

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING  
RARITAN TOWNSHIP MUNICIPAL BUILDING  
MONDAY, MAY 4, 2020**

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**MEETING CALLED:** Mayor Kuhl called the regular meeting to order at 5:36 p.m.

**ROLL CALL:** The following were present: Mayor, Jeff Kuhl; Deputy Mayor, Karen Gilbert; Comm. Gary Hazard (arrived at 5:45 p.m); 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; Chief Financial Officer, Bill Pandos

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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 April 9, 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 #20-114 in full.

Administrator, Don Hutchins, advised of one additional item to the closed session resolution, Personnel: Crossing Guards.

Mayor Kuhl asked for a motion to approve Closed Session Resolution as amended.  
Motion by MacDade, seconded by Gilbert

**ROLL CALL VOTE:**

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

**RESOLUTION #20-114**

**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: Junction Road Project Financial and Redevelopment; Shared Services Court and Fire Prevention
- b) Personnel: Police Department Accumulated Comp Time Request; Municipal Clerk Reappointment; Crossing Guards
- c) Attorney-Client Privilege:
- d) Pending/Anticipated Litigation: NJDEP C1 Rule Making
- 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 6:10 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 approve the Agenda.

Deputy Mayor Gilbert advised of two additional items to the meeting agenda as follows: New Business: discussion regarding extending the grace period for property taxes and Ordinance #20-19 permitting outdoor seating at restaurants.

Motion by Hazard, seconded by MacDade 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: **\$9,434,843.62**

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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Payment of Bills as listed for the Raritan Township Fire Company: **\$3,082.71**

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

**ROLL CALL VOTE:**

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

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## REPORTS

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

\*Continued coordinated efforts with emergency services;

\*Termination of operations at the Hunterdon Medical Center Respiratory Assessment Tent;

\*Continued contact with Hunterdon County and Flemington Borough Offices of Emergency Management for ongoing dissemination of information via social media outlets including Twitter, Facebook, Nixle and the Township website;

\*Additional testing dates at the Hunterdon/Somerset joint testing facility at Raritan Valley Community College, May 5 and May 7;

\*Schools will remain closed for the remainder of the school year per Executive Order of the Governor;

\*Ongoing dissemination of information regarding the meal program in light of school closings;

\*Continued participation in FEMA and New Jersey Office of Emergency Management training in preparation for the financial reimbursement process;

\*Good feedback regarding the opening of county and municipal parks; no issues reported.

During Mr. Phelan's report, Committee Member Reiner inquired as to the Governor's rationale for maintaining the school closure; Mayor Kuhl inquired about the trend in cases moving in the right direction; and Deputy Mayor Gilbert asked how the state tracks fatalities in nursing homes.

Mr. Phelan addressed all inquiries responding that he had no knowledge of the Governor's rationale behind school closures and advised that according to "today's" New Jersey Department of Health report there were 665 confirmed cases and 37 deaths in Hunterdon County and 129 positive cases and 9 deaths in the Township.

Mr. Phelan referred to Municipal Clerk, Lisa Fania regarding what location is reported on the death certificate. Ms. Fania advised that the place of residency is listed. Mr. Phelan referred to the "dashboards" on the NJ Department of Health's website which include statistics for long-term care and healthcare facilities. Mr. Phelan to forward link to Committee Members.

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## LIAISON REPORTS

Karen Gilbert: Fire/Rescue/OEM; Open Space Advisory Committee; Planning Board  
(Deputy Mayor) (Class III Member)

Deputy Mayor Gilbert reported that no meetings were held by the Open Space Committee or Planning Board and referred to Mr. Phelan's report regarding OEM. Deputy Mayor Gilbert also reported that Keith Paradiso, Fire Chief, Raritan Township Fire Company advised that the fire company continues to respond to calls while maintaining social distancing and that calls have been "relatively quiet." Deputy Mayor Gilbert advised that the Fire Company's largest annual fundraiser, the Mother's Day plant sale, will not be held and encouraged all to be mindful of this regarding donations.

Gary Hazard: Court; Open Space Advisory Committee; RTMUA  
 Committee Member Hazard reported that the RTMUA is operational and that no meeting was held. Committee Member Hazard announced that the next meeting will be held on the third Thursday of May. Committee Member Hazard continued to advise that as of May 11, municipal courts will hold court sessions virtually and that the Raritan Township Court is anticipating holding a session on May 6.

Jeff Kuhl: Finance; Historians; Personnel; Planning Board (Class I Member)  
 (Mayor) Mayor Kuhl reported that action will be taken later in the meeting agenda regarding refinancing; that the Historians are considering holding their meeting on May 12; that the Planning Board meeting was cancelled; and that staff is back to work and the Recycling Depot reopened today.

Scott MacDade: Board of Health; Environmental Commission; Historians  
 Committee Member MacDade reported that no meetings were held.

Louis Reiner: Agriculture Advisory Board; Finance  
 Committee Member Reiner commended and extended gratitude to Mr. Pandos and Mr. Hutchins for the “great fiscal shape” of the Township. Committee Member Reiner commented that this year’s budget is phenomenal; overall debt went from \$19 million in 2016 to \$14 million currently; flat tax rate for five years; sizeable surplus; and that there is no longer open space debt. Committee Member Reiner further stated, “We surpass any municipality in the State of New Jersey; we should serve as a role model for other municipalities to follow.”

