan has been awarded \$68,822.27 from the New Jersey Department of Environmental Protection and wishes to amend its 2019 Budget to include this amount as a revenue.

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$68,822.27 which is available as a revenue from:

Miscellaneous Revenues

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

Public and Private Revenues Off-Set with Appropriations:  
2019 Clean Communities Fund

**BE IT FURTHER RESOLVED** that a like sum of \$68,822.27 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps

Public and Private Programs Off-Set by Revenues:

2019 Clean Communities Fund

Other Expenses

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

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**RESOLUTION #19-146**

**A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS FOR 100 PERCENT  
DISABLED VETERAN; REFUND OF FIRST AND SECOND QUARTER 2019 TAXES;  
AND CANCELLATION OF THIRD QUARTER 2019 TAXES (GHAFOOR)**

**WHEREAS**, on April 10, 2019, Rahmat Ghafoor who resides at 11 Carmen Lane, Block 63, Lot 5.07, 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 January 24, 2019; and

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

**WHEREAS**, the Township Tax Collector has recommended a refund of second quarter 2019 taxes in the amount of \$3,898.28 due to overpayment; and

**WHEREAS**, the Township Tax Collector has recommended a refund of first and second quarter 2019 municipal taxes in the amount of \$448.57; and

**WHEREAS**, the Township Tax Collector has recommended the cancellation of third quarter 2019 taxes in the amount of \$4,368.17.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that property tax-exempt status for 100 percent disabled veteran is hereby granted to Rahmat Ghafoor with an effective date of April 9, 2019; and

**BE IT FURTHER RESOLVED**, that second quarter 2019 property taxes in the amount of \$3,898.28 is hereby refunded; and

**BE IT FURTHER RESOLVED**, that first and second quarter 2019 municipal taxes in the amount of \$448.57 is hereby refunded.

**BE IT FURTHER RESOLVED**, that third quarter 2019 taxes in the amount of \$4,368.17 is hereby refunded.

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**RESOLUTION #19-147**

**A RESOLUTION APPROVING THE RENEWAL OF  
ALCOHOLIC BEVERAGE LICENSE FOR 2019-2020  
(THE ROCK OF RARITAN, LLC T/A BOURBON STREET WINE AND SPIRITS)**

**WHEREAS**, the application and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage License for 2019-2020; and

**WHEREAS**, the application has been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage license for the year 2019-2020.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that application for the renewal of the following alcoholic beverage license for the year 2019-2020 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, is hereby authorized and instructed to issue and deliver said license on or before June 30, 2019:

**PLENARY RETAIL DISTRIBUTION LICENSE  
EFFECTIVE JULY 1, 2019**

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

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

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

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**RESOLUTION #19-148**

**A RESOLUTION APPROVING THE RENEWAL OF  
ALCOHOLIC BEVERAGE LICENSE FOR 2019-2020  
(ELMIL CORP. T/A MANGIA BENE)**

**WHEREAS**, the application and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage License for 2019-2020; and

**WHEREAS**, the application has been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage license for the year 2019-2020.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that application for the renewal of the following alcoholic beverage license for the year 2019-2020 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey is hereby authorized and instructed to issue and deliver said license on or before June 30, 2019:

**HOTEL/MOTEL LICENSES  
EFFECTIVE JULY 1, 2019**

<b>STATE ISSUED LICENSE NUMBER</b>	<b>LICENSEE</b>	<b>TRADE NAME</b>	<b>ADDRESS</b>
1021-36-011-005	Elmil Corp.	Mangia Bene	250 Hwy 202 & 31 Flemington, NJ 08822

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**RESOLUTION #19-149**

**A RESOLUTION APPROVING THE RENEWAL OF  
ALCOHOLIC BEVERAGE LICENSE FOR 2019-2020  
(LOYAL ORDER OF MOOSE LODGE #1829)**

**WHEREAS**, the application and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage License for 2019-2020; and

**WHEREAS**, the application has been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage license for the year 2019-2020.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, that application for the renewal of the following alcoholic beverage license for the year 2019-2020 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, is hereby authorized and instructed to issue and deliver said license on or before June 30, 2019:

