

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING  
RARITAN TOWNSHIP MUNICIPAL BUILDING  
TUESDAY, JUNE 2, 2020**

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**MEETING CALLED:** Mayor Kuhl called the regular meeting to order at 6:18 p.m.

**ROLL CALL:** The following were present: Mayor, Jeff Kuhl; Deputy Mayor, Karen Gilbert; Comm. Gary Hazard; Comm. Scott MacDade; Comm. Louis Reiner

**ABSENT:** None

**ALSO PRESENT:** Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Township Attorney, Jeff Lehrer; Raritan Township Office of Emergency Management Coordinator, Christopher Phelan; President, Flemington-Raritan First Aid and Rescue Squad, David Giuliani (via remote access)

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**MEETING NOTICED:** Mayor Kuhl advised that the meeting was noticed in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975 May 26, 2020 to the Courier News, Hunterdon County Democrat, Star Ledger, Express Times, NJ.com, and posted on the municipal bulletin board and the Township website.

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Attorney, Jeff Lehrer, read Resolution #20-135 in full.  
Mayor Kuhl asked for a motion to approve Closed Session Resolution.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

**RESOLUTION #20-135**

**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:

- c) Attorney-Client Privilege:
- d) Pending/Anticipated Litigation: Village Commons
- e) Potential Land Acquisition:

3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.

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

5. This Resolution shall take effect immediately.

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

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The regular meeting reconvened at 7:00 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 Hazard advised of two additional items for consideration to the meeting agenda, Ordinance #20-21 Amending Ordinance #19-31 Authorizing the Acquisition of Property Known as Block 21, Lot 16 from Carrienne Hoyle and Appropriating the Necessary Funds (Etzet parcel) and Ordinance #20-19 Permitting Outdoor Tables, Chairs, Umbrellas and Benches for Food Establishments, Restaurants and Bars During the COVID-19 Pandemic.

Motion by Reiner, seconded by Hazard to approve the Agenda as amended.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

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

There was no public comment.

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**FINANCIAL ISSUES**

Payment of Bills as listed for Raritan Township: **\$13,478,243.61**

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

**ROLL CALL VOTE:**

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

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**REPORTS**

**a. Flemington-Raritan First Aid and Rescue Squad Update** – David Giuliani, President, Flemington-Raritan First Aid and Rescue Squad provided an update on the status of efforts of the Squad regarding the COVID-19 public health emergency. Mr. Giuliani advised of the following:

- \*Squad has been operating with limited staffing;
- \*Building access was limited to on-duty crews;
- \*Standards are beginning to relax regarding staffing -- junior members and probationary non-EMTs are now permitted to ride with the organization; no layoffs occurred;
- \*Decline in call volume due to people not calling 9-1-1 for true emergencies due to a fear of going to the hospital; at present, call volume is beginning to increase;
- \*Marketing/fundraising has started for the Royal Road building project.

Mr. Giuliani thanked and extended appreciation to Committee Members, Chris Phelan and the Office of Emergency Management (OEM) volunteers and the Raritan Township Fire Company for their efforts and support during the public health emergency.

Committee Members also extended gratitude and expressed appreciation for the leadership, professionalism and team work exhibited by all members of emergency services and volunteers.

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**b. Office of Emergency Management Update** – Christopher Phelan, Raritan Township Office of Emergency Management (OEM) Coordinator, provided an update on the status of OEM efforts regarding the COVID-19 public health emergency. Mr. Phelan advised of the following:

\*158 confirmed COVID-19 cases in Raritan Township; 21 deaths; seeing a great slow down;

\*Hunterdon Healthcare is seeing numbers trending in a positive direction, reporting census data as of June 1 including 200 patients discharged and 7 COVID patients in the hospital;

\*Continued testing at the Hunterdon/Somerset joint facility at Raritan Valley Community College including today and Thursday, June 4;

\*Private testing facility located at Walmart now operational;

\*Announcement by Governor of Stage 2 of the State’s re-opening plan with respective dates for child care centers, outdoor dining, limited indoor retail, hair salons, barber shops and organized sports;

\*No determination has been made at this time regarding schools.

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**c. Zoning Board of Adjustment 2019 Annual Report** – Mayor Kuhl referred to the 2019 Annual Report of the Zoning Board of Adjustment provided in the meeting packet for informational purposes. There was no discussion or comment.

