

The Township Committee of the Township of Raritan met on March 15, 2016 at the Municipal Building, One Municipal Drive, Flemington, New Jersey

**MEETING
CALLED**

Mayor Gilbert called the regular meeting to order at 7:06 p.m.

ROLL CALL

The following were present: Mayor Karen Gilbert, Deputy Mayor Michael Mangin, Comm. Craig O'Brien, Comm. Richard Chen and Comm. Louis Reiner. Also present was Adm. Jerry Giannis and Township Attorney Jeffrey Lehrer.

**MEETING
ADVERTISED**

Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the February 25, 2016 issue of the Hunterdon County Democrat and was posted on the office bulletin board and the Township Website.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

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.

*** Pat Sullivan, 21 Higgins Court, Flemington Fields Homeowner's Association, thanked the Committee for addressing the matter of the fire hydrants and paying attention to the needs of the residents. She is hopeful that the resolution will be adopted.

Mayor Gilbert asked for a motion to approve the removal of resolution #16-69 from the Consent Agenda to this portion of the meeting.

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

Vote: 5 – 0.

Motion carried.

Let the record show that Mayor Gilbert recused herself from the balance of the discussion and the vote on the resolution because her mother is a resident of Flemington Fields.

Attorney Lehrer said that Flemington Fields Homeowner's Association, Inc. had entered into a Municipal Services Agreement with the Township of Raritan in 2014. One of the items that is permitted under the Municipal Services Act is reimbursement for leaf collection. The Association wishes that in lieu of leaf collection that was waived, that the Township reimburse the water charges for four private fire hydrants at a cost of \$3,200 per year. This will be a direct payment to NJ American Water. The developer will install the four fire hydrants. Eng. Hajjar said he met with the Flemington Fields developer who informed him that he will begin the pavement on those streets.

*** Mrs. Sullivan said that she was not aware that there would be paving of the roads.

Attorney Lehrer indicated that the issue of the paving of the roads is not before the Governing Body at this time. This has to be addressed separately. The only matter before the Governing Body is Resolution #16-69.

Deputy Mayor Mangin asked for a motion to adopt Resolution #16-69.

Motion was made by Comm. Chen and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert - abstain

Motion carried.

**FINANCIAL
ISSUES**

Payment of Bills as Listed for Raritan Township: **\$ 4,280,795.06**

Comm. Mangin asked about Dell Marking L.P. Mayor Gilbert asked if there was a way to eliminate the comments that the Committee does not understand and to have an actual description of the payment. Adm. Giaimis said he would look into the comments section of the bill list. Comm. Reiner asked why there were no bills for DiFrancesco, Bateman. Adm. Giaimis said the bills will be on the next bill list.

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

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

**FINANCIAL
ISSUES
(Continued)**

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

REPORTS

LIAISON REPORTS

Karen Gilbert – Administration, Personnel, Planning Board (Class I – Mayor) – No report.

Michael Mangin – Planning Board (Class II – Governing Body), Police, Finance & Business – Comm. Mangin said there was a courtesy approval for WAWA from the Planning Board. 75% of this establishment is in Flemington Borough and 25% is in Raritan Township. They are installing a 15,000 gallon diesel fuel tank for trucks and cars. They will also be changing some pumps. The ordinance for outside detail for police will be tabled. The Committee is awaiting the 2016 Budget from Adm. Giaimis and CFO Bill Pandos.

Louis Reiner – Public Works, Fire/Rescue/OEM, Local Historians – Comm. Reiner said that all the inlet inspection have been completed. Four hundred five inlets need cleaning as per the storm water regulations. The DPW spent two weeks addressing pot holes and curb repair. The road crew is currently in Milestone Manor. There is 2,300 tons of salt remaining in the salt dome. Preparation of ball fields and park clean-up has begun. Mulch sales will begin on April 1, 2016. The First Aid & Rescue Squad would like to replace the 1989 Ford ambulance because the chassis cannot be repaired again. The First Aid & Rescue Squad has a desire to move their location from Route 12 to 29 Royal Road. Plans will be presented to the Board of Adjustment. Comm. Reiner will be meeting with Fire Chief Wetter with regards to any grants that may be available. The deadline for submission is March 31, 2016. No report on the Historic Committee.

Richard Chen – Open Space, Parks & Recreation, RTMUA – Comm. Chen said that the Open Space Committee desires to come before the Township Committee. Raritan Valley Community College would like to do a presentation on the Hunterdon County deer population and lime disease. This will happen in late April or Early May.

**REPORTS
(Continued)**

Craig O'Brien – Board of Health, Green Team, Environmental Commission
Comm. O'Brien said that there is a new shooting range located on
Minneakoning Road. Buffalo Wild Wings located on Route 31 should be
opening soon.

