

**BOROUGH OF RARITAN
REGULAR MEETING
FEBRUARY 26, 2013 ~ 7:00 PM**

The Regular Meeting of the Borough of Raritan Council was held on February 26, 2013 in the Municipal Building, 22 First Street, Raritan, New Jersey 08869 at 7:00pm.

STATEMENT OF PUBLIC NOTICE

Mayor Jo-Ann Liptak presided and stated: This Meeting of the Mayor and Borough Council 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. 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 Administer; Stanley Schrek, Borough Engineer; Mark Anderson, Borough Attorney; Jolanta Maziarz, Alternate Borough Attorney and Rayna E. Harris, Borough Clerk

FLAG SALUTE AND INVOCATION

Council Member Soriano led the flag salute and invocation.

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

Richard Yadlosky, 267 Weiss Terrace, and Raritan, New Jersey 08869: Commented the Library Board issue seems like a very childish contest to him. He added the only people here being hurt are the tax payers. He suggested the Library Board of Trustees should resign and Mayor and Council should start all over.

Mayor Liptak closed the public comments at 7:10 PM.

PROCLAMATIONS

Proclamation

Read Across America

WHEREAS, the citizens of the Borough of Raritan stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Raritan has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 1, 2013, the day before what would have been the 109th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students; and

NOW, THEREFORE, BE IT PROCLAIMED that I, Jo-Ann Liptak, as Mayor of the Borough of Raritan do hereby call on the citizens of the Borough of Raritan to assure that every child is in a safe place reading together with a caring adult on March 1, 2013; and

BE IT FURTHER PROCLAIMED that the Borough of Raritan enthusiastically endorses NEA'S *Read Across America* and *Read Across America-NJ* and recommits our community to engage in programs and activities to make America's children the best readers in the world.

DATED: February 26, 2013

Proclamation

American Heart Month 2013

WHEREAS, February 2013 is American Heart Month and February 1st is National Wear Red Day; and

WHEREAS, every 39 seconds someone in the United States dies from heart disease and every 59 seconds a women dies from heart disease; and

WHEREAS, heart disease is the No. 1 killer of women: mothers, sisters, daughters, friends; and

WHEREAS, one in 31 American women dies from breast cancer each year, heart disease causes one in three deaths each year; and

WHEREAS, heart disease is the number one cause of death for both men and women, exceeding all forms of cancer combined in the United States, claiming approximately 1 million lives annually; and

WHEREAS, since 1984, more women than men have died each year from heart disease and the gap between men and women's survival continues to widen; and

WHEREAS, the American Heart Association's Go Red for Women movement has been impacting the health of women for 10 years, more than 627,000 women have been saved from heart disease, and 330 fewer women are dying per day; and

WHEREAS, the risk factors for heart disease include diabetes mellitus, high cholesterol, high blood pressure, overweight/obesity, physical inactivity and poor nutrition; and

WHEREAS, the chance of developing heart disease can be reduced by taking steps to prevent and control factors that put people at greater risk; and

WHEREAS, a healthy diet and lifestyle are the best weapons to fight heart disease; and

NOW, THEREFORE, BE IT PROCLAIMED that I, Jo-Ann Liptak, Mayor of the Borough of Raritan, do hereby support *National Wear Red Day* on February 1, 2013 and the month of February 2013 as *American Heart Month* in the Borough of Raritan.

DATED: February 26, 2013

APPOINTMENTS

Mayor Liptak made the following Appointments:

Appointments by the Mayor

Bridgewater / Raritan Municipal Alliance for Prevention of Alcoholism and Drug Abuse

Donald Tozzi, Council President 1/1/13 to 12/31/15
 Daniel Jaxel, Borough Administrator 1/1/13 to 12/31/15

Appointments by the Mayor with Consent of the Borough Council

Library Board of Trustees

Sharon Forte 1/1/13 to 12/31/17 (Unexpired term)
 Debra Thomas 1/1/10 to 12/31/14 (Unexpired term)

Council President Tozzi motioned to approve the above Appointments for the Library Board of Trustees seconded by Council Member Gara. 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			

APPROVAL OF MINUTES

Special Meeting - September 18, 2012

Council Member Gara motioned to approve September 18, 2012 Special Meeting Minutes 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			

ORDINANCES: PUBLIC HEARING AND ADOPTION

Ordinance 2013-02

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”

Council Member Lobell motioned to open the public hearing seconded by Council Member Carra. Motion carried.

