

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, FEBRUARY 20, 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 6:33 p.m.); Comm. Craig O'Brien; Comm. Lou Reiner (arrived at 6:32 p.m.).

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

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.

Township Attorney Lehrer read Resolution #18-37 in full.

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

ROLL CALL VOTE:

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

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: RTMUA appointment; Construction Code Official;
Auditor appointment; Judge appointment
 - c) Attorney-Client Privilege:
 - d) Pending Litigation: Dayton Road property (Mr. Lehrer stated affordable housing 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 WILL BE DONE IN A SEPARATE DOCUMENT

Mr. Lehrer left the meeting following closed session.

The regular meeting reconvened at 7:10 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 motioned to add the appointment of John Kendzulak to the RTMUA; seconded by Reiner.

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:

Barbara Sachau, a resident of 2 Glenway Drive, commented on the cost of the parking lot kiosks on the bill list and advised of Comcast representatives soliciting at 6:00 p.m.

Dennis Loh, a resident of 29 Country Club Drive, spoke about the flooding situation on Hampton Corner Road. Mr. Low explained that the part of the road that regularly floods is one of three access and egress points of the neighborhood; all of which flood. He expressed health and safety concerns for the residents as well as emergency vehicle access.

Robert Petropoulos, a resident of 22 Country Club Drive, echoed Mr. Low's concerns and asked for expediency in the matter, as discussion has been ongoing for years.

Rachel Tramontano, a resident of 12 Country Club Drive, echoed concerns expressed by previous speakers regarding access to her residence during heavy rain. Ms. Tramontano also voiced concern for her ability to get to the hospital in the event of heavy rain, as she is pregnant.

Karen Sammer, a resident of 18 Hampton Corner Road, commented on concerns regarding emergency response to the elderly residents; the frequency of flooding (not less than five (5) times per year); flooding at all three (3) access and egress points to the neighborhood; and urged the Committee to consider whatever funding is necessary to complete the study and the repairs.

Ingro Desvousges, a resident of 27 Harmony School Road, inquired as to the status of the Francavilla property and spoke in favor of the purchase.

Amy Greene, Chair of the Open Space Advisory Committee, spoke in support of the proposed Resolution authorizing the application to Hunterdon County Municipal Grant Fund for the purchase of the Francavilla property. Ms. Greene commented that the property is highly ranked in accordance with the Township's Master Plan criteria as well as recommended by the NJ Water Supply Authority, Hunterdon Land Trust and the Township's Environmental Commission. She added that there is sufficient funding available from the County this year. Ms. Greene added that the Township competes with other non-profits for the funding.

Richard Mirande, a resident of 21 Country Club Drive, offered photographs and videos to depict evidence of the flooding of Hampton Corner Road.

During Public Comment, Committee Member Reiner inquired about the County's commitment to the Hampton Corner Road project. Mayor Mangin advised that the County has to repair the bridge. Committee Member O'Brien stated that five years ago the County committed to him that they would pay for any necessary repairs or modifications.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$12,259,696.16**

Motion by Gilbert, seconded by Hazard 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: \$4,256.78**

Motion by Reiner, seconded by Gilbert 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

LIAISON REPORTS

Karen Gilbert: Finance; Historian; Open Space; Parks and Recreation; Planning Board
(Class III Member)

Deputy Mayor Gilbert reported on a meeting of the Historians Committee advising that things are moving along with the school house and announced that there will be a presentation by the Elder States Women on April 11. Deputy Mayor Gilbert also reported on a meeting of the Parks and Recreation Commission advising that the Public Works Department will be installing the senior fitness center at Minebrook Park this Spring; and that budget meetings are in process. Deputy Mayor Gilbert advised that both the Open Space Advisory Committee and Planning Board Meetings were cancelled.

Gary Hazard: Court/Police; RTMUA

Committee Member Hazard provided an update on the interview process for the judge position and announced that the Raritan Township Municipal Utilities Authority (RTMUA) is in need of two (2) members and that the positions will be posted on the website.

Craig O'Brien: Open Space

Committee Member O'Brien commented that the website posting for the upcoming March meeting of the Open Space Advisory Committee was posted as Monday, March 7 and should be corrected to Wednesday, March 7.

Louis Reiner: Agriculture Advisory Board; Fire/Rescue/OEM; Public Works; Wildlife Management Advisory Committee

Committee Member Reiner announced that Public Works' employee, Donn Brown had passed away and spoke on the great loss to the department. Committee Member Reiner commented on the good faith effort of the Colalillo Shop Rite family in the offering of flowers in condolence to the Brown family, as well as the many charitable contributions to the community.

Michael Mangin: Board of Health; Finance; Personnel; Planning Board (Class I Member)

Mayor Mangin reported on a meeting of the Board of Health, advising of the adoption of two (2) ordinances including an amended fee schedule and revised State regulations regarding soil witness tests, and the approval of one septic system waiver. Mayor Mangin also announced the next meeting of the Board of Health, March 15, and that the Planning Board meeting was cancelled.

During Liaison Reports, Mayor Mangin asked Committee Member O'Brien if he would be able to take on the responsibility of liaison to the Environmental Commission. Committee Member O'Brien responded that he would advise in a month or so.

UNFINISHED BUSINESS

a. Construction Code Fee Schedule Update – Mr. Hutchins provided an update on the issue regarding the electrical permit fee for the installation of solar panels. Mr. Hutchins, referring to a memo from Acting Construction Official, Jeff Klein, explained that the recommendation is to use \$1.00 per panel, which covers other devices associated with the installation of a field that size and is consistent with the fees of surrounding municipalities. Mr. Hutchins advised Committee Members that the contractor currently installing the solar field on Route 202 will be charged the fee as per the previous installations in the Township. Mr. Hutchins continued that there are no new permit applications at this time and the proposed fee amendment will implemented for applications going forward.

b. Hampton Corner Road Study Update – Township Engineer, Tony Hajjar, recapped the history of the project advising that a preliminary study was completed for which the design included making the culvert bigger by about five to six feet (20 feet in length) and raising the low point of the road 1 ½ to 2 feet. He continued to explain in doing so two (2) properties will be affected on Hampton Corner Road. Mr. Hajjar advised that the Township met with the two affected property owners and one agreed to give the Township an easement; the other did not.

Mr. Hajjar continued to explain that the Committee approved partial funding of the study and that the first step was to meet with NJDEP to determine whether the preliminary design was acceptable.

Discussion was held regarding the next step of the process; the size and type of the easement; and status of the study.

