

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, FEBRUARY 19, 2019**

MEETING CALLED: Mayor Kuhl called the regular meeting to order at 6:31 p.m.

ROLL CALL: The following were present: Mayor, Jeff Kuhl; Deputy Mayor, Louis Reiner; Comm. Karen Gilbert; Comm. Gary Hazard, Comm. Michael Mangin

ABSENT: None.

ALSO PRESENT: Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Township Attorney, Ed Purcell

MEETING NOTICED: Mayor Kuhl advised that the meeting was advertised in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975 in the January 8, 2019 issue of the Courier News and noticed to the Hunterdon County Democrat, Star Ledger, TapInto, Express Times and posted on the municipal bulletin board and the Township website.

Attorney, Ed Purcell, read Resolution #19-55 in full.

Mayor Kuhl asked for a motion to approve Closed Session Resolution.

Motion by Mangin, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #19-55

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: LOSAP; Code Enforcement
- c) Attorney-Client Privilege:
- d) Pending Litigation: Affordable Housing

3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will return to Regular Session and may take further action.
5. This Resolution shall take effect immediately.

CLOSED SESSION MINUTES WILL BE DONE IN A SEPARATE DOCUMENT

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE: Mayor Kuhl 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 Kuhl asked for a motion to amend or approve the Agenda.
Motion by Reiner, seconded by Mangin to approve the Agenda.

ROLL CALL VOTE:

- AYES:** Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

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

The following members of the public spoke during public comment:

Sharon Winnick, a resident of 20 Monsey Road, inquired as to the Dayton Road/Green Acres decision.

Barbara Sachau, a resident of 2 Glenway Drive, spoke in opposition to the deer fencing proposal on the meeting agenda commenting that it is a waste of money, unnecessary and that additional information is required.

Kitty Ward, a resident of 39 Stirrup Lane, expressed concern regarding tax relief of only the municipal portion for one hundred percent disabled veterans; inquired about refunding school and county taxes; and commented on setting aside the refund amount in escrow.

During Public Comment, Mr. Purcell explained that the purpose of tonight's discussion regarding tax relief for one hundred percent disabled veterans is to establish a policy regarding retroactive tax refunds. Mayor Kuhl requested that the Committee deviate from the scheduled agenda and advance Unfinished Business Item 11a. Dayton Road/Green Acres decision, as interested parties were in attendance.

Dayton Road – Green Acres Decision – Mayor Kuhl advised that Green Acres has ruled to remove the Dayton Road property from the Township's Recreation and Open Space Inventory (ROSI) and that alternative properties are being sought for affordable housing.

Mr. Purcell continued to explain that the Dayton Road parcel consists of 19.56 acres for which the NJDEP has granted removal of 8.9 acres from the ROSI. He continued that the rationale for granting the amendment is due to the fact that the property was included in the Township's Housing Element and Fair Share Plan in 2008 and approved by the Council on Affordable Housing (COAH) in 2010. Mr. Purcell stated that the Township recognizes public concerns and issues regarding the site and reiterated that alternatives are being explored and, at which time such sites are identified, sewer capacity will be transferred from the Dayton Road parcel accordingly.

Committee Member Gilbert announced that the NJDEP letter granting the amendment to the ROSI will be available for public viewing on the Township website.

Mayor Kuhl solicited public comment.

The following members of the public spoke during public comment:

Kitty Ward, a resident of 39 Stirrup Lane, inquired as to the status of the Master Plan in light of the Green Acres' decision; asked if the Dayton Road parcel will be replaced at a later time; asked about resident outreach regarding future development of the property; inquired as to the process to get the parcel back on the ROSI; and inquired about deer culling on the Dayton Road preserve.

During Public Comment, Mayor Kuhl advised that review of the Master Plan reexamination report was to be done during the last Planning Board meeting; that the process regarding development of the parcel would require application to the Planning Board and public hearings; and that the Township is looking into two very promising properties and possibly a third.

Mr. Purcell addressed future development of the parcel advising that a zoning change with public hearings would be required as well as a fairness hearing once the Township's affordable housing litigation is settled. Mr. Purcell addressed Ms. Ward's query regarding replacing the Dayton Road parcel explaining that there is a look back option in accordance with COAH rules. He again reiterated the Township's examination of alternative sites.

In regards to Ms. Ward's query regarding getting the Dayton Road site back on the ROSI, Mr. Purcell commented, "because of this decision, there is going to be a request made to take it off of the ROSI. If, in the future, the property was able to come off of the affordable housing plan then the Township could go back, on its own discretion, and request it be put back on the ROSI."

