

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, MAY 1, 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; Comm. Craig O'Brien; and Comm. Louis Reiner

ALSO PRESENT: Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Police Captain, Kevin Donovan; Township Attorney, Jeff Lehrer; Attorney, Ed Purcell

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 municipal bulletin board and the Township website.

Township Attorney Lehrer read Resolution #18-89 in full.

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

ROLL CALL VOTE:

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

RESOLUTION #18-89

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: Administrator Evaluation; Building Subcode Official;
Fire Subcode Official; Part-Time Building Inspector

- c) Attorney-Client Privilege: Raritan Junction vs. RTMUA & Township 3rd Party
Complaint for Scarce Resources
- d) Pending Litigation:

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.

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

The regular meeting reconvened at 7:07 p.m.

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.

Deputy Mayor Gilbert requested that one additional item be added to the meeting agenda, a request by the Raritan Township Republican Club for a proclamation by the Township Committee recognizing Freeholder, John E. Lanza and Attorney, John R. Lanza as recipients of its 2018 Community Service Award to be presented at the May 10, 2018 Awards Dinner. Deputy Mayor Gilbert explained that such request was received yesterday, April 30, and requires action at tonight's meeting due to the fact that the next Township Committee meeting, May 15, 2018, follows the May 10th event.

At this time, Committee Member Reiner requested that the Committee consider authorizing members of the public in attendance to comment on the proposed Clover Hill Sports Complex during the first Public Comment as the item is not on the meeting agenda.

Committee Member Reiner motioned to advance public comment on the proposed Clover Hill Sports Complex to the first Public Comment section; seconded by Hazard.

Mayor Mangin asked for a motion to approve the agenda as amended.

Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

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:

Barbara Sachau, a resident of 2 Glenway Drive, commented on appointments to the Wildlife Management Advisory Committee (WMAC); spoke about the problem of invasive plants in the forest and lyme tick; and expressed dissatisfaction of the 2017-2018 Wildlife Management Activity Report.

Michael Class, a resident of 6 Horseshoe Drive, spoke in opposition to the proposed sports complex expressing safety concerns and the need for bike trails. Mr. Class also commented on a quote from a municipal chair in the newspaper regarding the complex and asked if he was speaking on behalf of the municipality.

Committee Members responded to Mr. Class' inquiry regarding the quote of a municipal chair in the newspaper, advising that it was from the Flemington Borough Chair. Mayor Mangin also commented that the formation of the ad hoc committee was formed in response to requests for more athletic fields in the community.

Steve Saus, a resident of 29 Running Brook Circle, expressed opposition to the proposed development of the parcel commenting on the proliferation of youth sports in the community including the number of schools and athletic facilities such as Diamond Nation, NexLevel Sports, Healthquest; and the number of existing football teams. Mr. Saus asked what will happen to the Flemington Raritan Baseball fields, school fields and half utilized infrastructure, if this parcel is developed.

John Testa, a resident of 10 Clover Hill Road, expressed disapproval of the proposed complex and commented that, "I firmly believe that this was trying to sneak by the residents of the neighborhood."

Ira Rosenheim, a resident of 27 Patrick Henry Place, commented, “what has been really disappointing has been the amount of misinformation, exaggeration, hyperbole, and incorrect statements being made by many people throughout the community.” He continued, “so apparently, this proposal will generate traffic, more than the 4H Fair every single weekend; lights shining directly in people’s houses twenty-four (24) hours a day; potentially open up a hole in the Ozone layer above Raritan Township; endanger our children’s lives as they try to cross the street to use this complex; and generally, ruin the livelihood of every resident in Raritan Township who lives within a mile of this property.” Mr. Rosenheim explained that a concept plan showing the possibilities of what could be done on that particular piece of property was presented two weeks ago at the Township Committee meeting. He continued to comment that people are jumping to conclusions and making assumptions based on emotion, as there are no facts regarding traffic impact and cost. Mr. Rosenheim further explained that at the previous Township Committee meeting, Committee members reiterated in response to several residents’ concerns and comments the fact that this was a conceptual plan. He continued to explain that endorsement of the plan does not mean that this is exactly what will be built and continued that the site was selected because of its size, proximity to existing athletic fields and the fact that it is owned by the County which would minimize any impact to Raritan Township resources. Mr. Rosenheim added that it has been since learned that this parcel is already designated by the County as “future general use park with active recreation improvements planned.”

