

**RARITAN TOWNSHIP COMMITTEE REGULAR MEETING
RARITAN TOWNSHIP MUNICIPAL BUILDING
TUESDAY, DECEMBER 19, 2017**

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

ROLL CALL: The following were present: Mayor, Karen Gilbert (arrived at 6:34 p.m.); Comm. Richard Chen; Comm. Craig O'Brien; Comm. Michael Mangin; Comm. Louis Reiner. Also present were Township Attorney, Jeff Lehrer; Attorney, Ed Purcell; Administrator, Don Hutchins; Municipal Clerk, Lisa Fania; and Police Chief, Glenn Tabasko.

MEETING ADVERTISED: Deputy Mayor Mangin 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 #17-313 in full.

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

ROLL CALL VOTE:

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

RESOLUTION #17-313

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: Auditor Appointment
 - b) Personnel: Construction Official; Fire Prevention Inspector; Public Works Personnel; Judge Appointment
 - c) Attorney-Client Privilege: PBA Grievances
 - d) Attorney-Client Privilege and Land Acquisition: Partridge Run/Morningside Court Resident Concerns
 - e) Pending Litigation: Sempervive Update

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 several additional items to the scheduled agenda, a resolution authorizing the membership renewal of the Somerset County Joint Insurance Fund; authorization by voice vote for the Mayor to sign letters in response to PBA grievances; and a resolution in honor of Committee Member Chen's term as Township Committeeman.

Committee Member O'Brien voiced opposition to amending the agenda with the exception of the resolution for Committee Member Chen and the action regarding the PBA grievances in the interest of transparency, as the items were not posted the Friday prior to the meeting. Committee Member O'Brien commented, "but the other stuff came out last night. It is our policy that unless it is an emergency, we put things out on Friday night because we have not given the public a chance to review or look at this and I have not had a chance to really look at it." Committee Member O'Brien suggested deferring action to a future date. Committee Member O'Brien added that other items include an agreement with the RTMUA, a grant, and one or two other things.

Mayor Gilbert responded that "unfortunately things came up..." "As far as the RTMUA, I believe that we have to get that authorized. We do have the option to add things to the agenda that is why we have this Item #6, Amend/Approve the Agenda as amended. It is up to the Committee to decide whether or not they wish to add these items."

Debate continued regarding the protocol for adding items to the agenda.

Mr. Lehrer explained that the RTMUA resolution is not a new issue, that the Committee had already authorized the acceptance of the additional approved capacity from the RTMUA. He continued that tonight's action is merely memorializing that which you have already taken action on.

Township Administrator, Don Hutchins, commented that Clerk Fania advised that a revised agenda was posted on the website. Committee Member O'Brien concurred it was but asked that in the interest of transparency and Township policy, these items be deferred.

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

Motion by Reiner; seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, Reiner, Mayor Gilbert

NOES: O'Brien

ABSTAIN: None

ABSENT: None

At this time, Mr. Lehrer requested that Mayor Gilbert ask for a voice vote authorizing her to sign the PBA grievance letters.

Mayor Gilbert asked for a voice vote for authorization for her in capacity as Mayor to sign the PBA grievance letters.

NOES: O'Brien

MOTION CARRIED

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

The following members of the public spoke during public comment:

Barbara Sachau, a resident of 2 Glenway Drive, expressed dissatisfaction regarding the resolution honoring Committee Member Chen for his service on the Township Committee.

Frances Gavigan, a resident of 123 Wertsville Road, commented that the ordinance seems to be written and crafted as a backdoor way of taking care of "happy ending" parlors.

Mark Peters, a resident of 23 Timberwick Drive, extended gratitude to and commended Township Engineer, Tony Hajjar, and his staff for the work done regarding abandoned properties in the Township.

During Public Comment, Mr. Lehrer advised that the massage therapy ordinance has a scheduled public hearing later in the agenda and that comment at this point is for all matters for which there is no public hearing.

FINANCIAL ISSUES

Payment of Bills as listed for **Raritan Township: \$785,855.56**

Mayor Gilbert asked for a motion to approve the bill list for Raritan Township.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

At this time, Mayor Gilbert asked that the Committee deviate from the scheduled agenda and take action on 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, as interested parties were in attendance.

Mr. Lehrer explained that the proposed ordinance regulates and licenses massage, bodyworks or somatic therapy establishments where the use of hands or energy work to touch someone or not touch someone, i.e. Reiki, is performed. He continued that the ordinance does not license massage therapists or Reiki masters which are regulated by the Department of Community Affairs. Mr. Lehrer further explained that a model ordinance came out about ten (10) years ago and had been adopted by Counties including Middlesex, Passaic, and Union.

Mr. Lehrer further stated that the requirement regarding accessibility of client records was deleted and expressed opinion that the ordinance is fully lawful and would prevent certain types of illicit activities in the Township.

Mayor Gilbert recapped that this effort had been initiated over a year and half ago when the Hunterdon County Prosecutor's Office asked if the Township would be interested in adopting such an ordinance. Mayor Gilbert explained that much effort has gone into the development of the proposed ordinance amongst the Prosecutor's Office, the County Board of Health, the Township, and the Police Department.

Mayor Gilbert continued that there is a known problem in the Township; that the Police Chief has made it clear that he will not allow police officers to engage in undercover activity; that the Prosecutor's Office believes this is the best way to eliminate the existing problem and avoid future issues; and that the proposed ordinance will allow the Township to use the County Board of Health to perform routine inspections and issue fines for violations accordingly.

Mayor Gilbert read Ordinance #17-41 by title.

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 open public hearing.

Motion by Chen, seconded by Mangin

MOTION UNANIMOUSLY CARRIED

The following members of the public spoke during public comment:

Cynthia Orsi, a resident of 35 Kuhl Road and owner of Body and Balance Salt Cave Spa, expressed concerns regarding the requirement to be licensed by the Township; accessibility to client records; and exemptions. Ms. Orsi suggested an ordinance to protect therapists from clients requesting sexual favors.

Jeannie Geremia, a resident of 2 Greenwood Place, expressed dissatisfaction to cupping referred to as a prohibitive therapy.

Frances Gavigan, a resident of 123 Wertsville Road, asked about Township regulations regarding nail salons; whether the State is requiring the proposed ordinance; expressed concern for record accessibility to the Raritan Township Board of Health and police department; and inquired whether the Township will be considering an ordinance protecting therapists from those that request illegal sexual acts.

Police Chief, Glenn Tabasko, commented that the proposed ordinance provides a better opportunity for the Police Department to shut down establishments and keep them closed. Chief Tabasko continued that currently the Department is required to send in officers undercover and that he is no longer allowing that to occur. He further explained that this initiative has been ongoing for over a year and a half with the County Board of Health and has been receptive by all parties involved. Chief Tabasko commented that he has no concerns for the Township being the first in Hunterdon County to implement such regulation; that it has been successful in other towns; researched and vetted by this Township Committee; and that it is reasonable to require these establishments to submit to the same regulations under local law as State law.

Brian Swingle, former Flemington Borough Councilman and resident of 55 Broad Street, spoke on Flemington Boroughs' actions regarding the issue advising that the municipality did not adopt an ordinance.

Henry Kuhl, a resident of 35 Kuhl Road, raised concern for the impact of the ordinance on legitimate establishments.

Maria Jablonski, a resident of 7 Fieldstone Place, expressed concern regarding the impact of only annual inspections on enforcement.

Mark Peters, a resident of 23 Timberwick Drive, spoke as a resident and not as a member of the Raritan Township Board of Health, expressed support in favor of the ordinance.

