

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, DECEMBER 5, 2017**

MEETING CALLED: Mayor Gilbert called the regular meeting to order at 6:32 p.m.

ROLL CALL: The following were present: Mayor, Karen Gilbert; Comm. Richard Chen; Comm. Craig O'Brien; Comm. Michael Mangin; Comm. Louis Reiner.

ALSO PRESENT: Attorney, Ed Purcell (for Township Attorney, Jeff Lehrer); Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; Police Chief, Glenn Tabasko; Special Counsel on Affordable Housing, John Belardo; and Committee Member-elect Gary Hazard.

MEETING ADVERTISED: Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the January 11, 2017 issue of the Courier News and was posted on the office bulletin board and the Township Website.

Township Attorney Lehrer read Resolution #17-296 in full.

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

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-296

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: Renewal of Somerset County Joint Insurance Fund Membership
 - b) Personnel: Judge appointment; public defender
 - c) Attorney-Client Privilege: PBA Grievances
 - d) Pending Litigation:

It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.

3. The Committee will return to Regular Session and may take further action.
4. This Resolution shall take effect immediately.

CLOSED SESSION MINUTES #1 ARE COMPLETED IN A SEPARATE DOCUMENT

The regular meeting reconvened at 7:08 p.m.

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.

AMEND/APPROVE THE AGENDA

Mayor Gilbert advised of two (2) additional items to the scheduled agenda, a resolution authorizing a budget transfer and a resolution appointing an acting alternate prosecutor.

Mayor Gilbert asked for a motion to approve the Agenda as amended.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

PRESENTATION – NATIONAL RADON AWARENESS

Mayor Gilbert explained that Jan Fisher of Radon Supplies, who is in attendance this evening, had contacted her to determine whether or not the municipality might be interested in participating in a community outreach program to facilitate awareness of the health implications and importance of radon testing through distribution of radon test kits and support of a youth poster contest (ages 9-14).

Mayor Gilbert invited Ms. Fisher to the dais.

Ms. Fisher announced that January is National Radon Action Month and asked that the Committee consider a proclamation declaring such at the January regular meeting. Ms. Fisher explained that radon is a naturally occurring odorless, tasteless gas, born of uranium in rock, soil and water and that Hunterdon

County is located in the highest level, Tier-One zone. Ms. Fisher also asked for Committee support regarding the youth poster contest they were running as well as community outreach through test kit distribution. Mayor Gilbert asked for a voice vote to apply for a grant for radon testing kits and endorse the poster contest. It was the consensus of the Committee to proceed.

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.

Barbara Sachau, a resident of 2 Glenway Drive, expressed opposition to designating the Dayton Road parcel for affordable housing; and inquired about obtaining a copy of the Open Space plan.

Adil Seddiq, a resident of 16 Meadowbrook Road, expressed concern about potential flooding of his property in regards to the possible development of the Dayton Road property.

Skylar Reed, a resident of 9 Allens Corner Road, appeared before the Committee to request permission for the Public Works Sign Shop to produce the signs for the Thompson Park Disc Golf Course for which he is designing and will be installing as part of his Eagle Scout project. Public Works Superintendent, Brion Fleming, confirmed that Public Works will make the signs.

All Committee Members concurred to authorize the Public Works Sign Shop to make the proposed signs for the Thompson Park Disc Golf Course to be designed and installed by Skylar Reed.

During Public Comment, Mayor Gilbert advised that copies of the Open Space Plan are available at the Clerk's office.

At this time, Mayor Gilbert requested that the Committee deviate from the scheduled agenda and consider action on proposed Ordinance #17-41, An Ordinance Amending Title 5 Entitled "Business Licenses and Regulations" by Amending Section 5.040.010 Entitled "Purpose," and by Adding Chapter 5.50 Entitled "Massage, Bodywork or Somatic Therapy Establishments" Thereto, as interested parties were in attendance.