Mr. Rosenheim respectfully requested that the Township Committee adopt a resolution endorsing this concept plan at the next scheduled meeting.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$6,600,200.46**

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

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

REPORTS

The following staff reports were acknowledged by the Township Committee:

*Fire Safety – March 2018

*Wildlife Management Activity Report – 2017-2018

*Court – March 2018

LIAISON REPORTS

- Karen Gilbert: Finance; Historians; Open Space; Parks and Recreation; Planning Board (Class III Member)
Deputy Mayor Gilbert reported on a meeting of the Planning Board advising that Chairman Kuhl is drafting the temporary use ordinance for review by the Township Committee.
- Gary Hazard: Court/Police; RTMUA
Committee Member Hazard announced that Judge William Mennen is on board and the Court is catching up.
- Craig O'Brien: Open Space
No report.
- Louis Reiner: Agriculture Advisory Board; Fire/Rescue/OEM; Public Works; Wildlife Management Advisory Committee
No report.
- Michael Mangin: Board of Health; Finance; Personnel; Planning Board (Class I Member)
No report.

UNFINISHED BUSINESS

a. Decision regarding liaison to Environmental Commission/Green Team – Mayor Mangin asked Committee Member O'Brien for a decision regarding his availability to serve as liaison to the Environmental Commission/Green Team, as the ninety-day wait period, requested by Committee Member O'Brien January 16, 2018 was up. Deputy Mayor Gilbert accepted responsibility as liaison to the Environmental Commission/Green Team. Committee Member Reiner also offered to assist.

b. Appointment to the RTMUA for the unexpired term to January 31, 2019 – Mayor Mangin advised that there is one additional vacancy on the RTMUA for an unexpired term to January 31, 2019 and requested a recommendation for the appointment of a Township Committee member. Committee Member Hazard recommended himself. Committee Member Reiner expressed support of Committee Member Hazard's nomination of himself.

Deputy Mayor Gilbert inquired as to whether or not Committee Member Hazard could serve as a member of the RTMUA and Township Committee liaison to same.

Mr. Lehrer clarified that there is no legal obligation to have a separate person serve as liaison and that Committee Member Hazard could be appointed.

Mayor Mangin asked for a motion to appoint Committee Member Hazard as a Commissioner to the RTMUA for the unexpired term to January 31, 2019.

Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

During the vote, Committee Member O'Brien commented, "No. Gary, I think you do a great job on it but I am very, very concerned. The RTMUA is set up to be an independent authority, independent of the Township, not to be controlled by another organization. By having an employee on the RTMUA, I think we set a very bad precedent where one organization is going to start telling the other what to do. I'm extremely uncomfortable with anybody being in that position. So I vote No."

Committee Member Hazard commented, "I appreciate it Mr. O'Brien, and respect your No vote but based on the issues that we have over there I think it is critical."

Committee Member Reiner commented, "The RTMUA has failed miserably in doing its due diligence in taking care of the rate payers in this Township. Rates have increased over 100% over the last 10 years, likewise debt has increased to a staggering \$18 million surpassing the overall debt of this Township.....there is no leadership over there....my vote is Yes."

NEW BUSINESS

a. Request from Hunterdon Land Trust to use the municipal parking lot for a 25th Anniversary Celebration hosted by Basil Bandwagon on Saturday, May 5, 2018 – Deputy Mayor Gilbert expressed safety concerns regarding pedestrians crossing at the Route 12 Circle. It was the consensus that Administrator, Don Hutchins follow up with Hunterdon Land Trust for a safety plan regarding pedestrian crossing.

Mr. Lehrer advised Committee Members that they could conditionally approve the request subject to Police Captain Donovan's satisfaction.

Mayor Mangin asked for a motion to approve the use of the municipal parking lot conditionally subject to Police Captain Donovan's approval of a safety plan.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

b. Proclamation recognizing Freeholder John E. Lanza and John R. Lanza as recipients of the Raritan Township Republican Club 2018 Community Service Award – Mr. Lehrer advised that “under code Section 2.08.030, the Mayor shall have the power to make proclamations concerning holidays and events of interest.” He continued to comment that the proposed request is honoring someone and is not an event of interest and, therefore, advised that action regarding recognition is done by resolution.

Mayor Mangin asked for a motion to proceed with a proclamation recognizing John E. Lanza and John R. Lanza as recipients of the Raritan Township Republican Club 2018 Community Service Award to be confirmed by resolution at the next regular meeting.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)

Mayor Mangin read by title Ordinance #18-16.

