

**BOROUGH OF RARITAN  
REGULAR MEETING  
AUGUST 28, 2012**

The Regular Meeting of the Borough of Raritan Mayor and Council was held on August 28, 2012 in the Municipal Building, 22 First Street, Raritan, New Jersey 08869 at 7:00 pm.

**STATEMENT OF PUBLIC NOTICE**

Mayor Liptak read the following notice: Notice of this meeting was made by advising The Courier News and the Star Ledger of the time, date and place of this Council Meeting, posting a notice on the official bulletin board, the official Borough website, filing a copy in the Borough's Clerk office and including 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

Councilwoman Denise Carra led the flag salute and invocation.

**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 e-mail a copy to the Borough Clerk's Office after making your comments.

Enzo Padovani, 904A Farrand Street: He commented on the Borough not reimbursing the VFW for refreshments provided at the 2011 Basilone Parade and questioned if reimbursement would be made for the upcoming 2012 Basilone Parade.

Dina Berkouts, 2 Wall Street, Apt. 1, Raritan, NJ 08869: She commented on the vandalism to cars on Wall and First Streets the week of July 18, 2012 and suggested the installation of cameras to deter future damage/vandalism.

Richard Yadlosky, 267 Weiss Terrace, Raritan, NJ 08869: He commented on the payments to the VFW and an article in the Courier Newspaper regarding the ongoing lawsuit filed against the Borough of Raritan by Gannett New Jersey Newspapers.

Barbara Orman, 2 Wall Street, Apt. 5, Raritan, NJ 08869: She also commented on the recent vandalism.

Sabrina Ruffa, First Street, Raritan, NJ 08869: She also commented on the recent vandalism.

Angelica Hernandez, 13 First Street, Raritan, NJ 08869: She also commented on the recent vandalism.

Jen Rack, 30 first Street, Raritan, NJ 08869: She also commented on the recent vandalism.

Jim Foohey, 710 Rhine Boulevard, Raritan, NJ 08869: He also commented on the recent vandalism and suggested the patrol be completed on foot, walking, not in the patrol vehicle.

Matt Heintz, 2 Wall Street, Apt. 5, Raritan, NJ 08869: He also commented on the recent vandalism and agreed with the need for cameras.

### **APPROVAL OF MINUTES**

Executive Session: May 25, 2010

Council President Gara made a motion to approve the above listed Minutes with corrections/additions and was seconded by Council Member Lobell. Motion carried on the following roll call vote.

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

Special Meeting - Budget: January 24, 2011

Council President Gara made a motion to approve the above listed Minutes with corrections/additions and was seconded by Council Member Carra. Motion carried on the following roll call vote.

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

### **RESOLUTIONS**

#### **RESOLUTION 2012-08-119**

Council Member Lobell moved to approve the following Resolution 2012-08-119 and was seconded by Council President Gara. Motion carried by the following roll call vote.

**RAILROAD MONTHLY PARKING REFUND**

**WHEREAS**, the Administrator has informed the Chief Finance Officer that the purchaser of a monthly railroad parking decal sticker has returned the unused portion of the sticker; and

**WHEREAS**, the purchaser of monthly parking decal sticker has requested the balance of the payment be refunded;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan that the Chief Finance Officer is hereby authorized to refund monthly railroad decal sticker payment to the following purchaser:

- 1 .Emil Menzies, 884 Garfield Ave., Bridgewater, NJ 08807; Aug. to Dec. 2012; \$200.00
2. Barbara Hahn, 1830 Narrows Hill Road, Upper Black Eddy, PA; Sept. to Dec. 2012; \$160.00
3. Wendy Tomas, 10 Barbieri Court, Raritan, NJ 08869; Sept. to Dec. \$160.00
4. Daniel J. Carone, 10 Erin Court, Bridgewater, NJ 08807; Sept. to Dec. 2012; \$160.00

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

**RESOLUTION 2012-08-120**

Council President Gara moved to approve the following Resolution 2012-08-120 and was seconded by Council Member Carra. Motion carried by the following roll call vote.

