

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, MARCH 6, 2018**

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

ROLL CALL: The following were present: Mayor, Michael Mangin; Deputy Mayor, Karen Gilbert; Comm. Gary Hazard (arrived at 6:32 p.m.); Comm. Craig O'Brien; Comm. Louis Reiner

Also present were: Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Police Chief, Glenn Tabasko; Attorney, Ed Purcell (for Township Attorney, Jeff Lehrer).

MEETING ADVERTISED: Mayor Mangin advised that the meeting was advertised in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975 in the January 10, 2018 issue of the Courier News and was posted on the office bulletin board and the Township Website.

Attorney Purcell read Resolution #18-54 in full.

Mayor Mangin asked for a motion to approve Closed Session Resolution.
Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

RESOLUTION #18-37

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: Construction Code Official; Auditor Appointment;
Judge Appointment; Police Chief Contract; DPW Position
 - c) Attorney-Client Privilege: RTMUA Appointments
 - d) Pending Litigation:

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

3. The Committee will return to Regular Session and may take further action.
4. This Resolution shall take effect immediately.

CLOSED SESSION MINUTES #1 WILL BE DONE IN A SEPARATE DOCUMENT

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

AMEND/APPROVE THE AGENDA

Mayor Mangin asked for any amendments to the Agenda.

Committee Member O'Brien requested that discussion of Hampton Corner Road be authorized to take place during the first public comment, as interested parties were in attendance.

Motion by O'Brien, seconded by Reiner to approve the agenda as amended.

MOTION UNANIMOUSLY CARRIED

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

The following members of the public spoke during public comment:

Theodore Landers, a resident of 35 Phipps Court, appeared before the Committee requesting reconsideration of the Township's decision regarding his retroactive tax relief due to one hundred (100%) disabled veteran status.

Administrator, Don Hutchins advised that the purpose of tonight's discussion was to determine whether the Township Committee desires to refund property taxes in the amount of \$21,659.38 to Mr. Landers retroactive to May 28, 2015.

It was the consensus of the Committee to grant Mr. Landers a property tax refund in the amount of \$21,659.38 due to 100% disabled veteran status retroactive to May, 2015 by resolution at the March 20, 2018 meeting.

At this time, Mayor Mangin requested the Committee deviate from the scheduled agenda and take action on Resolution #18-67 Authorizing the Cancellation of Second Quarter 2018 Taxes due to 100% Disabled Veteran Status, as Mr. Landers was in attendance.

Mayor Mangin read Resolution #18-67 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-67

Motion by O'Brien, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-67

**AUTHORIZING THE CANCELLATION OF SECOND QUARTER, 2018
TAXES DUE TO 100 PERCENT DISABLED VETERAN STATUS**

WHEREAS, Theodore C. Landers Sr., who resides at 35 Phipps Court, Block 71.20, Lot 37, has been granted property tax exemption due to 100% disabled veteran status; and

WHEREAS, there exists on the books of Raritan Township Second Quarter, 2018 taxes for said property in the amount of \$1,937.95; and

WHEREAS, the Township Tax Collector, Sharon Brown, has recommended the cancellation of the second Quarter, 2018 taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Raritan that the Tax Collector is hereby authorized and directed to cancel the second Quarter, 2018 taxes for Block 71.20, Lot 37 in the amount of \$1, 937.95 due to disabled veteran status.

Public comment continued.

Karen Sammer, a resident of 18 Hampton Corner Road, commented on the importance of completing the repairs to Hampton Corner Road and expressed concerns regarding emergency response for the elderly residents and children in the neighborhood. Ms. Sammer urged Committee Members to consider including such funding in the budget so the project can be completed.

Peter McHale, a resident of 31 Hampton Corner Road, spoke about his health conditions including the time he had experienced a stroke and heart attack during favorable weather conditions but expressed great health and safety concerns regarding the flooding issue in this area; and asked the Committee to consider funding the remainder of the study.

William Smith, a resident of 30 Hampton Corner Road, reiterated Mr. McHale's concerns commenting on the times he could not get home when his wife was alone; multiple flooding per year; and stated that emergency vehicles do not go through elevated water levels.

Raritan Township Police Chief, Glenn Tabasko, informed Committee Members of the life-saving heroic efforts of Patrol Officers Lawrence and Garbolino in resuscitating a six-month old baby at a local diner Sunday morning. Chief Tabasko added that he only found out about the incident because he had stopped for breakfast and was advised of the action of the two officers by diner employees. Chief Tabasko and the Township Committee commended both officers for such heroic action.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$981,129.11**

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

ROLL CALL VOTE:

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

Payment of Bills as listed for **Raritan Township Fire Company: \$325.00**

Motion by Reiner, seconded by Hazard to approve the bill list for the Raritan Township Fire Company.

ROLL CALL VOTE:

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

REPORTS

The following staff reports were acknowledged by the Township Committee:

*Public Works – Snow Removal Costs – February 2, 5, 7, 2018

*Planning/Engineering Escrow Accounts – January 2018

*Fire Safety – January 2018

*Animal Control – January 2018

Mayor Mangin commended the efforts of OEM/Public Safety, Fire, Rescue, Police, Administration, and Public Works regarding this last storm.

Mayor Mangin invited Raritan Township Office of Emergency Management Coordinator, Chris Phelan to the dais.

Mr. Phelan commended the efforts of all of the volunteers and agencies that have been tirelessly assisting with recovery efforts from this past storm around the clock. Mr. Phelan reported that as of Saturday 70+ roads were impacted and that the Public Works department cleared the lion's share of the them. He continued that there are currently 12 roads impacted that are wire related. Mr. Phelan advised that the Township Office of Emergency Management has been in constant communication with Jersey Central Power & Light (JCP&L) and that the power company has established an active staging site at the 3M facility. He continued that Rescue will continue to check on residents designated on the County list and that reverse 911 messaging is in effect for notification of shelter and water options. Mr. Phelan reminded all that power is out of the control of the Township but his office will remain in continuous communication with the power company and advise accordingly.

Mr. Phelan advised that preparation efforts are underway regarding the forecasted storm including Public Works' road clearing plan; fire company staffing beginning at 10:00 p.m.; additional staffing at the rescue squad; and continued recovery operations. He added that the Township had declared a State of Emergency at 6:30 p.m. in connection with the potential storm.

Chief Tabasko commended the efforts of the Office of Emergency Management, fire company, rescue squad and all volunteers.

LIAISON REPORTS

Mayor Mangin advised that Liaison Reports would be kept to emergent issues only.