During the discussion, Mr. Hajjar advised that the purpose of the requested easement is to flood the property and that actual size has not been determined. Mayor Mangin and Deputy Mayor Gilbert commented that the first step was to meet with NJDEP to determine its support. Mr. Hajjar concurred.

Committee Member O'Brien commented on the need to fully fund the study and that it is only half-funded at this point. Committee Member O'Brien continued that the Capital Plan for this year is to borrow \$2.9 million for which the Township has never borrowed that much. Committee Member O'Brien continued that there is \$438,000 in the Capital fund that could be used for this project. Committee Member O'Brien proposed dedicating \$133,000 of the \$438,000 to fund the study.

Deputy Mayor Gilbert interjected that tonight's objective is to determine who from the Township Committee will participate in the NJDEP meeting.

Committee Member O'Brien and Deputy Mayor Gilbert both offered to participate. Committee Member O'Brien suggested including a resident from Hampton Corner Road as well.

Mr. Lehrer counseled against resident participation, advising that the NJDEP is very careful as to whom it meets with, however, it is up to this Governing Body as to how it wishes to proceed. Mr. Lehrer continued perhaps the Township should follow up with NJDEP directly about resident participation.

Deputy Mayor Gilbert inquired as to whether the residents in the Hampton Corner Road area have ever met with the Township's Office of Emergency Management (OEM) Coordinator to discuss an evacuation plan. Deputy Mayor Gilbert advised that such a plan is in place for Kuhl Road. Mayor Mangin advised that he would follow up with OEM.

Mayor Mangin decided to follow the advice of counsel and not include resident participation.

Mr. Hajjar confirmed that he will move forward with arranging a meeting with NJDEP and will inform both Committee Member O'Brien and Deputy Mayor Gilbert and attendance will be determined upon respective availability.

Committee Member O'Brien asked about the inclusion of the funding of this project in the 2018 budget.

Mayor Mangin advised that it is under consideration.

Committee Member O'Brien stated he wanted it put on the agenda for discussion of the 2018 budget.

Mayor Mangin commented that the "budget is not on discussion here tonight."

NEW BUSINESS

a. Proposal on increasing openness and transparency – Committee Member O'Brien presented a proposal on transparency and openness in government that included the following:

Why Transparency

It's the Law (N.J.S.A. 10:4-6)

It's good practice

People deserve to know as much as possible, what goes on in their government

Why Now

Towns under pressure to satisfy OPMA and OPRA requirements

Towns sued over improper OPMA procedures and its affecting decisions

Problems and Proposals

Problem

Late Additions to the Agenda

Do not allow public time to be aware of the change; come to meeting to discuss it or consider the implications

Prerogative of the committee – disservice to public when it happens on a routine or non-emergent basis

Proposal

Addition absolutely necessary – add to the meeting minutes a description of why it's necessary and urgent and the result of not adding it

Post updates reflecting agenda additions to the website that week (a modified agenda)

Similar to N.J.S.A. 10:4-10. Statemen in minutes of meeting on adequate notice

Closed Session Minutes

Problem

Do not consistently provide a level of detail for the public to understand the issue and what was debated

Minutes are taken by hand; perfect detail is unrealistic

Proposal

Ensure minutes have at minimum – votes recorded, motions made and a synopsis of the issue

Problem

Closed Session Minutes are not reviewed by the committee in a timely manner

Closed Session minutes are not released until the reason for their confidentiality has passed – can be months, if not years, by then memories fade or committee members have changed

Proposal

Have the Committee review and approve the Closed Session minutes in Closed Session (but not release them) within 90 days of the meeting. This ensures a prompt check on accuracy and reviewed by those involved. Clerk and attorney can decide on the appropriate release time.

Approving Minutes Promptly

Problem

Lack of oversight getting the committee to review and approve meeting minutes. Exposes town to legal risk and violates the spirit of “OPMA”

N.J.S.A. 10_4-14. Minutes of meetings; availability to public, which shall be promptly available to the public.

Proposal

Include in the agenda packet a report on outstanding meeting minutes

Next Steps

Draft resolution capturing agreed to items

Committee Members commented as follows:

Mayor Mangin voiced his opinion that the Township Committee is transparent and anybody can do a little bit better. Mayor Mangin commented on the performance of the former Clerk and that the present Clerk is trying to keep minutes current and has to complete those of the former clerk’s responsibility. Mayor Mangin commented that being behind in minutes does not make the Township non-transparent. Mayor Mangin continued that closed session is a forum to voice opinions. Mayor Mangin commented on Committee Member O’Brien’s suggestion that “votes are recorded,” advising that the committee is not permitted to vote in closed session.

Mayor Mangin summed up his opinion reiterating that the Committee is transparent and a better job is needed for minutes but we need to give our clerk latitude as she is solving problems from the last clerk, keeping up with the minutes; doing double the work regarding ordinances/resolutions; handling OPRA; she is peddling as fast as she can. Mayor Mangin continued, “I know the nights she is here and on the weekends. We were closed Monday and she was working from home, catching up on 2017 minutes.”

Mayor Mangin also expressed opposition to the proposal regarding closed session minute approval within 90 days.

Committee Member O'Brien compared the status of completed minutes to surrounding municipalities including Clinton, Delaware, Readington and Tewksbury Townships. Committee Member O'Brien stated that he is requesting a little more detail in closed session minutes. Committee Member O'Brien expressed concern that the Township is at great legal risk; as the law says promptly regarding the approval of minutes. Committee Member O'Brien voiced his opinion that no judge will give the Township discretion.

Deputy Mayor Gilbert commented that addressing late additions to the agenda is not a new topic as she had emailed a reminder to all committee members, February 27, 2017, explaining committee procedures for adding items to the agenda. Deputy Mayor Gilbert advised that she had resent the email to all including the Clerk, who was supportive of the procedures.

Regarding Closed Session, Deputy Mayor Gilbert commented that "we don't vote, we don't make motions, so you can't document things we don't do." Deputy Mayor Gilbert expressed great concern for drafting closed session meeting minutes before the issues are resolved, that information may be inadvertently or intentionally shared with the press. Deputy Mayor Gilbert cited an instance where quotes from a letter of resignation of a Township employee, discussed in closed session, appeared in the press online the next morning. Deputy Mayor Gilbert continued that it is known that people have come out of closed session and talked to employees about things discussed. She reiterated her concern that it is easy to hand out or email information that is put in writing before it is ready to be shared. Deputy Mayor Gilbert expressed opposition to Committee Member O'Brien's proposal regarding closed session minutes.