At this point, Committee Member Gilbert commented, "just because we don't build affordable housing doesn't mean it would automatically become green acres. We can hold on to that as municipal land. It is owned by the Township. There might be a better use for that piece of property that's not open space...."

Mr. Hutchins addressed the inquiry regarding hunting on the Dayton Road preserve advising that hunting has been occurring on that property for the last two years. He continued to explain that interested parties are selected in accordance with the open public bid process and issued a license to hunt on particular Township-owned properties from September to February. Mr. Hutchins continued that Green Acres has approved such use of that property and that the Township has not had one complaint this year.

FINANCIAL ISSUES

Payment of Bills as listed for Raritan Township: **\$12,267,676.93**

Mayor Kuhl asked for a motion to approve the bill list for Raritan Township.
Motion by Mangin, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

FINANCIAL ISSUES (CONT.)

Payment of Bills as listed for the Raritan Township Fire Company: **\$4,667.00**

Mayor Kuhl asked for a motion to approve the bill list for the Raritan Township Fire Company.
Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None
RECUSE: Mangin

REPORTS

The following reports were acknowledged by the Committee:

Animal Control – January 2019
Court – January 2019
Planning/Engineering Escrow Accounts - January 2019
Public Works – Snow Removal February 11 and February 12, 2019

LIAISON REPORTS

Karen Gilbert: Environmental Commission/Green Team; Open Space; Parks and Recreation; Planning Board (Class III Member)
Committee Member Gilbert reported on a meeting of the Planning Board advising of review of the Master Plan reexamination report prepared by Township Planner, Jessica Caldwell. Committee Member Gilbert advised that the Board provided comments for which Ms. Caldwell is incorporating and will be reviewed at the upcoming meeting (February 27). Committee Member Gilbert also reported other items of business for the Planning Board including master plan consistency review of a sign ordinance and an ordinance permitting generators in the R-9 zone. Committee Member Gilbert reported that she and Mayor Kuhl toured a property for possible open space preservation and that the Open Space Advisory Committee will be discussing the next steps. Lastly, Committee Member Gilbert advised that it had been discovered that the joint Flemington-Raritan Parks and Recreation Committee had expired December 31, 2018 after forty years. She continued that both the Township and the Borough held special meetings to authorize a temporary agreement reconstituting the joint committee so business could continue. Committee Member Gilbert further commented that both governing bodies will be meeting to determine how to proceed in the future.

LIAISON REPORTS (CONT.)

Gary Hazard: Court/Police; RTMUA
No report.

Jeff Kuhl: Planning Board (Class I Member); Personnel; Finance; Open Space
(Mayor) Mayor Kuhl reported that 2019 Municipal budget discussions continue; advised of a proposed ordinance regarding amended membership of the Local Historians Committee; and announced that the schoolhouse at the fairgrounds site will undergo restoration from the efforts of Hunterdon Polytech students. Mayor Kuhl also commented on touring a parcel for consideration of open space preservation.

Michael Mangin: Board of Health; Finance; Public Works
Committee Member Mangin reiterated that the Board of Health had approved septic waivers at its last meeting and announced the upcoming meeting date (February 20). Committee Member Mangin announced that there will be a presentation at the Board of Health meeting on the health risks of Vaping. Committee Member Mangin reported that 2019 Municipal Budget discussions are underway and commended the Department of Public Works for their outstanding efforts regarding storm clean up.

Louis Reiner: Agriculture Advisory Board; Fire/Rescue/OEM; Wildlife Management
(Deputy Mayor) Advisory Committee
Deputy Mayor Reiner reported on a meeting of the Wildlife Management Advisory Committee announcing that minutes are available in the Clerk's office; advised that he will provide an update on the status of the Flemington-Raritan First Aid and Rescue Squad's facility move to Raritan Township and commended the efforts of all first responders.

During Liaison Reports, Mr. Hutchins advised that two thirds of the mapping is complete regarding the farmland preservation plan.

UNFINISHED BUSINESS

Dayton Road – Green Acres Decision – Discussed earlier in meeting agenda.

Draft Ordinance Amending Local Historians Committee Membership – Mr. Purcell explained that the purpose of the proposed draft ordinance is to amend the membership of the Local Historians Committee from seven to nine members, as there are currently nine members. Mr. Purcell continued that the proposed ordinance also clarifies the ability of a member of the Township Committee to also be a representative of the Planning or Zoning Board of Adjustment. He continued to explain that if there is no other member of either board wishing to serve then a

member of the Township Committee can represent those boards in addition to the regular member from the Township Committee that is also part of the Historians Committee. There were no objections to the proposed draft ordinance. It was the consensus to proceed with introduction at the next regular meeting.