During Liaison Reports, Mr. Hutchins explained the plan for a “soft opening” of the Township starting with the return of all staff followed by “very limited public access.” Mr. Hutchins advised that all personnel in the Department of Public Works returned to work last Monday; that crews are divided into groups with approximately one-quarter of the staff at four different locations. Mr. Hutchins further noted that staff located in the Municipal Building returned to work today and has been rotating weekly with fifty percent (50%) on-site at one time over the past several weeks. He continued that some of the staff has the capability to work from home and will continue to do so until further notice. Regarding public access, Mr. Hutchins advised that entry to the building will be monitored by an employee and will only be permitted for business that cannot be accomplished by mail, phone, electronic means or by dropbox. He did report that the Court will accept payments at its window.

Ms. Fania advised on the status of 2020 Rabies Clinics during the public health emergency. She explained that the NJ Department of Health guidelines for essential animal rabies vaccinations and animal licensing during the COVID-19 pandemic and state of emergency allow for the postponement of clinics with rescheduling as soon as possible. She continued that rabies vaccinations are vital to public health and safety and clinics critical, especially with so many unemployed at this time and not potentially being able to afford vet fees.

Ms. Fania further explained that the May 20 rabies clinic will be held from 5:00 to 8:00 p.m. at the Department of Public Works, will be a drive-through format with attendees remaining in their car; Public Works' employees will regulate the flow of traffic; Township employees will complete paperwork "carside;" all attendees, staff and veterinarian personnel will wear facemasks; vets will be located in the wash-bay alone; and vet techs will handle all pets.

Mayor Kuhl further commented, "you guys know what you are doing and it is appreciated. I actually had quite a few people comment and they were very appreciative that we kept the Township building in operation and did as much as we could virtually.....because a lot of towns did not do that. We are here to serve our community. Great job."

Mr. Hutchins added, "alternating staff for the past five weeks really worked out. No-one felt left out of the loop... There is a core group of us that have been here the whole time. I can't do my job from home adequately, neither can the Clerk or CFO, people like that came in on a regular basis. Our Construction Official towed the line in that department picking up a lot of the workload. I don't think there was any interruption of service to anybody."

Deputy Mayor Gilbert commented, "you guys have been doing an amazing job. We really appreciate the fact that you are all coming to work every day. I see Public Works guys out there and everybody. It is business as usual in this absolutely insane time. I appreciate everything you guys are doing."

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## UNFINISHED BUSINESS

There was no unfinished business.

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## NEW BUSINESS

**NJDOT's request for resolution of support for projects on Route 31** – Mayor Kuhl explained that these are for two widening projects on Route 31. Mr. Hutchins explained that NJDOT is seeking endorsement of their proposals for the continued widening and other improvements to Route 31 by resolution. All Committee Members concurred to proceed with a resolution in support at the next regular meeting.

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**Discussion of outdoor seating for restaurants** – Mayor Kuhl explained that he had given some thought about issues that may arise as things start to reopen and the need to "make it as good" for businesses and residents as possible and one that came to mind was restaurants. He continued that these establishments may only be able to open at fifty percent (50%) capacity due to the social distancing requirement, and in response to this, the Township Committee will consider Ordinance #20-19 which permits outdoor seating for restaurants for introduction later in the agenda.

Deputy Mayor Gilbert further explained that it will be the responsibility of the individual establishment to seek approval of the Zoning Officer with the submission of an application and plan.

Mr. Lehrer commented, “my sense is that there are going to be a lot of communities interested in this ordinance. I think you are on the cutting edge on this one.”

During the discussion, Committee Member Hazard suggested changing the hours from 7:00 a.m. to 12:00 a.m. vs. 11:00 p.m. It was the consensus to leave as is.

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At this time, Ms. Fania suggested posting ordinances on the website that are introduced during the building closure to maintain transparency. Mr. Lehrer advised that that would be acceptable.

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**Discussion of extending the grace period for property taxes** – Mayor Kuhl explained that the Township has a legal obligation to pay, in May, approximately \$6 million to the Flemington-Raritan School District; approximately \$3 million to Hunterdon Central Regional High School and approximately \$3 million to Hunterdon County. He continued that the Township does not have that funding and would have to borrow millions of dollars at a high interest rate to make those payments, putting the burden back on the taxpayers. He continued that the Township cannot withhold those payments and, “that if the Governor’s Office...would have changed the law then it would not be a problem.” Mayor Kuhl also commented that information regarding the grace period extension provided by the Governor’s office was received only a few days before taxes were due. He continued that many other mayors share the same sentiments and that they were “all pretty upset about it.” Mayor Kuhl added that the rationale behind the Governor’s Office allowing municipalities to extend the grace period was in response to the fact that a small amount of municipalities had already put something in place which was illegal, as municipalities do not have the authority to take the interest rate to zero or give grace periods.

Deputy Mayor Gilbert explained that the extension is for an additional twenty days, until June 1, for which there is already a ten-day grace period. Deputy Mayor Gilbert commented, “it’s adding twenty days to jump through all those hoops, get financing, etc. It doesn’t make any sense.”

Mayor Kuhl expressed concern regarding the fact that news headlines led the public to believe property taxes were not due until June 1 but you had to read further to understand that the decision was being left up to each municipality. Mayor Kuhl continued that the Township had provided a statement to TapInto.

Committee Member Hazard commented, “I think the intent was done good-heartedly but the planning and execution was literally nil especially with the statutory requirements to pay the schools... and everybody.”

It was the consensus of the Committee to not extend the grace period for tax payments.

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**ORDINANCES (INTRODUCTION/FIRST READING)**

Mayor Kuhl read by title Ordinance #20-13

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ESTABLISHING A SALARY AND WAGE OMPENSATION PLAN FOR THE YEAR 2020-2024 FOR EMPLOYEES IN THE CWA LOCAL 1040 NON-SUPERVISORY BARGAINING UNIT AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-13 on first consideration.  
Motion by Hazard, seconded by Gilbert

**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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-14

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR EMPLOYEES IN CWA LOCAL 1040 SUPERVISORY AND HIGHER-LEVEL SUPERVISORY BARGAINING UNITS FOR THE YEARS 2020-2024 AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-14 on first consideration.  
Motion by MacDade, seconded by Gilbert

**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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-15

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR EMPLOYEES REPRESENTED BY TEAMSTERS LOCAL 469 FOR THE YEARS 2020-2024 AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-15 on first consideration.

