

The Township Committee of the Township of Raritan met on February 17, 2015 at the Municipal Building, One Municipal Drive, Flemington, New Jersey

**MEETING
CALLED**

Deputy Mayor Gilbert called the regular meeting to order at 7:05 p.m.

ROLL CALL

The following were present: Deputy Mayor Karen Gilbert, Comm. Michael Mangin, Comm. Richard Chen and Comm. Louis Reiner. Mayor Craig O'Brien was absent. Also present was Adm. Allan Pietrefesa and Township Attorney Albert E. Cruz.

**MEETING
ADVERTISED**

Deputy Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the January 15, 2015 issue of the Hunterdon County Democrat and was posted on the office bulletin board and the Township Website.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Deputy Mayor Gilbert 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.

**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.

*** Paula Ellentuch, 16 Ridge Road, wanted to know about the Case Boulevard property because she felt that there is a problem with the proposed sewer line. The plans state that the sewer line is to be placed on the west side of the street. The problem is that there are telephone poles in the vicinity. The telephone poles go down four feet into the ground. The sewer lines, by law, must go down three feet into the ground. She did not understand why the sewer lines were moved somewhere else on the road.

Township Engineer Hajjar, said that the telephone poles are installed eight to ten feet in the ground. He said that he did not foresee any problems with the sewer lines and the telephone poles.

*** Ms. Ellentuch said she was told that 20-foot poles are placed four feet into the ground. The other problem with the sewer line going in is that Mr. Baldachino is trying to sell the property before he builds on it. The original agreement with the Township was that he was not going to receive a CO until the sewer lines are placed. If the properties are sold, how is the Township going to hold him accountable for putting in the sewer lines.

**PUBLIC
COMMENT
(Con't)**

Eng. Hajjar said that Mr. Baldachino has not subdivided the lots. It is still one parcel. Before he divides the lot, a performance bond must be posted. If the sewer lines are not put in, the Township will recall the bond and do the work,

*** Ms. Ellentuch asked about the grading and was worried that it was not graded properly, eventually the water will run onto her property.

Eng. Hajjar said that the manhole was raised which is temporary. Eventually, that area will be re-graded. Comm. Mangin said that this subdivision was approved by the Planning Board in 2010. This work on the sewers will be completed by the RTMUA, not the Township. Mr. Baldachino must comply with the regulations of the RTMUA. Eng. Hajjar said that he has inspected that property and will continue to do so.

*** Richard Higgins, 21 Bloomfield Avenue, Borough of Flemington, asked about the trestle above Route 31. It looks horrible and is covered in graffiti. Hundreds of thousands of people pass under this overpass and it would be a good idea to have it painted. It looks awful.

*** Jamie Holick, 5 Riversedge Terrace, said that he heard that Aspen Ice may close. The closing of this ice rink will affect all families. He is reaching out to the Township and County to see if anything can be done to prevent this closing. People come from all around, not just from Hunterdon County. He hopes it can be kept open.

*** Robert Thorson, 21 Nsahaway Drive, said that his son is in the 9th Grade at Hunterdon Central High School and a hockey player. He hopes that it can be kept open. This activity keeps children out of trouble.

*** Liz DelCastle, 59 Summer Road, said that for the past year, her daughter has been a figure skater at Aspen Ice. She is only six years old. Ms. DelCastle said that her daughter has become a self-confident person through figure skating. Aspen Ice is a very family oriented place to go to.

*** Paula Ellentuch, 16 Ridge Road, said that Aspen Ice is her neighbor and they have been great neighbors ever since they moved in. She hoped that the Township could keep it open.

*** A resident of Readington Township said that her children play hockey. She doesn't have to worry when she takes her kids to Aspen Ice on Friday night and Saturday night. She feels very comfortable about leaving the kids. Hunterdon County has nothing for kids to do. There is no movie theatre or community center for kids. The nearest rink is in Middlesex County or Mercer County.