Policy for granting tax relief for 100% disabled veterans – Mr. Hutchins presented information regarding policies from other municipalities regarding retroactive tax refunds for one hundred percent disabled veterans including type of taxes refunded and look back period. Mr. Hutchins explained that a majority of towns surveyed refund the municipal portion only with a look back period to January first of the year from the date which the request for property tax exemption is received. Mr. Hutchins commented that the purpose of tonight's discussion is to determine a look back period for retroactive refunds.

Mr. Hutchins explained that the Township collects all taxes and distributes to other entities. He continued that once those entities are paid, that money is gone, all except the municipal portion. Mr. Hutchins advised that other municipalities have declared this as a financial burden to come up with money that no longer exists and, therefore, have set a limitation regarding look back periods.

Discussion was held regarding the ability for veterans to seek refunds from the County and School Boards; the number of one hundred percent disabled veterans in the Township; and whether such refunds have ever been granted by the County and School Boards.

During the discussion, Committee Member Gilbert inquired about outreach to the Township's veterans regarding property tax exemption and refunds. Mr. Hutchins advised that information had been disseminated and that he had no knowledge regarding refunds by the County or School Boards. Mr. Purcell added that the Tax Collector has a list of all one hundred percent disabled veterans that she has been made aware of and reiterated that the purpose of tonight's discussion is to decide upon a policy establishing retroactive tax refunds.

Mayor Kuhl solicited comments from Committee Members.

Deputy Mayor Reiner suggested a five-year look back for the municipal portion only.

Committee Member Hazard suggested doing better than other towns with a two-year look back to January first of the year preceding the date of the request.

Committee Member Gilbert voiced support for a two-year look back from the date of receipt of the letter to January first of the preceding calendar year.

Committee Member Mangin expressed support in favor of a two-year look back to January first of the year preceding the date of the request.

Discussion continued regarding protocol for setting such policy and the approval process for granting the refund. Mr. Purcell advised that such a statement of policy would be established by resolution. Mr. Hutchins clarified that the same course of action as with previous requests will be followed. He continued that the refund request will come before the Township Committee for approval.

Mayor Kuhl commented, "I have the upmost respect for all of our veterans, especially the one hundred percent disabled. I think we should probably do a little bit better....I agree with a maximum of two years from the date of the request."

It was the consensus of the Committee to authorize a maximum two-year look back period to January first of the year preceding the date of the property tax exemption request for refunds for municipal taxes only by resolution at the next regular meeting.

NEW BUSINESS

CIT-e-NET, LLC On-line Payments – Mr. Hutchins explained that the proposed resolution on the meeting agenda authorizes the use of electronic funds transfer for payment of property taxes, pet licensing, recycling permits and other such future designated payments. Mr. Hutchins advised that such service offers the convenience of online payments to residents without high service charges. He continued to explain that the Township is allowed to set a fee per transaction to cover administrative costs and that suggested fee is one dollar (\$1.00). He further advised that the initial setup cost is \$2,250 and \$1,250 annually thereafter.

During the discussion, Committee Member Mangin inquired about charging the County and School Boards for tax collection. Mr. Purcell advised that is not permitted by statute. There were no objections to proceeding with a contract award to CIT-e-Net, LLC.

Deer Survey/Fencing Proposals – Amy Greene, a member of the Wildlife Management Advisory Committee (WMAC), presented a proposal for the allocation of funds for deer exclosures; forest monitoring studies; and deer monitoring in an effort to continue with the stewardship of the Township's forests and the protection of wildlife.

Ms. Greene advised of the following costs:

*Deer Exclosures at Walnut Brook and Morales Preserves:	\$6,909
*Deer Exclosure maintenance:	\$ 600
*Forest monitoring studies:	\$1,350
*Deer monitoring:	\$9,050

Ms. Greene explained the value of deer exclosures in forest preservation and regeneration and the importance of collection of good scientific data for the determination of deer densities throughout the Township. Ms. Greene continued that the proposed deer monitoring is a continuation of surveys that have been performed for the last two years.

Committee Members raised questions and concerns regarding the source of funds; period of time fencing will remain; maintenance of the fencing; validity of proposed studies; future funding of proposed items; survey frequency; time limitations; and the impact on the workload of the Department of Public Works.