**SIDEWALK IMPROVEMENTS**

**WHEREAS**, the Borough of Raritan wishes to enter into grant agreements with Somerset County for U.S. Department of Housing and Urban Development Community Development funds for the following project:

**PROJECT: SIDEWALK IMPROVEMENTS**

**GRANT AMOUNT: \$100,000**

**SUB GRANT NO: 12-U1621-16**

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan that the grant agreement for the above project is approved and the Mayor and Borough Clerk are hereby authorized to sign said agreement.

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

		Lobell	X			
		Soriano	X			
		Tozzi	X			

**RESOLUTION 2012-08-121**

Council Member Lobell moved to approve the following Resolution 2012-08-121 and was seconded by Council Member Tozzi. Motion carried by the following roll call vote.

**ELEVATOR SUBCODE INSPECTIONS AND SERVICES**

**WHEREAS**, Chapter 20 of the Borough of Raritan Code established an enforcing Agency known as “The Borough of Raritan Building Department”, and

**WHEREAS**, an enforcing agency has been established by the Borough of Raritan, under Authority of N.J.A.C. 5:23-4.3 (A) (3), the Borough of Raritan may by resolution, provide the appointment elevator subcode official to perform inspections and witness tests within the municipality; and

**WHEREAS**, it is recognized that the Borough of Raritan may provide for the employment of any subcode official for any subcode which the Department of Community Affairs, State of New Jersey, shall adopt as part of the State Uniform Construction Code; and

**WHEREAS**, appointment of private on-site inspection and plan review agencies for the purpose of contracting with municipalities in order to act in the place of an Elevator Subcode Official shall be by competitive bid; and

**WHEREAS**, the following bids representing percentages of fees listed in the New Jersey Uniform Construction Code Act have been received:

	<u>Elevator</u>
1. Municipal Inspection Corporation 183 West 4 <sup>th</sup> Street Bayonne, NJ 07002	52%
2. Building Inspection Underwriters, Inc. 302 E. Pennsylvania Boulevard Feasterville, PA 19053	63%
3. EIC Inspection Agency Corp. 3705-3707 Kennedy Boulevard Jersey City, NJ 07307	85%
4. New Jersey Elevator Inspection Agency 30 Amherst Place Livingston, NJ 07039	74%

**WHEREAS**, Municipal Inspection Corporation has requested that its bid be withdrawn; and

**WHEREAS**, the Borough Council of the Borough of Raritan has determined that Building Inspection Underwriters is competent, experienced and properly licensed to serve on Site as inspection agency for enforcement of Elevator Subcode.

**NOW, THEREFORE, BE IT RESOLVED** Building Inspection Underwriters, Inc. 302 E. Pennsylvania Boulevard, Feasterville, PA 19053 is appointed as on-site inspection agency to conduct Elevator Subcode inspections. This appointment is effective August 29, 2012 and maybe terminated upon written notice to Building Inspection Underwriters, Inc. by the Borough Administrator on a thirty day notice;

**BE IT RESOLVED** that the Mayor and Borough Clerk are hereby authorized to enter into a contract with Municipal Inspection Corporation to serve as Elevator Subcode on-site inspection agency for a period of three years; and

**BE IT FURTHER RESOLVED** that the fee scheduled for Elevator devices shall be 63% of the fee listed in the State of New Jersey Administrative Code, plus a fee for municipal administrative costs of 35% of the fee due to Building Inspection Underwriters.

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

**RESOLUTION 2012-08-122**

Council Member Lobell moved to approve the following Resolution 2012-08-122 and was seconded by Council President Gara. Motion carried by the following roll call vote.