CALENDAR YEAR 2018
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45:14)

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 #18-16 on final consideration, same to be published according to law.

Motion by Hazard, seconded by Gilbert

Mayor Mangin solicited comments.

Committee Member O’Brien asked “how much is spending going up this year under the CAP?” Committee Member O’Brien further commented, “...that it is a 5 ½% spending increase under the CAP and that the Township is using some of the CAP bank to absorb some of that.”

Mr. Hutchins commented, “...we are not using CAP bank to bring that cost down. We are not offsetting spending with the CAP bank. We are offsetting those costs with funds that are already available... We are not using the CAP bank.”

Debate continued.

Deputy Mayor Gilbert asked if the auditor approved this CAP bank.

Mr. Hutchins responded that the auditor recommended that we adopt the CAP bank ordinance as course of business and confirmed that the auditor approved the amount.

Mayor Mangin requested discussion regarding the CAP bank ordinance be carried to the next scheduled meeting where the Chief Financial Officer could be present.

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: O'Brien

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised April 11, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-16

**CALENDAR YEAR 2018
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45:14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 *et. seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and

WHEREAS, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby determines that this difference in the amount of \$522,280.61 that is not appropriated part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon,

ORDINANCES (INTRODUCTION, FIRST READING)

Mayor Mangin read by title Ordinance #18-17.

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A CORRECTED PATHWAY ACCESS EASEMENT FOR LOT 54.01 IN BLOCK 16.01 FROM FLEMINGTON JUNCTION, L.L.C.

Mayor Mangin asked for a motion to introduce Ordinance #18-17 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 May 15, 2018.

Mayor Mangin read by title Ordinance #18-18.

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DETENTION BASIN, DRAINAGE, CONSERVATION AND ACCESS EASEMENT (BLOCK 36.04, LOTS 72, 73, 74, 75 AND 76) FROM NORTH BRIDGE DEVELOPMENT CORPORATION AND WALTER KLINK (20 RIDGE ROAD; 408, 410, 412, 414 CASE BOULEVARD)

Mayor Mangin asked for a motion to introduce Ordinance #18-18 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 May 15, 2018.

CORRESPONDENCE

- a. Letter from Public Works accepting donation of tracking pads from Castle Septic Service
 - b. Letter of commendation - Fire Safety
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NON-CONSENT AGENDA

Township Committee Regular Meeting Minutes

Mayor Mangin asked for a motion to approve the Regular Meeting Minutes of April 17, 2018.

Committee Member O'Brien requested that the minutes be amended to revise the language on page 9, paragraph starting with, "Committee Member O'Brien cited action of those in combat on the USS Hornet..." to "Committee Member O'Brien cited action of those in the Doolittle Raid on the USS Hornet..." Committee Member O'Brien also advised that blood chip be corrected to read "blood chit."

Motion by Reiner, seconded by Mayor Mangin to approve the regular meeting minutes of April 17, 2018 as amended.

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

Mayor Mangin asked for a motion to approve the Regular Meeting Minutes of February 7, 2017.

Committee Member O'Brien requested that the vote be clarified regarding the adoption of Resolution #17-53, appointing Donald Hutchins as Township Administrator. Committee Member O'Brien stated that the vote was 3-2, that Committee Member Chen voted No. It was the consensus to direct Municipal Clerk, Lisa Fania, to verify the vote and carry approval to the next scheduled meeting.

Township Committee Special Meeting Minutes

Mayor Mangin asked for a motion to approve the Special Meeting Minutes of March 26, 2018.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

Mayor Mangin asked for a motion to approve the Special Meeting Minutes of March 27, 2018.

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 Special Meeting Minutes of April 2, 2018.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: None

ABSTAIN: O'Brien

ABSENT: None

Mayor Mangin asked for a motion to approve the Special Meeting Minutes of April 6, 2018.

Motion by Gilbert, seconded by Hazard

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 April 17, 2018.

Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

Mayor Mangin read by title Resolution #18-91.

Mayor Mangin asked for a motion to adopt Resolution #18-91.

Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-91

**A RESOLUTION AMENDING RESOLUTION #18-86
APPOINTING JOHN TULLY AS RTMUA COMMISSIONER
EFFECTIVE APRIL 3, 2018**

WHEREAS, Resolution #18-86 was adopted April 17, 2018 ratifying and confirming voice vote authorization of the appointment of John Tully as Commissioner to the Raritan

Township Municipal Utilities Authority (RTMUA) for a five-year term, expiring April 2, 2023, effective April 3, 2018; and

WHEREAS, there exists two (2) vacancies with unexpired terms on the RTMUA as of February 7, 2018; and

WHEREAS, the appointment of John Tully shall be for one of the unexpired terms rather than a five-year term.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the term of John Tully's appointment to the RTMUA be corrected to an unexpired term of January 31, 2020.

Mayor Mangin read by title Resolution #18-93.

Mayor Mangin asked for a motion to adopt Resolution #18-93.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

A COPY OF RESOLUTION #18-93 IS HEREWITH ATTACHED AND MADE A PART OF THESE MINUTES

Mayor Mangin read by title Resolution #18-103.

Mayor Mangin asked for a motion to adopt Resolution #18-103.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-103

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
DAVID FABIANO AS FULL-TIME BUILDING SUBCODE OFFICIAL**

WHEREAS, the Township of Raritan is in need of a full-time Building Subcode Official;
and

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

WHEREAS, the Administrator has advertised, interviewed and recommends that David Fabiano be appointed as the full-time Building Subcode Official.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that David Fabiano is hereby appointed to the position of Building Subcode Official, effective May 1, 2018 for a four (4) year term in accordance with N.J.S.A. 52:27D-126 at an annual starting salary of \$83,500.00 in accordance with the C.W.A. Local 1040 Supervisory Bargaining Unit.

BE IT FURTHER RESOLVED that David Fabiano shall receive the following additional compensation:

- 1) \$2000.00 stipend upon attaining Plumbing Inspector License.

Mayor Mangin read by title Resolution #18-104.

Mayor Mangin asked for a motion to adopt Resolution #18-104.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: O'Brien

ABSTAIN: None

ABSENT: None

RESOLUTION #18-104

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
SCOTT WALLIS AS FULL-TIME FIRE SUBCODE OFFICIAL**

WHEREAS, the Township of Raritan is in need of a full-time Fire Subcode Official; and
WHEREAS, the Mayor and Township Committee desires to permanently fill this position;
and

WHEREAS, the Administrator has advertised, interviewed and recommends that Scott Wallis be appointed as the full-time Fire Subcode Official.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Scott Wallis is hereby appointed to the position of Fire Subcode Official, effective May 1, 2018 for a four (4) year term in accordance with N.J.S.A. 52:27D-126 at an annual starting salary of \$78,000.00 in accordance with the C.W.A. Local 1040 Supervisory Bargaining Unit.

BE IT FURTHER RESOLVED that Scott Wallis shall receive the following additional compensation:

- 1) \$2000.00 stipend upon attaining Building Inspector License.
 - 2) \$2000.00 stipend upon attaining Electrical Inspector License.
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Mayor Mangin read by title Resolution #18-105.
Mayor Mangin asked for a motion to adopt Resolution #18-105.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-105

A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE HAMPTON CORNER ROAD FLOODING REMEDIATION

WHEREAS, there exists a need for a licensed professional engineer and engineering services in connection with the Hampton Corner Road flooding remedial activities; and

WHEREAS, the provision of engineering services is a "professional service" pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Committee desires to award a contract for these professional services based upon the merits and abilities of Keller and Kirkpatrick, Inc.; and

WHEREAS, this contract for professional services will be awarded through a "non-fair and open" process pursuant to N.J.S.A. 19:44A-20.4 et seq.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Keller and Kirkpatrick, Inc. for the preparation and completion of all tasks required and as outlined in Phase 1 (DESIGN STUDY) and Phase 2 (PRELIMINARY DESIGN AND PERMIT DOCUMENTS) as outlined on page 21 of the proposal attached hereto as Exhibit "A." All tasks required to complete the Hydrologic and Hydraulic design of the replacement bridge and roadway improvements as outlined in Attachment A of the Proposal attached hereto as Exhibit "B."
2. That the contract for be awarded to Keller and Kirkpatrick, 301 Gibraltar Drive, Suite 2A, Morris Plains, New Jersey 07950 for a sum not to exceed \$124,000.00.
3. This contract for professional services is awarded through a "non-fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq.
4. That the Chief Financial Officer certified that funds are available in the Capital Budget to award the contract to Keller and Kirkpatrick, Inc. evidenced by Certificate of Availability of Funds #18-16 attached to this resolution.
5. A notice of this action shall be printed in the official newspaper as required by law within ten (10) days of its passage.
6. The Business Disclosure Entity Certification shall be placed on file with this resolution.