During Public Comment, Mr. Lehrer reiterated that the requirement regarding the accessibility of records was deleted and that there is no obligation for establishments to provide the names of patrons unless subpoenaed by the Prosecutor's Office during a criminal investigation. He continued to advise that State statute considers cupping inappropriate and requires local regulation; that nail salons are not regulated as of yet; and that regulations regarding illicit sexual activity are found in Title 2C of the Criminal Code. Mayor Gilbert explained that the listed exemptions are regulated by a different State board; reiterated that the Township can only do more, not less than what is mandated by State statute and that the purpose of

the ordinance is to regulate what exists at the State level and authorize inspections by the County Board of Health. Mayor Gilbert added that inspections can be complaint-driven as well.

Mayor Gilbert asked for a motion to close the public hearing and adopt Ordinance #17-41 final consideration, same to be published according to law.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

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

NOES: Reiner

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised December 13, 2017, The Courier News. Posted on municipal bulletin board as required by law.

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

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

Section 1. Section 5.04.010 "Purpose" is hereby amended as follows:

The purpose of this chapter is to provide a uniform set of procedures for administering the issuance, renewal, and revocation of all licenses issued by the township, except alcoholic beverage licenses, dog licenses, massage therapy establishments and bodywork therapy establishment licenses, and taxicab licenses.

Section 2. Chapter 5.50 "Massage, Bodywork or Somatic Therapy Establishments" is hereby added as follows:

5.50.010 Definitions.

The following words, terms and phrases, as used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Administrative Authority of the Raritan Township Board of Health" or "Administrative Authority" shall mean the entity acting as the enforcement and compliance agent of the Raritan Township Board of Health. "Massage, Bodywork or Somatic Therapies" means any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for the purpose of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, bodywraps, the use of moist hot or cold external applications, external applications of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education and education in self-care and stress management. Massage and bodywork therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

“Massage, Bodywork or Somatic Therapist” means any person licensed pursuant to the provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

“Massage, Bodywork or Somatic Therapist Employer” means any individual or entity that employs another person to engage in providing massage, bodywork or somatic therapy.

“Massage, Bodywork or Somatic Therapy Establishment” means any establishment wherein Massage, Bodywork or Somatic Therapies are administered or are permitted to be administered when such therapies are administered for any form of compensation.

5.50.020 License required.

A. No person, firm, corporation or other entity shall operate any establishment or utilize any premises in the Township of Raritan as a Massage, Bodywork or Somatic Therapy Establishment unless or until such person, firm or corporation has first obtained a license from the Raritan Township Clerk in accordance with the terms and provisions of this section.

B. No person shall practice massage or related therapies as a Massage, Bodywork or Somatic Therapist, employee or otherwise unless such person has a valid and subsisting massage and bodywork therapist’s license issued to him or her by the New Jersey Board of Massage and Bodywork Therapy pursuant to the terms and provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

C. No person or entity shall employ a Massage, Bodywork or Somatic Therapist as an employee unless such employee has a valid New Jersey Board of Massage and Bodywork Therapy therapist license.

D. No Massage, Bodywork or Somatic Therapist Employer shall engage in, advertise or hold itself out as offering Massage, Bodywork or Somatic Therapies unless such employer has registered with the New Jersey Board of Massage and Bodywork Therapy.

5.050.030 Application for massage and bodywork therapy establishment license.

Any person desiring a Massage, Bodywork or Somatic Therapy Establishment license shall file a written application with the Raritan Township Board of Health upon a form provided by the Raritan Township Clerk.

5.050.040 Application requirements.

A. Any person, firm, corporation, organization or other entity applying for a Massage, Bodywork or Somatic Therapy establishment license shall submit the required application, which shall include the following information:

1. The business name and type of ownership of the business, i.e., whether individual, partnership, corporation or any other form of business organization.
2. The trade name, style and designation under which the business is to be conducted.
3. The address and all telephone numbers, including facsimile, where the establishment will be maintained, operated and conducted, and the email address of the applicant.
4. A list and full description of all Massage, Bodywork or Somatic Therapy services to be offered.
5. A complete list of the names and residence addresses of all Massage, Bodywork or Somatic Therapists and employees of the business and the name and residence address of the owner, manager or other person principally in charge of the business. It shall be the responsibility of the owner, manager or other person principally in charge of the business to maintain an updated employee list and to provide same to the Raritan Township Board of Health. The Raritan Township Board of Health shall be notified in writing within thirty (30) days, transmitted by regular mail, email or facsimile, of any and all changes to the employee list. The employee list shall be made available during all inspections of the massage, bodywork or somatic therapy establishment.
6. A sworn statement attached to the employee list required above indicating that all Massage, Bodywork or Somatic Therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork

Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

7. A written disinfection plan for all linens, towels and reusable instruments used by the establishment, and all surfaces within the establishment, which disinfection plan must comply with the requirements of N.J.A.C. 13:37A-3.2.

8. Personal information concerning the applicant shall be provided for each of the following persons:

- a. An individual applicant;
- b. Each stockholder holding more than 10% of the stock of the corporation, and each officer and director, if the applicant is a corporation;
- c. Each partner, including each limited partner, if the applicant is a partnership; and
- d. The manager or other person principally in charge of the operation.

The information to be provided for each of the above shall be as follows:

- 1). The applicant name, complete residence address, residence telephone number and email address;
- 2). Two previous residence addresses immediately prior to the present residence address of the applicant;
- 3). A copy of a current driver's license or other government-issued photo identification;
- 4). Two front-face portrait photographs taken within thirty (30) days of the date of the application and at least two (2") inches in size;
- 5). The massage, bodywork or somatic therapy establishment business history and experience, including, but not limited to, whether or not such person has previously operated or is currently operating, in this or another municipality or state, under a license agreement or permit, or has a license or permit ever been denied, revoked or suspended and the reason therefor, in addition to the business activities or occupations subsequent to such action or denial, suspension or revocation;
- 6). All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

B. In addition to the completed application, the applicant, who shall be a principal of the business, may be required to submit additional documentation, including, but not limited to, a sketch, floor plan, building layout, diagram, zoning permit and/or certificate of occupancy as applicable to the application.

C. In addition to the completed application, the applicant shall provide a criminal background check to be provided through the filing of a New Jersey Uniform Fingerprint Form provided by the Raritan Township Clerk.

D. The applicant shall provide proof of General Liability insurance. This policy shall be maintained at all times by the establishment.

E. The applicant shall provide proof of ownership or shall provide a copy of a signed lease agreement for the property location where the Massage, Bodywork or Somatic Therapy Establishment shall be operated. If a signed lease, the applicant must be listed on the lease agreement.

F. All changes in ownership of ten (10%) percent or more must be reported to the Raritan Township Board of Health by regular mail, email or facsimile, within ten (10) days of the occurrence of such change.

G. The Raritan Township Board of Health may refuse, after notice, to grant a Massage, Bodywork or Somatic Therapy Establishment license. Reasons for such refusal include, but are not limited to, the following:

1. Fraud, misrepresentation, false statement, or omission of any requires information in the application for the establishment license.
2. The conviction of an owner/operator, manager or any employee of the establishment for a crime or disorderly person offense involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, or any crime involving dishonesty, or

evidence that applicant has had its Massage, Bodywork or Somatic Therapy Establishment license revoked previously in the Township or another municipality.

3. Failure to provide a criminal background check as required by Section 5.05.040(C) of the Revised General Ordinances of the Township of Raritan.

5.050.050 Building requirements; Inspections.

A. The Administrative Authority of the Raritan Township Board of Health, upon receipt of the application, shall refer same to the Construction Department, the Fire Safety Services Department, the Police Department, the Building, Planning and Engineering Department, and any other department deemed necessary. Such departments shall make recommendations to the Administrative Authority of the Raritan Township Board of Health concerning compliance with all municipal and state codes.

B. No Massage, Bodywork or Somatic Therapy Establishment license shall be issued until an applicant has satisfactorily passed inspections by all governmental entities provided for by subsection A of this section.