**PUBLIC
COMMENT
(Con't)**

Deputy Mayor Gilbert said that she appreciated the people coming out to the meeting. She understood that they have already been to Hunterdon County for the same issue. Even though the business is located in Raritan Township, it supports all the surrounding towns. She suggested that they contact the Chamber of Commerce to see what the Chamber could offer.

*** Howard Clomenco, 610 Manchester Road, said that he is 79 years old and there have been many studies done showing what happens when kids do not have healthy places to go to. It is in the interest of Raritan Township and Hunterdon County to keep the rink open. It could be bought and run as a non-profit organization. It would probably be cheaper, in the long run, to do that than to pay for children who go astray.

*** Linda Zodi, 15 Edward Drive, said that she is employed at Aspen Ice. She has been the director of figure skating and the learn to skate program there for about 3 ½ years. She works with a great team of people who care about the kids in the community. This would be a huge loss to the community. It is also a huge loss as far as revenue is concerned. The families would have to drive to another rink and spend money for food and gas elsewhere. This is a tenant and landlord situation that could be worked out. The rink is packed on the weekends and she hopes that the business could be kept in the Township.

Comm. Mangin asked if the landlord and business owner on speaking terms.

*** Ms. Zodi said that she has been in contact with everyone involved. The terms are not that far off. It is just a little bit of reasoning power is what needs to come to the equation. The person that owns the building does not understand how powerful that business has become to the community. She believed that Aspen Ice would continue if the terms were more reasonable.

Comm. Reiner wanted to know if there has been any support solicited from Hunterdon Central High School in addition to the Township and County. Deputy Mayor Gilbert said she did not know that.

*** Jamie Holick, 5 Riversedge Terrace, said that at the last Freeholder Meeting, it was mentioned by John King that no one had contacted the Freeholders about this matter.

Deputy Mayor Gilbert said that she or Mayor Craig O'Brien will contact Mr. King.

*** Bruce Trummel, 2 Ivy Court, said that there is a time constraint on this matter. The deadline is March 29th. The equipment at the facility is owned by the renters so they will probably pull out the equipment. If that is the case, the sheet of ice will be lost. It takes a great deal of time and money to replace the ice.

**PUBLIC
COMMENT
(Con't)**

*** Monica Ball, 10 Lambert Road, Delaware Township, said that she comes from a big hockey and figure skating family. She said that time is of the essence because it is scheduled to close on March 29th. Also there are rules and regulations concerning the hockey league. There are try outs and clinics. These are done in the springtime. The families that are at Aspen Ice currently will scatter to other townships including Somerset County, Bridgewater and Mercer County. There will not be the support to WAWA, The Fudge Shoppe, Kohl's and other Township businesses. This hockey group brings in people from all over the State to play at this location. There is a lot of money involved in keeping this rink alive and she hopes that the Township and Hunterdon County could do something to help the situation.

**FINANCIAL
ISSUES**

BUDGET TRANSFERS:

Resolution #15-52 – Budget Transfers (Four Votes Needed for Adoption)

Adm. Pietrefesa said that there is one budget transfer listed from the Police O.E. to the Municipal Services Act in the amount of \$3,100.00 from 2014. This appropriation serves to reimburse the Condo Associations for the cost of snow removal in accordance with the Condo Law. Municipalities are required to reimburse condominium associations for a variety of costs. One of them being snow removal. The reimbursement is based on the Township's costs. This extra money is needed to pay the associations after the 2014 Audit.

Deputy Mayor Gilbert asked for a motion to adopt Resolution #15-52.

Motion was made by Comm. Mangin and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Gilbert – yes
 Mangin – yes
 Reiner – yes

Motion carried.