Motion by Hazard, seconded by Gilbert

**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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-16

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR EMPLOYEES REPRESENTED BY P.B.A. LOCAL 337 FOR THE YEARS 2020-2024 AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-16 on first consideration.

Motion by MacDade, 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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-17

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR EMPLOYEES REPRESENTED BY THE SUPERIOR OFFICERS ASSOCIATION OF P.B.A. LOCAL 337A FOR THE YEARS 2020-2024 AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-17 on first consideration.  
Motion by Gilbert, seconded by MacDade

**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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-18

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ESTABLISHING A SALARY AND WAGE PLAN FOR THE YEARS 2020-2021 FOR EMPLOYEES NOT COVERED BY A BARGAINING AGREEMENT AND PROVIDING FOR THE ADMINISTRATION THEREOF**

Mayor Kuhl asked for a motion to introduce Ordinance #20-18 on first consideration.  
Motion by Hazard, seconded by MacDade

**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 May 19, 2020.

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Mayor Kuhl read by title Ordinance #20-19

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

Mayor Kuhl asked for a motion to introduce Ordinance #20-19 on first consideration.  
Motion by Hazard, seconded by MacDade

**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 May 19, 2020.

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

There were no ordinances for adoption.

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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 April 20, 2020.  
Motion by MacDade, seconded by Hazard

**ROLL CALL VOTE:**

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

**Township Committee Executive Meeting Minutes**

Mayor Kuhl asked for a motion to approve the Executive Meeting Minutes of April 20, 2020.  
Motion by Gilbert, seconded by MacDade

**ROLL CALL VOTE:**

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

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Mayor Kuhl read Resolution #20-115 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-115.

Motion by Hazard, seconded by Gilbert

**ROLL CALL VOTE:**

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

**NOES:** Reiner

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-115**

**A RESOLUTION AUTHORIZING THE SETTLEMENT AND RESOLUTION OF THE COURT'S AWARD OF ATTORNEY'S FEES AND COSTS OF SUIT IN CONNECTION WITH AN OPRA CHALLENGE FILED BY MCGUILLICUTTY & SCHWARTZ, LLC D/B/A TAPINTOFLEMINGTON.NET**

**WHEREAS**, by way of Order to Show Cause and Verified Complaint filed on October 11, 2019 with the Superior Court of New Jersey, plaintiff McGuillicutty & Schwartz, LLC, d/b/a TAPintoFlemingtonRaritan.net, challenged the Township's response to its Open Public records Act ("OPRA") request seeking police records relating to a motor vehicle stop, which matter was entitled McGuillicutty & Schwartz, LLC, d/b/a TAPintoFlemingtonRaritan.net v. Township of Raritan, et al., Docket No. HNT-L-419-19 (the "OPRA Litigation"); and

**WHEREAS**, by Consent Order dated November 25, 2019, John Lanza was permitted to intervene in the OPRA Litigation; and

**WHEREAS**, after the parties have filed legal briefs and a hearing held thereon before the Hon. Yolanda Ciccone, A.J.S.C., on December 13, 2019; and after an *in-camera* review of the requested records, Judge Ciccone issued her decision and Order on February 5, 2020; and

**WHEREAS**, Judge Ciccone's February 5, 2020 Order released all of the requested documents, with modified redactions, and ordered the Township to release the video and audio recordings requested without redaction; and

**WHEREAS**, Judge Ciccone's February 5, 2020 Order further found plaintiff to be a prevailing party entitled to attorney's fees and costs of suit pursuant to N.J.S.A. 47:1A-6, and permitted plaintiff to file an application with the Court for same if the parties cannot reach a resolution for same; and

**WHEREAS**, after the issuance of the February 5, 2020 Order and the Court's direct release of the modified redacted documents, Intervenor John Lanza filed a Motion for a Stay of the Order pending an appeal to be filed with the Appellate Division; and

**WHEREAS**, by Order dated February 12, 2020, Judge Ciccone partially granted the Intervenor's Motion, staying only the release of the audio and video recordings; and

**WHEREAS**, after negotiations between counsel for plaintiff and the Township with regard to the Court's award of attorney's fees and costs, it was agreed that the Township would pay plaintiff's attorney the sum of seventeen thousand (\$17,000.00) dollars in full satisfaction of the Judge's February 5, 2020 Order; and

**WHEREAS**, the parties have agreed to the form of a Consent Order memorializing the resolution between the parties, a copy of which is attached hereto; and

**WHEREAS**, the Mayor and Township Committee find it to the best interest of the Township to enter in the settlement with the plaintiff with regard to the Court's award of attorney's fees and costs of suit in the OPRA Litigation.

**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 is authorized to enter into the settlement with plaintiff in the OPRA Litigation with the payment of seventeen thousand dollars (\$17,000.00) to plaintiff in full satisfaction of the Judge's February 5, 2020 Order.
2. The Township Attorney is hereby authorized to execute and file the Consent Order memorializing the terms of the settlement, in substantially the form attached hereto.
3. The Township Attorney, Administrator, and other appropriate official is authorized to take the necessary action to effectuate the Consent Order and settlement set forth in this Resolution.
4. This Resolution shall take effect immediately.

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Mayor Kuhl read Resolution #20-116 by title.

Mayor Kuhl commented, "I have heard from many people, she's the best Clerk in the County and beyond. You do a great job and you are always here, working about 80 hours a week, accurate and great with people. It is appreciated by us and by the public."