During the discussion Ms. Greene advised that the funding source is the archery hunting license fees; that the maintenance contract is for one year; and that regeneration takes about five years. Ms. Greene suggested that the studies be conducted annually in the Spring in order to determine effectiveness of the program. She further commented that future studies are decisions that should be made at that time.

With regards to concerns raised regarding the validity of studies, Ms. Greene commented that, "overall studies have been done that show excluding or managing deer, increases the number of things like saplings in a forest and regeneration... there are good studies in our region to support this." Ms. Greene advised that such studies are referenced in Dr. Jay Kelly's reports. She continued to explain that the proposed baseline studies will be performed by students of Raritan Valley Community College at the following rates:

- Intern (\$15/hour)
- More experienced students (\$18-20/hour)
- Dr. Kelly (no charge)

Ms. Greene advised that fence repairs will be done by Dr. Kelly's students except for tree removal.

It was the consensus of the Committee to carry discussion to the next regular meeting, as additional information was required.

Demolition of structures on Township-owned open space properties on Route 523 – Mr. Hutchins explained that unsafe structures exist on two Township-owned properties on Route 523. Mr. Hutchins presented a demolition proposal consisting of the placement of crushed concrete within foundations, as well as use for a driveway; use of an existing concrete floor of a barn as a parking pad; removal of one oil tank; removal of asbestos shingles and piping by a licensed professional; and tipping fee. Mr. Hutchins advised that the Township will supply the trucking for removal of any debris. He continued to explain that the total cost, if performed by Public Works, will be about \$25,000; if not, \$35,000 worst case scenario.

During the discussion, Committee Member Mangin raised concern regarding historical value of the structures and Committee Member Gilbert expressed concern about the Township's diminishing open space funds due to the continuing lower tax.

It was the consensus to authorize Mr. Hutchins to proceed with the proposed demolition upon written acknowledgement from the Local Historians Committee.

Autumn Leaf Road and Georges Place street lights at the intersection of Route 12 – Mr. Hutchins advised of safety concerns at the intersection of Route 12 with Autumn Leaf Road and Georges Place. Mr. Hutchins explained that the roads are difficult to see in the dark and that the intersections are the location of two bus stops where the students are picked up in the dark during certain times of the year. Mr. Hutchins proposed the installation of a street light at each location. He continued to advise that JCP&L has granted approval for the installation; that NJDOT approval is not required; that both the Homeowners' Association and Toll Brothers have no objections; and that the Township will assume costs for the electric, as done for all street lights within the Township.

Mr. Hutchins also advised that the bus stop at Route 12 and Georges Place will be eliminated once the roads within the Toll Brothers Development are taken over by the Township.

It was the consensus to authorize Mr. Hutchins to proceed with the installation of street lights at the intersection of Route 12 and Autumn Leaf Road and Georges Place.

ORDINANCES (INTRODUCTION/FIRST READING)

Mayor Kuhl read by title Ordinance #19-05.

AN ORDINANCE ACCEPTING DEEDS OF ROAD DEDICATION FROM MARK HOLLENBACK AND ELLEN HOLLENBACK WITH REGARD TO LOT 12.01, BLOCK 20 AND LOT 12.02, BLOCK 20 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

Mayor Kuhl asked for a motion to introduce Ordinance #19-05 on first consideration.

Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for March 5, 2019.

Mayor Kuhl read by title Ordinance #19-06.

**CALENDAR YEAR 2019
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45:14)**

Mayor Kuhl asked for a motion to introduce Ordinance #19-06 on first consideration.
Motion by Hazard, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for March 5, 2019.

ORDINANCES (FINAL ADOPTION/PUBLIC HEARING)

Mayor Kuhl read by title Ordinance #19-02.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.56 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN ENTITLED "POLICE DEPARTMENT" BY REPEALING AND REPLACING SECTION 2.56.030 ENTITLED "PUBLIC SAFETY COMMITTEE" WITH NEW SECTION 2.56.030 ENTITLED "RESERVED," AND AMENDING SECTION 2.56.070 ENTITLED "CHIEF OF POLICE;" AND REPEALING AND REPLACING SECTION 2.56.110, SECTION 2.56.120, SECTION 2.56.130, SECTION 2.56.140, AND SECTION 2.56.150 EACH WITH A NEW CORRESPONDING SECTION ENTITLED "RESERVED; AND ADDING A NEW SECTION 2.56.200 ENTITLED "APPROPRIATE AUTHORITY"

Mayor Kuhl asked for a motion to open public hearing.