Deputy Mayor Gilbert commented on the prompt approval of minutes explaining that the problem started when the former Clerk fell behind and that the present Clerk has been working diligently to get those meeting minutes up to date. She expressed confidence that they will be caught up in a few months. Deputy Mayor Gilbert also suggested hiring someone to help or perhaps Lisa can put together a proposal for overtime.

Deputy Mayor Gilbert expressed opposition to a proposed resolution directing the procedures.

Committee Member Reiner voiced his opinion that the Committee is in full compliance with OPMA and OPRA. Committee Member Reiner also voiced concern regarding undue burden on the clerk's office.

Committee Member O'Brien spoke in favor of posting a revised agenda the week after the meeting and commented that the proposed procedures would not require additional work.

Committee Member Hazard commented that he was not in a position to comment at this time as he has not been involved for several years.

Mr. Lehrer commented, "I have been a redevelopment, Planning Board, Zoning Board, Municipal Attorney, and I can tell you that the OPMA and OPRA applies to all, you are very lucky that you have such a good clerk. She is diligent, works very hard, cooperative. The biggest issue I have and have had is not the minutes. I have never been challenged as the attorney for a township on the quality of minutes. That has never been the issue. It has always been that someone discloses something that they are not supposed to. The next day, I can tell you in one town that I had, it was a cess pool, the next day everything was in the newspaper that we discussed in closed session. It was such a disaster. You are very lucky. Although, there have been leaks, that seems to be the biggest issue in government. Things that are said in closed session are to stay in closed session until they are not supposed to be in closed session and it is my experience that is the largest problem and not the fact that minutes need to be more in depth or

comprehensive.” Mr. Lehrer further commented that Lisa is running as fast as she can.

During Committee Comments, Mr. Lehrer advised that voting does not occur, nor can motions be made during closed session meetings. He continued to state, “that it is the only time where a governing body is free to let their hair down and say what they want in the spirit of trying to come up with a resolution to some very tricky, sometimes, very difficult problems.” Mr. Lehrer also commented that Committee Member O’Brien cited one sentence from N.J.S.A. 10:4-14, and read that the statute also says, “each public body shall keep reasonably comprehensible minutes.” The word is reasonably comprehensible minutes of all meetings, “showing the time and place, members present, the subjects considered, the actions taken, the vote of each member and any other information.” Mr. Lehrer advised that this is what the law requires regarding meeting minutes and that closed session minutes should be much more concise as people are speaking freely. Mr. Lehrer acknowledged Committee Member O’Brien’s attempt at minimizing risk but commented that it is the Committee’s job to balance public disclosure.

Committee Member O’Brien asked for interest in pursuing the addition of comments within the minutes about why the addition was added.

Deputy Mayor Gilbert voiced opinion that a resolution is unnecessary detailing how to keep minutes and that advising the clerk to include a note as to why the additional item was added is sufficient.

Committee Member O’Brien asked for interest in posting an amended agenda to the website within one week.

Mayor Mangin expressed disagreement with the closed session minute proposal.

Committee Member Reiner stated no interest as well.

Deputy Mayor Gilbert stated no.

Committee Member O’Brien asked about the recommendation of review of closed session minutes within 90 days.

Deputy Mayor Gilbert stated “absolutely not.”

Committee Member Reiner stated “absolutely not.”

Committee Member O’Brien asked about posting a list of all outstanding meeting minutes that have not been completed.

Mr. Lehrer expressed concern regarding liability of the Township for posting a list of all the things that the Township has not done.

Committee Member Hazard stated that there are three noes regarding posting minutes not completed.

Committee Member O’Brien asked about drafting a resolution regarding posting a revised agenda.

Mayor Mangin stated that we have instructed the clerk and she needs to do it.

b. New 2017 New Jersey State Tax Exemption for Veterans – Committee Member O’Brien advised that not all veterans qualify for the new 2017 NJ State tax exemption and that it is characterized by the nature of the service. Clerk Fania commented that Committee Member O’Brien’s information will be posted to the website.

c. Draft resolution establishing Joint Infrastructure Planning Committee – Committee Member Hazard explained that the draft resolution establishes a joint commission of members of the County and the Borough that will meet monthly for a three-year term to examine the Township’s needs including current and future capacity and growth, the RTMUA, and the Township’s Master Plan.

Mayor Mangin commented that the issue is critical as current sewer capacity cannot serve the requirements and a plant upgrade could take up to seven (7) years. Mayor Mangin advised that the Township is also responsible for meeting affordable housing requirements despite issues with sewer capacity.

Committee Member Reiner commented on the \$17 million-dollar debt of the RTMUA.

Committee Member O’Brien asked if the proposed committee falls under any State law; that the authorization should be stated in the resolution; and inquired as to the openness of the committee.

Mr. Purcell explained that the establishment of the proposed ad hoc committee to address such issues falls under the general authority of the Township Committee. Mr. Purcell continued to explain that this is purely an advisory board and does not fall under the requirements of OPMA, as it is not an entity that can expend money or make determinations as to people’s rights and obligations.

Mr. Lehrer added that determination of whether or not the meetings will be public will be up to the ad hoc committee, however, the Township Committee can direct that as well.

Mayor Mangin announced that all comments are due to Township Administrator, Donald Hutchins by Friday, March 2.

ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)

Mayor Gilbert read by title Ordinance #18-4.

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR BLOCK 44, LOT 24.44 TO BE USED AS A SATELLITE FIRE DEPARTMENT BUILDING; A STORM SEWER EASEMENT FOR BLOCK 44, LOTS 24.16 THROUGH 24.25 & LOT 24.01 AND BLOCK 44.02, LOTS 35, 44 & 45; AND A SIGHT TRIANGLE EASEMENT FOR BLOCK 44, LOTS 24.10 & 24.21, BLOCK 44.02, LOTS 26, 32, 38 & 39, AND BLOCK 44.03, LOTS 1 & 5; ALL FROM TOLL, NJ, L.P

Mr. Lehrer explained that the proposed ordinance is part of a compliance process that Toll Brothers received an approval from the Planning Board and these are easements and dedications in furtherance of that approval and only this governing body can accept those by ordinance.