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## LIAISON REPORTS

Karen Gilbert:  
(Deputy Mayor)

Fire/Rescue/OEM; Open Space Advisory Committee; Planning Board  
(Class III Member)

Deputy Mayor Gilbert referred to reports by Mr. Giuliani and Mr. Phelan regarding Rescue and OEM. Deputy Mayor Gilbert reported that Keith Paradiso, Fire Chief, Raritan Township Fire Company, advised that the fire company is operating as the Rescue Squad, holding virtual meetings, responding to calls and maintaining social distancing guidelines. Deputy Mayor Gilbert continued that the fire company hopes to begin outdoor training soon.

Deputy Mayor Gilbert announced that the Open Space Advisory Committee will meet June 10 and reported on a meeting of the Planning Board advising of approval of the Mavrode property on Route 202 South as an area in need of redevelopment.

Deputy Mayor Gilbert commented that the Township is hoping to hold Community Day in September in some format, to be determined in accordance with guidelines of the Governor's Office, to ensure the health and safety of volunteers, participants and attendees.

Gary Hazard:

Court; Open Space Advisory Committee; RTMUA

Committee Member Hazard reported that Courts are opening slowly and announced the upcoming meeting date of the RTMUA, Thursday, June 18. Committee Member Hazard also reported that the RTMUA is in the process of arranging a meeting with the New Jersey Department of Environmental Protection (NJDEP) regarding the C-1 classification and will advise accordingly on the date. Committee Member Hazard also suggested that RTMUA Chairman, John Kendzulak, attend a future regular Township Committee meeting to provide an update on the status of the RTMUA.

Jeff Kuhl:  
(Mayor)

Finance; Historians; Personnel; Planning Board (Class I Member)

Mayor Kuhl reported that the Township is in good financial condition; that the Historians Committee met and the next meeting will be held at the schoolhouse to discuss the status of the renovation project; and that all Township employees are back to work. Mayor Kuhl reiterated Deputy Mayor Gilbert's comments regarding Planning Board approval of an area in need of redevelopment.

Scott MacDade:

Board of Health; Environmental Commission; Historians

Committee Member MacDade reported on a virtual meeting of the Board of Health advising of the approval of one septic waiver. Committee Member MacDade also reported on a meeting of the Environmental Commission advising that the deadline to apply for Sustainable New Jersey certification has been extended to June 14. Committee Member MacDade informed Committee members that this year's certification will be Bronze vs. the Silver level attained last year, as it has been very difficult to accumulate points during this time. Committee Member MacDade also announced that the Environmental Commission will be distributing 500 free tree seedlings to interested Township residents including red maple, sugar maple, hickory and persimmons and information will be forthcoming on the Township website.

Louis Reiner: Agriculture Advisory Board; Finance  
Committee Member Reiner echoed Mayor Kuhl's report regarding the sound financial status of the Township. Committee Member Reiner commented, "the Township is in phenomenal shape and well ahead of most municipalities during this COVID pandemic."

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During reports, Municipal Clerk, Lisa Fania, informed Committee Members as to voting by mail for future elections in response to Committee Member Reiner's inquiry at the previous regular meeting. Ms. Fania explained that the Executive Order is directed to the July Primary election only and that no one will be placed on a permanent list unless they request to be placed on that list. Ms. Fania also provided an update on the status of the first rabies clinic held during the public health emergency advising that the drive-by clinic was successful with vaccination of 162 pets. Ms. Fania also announced the second upcoming rabies clinic, Wednesday, June 3, 6:00 p.m. to 8:00 p.m. at the Department of Public Works.

Mr. Hutchins clarified that the clinic format is "drive-through" not drive-by.

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#### **UNFINISHED BUSINESS**

There was no unfinished business.

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#### **NEW BUSINESS**

There was no new business.

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#### **ORDINANCES (INTRODUCTION/FIRST READING)**

Mayor Kuhl read by title Ordinance #20-21.

Mayor Kuhl explained that the new property survey showed more acreage than what was used to calculate the funding authorized in Ordinance #19-31 and that the proposed ordinance reflects the correct acreage and funding amounts.

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING ORDINANCE #19-31 AUTHORIZING THE ACQUISITION OF THAT PROPERTY KNOWN AS BLOCK 21, LOT 16, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN, FROM CARRIANNE HOYLE AND APPROPRIATING THE NECESSARY FUNDS**

Mayor Kuhl asked for a motion to introduce Ordinance #20-21 on first consideration.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

**ORDINANCE INTRODUCED**

Second reading and public hearing date scheduled for June 16, 2020.