UNFINISHED BUSINESS

a. Procedures for adding items to the agenda – Deputy Mayor Gilbert commented on the topic of open government in the press and other outlets. Deputy Mayor Gilbert continued that Raritan Township is very mindful of open government and procedures were put in place last year to ensure that last minute additions to the agenda were essential in nature and reiterated that this is not a new idea.

b. Meeting Minutes – Mr. Hutchins reported that he had queried the Division of Local Government Services (DLGS) regarding the current status of Township minutes being behind and the probability of litigation.

Committee Member O'Brien remarked about legal risk to the Township from other organizations for not promptly releasing minutes. Committee Member O'Brien continued to state that there are numerous lawsuits in Burlington, Swedesboro and other places regarding such. He added that such towns have been told by judges to hold their meetings more frequently for compliance.

Discussion continued regarding the status of 2016 and 2017 minutes. Mayor Mangin requested additional research be compiled as to the status of minutes in question by the Clerk and Administrator and discussion carried to the next regular meeting.

Deputy Mayor Gilbert asked for clarification regarding legal risk to the Township per the DLGS.

Mr. Hutchins commented that the State advised that in such instances if minutes are requested that have not yet been approved, the Clerk will complete in a reasonable time frame and schedule for approval at the soonest meeting date.

Mr. Purcell commented that from a legal perspective, it is his opinion that the Township is on solid footing.

NEW BUSINESS

a. Request for use of Lenape Park by Flemington VFW Post 7856 for Annual Easter Egg Hunt, Saturday, March 24, 2018 at noon; rain date, Sunday, March 25 – Committee Members concurred to approve the Flemington VFW Post 7856's request for use of Lenape Park for the annual Easter Egg Hunt, Saturday March 24; rain date March 25. Mr. Hutchins acknowledged receipt of DPW approval and Certificate of Liability Insurance. Public Works Superintendent, Brion Fleming to advise Post 7856 as to field usage.

ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)

Mayor Gilbert read by title Ordinance #18-6.

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR THE YEAR 2018-2019 FOR EMPLOYEES NOT COVERED BY A BARGAINING AGREEMENT AND PROVIDING FOR THE ADMINISTRATION THEREOF

Mayor Mangin asked for a motion to open public hearing.

Motion by Gilbert, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-6 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised February 23, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-6

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY AND WAGE PLAN FOR THE YEAR 2018-2019 FOR EMPLOYEES NOT COVERED BY A BARGAINING AGREEMENT AND PROVIDING FOR THE ADMINISTRATION THEREOF

BE IT ORDAINED by the Mayor and Township Committee of the Township of Raritan as follows:

Section I. The Salary and Wage Plan for 2018 for employees not covered by a bargaining agreement shall be as follows:

<u>A.</u>	<u>PART-TIME POSITIONS</u>	<u>MIN.</u>	<u>MAX.</u>
	Mayor	\$1,000	\$7,400
	Township Committee	\$1,000	\$6,400
	Municipal Judge	\$23,000	\$47,500
	Prosecutor	\$13,000	\$30,000
	Municipal Public Defender	\$4,000	\$8,500
	Emergency Management Officer	\$3,000	\$6,000
	IT/Communications Coordinator	\$2,000	\$2,000
	Public Works Seasonal	\$8.00 per hour	\$11.35 per hour
	Search Officer for Improvements	\$600	\$800
	Interns	\$1,000	\$1,000
	Crossing Guard	\$15.00 per hour	\$28.76 per hour
	Deputy Clerk	\$15.00 per hour	\$24.00 per hour
 <u>B.</u>	 <u>FULL-TIME POSITIONS</u>	 <u>MIN.</u>	 <u>MAX</u>
	<u>GROUP 1</u>	\$28,000	\$45,000
	Administrative Secretary		
	Deputy Township Clerk/Clerical Assistant		
	 <u>GROUP 2</u>	 \$40,000	 \$59,750
	Administrator's Assistant/ Purchasing Coordinator		
	 <u>GROUP 3</u>	 \$62,000	 \$100,500
	Township Clerk Tax Assessor		
	 <u>GROUP 4</u>	 \$97,000	 \$165,300
	Administrator Chief of Police Chief Financial Officer		

Section II. ATTENDANCE AT BOARD MEETINGS OR COURT SESSIONS

A. The Municipal Judge and Prosecutor shall receive additional compensation for daytime court sessions at the rate of **\$155.00** per hour only when such sessions are in addition to the regularly scheduled daytime court sessions.

B. Employees in positions who are required to attend evening meetings as a Board Secretary will be compensated as follows:

Minimum compensation	\$30.00
Hourly rate	\$17.00

Section III. COMPENSATION FOR TEMPORARY, SEASONAL, PART-TIME HOURLY AND OTHER EMPLOYEES

The rates of compensation for temporary, seasonal and other employees for whom no other method of compensation is provided herein shall be established by the Administrator in accordance with the 2018 Budget. The rate of compensation for part-time hourly positions for titles contained in this ordinance shall be in accordance with the respective ranges for said titles.

Section IV. LONGEVITY

All full-time employees (35-hour work week) hired prior to January 1, 2006 shall have longevity rolled into the base salary as follows:

After five (5) years of service	\$1,000.00
After eight (8) years of service	\$1,500.00
After ten (10) years of service	\$2,000.00
After thirteen (13) years of service	\$2,500.00
After fifteen (15) years of service	\$3,000.00

There shall be no longevity for employees hired after January 1, 2006.

Section V. MILEAGE AND CAR ALLOWANCES

A. All employees using a personal vehicle in the pursuit of Township business shall be compensated at the rate per mile as set by the I.R.S. annually. Employees receiving a car allowance are excluded from this provision.

B. The following positions will receive car allowances in the annual amounts indicated in lieu of a township vehicle:

Chief of Police \$3,780.00

Section VI. CLOTHING ALLOWANCES

The following position will receive an annual clothing allowance in the annual amount indicated:

Chief of Police \$1,200.00

Section VII. ADMINISTRATION

The administration of the salary and wage plan established by this ordinance shall be the responsibility of the Administrator or other designated person and shall be implemented in accordance with the 2018 Budget and with such other policies, rules and regulations as may be adopted from time to time by the Township Committee.

Section VIII. Any ordinance or part of any ordinance inconsistent with this ordinance is hereby repealed.

Section IX. This ordinance shall be in full force and effective upon final adoption and publication in accordance with the law.

Mayor Mangin read by title Ordinance #18-7.