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 #18-4 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 9, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-4

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR BLOCK 44, LOT 24.44 TO BE USED AS A SATELLITE FIRE DEPARTMENT BUILDING; A STORM SEWER EASEMENT FOR BLOCK 44, LOTS 24.16 THROUGH 24.25 & LOT 24.01 AND BLOCK 44.02, LOTS 35, 44 & 45; AND A SIGHT TRIANGLE EASEMENT FOR BLOCK 44, LOTS 24.10 & 24.21, BLOCK 44.02, LOTS 26, 32, 38 & 39, AND BLOCK 44.03, LOTS 1 & 5; ALL FROM TOLL, NJ, L.P.

WHEREAS, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, wishes to accept a Deed of Dedication for Block 44, Lot 24.44, as shown on the Tax Map of the Township of Raritan ("Property") from TOLL, NJ, L.P., to be used as a satellite fire department; and

WHEREAS, the Township Committee also wishes to accept a Storm Sewer Easement for Block 44, Lots 24.16 through 24.25 & Lot 24.01 and Block 44.02, Lots 35, 44 & 45 and a Sight Triangle Easement for Block 44, Lots 24.10 & 24.21, Block 44.02, Lots 26, 32, 38 & 39, and Block 44.03, Lots 1 & 5 ("Easements"), both from TOLL, NJ, L.P.; and

WHEREAS, these dedications are required by Township of Raritan Planning Board Resolution No. 14-2014, R.T.P.B. Application No. S-1315-F; and

WHEREAS, TOLL, NJ, L.P., agreed to donate the Property and the Easements at no cost to the Township; and

WHEREAS, the Township Attorney for the Township of Raritan reviewed the Deed of Dedication and Easements in substantially the form attached and finds each acceptable.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that it hereby authorizes acceptance of the Deed of Dedication and Easements attached hereto and directs its appropriate officials to record same as may be necessary.

This Ordinance shall become effective according to law.

Mayor Mangin read by title Ordinance #18-5.

ORDINANCE #18-5

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A WATER TANK EASEMENT, A DETENTION BASIN AND DRAINAGE EASEMENT, AN EMERGENCY AND DETENTION BASIN ACCESS EASEMENT, AND A CONSERVATION EASEMENT THROUGH PORTIONS OF BLOCK 60, LOT 20 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

Mayor Mangin asked for a motion to open public hearing.

Motion by Hazard, seconded by Gilbert

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Mangin asked for a motion to close the public hearing and adopt Ordinance #18-2 on final consideration, same to be published according to law.

Motion by Hazard, 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 9, 2018 The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #18-5

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A WATER TANK EASEMENT, A DETENTION BASIN AND DRAINAGE EASEMENT, AN EMERGENCY AND DETENTION BASIN ACCESS EASEMENT, AND A CONSERVATION EASEMENT THROUGH PORTIONS OF BLOCK 60, LOT 20 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

WHEREAS, on October 24, 2012, Robin Hill IX, LLC (the "Applicant") received preliminary major subdivision approval (the "Preliminary Approval") from the Raritan Township Planning Board for property identified as Block 60, Lot 20 (the "Property") as shown on the Tax Map of the Township of Raritan, which Preliminary Approval was memorialized by a Memorializing Resolution on December 12, 2012; and

WHEREAS, Applicant applied for and, on September 13, 2017, received Final Major Subdivision approval (the "Approval"), with conditions, as set forth in a Resolution of Approval dated December 13, 2017 (the "Resolution of Approval").

WHEREAS, in connection with the Approval as set forth in the Resolution of Approval, Applicant is required to grant to the Township of Raritan the following easements through certain

portions of the Property:

1. Water Tank Easement;
2. Detention Basin and Drainage Easement;
3. Emergency and Detention Basin Access Easement; and
4. Conservation Easement; (collectively, the "Easements"); and

WHEREAS, the Township Attorney for the Township of Raritan has reviewed the Easements, copies of which are attached hereto, and finds them to be acceptable.

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

1. The following Easements from Robin Hill IX, LLC to the Township of Raritan are hereby accepted:
 1. Water Tank Easement;
 2. Detention Basin and Drainage Easement;
 3. Emergency and Detention Basin Access Easement;
 4. Conservation Easement.
2. The Mayor and Township Clerk are hereby authorized to execute the Easements.

ORDINANCES (INTRODUCTION, FIRST READING)

Mayor Mangin 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 introduce Ordinance #18-6 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 6, 2018.

Mayor Mangin read by title 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 introduce Ordinance #18-7 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 6, 2018.

Mayor Mangin read by title 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"

Committee Member O'Brien asked for clarification that employees will not be paid for sick time.

Mr. Hutchins read into the record Section 2. A.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 Ordinance #11-7 for each accumulated day up to a maximum of 200 days." Mr. Hutchins explained that the days accumulated are effective the day of adoption of Ordinance #11-7; therefore, days that accrue from this point on are not paid.

Mr. Lehrer concurred with Mr. Hutchins regarding interpretation of paid sick time.

Committee Member O'Brien requested a legal opinion in writing from Mr. Lehrer in regards to the payout of accumulated sick time.

Mayor Mangin asked for a motion to introduce Ordinance #18-8 on first consideration.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: None

ABSTAIN: O'Brien

ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for March 6, 2018.

Mayor Mangin read by title 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"

Deputy Mayor Gilbert addressed Ms. Sachau's comment during Public Comment regarding the solicitation by Comcast representatives. Deputy Mayor Gilbert advised that the proposed ordinance amends the hours that solicitors are permitted to canvass to no later than 3:00 p.m. on Saturdays; lifts restrictions regarding zones that food trucks are permitted to operate in; and authorizes operation of food trucks at special events by application at the discretion of the Township Committee.

Mayor Mangin asked for a motion to introduce Ordinance #18-9 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 6, 2018.

CORRESPONDENCE

There was no correspondence.

NON-CONSENT AGENDA

Minutes

Township Committee Regular Meeting Minutes

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

Deputy Mayor Gilbert recapped that these minutes were revised to add a verbatim transcription of the discussion of Ordinance #17-30.

Motion by Gilbert, seconded by O'Brien.

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: Hazard

ABSENT: None

Mayor Mangin read Resolution #18-41 by title.

Mr. Lehrer explained that the proposed resolution was included in the attached Local Finance Notice from the Department of Community Affairs reminding communities of a law signed by Governor Christi in 2017 requiring that governing bodies certify compliance with Title VII of the Civil Rights Act of 1964.

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"

Committee Member O'Brien requested that consideration of the proposed resolution be tabled and carried to a future regular meeting as additional information is required.

Mr. Hutchins commented that the certification pertains to the use of background checks in the hiring or promotion process and advised that other than the Police Department, background checks are not used in the hiring process of the Township.