Mayor Gilbert advised that Kelly Daniels, Assistant Prosecutor, Hunterdon County Prosecutor's Office, was present to provide a brief overview as to why the Prosecutor's office is seeking the Township's cooperation regarding the implementation of a massage therapy establishment ordinance. Mayor Gilbert explained that discussion of such initiative began more than a year and a half ago.

Ms. Daniels explained that illegal prostitution shops are becoming more prevalent in municipalities throughout the State and shutting them down and keeping them from reopening is very difficult and expensive to combat in terms of investigation and prosecution, requiring law enforcement to go undercover. Ms. Daniels continued that other municipalities have implemented similar ordinances in an attempt to control this problem and suggested the ordinance idea to Raritan Township as a tool to head off

such activity in advance. Ms. Daniels explained that the Prosecutor's Office does not have the authority to shut down establishments as it is the enforcement arm for criminal acts for which probable cause must be established to cease operations. Ms. Daniels provided a brief explanation of the investigation process.

Raritan Township Police Chief, Glenn Tabasko, commented that the Township has had issues and have used undercover officers. Chief Tabasko spoke of concerns regarding liability to the Township and the officers going undercover and spoke in favor of the ordinance. Detective Sergeant, Thomas Camporeale, concurred with Chief Tabasko regarding undercover activity.

Attorney, Ed Purcell, added that the establishments are licensed by the State and enforcement falls under Civil and not Criminal Law.

Committee Members raised questions and concerns regarding accessibility and availability of client records by the Raritan Township Board of Health regarding privacy of personal medical information; impact of the ordinance on "good" businesses; the seven-year requirement for records retention; lack of attendance by business owners at this meeting; existing case law regarding such ordinances; basis for the proposed draft ordinance; and clarification of the administrative authority of the Raritan Township Board of Health.

During the discussion, Mr. Purcell clarified that massage therapy establishments are regulated by the Department of Consumer Affairs regarding sexual activity and health and safety requirements. He explained that the State does not have the manpower to enforce those standards so this ordinance would authorize enforcement of state-mandated regulations at the local level. Mayor Gilbert commented that the proposed ordinance removes responsibility from the Police Department and authorizes the County Board of Health as the enforcement arm and is modeled after other ordinances. Mayor Gilbert added that during initial discussions, the Township solicited a questionnaire to business owners and received only one response. Mr. Purcell clarified that the Hunterdon County Board of Health is the administrative authority of the Raritan Township Board of Health; that State regulation requires a seven-year records retention period; commented that the purpose of maintaining client records is to assure that employees and the establishment are operating legally; stated that the Health Insurance Portability and Accountability Act (HIPPA) is a separate issue; and advised of state law which allows municipalities to enact regulations like this when there is a public need and local concern. He also advised that he has yet to see a case directly on a massage ordinance.

Mayor Gilbert recommended that the Township Fire Marshal perform non-life hazard inspections (for which a fee is already charged), instead of tasking the County Board of Health with inspecting these establishments, and report findings to the County Board of Health or the Police Department for follow-up and inspection.

Ms. Daniels recapped that there are state laws in place that regulate massage therapy establishments, however, there are not enough available resources to enforce them. She continued that the purpose of the proposed ordinance is to mirror at the municipal level what already exists by state statute in terms of enforcement.

Mayor Gilbert reiterated that the proposed amendments include removal of a license registration and renewal fees.

Mr. Purcell stated that amending language regarding access to client records, read as follows “the service records must be available for use by the Administrative Authority of the Raritan Township Board of Health.”

Municipal Clerk, Lisa Fania, stated that all Board of Health Members were notified of tonight’s ordinance introduction and that no comments were provided.

Mayor Gilbert stated that all massage therapy establishments in the Township will be notified of the scheduled public hearing on December 19, 2017 along with a copy of the proposed ordinance. Clerk Fania acknowledged same.

Mayor Gilbert read by title Ordinance #17-41.