Council Member Gara asked if this ordinance will remove the fifteen minute parking spaces.

Mayor Liptak replied yes it will.

Council Member Lobell added it opens up spaces on the south side of Somerset Street.

Council Member Gara replied this has opened up parking spots on Nevis Street.

Ordinance 2013-02

Council Member Lobell motioned to close the public comments seconded by Council Member Carra. Motion carried.

Ordinance 2013-02

Council Member Giraldi motioned to adopt **Ordinance 2013-02** seconded by Council Member Lobell. 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”

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 it may have been heretofore amended be further amended as follows:

SECTION ONE:

Chapter 82, Part 3, entitled “Permit Parking”, is hereby replaced in its entirety with the following:

Part 3
Permit Parking

§82:3-1. Definitions.

The following words and phrases shall have the indicated meanings in this Part 3 unless a contrary intent clearly appears:

Code shall mean the Code of the Borough of Raritan of 2012.

Permit Parking Area shall mean the area encompassing all of the streets and parts of streets designated in the permit parking schedule in this Part 3.

Permit Parking Street shall mean a street or a part of a street designated in the permit parking schedule in this Part 3.

Resident Parking Permit shall mean a permit issued pursuant to this Part 3.

§82:3-2. Parking restricted.

No vehicle shall be parked on the streets or parts of streets designated in the permit parking schedule in this Part 3 during the hours and days designated in that permit parking schedule unless:

- A. The vehicle is registered to a resident of that street, and the vehicle has displayed on its left rear window in such a manner as to be clearly visible to an officer a current Resident Parking Permit for that street; or
- B. The vehicle falls under one of the exemptions established in this Part 3.

§82:3-3. Exemptions.

The following vehicles shall be exempt from the parking restrictions of this Part 3:

- A. A contractor, service or delivery vehicle bearing the name and address of a commercial business may park on a Permit Parking Street without a permit during the time the vehicle is in actual use rendering service to a residence within a reasonable distance of the Permit Parking Street.
- B. A marked emergency public works, communications or public utility vehicle may park on a Permit Parking Street without a permit during the time the vehicle is in actual use rendering service or repairs within a reasonable distance of the Permit Parking Street.

§82:3-4. Permit Administration and Validity.

- A. Application for a Resident Parking Permit under this Part 3 shall be made in writing on forms provided by the Borough Clerk or such other person as may be designated by the Borough Council. The permit fee shall be \$1 per calendar year or part thereof for each vehicle. A Resident Parking Permit valid for the resident's street of residence shall be issued by the Borough Clerk for every vehicle owned by a person who is a *bona fide*

permanent resident in a dwelling on a lot with frontage on a Permit Parking Street.

- B. Every Resident Parking Permit shall expire at the end of the calendar year in which issued or when the person to whom the Resident Parking Permit has been issued ceases to be a *bona fide* permanent resident as required by subsection An above, whichever first occurs.

§82:3-5. Does not Supersede Other Regulations.

This Part 3 does not supersede other provisions of the Code. Any streets which are affected by this Part 3 which are also restricted by other parts of the Code concerning limitation of parking or parking within specified hours or parking for a specified time limit shall continue to be so restricted.

§82:3-6. Emergency Suspension of Permit Parking.

The Chief of Police, or in his absence the ranking police officer, is authorized to suspend the restrictions of this Part 3 when weather conditions, accidents, public celebrations or other emergencies require.

§82:3-7. Violations and Penalties.

- A. Any person who shall violate the provisions of this Part 3 shall be punished by a fine not to exceed \$200 per day or part thereof. Any person convicted of a subsequent violation of this Part 3 within one year shall be subject to the enhanced fine authorized by N.J.S.A. 40:49-5. Any vehicle that is improperly parked in violation of this Part 3 may be removed and towed and impounded, and the costs for towing, impounding and storage shall be the responsibility of the owner of the vehicle. No impounded vehicle shall be returned to the owner until the costs of towing, impounding and storage are paid in full.
- §82:3-8. Permit Parking Schedule.