Payment of Bills as Listed for Raritan Township: \$ 11,839,666.84

Adm. Pietrefesa said that \$7.5 million is for the Flemington-Raritan Board of Education. \$1 million is being paid back to the Capital Fund. Comm. Reiner asked what the Township is paying out in COAH payments. Adm. Pietrefesa said that the Township subsidizes rentals for Flemington South Gardens as part of the COAH Plan. The money comes from the Housing Trust Fund. Attorney Cruz said that the money comes from developers for residential development. All developers pay a one-time

**FINANCIAL
ISSUES
(Con't)**

fee to the Housing Trust Fund for the Affordable Housing Plan. These COAH Rules and Regulations been in place for several decades. This is only for new residential development in which the developer is charged 1 ½ % of the building and land. Comm. Reiner said that he had a problem with the COAH rules. Basically it is taxing one segment of the population in order to subsidize another. Adm. Pietrefesa said that the fee can be assessed to the developer or the developer can build his own affordable housing. Deputy Mayor Gilbert asked about Check #25460 for the Live Scan Data Transfer in the amount of \$7,300.00. Adm. Pietrefesa said that this is for the Maintenance Contract on the fingerprint machine which is an annual fee. Comm. Mangin asked about the several postings for deer carcass removal. Adm. Pietrefesa said that Don Hutchins has found a cheaper rate for the deer carcass pickup. Comm. Reiner said that the State owns the deer carcasses and the State manages the deer herds so it would be the State's responsibility to remove the carcasses. He wanted to know why the Township has to pay for the removal. Attorney Cruz said that it is his understanding that there is a governmental agency titled, "The Council on Unfunded Mandates". This council addresses these kinds of issues. It basically states whether something is an unfunded mandate or not. If they determine that it is an unfunded mandate, then the municipality does not have to pay. Adm. Pietrefesa said that the people who pick up deer carcasses must be certified.

Deputy Mayor Gilbert asked for a motion to approve the Bill List.

Motion was made by Comm. Mangin and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Gilbert – yes
 Mangin – yes
 Reiner – yes

Motion carried.

SNOW REPORTS:

January 30th, February 1st, February 2nd and February 3rd.

Adm. Pietrefesa said that he asked Don Hutchins to prepare a year to date cost of snow removal for the next Committee meeting.

REPORTS

LIAISON REPORTS

Craig O'Brien – Administration, Personnel
Karen Gilbert – Joint Parks & Recreation, Open Space, Public Works
Michael Mangin – Planning Board, RTMUA, Board of Health
Richard Chen – Public Safety, Finance
Louis Reiner – Flemington-Raritan Schools, Hunterdon Central High School, Environmental Commission, Historians Committee

Liaison Reports were tabled.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

RETURN OF CASH PERFORMANCE BOND TO 240 HIGHWAY

202 ASSOCIATES, LLC – Engineer Hajjar said that the Township Committee approved a bond reduction on January 6, 2015 for the site of the former movie theatre. CVS and PNC Bank are now at that site. The developer is now requesting that the cash portion of the bond be reduced. Eng. Hajjar recommended the return of \$13,561.35. Comm. Mangin said that also on that site is a proposed a Starbucks and a restaurant. A resolution reducing the cash bond was adopted later in the meeting.

POLICE OUTSIDE EMPLOYMENT RATE FOR 2015 – Adm. Pietrefesa said that when the police officers work outside detail, they are paid by contractors, not by the Township. The fee is \$75.00 per hour, however, the Township adds an administrative fee because the police officers are required to use the Township's vehicles and uniforms. The police officers are also covered by the Township's Workers Compensation. The total including the administrative fee is \$94.80 per hour vs. \$93.75 from 2014. This is an increase of \$1.05 per hour. Comm. Mangin asked about the gasoline prices and if they may come back up in the summertime. Adm. Pietrefesa said that the Township pays a flat rate. Comm. Reiner said that fuel prices are up to \$2.00 from \$1.77. Adm. Pietrefesa said that the Township pays considerably less than the price at the pumps.

BUDGET REVIEW FOR ENGINEERING AND PLANNING DEPARTMENTS

Planning Department, Zoning Department and Affordable Housing

Planner Sunyak gave an overall review of the Planning Board Budget. Adm. Pietrefesa said that one change was made for the amount allocated for escrow funds. Planner Sunyak can charge the escrow accounts for the review of applications that come before the Planning Board. Planner Sunyak said that a lot of time is spent on applications and working with developers from the start of the application to the end.