C. In addition, the establishment must comply with the hygiene requirements found at N.J.A.C. 13:37A-3.2

5.050.060 Transferability; Licenses; Renewal; Reinspections

A. Massage, Bodywork or Somatic Therapy Establishment licenses granted under this Chapter are only valid to the applicant to whom it was granted at the address stated on the application and are not transferable in any way. A new license must be obtained in the event of the sale or other transfer of the establishment.

B. All licenses issued pursuant to this Chapter shall expire each year on December 31, unless sooner suspended or revoked. In order to renew a Massage, Bodywork or Somatic Therapy Establishment license, licensee shall submit a renewal form provided by the Raritan Township. Said renewal form shall require licensee to update its list of Massage, Bodywork or Somatic Therapists and certify that licensee has not been convicted of a crime related to its massage activities, or a sexual offense. Upon satisfactory review of same, the Raritan Township Board of Health shall issue a renewal license. As a requirement of the annual renewal, the Raritan Township Police Department may request an updated background check from any Massage, Bodywork or Somatic Therapy Establishment owner(s), therapist(s), and employee(s).

C. All licenses issued pursuant to this Chapter are subject to a fifty (\$50.00) dollar late fee for failure to renew the license with payment by January 15 of each calendar year.

D. All establishment licenses are subject to immediate suspension and closure of the establishment as described in Section 5.050.70 for failure to renew the license by January 15 of each year.

E. Should a re-inspection of a Massage, Bodywork or Somatic Therapy Establishment be required as determined by the Administrative Authority of the Raritan Township Board of Health as a result of a violation observed during an initial inspection, a re-inspection fee of one hundred fifty (\$150.00) dollars shall be charged to the establishment for each subsequent re-inspection, until all violations have been abated. The re-inspection fee must be paid by the establishment to the Raritan Township Board of Health within ten (10) business days of the date the violation requiring re-inspection was issued. All licenses are subject to immediate suspension and the establishment subject to closure for failure to remit the re-inspection fee within ten (10) business days of the date the violation requiring re-inspection was issued.

5.050.070 Inspections.

The Administrative Authority of the Raritan Township Board of Health shall, from time to time, at least once a year, make an inspection of each Massage, Bodywork or Somatic Therapy Establishment granted a license under the provisions of this Chapter, for the purpose of determining whether the provisions of this Chapter and any applicable rules, regulations, ordinances and/or laws are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. In addition to an annual inspection, the Administrative Authority of the Raritan Township Board of Health may also perform an inspection upon any reasonable report of a violation by any person. It shall be unlawful for any

Massage, Bodywork or Somatic Therapy Establishment or employee thereof to fail to allow such inspection officer to gain access to the establishment or to hinder such officer in any manner.

A. The Administrative Authority of the Raritan Township Board of Health shall ensure that:

1. That the establishment has a written disinfection plan as required by Section 5.050.040(8) of the Revised General Code of the Township of Raritan and is in conformance all requirements of N.J.A.C. 13:37A-3.2.
2. That all licenses issued by the state and the Township are posted in a visible place as required by Section 5.050.80 of the Revised General Ordinances of the Township of Raritan.
3. The establishment is maintaining records as required by Section 5.050.90(E) & (F) of the Revised General Ordinances of the Township of Raritan.
4. There is no evidence of sleeping or living quarters in the establishment.
5. That the establishment is in conformance with all other requirements of the Revised General Ordinances of the Township of Raritan, state statute and state regulation.

5.050.080 Display of licenses.

A. All Massage, Bodywork or Somatic Therapy Establishments shall display the establishment license issued pursuant to this Chapter in an open and conspicuous place on the premises of the establishment near the public entrance.

B. The State license of each and every Massage, Bodywork or Somatic Therapist employed in the establishment must be posted prominently in an open and conspicuous place on the premises of the establishment near the public entrance. A two (2") inch by two (2") inch passport-sized color photograph of each licensed Massage, Bodywork, or Somatic Therapist must be affixed to each therapist's displayed license.

C. Each and every Massage, Bodywork or Somatic Therapist employed in the establishment shall have in his or her possession at all times while on the premises government-issued photographic identification, which must be available for review.

5.050.090 Requirements.

A. Each room of the establishment in which Massage, Bodywork or Somatic Therapy is conducted shall have an adequate area within the room for clients to store personal items during therapy sessions.

B. With the exception of guide animals, hearing animals and service animals, no animals shall be permitted in the establishment.

C. Price rates for all services shall be prominently displayed in an open and conspicuous area on the premises of the establishment near the public entrance.

D. A written exclusion policy shall be kept on the premises stating that the establishment shall not knowingly serve any patron infected with any fungus or other skin infections, nor perform any service on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage, bodywork or somatic therapy prescribing the conditions thereof. The written exclusion policy shall be prominently displayed in an open and conspicuous area on the premises of the establishment near the public entrance.

E. Client intake records must be kept for each and every client who receives services from the Massage, Bodywork or Somatic Establishment pursuant to N.J.A.C. 13:37A-5.2.

F. The establishment shall prominently post signage specifying the age restriction of patrons and the client record-keeping requirements in an open and conspicuous area on the premises of the establishment near the public entrance.

G. The written disinfection plan submitted with the application for the establishment license shall be kept on the premises at all times for review by the Board of Health. The employees of the massage, bodywork or somatic therapy establishment shall demonstrate to the Administrative Authority of the Raritan Township Board of Health an understanding of and compliance with the written disinfection plan. The establishment shall comply with all parts of the written disinfection plan at all times.

H. All employees, including Massage, Bodywork or Somatic Therapists, shall wear nontransparent outer garments. Employee dressing rooms must be available on the premises of the establishment. Doors to such dressing rooms shall be self-closing.

I. All Massage, Bodywork or Somatic Therapy Establishments shall provide clean linens (including, but not limited to, laundered sheets and towels) in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner. All linens shall either be laundered on the premises of the establishment with properly functioning commercial-grade washer and drying appliances or shall be laundered by a professional linen supply service, the contract of which shall be made available to the Administrative Authority of the Raritan Township Board of Health at any time.

J. The Sexual or Genital Area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or a massage, bodywork or somatic therapist.

K. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned and sanitized each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned and sanitized after each use. When carpeting is used on the floors, it shall be kept in a dry, clean and sanitary condition.

L. Each Massage, Bodywork or Somatic Therapist shall wash his or her hands and arms up to and including the elbows with soap and hot running water prior to administering any Massage, Bodywork or Somatic Therapy to each client.

M. All Massage, Bodywork or Somatic Therapy Establishments and employees thereof shall at all times provide access to a sanitary restroom for patrons of the establishment.

N. If ordered closed by the Administrative Authority of the Raritan Township Board of Health, the Massage, Bodywork or Somatic Therapy Establishment must immediately cease operations and close to the public and must remain closed until the Raritan Township Board of Health permits the establishment to reopen.

O. The Massage, Bodywork or Somatic Therapy Establishment shall observe and conform to all applicable rules, regulations and prohibitions set forth by the New Jersey Board of Massage and Bodywork Therapy, as same may be amended from time to time.

5.050.100 Prohibited acts.

A. 1.No owner of a Massage, Bodywork or Somatic Therapy Establishment or any employee thereof shall tolerate in any Massage, Bodywork or Somatic Therapy Establishment any activity or behavior prohibited by the State of New Jersey, particularly, but not limited to, (i) laws proscribing prostitution, indecency and obscenity, including the sale, uttering or public communication of obscene material; or (ii) N.J.A.C. 13:37A-3.5.

2. Any conviction of any employee of a Massage, Bodywork or Somatic Therapy Establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment's license.

B. The owner, manager or any employee of the Massage, Bodywork or Somatic Therapy Establishment shall not permit the following upon the premises:

1. The presence or use of table showers.
2. Ear candling.
3. Any and all procedures that involve ear picks, ear scoops or ear spoons.
4. Cupping or applying the open end of a vessel of glass or other material onto the client's skin and utilizing a heating mechanism to heat the vessel.
5. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy, including, but not limited to, fish foot spas.