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

Mayor Kuhl read by title Ordinance #20-20.

**AN ORDINANCE REAPPROPRIATING \$325,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY**

Mayor Kuhl asked for a motion to open public hearing.  
Motion by MacDade, seconded by Hazard

**MOTION UNANIMOUSLY CARRIED**

There was no public comment.

Mayor Kuhl asked for a motion to close the public hearing and adopt Ordinance #20-20 on final consideration, same to be published according to law.

Motion by MacDade, seconded by Gilbert

**ROLL CALL VOTE:**

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

**ORDINANCE ADOPTED**

Ordinance advertised May 22, 2020 in the Courier News. Posted on municipal bulletin board as required by law.

**ORDINANCE # 20-20**

**AN ORDINANCE REAPPROPRIATING \$325,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$325,000.00 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Township of Raritan, in the County of Hunterdon, New Jersey (the "Township") are no longer necessary for the purposes for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
#18-23	Reappropriation ordinance, finally adopted 8/21/2018	\$5,939.01
#19-24	Reappropriation ordinance, finally adopted 9/3/2019	\$3,262.00
#17-32	Various capital improvements, finally adopted 11/6/2017	\$9,783.48
#19-13	Vehicles, finally adopted 5/7/2019	\$14,291.30
#19-13	Miscellaneous equipment and property, finally adopted 5/7/2019	\$61,669.32
#19-13	Capital improvements, finally adopted 5/7/2019	\$230,054.89

Section 2. \$325,000.00 described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated as follows:

<u>Improvement or Purpose</u>	<u>Amount</u>
Manchester Road reconstruction	\$215,000.00
Reconstruction of women's bathroom/shower at Police Department	\$85,000.00
Remediation work at Police Department	\$25,000.00

Section 3. 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Mayor Kuhl read by title Ordinance #20-19.

**AN ORDINANCE PERMITTING OUTDOOR TABLES, CHAIRS, UMBRELLAS, TENTS AND BENCHES FOR FOOD ESTABLISHMENTS, RESTAURANTS AND BARS DURING THE COVID-19 PANDEMIC**

Mr. Lehrer explained that this ordinance was adopted at the last meeting, May 19, 2020, to help the business community during this exceptional situation. Mr. Lehrer continued that the word “tents” was inadvertently not included. He further explained that the change is non-material and recommended a motion to adopt the ordinance, amended to include the word “tents” *Nunc Pro Tunc*.

Mr. Lehrer advised the Committee that *Nunc Pro Tunc* is a Latin word used by Courts and the judicial system authorizing action that could have been and should have been taken some time ago but makes said action effective, as if it was included during the original adoption.

Committee Member Reiner commented, “it will be to the benefit of the business community, not a hinderance. I am okay with it.”

Committee Member Hazard commented, “it was the full intention to have tents in there for restaurants to protect their assets outside and increase the dining experience for the customer. I am okay with the change.”

Mayor Kuhl asked for a motion to adopt Ordinance #20-19 heretofore adopted, as hereby amended, *Nunc Pro Tunc* to include the word “tents.”

Motion by Reiner, seconded by MacDade

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**ORDINANCE ADOPTED *Nunc Pro Tunc***

**ORDINANCE # 20-19**

**AN ORDINANCE PERMITTING OUTDOOR TABLES, CHAIRS, UMBRELLAS, TENTS AND BENCHES FOR FOOD ESTABLISHMENTS, RESTAURANTS AND BARS DURING THE COVID-19 PANDEMIC**

**WHEREAS**, as a result of Executive Order #103, on March 9, 2020, Governor Murphy issued a State of Emergency due to the COVID-19 pandemic (the “COVID-19 Pandemic”); and

**WHEREAS**, numerous Executive Orders have been issued by the Governor since that time to deal with a myriad of economic and social issues affecting New Jersey residents due to the COVID-19 pandemic; and

**WHEREAS**, the Township Committee desires to waive Section 16.64.010.B.1 of the Township Land Development Code which provides that “all uses shall be conducted within a building or structure, unless otherwise permitted” during the period that Governor Murphy’s COVID-19 Executive Order #103 (and all associated Executive Orders) remains in effect, by allowing outdoor tables, chairs, umbrellas, tents and benches for food establishments, restaurants and bars.

