

**BOROUGH OF RARITAN  
AGENDA-WORKSHOP MEETING  
JULY 10, 2012**

The Agenda-Workshop Meeting of the Borough of Raritan Council was held on July 10, 2012 in the Municipal Building, 22 First Street, Raritan, New Jersey 08869 at 7:00 pm.

**STATEMENT OF PUBLIC NOTICE**

Mayor Jo-Ann Liptak read the following statement: This Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were sent to The Courier News and the Star Ledger. In addition, copies of notices were posted on the bulletin board in the Municipal Building, on the Raritan Borough website and filed in the office of the Borough Clerk on aforementioned date. Notices on the bulletin board have remained continuously posted. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.

**ROLL CALL**

Present: Denise Carra, Stefanie Gara, Paul Giraldi, Greg Lobell, Anthony Soriano and Donald Tozzi

Absent: None

Also Present: Mayor Jo-Ann Liptak; Daniel Jaxel, Borough Administrator; Stanley J. Schrek, Borough Engineer; Mark Anderson, Borough Attorney; Jolanta Maziarz, Alternate Borough Attorney and Rayna E. Harris, Borough Clerk

**FLAG SALUTE**

Mayor Jo-Ann Liptak led the flag salute.

**RESOLUTION 2012-07-100**

Council President Gara moved to approve the following Resolution 2012-07-100 and was seconded by Council Member Carra. Motion carried by the following roll call vote.

**AUTHORIZING THE ADMINISTRATOR OF THE BOROUGH OF RARITAN TO  
ENGAGE IN COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF  
SERVICES RELATIVE TO RARITAN'S AFFORDABLE HOUSING  
REHABILITATION PROGRAM**

**WHEREAS**, pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the Borough of Raritan has collected development fees from developers in order to advance and fund the creation of affordable housing in the Borough; and

**WHEREAS**, the Borough of Raritan has retained the collected developer fees in an affordable housing trust fund; and

**WHEREAS**, N.J.S.A. 52:27D-329.2 provides that the affordable housing trust fund shall be committed for expenditure within four years from the date of collection; and

**WHEREAS**, the Borough of Raritan is in need of a consultant to formulate a plan to expend the housing trust fund monies to implement and administer an affordable housing rehabilitation program in compliance with applicable State law (“Consulting Services”); and

**WHEREAS**, N.J.S.A. 40A:11-4.1.i. provides that a local contracting unit, at the option of the governing body, may use competitive contracting in lieu of public bidding to contract for specialized goods or services, the price of which exceeds the bid threshold, with the approval of the Division of Local Government Services; and

**WHEREAS**, the Borough of Raritan has received the approval of the Division of Local Government Services to use competitive contracting in order to procure the Consulting Services; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.3(a), in order to initiate competitive contracting, the governing body must authorize the use of competitive contracting each time specialized goods or services are desired to be contracted; and

**WHEREAS**, the Borough Council of the Borough of Raritan is aware and acknowledges that the Borough Administrator has evaluated proposals from potential consultants and has recommended that Affordable Housing Administrators, whose mailing address is P.O. Box 945, Point Pleasant, New Jersey, be retained to provide the Consulting Services and that there are sufficient funds in the affordable housing trust fund to pay for the Consulting Services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Raritan hereby acknowledges that the Administrator has received and evaluated proposals from vendors in lieu of public bidding for the provision of the Consulting Services to the Borough of Raritan; and

**BE IT FURTHER RESOLVED**, that the Borough Council authorizes the use of competitive contracting for the procurement of the Consulting Services and accepts the Borough Administrator’s recommendation to retain Affordable Housing Administrators to provide the Consulting Services to the Borough; and

**BE IT FURTHER RESOLVED**, that the Borough Council hereby awards a Consulting Services contract to Affordable Housing Administrators and authorizes the Borough Administrator to enter into the attached Service Agreement with Affordable Housing Administrators for the Consulting Services upon receiving a certification of funds from the Borough’s Chief Financial Officer.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Carra	X			
X		Gara	X			
		Giraldi	X			
		Lobell	X			

		Soriano	X			
		Tozzi	X			

**PURCHASE ORDER REQUESTS**

1. Recreation: D & B pools, Inc. in the amount of \$2,644.23

Council Member Lobell made a motion to approve the above purchase order request and the motion to approve was seconded by Council Member Tozzi. Motion was carried by the following roll call vote.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Carra	X			
		Gara	X			
	X	Giraldi	X			
X		Lobell	X			
		Soriano	X			
		Tozzi	X			

2. Recreation: New Jersey Sports Assigning Bureau, LLC in the amount of \$2,063.00

Council Member Soriano made a motion to approve the above purchase order request and the motion to approve was seconded by Council Member Giraldi. Motion was carried by the following roll call vote.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Carra	X			
		Gara	X			
	X	Giraldi	X			
X		Lobell	X			
		Soriano	X			
		Tozzi	X			

**DISCUSSION**

**Route 28 Associates - TWA Application**

Lawrence Powers of Hoagland, Longo, Moran, Dunst & Doukas, Counsel representing Route 28 Associates the developers of the Bridgewater Community presented the Council with information on the project in regards to their Treatment Works Approval (TWA) Application. Mr. Powers noted that the current project is for a three story building with 51 unit non-age restricted residential property, 11 units of which are affordable housing. He described the area at which the project would be located.