Motion by Mangin, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

There was no public comment.

Mayor Kuhl asked for a motion to close the public hearing and adopt Ordinance #19-02 on final consideration, same to be published according to law.

Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

During the vote, Deputy Mayor Reiner commented, "I want to thank Council on three sentences here, 'the Chief of Police shall be the Executive Head of the Police Department and shall be responsible to the appropriate authority and ultimately to the Township Committee for the efficiency in routine day-to-day operations thereof.' Ultimately to the Township Committee making the Township Committee the ultimate authority as I suggested. I want to thank you for heeding that advice, much appreciated."

ORDINANCE #19-02

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.56 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN ENTITLED "POLICE DEPARTMENT" BY REPEALING AND REPLACING SECTION 2.56.030 ENTITLED "PUBLIC SAFETY COMMITTEE" WITH NEW SECTION 2.56.030 ENTITLED "RESERVED," AND AMENDING SECTION 2.56.070 ENTITLED "CHIEF OF POLICE;" AND REPEALING AND REPLACING SECTION 2.56.110, SECTION 2.56.120, SECTION 2.56.130, SECTION 2.56.140, AND SECTION 2.56.150 EACH WITH A NEW CORRESPONDING SECTION ENTITLED "RESERVED; AND ADDING A NEW SECTION 2.56.200 ENTITLED "APPROPRIATE AUTHORITY"

WHEREAS, the Township Committee of the Township of Raritan ("Township") has previously created a Township police department through the adoption of Chapter 2.56 of the Revised General Ordinances of the Township of Raritan; and

WHEREAS, Chapter 2.56 of the Revised General Ordinances of the Township of Raritan has been amended over the years and is in need of clarification in regards to the designation of an "appropriate authority" over the police department pursuant to N.J.S.A. 40A:14-118; and

WHEREAS, the Township Committee is of the opinion that the most efficient and effective person to designate as "appropriate authority" is the office of administrator of the Township of Raritan, subject to the ultimate authority of the Township Committee.

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

Section 1. Section 2.56.030 entitled "Public Safety Committee" is repealed and replaced with new Section 2.56.030 entitled "Reserved."

Section 2. Section 2.56.070 entitled "Chief of Police" is revised as follows:

The Chief of Police shall be the executive head of the Police Department and shall be responsible to the appropriate authority, and ultimately to the Township Committee for the efficiency and routine day-to-day operations thereof. Should the Chief of Police be unavailable, the Chief of Police shall designate an officer to carry out and be responsible for all of the functions of the Chief of Police. If the Chief of Police is unavailable and has not designated an officer to perform the Chief's duties, the Township Committee shall designate an officer to carry out and be responsible for all of the functions of the Chief of Police during the period the Chief of Police is unavailable.

The control and discipline of the Police Department of the Township and of its members shall be vested in the Chief of Police and he or she shall enforce all rules and regulations and any general and special orders or instructions not inconsistent with those of the Township Committee which

he or she may from time to time promulgate. Should the Chief of Police deem any violation by a member of the Department to be sufficiently flagrant, he or she shall report it to the Township Committee with his or her recommendations for the filing of charges.

The Chief of Police, with the assistance of the other members of the Department detailed for the purpose, shall keep a complete record on the work of the Department and the Chief of Police shall report in writing [to the chairman for presentation] or in person to the Township Committee at their first regular meeting in each month on all matters of importance pertaining to the Department, making such recommendations as in his or her opinion will increase the efficiency of the Department.

The Chief of Police shall recommend to the Township Committee from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the Department. He or she shall have full charge and control of all the apparatus and equipment of the Department and its assignment and use, and shall be held responsible for its care, cleanliness and safekeeping.

Section 3. Section 2.56.110 entitled “Director of Public Safety—Establishment—Term” is repealed and replaced in its entirety with new Section 2.56.110 entitled “Reserved.”

Section 4. Section 2.56.120 entitled “Director of Public Safety—Qualifications” is repealed and replaced in its entirety with new section 2.56.120 entitled “Reserved.”

Section 5. Section 2.56.130 entitled “Director of Public Safety—Duties” is repealed and replaced in its entirety with new Section 2.56.130 entitled “Reserved.”

Section 6. Section 2.56.140 entitled “Removal of Director of Public Safety” is repealed and replaced in its entirety with new Section 2.56.140 entitled “Reserved.”