ORDINANCE #18-7

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY, WAGE AND COMPENSATION PLAN FOR THE YEAR 2018-2019 FOR EMPLOYEES IN THE CWA LOCAL 1040 WHITE COLLAR BARGAINING UNIT AND PROVIDING FOR THE ADMINISTRATION THEREOF

Mayor Mangin asked for a motion to open public hearing.

Motion by Reiner, seconded by Gilbert

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-7 on final consideration, same to be published according to law.

Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised February 23, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-7

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING A SALARY, WAGE AND COMPENSATION PLAN FOR THE YEAR 2018-2019 FOR EMPLOYEES IN THE CWA LOCAL 1040 WHITE COLLAR BARGAINING UNIT AND PROVIDING FOR THE ADMINISTRATION THEREOF.

BE IT ORDAINED by the Mayor and Township Committee of the Township of Raritan as follows:

Section I. The Salary and Wage Plan for employees whose positions are represented by CWA Local 1040 White Collar bargaining unit for the year 2018 - 2019 shall be as follows:

	<u>Minimum</u>	<u>Maximum</u>
<u>Group 1</u> Clerk Typist	\$22,000	\$28,000
<u>Group 2</u> Civilian Police Desk Operator Tax Clerk	\$25,000	\$38,250
<u>Group 3</u> Administrative Secretary Administrative Secretary/Deputy Registrar Assessing Clerk Construction Control Person Construction Office Coordinator/Secretary Deputy Court Administrator Violations Clerk	\$28,000	\$45,950
<u>Group 4</u> Assistant Tax Collector Assistant Supervisor of Accounts Engineering Aide/Inspector Executive Secretary Office Manager (Police) Planner/Planning Board Secretary Property Code/Zoning Inspector Registrar of Vital Statistics	\$31,000	\$61,500
<u>Group 5</u> Fire Prevention Inspector Assistant Tax Assessor	\$40,000	\$67,000
<u>Group 6</u> Uniform Construction Code Inspectors Senior Engineering Assistant	\$46,000	\$85,000

Section II. The hourly rates for part-time positions shall be based on the full-time rate for the position.

Section III. LONGEVITY

All full-time employees (min. 35 hours) hired prior to January 1, 2006 shall have their longevity rolled into their base salary as follows:

After five (5) years of service	\$1,000
After eight (8) years of service	\$1,500
After ten (10) years of service	\$2,000
After thirteen (13) years of service	\$2,500
After fifteen (15) years of service	\$3,000

There shall be no longevity payments for employees hired after January 1, 2006.

Section IV. ATTENDANCE AT BOARD MEETINGS OR COURT SESSIONS

Employees whose duties involve attendance at evening meetings or court sessions will be additionally compensated as follows:

Minimum compensation per meeting/session	\$30.00
Hourly rate for length of meeting/session	\$17.00

The number of hours shall be rounded off to the nearest half hour increment.

Section V.

Any ordinance or part of any ordinance inconsistent with the underlying contract is hereby repealed.

Section VI.

This ordinance shall be in full force and effective upon adoption and publication in accordance with the law.

Mayor Mangin read by title Ordinance #18-8.

ORDINANCE #18-8

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2.102 ENTITLED "LEAVE POLICY FOR CERTAIN EMPLOYEES" BY AMENDING SECTION 2.102.010 ENTITLED "INTENT," SECTION 2.102.020 ENTITLED "ACCUMULATED LEAVE BENEFITS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE," SECTION 2.102.030 ENTITLED "LEAVE BENEFITS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE," AND SECTION 2.102.040 ENTITLED "EFFECT OF ORDINANCE ON CURRENT EMPLOYEES"

Mayor Mangin asked for a motion to open public hearing.
Motion by Gilbert, seconded by Hazard
MOTION UNANIMOUSLY CARRIED
No public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-8 on final consideration, same to be published according to law.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: O'Brien

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised February 23, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-8

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2.102 ENTITLED "LEAVE POLICY FOR CERTAIN EMPLOYEES" BY AMENDING SECTION 2.102.010 ENTITLED "INTENT," SECTION 2.102.020 ENTITLED "ACCUMULATED LEAVE BENEFITS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE," SECTION 2.102.030 ENTITLED "LEAVE BENEFITS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE," AND SECTION 2.102.040 ENTITLED "EFFECT OF ORDINANCE ON CURRENT EMPLOYEES."

Section 1. Section 2.102.010 entitled "Intent" is amended as follows:

It is the intent of this Chapter 2.102, adopted by Ordinance No. 11-7 and as amended by Ordinance No. 18-8, to establish the policy for sick, vacation, personal and compensatory leave for employees not covered by Collective Negotiation Agreements.

Section 2. Section 2.102.020 entitled "Accumulated Leave Benefits as of the Effective Date of This Ordinance" is renamed "Accumulated Leave Benefits as of the Effective Date of Ordinance No. 11-7" and is amended as follows:

As of the effective date of [this] Ordinance No. 11-7, employees of the Township of Raritan who are not covered by Collective Negotiation Agreements, shall be paid for sick, vacation, personal and compensatory leave on the following basis:

A. Sick Leave.

1. At retirement, employees shall be paid thirty-five (35%) percent of the daily rate of pay in effect and for the number of days accumulated on the effective date of [this] Ordinance No. 11-7 for each accumulated day up to a maximum of two hundred (200) days.

2. At other separation of employment, except in the case of firing, employees shall be paid twenty-five (25%) percent of the daily rate of pay in effect and for the number of days accumulated on the effective date of [this] Ordinance No. 11-7 for each accumulated day up to a maximum of two hundred (200) days.
- B. Vacation Leave. At separation of employment, employees shall receive payment for accumulated vacation leave. The calculation for the current year will be prorated based upon the number of months worked in the year and the allotment for that year.
 - C. Personal Leave. At separation of employment, employees shall receive payment for accumulated personal leave. The calculation for the current year will be prorated based upon the number of months worked in the year and the allotment for that year.
 - D. Compensatory Leave. At separation of employment, employees may receive payment for accumulated compensatory leave and/or use accumulated compensatory leave until the date of separation. Only the following titles shall accrue compensatory time and at the limits established by separate agreements or by other policies established by the Township Committee: Chief of Police, Superintendent of Public Works, Assistant Superintendent of Public Works, Township Engineer and Public Works Foreman. The use of accumulated compensatory leave at separation shall be at the discretion of the Township Committee in accordance with the personnel needs of the Township.
 - E. Statutory Limit on Compensation. Payment for accumulated sick and vacation leave shall not exceed the statutory amounts set forth in N.J.S.A. 40A:9-10.2 and N.J.S.A. 40A:9-10.3