**CLUB LICENSE  
EFFECTIVE JULY 1, 2019**

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

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

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

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**RESOLUTION #19-150**

**A RESOLUTION AUTHORIZING THE REFUND  
OF PET LICENSE FEES**

**WHEREAS**, Kevin McQuilken has requested the refund of a pet license fee due to the passing of the pet in the amount of \$12.00; and

**WHEREAS**, Kevin McQuilken has requested the partial refund of pet license fees for four additional pets due to veteran status in the amount of \$43.20; and

**WHEREAS**, Lisa Fania, Municipal Clerk, recommends the refund of a pet license fee in the amount of \$12.00 and a partial refund of pet license fees for four additional pets in the amount of \$43.20 for a total refund of \$55.20.

**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 \$12.00 and partial pet license fees for four pets in the amount of \$43.20 for a total of \$55.20 paid by Kevin McQuilken is hereby refunded.

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**RESOLUTION #19-151**

**A RESOLUTION AUTHORIZING THE PARTIAL REFUND  
OF A 2019 FOOD LICENSE FEE**

**WHEREAS**, Raritan Wine & Spirits paid a fee in the amount of \$250.00 for a 2019 retail food establishment license; and

**WHEREAS**, Raritan Wine & Spirits is an establishment selling pre-packaged food; and

**WHEREAS**, the fee for a pre-packaged food license is \$150.00; and

**WHEREAS**, an overpayment exists; and

**WHEREAS**, Lisa Fania, Municipal Clerk, recommends the partial refund of a food license fee in the amount of \$100.00.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that \$100.00 is hereby refunded to Raritan Wine & Spirits for overpayment of a 2019 food license.

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**RESOLUTION #19-152**

**A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO  
ASSUNCAO BROTHERS, INC. FOR ROAD RECONSTRUCTION AND REPAIR  
FOR SUNNY HILLS SECTION II**

**WHEREAS**, sealed bids were received on May 30, 2019 for Sunny Hills, Section II; and

**WHEREAS**, the Township Committee has reviewed the recommendations by Township Engineer, Antoine Hajjar on the bids received; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are available to award a contract for these materials as evidenced by Certificate of Availability of Funds #19-13, attached to this resolution.

**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) That the contract for Sunny Hills, Section II shall be awarded as follows:  

Assuncao Brothers, Inc.  
29 Wood Avenue  
Edison, NJ 08820  
for the bid amount of \$1,203,470.00
- 2) The Mayor and Township Clerk are hereby authorized and directed to execute a contract in accordance with the specifications and bid documents.

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**RESOLUTION #19-153**

**A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS FOR 100 PERCENT  
DISABLED VETERAN; REFUND OF FIRST AND SECOND QUARTER 2019 TAXES;  
AND CANCELLATION OF THIRD QUARTER 2019 TAXES (GROSSMAN)**

**WHEREAS**, on May 31, 2019, Martin Grossman, who resides at 10 Trotter Lane, Block 53.04, Lot 13, 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 March 25, 2019; and

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

**WHEREAS**, the Township Tax Collector has recommended a refund of second quarter 2019 property taxes in the amount of \$901.87 due to overpayment; and

**WHEREAS**, the Township Tax Collector has recommended a refund of second quarter 2019 municipal taxes in the amount of \$239.83; and

**WHEREAS**, the Township Tax Collector has recommended the cancellation of third quarter 2019 taxes in the amount of \$2,674.35.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that property tax-exempt status for 100 percent disabled veteran is hereby granted to Martin Grossman with an effective date of May 30, 2019; and

**BE IT FURTHER RESOLVED**, that second quarter 2019 taxes in the amount of \$901.87 is hereby refunded; and

**BE IT FURTHER RESOLVED**, that second quarter 2019 municipal taxes in the amount of \$239.83 is hereby refunded; and

**BE IT FURTHER RESOLVED**, that third quarter 2019 taxes in the amount of \$2,674.35 are hereby cancelled.

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**RESOLUTION #19-154**

**A RESOLUTION AUTHORIZING SECOND  
QUARTER 2019 TAX REFUNDS**

**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; and

**WHEREAS**, the Township Tax Collector has recommended the refund of an overpayment.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the following receive a refund in the amount specified due to duplicate payments for second quarter 2019 taxes.