Section 7. Section 2.56.150 entitled “Director of Public Safety—Residency Requirements” is repealed and replaced in its entirety with new section 2.56.150 entitled “Reserved.”

Section 8. New Section 2.56.200 entitled “Appropriate Authority” is added as follows:

Pursuant to N.J.S.A. 40A:14-118 the Township Administrator of the Township of Raritan is appointed the appropriate authority of the Police Department.

Section 9. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 10. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 11. This Ordinance shall take effect immediately upon its final adoption and publication in accordance with the laws of the State of New Jersey.

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

Mayor Kuhl read by title Ordinance #19-03.

AN ORDINANCE REAPPROPRIATING \$25,864.92 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF AN IDEMIA TENPRINT/PALMPRINT CAPTURE MACHINE WITH INTEGRATED MUG PHOTO AND RUGGEDIZED FIXED-HEIGHT CABINET FOR THE POLICE DEPARTMENT IN AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Mayor Kuhl asked for a motion to open public hearing.

Motion by Mangin, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

There was no public comment.

Mayor Kuhl asked for a motion to close the public hearing and adopt Ordinance #19-03 on final consideration, same to be published according to law.

Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

ORDINANCE #19-03

AN ORDINANCE REAPPROPRIATING \$25,864.92 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF AN IDEMIA TENPRINT/PALMPRINT CAPTURE MACHINE WITH INTEGRATED MUG PHOTO AND RUGGEDIZED FIXED-HEIGHT CABINET FOR THE POLICE DEPARTMENT IN AND BY THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$25,864.92 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the Township of Raritan, in the County of Hunterdon, New Jersey (the “Township”) are no longer necessary for the purpose for which the obligations previously were authorized:

Ordinance Number	Improvement Description and Date of Adoption	Amount to be Reappropriated
#18-11	Acquisition of a sport utility vehicle for the Police Department in and by the Township of Raritan (4/3/18)	\$20,799.42
#17-11	Acquisition of Police Radios and the new Dry Chemical System for the Police Department in and by the Township of Raritan (6/5/17)	\$5,065.50

Section 2. \$25,864.92 described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39, is hereby reappropriated to provide for the purchase of an Idemia Tenprint/Palmprint Capture with Integrated Mug Photo and Ruggedized Fixed-Height Cabinet.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CORRESPONDENCE

Letter from Ray Fisher Auto Body, Inc. regarding traffic control at the intersection of Route 579 and Old Croton Road – Mr. Hutchins explained that Mr. Fisher has expressed traffic safety concerns at the intersection of Route 579 and Old Croton Road and is seeking a modification to the speed limit.

Mr. Hutchins advised that the current speed limit is 30 MPH and that any Township road intersecting with a County road is controlled by the County; that the stop signs at that location are installed and maintained by the County; that the speed limit is also controlled by the County; and that speed enforcement is a cooperative effort between Raritan Township and Delaware Township Police Departments.

It was the consensus that Mr. Hutchins respond to Mr. Fisher advising him of the jurisdiction over the intersection with a copy to County Engineer, Thomas Matthews. Committee Members also concurred that Mr. Hutchins advise Police Chief Payne to “step up” speed enforcement.

NON-CONSENT

Township Committee Regular Meeting Minutes

Mayor Kuhl asked for a motion to approve the Regular Meeting Minutes of February 5, 2019.
Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

Township Committee Executive Session Meeting Minutes

Mayor Kuhl asked for a motion to approve the Executive Session Meeting Minutes of February 5 #1 and #2, 2019
Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

Township Committee Special Meeting Minutes

Mayor Kuhl asked for a motion to approve the Special Meeting Minutes of February 5, 2019.
Motion by Gilbert, seconded by Reiner

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Kuhl read Resolution #19-57 by title.
Mayor Kuhl asked for a motion to adopt Resolution #19-57.
Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #19-57

A RESOLUTION AUTHORIZING A BUDGET TRANSFER

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 **2018 appropriation reserve 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/CFO.

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Group Health Insurance	HealthCare Trust Reserve	\$347,375.19
Recycling Program S&W	Recycling Trust Reserve	\$ 24,518.32
Snow Removal OE	Snow Trust Reserve	\$148,322.14

Mayor Kuhl read Resolution #19-58 by title.
Mayor Kuhl asked for a motion to adopt Resolution #19-58.
Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION # 19-58

**A RESOLUTION DESIGNATING RAYMOND L. HUGHES II AS
RISK MANAGER FOR THE TOWNSHIP OF RARITAN**

WHEREAS, a condition of membership in the Somerset County Joint Insurance Fund is that a Risk Manager be designated to represent the Township of Raritan.