Mayor Mangin read by title Resolution #18-106.
Mayor Mangin asked for a motion to adopt Resolution #18-106.
Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

RESOLUTION #18-106

**AUTHORIZING THE SALE OF SURPLUS EQUIPMENT
(1992 TORO INFIELD PRO 5000)
TO HUNTERDON CENTRAL REGIONAL HIGH SCHOOL**

WHEREAS, the Township of Raritan is in possession of a surplus of Toro Infield Sand-pro units and wishes to sell one; and

WHEREAS, a 1992 Toro Infield Pro 5000 is no longer needed for a public purpose; and

WHEREAS, the unit cannot be traded in for resale due to the rules of the Co-op agreement; and

WHEREAS, Hunterdon Central Regional High School has expressed a need for such equipment and an interest in buying the oldest Toro Infield Sand-pro unit; and

WHEREAS, Brion Fleming, Superintendent of Public Works, recommends the sale of the 1992 Toro Infield Sand-pro 5000 to Hunterdon Central Regional High School for the amount of \$1,450.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the 1992 Toro Infield Sand-pro 5000 be sold to Hunterdon Central Regional High School for the amount of \$1,450.00.

Mayor Mangin read by title Resolution #18-90.
Mayor Mangin asked for a motion to adopt Resolution #18-90.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-90

**A RESOLUTION RATIFYING AND CONFIRMING THE APPROVAL
OF EXPENDITURE OF FUNDS EFFECTIVE APRIL 17, 2018**

WHEREAS, at the Township Committee's regular meeting on April 17, 2018, the Township Administrator requested the expenditure of funds for non-union salary increases, stipends and vehicle leases for the Police Department as introduced in the 2018 Municipal Budget on April 6, 2018; and

WHEREAS, the Township Committee at its regular meeting on April 17, 2018, by voice vote, approved the expenditure of these funds; and

WHEREAS, the Administrator has since determined that stipends will not be paid until after the adoption of the Budget.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the voice vote authorizing the expenditure of funds for non-union salary increases and vehicle leases for the Police Department is hereby ratified and confirmed as follows:

- 1) **Non-union salary increases - \$10,071.10**
- 2) **Police Vehicle Leases - \$30,000.00**

Mayor Mangin read by title Resolution #18-108.

Mayor Mangin asked for a motion to adopt Resolution #18-108.

Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-108

**A RESOLUTION AUTHORIZING EMERGENCY
TEMPORARY APPROPRIATION #5**

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:

Township Administrator S&W	\$ 5,000.00
Postage & Photocopying	\$ 5,000.00
Township Clerk S&W	\$ 5,000.00
Financial Administration S&W	\$ 5,000.00
Group Health Insurance	\$ 50,000.00
Planning Board S&W	\$ 3,500.00
Zoning Board S&W	\$ 4,000.00

Construction Official S&W	\$ 29,000.00
Police S&W	\$155,000.00
Police OE	\$ 80,000.00
Fire Hydrants	\$ 60,000.00
Fire Official S&W	\$ 15,000.00
Prosecutor S&W	\$ 500.00
Recycling S&W	\$ 10,000.00
Municipal Court S&W	\$ 17,000.00
Defined Contribution Plan	\$ 3,000.00
Unemployment Insurance	\$ 12,000.00
Social Security	\$ 30,000.00
TOTAL:	\$489,000.00

Mayor Mangin read by title Resolution #18-110.
Mayor Mangin asked for a motion to adopt Resolution #18-110.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-110

**RESOLUTION AUTHORIZING THE APPOINTMENT OF GERALD
PANACCIONE AS PART-TIME BUILDING INSPECTOR**

WHEREAS, the Township of Raritan is in need of a part-time Building Inspector; and
WHEREAS, the Mayor and Township Committee desires to permanently fill this position;
and

WHEREAS, the Administrator has advertised, interviewed and recommends that Gerald Panaccione be appointed as part-time Building Inspector.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Gerald Panaccione is hereby appointed to the position of part-time Building Inspector, effective May 7, 2018 for a four (4) year term in accordance with N.J.S.A. 52:27D-126 at a starting salary of \$32.00 per hour for an average of 21 hours per week in accordance with the C.W.A. Local 1040 Supervisory Bargaining Unit.