**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: Purpose of Ordinance.**

The purpose of this Ordinance is to permit daytime and evening outdoor dining on private property and sidewalks adjacent to local food establishments, restaurants and bars for the enjoyment of patrons without disturbing the immediate neighborhood or pedestrian traffic during the time that Governor Murphy’s Executive Orders relative to the COVID-19 Pandemic remain in effect. It is intended to permit the tasteful, aesthetic use of tables, chairs, umbrellas, tents and benches on adjacent property and sidewalks of local food establishments, restaurants and bars under the direction and approval of the Zoning Officer. It is the intention of the Township Committee to monitor and review the use of these facilities after the adoption of this Ordinance to determine its full impact upon the Township and the enjoyment of its citizens.

**Section 2: Applicability.**

This ordinance applies to all food establishments, restaurants and bars in the Township of Raritan.

**Section 3: Permitted Installations.**

- A. Outdoor tables, chairs, umbrellas, tents and benches shall be permitted within the property commonly owned and adjacent to the food establishment, restaurant or bar and service thereto for the patrons provided:
1. The layout of tables, chairs, umbrellas, tents and benches does not in any way interfere with pedestrian or vehicular safety or with necessary access for fire-fighting equipment and ambulances or personnel. Nothing in this Ordinance shall preclude the use of a portion of the parking lot for all or a portion of such tables, chairs, umbrellas, tents and benches, provided the Zoning Officer is satisfied that public safety will not be impaired or affected.
  2. The layout shall not cause irreparable damage to existing landscaping.
  3. Unless approved in advance by the Division of Alcohol and Beverage Control with respect to a licensed premises, no alcoholic beverages of any kind shall be served or consumed in conjunction with the outdoor dining. With respect to a non-licensed premises, patrons of an unlicensed restaurant may be permitted by the ownership of the restaurant to bring only wine and beer for consumption at such outdoor tables.
  4. The highest standards of cleanliness and proper social distancing (until further Executive Order of the Governor) of the outdoor area shall be maintained at all times, including frequent litter removal, within and around and beyond the subject property, and the use of personal protective equipment (“PPE”) by patrons and employees of the establishment (until further Executive Order of the Governor). A plan for litter removal, trash handling and overall cleanliness and maintenance must be submitted together with the application.
  5. The hours for outdoor service shall be between 7:00 a.m. and 11:00 p.m. All tables, chairs, umbrellas, tents and benches shall be properly secured at the end of the evening.
  6. No outdoor music or public address system shall be permitted.
  7. No outside lighting shall be permitted except small individual table lighting that is self-powered.
  8. Outdoor seating shall not be permitted if it will interfere in any way with the peace and quiet of nearby residences, as determined by the Zoning Officer in his or her sound discretion.
  9. Low barriers of a temporary nature (such as bollards) shall be placed at the edge of the seating area during business hours in order to protect the outdoor patrons from interference with vehicle movements within parking areas or adjacent to streets of the establishment.
  10. No outside cooking of any kind shall be permitted.

11. The number of chairs to be placed outdoors shall not exceed twenty-five (25%) percent of the total number of seats within the establishment.

#### **Section 4: Approval of Plan by Zoning Department.**

Any establishment for which this Ordinance is applicable must make application to the Zoning Officer by way of a Zoning Permit prior to setting up any outside services, tables, umbrellas, tents, chairs or benches. The application shall be on prescribed forms and shall be filled out completely and submitted to the Zoning Officer with the following attachments and exhibits:

- A. Scaled layout of tables, chairs, tents and low barriers if proposed (such as bollards), showing dimensions of tables, chairs, tents and overall area;
- B. A detailed narrative and plan of relevant information, describing method of service, proposed hours of service outdoors, use of PPE and proper social distancing, and method of litter control and trash handling for outdoor service;
- C. Photographs or diagrams of tables, chairs, tents, etc. to be utilized, showing style, design, materials, size and colors;
- D. A narrative as to how tables, chairs, umbrellas, tents and/or benches will be secured overnight;
- E. Proof of insurance in accordance with requirements of Section 5; and
- F. Written consent of the landlord in the event the applicant is a tenant of such establishment.