WHEREAS, the Township Administrator advertised for Request for Qualifications for Risk Manager; and

WHEREAS, the Township Administrator and the Township Committee reviewed the Request for Qualifications submitted; and

WHEREAS, the Township Committee has selected Raymond L. Hughes II of New Jersey Risk Managers and Consultants, Inc., 20 West End Avenue, P.O. Box 367, Somerville, New Jersey 08876 to provide the services of Risk Manager for Raritan Township.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Raymond L. Hughes II be designated as the Risk Manager for the Township of Raritan.

Mayor Kuhl read Resolution #19-59 by title.

Mayor Kuhl asked for a motion to adopt Resolution #19-59.

Motion by Reiner, seconded by Mangin

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #19-59

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF
RARITAN AND ALFRED C. PAYNE III, CHIEF OF POLICE**

WHEREAS, this Memorandum of Understanding is effective as of April 1, 2019 by and between the TOWNSHIP OF RARITAN, a Municipality of the County of Hunterdon, State of New Jersey, hereinafter referred to as the Township and Alfred C. Payne, III, Chief of Police, hereinafter referred to as the Chief; and

WHEREAS, Chief Alfred C. Payne, III, was hired on May 15, 1996 as a Patrolman in the Raritan Township Police Department, and distinguished himself in service to the department and community, rising through the ranks of Patrolman, Sergeant, Lieutenant, to the rank of Chief of Police on April 1, 2019; and

WHEREAS, Chief Alfred C. Payne, III, while serving as a Patrolman, Sergeant, and Lieutenant received those benefits and compensation for services as set forth in the contracts executed between the Township and the Police Unions; however, upon assuming the rank of

Chief in the Police Department, he no longer qualified for membership nor was he covered by the terms of the Police Union contracts; and

WHEREAS, The Township and Chief wish to memorialize their respective understanding of the compensation and benefits provided to Chief Alfred C. Payne, III, and establish consistency between the position of Chief and other police personnel as to the general terms of employment.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby authorizes the Mayor to execute the Memorandum of Understanding attached hereto, between the Township of Raritan and Alfred C. Payne II, Chief of Police effective April 1, 2019.

foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on February 19, 2019.

Mayor Kuhl read Resolution #19-60 by title.

Mayor Kuhl asked for a motion to adopt Resolution #19-60.

Motion by Mangin, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #19-60

**A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF
ROBYN FATOOH TO THE RARITAN TOWNSHIP BOARD OF HEALTH**

WHEREAS, there exists a vacancy on the Board of Health for the Alternate #2 Member, for the term expiring December 31, 2021; and

WHEREAS, the Mayor and Township Committee of the Township of Raritan desires to fill this position.

WHEREAS, at its February 5, 2019 meeting, the Township Committee by roll call vote approved the appointment of Robyn Fatooh as Alternate #2 Member.

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 following appointment is hereby ratified and confirmed:

ROBYN FATOOH
ALTERNATE #2 MEMBER
THREE-YEAR TERM EXPIRING DECEMBER 31, 2021

This resolution shall take effect immediately.

Mayor Kuhl read Resolution #19-61 by title.
Mayor Kuhl asked for a motion to adopt Resolution #19-61.
Motion by Mangin, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #19-61

**A RESOLUTION PURSUANT TO N.J.S.A. 40A:11-4.3 AUTHORIZING
THE USE OF COMPETITIVE CONTRACTING FOR THE
PROCUREMENT OF ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Raritan (“Township”) desires to contract with a vendor to provide Animal Control Services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 *et seq.*, the Township may use competitive contracting in lieu of public bidding for the procurement of specialized goods and services, the price of which exceeds the bid threshold; and

WHEREAS, N.J.S.A. 40A:11-4.1(b)(3) permits the use of competitive contracting for Animal Control Services; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) permits the Township Administrator to administer the process for the purchase pursuant to the rules governing the competitive contracting process; and

WHEREAS, under the competitive contracting process, the contract for the Animal Control Services will be awarded to that entity submitting a proposal that, when evaluated, most successfully meets the stated criteria and, therefore, achieves the highest ranking, rather than based solely on the lowest price; and

WHEREAS, the Township desires to conduct the bidding process for the aforesaid goods and services pursuant to the competitive contracting process as set forth by N.J.S.A. 40A:11-4.1 *et seq.*

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey, that the Township Administrator is hereby authorized to utilize and administer the competitive contracting process as set forth in N.J.S.A 40A:11-4.1 *et seq.*, to procure a contract with a vendor to provide Animal Control Services, pursuant to the rules governing the competitive contracting process.