**RESOLUTION APPOINTING ALTERNATE MUNICIPAL COURT JUDGE**

**WHEREAS**, there is a need for the appointment of an Alternate Municipal Court Judge;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan that Katherine Esposito Howes of Raritan, NJ is hereby appointed to serve as the Alternate Municipal Court Judge for 2012, through December 31, 2012, at a per-court-session payment of \$500.00; and

**BE IT FURTHER RESOLVED** that Katherine Esposito Howes shall serve for any and all cases within the jurisdiction of the Municipal Court wherein the Municipal Court Judge is unavailable or unable for any reason to serve; and

**BE IT FURTHER RESOLVED** that The Mayor and Clerk of the Borough of the Raritan are hereby authorized and directed to execute an agreement conforming to this resolution on behalf of the Borough of Raritan; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to publish notice of this appointment within ten (10) days of the adoption of this resolution, as required by law

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

### **RESOLUTION 2012-08-123**

Council President Gara moved to approve the following Resolution 2012-08-123 and was seconded by Council Member Carra. Motion carried by the following roll call vote.

#### **APPOINTING ALTERNATE BOROUGH PROSECUTOR**

**WHEREAS**, there is a need for the appointment of an Alternate Municipal Prosecutor;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan that Joseph M. Wenzel of Clifton, NJ is hereby appointed to serve as the Alternate Municipal Prosecutor for 2012, through December 31, 2012, at a per-court-session payment of \$250.00; and

**BE IT FURTHER RESOLVED** that Joseph M. Wenzel shall be responsible to prosecute any and all cases within the jurisdiction of the Municipal Prosecutor wherein the Municipal Prosecutor is unavailable or unable for any reason to prosecute; and

**BE IT FURTHER RESOLVED** that The Mayor and Clerk of the Borough of the Raritan are hereby authorized and directed to execute an agreement conforming to this resolution on behalf of the Borough of Raritan; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to publish notice of this appointment within ten (10) days of the adoption of this resolution, as required by law.

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

### **RESOLUTION 2012-08-124**

Council President Gara moved to approve the following Resolution 2012-08-124 and was seconded by Council Member Tozzi. Motion carried by the following roll call vote.

**RELEASE OF IRREVOCABLE LETTER OF CREDIT NUMBERED 68061071  
SUBMITTED BY JANSSEN PHARMACEUTICALS, INC.  
IN THE AMOUNT OF \$436,484.40**

**WHEREAS**, Janssen Pharmaceuticals, Inc. submitted to the Borough a performance guarantee in the form of an Irrevocable Standby Letter of Credit in the amount of \$436,484.40 in order to ensure its satisfactory completion of site improvements on its property in Block 2, Lots 3.01, 6.01, 7, 8, 9, 10, 11, 12, 17, and 18 (“Property”); and

**WHEREAS**, the Borough Engineer has recommended the release of the \$436,484.40 Irrevocable Standby Letter of Credit, subject to full payment of any outstanding fees, as site improvements on the Property have been completed.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan that the Borough Council authorizes the release of the Irrevocable Standby Letter of Credit, numbered 68061071, in the amount of \$436,484.40, subject to full payment of any outstanding fees.

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

**RESOLUTION 2012-08-125**

Council Member Carra moved to approve the following Resolution 2012-08-125 and was seconded by Council President Gara. Motion carried by the following roll call vote.

**AUTHORIZING EXECUTION OF THE AGREEMENT GRANTING PROGRAM FUNDS FOR THE FY 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT**

**WHEREAS**, the Emergency Management Performance Grant (EMPG) is one of several Homeland Security grants issued by Congress in the last decade; and

**WHEREAS**, the grant program is overseen by the Federal Emergency Management Agency (FEMA) and is intended to help states, local, tribal, and territorial governments in preparing for all hazards; and

**WHEREAS**, the Borough of Raritan has been awarded a Federal FY2011 Emergency Management Performance Grant (EMPG) Exercise Pass Thru Grant of \$5,898.00 and the grant requires a 50% match from the New Jersey State Police; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Raritan does hereby authorize the Mayor, Borough Administrator and/or Borough Clerk to

execute the agreement between the State of New Jersey and the Borough of Raritan granting program funds for the Federal FY2011 Emergency Management Performance Grant (EMPG) Exercise Pass Thru Grant (P330-6).