Parking by permit only is effective on the following streets or parts of streets on the days and between the hours listed:

Name of Street	Side	Location	Hours and Days
Anderson Street 2 hours		Both	From Somerset Street to Route 202 8:00 a.m. through 4:00 p.m. Monday - Friday

Bell Avenue 2 hours	Both	From Anderson Street to Victoria Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Church Street 2 hours	Both	Between First Street and Second Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Colfax Street 2 hours	Both	From Thompson Street to Lincoln Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Farrand Street 2 hours	Both	From North Second Avenue to North Gaston Avenue	8:00 a.m. through 4:00 p.m. Monday - Friday
Fifth Street 2 hours	Both	From Anderson Street to First Avenue	8:00 a.m. through 4:00 p.m. Monday - Friday
First Street 2 hours	Both	Between First Avenue and Anderson Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Gaston Avenue 2 hours	Both	Between Burns Street and Johnson Drive	8:00 a.m. through 4:00 p.m. Monday - Friday
LaGrange Street 2 hours	Both	From Thompson Street to Coddington Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Nevius Street 2 hours	Both	Between Somerset Street and Orlando Drive	8:00 a.m. through 4:00 p.m. Monday - Friday

North Second Avenue 2 hours	Both	From Route 202 to Railroad Tracks	8:00 a.m. through 4:00 p.m. Monday - Friday
Railroad Avenue 2 hours	North	From the westerly curbline of Thompson Street to a point 162 feet west of said curbline, as Railroad Avenue enters and continues into Municipal Parking Lot Number 2	8:00 a.m. through 4:00 p.m. Monday - Friday
Railroad Avenue 2 hours	North	Between Thompson Street and Victoria Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Second Avenue 2 hours	Both	From First Street to Second Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Second Avenue 2 hours	East	From Third Street to Railroad Tracks	8:00 a.m. through 4:00 p.m. Monday - Friday
Second Avenue 2 hours	West	From Second Street to Railroad Tracks	8:00 a.m. through 4:00 p.m. Monday - Friday
Second Street 2 hours	Both	Between Thompson Street and First Avenue	8:00 a.m. through 4:00 p.m. Monday - Friday
Sherman Avenue 2 hours	Both	From Anderson Street to Southwick Street	8:00 a.m. through 4:00 p.m. Monday - Friday
Third Street 2 hours	Both	From First Avenue to Second Avenue	8:00 a.m. through 4:00 p.m. Monday - Friday

Thompson Street 2 hours	Both	Between Route 202 and Canal Street	8:00 a.m. through 4:00 p.m. Monday – Friday
Tillman Street	Both	Between First Avenue and North Gaston Avenue	8:00 a.m. through 4:00 p.m. Monday - Friday
Victoria Street	Both	From Railroad Avenue to Frelinghuysen Ave	8:00 a.m. through 4:00 p.m. Monday - Friday
Wall Street	Both	Between First Street and Somerset Street	8:00 a.m. through 4:00 p.m. Monday – Friday:

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			
		Gara	X			
X		Giraldi	X			
	X	Lobell	X			
		Soriano	X			
		Tozzi	X			

Ordinance 2013-03

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

Council Member Giraldi motioned to open the public hearing seconded Council Member Lobell. Motioned carried.

No one spoke

Ordinance 2013-03

Council President Tozzi motioned to close the public hearing seconded by Council Member Lobell. Motion carried.

Ordinance 2013-03

Council Member Giraldi motioned to adopt **Ordinance 2013-03** seconded by Council Member Lobell. Motion 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**

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:

Article II entitled "Poolrooms" is hereby added to Chapter 87 as follows:

87-13. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

POOL TABLE OR BILLIARD TABLE - Any equipment, device or table on which games commonly known as pool or billiards, or any derivative thereof, are or may be played, whether mechanically, manually or coin operated.

POOLROOM OR BILLIARD ROOM – Any public room, place, compartment, parlor, hall or other premises in which one or more pool tables or billiard tables, or any combination thereof, are kept, maintained or operated for use by the general public.

87-14. License required.

It shall be unlawful for any person or entity to keep, maintain, hold out, or permit the use and operation of any poolroom or billiard room within the Borough unless a license shall first have been obtained.

87-15. License Application

An application for a poolroom or billiard room license shall be submitted annually to the Borough Clerk on an application form prescribed by the Borough Clerk.

All license fees shall be paid at the time of the filing of the application and shall be payable to the Borough of Raritan.

87-16. License Issuance

The Borough Clerk shall promptly issue a poolroom or billiard room license upon receiving a complete application together with the prescribed license fees.