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>	<u>Qualifier</u>
Denise Gaburo (formerly 827 Poplar Court)	\$1,205.79	72.08	2	
Pulte Homes of NJ	\$1,640.83	36.05	3.01	
Pulte Homes of NJ	\$1.24	36.05	3.01	Q0267
<b>TOTAL:</b>	<b>\$2,847.86</b>			

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**RESOLUTION #19-155**

**A RESOLUTION APPROVING THE RENEWAL OF  
ALCOHOLIC BEVERAGE LICENSE FOR 2019-2020  
(BRINKER NEW JERSEY INC. T/A CHILI'S GRILL & BAR)**

**WHEREAS**, the application and all required state and municipal fees have been received for the renewal of the Retail Alcoholic Beverage License for 2019-2020; and

**WHEREAS**, the application has been reviewed by the Township Clerk and Police Department and recommends the renewal of the following retail alcoholic beverage license for the year 2019-2020.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that application for the renewal of the following alcoholic beverage license for the year 2019-2020 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey is hereby authorized and instructed to issue and deliver said license on or before June 30, 2019:

**PLENARY RETAIL CONSUMPTION LICENSE  
EFFECTIVE JULY 1, 2019**

<b>STATE ISSUED LICENSE NUMBER</b>	<b>LICENSEE</b>	<b>TRADE NAME</b>	<b>ADDRESS</b>
1021-33-001-006	Brinker New Jersey, Inc.	Chili's Grill & Bar	325 US Hwy 202 Flemington, NJ 08822

**PRIVILEGE OF THE FLOOR**

The following members of the public spoke during public comment:

**John Mackay**, a resident of 122 Featherbed Lane, made reference to the comment made by Deputy Mayor Reiner in one of the 2016 minutes regarding the Open Space Tax, "it didn't make sense to keep the tax up because there was no place else to build in the Township" and also made reference that Committee Member Gilbert was against lowering the Open Space Tax at that time as well. Mr. Mackay inquired why the Township continues to build; asked about approved units; commented on population density advising that it is currently close to 600 per square mile and will increase to 700 or more with proposed development; commented on the impact of increased population on the condition of roads; voiced opposition to the proposed building expressing concern for ground and surface water and flooding.

**Sharon Winnick**, a resident of 20 Monsey Road, asked for an explanation of the acknowledgement of the Certificate of Determination for Award for \$2,275,000 Bond Anticipation Note.

**Barbara Sachau**, a resident of 2 Glenway Drive, requested that the Township Committee pass a resolution asking that the New Jersey Division of Fish and Wildlife "Killing" Agency stop promoting the growing of deer. Ms. Sachau commented that said Agency's policy promotes the growing of deer in certain parts of the State because hunters will not buy licenses unless they see deer.

During Public Comment, Mr. Hutchins addressed the inquiry regarding the Governing Body's Certification of Determination for Award for the Bond Anticipation Note advising that acknowledgement by the Township Committee is required statutorily and briefly explained the bonding process. Committee Member Gilbert commented that, "this is the first time we have the money in the Spring as opposed to the Fall so the work can be done in the year that it was bonded for." Mayor Kuhl further added that, "probably half is going to roads." Mr. Hutchins advised, "more than half."

Regarding the request for a resolution to stop the “growing of deer,” Mayor Kuhl advised that he had no knowledge of a “growing deer” policy of the New Jersey Division of Fish and Wildlife and requested that Ms. Sachau forward said policy to the Committee for review.