CONSENT AGENDA

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

At this time, Committee Member Reiner requested that Resolution #18-95 authorizing professional services agreement for township attorney be removed for further comment.

Mayor Mangin asked for a motion to adopt the Consent Agenda as amended.
Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

RESOLUTION #18-92

AUTHORIZING A TAX REFUND

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

WHEREAS, there exists an overpayment of taxes paid to the Tax Collector of the Township of Raritan; and

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.

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
Norma Napolitano 17 Phipps Court 2 nd Qtr. 2018 Taxes 2017 Homestead Rebate	\$423.34	71.20	27

RESOLUTION #18-94

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

WHEREAS, there exists a need for professional services for the following: legal representation of the Raritan Township Board of Adjustment; and

WHEREAS, the estimated cost of the contract is \$155.00 per hour for Attorneys and \$75.00 per hour for Paralegals for legal representation of the Board of Adjustment; and funds will be available in the 2018 budget appropriations through Certificate of Availability of Funds #18-07 for this purpose certified by the Chief Financial Officer.

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

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:
Jonathan Drill, Esq., Stickel, Koenig, Sullivan & Drill, for legal representation of the Raritan Township Board of Adjustment
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-97

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENT
(ATTORNEY – TAX APPEALS)**

WHEREAS, there exists a need for professional services for the following: legal representation of Township of Raritan for tax appeals; and

WHEREAS, the estimated cost of the contract is \$155.00 per hour for Partners; and \$50.00 per hour for Paralegals, and funds will be available through Certificate of Availability #18-09 for this purpose certified by the local Finance Officer.

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

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:
Harry Haushalter, Attorney at Law, for legal representation of the Township of Raritan for tax appeals
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-98

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENT
(STRUCTURAL ENGINEERING SERVICES)**

WHEREAS, there exists a need for professional services for the following: professional structural engineering services for the Board of Adjustment; and

WHEREAS, the estimated cost of the contract is \$225.00 per hour; and funds will be available through Certificate of Availability #18-10 for this purpose certified by the local Finance Officer.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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:
Louis G. Adelson, PE; Frank H. Lehr Associates for professional structural engineering services to the Board of Adjustment
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-99

**A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT
(LANDSCAPE ARCHITECT SERVICES)**

WHEREAS, there exists a need for professional services for the following: professional landscape architectural services for the Board of Adjustment and Planning Board; and

WHEREAS, the estimated cost of the contract is \$155.00 per hour for Principals; \$90.00 per hour for Project Managers; \$65.00 per hour for Designer/Draftpersons and \$45.00 per hour for clerical personnel; and funds will be available through Certificate of Availability #18-11 for this

purpose certified by the local Finance Officer.

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

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:
 John M. Thomas, John Morgan Thomas Landscape Architects, P.C., for professional landscape architectural services to the Board of Adjustment and Planning Board
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-102

**A RESOLUTION AUTHORIZING
 PROFESSIONAL SERVICE AGREEMENTS
 (TRAFFIC CONSULTANT)**

WHEREAS, there exists a need for professional services for the following: professional traffic consulting services to the Board of Adjustment and Planning Board; and

WHEREAS, the estimated cost of the contract is \$155.00 per hour for Principals; \$65.00 per hour for Draftsperson; \$85.00 per hour for CADD Operators and \$40.00 per hour for Clerical/Technician personnel; and funds will be available through Certificate of Availability #18-14 for this purpose certified by the local Finance Officer.

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

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:
 Judd Rocciola, Rocciola Engineering for professional traffic consulting services to the Board of Adjustment and Planning Board
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-107

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENT
(BOND COUNSEL)**

WHEREAS, there exists a need for professional services for the following: professional legal services for Bond Counsel; and

WHEREAS, the estimated cost of the contract is \$215 per hour for Attorneys; and \$135.00 per hour for Legal Assistants; and funds will be available through Certificate of Availability #18-17 for this purpose certified by the local Finance Officer.