AN ORDINANCE AMENDING TITLE 5 ENTITLED “BUSINESS LICENSES AND REGULATIONS” BY AMENDING SECTION 5.04.010 ENTITLED “PURPOSE,” AND BY ADDING CHAPTER 5.50 ENTITLED “MASSAGE, BODYWORK OR SOMATIC THERAPY ESTABLISHMENTS” THERETO

Mayor Gilbert asked for a motion to introduce Ordinance #17-41 on first consideration as amended.

Motion by O’Brien, seconded by Mayor Gilbert

ROLL CALL VOTE:

AYES: Chen, Mangin, O’Brien, Mayor Gilbert

NOES: Reiner

ABSTAIN: None

ABSENT: None

ORDINANCE INTRODUCED

Second reading and public hearing date scheduled for December 19, 2017.

At this time, Mayor Gilbert requested that the Committee deviate from the scheduled agenda and take action on proposed Resolution Item 17c Authorizing 2017 Budget Transfer #3 (Emergency) as four (4) votes were required for adoption and Deputy Mayor Mangin needed to leave the meeting for a personal emergency.

Mayor Gilbert read Resolution #17-297 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-297.

Motion by O’Brien, seconded by Mangin

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-297

**A RESOLUTION AUTHORIZING 2017
BUDGET TRANSFER #3
(EMERGENCY)**

WHEREAS, N.J.S.A. 40A:4-58 of the Local Budget Law provides for the transfer of funds from appropriations deemed to have an excess, to appropriations where sufficient balances are not available to fulfill the purpose of the appropriation to the end of the fiscal year, providing that no transfers may be made to appropriations for contingent expenses or deferred charges, and no transfers may be made from appropriation for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvements fund and debt service; and

WHEREAS, N.J.S.A. 40A:4-45a and 45.38 of the Budget Law restrict transfers from appropriations excluded from the Cap Law to appropriations within the Cap Law and also between appropriations excluded from the Cap Law except that transfers may be made to debt service; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the following transfers are authorized between appropriations in the 2017 budget and that a certified copy of this resolution adopted by **not less than a two-thirds (2/3) vote of the full membership of the governing body** be transmitted to the Administrator and Chief Financial Officer.

| <u>Transfer From</u> | <u>Transfer To</u> | <u>Amount</u> |
|----------------------|--------------------|--------------------|
| Social Security | Utilities | \$14,930.66 |
| Police S&W | Tax Collector S&W | \$ 1,050.00 |
| Social Security | Employee Bonds | <u>\$ 1,270.00</u> |
| Total: | | \$17,250.66 |

Deputy Mayor Mangin left the meeting 8:29 p.m.

At this time, Mayor Gilbert requested that the Committee deviate from the scheduled agenda and take action on Resolution Item 17d authorizing the use of open space funds for the installation of parking lots on various open space properties. Mayor Gilbert explained that Committee Member Chen had been working on this project and would like to provide an update on its progress.

Committee Member Chen gave a slide presentation that included the following:

- *Goal: Enhance the Raritan Township Open Space Program
 - *Provide access with a primary parking lot to all open space and install signs
 - *Identify all open space parcels with a primary street address on website
- *Parking lot template with specifications
- *Micek Farm parking lot
- *Basic Elements
 - *Kiosk, public signs, address

Committee Member Chen presented an update on the status of the following open space parcels as follows:

