

**BOROUGH OF RARITAN
AGENDA-WORKSHOP MEETING
FEBRUARY 12, 2013 ~ 6:30 PM**

The Agenda-Workshop Meeting of the Borough of Raritan Council was held on February 12, 2013 in the Municipal Building, 22 First Street, Raritan, New Jersey 08869 at 6:30pm

STATEMENT OF PUBLIC NOTICE

Mayor Jo-Ann Liptak presided and stated: This meeting is 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 on February 8, 2013. 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. 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 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.

ORDINANCES: PUBLIC HEARING AND ADOPTION

Ordinance 2013-01

An Ordinance Amending the Raritan Borough Code by Adding a New Appendix Chapter A420 Entitled "Telecommunications Companies"

Council Member Gara motioned to open the public hearing seconded by Council President Tozzi. Motion carried by the following roll call vote.

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

No one spoke

Ordinance 2013-01

Council Member Lobell motioned to close the public hearing seconded by Council President Tozzi. Motioned carried by the following roll call vote.

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

Ordinance 2013-01

Council Member Gara motioned to adopt **Ordinance 2013-01** seconded by Council Member Carra. Motioned carried by the following roll call vote.

AN ORDINANCE AMENDING THE RARITAN BOROUGH CODE BY ADDING A NEW APPENDIX CHAPTER A420 ENTITLED "TELECOMMUNICATIONS COMPANIES"

BE IT ORDAINED by the Borough Council of the Borough of Raritan in the County of Somerset that the Code of the Borough of Raritan of 2012 as heretofore amended be further amended as follows:

SECTION ONE:

A new Appendix CHAPTER A420, entitled "TELECOMMUNICATIONS COMPANIES" is hereby adopted as follows:

CHAPTER A420

TELECOMMUNICATIONS COMPANIES

§ A420a) Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

"Company" shall mean and apply to every telegraph and telephone company that has received permission pursuant to this chapter.

"Telecommunications Facilities" shall mean cables, poles, ducts; conduits and associated fixtures, process equipment and appurtenances used in connection with

providing telecommunications services. "Permission" shall mean the permission which may be granted by the Borough Council pursuant to this chapter.

"Borough Street" shall mean each and every Borough road, street and highway.

§ A420b) Permission Required.

Pursuant to the provisions of Title 48 of the Revised Statutes of New Jersey, every Company desiring Permission to use Borough Streets for its Telecommunications Facilities shall make application to the Borough Clerk. The Borough Council may grant such Permission, subject to the terms, restrictions and limitations of this chapter.

§ A420c) Nature and Extent of Permission.

Every Company which has received Permission may, within the terms, restrictions and limitations of this chapter, erect, construct, reconstruct, remove, locate, relocate, replace, inspect, maintain, repair and operate its Telecommunications Facilities in, though, upon, along, over, under, and across the entire length of Borough Streets, and to effect the necessary street openings and lateral connections to curb poles, property lines, and other facilities for the Company's local and through lines and other communications facilities.

§ A420d) Effective Date and Expiration of Permission.

The Permission granted to each Company shall be effective and shall expire as provided in the ordinance granting Permission. Every Company receiving Permission may seek such changes as it may deem necessary and reasonable from time to time prior to expiration.

§ A420e) Applicability.

Permission to a Company shall apply to the Company and its successors or assigns.

§ A420f) Location of Poles, Posts and Facilities to be erected.

All poles, posts, pedestals, cabinets, and other facilities shall be located and placed behind the curb lines where shown on the official map(s) of the Borough; provided, however, that poles and posts shall be located within 18 inches of the face of such curb lines, as may otherwise be agreed upon by the Company and the Borough Engineer or at the points or places already occupied by the poles, posts, pedestals, cabinets, or other facilities of the Company at the time it received Permission.

§ A420g) Cables, Underground Conduits, Manholes and Equipment.

- A. The Company may bury its Telecommunications Facilities within the rights-of-way of Streets at such locations as may be agreed upon by the Company and the Borough Engineer.