Section 3. Section 2.102.030 entitled “Leave Benefits After the Effective Date of This Ordinance” is renamed “Leave Benefits” and is amended as follows:

After the effective date of this Ordinance No. 18-8 [Ordinance No. 11-7], the sick, vacation, personal and compensatory leave policy for employees of the Township of Raritan **who are not covered** by Collective Negotiation Agreements is as follows:

- A. Sick Leave. [Sick] Unused sick leave shall accrue year to year. [be used in the year in which it is accrued and may not be carried to the succeeding year.]
- B. Vacation Leave. Vacation leave shall be used in the year in which it is accrued and may not be carried to the succeeding year. However, a Township employee, who does not take all of the annual vacation leave that accrues after the effective date of this Ordinance because of Township business demands, may be allowed to carry up to one-half (1/2) of the accrued annual allotment of vacation leave only during the next succeeding year and upon the employee’s written request to and written approval of that request by the Township Administrator. In the event that a medical condition restricts the use of vacation leave and would prohibit the employee from using at least one-half (1/2) of the vacation leave allotment, the employee, upon request to and approval of the Administrator, may carry over more than one-half (1/2) of the annual allotment into the succeeding year. Any vacation leave carried into the succeeding year because of medical conditions must be used no later than June 30 or lost.

- C. Personal Leave. Personal leave shall be used in the year in which it is accrued and may not be carried to the succeeding year.
- D. Compensatory Leave. Only the following employees shall accrue compensatory time and at the limits established by separate agreements or by other policies established by the Township Committee: Chief of Police, Superintendent of Public Works, Assistant Superintendent of Public Works, Township Engineer and Public Works Foreman. The use of accumulated compensatory leave at separation shall be at the discretion of the Township Committee in accordance with the personnel needs of the Township.
- E. Statutory Limit on Compensation. Payment for accumulated sick and vacation leave shall not exceed the statutory amounts set forth in N.J.S.A. 40A:9-10.2 and N.J.S.A. 40A:9-10.3

Section 4. Section 2.102.040 entitled “Effect of Ordinance on Current Employees” is renamed “Effect on Current Employees” and is amended as follows:

- A. This Ordinance No. 11-7, as amended and supplemented by Ordinance No. 18-8 fixes accumulated sick, vacation, personal and compensatory leave for Township employees as of the effective date of this Ordinance. For those employees subject to Section 2.102 of the Revised General Ordinances of the Township of Raritan, the ability to accumulate sick leave shall only commence upon the effective date of Ordinance No. 18-8 and is not retroactive.
- B. This Ordinance will not serve to alter, modify or reduce the sick, vacation, personal or compensatory leave an employee accrued prior to the effective date of [this] Ordinance 11-7.
- C. After the effective date of [this] Ordinance 11-7 as amended and supplemented by Ordinance 18-8, sick, vacation, personal and compensatory leave will not accrue unless otherwise stated in this Ordinance.

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

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

Note to Codifier: language in brackets [] is to be deleted from the original text. Underlined language is new language to the original text.

Mayor Mangin read by title Ordinance #18-9

ORDINANCE #18-9

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY AMENDING AND REVISING TITLE 5 ENTITLED “BUSINESS LICENSES AND REGULATIONS” OF THE GENERAL REVISED ORDINANCES OF THE TOWNSHIP OF

RARITAN BY REPEALING AND REPLACING CHAPTER 5.24 ENTITLED “PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS” WITH CHAPTER 5.24 ENTITLED “PEDDLERS, SOLICITORS, CANVASSERS, AND TRANSIENT MERCHANTS,” ADDING CHAPTER 5.25 ENTITLED “REGULATION OF FOOD CARTS, FOOD TRUCKS, AND OTHER VEHICLE-BASED COMMERCIAL ACTIVITIES,” AND AMENDING SECTION 5.36.010 ENTITLED “SPECIAL EVENTS, DEFINED”

Mr. Purcell asked that the record reflect that Lisa has provided a memo justifying the \$200.00 application fee.

Mayor Mangin asked for a motion to open public hearing.

Motion by Gilbert, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-9 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, O’Brien, Reiner, Mayor Mangin

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised February 27, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-9

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY AMENDING AND REVISING TITLE 5 ENTITLED “BUSINESS LICENSES AND REGULATIONS” OF THE GENERAL REVISED ORDINANCES OF THE TOWNSHIP OF RARITAN BY REPEALING AND REPLACING CHAPTER 5.24 ENTITLED “PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS” WITH CHAPTER 5.24 ENTITLED “PEDDLERS, SOLICITORS, CANVASSERS, AND TRANSIENT MERCHANTS,” ADDING CHAPTER 5.25 ENTITLED “REGULATION OF FOOD CARTS, FOOD TRUCKS, AND OTHER VEHICLE-BASED COMMERCIAL ACTIVITIES,” AND AMENDING SECTION 5.36.010 ENTITLED “SPECIAL EVENTS, DEFINED.”

Section 1. Chapter 5.24 entitled “Peddlers, Solicitors and Transient Merchants” is hereby repealed and replaced with Chapter 5.24 “Peddlers, Solicitors, Canvassers, and Transient Merchants” as follows:

5.24.010 Purpose.

The operations of transient merchants, peddlers, solicitors and canvassers raises valid public concerns related to public safety, public health, crime and fraudulent business practices. It is the purpose of this chapter to regulate these activities for the benefit of the residents of the Township of Raritan.

5.24.020 Definitions.

As used in this section:

“Applicant” shall mean every person who has applied for a License to peddle, solicit and canvass in the Township or act as a transient merchant.

“Canvass” shall mean going from door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, for the purpose of obtaining the views of any person upon any economic or social question or project or for the purpose of distributing literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material for the purposes of information and/or advertising.

“Commercial Purposes” shall mean for the purpose of selling goods, services or wares or advertising goods, services or wares with intent of profit-making. However, no peddling, canvassing, or soliciting by non-profit or charitable organizations shall be considered a “commercial purpose.”

“Non-Commercial Purposes” shall mean those purposes which are not commercial.

“Peddle” shall mean going from door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, in an effort to take orders for present or future delivery of merchandise, as defined hereinafter.

“Merchandise” shall mean any and all goods or wares which are ordinarily the objects of trade and commerce. Merchandise shall also mean and refer to orders or contracts for a service, home improvement or alteration.

“Solicit” shall mean going door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, to plead or ask for contributions or donations, monetary or otherwise, for any person, group, association or corporation.