6. Any activities that utilize animal waste or the use of any products that contain animal waste as an ingredient.
7. Colon cleansing.
8. Electrical muscle stimulation.
9. Any materials, paraphernalia, or acts depicting, promoting or associated with sexual activity.
10. Controlled dangerous substances or illegal drugs.
11. Alcoholic beverages.
12. The use of any part of the establishment as sleeping quarters. This provision shall not preclude the location of a Massage, Bodywork or Somatic Therapy Establishment in separate quarters of a building housing a hotel or other separate business or club.
13. Any owner, operator, employee or patron knowingly placing his or her hand upon or touching with any part of his or her body, to fondle in any manner, or to massage a Sexual or Genital Area of any other person, and/or any owner, manager or employee performing or offering to perform any act which would require the touching of any other person's Sexual or Genital Area.
14. The application of any pest control chemicals by any person other than a Commercial Pesticide Applicator licensed by the State of New Jersey.
15. Laundering of any personal items belonging to the owner, manager or any employee upon the premises of the establishment, or the commingling of any personal items with linens laundered by a professional linen supply service.
16. Storage on the premises of excessive personal items belonging to the owner, manager or any employee of the establishment.
17. Bulk food storage, cooking apparatus or meal preparation on the premises of the establishment.
18. The presence of any individual under the age of 18 years old, unless accompanied by a parent or legal guardian.
19. Any therapy performed on any individual under the age of 18 without the express written authorization of, and presence of, a parent or legal guardian.
20. The presence upon the premises of the establishment of any therapist infected with any fungus, skin infection, skin inflammation, skin eruption or any communicable disease, and/or tolerating any such therapist to perform any massage, bodywork or somatic therapy on any client or other person upon the premises of the establishment.
21. The presence of any persons upon the premises who are not necessary to the operation of the establishment.
22. Removing any signage posted by any Township Department upon the premises of the establishment.
23. Placing, publishing, distributing or causing to be placed, published or distributed any print or electronic advertising material that depicts any portion of the human body that would reasonable suggest to prospective clients that any services are available other than those therapies described in the establishment license application.
24. Indicating in text in any print or electronic advertising material that any services are available other than those therapies included in the establishment license application.
25. Depicting in any print or electronic advertising material any persons dressed in such a manner or behaving in such a manner as to suggest that they or the establishment is engaged in keeping or residing in a house of ill repute, soliciting of a lewd or unlawful act, prostitution or pandering.

5.050.110 Suspension or revocation of establishment license; closure

A. The Administrative Authority of the Raritan Township Board of Health may at any time suspend the establishment license if it finds that a subsequent health hazard or nuisance has arisen and/or that there is a failure to comply with any part of this Chapter. Upon suspension of the license, the establishment must immediately cease operations, and may not resume operations until the suspension of the license has been

lifted by the Raritan Township Board of Health. The suspension of a license may be lifted only after all of the violations have been abated to the satisfaction of the Health Officer or his or her designee and all applicable fees and penalties have been remitted in full.

B. If the Administrative Authority of the Raritan Township Board of Health finds, determines or has reason to believe that an establishment license should be permanently revoked, then in such event the Administrative Authority of the Raritan Township Board of Health shall schedule a hearing on the matter, and shall so notify the license holder in writing by delivering a copy to him or her personally or by mailing a copy of the notice by certified mail, return receipt requested, at the last known address. The notice shall include the time, date and place of the hearing.

C. The Township Administrator or his or her designee shall serve as the hearing officer for any hearing pursuant to this section. The hearing officer shall notify the license holder of his or her decision either personally at the conclusion of the hearing, which decision shall be confirmed in writing, or by written notice sent by certified mail, return receipt requested.

D. Any license holder who fails to appear at the time and place designated for the hearing shall not be entitled to any further hearing, and in that event, the license may, as a matter of course, be revoked. In such an event, the hearing officer shall so notify the license holder by written notice sent by certified mail, return receipt requested.

E. Reasons for automatic suspension and/or revocation of a license include, but are not limited to, the following:

1. Fraud, misrepresentation, false statement, or omission of any required information in the application for a license.
2. Fraud, misrepresentation, or omission of any required information made or given while operating the establishment.
3. Any violation of this Chapter.
4. Conviction of the owner, manager or any employee of the establishment of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and/or any crime involving dishonesty.
5. The owner, manager or any employee refusing entry to any duly authorized official from the Administrative Authority of the Raritan Township Board of Health, Police Department, Construction Department, Fire Safety Services Department or Building, Planning and Engineering Department, or any other authorized Township Official to inspect the premises or operations therein.

F. Should an establishment have its license revoked for any reason, at no point in the future shall the same premises be used again for the purpose of operating a massage, bodywork or somatic therapy establishment.

5.050.120 Exceptions.

A. The provisions of this Chapter shall not apply to massage and bodywork therapies given:

1. In the office of a licensed physician, chiropractor or physical therapist; or
2. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
3. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
4. By a licensed barber or cosmetologist/hairdresser to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1.

5.050.130 Enforcement

The Administrative Authority of the Raritan Township Board of Health and any other designated official, shall implement, administer and enforce this Chapter, and are hereby authorized to issue all rules and regulations consistent with this Chapter, and shall have all necessary powers to carry out the purposes of

this Chapter and to enforce this Chapter, and are authorized to issue citations for any violation of this Chapter.

5.050.140 Violations and Penalties.

A. Any person, firm, corporation or entity, upon their first conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of two hundred fifty (\$250.00) dollars. Any person, firm, corporation or entity, upon their second conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of five hundred (\$500.00) dollars. Any person, firm, corporation or entity, upon their third conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of one thousand (\$1000.00) dollars and/or by imprisonment in jail for a period not exceeding 90 days, or both, at the discretion of the judge imposing such penalty and/or fine.

B. Each and every day that a violation of this Chapter is found to occur shall constitute a unique and separate violation of this Chapter.

C. Any conviction of any owner, manager, operator or employee of a Massage, Bodywork or Somatic Therapy Establishment of any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to laws proscribing indecency, prostitution and obscenity, including the sale, uttering or public communication of obscene material; or N.J.A.C. 13:37A-3.5 shall devolve upon the owner of such establishment, it being specifically declared that following such conviction of an employee, manager or owner of the establishment, the owner shall be prosecuted as an accessory to such violation, and the license which has been issued for the establishment shall be revoked.

Section 3. All ordinances or parts of ordinances inconsistent with this Chapter are hereby repealed to the extent of any inconsistencies.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason deemed invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 5. This Ordinance shall take effect upon final passage according to law.

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

REPORTS

The following November, 2017 staff reports were acknowledged by the Township Committee:

- *Planning/Engineering Escrow Accounts
 - *Animal Control
 - *Tax Collector
 - *Court
 - *Public Works – Snow Removal Costs
-

LIAISON REPORTS

- Richard Chen: Finance, Open Space, Parks & Recreation
Committee Member Chen reported that the final report regarding the deer inventory has been provided by Dr. Jay Kelly of the Raritan Valley Community College Foundation.
- Michael Mangin Planning Board (Class II, RTMUA)
Deputy Mayor Mangin reported on a meeting of the RTMUA advising on the adoption of resolutions increasing connection and sanitary sewer fees.
- Craig O'Brien: Open Space
No report.
- Louis Reiner: Environmental Commission, Green Team, Fire/Rescue/OEM
No report.
- Karen Gilbert: Historians, Finance, Planning Board (Class I)
Mayor Gilbert reported on a meeting of the Planning Board advising of the formation of an ad hoc committee to review and make recommendations to the sign ordinance. Mayor Gilbert announced that a new on-line portal will be available in January of 2018 on the Township website providing users real-time access to Township data including permit status; license renewals; tax information; and requests for records. Mayor Gilbert also announced that the 2018 Reorganization meeting will be Thursday, January 4, 2018 at 5:00 p.m.