Frank T. Cannone of Route 28 Associates was also present.

Michael Mistretta of Harbor Consultants, Inc. (Engineer) presented the Council with information on the project engineering.

Council Member Lobell questioned the pipe capacity and expressed his great concern regarding the pipe capacity and additional infrastructure maintenance costs this project may create.

Mr. Schrek responded to the line capacity questions and stated that the issue at hand is the pump station. He noted that bids were rejected, but redesign is being prepared. Mr. Schrek added that the timing is an issue, but that the design is adequate and the developer should be asked to make a fair share contribution for the pumps, as a separate matter.

Mark Anderson suggested the Council discuss matters of contribution in the closed session. He then questioned the content of the approving resolution from Bridgewater, specifically the sewer connection item.

Mr. Powers replied that the Bridgewater resolution stated the sewer connections must conform to the site plan. He added that it is a statutory obligation to make a fair share contribution.

Mr. Jaxel expressed concern on the calculation of usage charges.

Mr. Schrek noted that Time to Eat Diner is billed for the sewer connection based on usage and a meter can be installed.

Mayor Liptak stated that the inflow & infiltration (I & I) is a concern.

Council President Gara questioned an increase to residents due to the additional users.

Mr. Jaxel did not anticipate an increase to residents.

Council Member Tozzi questioned the cost of the new larger pump.

Council Members Carra, Giraldi and Soriano did not have any questions.

Mr. Powers stated that an escrow check was given to the Borough for Mr. Schrek's services and the only thing left is the resolution from Raritan.

### **Engineer's Report**

Stanley J. Schrek offered the Engineer's Report below:

#### **Johnson Drive Improvements**

We are waiting further direction from the bonding company.

#### **LaGrange Street Improvements**

The project is complete. We have prepared a punch-list and we are discussing adding additional drainage near Elmer Street.

#### **Orlando Drive Improvements**

Plans have been submitted to NJDOT for review and comment. We have discussed traffic control with the Raritan PD and we are also coordinating with the state for the use the periodic closure of the jug-handle.

#### **Route 28 Pump Station**

We are presently working on an alternate design to reduce the cost of the reconstructed pump station.

**2012 County Planning Grant**

This grant application is due in August. As earlier discussed, we will be applying for funding to enable the design, and preparation of construction documents, for the relocation of the Basilone Statue.

**2011 Sanitary Sewer Project**

We are completing plans and specifications for video inspection and grouting of sanitary sewers in the vicinity of Orlando Drive. The project will include installation of backflow preventers to properties subject surcharge. This project is funded through a 2011 Community Development grant.

Discussion on the above Engineer's report followed.

Mr. Schrek noted that he would provide the Council with updates on the Orlando Drive project via e-mail and noted that he would meet with Council Members Gara and Tozzi when the grant is received.

**Pumping Services Service Quotation**

Mr. Jaxel explained the monthly payments for the Ortho Drive pump maintenance.

Mr. Schrek stated that repairs have been done.

Council Member Lobell expressed that it seemed like a money pit because monthly inspections and there still issues.

Mayor Liptak questioned the availability of other companies that could provide the service.

Council President Gara questioned if there is a monthly contract that would include service and inspection.

Mr. Jaxel stated that they agree to the fee per month. He explained past situations and the cost for expensive repairs. Mr. Jaxel noted that in the annual budget sanitation is separate from sewerage.

Council President Gara expressed concern relating to the proposed development and increased expenses due to greater use of the system.

Council Member Soriano stated that the Hidden Pond area pays sewer fees to Bridgewater.

Council Member Lobell asked how often the company reports. He commented on the maintenance of the Cardinal Woods pump stating and noted the poor quality.

Mr. Jaxel and Mr. Schrek stated that there are monthly reports.

There was general consent of the Governing Body to continue using the Pumping Services.

**Economic Development Contract**

Mr. Jaxel gave the Governing Body a clear and concise description of the events regarding COAH's third round and the current issues relating to housing rehabilitation funds. He expressed the need to take immediate action to ensure the funds collected from commercial developers by the Borough for housing rehabilitation are not taken away. Mr. Jaxel explained that Resolution 2012-07-100 adopted earlier in the meeting was for legally engaging in competitive contracting to award a contract to a body to act as administrator our Raritan's housing rehabilitation and to begin the process and meet the deadline. He noted that the County is aware and willing to transfer all the information on applicants to the Borough's consultant.