The Zoning Officer may approve each Zoning Permit application as submitted or may approve the Zoning Permit application with amendments and conditions or may disapprove such application. It is expressly understood that the Zoning Officer shall have the right and power to waive one or more of the above-referenced Zoning Permit application requirements, as determined in his or her sound discretion. Appeal of any disapproval, conditional or amended approval of a Zoning Permit may be made to the Township Committee.

#### **Section 5: Insurance Requirement.**

Any Applicant must have liability insurance in effect at the time of the Zoning Permit application. If the restaurant operator is not the property owner, then the property owner must likewise have insurance in effect at the time of application by the restaurant operator. The Township of Raritan must be named as an additional insured on the operator's policy as well as on the property owner's policy. The limits of liability required are a minimum of \$500,000 combined single limit bodily injury and property damage or a split limit of \$500,000 bodily injury liability and \$100,000 property damage liability.

**Section 6: Miscellaneous Provisions.**

- A. Applicable establishments as set forth in Section 3 are permitted to place chairs or benches for patrons awaiting seating, so long as a Zoning Permit application as set forth above is submitted and all other parameters of this Ordinance are satisfied.
- B. It is solely the responsibility of the proprietor of the establishment to obtain Board of Health approval, if necessary, from the County Department of Health.
- C. An amendatory Zoning Permit application is permitted but changes to the approved plan shall not be permitted without receiving approval of an amended Zoning Permit application.
- D. There shall be no fee required for making application herein.

**Section 7. Validity of Ordinance.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason deemed to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Effective Date.**

This Ordinance shall take effect upon the last to occur of (i) final passage and publication as required by law, or (ii) the date the Governor (or an authorized State agency) issues a directive or Executive Order allowing food establishments, restaurants and bars to consume food and/or drink on-premises. This Ordinance shall automatically have no further legal force or effect (without further action of the Township Committee) on November 1, 2020, unless this Ordinance is further extended by Resolution of the Township Committee.

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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 May 19, 2020.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

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**Township Committee Executive Meeting Minutes**

There was no closed session held May 19, 2020.

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Mayor Kuhl read Resolution #20-136 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-136.

Motion by MacDade, seconded by Gilbert

**ROLL CALL VOTE:**

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

**RESOLUTION #20-136**

**A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS  
FOR 100 PERCENT DISABLED VETERAN;  
PARTIAL REFUND OF FIRST QUARTER 2020 TAXES;  
AND CANCELLATION OF SECOND QUARTER 2020 TAXES (ANDERER)**

**WHEREAS**, on March 12, 2020 Jeffrey Anderer, who resides at 3 Pegasus Court, Block 80.14, 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 November 30, 2011; and

**WHEREAS**, Mr. Anderer 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. Anderer 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 first quarter 2020 taxes in the amount of \$135.34; and

**WHEREAS**, the Township Tax Collector has recommended the cancellation of second quarter 2020 taxes in the amount of \$2,678.80.

**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 Jeffrey Anderer with an effective date of February 24, 2020; and

**BE IT FURTHER RESOLVED**, that a partial refund of first quarter 2020 property taxes in the amount of \$135.34 is hereby refunded; and

**BE IT FURTHER RESOLVED**, that second quarter 2020 taxes in the amount of \$2,678.80 are hereby cancelled.

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Mayor Kuhl read Resolution #20-137 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-137.

Motion by Gilbert, seconded by MacDade

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-137**

**A RESOLUTION AUTHORIZING AMENDMENT TO THE RULES, REGULATIONS AND GUIDELINES FOR TOW OPERATORS**

**WHEREAS**, Section 5.44.070 entitled "Rules and Regulation Amendments" of The Revised General Ordinances of the Township of Raritan establishes that the Chief of Police is directed to monitor and recommend to the Township Committee, amendments to the Tow Operators Rules, Regulations and Guidelines for consideration and enactment by formal resolution of the Township Committee at a public meeting; and

**WHEREAS**, prior to any adoption of any amendment to the Rules, Regulations and Guidelines, the Chief of Police shall provide each tow operator licensed under this chapter, a copy of such proposed amendment (s) at least five days prior to the public meeting at which the Township Committee will consider such recommendations; and

**WHEREAS**, the Chief of Police is now proposing and recommending an amendment to Section 5.44.070 to be entitled "Rules, Regulations and Amendments"; and

**WHEREAS**, the Chief of Police has further recommended that the Rules, Regulations and Guidelines for Tow Operators be amended, as set forth in Schedule B-2, a., Heavy Duty annexed hereto; and

**WHEREAS**, the Township Committee is of the opinion that the proposed revisions to the Rules, Regulations and Guidelines for Tow Operators proposed by the Chief of Police is in the best interests of the residents of the Township of Raritan.