**NEW
BUSINESS
(Con't)**

A new Planning Board and Board of Adjustment Secretary was hired, Linda Jacus. This will save money because there will be no need for a stenographer. Adm. Pietrefesa said that the salaries are split between the departments based on 50% in Planning, 40% in Zoning and the balance is from the Affordable Housing Trust Fund. Planner Sunyak said that she added more line items to the budget because the Township should start to review its Master Plan. She also added money for an update of the Greenway Plan and Farmland Preservation. She recommended that the Township consider reviewing these items. It is required that municipalities update their Master Plan every ten years. She suggested that a consulting firm be hired to help with the review. She said that the other requests in the budget are about the same as last year. Comm. Mangin asked about the line item for legal services for Attorney John Belardo. Planner Sunyak said that this money is used in the event that there is litigation that is undertaken against the Planning Board. She also gave a brief overview of the Zoning Board budget. Very little changed from last year. She will be preparing a new COAH Plan. At some point, the State will decide what is going to happen with the rules and regulations for COAH. The Affordable Housing Program has been administrated by the Central Housing Resource Center. Any funds charged are paid through the Affordable Housing Trust Fund.

Engineering Department

Engineer Hajjar said that the escrow allocated for engineering increased from 25% to 30%. It also increased to 58% for the Assistant Engineer, Inspector and Secretary. He mentioned that the Engineering Inspector will be retiring at the end of the year. Adm. Pietrefesa recommended that someone be hired two months prior to the inspector retiring. Eng. Hajjar felt that two months was not enough time to train an inspector. He was concerned that the current inspector might wait until November or December to take his vacation time and other accrued time. Adm. Pietrefesa suggested that he ask the current inspector if vacation time could be taken earlier. Eng. Hajjar recommended from four to six months to have an overlapping engineer. Adm. Pietrefesa said that the new inspector will be receiving benefits after ninety days and, if this were the case, the Township would be paying for two inspectors receiving benefits. Eng. Hajjar explained that as far as storm water management is concerned, the engineer is required to map them. Previously, the Township spent in excess of \$100,000 to map every catch basin throughout the Township. Adm. Pietrefesa pointed out that while \$9,500 is listed for storm water, these are monies that are received from developers for storm water mitigation. The money from developers is placed in a special appropriations account and can only be used for storm water purposes.

**NEW
BUSINESS
(Con't)**

Adm. Pietrefesa said that there is an old landfill behind the Public Works Building on Pennsylvania Avenue that has been closed since the 1970's. The Township is required to take groundwater sampling quarterly and send the results to the NJ DEP. The cost for this is \$5,200. There will also be a \$50,000 cost on how to prevent the flooding that has been occurring on Copper Hill Road for over thirty years. A consultant will have to be hired to conduct a study. Deputy Mayor Gilbert wanted to know that if, after the study, the County will be helping with the remediation. Eng. Hajjar said that the County only owns the culvert on the road. Adm. Pietrefesa said that there is also money set aside for milling and paving work for Wellington Avenue, Bristol Avenue and Yorkshire Drive. Eng. Hajjar said that a new plotter is needed because the current one is not working. He cannot print out any tax, election or zoning maps. Adm. Pietrefesa mentioned the money that is needed for the ongoing remediation of ground water at the Police Building because of the gasoline spill that happened back in 1997. There is a site remediation specialist on board who is contracted with the Township. This was designated to be bonded last year with a down payment cost of \$19,500, however, all that is needed is \$17,000. The down payment is already appropriated. This project is mandated by NJ DEP with serious fines if not completed. Comm. Reiner asked what would happen if the Township did not complete the work. Attorney Cruz said that the NJ DEP could withhold State Aid and could also withhold Energy Receipt Taxes. The Township receives about \$2 million in aid and also receives several grants.