- B. Underground facilities shall be placed below the surface of Streets and, with the exception of lateral branches to curb poles and property lines and other facilities, shall generally be constructed not more than ten feet from the curb line unless obstructions make it necessary to deviate from such course or unless another location is authorized by the Borough Engineer. Underground facilities shall be placed at least 18 inches below the surface.
- C. Manholes shall be located at such points along underground Telecommunications Facilities as may be necessary or convenient for placing, maintaining, and operating the Company's facilities and shall be constructed to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.
- D. Where utilities are installed underground, the Company shall install all of its Telecommunications Facilities at or below grade, except that lots which abut streets with above-ground utilities may be supplied with service from existing overhead lines or extensions thereof if the service connections from the overhead lines shall be installed underground.

§ A420h) Prior Notice of New Construction and Relocation Work Required.

Before proceeding with any new construction or relocation work, the Company shall give prior written notice to the Borough Engineer, including therewith a map or plan showing the location and extent of such work. Such maps or plans are for information of the Borough only and shall not be considered as construction specifications upon which the Borough or any third party may rely for subsequent excavation or other work.

§ A420i) Street Opening and Excavation.

Prior to the opening or excavating of any Street, the Company shall obtain such street opening or excavation permits, and pay such fees therefore as may be lawfully required, as provided by any Borough ordinances regulating such openings or excavations. No building permits or zoning variances shall be required for the Company's Telecommunications Facilities.

§ A420j) Restoration.

Every Street, and any pavement or other surface or planting, which is disturbed by a Company in constructing its Telecommunications Facilities, shall be restored to as good condition as it was before the commencement of work. Such restoration shall be subject to the approval of the Borough Engineer.

§ A420k) Encumbrance of Streets.

No Company shall encumber any Street for a period longer than shall be necessary to execute its work.

§ A420l) Curb Lines.

Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street or highway in conjunction with road construction being performed by the Borough, the Company shall change the location of its above ground Telecommunications Facilities, covered by this chapter, so that the same shall be back of, and adjacent to, the new curb line so established, upon receipt of notice that the curb line has been so established, so long as the municipality has acted with reasonable care in establishing the new curb line and providing notice thereof.

§ A420m) Joint Use of Company Poles and Structures.

Any company having legal authority to install Telecommunications Facilities in the Borough may jointly use the Company's Telecommunications Facilities for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of this chapter.

§ A420n) Indemnification by Company.

Each Company shall indemnify and save harmless the Borough from and against all costs or expenses resulting from loss of life or property, or injury or damage to the person or property of any person, firm, or corporation caused by or arising out of conditions resulting from negligence or fault connected with the work or equipment of the Company, when not attributable to the negligence or fault of the Borough; except that if such loss, injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Borough, the same shall be borne by them to the extent of their respective degrees of negligence or fault.

§ A420o) Exclusive Rights Not Granted.

Nothing in this chapter shall be construed to grant to any Company an exclusive right, or to prevent the granting of Permission to other Companies for like purposes on the Streets of the Borough.

§ A420p) Advertising Expenses.

The Company shall pay the expenses incurred for advertising required in connection with granting Permission within 30 days after the Company has received a bill for said advertising from the publisher.

§ A420q) Vacation of Streets.

If any Street where the Company has Telecommunications Facilities is vacated by the Borough, the Borough shall reserve to the Company the rights granted to the Company by this chapter.

§ A420r) Notice to be given by Borough Clerk; Acceptance and Approval.

Following final passage of an ordinance granting Permission, the Borough Clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, Permission shall not become effective until acceptance thereof by the Company, and approval thereof by the Board of Public Utilities.

§ A420s) Permission Granted.

A. Permission is granted to United Federal Data, LLC for twenty-five years from the final adoption of Ordinance 2013-01.

SECTION TWO:

This Ordinance shall take effect upon its final passage and publication according to law.

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

INTRODUCTION OF ORDINANCES

Ordinance 2013-02

Council Member Lobell motioned to **Introduce Ordinance 2013-02** seconded by Council President Tozzi. Motion carried by the following roll call vote.