SNOW REPORT AND DPW UPDATE - Mayor Gilbert said that Sup't
Hutchins submitted a report from the last snow storm. Comm. O'Brien said
that there are 2,300 tons of salt on hand in the dome. Mr. Hutchins has no
plans to reorder any materials for snow removal at this time.

**UNFINISHED
BUSINESS**

REMEDIAL INVESTIGATION REPORT – POLICE BUILDING

Adm. Giaimis said that \$7,500 has been incorporated into Resolution #16-66 for
Temporary Appropriations and made part of the 2016 Budget.

COURT AUDIT UPDATE – Adm. Giaimis indicated that since the last meeting, he
had the opportunity to meet again with the Court personnel for a retired Court
Administrator to come in and address some of the issues related to the books. Adm.
Giaimis added that, to clear the record, all the numbers match. There are no
discrepancies and there is no money missing. The matter is as to how journal
transactions are being recorded. There will be a resolution at the next meeting for an
amount not to exceed \$3,000. The reason for the review of the books is to educate
the court staff to make sure that the books are kept in order. Comm. Reiner indicated
that this is not an isolated incident. The Township was in the same situation in 2011.
Comm. Reiner spoke to the Chief Financial Officer who said he cannot certify any
numbers until the 2015 audit is complete. There is no way he can make that
determination. Mayor Gilbert said that what the CFO is communicating is that he
cannot certify and numbers without having the information he needs. The Committee
suggested that CFO William Pandos come before the Township Committee at the
next meeting to answer any concerns.

**NEW
BUSINESS**

COMMUNITY DAY – Mayor Gilbert said that she met with Sup't Hutchins and
Clerk Sollena regarding Community Day. The last Community Day was about ten
years ago. She would like to hold Community Day on Saturday, September 17th with
a rain date of September 18th. She would like to include organizations, clubs and not
for profit organizations. They can use Community Day as part of a fund raiser.
There will not be any vendors. Any fees from the Board of Health would be waived.
She is hoping to get a DJ. She would also like to see trucks on display from Public
Works, the Fire Department and First Aid & Rescue. The cost would be less than
\$800 for this event. The cost is for a large tent, porta-johns and additional generators.
It was the consensus of the Committee to proceed to move forward with this event.

**NEW
BUSINESS
(Continued)**

JP CASE MIDDLE SCHOOL “TRUCK FESTIVAL” – Mayor Gilbert said that JP Case Middle School is having a 10th Year Anniversary with a Food Truck Festival on Friday, May 13, 2016. Clerk Sollena indicated that one license will be issued to the Board of Education and the Board will be responsible for the event. The Hunterdon County Health Department will inspect all the food trucks. There were no objections from the Committee for this event. Fire and Rescue will be notified of this event.

HAMPTON CORNER ROAD FLOODING – ENGINEERING SERVICES – Eng. Hajjar said that the Township has budgeted \$25,000 to conduct this study for the flooding on Hampton Corner Road. No RFP has been sent yet. He said that he is not comfortable because he has little experience with this type of study. He felt that a consultant would do a better job. He also mentioned that the County may also be involved in the repairs to the road. This will be a contract not to exceed \$10,000. Some of the work can be performed by the Township as well as the consultant. The consultant will advise whether the culvert is the issue or the roadway. Comm. Reiner asked if Eng. Hajjar could do that study. Eng. Hajjar said that his office is very busy and cannot do the work. Comm. Reiner said that the Township should do its due diligence and look at the situation. When the development was installed, the Storm Water Management Plan had to be agreed to between the developer’s engineer and the Township engineer and approved by the Planning Board. Someone must be responsible for this problem. Mayor Gilbert said that about two years ago, residents from that area came before the Committee. It was a dire situation in the sense that one particular rain storm caused kids to be trapped in their homes and parents could not get through the streets. There is only one way in and one way out. Comm. O’Brien said that there are a host of factors that contributed to this problem. Comm. Mangin said that this is an issue of public safety. The Rescue Squad could not get through the water in the streets. Even the fire trucks had a problem getting through. There are sixty families affected. It was the consensus of the Committee to proceed. A resolution was adopted later in the meeting.

*** Katherine Sakellos, 20 Country Club Drive, said she has lived in that particular development since 1992. The development was built in the late ‘60’s. Having lived there many, many years, she can say that it is a big problem. People have been trapped in their homes. People cannot get in or out of the development. This is a dire situation.

**NEW
BUSINESS**

Comm. Reiner asked if the Federal Government is involved with the railroad bridge on Hampton Corner Road. Eng. Hajjar said that the railroad company is trying to receive a grant to have the railroad bridge elevated on Hampton Corner Road.