Mayor Mangin announced that action will be tabled and carried to the March 6, 2018 meeting.

Mayor Mangin read Resolution #18-42 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-42.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-42

A RESOLUTION AUTHORIZING APPLICATION TO HUNTERDON COUNTY MUNICIPAL GRANT FUND FOR FRANCAVILLA PROPERTY PURCHASE

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; and preservation of historic structures,

properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

WHEREAS, the Township of Raritan desires to further the public interest by obtaining funding in the amount of \$128,535.00 from the County of Hunterdon to fund the following project:

purchase of the Francavilla Property, 87 Plum Brook Road, Block 43, Lot 2, Raritan Township, Hunterdon County at a cost of \$428,450.00.

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 Township Administrator is hereby authorized to:

- a) Make application for such County Open Space Trust Funds; and
- b) Provide additional application information and furnish such documents as may be required, and act as the authorized correspondent of the above-named Municipality; and

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for the Municipal Grant Program adopted thereto, and notify the Municipality of the amount of the funding award; and

WHEREAS, the Municipality is willing to use the County funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes.

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

- 1) That the Administrator of the above-named municipality is hereby authorized to execute any documents and agreements with the County of Hunterdon known as the Francavilla Property;
- 2) That the Municipality has its share of funds, if required, in the amount of \$299,915.00;
- 3) That, in the event the County of Hunterdon's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
- 4) That the applicant agrees to comply with all the applicable federal, state and local laws, rules and regulations in its performance of the project; and
- 5) That this resolution shall take effect immediately.

Mayor Mangin read Resolution #18-43 by title.

Committee Member O'Brien commented that vendor, Jean Martin is twenty percent (20%) cheaper than LinkHigh.

Mayor Mangin advised that the lowest, responsive, responsible bidder did not include actual amounts or include prices for everything.

Mayor Mangin asked for a motion to adopt Resolution #18-43.
 Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

During the vote, Committee Member O'Brien voted note with remark, "go with the cheaper one."

RESOLUTION #18-43

**A RESOLUTION AWARDING A CONTRACT FOR THE
 OPERATION, MANAGEMENT OR ADMINISTRATION
 OF DATA PROCESSING SERVICES TO LINK HIGH TECHNOLOGIES**

WHEREAS, the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-4.1b(3), allows the use of competitive contracting for the operation, management or administration of data processing services by the Township of Raritan; and

WHEREAS, the Township is in need of these services; and

Vendor	LinkHigh	Jean Martin	Evinox	Esozo	Safe Haven
Annual Monitoring	\$21,600.00 Monitor all devices 24/7	\$17,358.00 Service and Monitor/PD only 24/7	\$68,760.00 All Inclusive	\$43,200.00	\$42,000.00 25 Hours per Month
Service/Optional	\$500.00, 5 hrs/Month Retainer remote and onsite Support	DPW/Admin 24/7 Remote Support \$5,589.00/yr		Onboarding \$1000.00	\$100.00 per Hour over 25 Hours
Other/ Support	\$110.00/hour over retainer	\$33.00/hour On Site Support		\$165.00/Hr Prime and \$247.50/Hr non-prime support	
Total	\$27,600.00	\$22,947.00	\$68,760.00	\$43,200.00	\$42,000.00

WHEREAS, the competitive contracting process was initiated by Resolution #18-24 adopted by the Township Committee on January 16, 2018; and

WHEREAS, on February 6, 2018, the Township received five (5) responses to the Request for Proposals for the operation, management or administration of data processing services as follows:

WHEREAS, the Township Administrator prepared a report consistent with N.J.S.A. 40A:11-4.5d, which report is attached to this Resolution and was made available to the public for inspection; and

WHEREAS, the report recommends an award to LinkHigh Technologies for one year for the sum of \$27,600.00 for the period from February 21, 2018 to February 20, 2019; and

WHEREAS, the Township Chief Financial Officer certified that funds are available in the 2018 budget for this purpose.

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

1. That a contract be awarded to Link High Technologies for the sum of \$27,600.00 for the period February 21, 2018 to February 20, 2019; it being understood and acknowledged by Link High Technologies that the award is subject to the insertion into the contract of a clause that the Township shall have the right to terminate their services upon thirty (30) days written notice, at the discretion of the Township Committee.
2. That the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-02 for the amount of \$27,600.00.
3. The contract may be extended for Two (2), One (1) year periods at the option of the Township.
4. That the Clerk publish notice of this award with the information required by N.J.S.A 40a:11-4.5g.
5. This Resolution shall take effect immediately.

Mayor Mangin read Resolution #18-44 by title.

Mr. Hutchins explained that the proposed resolution incorporates Maggie's Law into the Township's Personnel Policies and Procedures Manual. He continued that the law went into effect in the mid-2000's and imposes criminal charges against anyone who kills or injures someone due to lack of sleep within a 24-hour period. Mr. Hutchins advised that the incorporation of this policy in the Personnel Policies and Procedures Manual is highly recommended and has been approved by many entities in the Somerset County Joint Insurance Fund. He continued that it reduces Township liability as well.

Committee Member O'Brien commented in favor of the policy; but not for paying employees for sleep.

Mayor Mangin asked for a motion to adopt Resolution #18-44.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Mangin

NOES: O'Brien

ABSTAIN: None

ABSENT: None

RESOLUTION #18-44

A RESOLUTION APPROVING AN AMENDMENT TO THE RARITAN TOWNSHIP PERSONNEL POLICIES AND PROCEDURES MANUAL (MAGGIE'S LAW)

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

WHEREAS, the Raritan Township Committee has established a Personnel Policies and Procedures Manual by Resolution #17-249; and

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

WHEREAS, the Administrator has recommended to the Township Committee that the Maggie's Law Policy be added as a supplement to the Appendix of the Raritan Township Personnel Policies and Procedures Manual; and

WHEREAS, the Township Committee wishes to amend the Personnel Policies and Procedures Manual hereby including Maggie's Law Policy as A-6 in the Appendix.

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 Maggie's Law Policy as attached hereto be made part of the Raritan Township Personnel Policies and Procedures Manual as A-6 in the Appendix.