- *Raritan Estates (needs Kiosk)
- *Lone Cedar Park (complete)
- *Cherryville Hollow Road Preserve (needs Kiosk and blacktop apron)
- *Urbach Farm (2 lots complete, needs 1 Kiosk and blacktop apron)
- *Walnut Brook Preserve (Barton) (needs Kiosk and blacktop apron)
- *Walnut Brook Preserve (Levico) (needs Kiosk, 5 parking bumpers)
- *Thatchers Hill Preserve (no room for parking)
- *Bushkill Brook Tributary Preserve (needs Kiosk)
- *Hard Scrabble Road Preserve (needs Kiosk, blacktop apron, 5 parking bumpers)
- *Morales (complete)
- *Mine Brook Park (complete)
- *Dvoor Circle Properties (no room for parking)
- *Plum Brook Road (lot could be upgraded, needs Kiosk, 3 parking bumpers)
- *Neshanic Preserve Lands (parking area could be upgraded, needs Kiosk, 5 parking bumpers)
- *Thomason Preserve (parking area could be upgraded, needs Kiosk, 5 parking bumpers)
- *Lenape Park (complete)
- *Dayton Road Preserve (lot could be upgraded, needs Kiosk, 5 parking bumpers, blacktop apron)
- *Micek Farm Park (completed)
- *Clover Hill Park (needs Kiosk)
- *Everitts Road (no room for parking)
- *Blackwell Park (complete)
- *Erich/Salamon Preserve (needs 2 Kiosks)

Committee Member Chen requested that the Committee consider appropriating funds from the Open Space Trust for the purpose of establishing much needed parking areas for improved access with Kiosks at various Township Open Space parcels.

Discussion was held regarding maintenance of the lots; proposed costs; and the number to complete.

During the discussion, Mayor Gilbert commented that the original open space signage was designed by an 8th grade student from J.P. Case Middle School who was the winner of a Township-sponsored contest. Committee Member Chen advised that parcels are evaluated according to criteria including parking, trails, and picnic and recreation areas. Committee Member Chen suggested if three of the four criteria are met, then the parking area should be maintained and plowed.

At this time, a member of the public, **Debra Reed**, a resident of 9 Allens Corner Road, spoke in favor of the open space signage and the installation of the parking lots.

Discussion continued regarding the number of Kiosks and the funding to be authorized.

It was decided to amend the resolution to reflect the amount of funding authorized to read, “not to exceed \$6,000.00.”

Mayor Gilbert asked for a motion to adopt Resolution #17-298 as amended.
Motion by Chen, seconded by Reiner

ROLL CALL VOTE:

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

**AUTHORIZING THE USE OF OPEN SPACE FUNDS
FOR THE INSTALLATION OF PARKING LOTS
ON VARIOUS OPEN SPACE PROPERTIES**

RESOLUTION #17-298

WHEREAS, the Township has a need to establish parking areas at various Open Space parcels to improve access to these properties; and

WHEREAS, the Township has funds available for this purpose in the Open Space Trust Fund; and

WHEREAS, the Township Committee agrees that these parking lots will serve the public and that it is a proper use of Open Space Funds.

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 parking areas be established at various open space parcels with use of funds from the Open Space Trust not to exceed \$6,000.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$1,277,447.66**

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

ROLL CALL VOTE:

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

Payment of Bills as listed for **Raritan Township Fire Company: \$1,238.48**

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

ROLL CALL VOTE:

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

REPORTS

The following staff reports were acknowledged by the Township Committee:

*Department of Fire Safety

LIAISON REPORTS

Richard Chen: Finance, Open Space, Parks & Recreation
No report.

Craig O'Brien: Open Space
Committee Member O'Brien commented positively about the ribbon cutting ceremony at Beyond REACH and spoke highly of the organization.

Louis Reiner: Environmental Commission, Green Team, Fire/Rescue/OEM
No report. Committee Reiner commented favorably about Beyond REACH.

Karen Gilbert: Historians, Finance, Planning Board (Class I)
Mayor Gilbert announced that the Planning Board meeting was cancelled and spoke favorably as well of Beyond REACH. Mayor Gilbert also reported on a meeting of the Local Historians Committee.

UNFINISHED BUSINESS

Revised Fire Prevention Fee Schedule – Township Fire Marshal, Dennis Concannon, presented a revised fire prevention fee schedule for non-life hazard uses. Mr. Concannon explained that such fees were lowered by \$25.00 each and that all other fees remained the same.