RTMUA COMPENSATION RE: HEALTH BENEFITS – Mayor Gilbert said that there are several different issues regarding RTMUA compensation. There was an ordinance adopted in 2007 capping the compensation at \$1,400.00. However, several members of the RTMUA are receiving \$2,100.00. This compensation was agreed upon prior to the adoption of the ordinance. Two members of the RTMUA are receiving \$1,400.00 and three members are receiving \$2,100. The RTMUA would like the Committee to consider raising the compensation cap to \$2,100.00 for everyone. Comm. Chen said that the Committee voted on this last year and the vote was three votes against and two votes for the change. Mayor Gilbert said that she was not sure if it was ever voted on. Comm. Chen said he would vote no on this matter. Comm. O’ Brien said his decision was made last year to vote no to the increase. Comm. Reiner said he was opposed to raising the compensation. The two commissioners knew what the compensation was when they were appointed. Mayor Gilbert said that their compensation is paid only by the rate payers and not the tax payers. Comm. Mangin said that he would approve the salary change because an extra \$700 split between the rate payers would amount to pennies. He did not believe that all the information was shared with the two incoming people. Mayor Gilbert said she was in favor of the change. She said that the ordinance stands as is with the compensation at \$1,400.00.

Mayor Gilbert said that Ordinance #07-43 needs to be revised to clarify what is meant by compensation vs. salary. It should be revised to clearly state that it is a salary. Attorney Lehrer said that the ordinance can be revised to state that \$1,400.00 is a salary and no other benefits will be received such as health benefits, retirement benefits or any other form of compensation. It is only salary. Mayor Gilbert said that by clarifying the ordinance, there will be no question as to what \$1,400.00 means. She asked for the Committee’s approval to have the attorney make the change. There is only one individual who is receiving health benefits. First thing is that the ordinance must be changed. Attorney Lehrer said that the Mayor is trying to identify the issues. The first issue is about the salary, then the ordinance to clarify the salary and the third issue is the health benefits. Adm. Giaimis said if the Committee wished to take the step of health benefits, the ordinance needs to be addressed first. Comm. Reiner said that he read the ordinance, the current code and the prior code and said that the Township Committee is the ultimate arbiter when it comes to setting compensation of any sort. In addition, there is nothing under the

**NEW
BUSINESS
(Continued)**

Township Code or State Statute that requires the RTMUA to provide health benefits to any commissioner. Mayor Gilbert said that this is the reason why the ordinance needs to be clarified. Attorney Lehrer said that placed a call to the RTMUA attorney, Greg Watts, because he did not know the history of these issues. He did not know if there was something that was written or an agreement that the person relied upon. Before the Committee asks for an opinion from the attorney, he thought that it was incumbent upon him to know all the answers so that he can give a true opinion. The RTMUA is a separate body with their own budget. If the Committee makes it clear that the word compensation only means salary and nothing else, this would make it clear. Comm. Reiner said that he thought that the matter of compensation and health benefits and the Township Committee was the only body that can grandfather anything when it comes to compensation. Mayor Gilbert asked that this matter be tabled until the attorney has completed his research. This discussion will be continued at the next meeting.

ORDINANCE REGARDING POLICE OUTSIDE DETAIL FOR TRAFFIC CONTROL AT CONSTRUCTION SITES – Adm. Giaimis said that he received a copy of the ordinance from Patrolman Barry and he forwarded to Attorney Lehrer for his review. He indicated that there are some aspects of the ordinance that were unenforceable. He will work on the ordinance with the police to make sure it is enforceable and fair to everyone. The contractor pays for this service and not the Township. This ordinance was tabled for first reading at the next meeting.

ORDINANCES: *Adm. Giaimis said that there was a publication error regarding Ordinance #16-01 and the ordinance must be introduced again to establish a Cap Bank. He said that even though it is adopted each year, it is rarely used.*

ORDINANCE #16-01

CALENDAR YEAR 2016

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mayor Gilbert asks for a motion to introduce Ordinance #16-01 on first consideration, same to be published according to law with a public hearing and final adoption scheduled for the meeting of April 5, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Motion was made by Comm. Mangin and seconded by Comm. O'Brien.

ORDINANCES: Comm. O'Brien asked about the first WHEREAS clause and Adm. Giaimis said that this clause is correct. The wording came down from the Department of Community Affairs. Comm. Reiner commented that anything that comes down from the Department of Community Affairs raises flags with him. When it comes to spending, even though he agrees with Adm. Giaimis that it has rarely been used, he said that government rarely takes any power it doesn't intend to use at some future date.

(Con't)

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – no
 Gilbert – yes

Motion carried.