“Transient Merchant” shall mean a person, corporation or partnership who engages in a merchandising business in New Jersey with intent to close out or discontinue the business in the Township within one year from date of commencement and for the purpose of carrying out such business, hire, lease or occupy any building or structure for the exhibition and sale of goods. Transient merchants who also lease or occupy motel facilities for the conduct of their business shall be deemed as intending to temporarily be located within Raritan Township for less than one year. Operating as a Transient Merchant is, presumptively, a Commercial Purpose, pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan.

5.24.030 License Required for Commercial Peddling, Solicitation, Canvassing or Operating as a Transient Merchant.

a. Any person desiring to Peddle, Solicit, Canvass, or operate as a Transient Merchant for a Commercial Purpose within the Township must apply for and receive, prior to such activity taking place, a License from the Township Clerk.

b. A separate application shall be required for each entity or person peddling, soliciting, canvassing or operating as a Transient Merchant. Applications shall be filed pursuant to the requirements of Chapter 5.04 of the Revised General Ordinances of the Township of Raritan. Each application shall be accompanied by a fee of two hundred (\$200) dollars. This fee shall not be prorated.

c. Licenses issued pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall expire on December 31 of the calendar year in which the License is issued.

d. Exhibition of License: Each License holder shall prominently display the License whenever soliciting, canvassing or peddling in the Township so that same is observable to any person addressed by the Licensees.

e. Notwithstanding any contrary provisions of the Revised General Ordinances of the Township of Raritan, no License to solicit, canvass, or peddle, or act as a transient merchant shall be issued unless:

i. Applicant provides the Raritan Township Police Department with a fingerprint criminal background check.

ii. Applicant provides a two thousand-dollar (\$2,000.00) bond to the Township of Raritan in a form approved by the Township Attorney. Such bond may be subject to forfeiture upon proof of: 1) falsification in the application for a license; or 2) willful violation of a Township ordinance or a state or federal law.

5.24.040 Persons Exempt from All Licensing Requirements.

a. The following entities are exempt from the requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan:

i. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and -10.

ii. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and -10, possessing a license in conformity with said law.

iii. Any public utility or its employees, which public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, such employees shall display the identification badge or card issued by their employer. Third party suppliers of electrical services are not exempt under this provision.

iv. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered same or were entitled to receive same by reason of a prior agreement.

v. Any person soliciting snow shoveling services within 24 hours of a snowstorm.

vi. Any person soliciting, peddling or canvassing for a non-commercial purpose.

b. The exemptions provided for by this section shall not be applicable to any person operating as a Transient Merchant.

5.24.050 General Regulations Regarding Peddling, Soliciting and Canvassing.

a. No peddler, solicitor or canvasser that is subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall peddle, solicit or canvass before 9 a.m. or after 4 p.m. Monday through Friday or before 10 a.m. or after 3 p.m. on Saturdays. All other peddlers, solicitors or canvassers that are not subject to the licensing requirements pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall only peddle, solicit or canvass between 9 a.m. and 9 p.m. on any given day.

b. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall solicit, canvass or peddle upon premises whereupon a sign is posted which indicates that the peddler's, solicitor's or canvasser's activities are not welcome. Such a sign may, but is not required to, state: "No Peddlers, Solicitors, or Canvassers Invited."

c. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall walk upon front yards or back yards to move from property to property or building to building unless invited to do so by the property owner.

d. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall enter or attempt to enter the house or apartment of any resident of the Township without an express invitation from an occupant thereof.

e. All literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material being canvassed or peddled shall be handed to an occupant of the property or left in a secure place thereon.

f. Reserved.

g. No peddler, solicitor or canvasser, that is subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall peddle, solicit or canvas on the street, roadway, or public right-of-way in the same place, i.e. stationary, for more than eight (8) hours.

h. No, peddler, solicitor or canvasser, whether or not subject to the licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall substantially

impair the ability of the public to use the Township's right-of-ways.

5.24.060 Penalties.

Penalties: Any violation of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall be punishable by a fine of two thousand (2,000.00) dollars and/or imprisonment as prescribed in Section 1.08 of the Revised General Ordinances of the Township of Raritan.

Section 2. Chapter 5.25 entitled "Regulation of Food Carts, Food Trucks, and Other Vehicle-Based Commercial Activities" is hereby added as follows:

5.25.010 Purpose.

The operation of Food Carts, Food Trucks and Other Vehicle-Based Commercial Activities within the Township create valid public concerns related to public safety, public health, crime and fraudulent business practices. It is the purpose of this chapter to regulate these activities for the benefit of the residents of the Township of Raritan.

5.25.020 Definitions.

"Food Cart" means a small hand pushed mobile kitchen or small hand pushed cart used for the sale of food, drink, ice cream, frozen desserts, fresh vegetables or fruit.

"Food Truck" means a large wheeled vehicle from which food is prepared and/or served that does not allow more than two persons, a principle operator and one assistant, to operate within.

"Non-Profit and Charitable Event" an event that will take place within Raritan Township that is organized by a non-profit entity and which is not considered a "Special Event" pursuant to Chapter 5.36 of the Revised General Ordinances of the Township of Raritan.

"Other Commercial Vehicle-Based Activity" means the sale of non-edible goods and products from a truck or cart.

"Regulated Activity" means the operation of Food Carts, Food Trucks and other Vehicle-Based Commercial Activities.

"Special Event" means any event that has been authorized pursuant to Chapter 5.36 of the Revised General Ordinances of the Township of Raritan.

5.25.030 License Required for Food Carts, Food Trucks and Other Vehicle-Based Commercial Activities.

a. Any person desiring to engage in any Regulated Activity must apply for, and receive, prior to such activity taking place, a license pursuant to this Chapter.

b. A separate application shall be required for each entity or person wishing to engage in a Regulated Activity. Applications shall be made pursuant to Chapter 5.04 of the Revised General Ordinances of the Township of Raritan. Each application shall include a fee of one hundred dollars (\$100.00). Notwithstanding the preceding, Food Carts and Food Trucks are exempt from the one-hundred-dollar (\$100.00) fee.

c. The term of license issued pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan is event specific and shall be concurrent with the length of each individual specific event listed in subsection (a) (ii) and subsection (b)(ii) of Section 5.24.040 of the Revised General Ordinances of the Township of Raritan.

d. Exhibition of License: Each License holder shall prominently display the License whenever engaging in a Regulated Activity in the Township.