Committee Member Reiner commented, "Lisa you are phenomenal. I have never seen a Clerk better than you. You surpass them all. Your public relations skills are second to none and you are very well liked. The face of the Township. We are very happy to have you and we hope you never leave."

Committee Member Hazard commented, "Phenomenal with the public. Doing a wonderful job."

Deputy Mayor Gilbert commented, "We are lucky to have you Lisa."

Committee Member MacDade commented, "An asset to the Township. You have been very helpful to me and being new on the Committee."

Ms. Fania commented, "I thank you all for giving me the opportunity. I know you didn't know me when you hired me. I thank you. I just love my job so it makes it very, very easy. All of the staff that I work with, we are a team, so we do this together. I appreciate everyone that I work with because they make my job easy. It is my pleasure to serve all of you and the residents. I thank you again for the opportunity and for giving me a chance."

Mayor Kuhl asked for a motion to adopt Resolution #20-116.  
Motion by MacDade, seconded by Reiner

**ROLL CALL VOTE:**

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

**RESOLUTION #20-116**

**A RESOLUTION AUTHORIZING THE REAPPOINTMENT  
OF LISA FANIA TO THE POSITION OF MUNICIPAL CLERK AND  
ESTABLISHMENT OF TENURE**

**WHEREAS**, Lisa Fania was duly appointed and confirmed to the position of Municipal Clerk on June 5, 2017 for a three (3) year term in accordance with N.J.S.A. 40A:9-133, *et seq.*;

**WHEREAS**, Lisa Fania is and has been certified as a Registered Municipal Clerk since April 14, 2015 and has satisfied the continuing education requirements for said certification; and

**WHEREAS**, the Township Committee is desirous of reappointing Lisa Fania, RMC as Municipal Clerk for the Township of Raritan effective May 4, 2020; and

**WHEREAS**, this reappointment has occurred within sixty (60) days of the expiration of the three-year term identified above.

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

1. Lisa Fania, RMC is hereby reappointed to the position of Municipal Clerk of the Township of Raritan.
2. Lisa Fania, RMC is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40A:9-133, *et seq.*

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Mayor Kuhl administered the Oath of Office to Municipal Clerk, Lisa Fania.

Following the swearing in, Mr. Hutchins commented, “a lot of people talk about the Clerk’s position or Administrator’s position. I will tell you, in my opinion, that if you had to choose between the Clerk and an Administrator, it is Clerk. The Clerk is the centerpiece of the township. Some people don’t realize how important that position is. This town really revolves around the Clerk’s position. It is the hub of information in and the hub of information out and you can’t function without a Clerk. You can function without an Administrator but you can’t function without a Clerk and that’s the truth. We should be very thankful, as you all are, at how wonderful she is because it is the hub of this town, contrary to what some people have said in the past about Clerks. “

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Mayor Kuhl read Resolution #20-118 by title.  
Mayor Kuhl asked for a motion to adopt Resolution #20-118.  
Motion by Hazard, seconded by MacDade

**ROLL CALL VOTE:**

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

**RESOLUTION #20-118**

**A RESOLUTION AMENDING CERTIFICATE OF AVAILABILITY OF FUNDS #20-22**

**WHEREAS**, there existed a need for an Independent Registered Municipal Advisor for the issuance of \$7,721,000.00 in General Obligation Bonds, Series 2020 and an agreement with Phoenix Advisors, LLC was executed for same; and

**WHEREAS**, the Township now desires to issue General Obligation Bonds, Series 2020 in the amount of \$4,559,000.00, triggering a reduction in Phoenix Advisors compensation from \$13,360.50 to \$11,779.50; and

**WHEREAS**, the Township will not be in a position to determine its 2020 capital funding needs at this time and now desires to amend the funding source for Phoenix Advisors, as funding through the proceeds of the sale of the 2020 Capital Ordinance #20-11, will not be available at this time.

**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. This contract will be funded in the amount of \$11,779.50 as per new Certificate of Availability of Funds #20-25.
2. A notice of this action shall be printed in the official newspaper as required by law within ten (10) days of its passage.

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Mayor Kuhl read Resolution #20-119 by title.

Chief Financial Officer, Bill Pandos, explained that the proposed resolution authorizes turning temporary financing into permanent financing, serial bonds.

Mayor Kuhl asked for a motion to adopt Resolution #20-119.  
Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

**RESOLUTION #20-119**

**A RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,559,000 IN PRINCIPAL AMOUNT**

**BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY** (with not less than a majority of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Raritan, in the County of Hunterdon, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$4,559,000.

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided and the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b>AMOUNT TO BE ISSUED</b>	<b>BOND ORDINANCE NUMBER</b>	<b>DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE</b>	<b>PERIOD OF USEFULNESS</b>
\$753,193	17-32	Various capital improvements, finally adopted 11/6/2017	17.38 years
\$1,530,807	18-20	Various capital improvements, finally adopted 6/4/2018	17.26 years
\$2,275,000	19-13	Various capital improvements, finally adopted 5/7/2019	20 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

- a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 18.64 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.
- b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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Mayor Kuhl read Resolution #20-120 by title.

Mayor Kuhl asked for a motion to adopt Resolution #20-120.