Discussion was held regarding inspection frequency; inspection results; and whether such inspections are included for new construction or new occupancy. Mr. Concannon advised that the recommended frequency is annually or biannually and that the Division of Fire Safety requires adoption of fees by ordinance. He continued to explain that these inspections have not been completed regardless of new occupancy. A majority of Committee Members concurred to proceed with the introduction of the fee ordinance at a future regular meeting. Committee Member O'Brien commented "No."

Open Burn Ordinance Draft – Mr. Concannon recapped from the previous discussion that the current Township ordinance prohibits open burning but does not clearly define open burning. He continued that the proposed draft clarifies such and is more consistent with State regulations.

Mayor Gilbert solicited comments from Committee Members.

Mayor Gilbert expressed support for the ordinance.

Committee Member Reiner voiced support for the ordinance.

Committee Member O'Brien asked for clarification regarding the number of days to obtain a permit; as well as clarification of the language regarding extinguishing open burning, bonfires, or recreational fires.

Mr. Concannon advised that the time frame to receive an open burn permit is ten (10) business days and clarified that a fire extinguisher or bucket of sand or water should be available for immediate use for extinguishing purposes.

Committee Member O'Brien requested that the time period for the issuance of an open burn permit be reduced. Mayor Gilbert proposed five (5) business days.

It was the consensus of the Committee to proceed with the introduction of the ordinance at a future regular 2018 meeting as amended to include issuance of an open burn permit within five (5) business days.

NEW BUSINESS

US Census Bureau – LUCA (Local Update of Census Addresses) Government Entity Participation Reports (NJ) – Mr. Hutchins explained that the State is reaching out to counties and municipalities to determine interest in the voluntary decennial census operation known as LUCA, Local Update of Census Addresses Operation. Mr. Hutchins advised that the process is labor intensive and time consuming and that the Township does not have the manpower to acquire and post the information requested. It was the consensus that Mr. Hutchins advise that the Township will not participate.

2018 Appointments – Mayor Gilbert advised that the proposed list of 2018 appointments identifies those members of Township Boards, Committees and Commissions desirous of being reappointed for subsequent terms. Mayor Gilbert announced that there is a vacancy for an Alternate #2 Member on the Board of Adjustment, as a regular member resigned and members were moved up accordingly. Mayor Gilbert asked that Committee Members review for action to be taken at the next regular meeting.

Adopt-a-Road Application – Mayor Gilbert advised that Public Works Superintendent, Brion Fleming, has recommended the approval of the application by S and J Landscaping to maintain all of Everitts Road from County Route 579 to Reaville Road. There were no objections or comments.

ORDINANCES (FINAL ADOPTION, PUBLIC HEARING)

Mayor Gilbert read by title Ordinance #17-40.

AN ORDINANCE ACCEPTING A SIGHT EASEMENT AND A STORMWATER MANAGEMENT (BMP) FACILITY EASEMENT AGREEMENT FROM FLEMINGTON INDUSTRIAL PARK, LLC FOR LOT 34 IN BLOCK 27 AND LOT 5 IN BLOCK 28 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

Mayor Gilbert asked for a motion to open public hearing.

Motion by Chen, seconded by Reiner

MOTION UNANIMOUSLY CARRIED

No public comment.

Mayor Gilbert asked for a motion to close the public hearing and adopt Ordinance #17-40 on final consideration, same to be published according to law.

Motion by Chen, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: Mangin

ORDINANCE ADOPTED

Ordinance advertised November 30, 2017, The Courier News. Posted on municipal bulletin board as required by law.