An Ordinance Amending the Raritan Borough Code of 2012 by Replacing Chapter 82, Part 3, Entitled “Permit Parking”, with a New Part 3, Entitled “Permit Parking”

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

Ordinance 2013-03

Council Member Giraldi motioned to **Introduce Ordinance 2013-03** seconded by Council Member Lobell. Motioned carried by the following roll call vote.

An Ordinance Amending the Raritan Borough Code by Amending Chapter 87 to Add an Article Regulating and Requiring the Licensing of Poolrooms and Billiard Rooms

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

These ordinances will be considered for final passage after public hearing thereon at a meeting of said Borough Council to be held in the Municipal Building, 22 First Street, Raritan, New Jersey, on Tuesday, February 26, 2013 at 7:00 PM or at any time and place to which the meeting for the further consideration of the ordinance shall be adjourned.

PURCHASE ORDER REQUESTS

1. Ben Shaffer & Associates, Inc. in the amount of \$5,934.00

Council Member Giraldi motioned to approve the above purchase order request for \$5,934.00 seconded by Council President Tozzi. Motioned carried by the following roll call vote.

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

2. HP Public Sector Sales in the amount of \$3,714.00
No action taken

3. Computer Services of Raritan, Inc. in the amount of \$4,266.54
No action taken

ENGINEER REPORT

Stanley Schrek gave the Engineer's Report

Johnson Drive Improvements

We are still awaiting a determination from the bonding company as to how dismissal of Buckler Associates will be resolved. The Borough Attorney may offer comment on this.

Orlando Drive Improvements

We expect work to begin in mid-March once the weather breaks. We will have a second pre-construction meeting prior to the start, just to refresh what was said last October.

2012 County Planning Grant

Although we understand that the grant cannot be added to the current budget, we have proceeded with the design of the new park. Having the design "in-hand" over the winter will better afford the opportunity to target potential funding sources for construction in the spring/summer of next year.

2011 Sanitary Sewer Project

The contractor, National Water main, will begin work during the first week in March. The work will involve video in section of the existing sewer line, accurate mapping (because there is none), grouting repairs and manhole repairs.

Sherman Avenue Sidewalks

Additional funding that would have extended the project limits was rejected by CBDG, with their supplemental 2012 grant opportunity. We will proceed with bidding the project per the original grant request.

New Jersey American Water Company

NJAC has completed pipe installation, on Second Street an Orlando Drive and is working on service connections as weather permits.

2013 CBDG Applications

2013 Applications are due for submittal on March 22. It is suggested that we submit for additional sidewalk funding per our recent application. This project would extend the Sherman Ave. sidewalk project to Fifth Street where there are presently no curbs or sidewalks.

DISCUSSION

Stanley Schrek suggested a public information meeting should be scheduled for the extension of sidewalk and curbs on Sherman Ave. He added there are sidewalks going in where there are none the residents should be aware of what we are doing.

Council Member Lobell asked about the pump stations.

Stanley Schrek replied one pump is to be repaired and we will be speaking about this later on in this meeting.

Council Member Giraldi asked what the completion timeline is on Orlando Drive project.

Stanley Schrek replied Orlando Drive to Busky Lane this is a three month project starting in March. He added we will be getting a grant for Phase II and that should be done sometime in the summer. He advised the project should be finished hopefully by the end of the year.

River Fest

Council President Tozzi suggested this year it will be three times larger than last year.

Flea Market

Council President Tozzi offered this will start in May and will be twice a month alternating on the Saturday and Sunday. He added the location has been approved by the county at the end of Busky Lane.

Mayor Liptak suggested maybe looking into Sunday due to Neshanic's flea Market is an established event on Sunday.

Tree Trimming

Council President Tozzi expressed Mr. Jaxel is still waiting for bids for this project.

Laptop Quotes

Council Member Lobell offered the Police Department is looking for new laptops for the Police cars. He added a meeting has been set up with Mark Ciesla, Chief of Police on Wednesday February 13. He and the Chief will be pricing laptops directly through Dell.

Residential Handicapped Parking Program

Council Member Lobell offered a draft he put together for review.

Mayor Liptak suggested under program rules and regulations in this draft it would be beneficial to bullet point number four you need to add in the possibility of death. She added also if the family at that point wanted this removed it should be incorporated in the ordinance.