Motion by MacDade, seconded by Hazard

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-120**

**A RESOLUTION DETERMINING THE FORM AND OTHER  
DETAILS OF \$4,559,000 GENERAL IMPROVEMENT  
BONDS OF THE TOWNSHIP OF RARITAN, IN THE  
COUNTY OF HUNTERDON, NEW JERSEY AND  
PROVIDING FOR THEIR SALE**

**BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY (with not less than a  
majority of the full membership thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The \$4,559,000 General Improvement Bonds of the Township of Raritan, in the County of Hunterdon, New Jersey (the "Township") referred to and described in the resolution adopted by the Township Committee pursuant to the Local Bond Law of the State of New Jersey on May 4, 2020 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Raritan, in the County of Hunterdon, New Jersey into a Single Issue of Bonds Aggregating \$4,559,000 in Principal Amount" shall be issued as "General Improvement Bonds" (the "Bonds"). The Bonds shall mature in the principal amounts on June 1 in each of the years follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$189,000	2029	\$325,000
2022	\$245,000	2030	\$335,000
2023	\$255,000	2031	\$345,000
2024	\$260,000	2032	\$350,000
2025	\$270,000	2033	\$370,000
2026	\$280,000	2034	\$370,000
2027	\$290,000	2035	\$375,000
2028	\$300,000		

The actual principal amounts may be adjusted by the Township, at its option, in accordance with N.J.S.A. 40A:2-26(g). Any such adjustment shall not exceed 10% of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall issue.

The Bonds are subject to redemption prior to their stated maturities in accordance with the Notice of Sale authorized herein. The Bonds shall be fifteen in number, with one certificate being issued for each year of maturity and shall be numbered R-1 to R-15, inclusive.

Section 2. The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with The Depository Trust Company. The Depository Trust Company will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any integral multiple of \$5,000 except that those Bonds in excess of the largest principal amount not equaling a multiple of \$5,000 may be purchased in amounts of \$1,000 or any multiple thereof through book-entries made on the books and records of The Depository Trust Company and its participants.

The Bonds will bear interest payable semiannually on the first day of June and December in each year until maturity or earlier redemption, commencing on June 1, 2021, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

The principal of and the interest on the Bonds will be paid to the securities depository by the Township or a duly authorized paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of each next preceding May 15 and November 15 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signature of the Mayor of the Township under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Township. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery
Interest Payment Dates:	Each June 1 and December 1 until maturity or earlier redemption, commencing on June 1, 2021

Section 3. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver and to market the Bonds in accordance with the requirements of The Depository Trust Company and the final terms of sale:

**SAMPLE BOND FORM FOR INFORMATION  
ONLY – DO NOT COMPLETE OR SIGN**

REGISTERED  
NUMBER R-\_\_\_\_\_

REGISTERED  
\$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

TOWNSHIP OF RARITAN, IN THE  
COUNTY OF HUNTERDON

GENERAL IMPROVEMENT BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/2020	06/01/20__	_____%	_____

The TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), and to pay interest on such sum from the Dated Date of this bond at the Rate of Interest Per Annum specified above semiannually on the first day of June and December in each year until maturity or earlier redemption, commencing on June 1, 2021. Interest on this bond will be paid to the Securities Depository by the Township or a duly appointed paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the May 15 and November 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to June 1, 2028 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after June 1, 2028 are redeemable at the option of the Township in whole or in part on any date on or after June 1, 2027 upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed bond registrar. However, as long as DTC (or any successor thereto) acts as Securities Depository for the bonds, notice of redemption may be sent to such Securities Depository by email or as otherwise permitted by the Securities Depository regulations. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township Committee adopted May 4, 2020 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Raritan, in the County of Hunterdon, New Jersey into a Single Issue of Bonds Aggregating \$4,559,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

TOWNSHIP OF RARITAN, IN THE  
COUNTY OF HUNTERDON, NEW  
JERSEY

[TOWNSHIP SEAL]

ATTEST:

By: [to be executed upon issuance]  
Mayor

By: [to be executed upon issuance]  
Clerk

By: [to be executed upon issuance]  
Chief Financial Officer

**[END OF SAMPLE BOND FORM]**

Section 4. The Bonds shall be sold on June 4, 2020 via the "PARITY Electronic Bid System" (PARITY) upon the terms and the conditions set forth in and described in the Full Notice of Sale authorized below and set forth in Exhibit A attached hereto (the "Full Notice of Sale"). The Full Notice of Sale shall be posted in full at [www.munihub.com](http://www.munihub.com) and at *The Bond Buyer Online*. The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized below and set forth in Exhibit B attached hereto (the "Short Notice of Sale") and the Summary Notice of Sale authorized below and set forth in Exhibit C (the "Summary Notice of Sale"). The Notices of Sale shall be posted and published as required by law not less than seven days prior to the date of sale. The full Notice of Sale shall be substantially in the form attached hereto as Exhibit A, the Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B and the Summary Notice of Sale shall be

substantially in the form attached hereto as Exhibit C, each with such additions, deletions and omissions as may be necessary for the Township to market the Bonds in accordance with the requirements of The Depository Trust Company and PARITY and as may be suggested by Bond Counsel. The Short Notice of Sale shall be published in the Township's local newspaper, and the Summary Notice of Sale shall be published in the *Bond Buyer*, a financial newspaper published and circulating in the City of New York, New York, and in *The Bond Buyer Online*.

Section 5. The Township hereby designates the Chief Financial Officer as the officer to sell and to award the Bonds and to act on behalf of the Township in accordance with the Notices of Sale authorized herein, and the Chief Financial Officer shall report in writing the results of the sale to this Township Committee as required by law.

Section 6. The Bonds shall have printed thereon, or be accompanied with, a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC ("Bond Counsel") complete except for omission of its date.

Section 7. Bond Counsel is authorized to arrange for the printing of the Bonds, and Phoenix Advisors, LLC (the "Municipal Advisor") or Bond Counsel are authorized to arrange for the printing of the Official Statement to be prepared in connection with the sale of the Bonds and to arrange for the distribution of the preliminary Official Statements on behalf of the Township to those financial institutions that customarily submit bids for such Bonds. The Municipal Advisor, Suplee, Clooney & Company, the Township's auditor, and Bond Counsel are authorized to prepare the Official Statement necessary in connection with the issuance of the Bonds, and the Mayor and/or the Chief Financial Officer of the Township is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor of the Township. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds. The Municipal Advisor is further authorized to arrange on behalf of the Township for a rating on the Bonds from S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service.