ORDINANCE #17-40

AN ORDINANCE ACCEPTING A SIGHT EASEMENT AND A STORMWATER MANAGEMENT (BMP) FACILITY EASEMENT AGREEMENT FROM FLEMINGTON INDUSTRIAL PARK, LLC FOR LOT 34 IN BLOCK 27 AND LOT 5 IN BLOCK 28 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

WHEREAS, Flemington Industrial Park, LLC is the owner of property located at Lot 34 in Block 27 and Lot 5 in Block 28 (the "Property") as shown on the Tax Map of the Township of Raritan; and

WHEREAS, on October 23, 2007, Flemington Industrial Park, LLC, received final site plan and variance approval (the "Approval") for the Property from the Raritan Township Planning Board (the "Board"), RTPB File No. SP-545-PF, which Approval was memorialized by a Resolution of Approval No. 20-2007 adopted on December 11, 2007; and

WHEREAS, as a condition of the Approval, the Board required Flemington Industrial Park, LLC to grant to the Township a Sight Easement and a Stormwater Management (BMP) Facility Easement Agreement; and

WHEREAS, the Sight Easement and Stormwater Management (BMP) Facility Easement Agreement have been reviewed and approved by the Raritan Township Attorney and Township Engineer; and

WHEREAS, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, wishes to accept the Sight Easement and Stormwater Management (BMP) Facility Easement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that it hereby authorizes acceptance of the above Sight Easement and Stormwater Management (BMP) Facility Easement Agreement attached hereto; and

CORRESPONDENCE

*Brian Taggart Playground Inspector Certification

NON-CONSENT AGENDA

Mayor Gilbert read Resolution #17-294 by title.

Mr. Purcell explained that application regarding the sale of unused sick time is made to the Township Administrator and therefore, Mr. Hutchins cannot make application to himself. He continued that the proposed resolution amends the terms and conditions of Resolution #17-53 regarding the selling of unused sick time for the Township Administrator to authorize application be made to the Chief Financial Officer.

Mayor Gilbert asked for a motion to adopt Resolution #17-294.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Reiner, Mayor Gilbert

NOES: O'Brien

ABSTAIN: None

ABSENT: Mangin

RESOLUTION #17-294

**AMENDING THE TERMS AND CONDITIONS OF RESOLUTION #17-53
REGARDING THE SELLING OF UNUSED SICK TIME
FOR THE TOWNSHIP ADMINISTRATOR**

WHEREAS, the Township Committee of the Township of Raritan (“Township”) has appointed Donald Hutchins as the Township Administrator by way of Resolution #17-53; and

WHEREAS, as stipulated in that Resolution, Mr. Hutchins receives the same “holiday, vacation, sick and personal days in accordance with the union contract then in effect between Raritan Township and CWA Local 1040 Higher Level Supervisory Unit (the “Union Contract”);” and

WHEREAS, Article 12, subsection (K) of the Union Contract permits, with certain conditions attached thereto, the selling of unused sick time by employees covered by said contract to the Township; and

WHEREAS, Article 12, subsection (K) provides that applications to sell unused sick time are to be made to the Township Administrator; and

WHEREAS, this provision, as applied to Mr. Hutchins’ sale of his own unused sick time, creates an inadvertent conflict.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby authorize the following:

1. The terms and conditions set forth in Resolution #17-53 are hereby amended, so that Mr. Hutchins shall make application to the Chief Financial Officer of Raritan Township for the sale of his unused sick time as otherwise provided by Article 12, subsection (K) of the Union Contract.

Mayor Gilbert read Resolution #17-295 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-295.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, O’Brien, Reiner, Mayor Gilbert

NOES: None

ABSTAIN: None

ABSENT: Mangin

RESOLUTION #17-295

**A RESOLUTION AWARDING A CONTRACT TO J. CALDWELL & ASSOCIATES, LLC
FOR MASTER PLAN REEXAMINATION SERVICES**

WHEREAS, the Township of Raritan advertised for Master Plan Reexamination services; and

WHEREAS, the Township received three (3) proposals on November 13, 2017; and

WHEREAS, the proposals were reviewed, and recommendation has been made by the Township Engineer, Antoine Hajjar, for award to J Caldwell & Associates, LLC, 122 Main Street, Newton, New

Jersey, 07860, the lowest responsive, responsible bidder as outlined in the attached which is annexed hereto and made part of this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #17-18 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of December, 2017, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey:

- 1) That a contract be and is hereby awarded to J Caldwell & Associates, LLC, 122 Main Street, Newton, New Jersey, 07860.
- 2) That the contract does not exceed \$10,000.00
- 3) That the Mayor and Township Clerk are hereby authorized and directed to execute contracts with J Caldwell & Associates, LLC in accordance with the specifications and bid documents.