87-17. Term of License; fees.

All licenses issued hereunder shall be issued for a term of one year from the first day of January in each year and expire on December 31 in the year of issue. The amount of the annual license fee shall be \$100 for each pool table or billiard table. No license fee or any part thereof shall be refundable once the license has been duly issued.

87-18. Conditions; restrictions; regulations.

All poolrooms or billiard rooms shall be subject to the following conditions:

- A. The license or licenses herein required shall be posted permanently and conspicuously in the premises wherein the pool tables or billiard tables are to be operated or maintained.
- B. No license granted in accordance with this Article shall be transferable.
- C. All poolrooms and billiard rooms shall be closed from 12:00 midnight Saturday until 6:00 a.m. Monday.
- D. No gambling of any kind shall be permitted in any poolroom or billiard room.

87-19. Revocation of license.

A license issued under this Article may be revoked by the Borough Council if, after a public hearing, the holder of the license is found to have violated the provisions of this Article or the laws of the State of New Jersey. Ten days' advanced written notice of said hearing, setting forth the alleged violations, shall be mailed to the holder of the license.

87-20. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a term not exceeding 40 days, at the discretion of the Magistrate, who shall impose the penalty, together with the cost of prosecution.

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			
		Gara	X			
X		Giraldi	X			
	X	Lobell	X			
		Soriano	X			
		Tozzi	X			

RESOLUTION

2013-02-034

Council Member Lobell motioned to adopt **Resolution 2013-02-034** seconded by Council President Tozzi. Motion carried by the following roll call vote.

2013 SPECIAL TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to general appropriations to meet invoices and no adequate provision has been made in the 2013 temporary appropriations for the aforesaid purpose, and N.J.S.AA.40A:20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year of 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40:4-20) including this resolution will total \$9,542,296.14; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan, Somerset County, State of New Jersey that in accordance with the provisions of N.J.S.40A4-20, the appropriations are hereby made to provide a cumulative temporary budget total not to exceed \$9,542,296.14; and

BE IT RESOLVED that said emergency appropriations will be provided for in the 2013 budget under the appropriate budget line items; and

BE IT FURTHER RESOLVED that one certified copy of this Resolution is filed with the Director of the Division of Local Government Services.

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

RESOLUTION 2013-02-035

Council Member Lobell motioned to adopt **Resolution 2013-02-035** seconded by Council Member Gara. Motion carried by the following roll call vote.

SUPPORTING IMPLEMENTATION OF ONE SEAT RIDE SERVICE ON THE RARITAN VALLEY LINE

WHEREAS, all Raritan Valley Line trains currently terminate at Newark Penn Station and riders destined for midtown Manhattan and Penn Station New York must transfer trains; and

WHEREAS, the Raritan Valley Line is one of NJ TRANSIT's major rail lines, carrying almost 12,000 riders per weekday; and

WHEREAS, the Raritan Valley Rail Coalition has advocated for one seat ride service to midtown Manhattan on NJ TRANSIT's Raritan Valley Line since 1998; and

WHEREAS, NJ TRANSIT is acquiring 36 dual powered (diesel and electric) locomotives and is currently testing them in a variety of settings prior to permanent deployment; and

WHEREAS, these dual-powered locomotives would offer the Raritan Valley and other currently diesel lines a one seat ride option through the Hudson River passenger rail tunnels into Penn Station in midtown Manhattan; and

WHEREAS, NJ TRANSIT has not indicated what process it will follow in determining the permanent deployment of these dual powered locomotives;

WHEREAS, New York City is connected to the global economy in unique ways, continues to experience substantial job growth and its jobs pay higher median wages than those in New Jersey; and

WHEREAS, Hudson River Crossings have increased significantly in recent decades, and fast and efficient commuter service to New York City is a critical factor in making an attractive place for Manhattan workers to locate; and

WHEREAS, studies across the United States have demonstrated that proximity to high quality transit is associated with increased property values; and

WHEREAS, a recent study by the Regional Plan Association estimated that one seat ride service would lead to a 15% (35.1 minutes) reduction in commuting times on the Raritan Valley Line by eliminating the need for a transfer at Newark Penn Station; and

WHEREAS, the same study by the Regional Plan Association estimated that every minute saved on the morning commute to Manhattan increases nearby home values by \$3,000; and