ORDINANCE #16-04

AN ORDINANCE ESTABLISHING TRAFFIC CONTROL STANDARDS AND REQUIREMENTS FOR CONSTRUCTION AND ROAD REPAIRS IN OR AFFECTING THE TOWNSHIP OF RARITAN

This ordinance was tabled.

CORRESPONDENCE

- a. League of Municipalities: (All Information is on File in the Clerk's Office):
Letter from the President; State Aid Numbers Update: Delayed Distribution of Tax Relief Aid; League Opposes PILOT changes; Online Registration for Senate and Assembly Public Budget Hearings; New Jersey Future March 11 Redevelopment Forum; April 12th Hearing – Municipal Storm Water NJPDES Permit Program; New Jersey Public Employment Conference; “A Brief Overview of the Common OPRA Exemptions” Webinar; Budget, Ethics and Procurement Updates Seminar; The Open Public Meeting Act: A Discussion of the Proposed Changes; Dealing with Difficult Employees: What are your Rights and responsibilities as an Employer in the Public Sector; Affordable Care Act Reporting – What you Need to know about Filling Out the 1095;

- b. VFW Request for Permission for Easter Egg Hunt at Lenape Park on March 19, 2016 – *It was the consensus of the Committee to approve the Easter Egg Hunt at Lenape Park on March 19, 2016. The insurance is in effect for this event.*

- c. NJ DEP News Releases

**CORRESPONDENCE
(Con't)**

- d. GovConnect Update
- e. Table of Equalized Valuations – 2015 – *Comm. O'Brien pointed out that this Table of Equalized Valuations was from 2015.*

NON CONSENT AGENDA

Resolution #16-66 – Emergency Temporary Appropriations (4 Votes Needed for Adoption)

Mayor Gilbert said that this list includes \$7,500 for the remediation work at the Police Building. Adm. Giaimis said that this is a standard resolution that will cover the Township for the next 2 – 2 ½ months.

Mayor Gilbert asked for a motion to adopt Resolution #16-66.

Motion was made by Comm. Chen and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert – yes

**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:

*Executive Session Meeting Minutes: February 16, 2016
 March 1, 2016*

Resolutions:

Resolution #16-64 – Ratifying and Confirming the Appointment of Tax Attorney Harry Haushalter, Esq. and Eric Bernstein, Esq. as Conflict Tax Attorney

**CONSENT
AGENDA
(Continued)**

**Resolution #16-67 – Professional Services Contract for Engineering
Services for Hampton Corner Road Flooding**

**Resolution #16-69 – Authorizing the Execution of a First Amendment
to a Municipal Services Agreement with Flemington
Fields Homeowners Association, Inc.**

Resolution #16-70 – Escrow Refunds

Resolution #16-71 – Tax Refunds

**Resolution #16-72 – Cancellation of Uncollected Taxes – Mountain View
Estates – Toll Brothers**

Mayor Gilbert asks for a motion to adopt the Consent Agenda with the removal of Resolution #16-64, Resolution #16-67 and Resolution #16-69.

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

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

**Resolution #16-64 – Ratifying and Confirming the Appointment of
Tax Attorney Harry Haushalter, Esq. and Eric
Bernstein, Esq. as Conflict Tax Attorney**

Mayor Gilbert asked for a motion to adopt Resolution #16-64.

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

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – abstain
 Gilbert – yes

Motion carried.

**CONSENT
AGENDA
(Continued)**

**Resolution #16-67 - Professional Services Contract for Engineering
Services for Hampton Corner Road Flooding**

Mayor Gilbert said this is for a contract not to exceed \$10,000. These funds have already been appropriated.

Mayor Gilbert asked for a motion to adopt Resolution #16-67.

Motion was made by Comm. O'Brien and seconded by Comm. Mangin.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

**Resolution #16-69 Authorizing the Execution of a First Amendment
to a Municipal Services Agreement with Flemington
Fields Homeowners Association, Inc.**

Resolution #16-69 was adopted earlier in the meeting.

**PRIVILEGE
OF THE
FLOOR**

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

No one appeared.

Resolution #16-68 - CLOSED SESSION:
Personnel – Building Sub Code Official
Contract Negotiations – CWA White Collar Union;
Supervisor's Union; Higher
Level Supervisor's Union;
Flemington Fields HOA, Inc.

Resolution #16-68 was not adopted.

**ADJOURN-
MENT**

Mayor Gilbert asked for a motion to adjourn the meeting

Motion was made by Comm. O'Brien and seconded by Comm. Chen.

Vote: 5 – 0 motion carried.

Meeting adjourned at: 8:30 p.m.

Respectfully submitted,

Rose Sollena, RMC/CMC
Township Clerk