Mayor Kuhl addressed comments regarding proposed building in the Township, responding that he had also spoke against lowering the Open Space Tax and that the Township continues to preserve property. He commented, “in the years I was on the Planning Board, we rezoned areas from 1.15 acres to 2-acre lots, some areas from 2-acres to 5 acres and some 3-acres to 6 acres. We didn’t arbitrarily just come in and say we are going to up your zone because we don’t want you building there. There was a science behind it. That is why your area went to 6 acres.”

Lastly, Mr. Hutchins advised on the interest rate of the BAN, explaining that the background information shows 2% annum because the bidder pays a premium and when the premium is deducted the net result is roughly 1.67%.

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**ADJOURNMENT**

Mayor Kuhl asked for a motion to adjourn.

Motion by Reiner, seconded by Mangin

**MOTION UNANIMOUSLY CARRIED**

Meeting adjourned at 8:06 p.m.

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Respectfully submitted,



Lisa Fania, RMC

Township Clerk

TOWNSHIP OF RARITAN  
COUNTY OF HUNTERDON  
MUNICIPAL ASCERTAINMENT REPORT ON  
THE PAST PERFORMANCE AND FUTURE  
NEEDS OF CABLE TELEVISION AND  
INTERNET SERVICE IN THE TOWNSHIP OF  
RARITAN

Township of Raritan  
One Municipal Drive,  
Flemington, New Jersey, 08822

## INTRODUCTION

The Township of Raritan ("Township") has prepared this report as part of the franchise renewal process with Comcast of New Jersey ("Comcast") in conformance with the Federal Communications Policy Act, the New Jersey Cable Television Act and regulations promulgated by the New Jersey Board of Public Utilities ("NJBPU") and the Federal Communications Commission ("FCC"). Copies of this report will be forwarded to the NJBPU and Comcast.

## BACKGROUND

Comcast currently holds a franchise to use the Township's rights-of-way for the provision of cable services to Township residents. Comcast received its existing franchise by way of assignment from Patriot Media ("Patriot"). Patriot entered into the current franchise with the Township in 2004. This agreement was approved by Ordinance 04-45 and had an initial term of fifteen (15) years and expires on December 30, 2019.

Comcast's current franchise with the Township includes a number of benefits to the Township's taxpayers. For example, the current franchise provides "free of charge (both [basic] cable and internet service), standard installation, a converter box, and cable modem services" for certain Township buildings. There are currently three (3) such outlets at the police department and department of public works respectively, one (1) outlet for the Raritan Township Municipal Utilities Authority (RTMUA), and eight (8) other such outlets at various public schools in the Township.

Additionally, pursuant to the current franchise, Comcast provides an educational access channel to Hunterdon Central Regional High School ("HCRHS"). Under the franchise agreement, Comcast is obligated to provide annual training to the HCRHS education access channel program.

## CABLE SURVEY

The Township sent out a cable survey to its residents along with its estimated tax bills over the summer of 2018. The Township received seven hundred and fifty (750) responses from residents regarding Comcast's service in the Township. According to the 2010 census, the Township has approximately eight thousand (8,000) households. Consequently, the response rate was roughly ten percent (10%) of all Township households. A copy of these surveys is attached to this report as Exhibit "A."

Among other questions, the survey asked residents whether they were satisfied with their cable service and whether they had any problems with their cable service in the last year. Three hundred and forty three (343) households or forty-five percent (45%) of respondents stated that they were not "satisfied" with Comcast's service in the Township. Four hundred and twenty-two (422) households or fifty-seven percent (57%) of respondents stated that they have had some problems with Comcast's service during the last year.

The following are representative comments from the survey:

"Picture degrades [and] sound goes off."

"Complete loss of cable for several hours--2/3 time not always bad weather."

"Lead into home need replacement--waited months."

"Constant in & out shutdowns; waves, hissing."

"Incorrect bills, increase rates without notice or explanation, don't provide refund as promised."

"In 2018, Comcast denied to pay over \$7,000.00 in damages to our sewer-line as a result of reckless Comcast drilling for cable placement... Can you suggest an agency or process that can help to relieve this loss?"