Section 8. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple of \$5,000 except that those Bonds in excess of the largest principal amount not equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held

in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2021 for the fiscal year ending December 31, 2020, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with modified cash accounting as mandated by the State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) if any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation, or acquisition involving the

- Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
  - (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material;
  - (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township.

Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect or is not in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule not or no longer in effect required the provision of such information, shall not or no longer be required to be provided.

The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 11. The Chief Financial Officer is authorized to invest the proceeds of the Bonds in investment obligations or deposits as permitted in accordance with New Jersey law.

Section 12. The Chief Financial Officer is authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds, including costs for the publications, preparation and printing of the Official Statement, credit rating, municipal advisory services, legal services and other miscellaneous costs of issuing the Bonds.

Section 13. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds. The Township hereby designates the Bonds as "bank-qualified" for purposes of Section 265 of the Code.

Section 14. The Chief Financial Officer and other appropriate representatives of the Township are authorized to take all other actions on behalf of the Township necessary for the sale and the delivery of the Bonds in accordance with this resolution.

Section 15. This resolution shall take effect immediately.

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Mayor Kuhl read Resolution #20-123 by title.

Mayor Kuhl explained that the developer had received approval for the redevelopment of the Junction Road site, however, the State and other entities wanted changes to the previous approval. He continued that, in order to comply with the changes, the developer wishes to acquire an additional lot to include in the plan so the approval process must start over. The proposed resolution directs the Planning Board to undertake an amended preliminary investigation for the redevelopment of Block 27, Lot 22 and additionally, Lot 23 as a non-condemnation area.

It will not affect any density, same amount of housing on larger property, density will go down.

Mayor Kuhl asked for a motion to adopt Resolution #20-123.

Motion by Gilbert, seconded by Hazard

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION #20-123**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF RARITAN PLANNING BOARD TO UNDERTAKE AN AMENDED PRELIMINARY INVESTIGATION FOR THE REDEVELOPMENT OF BLOCK 27, LOT 22 AND 23 AS SHOWN ON THE TOWNSHIP OF RARITAN TAX MAP AS A NON-CONDEMNATION REDEVELOPMENT AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Local Redevelopment and Housing Law sets forth specific procedures for establishing an area in need of redevelopment; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township Committee making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the Raritan Township Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the subject area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A. 40A:12A-5*; and

**WHEREAS**, the New Jersey Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as required by the amendment to *N.J.S.A. 40A:12A-6*, the Legislature has directed that the Resolution authorizing the Planning Board to undertake a preliminary investigation state whether the redevelopment area determination shall authorize the Township to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”); and

**WHEREAS**, the redevelopment area determination shall authorize the Township of Raritan to use all of the powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, thus designating it a Non-Condensation Redevelopment Area; and

**WHEREAS**, by Resolution No. 19-117, adopted on May 7, 2019, the Township Committee authorized the initial referral to the Planning Board to investigate Block 27, Lot 22 only; and

**WHEREAS**, the Township of Raritan wishes to direct the Raritan Township Planning Board to undertake a preliminary investigation of the Block 27, Lots 22 and 23 (the “Amended Study Area”) to determine whether the Amended Study Area qualifies as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5*.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the Raritan Township Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether the Amended Study Area identified above is or is not an area in need of redevelopment under the criteria set forth in *N.J.S.A. 40A:12A-1 et seq.*; and

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

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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 Reiner, seconded by Gilbert

### ROLL CALL VOTE:

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

## RESOLUTION #20-117

### A RESOLUTION AUTHORIZING THE REFUND FOR PET LICENSE FEE (KURZ)

**WHEREAS,** Andrew Kurz has requested the refund of a pet license fee in the amount of \$10.80; and

**WHEREAS,** Lisa Fania, Municipal Clerk, recommends a refund of a pet license fee in the amount of \$10.80.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that a refund of a pet license fee in the amount of \$10.80 paid by Andrew Kurz is hereby granted.

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## RESOLUTION #20-121

### A RESOLUTION APPROVING AN AMENDMENT TO THE RARITAN TOWNSHIP PERSONNEL POLICIES AND PROCEDURES MANUAL

**WHEREAS,** it is the policy of the Township of Raritan to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the ADA Amendments Act of 2008, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers' Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), the New Jersey Security and Financial Empowerment Act and the Open Public Meetings Act; and

**WHEREAS**, the Township Committee has established a Personnel Policies and Procedures Manual (the "Manual") by Resolution 17-249; and

**WHEREAS**, the Township Committee at its sole discretion may amend and supplement the Manual at any time; and

**WHEREAS**, the Administrator has recommended to the Township Committee that Section 4.2 Paychecks, 4.5 Timesheets, 5.10.2 Sick Leave, 5.2 Group Insurance Plans, 5.3 Retirement System, 5.3.1 Defined Contribution Retirement, 5.4 Deferred Compensation, 5.4.1 Flexible Spending Account and Supplemental Insurance and 5.11 Personal Days be amended; and

**WHEREAS**, the Township Committee wishes to amend the sections stated above as recommended by the Administrator.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that following sections of the Township of Raritan Personnel Policies and Procedures Manual, be amended as follows:

#### **Section 4.2 Paychecks**

Employees paychecks will be directly deposited at their financial institution. The form required to authorize direct deposit is available in the Finance office. An employee's direct deposit pay stub may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee.