CONSENT AGENDA

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

At this time, Committee Member O'Brien requested that proposed Resolution Item 18b, Authorizing a Tax Refund Due to Disabled Person Deduction (Furey-Bell) be removed for further consideration.

Mayor Gilbert read the following resolutions by title.

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

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: Mangin

MINUTES

Mayor Gilbert asked for a motion to approve the Regular and Executive Meeting Minutes of November 6, 2017.

Motion by Chen, seconded by Reiner.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #17-288

**AUTHORIZING THE RETURN OF
DEVELOPER'S ESCROW (MBI)**

WHEREAS, MBI has requested the return of its Developer's Escrow; and

WHEREAS, Kristi Gano, Payroll/HR Coordinator, has submitted a memo dated November 21, 2017 and recommended the return of the following Developer's Escrows:

MBI – RS-Ingerman-2014 \$69.73

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the Developer's Escrow in the amount of \$69.73 posted by MBI is hereby refunded.

RESOLUTION #17-290

AUTHORIZING THE REFUND OF A ZONING PERMIT FEE

WHEREAS, River Edge Restorations, LLC has requested a refund of a Zoning permit fee; and

WHEREAS, Danielle Langreder, Assistant Supervisor of Accounts, has submitted a memo dated November 2, 2017 and recommended the refund of the Zoning permit fee in the amount of \$30.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the Zoning Permit fee paid by River Edge Restorations, LLC in the amount of \$30.00 is hereby refunded.

RESOLUTION #17-291

**AUTHORIZING THE RENEWAL OF THE SOMERSET COUNTY
JOINT INSURANCE FUND MEMBERSHIP**

WHEREAS, the **Township of Raritan** is a member of the SOMERSET COUNTY JOINT INSURANCE FUND (hereinafter the "FUND"); and

WHEREAS, effective December 31, 2017, said membership will expire unless earlier renewed; and

WHEREAS, the **Township of Raritan** desires to renew said membership.

NOW, THEREFORE BE IT RESOLVED as follows:

1. **Township of Raritan** hereby renews its membership in the FUND for a three (3) year period, beginning January 1, 2018 and ending January 1, 2020.
2. **Township of Raritan** hereby ratifies and reaffirms the Indemnity and Trust Agreement, By-Laws and other organizational and operational documents of the FUND as from time to time may be amended by the FUND and/or the Department of Banking and Insurance in accordance with the applicable statutes

and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.

3. **Township of Raritan** agrees to be a participating member of the FUND for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

4. **Township of Raritan** agrees that as a member of the FUND the **Township of Raritan** must purchase all types of coverages offered by the FUND which are applicable to the **Township of Raritan**.

RESOLUTION #17-292

A RESOLUTION ACCEPTING AN AGREEMENT WITH REVERSE LOGISTICS GROUP AMERICAS, INC. FOR E-RECYCLING PROGRAM

WHEREAS, the residents of the Township of Raritan are in need of a cost-effective method of disposing of electronic and computer equipment, an E-Recycling Program; and

WHEREAS, the Township Department of Public Works does not have the capacity to process electronic and computer equipment, but does have the capacity to store these materials for pick-up and establish an E-Recycling Program; and

WHEREAS, Reverse Logistics Group Americas, Inc. (RLGA) offered to the Township to pick-up, at no charge to the Township, electronic and computer equipment, and bring to RLGA's dismantling facility; and

WHEREAS, RLGA is a New Jersey Department of Environmental Protection licensed dismantling facility and a certified R2 (Responsible Recycling) and ISO 14001 providing for disposal services for electronic and computer equipment; and

WHEREAS, RLGA agreed to safeguard information in the equipment that may be delivered to the Township DPW and indemnify and save the Township harmless from any environmental degradation that the disposal of the equipment may cause; and

WHEREAS, RLGA's offer provides a vehicle for the Township to provide an E-Recycling Program at no cost to Township residents.