**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 approves and adopts the proposed amendment to the Rules, Regulations and Guidelines for Tow Operators Schedule B-2, a., Heavy Duty attached hereto.
2. The proposed amendment to the Rules, Regulations and Guidelines for Tow Operators shall become effective immediately.

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Mayor Kuhl read Resolution #20-138 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-138.

Motion by Gilbert, seconded by MacDade

**ROLL CALL VOTE:**

**AYES:** Gilbert, Hazard, MacDade, Mayor Kuhl

**NOES:** Reiner

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-138**

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

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

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

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

**WHEREAS**, prior to the execution of a contract, Central Jersey Housing Resource Center will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger has made any reportable contributions to a political party or candidate for the Township Committee of the Township of Raritan in the previous year,

and that the contract will prohibit any individual with a 10% interest or larger from making any reportable contributions through the term of the contract, however, this not to be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during calendar year 2018, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

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

1. Central Jersey Housing Resource Center (CJHRC) is hereby awarded a contract for the administration of affordable housing from July 1, 2020 and continues through June 30, 2021.
2. That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
3. The Business Disclosure Entity Certification shall be placed on file with this resolution.
4. Central Jersey Housing Resource Center (CJHRC) will be compensated in the amount of \$4,780.00 per month for a one-year total of \$57,360.00 as specified in the contract.
5. A notice of this resolution shall be published in an official newspaper of the Township and in accordance with the Local Public Contracts Law.

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Mayor Kuhl read Resolution #20-139 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-139.

Motion by Reiner, seconded by Hazard

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-139**

**A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT FOR TWO CLASS III SPECIAL LAW ENFORCEMENT OFFICERS BETWEEN HUNTERDON CENTRAL REGIONAL HIGH SCHOOL BOARD OF EDUCATION AND THE TOWNSHIP OF RARITAN**

**WHEREAS**, N.J.S.A. 40A:65-1 et seq., authorizes a local unit to enter into a shared services agreement with another local unit to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive; and

**WHEREAS**, P.L.1985, c.439, Section 3 (C.40A:14-146.10) allows any local unit, as it deems necessary, to appoint special law enforcement officers to perform the duties and responsibilities permitted by local ordinance authorized by N.J.S.A. 40A:14-118 and within the conditions and limitations as established by the aforementioned act; and

**WHEREAS**, the Township of Raritan has established the position of Class III Special Law Enforcement Officer by Ordinance #19-11; and

**WHEREAS**, the Hunterdon Central Regional High School Board of Education has determined that two part-time Class III Special Law Enforcement Officers would improve school safety and security and benefit the entire school community; and

**WHEREAS**, the Hunterdon Central Regional High School Board of Education and the Township of Raritan have agreed it would be beneficial to have the Township of Raritan Police Department provide two part-time Class III Special Law Enforcement Officers to the Hunterdon Central Regional School District; and

**WHEREAS**, the Township of Raritan has agreed to provide Hunterdon Central Regional High School with two part-time Class III Special Law Enforcement Officers from the Township of Raritan Police Department; and

**WHEREAS**, the Township of Raritan and Hunterdon Central Regional High School Board of Education desire to set forth the Interlocal Services Agreement, attached hereto as Exhibit “A,” the specific terms and conditions of the services to be performed and provided by the Class III Special Law Enforcement Officers at Hunterdon Central Regional High School and the payment for the same; and

**WHEREAS**, the Township Committee has reviewed the attached Interlocal Services Agreement and finds the terms and conditions of the Agreement to be acceptable and in furtherance of the general public health, welfare and safety of the Township of Raritan community and those attending Hunterdon Central Regional High School.

**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 Interlocal Services Agreement, attached hereto as Exhibit “A,” is hereby ratified and approved and the Mayor is hereby authorized to execute the Agreement on behalf of the Township.
2. The Township Clerk is hereby directed to file a copy of the attached Interlocal Services Agreement with the Division of Local Government Services.
3. A copy of the Interlocal Services Agreement shall be made available in the Township Clerk’s office for public inspection.
4. The Interlocal Services Agreement shall take effect upon adoption of Resolutions by the Township of Raritan and the Hunterdon Central Regional High School Board of Education and execution of the Agreement by the parties.