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

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:
McManimon, Scotland & Baumann, LLC for professional legal services for bond counsel
2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-109

**AUTHORIZING THE RETURN OF DEVELOPER’S ESCROW
(FERBER CONSTRUCTION)**

WHEREAS, Ferber Construction has requested the return of its Developer’s Escrow; and

WHEREAS, Kristi Gano, Payroll/HR Coordinator, has submitted a memo dated April 24, 2018 and recommended the return of the following Developer's Escrow:

Ferber Construction	SP-618-P	\$259.64
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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 Developer's Escrow in the amount of \$259.64 posted by Ferber Construction is hereby refunded.

Mayor Mangin read by title Resolution #18-95.

At this time, Committee Member Reiner offered words of praise and commended Mr. Lehrer for his work effort.

Mayor Mangin asked for a motion to adopt Resolution #18-95.

Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-95

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENT
(TOWNSHIP ATTORNEY)**

WHEREAS, there exists a need for professional services for the following: legal representation of the Township Committee of the Township of Raritan; and

WHEREAS, the estimated cost of the contract is \$155.00 per hour for Partners; \$150.00 per hour for Associates and \$70.00 per hour for Paralegals for legal representation of the Township Committee; and funds will be available in the 2018 budget appropriations through Certificate of Availability of Funds #18-08 for this purpose certified by the Chief Financial Officer.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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, Coley, Yospin, Kunzman, Davis
Lehrer & Flaum for legal representation of the Township Committee

2. The contracts are 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. A notice of this action shall be published once in the official newspaper as required by law.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment:

Charles Savelli, a resident of 23 Running Brook Circle, expressed concern regarding the impact of the power lines in proximity to the proposed sports complex.

Nancy Regar, a resident of 19 Fieldstone Place, spoke in opposition to the proposed sports complex expressing concerns regarding lighting, traffic and noise and the impact of development of the property on the quality of life of the neighboring residents. Ms. Regar also commented on the lack of availability of public water and sewer for her neighborhood.

John Regar, a resident of 19 Fieldstone Place, voiced agreement with previous speakers’ comments and expressed opposition to the plan. Mr. Regar raised questions regarding who commissioned the study and the ad hoc committee, and about the approval process by the County. Mr. Regar and commented unfavorably about the support from residents of neighboring communities.

Barbara Sachau, a resident of 2 Glenway Drive, inquired as to the hiring of local tech businesses for Township IT support.

Ira Rosenheim, a resident of 27 Patrick Henry Place, addressed comments made previously during the meeting regarding usage of the Clover Hill soccer fields. Mr. Rosenheim clarified that the fields are utilized by Greater Flemington Soccer Club’s (GFSC) premier travel and recreation teams and out of town teams playing against those teams. He added that the park is open to the public when not in use for soccer games and scheduled practices. Mr. Rosenheim added that the lighting at Clover Hill Park was in use for four (4) to six (6) weeks until mid-November, two (2) nights per week and turned off by 8:00 p.m. Lastly, he commented that “no one is trying to sneak anything by anybody...”

John Testa, a resident of 10 Clover Hill, debated the light usage at Clover Hill Park; and expressed concern for the lighting and increased traffic volume regarding the proposed sports complex. Mr. Testa informed Committee Members that he had a child who is deaf in one ear and spoke of safety concerns for him as well.

Karen Phillips, a resident of 7 Persimmon Court, reiterated that the proposed plan is a concept only and that traffic and environmental studies are needed. Ms. Phillips asked the Committee to endorse the concept so it can be forwarded to the County for further evaluation.

Steve Saus, a resident of 29 Running Brook Circle, spoke in opposition to the development of the park.

Michael Class, a resident of 6 Horseshoe Drive, reiterated previous comments in opposition to the proposed sports complex at Copper Hill Park.

During Public Comment, Mayor Mangin and Deputy Mayor Gilbert addressed inquires regarding the ad hoc committee and approval process advising that the ad hoc committee was commissioned by the Raritan Township Committee; and that final approval of the concept is the decision of the County; and that no action has been taken by the Township Committee regarding this proposal. Mr. Lehrer advised on bidding laws in New Jersey and explained the approval process by the County. Mr. Hutchins explained the contract award for Link High Technologies.

ADJOURNMENT

Mayor Mangin asked for a motion to adjourn the regular meeting and reconvene closed session.

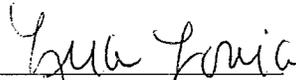
Motion by Reiner, seconded by Hazard

MOTION UNANIMOUSLY CARRIED

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

Meeting adjourned at 8:35 p.m.

Respectfully submitted,


Lisa Fania, RMC
Township Clerk