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

1. That the Township of Raritan accepts RLGA's no cost offer.
2. That this Resolution shall take effect immediately.

RESOLUTION #17-293

AUTHORIZING FOURTH QUARTER 2017 TAX REFUND

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

WHEREAS, there exists an overpayment of taxes paid to the Tax Collector of the Township of Raritan due to successful State appeals, over bill credits or overpayment by the taxpayer directly.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that the following receive a refund in the amount specified due to duplicate payments for Fourth Quarter, 2017 taxes.

| <u>Taxpayer</u> | <u>Amount</u> | <u>Block</u> | <u>Lot</u> |
|-------------------------------------|---------------|--------------|------------|
| Mr. & Mrs. Hayes (1 Marsh Court) | \$4225.07 | 63 | 33.03 |

Committee Member O'Brien requested that information regarding disabled persons tax deduction be posted on the Township website.

Mayor Gilbert read Resolution #17-289 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-289.

Motion by Chen, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: Mangin

RESOLUTION #17-289

**A RESOLUTION AUTHORIZING A TAX
REFUND DUE TO DISABLED PERSON DEDUCTION**

WHEREAS, Gail P. Furey-Bell, who resides at 53 Saxonney Circle, Block 71.13, Lot 20, filed a claim for a disabled person deduction with the Raritan Township Tax Assessor, and

WHEREAS, Ms. Furey-Bell has been granted a disabled person deduction by the Township Tax Assessor, and

WHEREAS, the Township Tax Collector has recommended a partial refund of Fourth Quarter 2017 taxes in the amount of \$250.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan that a refund in the amount of \$250.00 for a portion of Fourth Quarter 2017 property taxes is hereby granted to Ms. Furey-Bell.

Mayor Gilbert read Resolution #17-299 by title.

Mayor Gilbert explained the neither the Prosecutor or Alternate Prosecutor was available to attend the scheduled December 6, 2017 Court session, so therefore, the appointment of an acting alternate prosecutor was required.

Mayor Gilbert asked for a motion to adopt Resolution #17-299.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: Mangin

RESOLUTION #17- 299

**AUTHORIZING THE APPOINTMENT OF ACTING
ALTERNATE PROSECUTOR**

WHEREAS, in order to effectuate the proper operation of the Raritan Township Municipal Court it is necessary to have Alternate Prosecutors appointed who may serve in the event of the absence of or conflict of the appointed prosecutor; and

WHEREAS, Charles Z. Schalk was appointed as the Alternate Prosecutor but is unable to serve as the Alternate Prosecutor for the December 6, 2017 Court session as the Alternate Prosecutor in the absence of the Municipal Prosecutor; and

WHEREAS, the Alternate Prosecutor in conjunction with the Municipal Prosecutor have secured a replacement to serve on his behalf and agree that Hyun Lee of the firm Mauro, Savo, Camerino, Grant and Schalk can serve as the Acting Alternate Prosecutor for the December 6, 2017 Court Session.

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee that Hyun Lee is hereby appointed as the Acting Alternate Prosecutor for the Court Session on December 6, 2017.

PRIVILEGE OF THE FLOOR

There was no public comment.

ADJOURNMENT

Mayor Gilbert asked for a motion to adjourn and reconvene closed session.

Motion by Reiner, seconded by Chen

MOTION UNANIMOUSLY CARRIED

CLOSED SESSION #2 MINUTES ARE COMPLETED IN A SEPARATE DOCUMENT

Meeting adjourned at 9:26 p.m.

Respectfully submitted,



Lisa Fania, RMC
Township Clerk