5.25.40 Regulations Applicable to each Regulated Activity.

- a. Food Carts and Food Trucks
- i. Food Carts and Food Trucks shall be licensed in the Township of Raritan subject to the restrictions of this section.
 - ii. Food Carts and Food Trucks shall only be allowed to operate at Non-Profit and Charitable Events, and Special Events.
 - iii. Prior to being issued a license pursuant to Section 5.25 of the Revised General Ordinances of the Township of Raritan allowing the use of a Food Cart or Food Truck in the Township, said Food Cart or Food Truck must be inspected by the Hunterdon County Health Department and found to be in compliance with all applicable rules and regulations of the County of Hunterdon, the Township of Raritan and the State of New Jersey.
 - iv. Food Carts and Food Trucks must not remain stationary in any one location for more than eight (8) hours.
 - v. If a Food Cart or Food Truck is parked along the public right-of-way, business may only be transacted from the curbside of the vehicle.
 - vi. No Food Cart or Food Truck shall double park along the public right-of-way.
 - vii. No Food Truck shall have its engine running if parked along the public right-of-way.
 - viii. Any Food Truck or Food Cart which offers to sell, displays for sale or sells fruits, vegetables and farm products shall, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered with satisfactory materials in order to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all merchandise.

- ix. Any Food Truck or Food Cart which offers to sell, displays for sale or sells seafood, meats, poultry or dairy products shall transport the same solely in refrigerated compartments and all such products shall remain refrigerated at all times up to the time of sale. The refrigerated compartments, during the use thereof, shall be maintained at a properly low temperature to completely safeguard all products from a health and sanitary standpoint to the fullest reasonable extent possible as determined by the Hunterdon County Department of Health for the safety and welfare of the public.
 - x. No operator of any Food Truck or Food Cart shall allow any debris, waste material, rotting produce or merchandise of any kind or any unfit produce to remain in or upon his vehicle, unless contained in a leak proof metal container having a properly fitted metal cover.
 - xi. No operator of any Food Truck or Food Cart shall permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks and shall at all times remove any debris that may have fallen from said vehicle so that the same is immediately placed in a leak proof metal container as provided for in subsection (C) of this section.
- b. Other Commercial Vehicle-Based Activities
- i. Other Commercial Vehicle-Based Activities shall be licensed in the Township of Raritan subject to the restrictions of this section.
 - ii. Other Commercial Vehicle-Based Activities shall only be allowed to operate at Non-Profit and Charitable Events, and Special Events.
 - iii. Vehicles used for Other Commercial Vehicle-Based Activities must not remain stationary in any one location for more than eight (8) hours.
 - iv. If a Vehicle used for Other Commercial Vehicle-Based Activities is located along the public right-of-way, business may only be transacted from the curbside of the vehicle.
 - v. No Vehicle used for Other Commercial Vehicle-Based Activities shall double park along the public right-of-way.
 - vi. No Vehicle used for Other Commercial Vehicle-Based Activities shall have its engine running if parked along the public right-of-way.
 - vii. No operator of Vehicle used for Other Commercial Vehicle-Based Activities shall display for sale outside the vehicle any goods or products, including but not limited to, furniture, pictures, paintings, or rugs.

5.25.050 Reserved.

5.25.060 Authority of the Township Committee.

The Township Committee of the Township of Raritan may, by resolution, waive any limitations or requirements of Chapter 5.25 of the Revised General Ordinances of the Township of Raritan upon a demonstration by the licensee or prospective licensee that same will not negatively impact the health, safety and welfare of the residents of the Township.

5.25.070 Persons Exempt from Licensing Requirements.

a. The following persons are exempt from the licensing requirements of Chapter 5.25 of the Revised General Ordinances of the Township of Raritan:

- i. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and -10.
- ii. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and -10, possessing a license in conformity with said law.

b. Regardless of the foregoing, the persons listed in subsection (a) above must comply with the substantive health and safety requirements of Section 5.25.040 of the Revised General Ordinances of the Township of Raritan.

Section 3. Section 5.36.010 "Special Events Defined" is amended as follows:
Special events - any cultural, religious, artistic or commercial events which are located in Raritan Township with attendance open to the general public. [lasting more than ten days. (Ord. passed 2-27-84 (part): prior code § 3-11.1)]

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. The Ordinance shall take effect upon its adoption, passage and publication according to law.

Note to Codifier: language in brackets [] is to be deleted from the original text. Underlined language is new language to the original text.

ORDINANCES (INTRODUCTION, FIRST READING)

Mayor Mangin read by title Ordinance #18-10.

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY REPEALING AND REPLACING ORDINANCE 16-23 ENTITLED "AN ORDINANCE REPEALING AND REPLACING SECTION 15.04.030 ENTITLED FEES-BIENNIAL FEE SCHEDULE REPORT-NEW CONSTRUCTION SURCHARGE"

Mayor Mangin asked for a motion to introduce Ordinance #18-10 on first consideration.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for March 20, 2018.

CORRESPONDENCE

a. Thank you letter from Immaculata High School to John Tully, Raritan Township Assistant Engineer, for career shadowing opportunity – Committee Members acknowledged and commended the efforts of John Tully and extended gratitude.

NON-CONSENT AGENDA

Township Committee Regular Meeting Minutes

Mayor Mangin asked for a motion to approve the Regular Meeting Minutes of February 6 and 20, 2018.

Motion by Reiner, seconded by Gilbert.

ROLL CALL VOTE:

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

Township Committee Executive Meeting Minutes

Mayor Mangin asked for a motion to approve the Executive Session Meeting Minutes of October 3, 2017.

Motion by Gilbert, seconded by Reiner.

ROLL CALL VOTE:

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

Mayor Mangin asked for a motion to approve the Executive Session Meeting Minutes of February 6 (2) and February 20, 2018 (2).

Motion by Reiner, seconded by Gilbert.

ROLL CALL VOTE:

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

Mayor Mangin read Resolution #18-55 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-55.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-55

A RESOLUTION CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Township Committee have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Mayor Mangin read Resolution #18-59 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-59.
Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

RESOLUTION #18-59

**RESOLUTION AUTHORIZING THE FULL-TIME EMPLOYMENT OF
KENT WOOLF IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Township of Raritan is in need of a full-time employee in the Department of Public Works; and

WHEREAS, the Mayor and Township Committee desires to fill this position; and

WHEREAS, Kent Woolf has been employed as a part-time employee of the Department of Public Works and has proven to be a valued asset to the Township; and

WHEREAS, Brion Fleming, Superintendent of Public Works recommends Kent Woolf for the full-time position in the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Kent Woolf is hereby employed as a full-time Department of Public Works employee effective March 7, 2018 at an hourly rate of \$20.07, as set forth in the Teamsters Local 469 Contract.