"There is so little competition to Comcast in our area...their prices are outrageous. We need more options!"

"Prices are outrageous."

"No longer has senior citizen discount. Cannot unbundle VOIP..."

"Comcast-worst customer service-seriously."

"They hung up on me twice."

"Charged for premium sports package that was never ordered."

"Customer service is terrible."

"They changed my contract without telling me."

"No signal. Needed new box."

"Cable was not working, picture was not clear, no discount."

"Poor picture quality on channel 28."

"Bad picture, lost cable connection."

"No billing problems, just rising costs, fees, taxes, etc."

"Recurring equipment problems."

"Costs too much. Monopoly not good for customers."

"Network outages, internet speed issues."

"No service and they charged [me] when it was their problem."

"They made appointments to come fix [cable in our] house and did not show. Another time they said they came and rang [the] bell and we were here waiting all night."

"Broken telephone pole lying in the driveway for nine (9) days—the repair is totally unsatisfactory."

#### BOARD OF PUBLIC UTILITIES COMPLAINTS

The Office of Cable Television (OCTV) within the NJBPU serves as the regulator of cable television in the state and responds to complaints regarding cable operators from New Jersey citizens. According to a report provided by the OCTV there were ten (10) complaints filed with the office between July 2005 and December 2017. The breakdown of the complaints is as follows:

Complaint Type	Number
Billing Disputes	2
Damage to Private Property	1
Issue Regarding Use of the Right-of-Way	1
Poor Quality of Service	2
Tariff/Rate Increases	2
Auxiliary Equipment/Deposits	2

The number of complaints received by the OCTV is a relatively low number compared to the negative comments received by the Township thoughts its cable survey. It may be that the public is not aware that it can bring these issues to the OCTV. In order to remedy this disconnect, the Township will place a link to the OCTV on its website.

## PUBLIC HEARING

On October 20, 2018 the Township conducted a public hearing on its cable franchise renewal. Three (3) residents provided comment. The first resident displayed concern over Comcast's billing practices. The second resident detailed different customer service issues which she had experienced with Comcast. The third resident spoke to the lack of competition for cable services within the Township. A copy of hearing transcript is attached hereto as Exhibit "B."

### HCRHS EDUCATIONAL CHANNEL

The staff for the HCRHS educational channel have raised a number of issues with their existing channel technology. According to staff, the programming is not transmitted via high definition (HD) format by Comcast. This has led to channel 27 being of an "inferior quality" as compared to other channels." HCRHS staff also complain of limited bandwidth which sometimes insufficient to ensure "quality video transmission." Lastly, HCRHS staff has informed the Township that the school has not received the annual training from Comcast as set forth in the existing franchise.

### FUTURE NEEDS

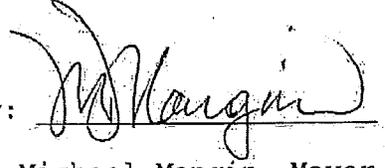
The items listed here are not intended to be all inclusive. The Township reserves the right to add, delete and amend the list of future cable and internet needs as the franchise process continues.

- The cable survey provides a general indication of the Township's future cable and internet needs. This includes, but is not limited to:
  - o Better customer service by Comcast to Township residents.
  - o Better responsiveness to resident complaints.
  - o Improvements to picture quality and internet service speeds.
  - o Better communications to residents related to the availability of refunds for outages.
- Technology grants for technological upgrades for Township facilities in an amount in line with prior technology grants. For example, the Township would like to recover costs related to the installation of a video court appearance link to assist police department operations.
- Three (3) additional outlets for free basic cable and internet service to the Township municipal building.
- Comcast should address the concerns raised by HCRHS regarding its technological needs.

**CONCLUSION**

The Township of Raritan looks forward to working through the renewal process together with Comcast so that both parties may come to terms on a mutually beneficial franchise agreement.

By:

A handwritten signature in black ink, appearing to read "M Mangin", written over a horizontal line.

Michael Mangin, Mayor