Mark Anderson responded it would be prudent to have this point spelled out.

Pumping Services Quote

Stanley Schrek offered the valves have been replaced and the installation of this pump goes back to 1991-1992, which is passed usefulness and we need two pumps online. He added he would recommend approving the purchase order for \$4,925.95 for the replacement of the older one.

Daniel Jaxel commented this will be done as an emergency.

CORRESPONDENCE

None offered

PUBLIC COMMENTS

Mayor Liptak read the following:

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.

Mayor Liptak offered we are back tracking due to a direction by the Court to start the Investigation Committee Hearing at 7:00pm.

Joseph Tennis, Jr., 41 Orlando Drive, Raritan, New Jersey 08869: Commented he is in the process of trying to purchase the L&G auto body property on First Ave in Raritan. He added the property will be put in appropriate order and brought back to the Planning Board for approval. He noted this is going to take at least two months but in the meantime no one knows we are still opened for business because the property looks abandoned. He suggested a proposition to allow his business to park cars in the lot during the day.

Mayor Liptak replied we will discuss this in Executive with per Mark Anderson.

Richard Yadlosky, 267 Weiss Terrace, Raritan, New Jersey 08869: Commented this whole Library situation is just an absolute disgrace. He suggested close the Library and sell off all the books to alleviate any future problems. He said this has now become a political debate and the reason for the Library has been violated.

Mayor Liptak closed the public comment at 7:04pm.

Council Member Giraldi made the following statement: In the spirit of cooperation and to try to elevate any further attorney fees, Council President Tozzi and I will resign from the Library Board of Trustees effective February 13, 2013.

Council President Tozzi commented this is the right thing to do we support our Town and the Library and do not want any further friction between the two.

INVESTIGATION COMMITTEE HEARING

Introduction

Mayor Liptak read a statement opening the Inquiry by the Investigation Committee.

Rayna Harris, Borough Clerk was asked by Mayor Liptak to swear in Fred Mountjoy; President Library Board of Trustees.

Paul Rizzo, DiFrancesco Bateman Law Offices; representing the 2012 members of the Library Board of Trustees, noted Fred Mountjoy would not be giving a sworn testimony here today.

Mark Anderson replied Mr. Mountjoy is under subpoena and is required to give sworn testimony.

Paul Rizzo suggested he is not required to give sworn testimony that is not what we agreed. He added Mr. Mountjoy will give a self-serving speech.

Mayor Liptak reminded Paul Rizzo this was not a deposition.

Mark Anderson added Mr. Mountjoy should be sworn in, if he refuses to be sworn this should be clear.

Paul Rizzo advised Fred Mountjoy, nothing sworn.

Fred Mountjoy refused to be sworn in.

Mayor Liptak asked how long he has been a member of the Board of Trustees.

Fred Mountjoy replied approximately twenty-five years.

Mayor Liptak asked how long he has been President of that Board.

Fred Mountjoy responded this is my second year.

Mayor Liptak asked what are your duties and responsibilities as President.

Fred Mountjoy replied I am in control of the Library meetings.

Council Member Soriano asked if Fred Mountjoy was familiar with the New Jersey Sunshine Law and if this was followed at meetings and if notices were posted in the Library and Municipal Building.

Fred Mountjoy replied yes, to all the above questions.

Council Member Soriano asked if there were Open Public Meeting Statements made at the beginning of each meeting and also at Executive Meetings.

Fred Mountjoy responded we don't have many Executive Meeting but they are stated at the Executive Meetings.

Council Member Soriano asked if the Board passes any Resolutions.

Fred Mountjoy replied we pass or vote on motions.

Council Member Soriano asked if someone is hired at the Library or if there is a salary increase or adjustment if those items are motioned.

Fred Mountjoy responded yes.

Council Member Soriano asked if Resolutions were ever passed on those items.

Fred Mountjoy replied the way resolutions are passed was to vote on the motion made.

Council Member Giraldi asked could you explain why the Board is planning on spending \$27,000-\$30,000 on a consultant for expansions to the Library prior to speaking with the Governing Body or Borough Engineer to see if the expansion is practical.