WHEREAS, reduced train travel times to midtown Manhattan will increase the reliability of Raritan Valley Line, increase the attractiveness of train travel on the line, and boost home values in proximity to the line; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Raritan, Somerset County, State of New Jersey calls upon NJ TRANSIT to undertake a transparent process for permanent deployment of the dual powered locomotives,

AND, BE IT FURTHER RESOLVED THAT NJ TRANSIT, with all deliberate speed, permanently deploy dual-powered locomotives to the Raritan Valley Line to allow for one seat service for: all trains operating during weekday off-peak hours; all trains operating on weekends, and an equitable allocation of peak period trains (morning and evening).

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

RESOLUTION 2013-02-036

Council Member Gara motioned to adopt **Resolution 2013-02-036** seconded by Council President Tozzi. Motion carried by the following roll call vote.

**OPPOSING SENATE BILL 2511 AMENDMENTS TO
OPEN PUBLIC MEETINGS ACT**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the Borough Council of the Borough of Raritan agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and

runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to lay off municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough Council of the Borough of Raritan, Somerset County, State of New Jersey for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Raritan does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the Legislators of the 23rd State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

RESOLUTION 2013-02-037

Council Member Lobell motioned to adopt Resolution 2013-02-037 seconded by Council Member Giraldi. Motion carried by the following roll call vote.

RAILROAD MONTHLY PARKING REFUND

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

WHEREAS, the purchasers 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 Financial Officer is hereby authorized to refund monthly railroad decal sticker payment to the following purchasers:

1. Bhargau Vijapur, 870 North Branch Road, Bridgewater, NJ 08807
February to December 2013 - \$440.00
2. Ellen E. McIntyre, 506 Azalea Terrace, Bridgewater, NJ 08807
February to June 2013 - \$200.00

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

RESOLUTION 2013-02-038

Council Member Gara motioned to adopt Resolution 2013-02-038 seconded by Council President Tozzi. Motion carried by the following roll call vote.

AMUSEMENT GAMES LICENSES

WHEREAS, Amusements Games including electronic games, video games, and jukeboxes/ music boxes License applications have been filed for the period of January 1, 2013 through December 31, 2013; and

WHEREAS, the Clerk has reported that the proper fees have been paid; and

WHEREAS, that the Police Department has submitted their investigation findings and recommendations with no objections to the applications;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Raritan, in the County of Somerset, State of New Jersey hereby approves licenses for the following applicants:

1. Some Place Else, 76 First Avenue, Raritan, NJ: 1 Jukebox; 1 Videogame
2. Michael's Inn, 46 Thompson Street, Raritan, NJ: 1 Jukebox; 1 Videogame
3. Raritan Moose Lodge #1965, 54 Second Street, Raritan, NJ: 1 Jukebox
4. DeCicco's Tavern, 10 Anderson Street, Raritan, NJ: 1 Jukebox

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

Discussion on Bills List:

Council Member Lobell asked in pumping services, if an alarm goes off in Cardinal Woods do we pay \$1,000 each time.

Daniel Jaxel replied it depends on the nature of the alarm. He added a high wind alarm is and error it should be high water alarm.

Stanley Schrek replied there is no one else to maintain the system. He added not staffed at DPW with a sewer crew.

Council Member Lobell suggested we look at these bills. He added every time the alarm goes off we are billed for that.

Daniel Jaxel replied every time an alarm goes off it will cost at least \$500. He added the Borough has been using their services for over twenty years.

Council Member Lobell would like to know what they did on these calls. He added just asking if this is excessive.

Mayor Liptak asked looking into shared services or an inter local would be a good idea.

Stanley Schrek replied yes we could look into that, maybe Somerville.

APPROVAL OF BILLS LIST

Council Member Carra motioned to approve the Bills List seconded by Council Member Soriano. Motion carried by the following roll call vote.

APPROVAL OF BILLS LIST

BE IT RESOLVED that claims in the amount of \$2,874,645.10 having been listed on the Bills List and recorded in the files of the Borough Hall, and are hereby approved to be paid.