Mr. Anderson said that Mr. Jaxel offered a good description of the situation. He explained that competitive contracting is permitted with Division of Local Government Services (DLGS) approval and that a bid would be unmanageable. Mr. Anderson stated that once the contract is signed his hope that the State would recognize the funds as dedicated and not take them away.

Council Member Lobell inquired about where the money came from and what kind of housing units were eligible for rehab.

Mr. Jaxel responded that the funds were collected from commercial developers of newly built properties and that only residential units were eligible for rehab.

Mr. Anderson added that applicants must demonstrate need and meet the income requirements to be considered for the funds. He also stated that he notified the bank to inform the Borough of any attempt by the State to remove the funds from the account.

Mr. Jaxel communicated to the Council the importance of securing the funds because under COAH regulations the Borough is obligated to have the funds and if the money is taken the Borough may have to increase density somewhere else or bond to replenish the account and raise the funds.

Council Member Lobell referenced an e-mail from Kevin Sluka, Clerk/Administrator of the Borough of Somerville regarding the proposed shared arrangement with Driver & Associates, outlining the opportunity. He noted Raritan's current practices have not been working and remarked on the proposed duties that would be performed by each party in the agreement (please see below).

The Borough of Somerville would perform the following:

- Enter an amended agreement with Driver and Associates (through December 2012)
- Maintain all required documents, insurance certificate, Business registration certificate
- Accept all billing from the vendor
- Provide a copy of a fee proposal from the vendor confirming rate
- Review all billing
- Provide a copy of all invoicing from the vendor to the Borough of Raritan
- Establish an appeal process to contest any charges

The vendor would be required to:

- Submit a detailed invoice identifying if the charge is to be shared
- Submit a detailed invoice of all charges directly responsible by the Borough of Raritan
- Submit a certification sheet attesting to the charges
- Maintain all insurance and required documents

The Borough of Raritan would be required to:

- Enter into an agreement with the Borough of Somerville
- Post an initial fee of \$10,000 with the Borough of Somerville ( "escrow") for 2012
- Maintain a positive balance with the escrow account of no less than \$2,000 for 2012
- Sign off on all charges against the escrow account
- Identify the priorities with Driver and Associates (grant writing, legislation changes, meeting attendance, etc.

Mr. Jaxel stated his concern about posting an escrow with another municipality, noting that he discussed the proposal with Karin Kneafsey, CFO and shared his concern regarding certifying the funds that were not budgeted, unless Mr. Driver secures a grant on behalf of the Borough to pay for his services. He added that he would prefer to pay Somerville directly for each invoice; then Somerville would immediately issue Mr. Driver a check instead of an escrow. Mr. Jaxel remarked that on principle the Borough should not bend its rule of payment for one vendor.

Council President Gara stated that 30-60 days would pass before payment to Mr. Driver if Raritan and Somerville are not on the same bill payment approval schedule. She added that having Mr. Driver work for the Borough is an investment in the community and something that has never been done before. Council President Gara noted that only in a shared service with Somerville Raritan would only pay for half of Mr. Driver's hourly rate.

Mr. Anderson advised the Council that this arrangement would require a shared services agreement, certainly the payment process would be a provision and can be included and the Borough would need to review the complete agreement that perhaps could be drafted by Somerville.

Mr. Jaxel agreed to communicate with Mr. Sluka on this matter.

Council member Lobell added that he has a hard time waiting until the next budget to fund this service and asked Mr. Jaxel to review the budget with Mrs. Kneafsey to find the funds.

Mr. Jaxel agreed to the review, but notified the Council that there may be an issue in getting a certification of funds for that were not budgeted and that a transfer could not be done until after November 1<sup>st</sup>.

Mayor Liptak suggested the funds be taken from the public events account and Council Member Giraldi suggested the surplus.

Mr. Schrek questioned how it would be handled if Mr. Driver and Mr. Maski were in attendance at the same meeting on behalf of Raritan. He suggested the funds to pay for Mr. Driver's services could be used from the Planning Board budget account.

### **Non-criminal Background Check Applications**

Ms. Harris related for the Council the confusion regarding securing the forms and process for background checks from the State Police. She noted that the State police would not send the necessary forms to the municipal/civilian offices of the Borough, but only to the Police Department. Ms. Harris noted that both the Towing and Taxi ordinances state the forms can be obtained from the Borough Clerk and should be amended to reflect that the forms are held in the Police Department. She noted that the background check requirements also affect the liquor license applicants under Chapter 4: Alcoholic Beverages of the Borough Code.

Mr. Anderson confirmed that the State Police's process had been opaque. He noted that these ordinances are to some extent a work in progress and can be amended as needed. Mr. Anderson stated that with Council's approval he would make the necessary changes.