Fred Mountjoy replied they are an autonomous body and are in control of what the Library needs. He added we know that the building and property is owned by the Borough and we would have to go to the Council after we decide what we wanted to do.

Council Member Giraldi asked shouldn't you have gone to one of these parties before you spent the money.

Fred Mountjoy answered it is his impression that the Library Trustees and the Library staff is better aware of what they need then the Borough Council.

Council Member Giraldi asked do you know when or if the Board was planning on speaking to the Council about the possibility of an expansion of the building.

Fred Mountjoy replied the liaisons from the Borough Council relay the information back to the Borough Council.

Council Member Giraldi commented having been a liaison for the Library there have not been any in-depth discussions on plans, time line or even costs when he was there.

Council Member Giraldi asked if the Library Board knew that permission would have to be given by the State for any expansion to the building due to being on the National Registry.

Fred Mountjoy replied only if there were going to be changes to the historic portion of the building.

Council Member Giraldi asked how you can justify pay increases that were given to the Library employees when the Borough employee salaries have been frozen for the last three years.

Fred Mountjoy responded this was in our three year plan. He suggested they were not pay increases but adjustments to be competitive in the market.

Council Member Giraldi commented on the amount of money placed in capital improvements for 2006-2009. He added are you familiar with the amounts.

Fred Mountjoy replied no.

Council Member Carra commented on the new laws in 2010 guiding the Library with the return of plus money.

Fred Mountjoy replied yes.

Council Member Carra asked why in 2011 was \$40,000 placed in capital improvement and what was this amount of money designated for.

Fred Mountjoy responded we had a three year plan and a vision to improve the facility and voted to place that amount into the capital account.

Council Member Carra asked why a total of \$491,115 was placed in capital improvements.

Fred Mountjoy explained this is preventive measures and a part of our vision of the Library. He added the population has increased with a large amount of construction that will increase it further. He commented we have fantastic expansions in the children programs as well.

Council Member Carra commented on the 2011 transfer calculations and line 15. She asked how did you come up with \$150,000 restricted for capital improvements and what is this money designated for.

Fred Mountjoy replied I don't know.

Council Member Carra commented on the 2012 transfer calculation and line 15. She asked how did you come up with \$60,500 restricted for capital improvements and what is this money to be designated for.

Fred Mountjoy responded this is for capital improvement because the Borough is not going to come up with the money to keep the Library operating. He added our vision on our three year plan is to improve the Library.

Council Member Carra explained the breakdown of money placed in capital improvement for 2010-2011 audit and comparison to 2011-2012 transfer calculation form totaling \$551,615 in capital improvements. She asked can you explain this amount.

Fred Mountjoy commented this was changed because we needed to return \$250,000 to the Borough.

Council Member Giraldi commented part of the money returned to the Borough was not the original amount. He asked why did this amount was almost tripled.

Fred Mountjoy replied the State Library returned the forms and we gave an additional \$150,000 to the Borough.

Council Member Carra commented on the 2011 Library audit dated January 1, 2011 page 4 and December 31 fund balance and capital. She asked what these funds were designated for.

Fred Mountjoy answered we are in the process of listening to architects.

Council Member Carra asked what the projects were.

Fred Mountjoy suggested using the present structure and maybe adding to the rear of the building or a second floor.

Council Member Carra commented on the 2011 transfer calculation form, line 6 and the 2010 audit fund page 5 comparing the two. She asked would you explain where the \$221,102 came from.

Fred Mountjoy responded I don't know much about accounting but that is where this came from.

Council Member Lobell asked who the accountants were.

Fred Mountjoy replied Nisvoccia, LLP.

Council Member Carra asked why was the \$747,727.60 not inserted as your carry forward number per your audit.

Fred Mountjoy replied that I am going to have to forward to the auditors.

Council Member Gara commended you are saying your auditors are preparing the transfer calculation forms but not using numbers from their own audits. She added line 6 clearly states according to the law and Statue your carry forward number should be \$747,727.60. She asked why insert \$221,102.