At this time, Committee Member O'Brien commented that he did not learn of the date for the reorganization meeting until it was posted on the website last week. Committee Member O'Brien continued that in years past, the date was discussed then the best date selected. Committee Member O'Brien advised that he was not certain he could attend due to work commitments on Thursdays.

UNFINISHED BUSINESS

2018 Appointments – Mayor Gilbert commented that there was no feedback provided by Committee Members regarding the proposed 2018 list of appointments. Mayor Gilbert solicited comments. There were none. It was the consensus to proceed with the proposed list.

Energy Aggregate Program – Mr. Hutchins explained that an issue arose regarding the energy aggregate program for participants on the budget plan and the “True Up” upon expiration of the contract. Mr. Hutchins continued that participants received fairly large bills to their surprise. Mr. Hutchins continued that he had reached out to the Township’s Consultant whom, in turn, addressed resident complaints. Mr. Hutchins advised that the Township will ensure that the “True Up” period will be addressed in future energy aggregate programs to avoid such issues.

Open Space Parking Lot – Committee Member Chen advised that he had completed the identification of street addresses with corresponding bar codes for all Township open space parcels. Committee Member Chen continued that the Township Engineer has reviewed the list for accuracy. Mr. Hutchins commented that the Township Planner suggested including this information as an addendum to the open space plan.

NEW BUSINESS

Request for use of Municipal Parking Lot for a bike ride sponsored by the Flemington Jewish Community Center, Sunday, June 3, 2018 – All Committee Members concurred to authorize the use of the Municipal Parking lot for a bike ride sponsored by the Flemington Jewish Community Center, Sunday, June 3, 2018.

Engineering/Fire Marshal request for Drone purchase – Mayor Gilbert explained that Township Assistant Engineer, John Tully and Township Fire Marshal, Dennis Concannon are seeking to purchase a Drone for departmental use.

Mr. Tully explained that the State requires the Township to inspect all stormwater management facilities, new and old in the municipality, for which there are a couple of hundred, He continued that physical inspections take approximately three (3) to four (4) hours per detention basin. He further explained that a drone would enable the engineering department to obtain three-dimensional modeling; volume calculations, and topographic surveying in approximately fifteen minutes. Mr. Tully provided a brief explanation of additional uses including inspections for hunting signage and creation of virtual tours of open space trails. Mr. Tully added that an FAA remote pilot license is required; that the equipment must comply with proper registration requirements; and that the drone is covered under the Township's insurance policy.

Committee Members raised questions regarding State acceptance of drone inspections; cost; infrared capability; use of one drone by both departments; as well as expressed concern for property privacy rights.

During the discussion, Mr. Tully commented that he confirmed that the State will accept drone inspections and the cost of the drone and training for the Engineering Department is about \$4,700.00. He continued to explain that the version for the Fire Prevention Department is approximately \$1,700.00, as it has only video inspection capability. Mr. Tully added that infrared capability is available for about \$15,000.00 and that there are regulations in place regarding protecting property privacy rights.

Mr. Concannon explained uses for the Fire Prevention Department including fire investigation; vantage points; pictures of the scene from above; rooftop inspections; ability to examine rooftop solar panels for wiring, leaf build up, etc.; and overall improved safety. Mr. Tully added that the Engineering model could be used to create a three-dimensional post fire model for the record.

Chief Tabasko voiced support for the purchase and expressed interest in use for criminal investigations.

Committee Member O'Brien expressed approval of the equipment but asked that the cost be included in the budget process.

Township Engineer, Tony Hajjar, advised that the funding will be from stormwater management which was appropriated for a GIS system and training.

Committee Member O'Brien reiterated that he would like the cost to be part of the budget process.

Mr. Hajjar and Mr. Concannon confirmed that there were remaining funds in fire prevention and stormwater management for use for intended equipment.

Mr. Lehrer advised that the purchase of the proposed equipment is within the prerogative of the Administrator and that this discussion is for informational purposes only.

Committee Member Chen commented in support of the technology.

Committee Member O'Brien reiterated that he would like to hold off for the budget process, "That is when new spending should be decided."

Purchase of a drone by the Engineering Department to proceed.

Bond Anticipation Note Certificate of Determination Award – Committee Members acknowledged the executed Certificate of Determination and Award as required by Local Bond Law.

Request for letter accepting clean fill donation to Raritan Township by Robin Hill Homes – Mayor Gilbert advised that Robin Hill Homes donated clean fill for the remediation at the Police Department and was seeking a letter of acknowledgment for tax purposes. It was the consensus to authorize Mr. Hutchins to provide a letter accepting the donation of clean fill on behalf of the Township Committee.

CORRESPONDENCE

*Letter of Commendation for Ann Marie Silvia, Assistant in Tax Collector Office

*Letter of Commendation for Don VanFossen and Steven Barrett, Department of Public Works

*Thank you from Flemington Greater Soccer Club regarding lights at Clover Hill Park

*Letter from Department of Agriculture reporting no detection of gypsy moth infestation in the Township

NON-CONSENT AGENDA

Mayor Gilbert read Resolution #17-300 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-300.

Motion by Chen, seconded by Mangin

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-300

**AUTHORIZING THE 2018 APPOINTMENT OF DEPUTY COORDINATORS
IN THE OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, the Township of Raritan is required to have an Emergency Operations Plan to provide for actions to be taken to mitigate, prepare for, respond to and recover from the effects of an emergency; and

WHEREAS, the members of the Office of Emergency Management (OEM) must be appointed by resolution of the governing body.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan that the following individuals are hereby appointed as Deputy OEM Coordinators for a one-year term effective January 1, 2018:

Frank Venezia
 Tony Venezia
 Chris Wilt
 Nick Tsentas
 Daniel "DJ" Wright
 Don Gootee

Mayor Gilbert read Resolution #17-305 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-305.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-305

**AUTHORIZING THE PURCHASE OF A 2017 OR NEWER BOMAG BW138AD-5
VIBRATORY TANDEM ROLLER IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Township of Raritan is in need of an additional vibratory roller for the Department of Public Works; and

WHEREAS, Jesco of 118 Saint Nicholas Ave., South Plainfield, NJ 07080 has been awarded contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65 MCESCCPS through Educational Services Commission of New Jersey Cooperative System (ESCNJ); and

WHEREAS, the Superintendent of Public Works recommends the purchase of one 2017 or newer Bomag BW138AD-5 Vibratory Tandem Roller under ESCNJ Contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65; and

WHEREAS, the cost of this will be at the bid price as documented by ESCNJ and appropriated through Ordinance #17-32 for the amount of \$54,374.20; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of funds #17-19 for the purchase of said roller.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the procurement of one 2017 or newer Bomag BW138AD-5 Vibratory Tandem Roller will be purchased through Jesco, of 118 Saint Nicholas Ave., South Plainfield, NJ 07080 at the sum of \$54,374.20.