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

### APPROVAL OF BILLS LIST

Council Member Carra made a motion to approve the Bills List and the motion was seconded by Council Member Giraldi. Motion carried by the following roll call vote.

**BE IT RESOLVED** that claims in the amount of \$4,527,053.93 having been listed on the Bill List and recorded in the files of the Borough Hall, and are hereby approved to be paid.

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

### PURCHASE ORDER REQUESTS

1. Police Department: Onooama Consulting in the amount of \$3,096.00

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

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

2. Police Department: New Jersey Party Works in the amount of 1,978.29

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

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

X		Lobell	X			
		Soriano	X			
		Tozzi	X			

**COMMITTEE AND LIAISON REPORTS**

Council President Gara offered her report.

Council Member Giraldi reported for Police and Recreation.

Council Member Tozzi offered the following report:

Historic Planning for parade and events Library plans for museum to be open parade day 11-2pm great event also there has been no mention or interest in making the library go to the County. Rumors put to rest Grounds and Parks. End of season for pool baseball etc. dog park is going good. River Fest is getting bigger and bigger.

Council Member Lobell reported for the Fire Department, Rescue Squad and Basilone Parade Committee.

Council Member Soriano reported for the Board of Health and the Department of Public Works (DPW).

Council Member Carra reported for Administration and Finance, the Municipal Court and the Economic Development Committee (EDC).

Mayor Liptak expressed her deepest sympathies to the family of former Chief Raritan Fire Dept. Steve Krachun upon his passing.

**OLD BUSINESS**

Council Member Lobell asked for a status update on the website redesign.

Mr. Jaxel stated that contract negotiations were ongoing.

**NEW BUSINESS**

**16 Anderson Street Interior Improvement Grant**

Mr. Jaxel noted that the Borough was advised to apply for the 2013 Planning Grant and the cost to prepare the application would be \$5,000.00.

Council President Gara questioned the inclusion of an elevator.

Council Member Carra questioned the painting of the building exterior.

Mr. Schrek explained that the grant would be utilized for the preparation of the construction documents to allow the Borough to go out to bid.

Mr. Jaxel related that this grant would allot \$50,000.00 for planning and then more grants would be applied for to complete the actual improvements.

There were no objections from the Governing Body to submitting the grant application. Mayor Liptak noted that she would like to discuss the reverse commute from New York City to Raritan at the September 11, 2012 Agenda-Workshop Meeting.

Council Member Tozzi stated that the EDC would like permission to park cars on the Orlando Drive Park property for River Fest.

There were no objections from the Governing Body to parking cars on the Orlando Drive Park property for River Fest.

Council Member Carra inquired about the Reconstruction of Orlando Drive project.

Mr. Schrek announced that the bids for that project would be due in September and awarded at the September 25, 2012 Regular Meeting if acceptable.

Council Member Soriano requested that the quotes for tree removal services received by the DPW be reviewed.

Mr. Schrek agreed to review the quotes and coordinate with the DPW.

Daniel LaVerde, Superintendent of Public Works explained the location of the tree and the need for removal.

Council Member Soriano made a motion to approve the purchase order request to Absolute in the amount \$1,500.00 and the motion to approve was seconded by Council Member Carra. Motion was carried by the following roll call vote.

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

### **PUBLIC COMMENTS**

Richard Yadlosky, 267 Weiss Terrace, Raritan, NJ 08869: He commented the number of public comment portions, prayer at public meetings, the Gannett Case and questioned the employment status of Judge William Kelleher.

Enzo Padovani, 904A Farrand Street: He commented on the tree removal request approval, Council Member Carra's contribution the Borough provided health insurance and the need for a sound barrier at the Stone Bridge at Raritan development.

### **EXECUTIVE SESSION**

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

**RESOLUTION 2012-08-126**

Council President Gara moved to approve the following Resolution 2012-08-126 and was seconded by Council Member Lobell. 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 – Public Works
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			
		Giraldi	X			
	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 and was seconded by Council Member Tozzi. Motion was carried at 9:35 p.m.

Respectfully submitted,

Rayna E. Harris, Borough Clerk