Dated: February 26, 2013

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

PURCHASE ORDER REQUESTS

1. Dell, Inc. in the amount of \$4,190.70

Council Member Lobell motioned to approve the above purchase order request for \$4,190.70 seconded by Council President Tozzi. Motion 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			

2. Spatial Data Logic in the amount of \$2,200.00

Council Member Lobell motioned to approve the above purchase order request for \$2,200.00 seconded by Council Member Gara. Motion 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

Department of Public Works

Council President Tozzi reported Daily Time Sheets will be used to help keep projects and times for projects organized. He added this will also keep us aware of what is going on in DPW.

Stanley Schrek added eventually the tasks can be coded.

Police Department

Council Member Gara noted the monthly activity report for February is located at the Police Department and with the Borough Clerk.

Economic Development Committee

Council Member Gara noted the Committee has restructured and they are very excited to be a part of the Orlando Drive and redevelopment. She added they have a number of new members.

Board of Health

Council Member Carra gave the report for Vital Statistics for the month of January 2013. She commented the Free Rabies Clinic on January 12, 2013 at the North Thompson Street Fire House was a huge success. She noted Lucille Talbot, Regional Chronic Disease Coordinator will speak to the Board of Health on April. She added Rayna Harris will join the Board as secretary.

Environmental Commission

Council Member Soriano thanked Council Member Gara for all her work last year and help with the Sustainable Jersey Certification and Green Check List.

Recreation

Council Member Lobell commented softball enrollment has been low they will be doing a door to door drop off opening day will be April 20, 2013. He added fall Cheerleading Program will be started and have seventeen registrations at present. He congratulated Albert Bartocci, Chairperson and Lisa Snyder, Vice Chairperson for the Recreation Department. He offered the adult and youth basketball teams have large participation.

Mayor Liptak commented Edward Danbury would like to place a static display on the land between Thompson Street and DPW. She added he has acquired vintage equipment from World War II which was used in the Pacific and Band of Brothers. She remarked Governor Christie spoke about State aid assistance remaining the same in his recent speech. She noted the attendees at the Mayors Round Table last week were surprised to hear about the Gannett Case.

OLD BUSINESS

Basilone Parade

Council President Tozzi commented there was an email received from Edward Danbury requesting to sponsor the Basilone Parade. He added Council will need to make a discussion.

Trees on Main Street

Council President Tozzi commented there is an issue with the tree service.

Mayor Liptak commented her concern about a potential safety and liability issue with the present company being used.

Stanley Schrek asked if there was a certification of Insurance.

Daniel Jaxel replied will check file usually get this annually.

Council Member Giraldi suggested calling Rutgers Agricultural Cooperative to come in and look at the trees.

Daniel Jaxel offered to speak with tree service about safety and having the proper equipment also the time issue.

Stanley Schrek added the next time there is a project of this kind we need to have a pre-job meeting to discuss all the particulars.

Liaison Assignments

Council Member Lobell noted he and Council President Tozzi switched liaison assignments. He added Council President Tozzi, Historical and Cultural and he Recreation.

Mayor Liptak responded that was with my approval.

NEW BUSINESS

Council Member Gara asked for quotes on new microphones and audio system for the Court Room/Council Chambers.

Council President Tozzi commented the calendars will be mailed out to all residents this year. He added they should be in the mail the third of March and should be in homes by the beginning of April.

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 Yadlosky, 267 Weiss Terrace, Raritan, New Jersey 08869: Commented contacting Rutgers Agricultural Cooperative is an excellent suggestion to review the trees on Somerset Street. He suggested the Library is grossly wrong in their action they should end their suit. He

added it would be a better idea to sell off all the books and shut the Library down and use the building as what it was a historical site.

Thomas Brown, 18 Elmer Street, Raritan, New Jersey 08869: Suggested placing flyers at the Library for Recreation programs. He added there are a large amount of children and teens that go to the Library.

EXECUTIVE SESSION

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

RESOLUTION 2013-02-039

Council Member Gara motioned to approve the following **Resolution 2013-02-039** seconded by Council President Tozzi. Motion carried by the following roll call vote at 8:06 PM.

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. 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			
		Lobell	X			
		Soriano	X			
	X	Tozzi	X			

Council Member Lobell motioned to adjourn the Executive Session and to return to the normal order of business, seconded by Council President Tozzi. Motion carried.

ADJOURNMENT

Council Member Gara motioned to adjourn seconded by Council President Tozzi. Motion carried at 9:28 PM.

Respectfully submitted,

Rayna E. Harris, Borough Clerk

REH/cmd