Mayor Gilbert read Resolution #17-306 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-306.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, Reiner, Mayor Gilbert

NOES: O'Brien

ABSTAIN: None

ABSENT: None

RESOLUTION #17-306

AUTHORIZING THE PURCHASE OF A 2018 FORD F250 SUPER CAB GAS 4X4 PICK-UP TRUCK IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Township of Raritan is in need of an additional pick-up truck for the Department of Public Works; and

WHEREAS, DFFLM, LLC, T/A Ditschman/Flemington Ford, 215 US Highway 202 Flemington, NJ 08822 has been awarded contract #15-C Utility Vehicles (2018 or newer Models) through the Morris County Cooperative Pricing Council (MCCPC); and

WHEREAS, the Superintendent of Public Works recommends the purchase of one 2018 or newer Ford F250 Super Cab 4x4 Gas Pick-up truck under MCCPC Contract #15-C, item #9; and

WHEREAS, the cost of this will be at the bid price as documented by the MCCPC and appropriated through Ordinance #17-32 for the amount of \$30,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of funds #17-20 for the purchase of said truck.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the procurement of one new 2018 or newer Ford F250 Super Cab 4x4 Gas Pick-up truck will be purchased through DFFLM, LLC, T/A Ditschman/Flemington Ford, 215 US Highway 202 Flemington, NJ 08822 for the sum of \$30,000.00

Mayor Gilbert read Resolution #17-308 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-308.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-308

AUTHORIZING THE PURCHASE OF A 2017 OR NEWER TORO INFIELD PRO 5040, UNIT, 08705 IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Township of Raritan is in need of a new Toro Infield Pro for the Department of Public Works; and

WHEREAS, Storr Tractor of 3191 U.S. Highway 22, Branchburg, NJ 08876 has been awarded contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65 MCESCCPS through Educational Services Commission of New Jersey Cooperative System (ESCNJ); and

WHEREAS, the Superintendent of Public Works recommends the purchase of one 2017 or newer Toro Infield Pro 5040, Unit 08705 under ESCNJ Contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65; and

WHEREAS, the cost of this will be at the bid price as documented by ESCNJ and appropriated through Ordinance #17-32 for the amount of \$28,568.20; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of funds #17-21 for the purchase of said equipment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the procurement of one 2017 or newer Toro Infield Pro 5040, Unit 08705 will be purchased through Storr Tractor of 3191 U.S. Highway 22, Branchburg, NJ 08876 at the sum of \$28,568.20.

Mayor Gilbert read Resolution #17-314 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-314.

Motion by Chen, seconded by Mangin

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-314

**AUTHORIZING THE PURCHASE OF A 2017 OR NEWER TORO
GROUNDMASTER 4000-D MOWER IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Township of Raritan is in need of a new Toro Groundmaster 4000-D Mower for the Department of Public Works; and

WHEREAS, Storr Tractor of 3191 U.S. Highway 22, Branchburg, NJ 08876 has been awarded contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65 MCESCCPS through Educational Services Commission of New Jersey Cooperative System (ESCNJ); and

WHEREAS, the Superintendent of Public Works recommends the purchase of one 2017 or newer Groundmaster 4000-D 30609 under ESCNJ Contract #MRESC 15/16-08 Grounds Equipment, CO-OP #65; and

WHEREAS, the cost of this will be at the bid price as documented by ESCNJ and appropriated through Ordinance #17-32 for the amount of \$62,049.80; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of funds #17-22 for the purchase of said equipment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the procurement of one 2017 or newer Toro Groundsmaster 4000-D 30609 Mower will be purchased through Storr Tractor of 3191 U.S. Highway 22, Branchburg, NJ 08876 for the sum of \$62,049.80

Mayor Gilbert read Resolution #17-315 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-315.

Motion by Reiner, seconded by Mayor Gilbert

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RECUSE: Mangin

During the vote, Committee Member O'Brien pointed out that this was paid for with cash out of the capital fund and not borrowed for, so "yes."

RESOLUTION #17-315

AUTHORIZING THE PURCHASE OF A FORD F250 CREW CAB 4X4 GAS PICK UP TRUCK FOR USE AS A COMMAND VEHICLE FOR THE RARITAN TOWNSHIP FIRE COMPANY

WHEREAS, the Raritan Township Fire Company is in need of a Command Vehicle; and

WHEREAS, DFFLM, LLC, T/A Ditschman/Flemington Ford, 215 US Highway 202, Flemington, New Jersey 08822 has been awarded Contract #15-C, Utility Vehicles, Item #10 through the Morris County Cooperative Pricing Council; and

WHEREAS, the Township of Raritan is a member of the Morris County Cooperative Pricing Council (MCCPC); and

WHEREAS, the cost of the Ford F250 Crew Cab 4x4 Gas Pickup Truck under Item #10 of the MCCPC, including options, is \$32,805.25; and

WHEREAS, the Township of Raritan has appropriated the funds for this purchase through Ordinance 17-39 in the amount of \$65,000.00; and

WHEREAS, the Raritan Township Fire Company has also provided funds in the amount of \$4,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available through the Certificate of Availability of Funds # 17-24 attached to this resolution.

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, authorizes the purchase of a Ford F250 Crew Cab 4x4 Gas Pickup Truck for use as a Command Vehicle for the Raritan Township Fire Department through DFFLM, LLC, T/A Ditschman/Flemington Ford, 215 US Highway 202, Flemington, New Jersey, 08822 for the sum of \$32,805.25.

Mayor Gilbert read Resolution #17-301 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-301.

Motion by Reiner, seconded by Chen

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-301

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR GASB 45 ACTUARIAL SERVICES
TO AON CONSULTING WORLDWIDE, INC.**

WHEREAS, there exists a need for professional services for GASB 45 Actuarial Services for the year as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer recommends that AON Consulting Worldwide, Inc. be retained for GASB 45 Actuarial Services for a term of one year beginning December 19, 2017; and **WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-11 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, prior to the execution of a contract, AON Consulting Worldwide, Inc. will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger has made any reportable contributions to a political party or candidate for the Township Committee of the Township of Raritan in the previous year, and that the contract will prohibit any individual with a 10% interest or larger in AON Consulting Worldwide, Inc., from making any reportable contributions through the term of the contract, however, this not to be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during calendar year 2016, pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, this was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Certificate of Availability of Funds #17-23 for such professional actuarial services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan as follows:

1. The Township of Raritan will enter into a contract with AON Consulting Worldwide, Inc., for a one-year term effective December 19, 2017.

2. That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.

3. The Business Disclosure Entity Certification shall be placed on file with this resolution.

4. The fees to be paid for such services not to exceed \$8,000.00.

5. A notice of this resolution shall be published in an official newspaper of the Township and in accordance with the Local Public Contracts Law.

Mayor Gilbert read Resolution #17-316 by title.
Mayor Gilbert asked for a motion to adopt Resolution #17-316.
Motion by Chen, seconded by Reiner

ROLL CALL VOTE:

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

RESOLUTION #17-316

**A RESOLUTION AUTHORIZING 2017 BUDGET TRANSFER #4
(UNFUNDED)**

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

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

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

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Social Security	Utilities	\$ 8,000.00
Legal Services OE	Utilities	\$12,000.00
Total		\$20,000.00

Mayor Gilbert read Resolution #17-320 by title.
Mayor Gilbert asked for a motion to adopt Resolution #17-320.
Motion by Reiner, seconded by Mangin

ROLL CALL VOTE:

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

RESOLUTION #17-320

**A RESOLUTION AUTHORIZING 2017 BUDGET TRANSFER #5
(UNFUNDED)**

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

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

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

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Police S & W	Snow Removal S & W	\$ 5,000.00
Legal Services OE	Snow Removal OE	\$ 5,000.00
Construction OE	Snow Removal OE	\$10,000.00
Elections	Snow Removal OE	\$ 2,000.00
Planning OE	Snow Removal OE	\$ 2,000.00
Zoning OE	Snow Removal OE	\$ 2,000.00
Engineering OE	Snow Removal OE	\$ 2,000.00
	Total	\$28,000.00

Mayor Gilbert read Resolution #17-318 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-318.

Motion by Mangin, seconded by Chen

ROLL CALL VOTE:

AYES: Chen, Mangin, Mayor Gilbert

NOES: Reiner

ABSTAIN: O'Brien

ABSENT: None

RESOLUTION #17-318

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT BETWEEN THE TOWNSHIP OF RARITAN
AND THE RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Township Committee of the Township of Raritan (“Township”) has, by way of Resolution 17-284, authorized allocation of sewer capacity for affordable housing at municipal property on Dayton Road, Block 63.14, Lot 23; and

WHEREAS, the Township Committee is desirous of entering into an agreement with the Raritan Township Municipal Utilities Authority (RTMUA) for the use of this sewer capacity for affordable housing purposes; and

WHEREAS, the Township Attorney has negotiated such an agreement, attached herein as Exhibit “A;” and

WHEREAS, the Township Committee has reviewed this agreement and found same acceptable.

