

**BOROUGH OF RARITAN
AGENDA-WORKSHOP MEETING**

The Agenda-Workshop Meeting of the Borough of Raritan Council was held on March 11, 2014 in the Municipal Building, 22 First Street, Raritan, New Jersey 08869 at 7:00PM.

STATEMENT OF PUBLIC NOTICE

Council President Tozzi read the following notice: 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 March 3, 2014. Copies of notices were also 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, Paul Giraldi, Andrew Sabilia and Donald Tozzi

Absent: Stefanie Gara, Greg Lobell

Also Present: Daniel Jaxel, Borough Administrator; Stanley Schrek, Borough Engineer; Richard Wenner, Borough Attorney; Kenneth McCormick, Borough Police Chief and Constance M. Del Rocco, Deputy Borough Clerk

FLAG SALUTE

Council Member Carra led the flag salute.

RESOLUTIONS

RESOLUTION 2014-03-059

Council Member Sabilia motioned to approve Resolution 2014-03-059, seconded by Council Member Giraldi. Motion approved by the following roll call vote.

**RESOLUTION AUTHORIZING EXECUTION OF AN
AFFORDABLE HOUSING AGREEMENT BRIDGE WALK,
LLC AND ATA DEVELOPERS INC**

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. as amended (the “Act”), the regulations adopted by the Council on Affordable Housing (hereinafter “COAH”), and other applicable laws, require all New Jersey municipalities to create a realistic opportunity for the provision of affordable housing; and

WHEREAS, ATA Developers, Inc. (“Developer”) filed a lawsuit entitled ATA Developers v. Planning Board of the Borough of Raritan Docket No. SOM-L-676-10 (the “Action”) wherein the Developer sought a reversal of the Raritan Planning Board’s denial of the Developer’s application to convert a previously approved age-restricted development to a non-age restricted development; and

WHEREAS, it was agreed to settle the Action pursuant to the terms of a Consent Order for Remand to Planning Board with terms of settlement attached (the “Settlement”); and

WHEREAS, the Developer proposes to develop property known as Block 31, Lots 6, 7 and 14 on the Borough of Raritan tax maps with frontage on Route 202 South (the “Proposed Development”); and;

WHEREAS, the Proposed Development will provide a 20% affordable component (73 units) in one building that will be located on Block 31, Lot 14.1 (the “Affordable Units”); and

WHEREAS, Bridge Walk, LLC, the Owner of Block 31, Lots 6, 7 and 14, the Developer and the Borough of Raritan (collectively, the “Parties”) desire to enter into an Affordable Housing Agreement (“Agreement”) whereby the rights and obligations of the Parties are set forth relative to the Affordable Units.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, that the Mayor is hereby authorized to execute the Affordable Housing Agreement as described above.

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

RESOLUTION 2014-03-060

Council Member Sibilia motioned to approve Resolution 2014-03-060, seconded by Council Member Carra. Motion approved by the following roll call vote.

**A RESOLUTION OF THE BOROUGH OF RARITAN,
COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROVING THE TERMS OF
A CONTRACT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS
BY AND BETWEEN BRIDGE WALK, LLC AND PIAZZA & ASSOCIATES**

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*, hereinafter the “Act”), the Borough of Raritan, Somerset County (the “Borough”) is implementing a program to provide affordable housing units to low and moderate income households desiring to live within the Borough; and

WHEREAS, Bridge Walk, LLC (“Owner”) is constructing 73 low and moderate income rental units (the “Affordable Units”) as part of a planned rental complex, known as Stone Bridge at Raritan (the “Property”), which will be located in the Borough; and

WHEREAS, the Owner sought an experienced, qualified firm to review and approve, on its behalf, the rental of the Affordable Units at the Property, the income qualifications, the

affirmative marketing of the Owner and to perform the other duties required by administrative agents under the Act and the regulations promulgated to implement the provisions of the Act; and

WHEREAS, Piazza & Associates (“P&A”) is an experienced firm that provides affordable housing services and proposes to function as the Administrative Agent for the Affordable Units, pursuant to N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, P&A has submitted a proposal to the Owner providing that P&A’s duties will include implementing the affirmative marketing plan of the Borough, implementing a veterans’ preference as allowed by law, certifying all applicants of affordable housing according to COAH guidelines, establishing and maintaining affordability controls, preparing an operating manual, providing annual reports to a designated authority as required, and establishing and maintaining a database of applicants for affordable housing, as required; and

WHEREAS, the Owner desires the Borough to approve of the selection of P&A as the Administrative Agent and its duties and obligations as set forth in the Contract for the Administration of Affordable Housing Units by and between Bridge Walk, LLC and Piazza & Associates.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, that the Contract for the Administration of Affordable Housing Units and the selection of Piazza & Associates as Administrative Agent is hereby approved.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute said Contract in order to indicate the Borough’s approval thereof.

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

RESOLUTION 2014-03-061

Council Member motioned to approve Resolution 2014-03-061, seconded by Council Member. Motion approved by the following roll call vote.