Fred Mountjoy responded I will have to confer with the auditor.

Council Member Giraldi commented on the second paragraph of a letter received from the State Librarian dated December 27, 2011. He asked so why doesn't the Library have a specific project with estimated costs and timelines.

Fred Mountjoy replied yes that is correct but we do have a three year plan. He added the Library needs some upgrading.

Council Member Giraldi noted you have no specific project with description, estimated cost or timeline. He added the truth is you have no capital projects.

Fred Mountjoy responded that is the reason the form was changed because the State Librarian said our three plans was not specific enough. He added that is the reason we met with the architect to give us some type of plan. He noted the three year plan was accepted at the time.

Council Member Giraldi asked why the Library Trustees moved \$40,000 into the capital account in 2010.

Fred Mountjoy replied to facilitate the three year plan.

Council Member Giraldi asked why the Library Trustees did not return \$40,000 back to the general account after it was no longer needed.

Fred Mountjoy responded just in case something went up for sale we could afford to purchase it.

Council Member Gara commented on the New Jersey Trustee Manual which states guidelines for projects. She added there is almost \$500,000 out there in a projected vision.

Fred Mountjoy responded it is specific according to the State Library and we are in compliance with the law.

Council Member Lobell asked do you think the money raised by the formula is tax payer money and any surplus should be returned to the Borough.

Fred Mountjoy replied yes

Council Member Lobell asked are you familiar with the New Jersey Public Library manual for Trustees and the responsibilities set forth by this manual.

Fred Mountjoy responded for the most part, yes.

Council Member Lobell referred to sections of the New Jersey Public Library Manual. He asked Does the Library follow Parliamentary Procedure?

Fred Mountjoy responded the Library follows Robert's Rules of Order.

Council Member Lobell asked why the Library Trustee Members chose to institute suit rather than to speak with Mayor and Council.

Fred Mountjoy asked why Mayor and Council did not speak with the Library Board. He added Mayor and Council had all the documents at their disposal.

Council Member Lobell replied we just want clarification on capital projects.

Council Member Gara added and the transfer forms don't match.

Fred Mountjoy replied he will clarify this with the auditor. He added he doesn't really know what happened between the Board of Trustees and Mayor and Council which up until recently maintained a very collegial atmosphere.

Council Member Lobell commented from 2006-2009 capital budgets were zero. He added then jumped to \$500,000 we want to know what the plans are for this money.

Fred Mountjoy replied there was no previous requirement for capital accounts. He added we were putting money in other accounts for future expenses.

Council Member Lobell asked to the best of your knowledge did you know of any members of the Board of Trustees that raised concern regarding a conflict of interest between the attorney for the Library and a member of the board being related. He added in the last year.

Fred Mountjoy replied yes, there were concerns raised. He added concerns were raised with certain members of the investigative committee being appointed to the Library Board too.

Council Member Gara asked are you aware of a law suit that was instituted by individuals of the Board of Trustees against the Borough of Raritan.

Fred Mountjoy asked what the law suit was.

Council Member Gara read the names that are on the aforementioned law suit.

Fred Mountjoy replied yes

Council Member Gara asked who authorized the law suit in question.

Paul Rizzo advised Fred Mountjoy not to answer the question. He added it is beyond the scope of the Investigative Committees purposes. He commented on the direction of Judge Marconi and the reason Mr. Mountjoy was in attendance. He noted these are questions that go to Trustees relations to me and not questions the Investigative Committee was formed to ask.

Mark Anderson replied you are saying then that the law suit is authorized by individuals and not by the board.

Paul Rizzo replied I am not saying anything, I am just directing my client.

Mark Anderson responded I understand the direction.

Council Member Gara asked a number of questions relating to the above law suit which Paul Rizzo advised Fred Mountjoy not to answer.

Council Member Gara commented the Borough has been asking for the Library Board to meet with them for over a year. She asked do you agree.

Fred Mountjoy replied no.

Council Member Gara asked can you explain why the Board of Trustees refused to come in to discuss their audit and transfer form with the Governing Body.