Mayor Mangin read Resolution #18-63 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-63.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-63

**A RESOLUTION AUTHORIZING EMERGENCY
TEMPORARY APPROPRIATION #2
(DPW VEHICLE MAINTENANCE)**

WHEREAS, a Temporary Budget was adopted for 2018 by the Township Committee on January 4, 2018 by Resolution #18-12; and

WHEREAS, as per New Jersey Local Budget Law 40A:4-20 Emergency Temporary Appropriations, states that the Governing Body may by resolution adopted by 2/3rds vote of the full membership thereof make emergency temporary appropriations for any purposes for which appropriations may lawfully be made.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that emergency temporary budget appropriations are made as follows; said emergency temporary appropriations will be provided for in the 2018 budget; and that a copy of this resolution be transmitted to the Chief Financial Officer and the Director of the Division of Local Government Services:

Vehicle Maintenance O/E	\$40,000.00
TOTAL:	\$40,000.00

Mayor Mangin read Resolution #18-68 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-68.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-68

**A RESOLUTION AUTHORIZING EMERGENCY
TEMPORARY APPROPRIATION #3
(PERS AND PFRS)**

WHEREAS, a Temporary Budget was adopted for 2018 by the Township Committee on January 4, 2018 by Resolution #18-12; and

WHEREAS, as per New Jersey Local Budget Law 40A:4-20 Emergency Temporary Appropriations, states that the Governing Body may by resolution adopted by 2/3rds vote of the full membership thereof make emergency temporary appropriations for any purposes for which appropriations may lawfully be made.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that emergency temporary budget appropriations are made as follows; said emergency temporary appropriations will be provided for in the 2018 budget; and that a copy of this resolution be transmitted to the Chief Financial Officer and the Director of the Division of Local Government Services:

Public Employees Retirement System	\$ 510,467.90
Police and Fireman Retirement System	\$1,019,521.00
TOTAL:	\$1,529,988.90

Mayor Mangin read Resolution #18-69 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-69.
Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

RESOLUTION #18-69

**A RESOLUTION AMENDING RESOLUTION #17-272
2017 BUDGET TRANSFER #1
(EMERGENCY)**

WHEREAS, N.J.S.A. 40A:4-58 of the Local Budget Law provides for the transfer of funds from appropriations deemed to have an excess, to appropriations where sufficient balances are not available to fulfill the purpose of the appropriation to the end of the fiscal year, providing that no transfers may be made to appropriations for contingent expenses or deferred charges, and no transfers may be made from appropriation for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvements fund and debt service; and

WHEREAS, N.J.S.A. 40A:4-45a and 45.38 of the Budget Law restrict transfers from appropriations excluded from the Cap Law to appropriations within the Cap Law and also between appropriations excluded from the Cap Law except that transfers may be made to debt service; and

WHEREAS, Resolution #17-272 was adopted November 6, 2017 for the transfer of funds; and

WHEREAS, no appropriation was made for NJDEP (New Jersey Department of Environmental Protection Agency) Stormwater General Permit; and

WHEREAS, the Township Committee wishes to amend Resolution #17-272 to include such appropriation.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the following amendment to Resolution #17-272 is authorized between appropriations in the 2017 budget and that a certified copy of this resolution adopted **by not less than a two-thirds (2/3) vote of the full membership of the governing body** be transmitted to the Administrator and Chief Financial Officer.

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Police S&W	NJDEP Stormwater General Permit	\$24,050.00
	TOTAL:	\$24,050.00

CONSENT AGENDA

All matters listed on the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Committee Member O'Brien requested that Resolution #18-53 Ratifying and Confirming the Appointment of John Kendzulak as RTMUA Commissioner; Resolution #18-61 Authorizing the Appointment of a Municipal Court Judge; and Resolution #18-62 Authorizing the Award of a Non-fair and Open Contract for Township Auditor be removed for further consideration.

Mayor Mangin stated that Resolution #18-67 was acted on earlier in the Agenda, as interested parties were in attendance.

Mayor Mangin asked for a motion to adopt the Consent Agenda as amended with the removal of Resolutions #18-53, #18-61, #18-62, #18-67.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-56

**AUTHORIZING THE PARTIAL REFUND OF A
CONSTRUCTION PERMIT FEE**

WHEREAS, Walter Becker has requested the partial refund of a permit fee from the Construction Code Office; and

WHEREAS, Danielle Langreder, Assistant Supervisor of Accounts, has submitted a memo dated February 22, 2018, and recommended the partial refund of the permit fee in the amount of \$40.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the construction permit fee in the amount of \$40.00 paid by Walter Becker is hereby refunded.

RESOLUTION #18-57

**AUTHORIZING THE RELEASE OF CASH PERFORMANCE GUARANTEE
AND SURETY BOND (RARITAN JUNCTION - COSTCO)**

WHEREAS, Raritan Junction, LLC has requested the release of its Cash Performance Guarantee and Surety Bond No. FP0022530; and

WHEREAS, Township Engineer, Antoine Hajjar, has performed a site inspection and recommends the release of the Cash Performance Guarantee in the amount of \$10,573.41 plus any accrued interest and the return of Surety Bond No. FP0022530 in the amount of \$95,160.69.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, that the Cash Performance Guarantee in the amount of \$10,573.41 plus any accrued interest and Surety Bond No. FP0022530 in the amount of \$95,160.69 are hereby returned to Raritan Junction, LLC.

RESOLUTION #18-58

**AUTHORIZING THE PURCHASE OF A NEW KIOTI CS2210
SNOW MACHINE/TRACTOR IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Township of Raritan is in need of a new snow machine/tractor for the Department of Public Works; and

WHEREAS, Kollmer Equipment, 901 County Road 579, Flemington, NJ 08822 quoted a price of \$20,950.00 for a new Kioti CS2210 snow machine/tractor; and

WHEREAS, the Superintendent of Public Works received four (4) quotes and recommends the lowest quote of \$20,950.00 be awarded to Kollmer Equipment, 901 County Road 579 Flemington, NJ 08822; and

WHEREAS, the cost is below the township bid threshold of \$40,000.00 and appropriated through Ordinance #17-32 for the amount of \$20,950.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-05 for the purchase of said snow machine/tractor.

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 procurement of one new Kioti CS2210 snow machine/tractor be purchased through Kollmer Equipment of 901 County Road 579, Flemington, NJ 08822.