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 Mayor of the Township of Raritan is authorized to execute the agreement between the Township and the RTMUA attached herein as Exhibit “A.”

Mayor Gilbert read Resolution #17-317 by title.

Committee Members and Chief Tabasko expressed gratitude and appreciation for Committee Member Chen’s efforts in serving as part of the Township Committee and wished him well in future endeavors.

Mayor Gilbert asked for a motion to adopt Resolution #17-317.

Motion by O’Brien, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-317

**RESOLUTION HONORING RICHARD CHEN
FOR HIS SERVICE AS TOWNSHIP COMMITTEEMAN**

WHEREAS, on this 19th day of December, 2017, the Township Committee wishes to acknowledge the contributions of Committeeman, Richard Chen; and

WHEREAS, Richard Chen was first elected to the Township Committee in Two Thousand and Fifteen and has served the community for three years; and

WHEREAS, during his time in office, he played a significant role in advancing the Township's Information Technology system; worked tirelessly to establish a Deer Management Program; and was a strong advocate for the construction and maintenance of Township facilities, roads and open space amenities; and

WHEREAS, it is truly appropriate for the Township Committee to recognize Richard Chen as an outstanding individual for his efforts and contributions to the residents of Raritan Township.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee, of the Township of Raritan, County of Hunterdon, State of New Jersey hereby express heartfelt gratitude and appreciation for the time, effort and commitment that Richard Chen has exemplified during his term as a member of the Township Committee. He has demonstrated characteristics of citizenship, public service and devotion to his community that are in keeping with the highest traditions of our republic.

BE IT FURTHER RESOLVED, that the Mayor and the Township Committee, the staff and all the citizens of Raritan Township wish Richard Chen best wishes for success and fulfillment in his future endeavors.

Raritan Township Fire Company Applications

Mayor Gilbert asked for a motion to approve Fire Company Application for Dean Stafford.

Motion by Reiner, seconded by Mayor Gilbert

ROLL CALL VOTE:

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

Mayor Gilbert asked for a motion to approve Fire Company Application for Alexandra Pietrucha.

Motion by Reiner, seconded by Mayor Gilbert

ROLL CALL VOTE:

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

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 Members requested that Resolutions Item 16e Authorizing the Employment of Chris Wilt as Fire Prevention Inspector; Item 16f Authorizing the Employment of Steven Barrett in the Public Works Department; Item 16g Authorizing Payment Estimate #1 and Final and Change Order #1 with AWT Environmental Services, Inc. for Police Department Refueling Area Remediation; and Item 16i Providing for the Insertion of Any Special Item of Revenue in the Budget of an County or Municipality Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1985) 2015 NJDEP Recycling Tonnage Grant be removed from the consent agenda 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 Mangin, seconded by Reiner

ROLL CALL VOTE:

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

RESOLUTION #17-302

AUTHORIZING FOURTH QUARTER 2017 TAX REFUNDS

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

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

<u>Taxpayer</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>
CORELOGIC			
Weatherford, James R & Sharon K 8 Cherryville-Stanton Road	\$376.58	3	4.04
Olsavsky, Peter & Jana 17 Rolin's Mill Road	\$209.82	5	17.08
McMorrow, Leah & Brendan 3 Brookside Terrace	\$284.49	6.07	38
Apanovitch, Anne Marie 46 Kentworth Court	\$928.74	18.02	65

Holloran, Michele E 47 Cummington Lane	\$442.60	18.03	23
Hilgen, David T & Janice R 37 New York Avenue	\$256.67	32	1
Mentuck, Justin & Courtney Dameron 11 Mill Brook Road	\$276.60	36	54.01
Zhao, Qin & Chunxin Xia 5 Blossom Lane	\$376.18	45.03	4
Sibhatu, Mebrahtu & Ferwoine Fshaye 89 Saxonney Circle	\$449.60	71.13	2
Mustafa, Moonis & Nida Syed 25 Holly Court	\$948.86	72.01	48
Frycki, Dawn M 17 Elm Terrace	\$107.92	72.07	17
Yalenti, Jonathan & Jeanne 28 Elm Terrace	\$937.78	72.07	28
Becker, Lisa 282 Spruce Court	\$1,466.47	72.08	1 (C0282)
Flynn, Jessica & Ryan Fisher 11 Krenkel Court	\$104.07	72.10	42
Brown, Ryan & Sun Min Lee 13 Cedar Court	\$1,368.58	72.11	10
Patrocinio, Jr. Frederick & Lisa D 22 Plennert Road	\$414.51	78	3.03
Fisher, Albert T Jr. 32 Country Club Drive	<u>\$455.15</u>	84.01	1
TOTAL:	\$9,404.62		
<hr/>			
LERETA			
Kachmarik, Vadim & Yelena Belkina 48 Surrey Lane	\$443.25	53.06	61

Ames, David A & Heidi A 3 Marys Court	<u>\$435.86</u>	73	19.24
TOTAL:	\$879.11		

WELLS FARGO

Yildiz, Mustafa E & Michelle Hanh 11 Cross Creek Drive	\$859.97	7	22.08
Rhoads, Jonathan & Christie 7 Beehive Lane	\$879.06	63.11	13
Schmidt, Stanley G & Miriam D 4 Indian Plantation Street	\$191.50	71.24	26 (C0004)
Merritt, Larissa & Joseph Gall 7 Kenner Court	<u>\$286.53</u>	72.10	4
TOTAL:	\$2,217.06		

RESOLUTION #17-303

**AUTHORIZING THE RETURN OF A BOND POSTED
FOR A SOLICITOR'S PERMIT**

WHEREAS, Quality Home Exteriors posted a \$500.00 bond July 13, 2017 as part of an application for a Solicitor's permit; and

WHEREAS, the application was denied by the Raritan Township Police Department; and
WHEREAS, Quality Home Exteriors has requested the return of said bond.

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 \$500 bond posted by Quality Home Exteriors is hereby returned.

RESOLUTION #17-304

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 December 6, 2017 and recommended the return of the following Developer's Escrow:

MBI SP-424-PF \$125.47

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 Developer's Escrow in the amount of \$125.47 posted by MBI is hereby refunded.

RESOLUTION #17-307

AUTHORIZING THE RENEWAL OF THE MUNICIPAL ALLIANCE APPLICATION FOR GRANT YEAR JULY 1, 2018 TO JUNE 30, 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuse in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon.

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR:	\$31,844.00
Cash Match:	\$ 7,961.00
In-Kind:	\$23,883.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #17-312

AUTHORIZING REDUCTION IN SURETY AND CASH PERFORMANCE GUARANTEES FOR WILLOWS AT FLEMINGTON JUNCTION, LLC (INGERMAN)

WHEREAS, Flemington Junction, LLC originally posted a cash performance bond in the amount of \$210,268.38 and a surety bond in the amount of \$1,892,415.42; and

WHEREAS, Flemington Junction, LLC requested a reduction of its cash and surety bonds in November, 2016; and

WHEREAS, the Township Committee authorized the reduction of the cash performance bond to \$117,386.52 and the surety bond to \$1,056,478.68 November 14, 2016; and

WHEREAS, Flemington Junction, LLC has requested a second reduction of its cash and surety bonds as a result the completion of improvements; and

WHEREAS, Township Engineer, Antoine Hajjar, has performed a site inspection and recommends a reduction of the cash performance bond to \$63,080.51 and a reduction in the surety bond to \$567,724.63; and

WHEREAS, the cash performance amount to be released to Flemington Junction, LLC is \$54,306.01.