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Mayor Kuhl read Resolution #20-140 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-140.

Motion by Hazard, seconded by Gilbert

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-140**

**A RESOLUTION AUTHORIZING CHANGE ORDER #1  
WITH TOP LINE CONSTRUCTION CORPORATION  
FOR ROAD RESURFACING OF CASE BOULEVARD**

**WHEREAS**, a contract was awarded on February 18, 2020 for the road resurfacing of Case Boulevard; and

**WHEREAS**, the project was awarded to Top Line Construction Corporation, Somerville, New Jersey in the amount of \$458,601.65; and

**WHEREAS**, the Township Engineer recommends Change Order #1, which increases the total contract amount by \$23,638.13, be approved by the Township Committee as outlined in the memorandum dated May 27, 2020.

**NOW, THEREFORE, BE IT RESOLVED** on this 2<sup>nd</sup> day of June, 2020 by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey:

1. That Change Order #1 representing an increase in the amount of \$23,638.13 be and is hereby approved with respect to the contract for road resurfacing of Case Boulevard.
2. That the amount of Change Order #1 be a 5.15% increase to the total contract amount for a new contract amount with Top Line Construction Corporation of \$482,239.78.

**BE IT FURTHER RESOLVED** that a copy of this Change Order shall be affixed and made part of this resolution and that a certified copy be sent to Top Line Construction Corporation, Somerville, New Jersey.

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Mayor Kuhl read Resolution #20-141 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-141.

Motion by Reiner, seconded by MacDade

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-141**

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE GRACE PERIOD  
FOR PROPERTY TAX PAYMENTS  
FOR THE THIRD AND FOURTH TAX QUARTERS OF 2020**

**WHEREAS**, the novel coronavirus, ("COVID-19") is a severe, potentially fatal respiratory illness, which is transmitted from person-to-person contact. On March 9, 2020, Governor Murphy declared that a Public Health Emergency and State of Emergency existed in New Jersey because

of COVID-19. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. On March 13, 2020, the President of the United States declared a national emergency; and

**WHEREAS**, State and Federal public health experts, including those at the Center for Disease Control ("CDC"), believe COVID-19 would continue to spread at exponential rates, unless aggressive action was taken to reduce person-to-person contact. The highly contagious and life-threatening nature of COVID-19 required implementation of rigorous social distancing, including the closure of public places throughout the State to reduce the risk and rate of infection; and

**WHEREAS**, in recognition of these unprecedented conditions, the Governor of the State of New Jersey has instituted many restrictions which have severely curtailed the operations of many businesses and employment of residents in Raritan Township; and

**WHEREAS**, the Township Committee of the Township of Raritan recognizes that these restrictions have placed a financial burden on its businesses and residents; and

**WHEREAS**, P.L. 2020, c. 34 allows the Director of the Division of Local Government Services to order various exceptions and extensions of deadlines when a public health emergency exists pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), a state of emergency exists pursuant to the New Jersey Civil Defense and Disaster Control Act, P.L. 1942, c. 251 (N.J.S.A. App. A. 9.33 et seq.), or both has been declared by the Governor and is in effect; and

**WHEREAS**, the Director of the Division of Local Government Services has issued such an order on May 27, 2020 which, in part, authorizes the following;

Authorizes municipalities to institute a grace period pursuant to N.J.S.A. 54:4-67 for the first \$10,000.00 determined to be due and required to be paid for the property tax quarter, not to extend beyond the first calendar day of the next calendar month immediately following the quarterly property tax installment date and under conditions the Director may specify; and

Extends the dates for the payment of taxes by a municipality due to a county, a school district, or any other taxing district under Chapter 4 of Title 54 of the Revised Statutes or any other law, which extension shall be equal to the number of days of the extended grace period referenced in the preceding paragraph.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the Township of Raritan hereby authorizes the following:

- 1) The tax grace period shall be extended for the first \$10,000.00 determined to be due and required to be paid for the property tax quarter, not to extend beyond the first calendar day of the next calendar month immediately following the quarterly property tax installment date and under conditions the Director may specify.
- 2) The grace period shall be for the third and fourth quarter tax payments of 2020, specifically August 1, 2020 and November 1, 2020.
- 3) The tax payments made to a county, school district or any other taxing district under Chapter 4 of Title 54 of the Revised Statutes or any other law may be extended equal to the number of days of the first calendar day of the next calendar month immediately following the quarterly property tax installment date.