Council Member Lobell questioned why this is now a problem.

Lt. Kenneth McCormick stated that there is a machine in the Police Department that is connected to the same system as MorphoTrak, but the State Police will only allow its use for criminal justice background check purposes.

There was general consent of the Council to allow the amendment draft.

### **CORRESPONDENCE DISCUSSION**

Council President Gara commented on the link to the final draft of the recodification of the Borough Code with glee. She then noted a problem near Washington School with parking from the stop signs (from Riverside to Brooklyn) and questioned the law on painting.

Lt. McCormick, Mr. Schrek and Mr. Jaxel assured her that the parking can be enforced without additional painting.

Mayor Liptak and Council Member Soriano stated that if you paint some places; you should paint everywhere.

Mr. Jaxel advised that due to the cost and time involved with painting the best way to address the issue would be through the issuance of tickets as enforcement.

Council President Gara stated that she would speak with Police Chief Ciesla to get his opinion. She added that the seniors recycling program was going well and that Newtech Recycling offered to place a dumpster at the Public Works facility for the collection of electronic recyclables and allow Raritan to earn the credits for grants.

Mayor Liptak suggested placing the dumpster at the municipal building.

Mr. Jaxel and Mr. Anderson advised that this item may have to be bid as a concession.

Council President Gara suggested allowing the business owners on Somerset Street to be entitled to one parking permit per establishment.

Lt. McCormick commented that it is difficult to enforce on Somerset Street because of the one hour parking limits.

Council Member Giraldi expressed that it was a bad idea. Mr. Jaxel agreed with him.

Council Member Tozzi suggested the installation of parking meters on Somerset Street.

Mayor Liptak suggested changing the parking restrictions on Somerset Street.

Lt. McCormick, Mr. Anderson and Mr. Jaxel advised there would be a need for County approval to make changes on Somerset Street.

Mr. Schrek suggested the removal of all two hour parking restrictions.

Mr. Jaxel offered a brief history on parking in Raritan.

Council Member Lobell asserted that parking on Nevius Street should not be changed.

Council Member Tozzi commented on the lack of sidewalks near the Stop & Shop mall.

Mr. Schrek noted that is private property.

Mr. Anderson added that the Council can make a request for sidewalks to be added, but it would not be enforceable.

Council Member Carra remarked that on Elmer Street and E. Somerset Street poles had been hit and were lying on the curb and asked if DPW could go out to pick up the poles.

Mr. Jaxel responded that he previously reached out to Eileen Leahey at PSE&G regarding this issue, but did not think it appropriate for DPW to pick up the poles.

Council Member Tozzi requested a status update on the Orlando Drive playground property.

Council Member Lobell stated that it could be moved to Basilone Park at an expense of \$15,000.

Mr. Jaxel stated that at least two quotes need to be obtained.

Mayor Liptak noted that on Thompson Street from Second to the railroad, grass was growing between the pavers and suggested issuing property maintenance citations to the homeowners.

Mr. Schrek added that the grass would continue to grow if it is not sprayed.

Mayor Liptak asked the Council if they would like to hold another meeting to discuss the proposed Somerset County Regional Policing Initiative.

The Council did not think another meeting was warranted and there was general consent to consider a resolution declining further participation.

**PUBLIC COMMENTS**

Mayor Liptak read the following statement: At this point the Borough Council welcomes comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a written copy and email a copy to the Borough Clerk’s Office after making your comments.

No one spoke.

**EXECUTIVE SESSION**

In public Mayor Liptak read the following resolution to enter an Executive Session.

**RESOLUTION 2012-07-101**

Council President Gara moved to approve the following Resolution 2012-07-101 and was seconded by Council Member Giraldi. Motion carried by the following roll call vote.

**EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq., commonly known as the “Sunshine Law”, requires that Borough Council meetings be open to the public except for the discussion of certain subjects; and

**WHEREAS**, the “Sunshine Law” requires that a closed session be authorized by resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Raritan that the following portion of this meeting shall be closed to the public; and

**BE IT FURTHER RESOLVED** that the meeting shall be resumed at the end of closed session; and

**BE IT FURTHER RESOLVED** that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

SUBJECT MATTER

1. Personnel – Municipal Court
2. Attorney-Client Privilege

TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED:

Upon authorization by the Borough Attorney

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Carra	X			
X		Gara	X			
	X	Giraldi	X			
		Lobell	X			
		Soriano	X			
		Tozzi	X			

Council President Gara motioned to adjourn the Executive Session and to return to the normal order of business; the motion was seconded by Council Member Tozzi. Motion carried.

**ADJOURNMENT**

Council President Gara made a motion to adjourn the meeting and the motion was seconded by Council Member Soriano. Motion was carried at 9:31 p.m.

Respectfully submitted,

Rayna E. Harris, Borough Clerk