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 cash performance bond is reduced to \$63,080.51; the surety bond is reduced to \$567,724.63; and \$54,306.01 of the cash performance bond is hereby released to Flemington Junction, LLC.

RESOLUTION #17-321

**AUTHORIZING THE RETURN OF ESCROW
FOR OFF-TRACT IMPROVEMENTS
(MAGNA-POWER ELECTRONICS)**

WHEREAS, Magna-Power Electronics (also known as BGA Properties) has requested a refund of its escrow posted for Off-Tract Improvements for a traffic light at the intersection of Church Street and Royal Road; and

WHEREAS, Tony Hajjar, Township Engineer, has submitted a memo dated December 12, 2017, and recommended the refund of such escrow in the amount of \$16,917.80.

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 escrow posted in the amount of \$16,917.80 by Magna-Power Electronics (also known as BGA Properties) is hereby refunded.

RESOLUTION #17-322

**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.

WHEREAS, the **Township of Raritan**, is afforded the following types of coverages:

- Commercial General Liability Insurance, including Law Enforcement Liability & Emergency Responder Liability; Employee Benefits Liability
- Automobile Liability Insurance
- Workers' Compensation and Employer's Liability
- Property, Inland Marine, Mobile Equipment, Boiler & Machinery, and Automobile Physical Damage (specified & scheduled vehicles)
- Educator's Legal Liability or Public Entity Liability & Employment Practices Liability
- Non-Owned Aircraft Liability (specified & scheduled drones)
- Crime Coverage
- Pollution Coverage
- Student Blanket and Educator's Medical Professional Liability, if applicable

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 December 31, 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**.

Mayor Gilbert advised that discussion will be continued in closed session regarding Resolution Item 16e authorizing the employment of Chris Wilt as Fire Prevention Inspector.

Mayor Gilbert read Resolution #17-310 by title.

Committee Member O'Brien requested that resolutions authorizing employment be considered separate from the Consent Agenda.

Mayor Gilbert asked for a motion to adopt Resolution #17-310.
Motion by Chen, seconded by Mangin

ROLL CALL VOTE:

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

RESOLUTION #17-310

**AUTHORIZING THE EMPLOYMENT OF STEVEN BARRETT
IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, there exists a vacancy in the Department of Public Works for the position of Public Works Personnel; and

WHEREAS, Superintendent of Public Works, Brion Fleming, has interviewed prospective candidates and made a recommendation to Administrator, Donald Hutchins; and

WHEREAS, Administrator, Donald Hutchins, recommends Steven Barrett for the position of Department of Public Works Personnel.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Steven Barrett is hereby employed as Department of Public Works Personnel effective January 2, 2018 at the hourly rate of \$20.07 as set forth in the Teamsters Local 469 Contract.

Mayor Gilbert read Resolution #17-311 by title.

Mr. Hajjar clarified that the proposed resolution authorizes a change order for the remediation work of the Police Department refueling area. Mr. Hajjar advised that the change order is a reduction of \$60,000 in the contract price.

Committee Member O'Brien requested tighter estimating on projects.

Mayor Gilbert asked for a motion to adopt Resolution #17-311.

Motion by Mangin, seconded by Reiner

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-311

**RESOLUTION AUTHORIZING PAYMENT ESTIMATE #1 AND FINAL AND CHANGE
ORDER #1 WITH AWT ENVIRONMENTAL SERVICES, INC. FOR POLICE DEPARTMENT
REFUELING AREA REMEDIATION**

WHEREAS, a contract was awarded on September 19, 2017 for remediation services of the refueling area of the Police Department; and

WHEREAS, the project was awarded to AWT Environmental Services, Inc., P.O. Box 128, Sayreville, New Jersey in the amount of \$339,063.20; and

WHEREAS, the Township Engineer recommends Change Order #1, which decreases the total contract amount by \$60,623.26, be approved by the Township Committee for the reasons outlined in the memorandum dated December 11, 2017.

NOW, THEREFORE BE IT RESOLVED, on this 19th day of December, 2017 by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey:

1. That Change Order #1 representing a decrease in the amount of \$60,623.26 be and is hereby approved with respect to the contract for remediation services of the refueling area at the Police Department.
2. That the amount of all Change Orders be a 17.88% decrease to the total contract amount for a new contract amount with AWT Environmental Services, Inc. of \$278,439.94.

BE IT FURTHER RESOLVED that a copy of this Change Order shall be affixed and made part of this resolution and that a certified copy be sent to AWT Environmental Services, Inc.

Mayor Gilbert read Resolution #17-319 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-319.

Motion by Reiner, seconded by Mangin

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #17-319

A RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1985) 2015 NJDEP RECYCLING TONNAGE GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Raritan has been awarded \$48,971.86 from the Department of the Treasury for 2015 Recycling Tonnage Grant and wishes to amend its 2017 Budget to include this amount as a revenue.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$48,971.86 which is available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with

Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

2015 Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a like sum of \$48,971.86 is hereby appropriated under the caption of:

- General Appropriations
 - (a) Operations Excluded from Caps
 - Public and Private Programs Off-Set by Revenues:
 - 2015 Recycling Tonnage Grant
 - Other Expenses

BE IT FURTHER RESOLVED that the Township Clerk forward two copies of the required Certification to the Director of Local Government Services within three days.

PRIVILEGE OF THE FLOOR

The following members of the public spoke during public comment.

Mark Peters, a resident of 23 Timberwick Drive, commented on the poor road condition at the intersection of Route 31 and Sand Hill Road and inquired about Township involvement in seeking help from the State.

Barbara Sachau, a resident of 2 Glenway Drive, inquired about the status of the cable franchise.

Maria Jablonski, a resident of 7 Fieldstone Place, expressed concerns about proposed State regulations regarding beekeepers and inquired as to Township support regarding this matter.

During Public Comment, Mr. Lehrer advised that he would follow up regarding the Comcast cable franchise agreement and advise accordingly. Mr. Lehrer reported that his colleague, Ed Purcell, is working on the beekeeper regulation issue pro bono and suggested that Ms. Jablonski contact Mr. Purcell directly. Mr. Hutchins advised that Mr. Purcell's suggested comments have been forwarded to the Agriculture Advisory Board and Environmental Commission for review. Mr. Lehrer advised that authorization from the Township Committee is necessary to issue responsive comments to the State by the January 19, 2018 deadline.

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

Motion by Reiner, seconded by Chen

MOTION UNANIMOUSLY CARRIED

Closed session reconvened at 9:19 p.m.

CLOSED SESSION MINUTES #2 ARE COMPLETED IN A SEPARATE DOCUMENT

The regular meeting reconvened at 10:18 p.m.

Mayor Gilbert read Resolution #17-309 by title.

Mayor Gilbert asked for a motion to adopt Resolution #17-309.

Motion by Reiner, seconded by Mangin

ROLL CALL VOTE:

AYES: Chen, Mangin, Reiner, Mayor Gilbert

NOES: O'Brien

ABSTAIN: None

ABSENT: None

RESOLUTION #17-309

**RESOLUTION AUTHORIZING THE EMPLOYMENT OF
CHRIS WILT AS FIRE PREVENTION INSPECTOR**

WHEREAS, there is a vacancy in the position of full-time Fire Prevention Inspector; and

WHEREAS, the Mayor and Township Committee of the Township of Raritan desire to fill this position; and

WHEREAS, the Township Administrator and Fire Official, Dennis Concannon, have conducted interviews and recommend that Chris Wilt be employed as full-time Raritan Township Fire Prevention Inspector.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey, that Chris Wilt is hereby employed as full-time Raritan Township Fire Prevention Inspector at a salary of \$48,000.00 effective December 20, 2017.

ADJOURNMENT

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

Motion by Reiner, seconded by Chen

MOTION UNANIMOUSLY CARRIED

Meeting adjourned at 10:20 p.m.

Respectfully submitted,


Lisa Fania, RMC
Township Clerk