This resolution shall take effect immediately.

Mayor Kuhl read Resolution #19-62 by title.
Mayor Kuhl asked for a motion to adopt Resolution #19-62.
Motion by Reiner, seconded by Gilbert

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #19-62

A RESOLUTION AUTHORIZING BUDGET TRANSFERS

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 2018 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/CFO.

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Group Health Insurance	Municipal Svcs Act	\$ 1,504.53
Group Health Insurance	Data Processing Svcs	\$ 1,100.00

Mayor Kuhl read Resolution #19-64 by title.

Committee Member Gilbert advised that she did not review the document and that her approval is based on her recollection and knowledge from last year.

Mr. Purcell confirmed that the document had not changed.

Mayor Kuhl asked for a motion to adopt Resolution #19-64.
Motion by Gilbert, seconded by Hazard

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Mayor Kuhl
NOES: Reiner
ABSTAIN: None
ABSENT: None

During the Vote, Deputy Mayor Reiner asked for clarification as to what the Committee was certifying.

Mr. Purcell explained that state law requires the local governing body to certify that the municipality's employment practices comply with Federal Law and the Civil Rights Act of 1964.

RESOLUTION #19-64

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

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

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

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

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 Kuhl asked for a motion to approve the Consent Agenda.
Motion by Reiner, seconded by Hazard

ROLL CALL VOTE:

ROLL CALL VOTE:

AYES: Gilbert, Hazard, Mangin, Reiner, Mayor Kuhl
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #19-56

**A RESOLUTION AUTHORIZING THE RETURN OF LETTER OF CREDIT
(AMBOY BANK/ SAVANNAH RIDGE)**

WHEREAS, Amboy Bank/G.S. Realty (formerly known as Savannah Ridge/JEM Contracting) has requested the return of Letter of Credit #1908; and

WHEREAS, Township Engineer, Antoine Hajjar, has performed a site inspection and recommends the release of the Letter of Credit #1908 in the amount of \$60,229.95.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, that the Letter of Credit #1908 in the amount of \$60,229.95 is hereby returned.

RESOLUTION #19-63

**A RESOLUTION AUTHORIZING A CONTRACT WITH CIT-E-NET, LLC
TO PROVIDE ELECTRONIC FUNDS TRANSFERS**

WHEREAS, the Department of Community Affairs, Division of Local Government Services, has promulgated regulations N.J.A.C. 5:30-9 authorizing municipalities to utilize credit cards, debit cards and electronic transfers as a mechanism to collect local unit obligations; and

WHEREAS, the Township Committee of the Township of Raritan wishes to provide a more efficient and convenient method of payment for the property owners in Raritan Township; and

WHEREAS, the use of electronic funds transfer will provide such relief for property owners for payment of property taxes, pet licensing, recycling permits and other such payments that may be designated in the future; and

WHEREAS, the Township Committee may set a fee per transaction per N.J.A.C. 5:30-9 to cover the costs of administration of such service; and

WHEREAS, the Township Administrator and the Certified Financial Officer recommends a fee of One (1) dollar (\$1.00) per transaction; and

WHEREAS, the Township Administrator, Certified Financial Officer and the Tax Collector have recommended that CIT-e-NET, LLC, 1395 Route 23 South, Suite 6, Butler, New Jersey 07405 be authorized to provide this service to the Township of Raritan.

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 Administrator is authorized to execute a contract with CIT-e-NET LLC, 1395 Route 23 South, Suite 6, Butler, New Jersey 07405 to provide Electronic Fund Transfer services at an initial cost of \$2,250.00 and at an annual fee of \$1,250.00 thereafter.

BE IT FURTHER RESOLVED, that a fee of One (1) dollar (\$1.00) per transaction will be implemented and collected.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment:

Barbara Sachau, a resident of 2 Glenway Drive, asked for the addresses of the two Township-owned properties where demolition was going to take place.

During Public Comment, Mr. Hutchins advised that the addresses are 139 and 143 Route 523.

ADJOURNMENT

Mayor Kuhl asked for a motion to adjourn.

Motion by Reiner, seconded by Mangin

MOTION UNANIMOUSLY CARRIED

Meeting adjourned at 8:57 p.m.

Respectfully submitted,



Lisa Fania, RMC
Township Clerk