- 4) This Resolution shall take effect immediately and shall remain in effect through December 31, 2020 or upon any subsequent order by the Director of the Division of Local Government Services that rescinds the tax grace period, whichever shall occur first.

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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 asked for a motion to approve the Consent Agenda.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

**RESOLUTION #20-142**

**A RESOLUTION AUTHORIZING TAX REFUNDS  
FOR SECOND QUARTER 2020**

**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 over payment of second quarter 2020 taxes.

<u>Taxpayer</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Amount</u>
Manish Saxena (10 Manchur Court)	45.01	11		\$4,054.95
Laura Thompson (10 Windham Court)	18.12	14		\$1,912.55
<b>TOTAL:</b>				<b>\$5,967.50</b>

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**RESOLUTION #20-143****A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A CONTRACT WITH PRIMEPOINT, LLC FOR SCHEDULING MODULE FOR RARITAN TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, N.J.S.A. 40A:11-3 a. allows the governing body of the contracting agency to authorize by resolution or ordinance to designate a purchasing agent or other employee to award a contract that does not exceed in aggregate during the contract year \$17,500.00; and

**WHEREAS**, the Township Committee of the Township of Raritan wishes to provide a more efficient method of administering scheduling of employees for the Raritan Township Police Department; and

**WHEREAS**, the Township Administrator, Chief Financial Officer and Chief of Police recommend that Primepoint, LLC, 2 Springside Road, Westampton, New Jersey 08060 be authorized to provide this service to the Township of Raritan.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the Administrator is authorized to execute a contract with Primepoint, LLC, 2 Springside Road, Westampton, New Jersey 08060 to provide administration and scheduling services for the Raritan Township Police Department for a three-year contract period commencing upon the execution of the award of Contract by both parties.

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**PRIVILEGE OF THE FLOOR**

The following members of the public spoke during public comment:

**Chris Walker**, a resident of 8 Kuehn Court, teacher at Hunterdon Central Regional High School and a school board member of the Flemington-Raritan Regional School District, thanked the Township Committee for passing the outdoor dining ordinance and inquired as to the possibility of the Township Committee helping put some type of graduation event in place for the eighth graders at J.P. Case Middle School and the seniors at Hunterdon Central High School.

**Kent Davis**, a resident of 94 Barley Sheaf Road, asked for clarification regarding the C-1 designation appeal and the time line for the process.

During Public Comment, all Committee Members spoke in favor of providing support for a graduation effort. Mayor Kuhl advised that he would raise the issue during tomorrow evening's conference call with the Governor's Office and also contact both superintendents. Mayor Kuhl also addressed Mr. Davis' inquiry regarding the C-1 appeal. Mayor Kuhl explained that the Township, together with the County and RTMUA, are appealing the classification of the area below the sewer plant where the affluent discharges. Mayor Kuhl continued that scientists have prepared studies that say the area does not meet the criteria for that classification and that NJDEP has also done studies, utilizing volunteers without a lot of training. Mayor Kuhl explained that the sewer plant is at very limited capacity and this classification will make it unfeasible for plant upgrades, therefore, stifling the Township economically.

Committee Member Hazard, Commissioner on the RTMUA, added, "it is not about not having it become a C-1, it is about moving that line down further and, it is not far. It is a very minor change we are asking for." He continued, "This came up very quickly at the end of February without anybody's knowledge in the State. We were in the process of working with engineers in the County studying a small plant expansion which is on hold. Everything now falls under the C-1 Rule Making. Nobody had a voice in this. It is about the ability to service. If the hospital needs to expand, it cannot." Committee Member Hazard advised that the next step is to meet with DEP and that all documents concerning the matter are available from the RTMUA.

Township Attorney, Jeff Lehrer, advised, "the DEP has a mandatory mediation process. If that does not work out and there is no resolution then the matter goes through the normal Appeal process." Mr. Lehrer advised that an appeal has been filed and the documents are available online at New Jersey Courts – Appellate Division.

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**ADJOURNMENT**

Mayor Kuhl asked for a motion to adjourn.

Motion by Reiner, seconded by Gilbert

**MOTION UNANIMOUSLY CARRIED**

Meeting adjourned at 7:50 p.m.

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Respectfully submitted,

  
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Lisa Fania, RMC  
Township Clerk