NJ DIVISION OF ALCOHOLIC BEVERAGE CONTROL RE: BENEDUCE VINEYARDS, LLC AT MARINELLI'S PIZZA, 505 ROUTE 12, FLEMINGTON, NEW JERSEY – Adm. Pietrefesa said that this is for informational purposes only. Attorney Cruz said that several of these types of establishments have come before the Township Committee.

ORDINANCES *There were none.*

CORRESPONDENCE

- a. League of Municipalities: (All Information is on File in the Clerk's Office): Weekly Policy Update re: Transportation Trust Fund; Spill Act; Traffic Calming Measure Signed into Law; Federal 1033 Program; League Legislative Priorities & Last Reminder for Mayors' Legislative Day; "Disciplinary Actions in the Public Sector and What Constitutes a Hostile Workplace; "Leaves of Absence in New Jersey – A Look at the Family Medical Leave Act, the New Jersey Family Leave Act and ADA Compliance;
- b. Hunterdon County re: 2015 Collection Events – *These collections are held at the County Complex on Route 12. Deputy Mayor Gilbert will speak with Don Hutchins to see if the DPW can handle hazardous waste.*

**CORRESPONDENCE
(Con't)**

- c. Quest Environmental & Engineering Services re: Former Yale Materials Handling Corporation Site, 15 Junction Road
- d. Flemington Borough Resolution re: Supporting Local Law Enforcement

**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.

Minutes: *There were none*

Resolutions:

Resolution #15-50 – Tax Refunds

**Resolution #15-51 – Return of Cash Performance Bond to 240 Highway
202 Associates, LLC**

**Resolution #15-53 – Establishing Administrative Fee for Police Outside
Employment Services**

**Resolution #15-55 – Return of Construction Code Permit to Hockenbury
Electric - \$112.00**

**Resolution #15-56 – Refund of an Overpayment Made to the Police
Department by Simon Law Group - \$11.20**

Deputy Mayor Gilbert asked for a motion to adopt the Consent Agenda.

Motion was made by Comm. Mangin and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Gilbert – yes
 Mangin – yes
 Reiner – yes

Motion carried.

**PRIVILEGE
OF THE
FLOOR:**

Anyone may address the Committee on any issue for three (3) minutes.

*** Mrs. Sachau, 2 Glenway Drive, asked why the Committee did not go over the Liaison Reports.

Deputy Mayor Gilbert said that the reports were postponed because the meetings that are attended by the Committee did not happen.

*** Mrs. Sachau asked when the new amount was set for the police outside work, why wasn't the cost set at an even \$100.

Adm. Pietrefesa said that the money that is charged for the police work must be justified. The cost must be broken down with the amounts.

*** Mrs. Sachau also wanted to know about the dinner that was held after first meeting of the year. She wanted to know if the tax payers paid for that dinner. She said that the Freeholders hold something right in their building and felt that this was much nicer and more inclusive.

Adm. Pietrefesa said the Township tried to hold something in the building after the Reorganization Meeting several years ago, however, no one stayed after the meeting and it was a waste of food. The tax payers do not pay for the entire dinner. The volunteers are invited and if they wish to bring a guest, they must pay for it on their own.

Attorney Cruz read Resolution #15-57 in full as amended.

Resolution #15-57 - CLOSED SESSION:

Personnel – Fire Official;

Fire Sub Code Official

Deputy Mayor Gilbert asked for a motion to adopt Resolution #15-57.

Motion was made by Comm. Mangin and seconded by Comm. Reiner.

Roll Call Vote: Chen – yes
 Gilbert – yes
 Mangin – yes
 Reiner – yes

Motion carried.

**CLOSED
SESSION**

Closed Session Minutes are on a separate document.

**OPEN
SESSION**

The Committee went back into Open Session.

**ADJOURN-
MENT**

Deputy Mayor Gilbert asked for a motion to adjourn the meeting.

Motion was made by Comm. Mangin and seconded by Comm. Chen.

Vote: 4 – 0 motion carried.

Meeting adjourned at: 9:26 p.m.

Respectfully submitted,

Rose Sollena, RMC/CMC
Township Clerk