A RESOLUTION OF THE BOROUGH OF RARITAN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPOINTING MARGUERITE SCHMITT AS MUNICIPAL CLERK

WHEREAS, the Borough of Raritan (“Borough”) has a vacancy in the position of municipal clerk; and

WHEREAS, the Borough has a need to appoint a new municipal clerk; and

WHEREAS, the governing body has conducted a thorough application and interview process; and

WHEREAS, the governing body of the Borough believes that Marguerite Schmitt is the most qualified candidate and desires to appoint Ms. Schmitt as municipal clerk for the Borough; and

WHEREAS, this appointment is authorized pursuant to N.J.S.A. 40A:9-133.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, that Marguerite Schmitt is hereby appointed, pending successful completion of a background check, as the municipal clerk for the Borough of Raritan for a three-year term with salary for this full time position of \$58,500.00 effective April 7, 2014.

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

RESOLUTION 2014-03-062

Council Member Carra motioned to approve Resolution 2014-03-062, seconded by Council Member Giraldi. Motion approved by the following roll call vote.

BUDGET TRANSFER

WHEREAS, the Local Budget Law, N.J.S.A. 40A:4, provides for the transfer of funds between current year budget appropriations, should it be deemed necessary, from November 1 of the current year through the first three months of the subsequent year; and

WHEREAS, it has become necessary for one such transfer to be made at this time

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan that the Chief Financial Officer is hereby authorized and directed to transfer the amounts listed below, to and from the appropriations listed hereafter.

<u>From Account</u>	<u>Account No.</u>	<u>Amount</u>
Sanitation, OE	3-01-26-305-001-292	\$1,572.80

<u>To Account</u>	<u>Account No.</u>	<u>Amount</u>
PFRS	3-01-36-475-001-279	\$1,572.80

Total \$1,572.80

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

PURCHASE ORDER

- 1 Annual Renewal of Infocop Software \$1,575.00

Council Member motioned to approve the above purchase order in the amount of \$1,575.00, seconded by Council Member. Motion carried by the following roll call vote.

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

DISCUSSION

ENGINEER’S REPORT

Orlando Drive Planning Implementation

We have started the field survey of the Block 116.02, Lot 11, mapping the necessary information required for NJDEP permit application. Field survey is proceeding, as weather/snow pack permits.

We have prepared a cost projection of funds required to secure all LURP permitting to enable an Open Air Market on the entire lot. It is suggested that a separate work session be scheduled to discuss how the Council wishes to proceed with this project

Johnson Drive

We have been in communication with a contractor referred by the bonding company who was inquiring into the scope of work required to complete Johnson Drive. This is a huge step

forward. I trust that the legal issues are resolved and we can proceed with project completion during our lifetime.

Sanitary Sewer Mapping

We are consolidating all the past video inspection mapping and adding very old mapping that DPW has maintained. The Borough does not have accurate/complete sewer mapping. The end product will be a complete map of the entire Borough sanitary sewer system.

Fifth Street Sidewalks

Plans are now complete. We will be sending letters to homeowners fronting the project area.

2012 Sewer Repairs

National Water main is proceeding, now, with completion of the project utilizing formed in place liners. The project is addressing required repairs discovered during video analysis of the pipes in the vicinity of Canal Street and the Zeus property.

2013 CDBG Applications

Applications are due later this month. It is suggested that we prepare an application requesting funding for continued sidewalk repairs within the CD area.

Nevius Street Bridge Lighting

We are working with a lighting vendor and have selected fixtures and approved a suggested lighting plan for the bridge. The vendor will prepare computer enhanced photos of the bridge which we will utilize in an application to the State Historic Preservation Office. Prior to submission, I will present the plans and application to Mayor and Council.

Orlando Drive, Phase 2

We have yet to set a start date. We will advise once this is firmed up with the contractor.

Employee Reimbursement-Police Department

Daniel Jaxel explained the reason for reimbursement of funds to the two Police Officers. No objections were noted.

Fence on Orlando Drive-Along Bryger Property

Stanley Schrek suggested a wire fence in this area because it is a flood zone. He added we will need to establish the property line.

Budget Meeting

Discussion on March 25th Regular Meeting

2014 Community Development Application

Daniel Jaxel noted the Learning Gate Preschool, 816 Old York Road has an application for mulch under their playground equipment \$52,000 and replacement windows for \$27,000. He added the public has a right to comment on the propose application. He noted this is a grant so there are usually no problems.

Private Party at Frelinghuysen Park-Petting Zoo

Daniel Jaxel noted Recreation has asked if a few animals would be allowed in the park for a private party being held by a resident. He added these animals would be supervised. He suggested more information should be received about insurance.

Council Member Sibilias suggested we would need to know the number and type of animals would be allowed in the park. He asked who would clean up after the animals.

Council Member Giraldi asked what the time frame was for the party.

Revolving Housing Rehabilitation Loan Lien

Daniel Jaxel noted this would be discussed in Executive Session

Rules for Trailer-Public Works

Council Member Sibilias suggested the trailer is owned by the Borough and should be decided by the Borough what types of emergencies it would be occupied by DPW. He added there should be two persons to hold the keys to the trailer.