RESOLUTION #18-60

**A RESOLUTION AUTHORIZING THE REFUND OF A
CONSTRUCTION PERMIT FEE (TOLL BROTHERS, INC.)**

WHEREAS, Toll Brothers, Inc. has requested the refund of a permit fee paid to the Construction Code Department for new construction of a single-family dwelling at 10 Donna Drive; and

WHEREAS, Raritan Township Acting Construction Official, Jeffrey Klein, recommends the fee be refunded minus the non-refundable fee to the Department of Community Affairs and the Plan Review fee.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the construction permit fee in the amount of \$4,929.00 be refunded to Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA, 19044.

RESOLUTION #18-64

**AUTHORIZING THE PURCHASE AND INSTALLATION OF
ANCILLARY EQUIPMENT ON THE COMMAND VEHICLE
FOR THE RARITAN TOWNSHIP FIRE COMPANY**

WHEREAS, the Raritan Township Fire Company is in need of ancillary equipment on the Command Vehicle; and

WHEREAS, 10-75 Emergency Vehicles, 14 First Avenue, Unit 3, Haskell, New Jersey 07420 is a New Jersey State Contract Vendor under Contract A81334 and A81347 for Lighting and Custom Storage Solutions; and

WHEREAS, the total cost of the purchase and installation of all items contained in the quote attached hereto from 10- 5 Emergency Vehicles is \$27,408.15; and

WHEREAS, the Township of Raritan has appropriated funds for this purchase through Ordinance #17-39 in the amount of \$65,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through the Certificate of Availability of Funds #18-04 for the purchase of said equipment,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, authorizes the purchase and installation of ancillary equipment as contained in the quote attached hereto for the Raritan Township Fire Company Command Vehicle through 10-75 Emergency Vehicles, 14 First Avenue, Unit 3, Haskell, New Jersey 07420 for the sum of \$27,408.15.

RESOLUTION #18-65

**A RESOLUTION AUTHORIZING FIRST QUARTER 2018 TAX REFUND
(CORELOGIC)**

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

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the following receive a refund in the amount specified due to duplicate payments for First Quarter, 2018 taxes.

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Gabel, John H Jr. & Lesley Radcliffe (6 Tanager Drive)	\$3,908.37	100	6

RESOLUTION #18-66

**AUTHORIZING THE RETURN OF A PAYMENT IN LIEU OF ROADS
(KLEIN)**

WHEREAS, Francis Klein posted a payment in lieu of road improvements for Block 71, Lot 34, 69 Kuhl Road of \$10,200.00, October 8, 1998; and

WHEREAS, Francis Klein has requested return of said payment in lieu of roads; and
WHEREAS, improvements not started within ten (10) years of the date of the agreement (October 8, 1998); or not completed within twelve (12) years of the date of the agreement (October 8, 1998), the monies or unused portion thereof plus the interest shall be returned to the applicant.

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 payment in lieu of roads posted in the amount of \$10,200.00 by Francis Klein is hereby returned with any accrued interest.

Mayor Mangin read Resolution #18-53 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-53

Committee Member O'Brien commented that resolutions regarding the appointment or hiring of individuals be considered separately on the agenda.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-53

**RATIFYING AND CONFIRMING THE APPOINTMENT OF
 JOHN T. KENDZULAK AS RTMUA COMMISSIONER
 EFFECTIVE FEBRUARY 1, 2018**

WHEREAS, as of January 31, 2018, the term of John T. Kendzulak, as a Commissioner to the Raritan Township Municipal Utilities Authority (the "RTMUA"), expired; and

WHEREAS, pursuant to state law, Mr. Kendzulak maintained his position in a hold-over capacity; and

WHEREAS, the Township Committee desires to fill this vacancy within the RTMUA; and

WHEREAS, at its regular meeting of February 20, 2018, the Township Committee, by voice vote, reappointed John T. Kendzulak as Commissioner of the RTMUA for a term of five (5) years, beginning February 1, 2018 and ending January 31, 2023.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the Township's February 20, 2018 voice vote regarding the reappointment of Mr. Kendzulak is hereby ratified and confirmed as follows:

*John T. Kendzulak
 Appointed as Commissioner of the RTMUA
 Effective February 1, 2018
 For a Term of Five (5) Years*

Mayor Mangin read Resolution #18-61 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-61.
Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-61

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF A
MUNICIPAL COURT JUDGE**

WHEREAS, there exists a vacancy for the Municipal Court Judge in the Raritan Township/Hampton Borough Joint Court; and

WHEREAS, the Township Committee has advertised for resumes and interviewed prospective candidates; and

WHEREAS, the Township Committee is desirous of filling the Raritan Township/Hampton Borough Municipal Court Judge position and appointing Judge William Mennen for a three-year term, effective March 6, 2018.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that Judge William Mennen is hereby appointed to the position of Municipal Court Judge effective March 6, 2018 through March 5, 2021 at a prorated annual salary of \$37,492.36 for the year 2018.

Mayor Mangin read Resolution #18-62 by title.
Mayor Mangin asked for a motion to adopt Resolution #18-62.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-62

**A RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP AUDITOR**

WHEREAS, there exists a need for the services of an Auditor for the Township of Raritan for the year as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township Committee has determined that Robert Swisher should be appointed and retained as Auditor for the Township of Raritan from March 6, 2018 through December 31, 2018; 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, Suplee, Clooney and Company and Robert Swisher 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 2017, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-06 for Auditing Services;

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. Robert Swisher is hereby appointed and retained as Auditor from March 6, 2018 through December 31, 2018.
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. Fees: Assistance with Municipal Budget/Documents/Amendments, attendance at Meetings/Public Hearings and Statutory Annual Audit - Total 2018 Professional Fee not to exceed – \$5,000.00.
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.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment.

Barbara Sachau, a resident of 2 Glenway Drive, commented on the poor quality of the sound system; and inquired as to the frequency of the cost referenced to Ordinance #18-6 regarding longevity compensation.

Robert Ahrens, a resident of 42 Fairview Drive and volunteer firefighter, advised that he was still without power and expressed frustration regarding restoration efforts on behalf of JCP&L.

During Privilege of the Floor, Mayor Mangin advised that the cost in reference to longevity compensation was per year.

ADJOURNMENT

Mayor Mangin asked for a motion to adjourn the regular meeting and reconvene Closed Session.

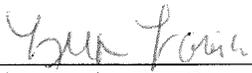
Motion by Reiner, seconded by Hazard

MOTION UNANIMOUSLY CARRIED

CLOSED SESSION MINUTES #2 WILL BE DONE IN A SEPARATE DOCUMENT

Meeting adjourned at 8:19 p.m.

Respectfully submitted,



Lisa Fania, RMC
Township Clerk