Employees receive, with each pay period a direct deposit stub, which includes a statement of earnings and deductions.

Employees may direct inquiries concerning payroll matters to the Finance Office.

#### **Section 4.5 Timesheets**

Accurate time records for each biweekly pay period are to be completed and approved by the Department Head and submitted via the current Payroll Accounting Firm, by Monday following the end of pay period, excluding holidays.

It is the employee's responsibility to verify his or her time record to ensure the accuracy of all time recorded. The Department Head will review and then approve the time sheet before submitting it for processing. Department Heads are responsible for ensuring that time sheets are submitted and are accurate. In addition, if corrections or modifications are made to the time record both the employee and the Department Head must verify the accuracy of the changes and verify with the Administrator.

Departments Heads shall follow the above procedure in recording their time and the Administrator shall review and approve all Department Head timesheets.

The time sheets shall include the following: department; employee name; pay period; hours for each employee to be compensated broken down on a daily basis into regular hours worked, overtime hours worked, holiday time, sick leave, compensatory time earned and used, vacation time, personal time, bereavement leave, on-the-job-injury time, and leave without pay.

Falsification of time records for payroll purposes is reason for discipline as per the Administrative Policy on employee conduct.

### **5.10.2 Sick Leave**

Regular full-time employees will accumulate one (1) sick day with pay for each full month worked during the first year of employment. Beginning in the second year of employment they will be credited in advance with 12 days per calendar year as of January 1.

### **Section 5.2 Group Insurance Plans**

The Township offers to all regular full-time employees, employees working a minimum of thirty (30) hours per week and all eligible dependents group medical insurance. Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource office. Enrollment forms are available from the Human Resource Office and it is the employee's responsibility to notify the Human Resource Office of any change in dependent status by completing updated forms. During open enrollment periods established by the Township an employee may elect to change medical plans.

Enrollment cards should be completed in the following instances:

New, eligible employees beginning service with the Township or previously ineligible employees whose employment status with the Township now makes them eligible.

Eligible employees wanting to add an eligible dependent.

Eligible employees who want to drop a dependent.

Coverage effective dates are as follows:

Medical Plan - Coverage becomes effective exactly sixty (60) Days from hire date or eligibility date as applicable.

Dental Plan - Coverage becomes effective exactly sixty (60) Days from hire date or eligibility date as applicable.

Prescription Drug Plan - Coverage becomes effective exactly sixty (60) Days from hire date or eligibility date as applicable.

Any employee hired prior to 2020, who retires after 25 years of credited service in a state retirement plan, with a minimum 20 years of service with the Township (in any full time employment capacity whether or not continual service), or who retires at any point on a disability pension, shall continue to receive all medical benefits (including spouse and dependent coverage) provided by the Township for the remainder of his/her life. Chapter 78 contributions to Healthcare in retirement shall not apply to these employees.

Employees hired on or after January 1, 2020 shall receive Township-paid health benefits (including spouse, partner and dependent coverage) in retirement as set forth above but will be required to contribute towards the cost of those health benefits at the Tier 4 contribution level set forth in the former P.L. 2011, c. 78. In addition, employees (including spouse, partner and dependents) hired on or after January 1, 2020 shall only receive Township-paid health benefits until they and/or their spouse, partner, dependents become eligible for Medicare. At the time of the employee, spouse, partner and dependents Medicare or comparable program eligibility the employee, spouse, partner and dependents shall no longer receive Township paid Health Care Benefits provided that Medicare or a comparable program are available to retirees. If no such program exists, employees shall continue to receive Township-paid health benefits or a comparable program adopted by the Township. Dependents shall continue to receive Township-paid health benefits until their age precludes them from receiving such benefits.

In order to be eligible for retiree medical benefits the employee must reside in the continental United States.

Upon the death of the employee, the spouse (and eligible dependents only if the spouse elects to continue coverage) may continue to receive all medical benefits for the remainder of the spouse's life with the premiums to be paid by the surviving spouse.

The Township reserves the right to modify, revoke, change, amend or terminate any insurance plan in accordance with applicable law. The Township also reserves the right to change insurance carriers in accordance with applicable law.

### **5.3 Retirement System**

All regular full- time employees that meet the eligibility requirements established under N.J.S.A. 43:15A – 7 are required to enroll in the Public Employee Retirement System (PERS) unless they fall under an exception which is explained in the enrollment application.

Enrollment in the Police and Fireman's Retirement System (PFRS) is required for permanent full-time employees hired in positions of law enforcement and firefighting in the State of New Jersey. Please refer to New Jersey Division of Pension and Benefits (NJDPB) website for a listing of covered employees, enrollment requirements and eligibility requirements as set forth under N.J.S.A. 43:16A-1 and 52:17B-66 for Police positions.

These are systems administered by the State of New Jersey. The Township has no control over the benefits and regulations that govern these systems. Enrollment applications benefit forms and handbooks are available through the Human Resource office and will be provided for all new employees.

Retirement benefits are funded through both employee and employer contributions. Contributions to the retirement system are mandatory for eligible positions and are deducted from the employee's salary each payroll period.

The Retirement System provides for normal retirement benefits and disability retirement benefits when an employee meets the plan requirements.

Annual benefit statements are provided by the Retirement System to participating employees. Employees may request an estimate of benefits from the Retirement System at any time to obtain an approximate projected retirement benefit figure.

It is the employee's individual responsibility to keep the information on file up to date related to their retirement account as to name, address and beneficiary status. Forms are available in the Human Resource Office.

Employees shall provide the Township with at least six (6) months, notice of their intent to retire. This notice shall in no way be binding upon the employee. However, failure to give advance notice may jeopardize the timely payment of accrued time that the employee would be eligible for due to budgetary restraints.