Fred Mountjoy responded I did go to Mr. Jaxel's office and indicated it was not sufficient time to gather all the information. He added Mr. Jaxel was given information but he did not share it with the Council according to the e-mail that was sent out.

Council Member Gara asked Fred Mountjoy a number of questions relating to paper work filed by Paul Rizzo to the courts and Paul Rizzo advised Fred Mountjoy not to answer.

Council Member Gara suggested the Library Board was aware that the surplus from the Library was to offset the taxes in the community. She added yet the Board of Trustees still declined to come forward.

Fred Mountjoy responded in his opinion the Library Board had returned considerable funds to the Borough to date.

Council Member Gara responded this was not a favor done by the Board this was the law.

Council Member Giraldi commented on the contribution of the Raritan Borough tax payers and State aid the Library will receive as per the 2011 audit. .

Council Member Giraldi noted the Library gets much more money every year than it takes to run the Library.

Fred Mountjoy replied that is why we return money to the Library. He added according to Mr. Jaxel we will lose about \$60,000 this year.

Council Member Gara commented on the 2011 transfer form and 2012 transfer form. She added these numbers should have been caught.

Fred Mountjoy responded they would consult the auditors and have them respond to Mayor and Council.

Council Member Lobell asked whose recommendation was it to switch auditors

Fred Mountjoy replied it was a decision of the Board of Trustees

Council Member Lobell asked what the reason behind the change.

Fred Mountjoy responded a conflict of interest.

Council President Tozzi responded in November 2012 this number was explained with documentation.

Fred Mountjoy replied yes that is correct, just recently.

Council Member Carra asked has the Library Board ever consulted the Borough engineer about any of the vision plan and does anyone else know of your vision plan.

Fred Mountjoy responded no.

Council Member Gara motioned to close the Investigation Committee Hearing seconded by Council Member Carra. Motion carried.

Council Member Gara motioned to open public comments seconded by Council President Tozzi.
 Motioned carried at 8:24pm

PUBLIC COMMENTS

Mayor Liptak read the following:

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.

Richard Yablouski, 267 Weiss Terrace, Raritan, New Jersey 08869: Commented his outrage due to the Library situation. He added they have no auditor or accounts here to answer questions. He commented \$500, 000-\$600,000 owed to the tax payers to defray property taxes. He suggested the Library autonomy has gone far enough and is now unacceptable. He added under no circumstance should the Library be expanded.

Gerry Cicaro 5 Woodmere Street, Raritan, New Jersey 08869: Commented how disappointed she was with the whole thing. She asked who is paying for Mr. Rizzo's time and how much does he charge. She suggested it was strange the Library had no vision until 2010.

Thomas Brown, 18 Elmer Street, Raritan, New Jersey 08869: Suggested Fred Mountjoy is inexperienced and has been misled with the guidelines and rules, but the professionals are not managing things properly. He suggested the change of auditor was for distance from the Borough but the new auditors made major mistakes. He added it has been hard to extract a statement of the shifting of the money because they feel they are entitled. He remarked this is tax payers money and not to be used on pet projects.

Council President Tozzi motioned to close the public comment seconded by Council Member Carra. Motion carried at 8:46pm

CORRESPONDENCE

Mayor Liptak commented on an article form the League of Municipalities about communication.

PURCHASE ORDER REQUEST

Pumping Services, Inc. in the amount of \$3,940.95

Council President Tozzi motioned to approve the above purchase order for \$3,940.95 seconded by Council Member Gara. Motion carried by the following roll call vote.

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

EXECUTIVE SESSION

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

RESOLUTION 2013-02-033

Council Member Lobell motioned to approve the following Resolution 2013-02-033 seconded by Council Member Gara. Motioned 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. Litigation: Trustees of the Raritan Borough Library and Gannett
2. Personnel – Police and Public Works
3. 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	Gara				
		Giraldi				
X		Lobell				
		Soriano				
		Tozzi				

ADJOURNMENT

Council President Tozzi motioned to adjourn the meeting seconded by Council Member Giraldi.
Meeting adjourned at 9:44pm.

Respectfully submitted,

Rayna E. Harris, Borough Clerk

REH/cmd