Mayor Mangin read Resolution #18-45 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-45.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-45

**A RESOLUTION AUTHORIZING 2017 BUDGET TRANSFER #6
(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.

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 transfers are 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>
Group Insurance	Utilities	\$6,306.99
	Total	\$6,306.99

Mayor Mangin read Resolution #18-46 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-46.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-46

**A RESOLUTION INCREASING BID THRESHOLD AND
APPOINTING A QUALIFIED PURCHASING AGENT**

WHEREAS, changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed, as well as granted the authorization to negotiate such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 *et seq.* establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, William B. Pandos possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A.C 5:34-5 *et seq.*; and

WHEREAS, the Township of Raritan wishes to take advantage of the increased bid threshold.

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 bid threshold is hereby increased to \$40,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Township Committee hereby appoints William B. Pandos as the Qualified Purchasing Agent authorized to exercise duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2, the Raritan Township Clerk is authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

Mayor Mangin read Resolution #18-47 by title.

Committee Member O'Brien inquired as to why the contractor did not do the job and whether the Township notified the Morris County Coop.

Mr. Hutchins advised that the contractor was unresponsive; that Morris County Coop rebid the job; and that the Township did notify the Coop of the issue.

Mayor Mangin asked for a motion to adopt Resolution #18-47.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-47

**A RESOLUTION RESCINDING A CONTRACT AWARD
TO D&L PAVING CONTRACTORS, INC.**

WHEREAS, Resolution #17-175 was adopted July 18, 2017 awarding a contract to D&L Paving Contractors, Inc. of Nutley, NJ for the procurement of concrete vertical curb replacement for Dory Dilts Road; and

WHEREAS, D&L Paving has not performed said work for a reason unknown to the Township;
and

WHEREAS, it is the desire of the Superintendent of Public Works to rescind the contract award to D&L Paving Contractors.

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 contract awarded to D&L Paving Contractors, Inc. on July 18, 2017 by Resolution #17-175 is hereby rescinded.

Mayor Mangin read Resolution #18-48 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-48.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-48

**A RESOLUTION AWARDING A CONTRACT TO CIFELLI AND SON
GENERAL CONTRACTING FOR CURB REPLACEMENT**

WHEREAS, the Township of Raritan is in need of concrete vertical curb replacement on a Township road; and

WHEREAS, the Township of Raritan is a member of the Morris County Cooperative Pricing System; and

WHEREAS, Cifelli and Son General Contracting of Nutley, New Jersey has been awarded contract #6 Road Resurfacing Category F Section B through the Morris County Cooperative Pricing Council; and

WHEREAS, the cost of this will be at the bid price as documented by the Morris County Cooperative Pricing System and appropriated through Ordinance #16-10 for the amount of \$30,891.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #18-03 for the concrete vertical curb replacement on a Township road.

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 concrete vertical curb replacement be awarded to Cifelli and Son General Contracting of Nutley, New Jersey through the Morris County Cooperative Pricing System.

Mayor Mangin read Resolution #18-49 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-49.

Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

At this time, Committee Member O'Brien requested notification to the Township's 100% disabled veterans of the New Jersey 2017 Tax Exemption.

RESOLUTION #18-49

**A RESOLUTION AUTHORIZING TAX-EXEMPT STATUS
FOR 100 PERCENT DISABLED VETERAN AND
REFUND OF FIRST QUARTER 2018 TAXES**

WHEREAS, on January 16, 2018, Jose Enrique Pacheco, who resides at 10 Red Robin Way, Block 8, Lot 8.26, presented and filed an official letter from the Department of Veterans Affairs with the Raritan Township Tax Assessor, Marianne Busher; and

WHEREAS, the official letter stated that his service-connected disability is evaluated at 100 percent with an effective date of August 31, 2010; and

WHEREAS, the deed date is effective January 8, 2018; and

WHEREAS, Mr. Pacheco is seeking property tax exemption and refund; and

WHEREAS, N.J.A.C. 18:28-2.11 specifically states "Provided all other legal criteria are met, the exemption must be granted as of the date of the letter from the Department of Veterans Affairs granting the rating and provided a written claim is filed with the Assessor. The governing body of a municipality, however, has the discretion to make the exemption retroactive to the date of 100 percent disability stated on the Veteran's Affairs letter provided other legal criteria are met;" and

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

WHEREAS, the Township Tax Collector has recommended a refund of first quarter 2018 taxes in the amount of \$3,501.28.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that property tax-exempt status for 100 percent disabled veteran is hereby granted to Jose Enrique Pacheco effective January 12, 2018; and

BE IT FURTHER RESOLVED, that first quarter 2018 property taxes in the amount of \$3,501.28 are hereby refunded.

Mayor Mangin read Resolution #18-50 by title.

Mayor Mangin asked for a motion to adopt Resolution #18-50.

Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-50

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

WHEREAS, Jose Enrique Pacheco, who resides at 10 Red Robin Way, Block 8, Lot 8.26, 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; 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 8, Lot 8.26 due to disabled veteran status.

At this time, Mr. Lehrer advised on the action of authorizing the five-year appointment of Mr. Kendzulak to the RTMUA. Mr. Lehrer explained that the resolution will be identified as #18-53; authorized by voice vote; and then ratified and confirmed by resolution at the March 6, 2018 meeting.

Deputy Mayor Gilbert explained that the reason for adding this item last minute to the agenda was due to the resignation of two members of the Authority. Deputy Mayor Gilbert continued that Mr. Kendzulak's reappointment was rescinded for housekeeping reasons and his current appointment was carried over by State statute. This is the formal action that allows the Committee to reappoint him.

Mayor Mangin asked for a voice vote authorizing the reappointment of John Kendzulak as Commissioner to the RTMUA for five (5) years to be ratified and confirmed by Resolution #18-53 at the March 6, 2018 regular meeting of the Township Committee.

MOTION UNANIMOUSLY CARRIED

CONSENT AGENDA

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

Mayor Mangin advised that Resolution #18-51 Authorizing Emergency Temporary Appropriation #1 will be removed from the Consent Agenda and considered separately, as adoption requires four (4) votes.

Committee Member Reiner requested that Resolution #18-52 Authorizing Return of Inspection Escrow (Roman Jewelers) and Committee Member O'Brien requested that Resolution #18-40 Tax Refunds First Quarter 2018 (CoreLogic) be removed from the Consent Agenda for further consideration.

Mayor Mangin asked for a motion to adopt the Consent Agenda as amended with the removal of Resolutions #18-51, #18-52, and #18-40.

Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #18-38

A RESOLUTION AUTHORIZING THE RETURN OF OVERPAYMENTS OF 2018 THIRD AND FOURTH QUARTER TAXES

WHEREAS, prepayments of third and fourth quarter 2018 property taxes were made on or before December 31, 2017, following recent IRS guidance on the deductibility of prepaid 2018 taxes; and

WHEREAS, the Township Committee desires to return overpayments of 2018 third and fourth quarter property taxes to those who request a return of said prepaid taxes in writing; and

WHEREAS, Kevin Walsh has requested in writing the return of the overpayment of third and fourth quarter 2018 taxes; and

WHEREAS, the Township Tax Collector has recommended the return of the following overpayment:

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
Walsh, Kevin & Marybeth (54 Copper Penny Road)	\$6,649.60	6.16	20

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the overpayment of third and fourth quarter 2018 taxes in the amount of \$6,649.60 is hereby returned.

RESOLUTION #18-39

AUTHORIZING FIRST QUARTER 2018 TAX REFUNDS

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 Township Committee of the Township of Raritan 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>
WELLS FARGO			
Kikolski, Thomas & Valerie (4 Litton Road)	\$3,100.00	74.01	2
Toll NJ, LP (38 Tiffany Drive)	\$3,859.98	44.02	45
TOTAL:	\$6,959.98		
CITIMORTGAGE			
Reid, Michael & Dawna (35 Newcastle Way)	\$537.80	15	21.16
TOTAL:	\$537.80		
TOLL NJ, LP			
Toll NJ, LP (38 Tiffany Drive)	\$4,895.11	44.02	45
TOTAL:	\$4,895.11		

Motioned by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

RESOLUTION #18-40

**A RESOLUTION AUTHORIZING
 FIRST QUARTER 2018 TAX REFUNDS
 (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 Township Committee of the Township of Raritan 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			
Joshi, Vijay D. & Shiveta (4 Four Seasons Drive)	\$3,901.02	1	9.06
Griffith, Ian D. & Rebecca L. (46 William Barnes Road)	\$3,602.73	5.01	5.01
Vemulapalli, Vikram & Priti (24 William Barnes Road)	\$3,691.54	5.01	7.02
Dowd, Karen (5 Ups & Downs Court)	\$4,070.68	5.01	10.08
Hampton, Michael & Kimberly (15 Bluebird Court)	\$3,009.83	6	2.09
Gordon, Carolyn (7 Birch Street)	\$500.00	6.01	9
Crisafulli, Astolfo & Sarah K. (4 Birch Street)	\$2,395.49	6.02	3

Apanovitch, Donald M. (48 Timberwick Drive)	\$3,117.02	6.14	3
Hansen, Thomas C. & Murdina Ferris (30 Copper Penny Road)	\$2,853.03	6.15	4
Epstein, Aaron & Shannon (26 Scarlet Oak Road)	\$3,518.20	6.18	2
Brady III, James P. & Sara E. (6 Quail Ridge Drive)	\$3,610.86	7	27.02
Suchorsky, John & Kathleen (12 Quail Ridge Drive)	\$426.01	7	27.05
Shor, Roman & Sophie (21 Cherryville Hollow Road)	\$9,553.17	7	30.01
Chase, Carl S. & Heather M. (2 Starview Drive)	\$3,265.24	8	8.06
Jacobson, Mark & Anneliese (6 Partridge Run)	\$3,936.54	13	7.08
Pummer, Gregory & Tara (3 Dale Drive)	\$4,240.34	13	7.27
Emmons, Jeanette (55 Sand Hill Road)	\$2,726.85	15	3.28
Dawson, Matthew P. & Jennifer A. (23 Newcastle Way)	\$3,914.49	15	21.06
Witherell, Benjamin & Haekyoung Suh (37 Sand Hill Road)	\$2,355.68	15	78
McMillan, Regina A. & Tawana Gilliam (34 Kentworth Court)	\$1,896.30	18.02	60
Faldu, Kunaldumar J. & Kinjal Kanani (15 Clearbrook Lane)	\$1,975.32	18.16	8
Mutz, R. Douglas & Anne C. (53 Rake Road)	\$3,467.37	19	4
Compeau, Richard C. & Roseanna D.	\$4,469.15	25	3.17

(12 Greenhills Drive) <u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Blumenstein, Jeffrey & Silvia Stanton (21 Altamont Drive)	\$3,717.88	25	19.03
Gironda, Gregory W. & Jamie R (1 Alpine Place)	\$3,801.18	25	19.12
Little, Stephen S. & Christine N. (9 Tuccamirgan Road)	\$3,266.47	25	32
Fourre, Donald F. Jr. & Colleen M. (112 Pennsylvania Avenue)	\$1,695.40	35	3
Kerian, David & Claudia Kennington (77 Plum Brook Road)	\$2,540.65	43	3.01
Wilk, Justin J. & Julia A. (104 Harmony School Road)	\$11.03	43	41 (Q0341)
Wilk, Justin J. & Julia A. (100 Harmony School Road)	\$4.05	43	41.01 (Q0341)
O'Gorman Living Trust (6 Shannon Way)	\$3,136.00	40.01	22
Kulesa, Gregory & Fred Banerman (3 Paige Place)	\$4,961.87	44	24.35
Bryant, Paul & Shalon N. (3 Jacob Court)	\$4,495.75	44.02	13
Ramamurthi, Shankar & Indumathi (54 Tiffany Drive)	\$4,172.35	44.02	17
Cheng, Ben B. & Belle Fang Fang (1 Erin Place)	\$5,144.39	44.02	39
Shankle, Charles B. & Jaqueline S. (19 Beaver Creek Drive)	\$2,970.02	45	25
Amabile, Daniel T. & Karen Veninger (5 Manchur Court)	\$4,335.28	45.01	17

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Patel, Ketan & Ami (2 Cole Court)	\$4,133.77	45.03	1.06
Mahon, Claire E. (2 Vinson Drive)	\$2,323.22	53.01	1.25
Nayudu, Giridhar & Sucharitha (19 Stirrup Lane)	\$2,530.24	53.01	10
Crane, Howard & Susan (23 Pony Lane)	\$2,669.89	53.01	51
Sterling, Judith (12 Dayton Road)	\$2,314.64	54	22
Werner, Jody A. G. (21 McPherson Drive)	\$3,927.35	60	29.17
Lascelle, Robert S. & Lisa (4 Cyndi Court)	\$4,138.67	60	40.02
Wetter, Steven K. & Kristina M. (28 Fawn Drive)	\$2,298.10	61	3
Lentine, Frank S. & Joanna W. (167 Sergeantsville Road)	\$3,128.65	63	47
Wong, Stuart T. & Lauralie (193 Sergeantsville Road)	\$2,780.14	63	51.01
Bacon, Charles A. III & Cynthia A. (5 Knollwood Road)	\$5,759.95	63	70.15
Esteves, Hugo M. & Joanna Vasiliadis (103 Sergeantsville Road)	\$1,885.25	63	86
Gruning, Robert L. & Susan C. (8 Knollwood Road)	\$5,304.87	63.05	4
Pacheco, Silvio J. & Loriann H. (3 Frost Court)	\$4,476.15	63.09	7