Employees who plan to retire from the system are encouraged to contact the State Division of Pensions at least 90 days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. Retirement dates must be effective on the first of a month. This action should also be coordinated with the Administrator's Office, Human Resource and the Finance Department as a certification of final service and salary for the employee must be completed by the Township.

### **5.3.1 Defined Contribution Retirement Program**

The Defined Contribution Retirement Plan (DCRP) provides eligible members with a tax-sheltered defined contribution retirement benefit along with life insurance and disability coverage. The following are eligible for DCRP:

- State or Local Officials who are elected or appointed on or after July 1, 2008
- Employees enrolled in the PERS or Teachers Pension and Annuity Fund (TPAF) on or after July 1, 2007 who earn a salary in excess of established maximum compensation limits.
- Employees enrolled in the Police and Fireman's Retirement System (PFRS) or State Police Retirement System (SPRS) after May 21, 2010 who earn a salary in excess of established compensation limits.
- Employees otherwise eligible to enroll in the PERS or TPAF on or after November 2, 2008, who do not earn the minimum annual salary for PERS or TPAF Tier 3 enrollment but who earn a salary of at least \$5000 annually.
- Employees otherwise eligible to enroll in the PERS or TPAF after May 21, 2010 who did not work the minimum number of hours per week (32 Hours per week) for PERS or TPAF Tier 4 or Tier 5 enrollment but who earn a salary of at least \$5000 annually.

Please refer to the New Jersey Defined Contribution Program website for further information.

### **5.4 Deferred Compensation**

The Township provides an option to any regular employee to invest a portion of his/her present earnings in a deferred compensation plan, our two plan providers are AXA and VALIC. The Human Resource Department can provide contact information for either provider. This is an

arrangement where a certain dollar amount can be designated by the employee to be withheld from his/her paycheck, invested and then paid out at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.

The program includes various investment options. Enrollment can be arranged through the Finance Office and is open to any regular employee with the Township. Contributions to the program are financed solely by the employee by payroll deduction.

#### **5.4.1 Flexible Spending Account and Supplemental Insurance Coverage**

The Township offers a Flexible Spending Account (FSA) that employees may enroll in as well as two options for Supplemental Insurance provided by AFLAC and Colonial Life. Please see the Human Resource Department for information on these plans.

#### **5.11 Personal Days**

All full-time employees are entitled to three (3) personal days during the calendar year which will be posted on January 1 of each calendar year. Any personal days not used may not be carried over. Employees must submit requests for personal days to the Department Head prior to the day requested except in the case of emergencies. The Township reserves the right to require proof of such emergency circumstance. Personal days may be used in partial day increments.

New regular full-time employees will receive prorated Personal Days during the first Calendar year of employment.

New regular full-time employees hired after December 1 will not be entitled to any personal days in the year hired.

Regular part time employees working at least twenty (20) hours per week will receive prorated personal days in accordance with the above schedule. Seasonal and temporary employees do not receive personal days.

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### **RESOLUTION #20-122**

#### **A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT (BOARD OF HEALTH ATTORNEY)**

**WHEREAS**, there exists a need for professional services for the following: legal representation of matters relating to the Board of Health; and

**WHEREAS**, the estimated cost of the contract is \$165.00 per hour for Partners; \$150.00 per hour for Associates and \$70.00 per hour for Paralegals; and funds will be available in the 2020 budget appropriations through Certificate of Availability #20-26 for this purpose certified by the Chief Financial Officer; and

**WHEREAS**, Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) exempts such professional services from competitive bidding and requires that a resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself be made available for public inspection; and

**WHEREAS**, prior to the execution of a contract, a completed Business Entity Disclosure Certification be submitted 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 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 2019, pursuant to N.J.S.A. 19:44A-20.4 *et seq.*

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Raritan as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with:

Jeffrey Lehrer, Esq., DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum  
for legal representation of matters relating to the Board of Health

2. The contract is awarded without competitive bidding as a “Professional Service” under the provisions of Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as a contract for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and it is not possible to obtain competitive bids.
3. The Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the contract and that the resolution and contract are on file in the Office of the Clerk and are available for public inspection.

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**RESOLUTION #20-124**

**A RESOLUTION AUTHORIZING THE REFUND OF A  
SMOKE DETECTOR PERMIT FEE (SHAIKH)**

**WHEREAS**, Noorjahan Shaikh has requested the refund of a smoke detector permit fee;  
and

**WHEREAS**, Danielle Langreder, Assistant Supervisor of Accounts, has submitted a memo dated April 29, 2020 recommending the refund of a smoke detector permit fee in the amount of \$50.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the smoke detector permit fee in the amount of \$50.00 paid by Noorjahan Shaikh is hereby refunded.

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## PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment:

**Barbara Sachau** (via remote access), a resident of 2 Glenway Drive, expressed dissatisfaction regarding the ability to hear speakers; expressed concern regarding the \$17,000.00 settlement payment in the Lanza matter; and expressed disappointment regarding the continued closure of schools by the Governor and voiced the opinion that “counties like Hunterdon and Salem and some others are being penalized because we are not in the same strata as Bergen, Essex and Hudson.”

During public comment, Mayor Kuhl expressed similar sentiment regarding closures and advised that he and other mayors participate in calls once a week with the Governor’s office and “unfortunately do not have a whole lot of control over what happens.”

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## ADJOURNMENT

Mayor Kuhl asked for a motion to adjourn.

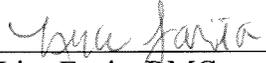
Motion by Reiner, seconded by Hazard

**MOTION UNANIMOUSLY CARRIED**

Meeting adjourned at 7:10 p.m.

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Respectfully submitted,

  
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Lisa Fania, RMC  
Township Clerk