Daniel Jaxel noted the Police should have one key and he would have the second key. He suggested the trailer should be used in emergencies such as flooding/snow.

Council Member Sibilias suggested the Council should be aware if anyone is occupying the trailer.

CDL-Follow up, Job descriptions-Public Works

Council Member Sibilias suggested all the members of Department of Public Works should have a Commercial Driver's License.

Richard Wenner suggested if certain members of the department are going to be discussed they should sign a RICE Notice.

Council Member Tozzi agreed all members should have a CDL if it is in their contract. He suggested looking at the contracts.

Council Member Carra noted in the laborers contract a CDL is not needed.

Driver Abstracts-Public Works

Council Member Sibilias suggested all employees that drive any equipment belonging to the Borough should have a driver abstract.

Daniel Jaxel noted the insurance company has the driver license. He suggested speaking with the Chief of Police.

Kenneth McCormick replied the driver history comes from the Division of Motor Vehicles in Trenton.

Resolution calling on Legislature to Make Permanent the 2% Cap on Interest Arbitration Awards

Daniel Jaxel noted this is being pushed by the League of Municipalities. He added they are hoping that if all Municipalities approve the Resolution this will be passed.

RESOLUTION 2014-03-064

Council Member Giraldi motioned to approve Resolution 2014-03-064, seconded by Council President Tozzi. Motion carried by the following roll call vote.

RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT THE 2% CAP ON INTEREST ARBITRATION AWARDS

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to Further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2%Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Raritan Borough strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of Raritan Borough’s State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

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

CORRESPONDENCE

Council Member Sibilia noted sign up for softball is still going on. He added Board of Education is still looking for a Superintendent.

Council President Tozzi commented that Mayor Anthony De Cicco performed his first marriage ceremony at Borough Hall. He thanked DPW, John Paternoster and the Manville DPW for all their work with snow removal on Somerset Street. He asked Daniel Jaxel to send a letter to Manville DPW for the equipment and personnel they sent to help with no charge to the Borough. He noted the bike race will be running on Memorial Day with one exception, it will be called the John Basilone Memorial Bike Race.

Council President Tozzi motioned to approve the Somerset Steeple Chase Foundation, Inc. to sponsor the Duck Race, seconded by Council Member Carra. Motion carried by the following roll call vote.

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

PUBLIC COMMENTS

Council President Tozzi read the following:

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. Please direct all questions or comments to the Mayor. Impertinent, specious, or personal remarks are inappropriate and anyone who cannot follow common rules of courtesy or who becomes boisterous may be asked to leave the meeting room. 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.

James Foohey, 710 Rhine Blvd., Raritan, New Jersey 08869: Commented the NJ hatchery will be dumping 21,000 trout just in time for opening day. He suggested the area is going to be crazy and there will not be enough parking along the river in the Borough.

Stanley Schrek noted he will speak with the Chief of Police about the possible parking problems.

James Foohey asked if the Golf Range was going to remain as a business in Raritan.

Richard Wenner replied this will be discussed, but no action has been taken at this time.

Erica Patente, 47 East Somerset Street, Raritan, New Jersey 08869: Asked if there would be a restriping of parking areas on Somerset Street.

Stanley Schrek replied Somerset County is looking into a few parking issues in the area and this should also apply.

Michael Patente, Glaser Ave, Raritan, New Jersey 08869: Commented at a previous meeting we spoke about looking at the whole town parking areas because some areas are dangerous. He added there are a lot of areas that need to be reevaluated. He suggested if we are going to do a flea market why other areas were not looked at, we are trying to get more businesses in Town not to put a current business in Town out of business. He noted we are trying to get more business on Orlando Drive the \$50,000 that would be paid in fees to help our Main Street which is dying.

Richard Yadlosky, 267 Weiss Terrace, Raritan, New Jersey 08869: Commented there should be two Public Comments in each of the Council Meetings. He added the Borough should not be wasting paper.

Anthony De Cicco, 10 Anderson Street, Raritan, New Jersey 08869: Commented about the Marriages he is performing in the Borough's Municipal Building. He welcomed Marguerite Schmitt, the new Municipal Clerk starting April 7, 2014.

EXECUTIVE SESSION

Council President Tozzi read the following Resolution in public to enter into an Executive Session.

RESOLUTION 2014-03-063

Council Member Giraldi motioned to approve Resolution 2014-03-063, seconded by Council Member Sibilia. Motion approved 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 the meeting shall be resumed at the end of the 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. Contract Negotiations-Golf Range Lease

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				X
X		Giraldi	X			
		Lobell				X
	X	Sibilia	X			
		Tozzi	X			

Council Member Giraldi motioned to adjourn the Executive Session and return to the normal order of business, seconded by Council Member Sibilia. Motion carried at 8:26pm.

ADJOURNMENT

Council Member Giraldi motioned to adjourn, seconded by Council Member Sibilia. Motion carried at 8:30pm.

Respectfully submitted,

Constance M. Del Rocco, Deputy Borough Clerk