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Augustus, Paul & Deborah (5 Beehive Lane)	\$3,455.12	63.11	12
Vyas, Anix (85 Chelsea Circle)	\$1,400.79	71.13	49
Berner, Robyn E. (18 Saxonney Circle)	\$1,638.44	71.14	10
Mamary, Richard & Susanna (1 Shippen Court)	\$1,909.78	71.2	55
Huber, Maria (101 Blackberry Court)	\$1,242.77	71.25	1 (C0101)
Helmlinger, Daniel (302 Saddle Court)	\$1,233.58	71.25	1 (C0302)
Schwolow, John & Jennifer Kuberiet (19 Holly Court)	\$1,466.33	72.01	54
Benedickson, Mary & Krista (311 Larch Court)	\$1,344.44	72.08	2 (C0311)
Brown, Ryan & Sun Min Lee (13 Cedar Court)	\$1,344.44	72.11	10
Alberalla, Richard J. & Patricia A. (3 Overlook Court)	\$2,705.42	72.14	24
Turtola, Frank & Joanne (10 Rittenhouse Circle)	\$2,813.22	72.15	5
Lyons, William & Rosemary Ryan (1 Cosby Court)	\$2,557.19	72.15	17
Chandrasekhar, Srikantan & Meera (20 Reading Road)	\$2,525.34	72.18	11
Witzling, Mark & Kristina M. (60 Concord Ridge Road)	\$2,478.18	72.21	12

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Rotaru, Lavinia (803 Yorkshire Drive)	\$828.10	72.23	1 (C0803)
Tenkate, Brian & Kelliann (10 Johnston Drive)	\$2,815.05	72.26	18
McKenzie, Christopher & Laurie (9 Montgomery Drive)	\$2,982.27	72.27	4
O'Brien, Craig D. & Jean L. (3 Johnston Drive)	\$2,606.14	72.3	4
Mckeown, John C. & Elizabeth S. (2 Fisher Court)	\$3,466.14	74	5.34
Parker, John R. & Debra A. (5 Rea Court)	\$2,995.10	77.02	7
Hansen, Judith & Edward F. Millerick (12 Viking Terrace)	\$3,139.04	77.02	19.09
Moser, Lori & Gerardus Sentveld (21 Olden Drive)	\$3,362.02	77.04	2
Hopf, Jeremy & Leslie A Ling (5 Mathews Drive)	\$3,151.93	77.06	8
Gupta, Anurag Rastogi & Ritu (2 Dally Road)	\$3,984.93	77.09	20
Stanton, Daniel T. & Carley P. (212 Kuhl Road)	\$3,667.65	77.09	27
Bernard, Steven J. & Mary A. (8 Homestead Place)	\$3,187.45	77.1	10
Tripathi, Ruchir & Pooja Mishra (3 Deats Drive)	\$3,333.62	78.01	1.23
Dippolito, Michael & Amanda (33 Plennert Road)	\$2,491.04	78.01	2.07

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Burgos, Jose M. & Mercy (3 Shelton Road)	\$2,643.33	79.05	10
Orrell, Paul E. & Susan (160 Voorhees Corner Road)	\$1,986.95	79.08	5
Russo, John M. & Patricia A. Gilbert (6 Riverview Court)	\$4,370.19	81.04	24
Downs, Kathleen (7 Country Club Drive)	\$2,871.40	84.02	12
Rowinski, Michael J. & Patricia A. (104 East Becks Boulevard)	\$3,988.60	89	15
Kenny, Robert & Marianne Bagdon (3 Brockton Court)	\$3,295.87	91	5
TOTAL:	\$257,701.93		

Mayor Mangin read Resolution #18-51 by title.
 Mayor Mangin asked for a motion to adopt Resolution #18-51.
 Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

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

RESOLUTION #18-51

EMERGENCY TEMPORARY APPROPRIATION #1

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 two-thirds 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 additional temporary budget appropriations are made as follows and that a copy of this resolution be transmitted to the Chief Financial Officer and the Director of the Division of Local Government Services:

Snow Removal OE	\$50,000.00
TOTAL:	\$50,000.00

Mayor Mangin read Resolution #18-52 by title.

Mr. Lehrer explained that Roman Jewelers had submitted a land use application but encountered issues with the DOT, so the application did not proceed.

Mayor Mangin asked for a motion to adopt Resolution #18-52.

Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

**RESOLUTION #18-52
A RESOLUTION AUTHORIZING THE RETURN OF AN
INSPECTION ESCROW (ROMAN JEWELERS)**

WHEREAS, Roman Jewelers has requested the return of its Inspection Escrow; and

WHEREAS, Kristi Gano, Payroll/HR Coordinator, has submitted a memo dated February 15, 2018 and recommended the return of the following Inspection Escrow:

Roman Jewelers	BOA #14-2016	\$2,942.64
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NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the Inspection Escrow posted by Roman Jewelers in the amount of \$2,942.64 is hereby returned.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment.

Barbara Sachau, a resident of 2 Glenway Drive, expressed dissatisfaction for the Environmental Commission meetings on the same night as the Township Committee; thanked Committee Member

O'Brien for attempting to keep meetings open for the public; commented on the poor quality of the sound system and the difficulty hearing speakers; expressed a desire for open meetings of the proposed ad hoc Joint Infrastructure Planning Committee; voiced opinion that the Township should implement a two percent (20%) cap; and inquired as to the status of the Comcast franchise renewal.

Mr. Purcell advised that discussions are in process with Comcast. Mayor Mangin added that the Township will also be reaching out to residents for their input regarding Comcast as a utility.

ADJOURNMENT

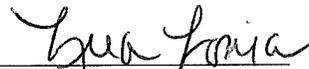
Mayor Mangin asked for a motion to adjourn the regular meeting and reconvene Closed Session.

Motion by Reiner, seconded by Hazard

MOTION UNANIMOUSLY CARRIED

Meeting adjourned at 8:47 p.m.

Respectfully submitted,



Lisa Fania, RMC
Township Clerk