

June 24, 2014
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor Liptak at 7:00p.m. The meeting was held in the Meeting Room of the Raritan Borough Municipal Building at 22 First Street, Raritan, NJ 08869.

Mayor Liptak announced that the meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were sent to The Courier News and the Star Ledger on March 3, 2014. 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.

ROLL CALL

Present: Councilwoman Gara, Councilman Giraldi, Councilman Lobell, Councilman Sibilia, Council President Tozzi

Absent: Councilwoman Carra

Also Present: Mayor Liptak, Borough Attorney Wenner, Borough Engineer Schrek, Borough Administrator Jaxel, Lieutenant Ludwig, Borough Clerk Schmitt

FLAG SALUTE AND INVOCATION

Councilwoman Gara led the invocation and flag salute.

PUBLIC COMMENT

None.

EXECUTIVE SESSION

Mayor Liptak announced that Borough Attorney Wenner has requested that Attorney-Client Privilege be added to the Executive Session Resolution.

Resolution No. 2014-06-95 - Executive Session - Subject Matter: Fire Prevention Personnel, Public Works Summer Help, Attorney-Client Privilege

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-06-95.

Recorded Vote on Resolution No. 2014-06-95

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Council convened in Executive Session at 7:04p.m.

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to come out of Executive Session.

Recorded Vote: AYE: All Ayes.
 NAY: XXX
 Abstain: XXX

Motion Carried 5-0.

Council resumed in open session at 7:10p.m.

APPROVAL OF MINUTES

February 11, 2014 - Executive Session

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to approve the February 11, 2014 - Executive Session minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
 Nay: XXX
 Abstain: XXX

Motion Carried 5-0.

April 2, 2014 - Special Meeting

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to approve the April 2, 2014 - Special Meeting minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
 Nay: XXX
 Abstain: XXX

Motion Carried 5-0.

May 13, 2014 - Agenda-Workshop Meeting

On motion by Councilwoman Gara, seconded by Councilman Sibilia, it was moved to approve the May 13, 2014 - Agenda-Workshop Meeting minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
 Nay: XXX

Abstain: XXX

Motion Carried 5-0.

May 13, 2014 - Executive Session

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to approve the May 13, 2014 - Executive Session minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

May 27, 2014 - Regular Meeting

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the May 27, 2014 - Regular Meeting minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

May 27, 2014 - Executive Session

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to approve the May 27, 2014 - Executive Session minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

ORDINANCES - SECOND READING

Ordinance No. 2014-03 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey to Amend the "Land Use and Development" Ordinance

Mayor Liptak requested a motion to open the Public Hearing.

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to open the public hearing on Ordinance No. 2014-03.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

There being no comments, Mayor Liptak called for a motion to close public hearing.

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to close the public hearing.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to adopt Ordinance No. 2014-03.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

ORDINANCES - FIRST READING

Ordinance No. 2014-05 - An Ordinance to Fix and Determine the Salaries, Wages or Compensation to be Paid to Certain Officers and Employees of the Borough of Raritan

BE IT ORDAINED by the Mayor and Council of the Borough of Raritan, in the County of Somerset and the State of New Jersey, as follows:

1. The salaries, wages, or other compensation to be paid to the following officers and employees of the Borough of Raritan, in the County of Somerset, State of New Jersey, shall be fixed at amounts or rates of not less than the respective minimum amounts or rates, not more than the respective maximum or rates hereinafter set forth opposite the title of the respective officers or employees as follows:

<u>TITLE</u>	<u>PER ANNUM</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Administrative Assistant, Construction Office	(hourly) 7.15	16.00
Administrative Assistant, Clerk	(hourly) 9.00	16.00
Administrative Assistant	10,000.00	45,000.00
Administrative/Zoning Officer	4,000.00	10,000.00
Arts and Crafts Instructor	(hourly) 7.15	14.00
Assistant Recreation Director	1,500.00	8,500.00
Assistant to the Court Administrator	(hourly) 10.00	25.00
Bookkeeper, Library	(hourly) 16.00	20.00
Borough Administrator	20,000.00	100,000.00
Borough Clerk	18,000.00	75,000.00
Building Subcode Official/ Housing Inspector	(hourly) 20.00	40.00
Chief Finance Officer/Purchasing Agent	10,000.00	80,000.00
Construction Official/Building Inspector, Plumbing Subcode Official	20,000.00	82,000.00
Council Person	1,000.00	3,000.00
Court Administrator	11,000.00	55,000.00
Custodian	(hourly) 7.15	30.00
Custodian Helper	(hourly) 7.15	25.00
Deputy Registrar of Vital Statistics	300.00	1,000.00
Fire Official	(hourly) 15.00	40.00
Fire Prevention Inspector	(hourly) 15.00	30.00
Fire Subcode Official	(hourly) 20.00	40.00
Housing Official	4,000.00	10,000.00
Judge of Municipal Court	7,500.00	30,000.00
Library Aids	(hourly) 10.00	18.00
Library Assistant	(hourly) 10.00	18.00
Library Director	40,000.00	65,000.00
Lifeguard	(hourly) 7.15	16.00
Mayor	1,200.00	4,000.00
Playground Instructor	(hourly) 7.15	11.00
Police Chief	50,000.00	115,000.00
Police Secretary	10,000.00	45,000.00
Principal Library Assistant	30,000.00	45,000.00
Property Maintenance Code Official,	15,000.00	50,000.00
Property Maintenance Inspector	10.00	25.00
Public Defender	500.00	5,000.00
Public Works Superintendent	20,000.00	85,000.00
Recreation Director	12,000.00	17,000.00
Registrar of Vital Statistics	2,000.00	12,000.00
Secretary/Board of Health	400.00	2,000.00
Secretary/Environmental Commission	400.00	2,000.00
Secretary/Planning Board	900.00	4,000.00
Secretary/Recreation Commission	400.00	2,000.00
Senior Life Guard	14.00	17.00
Scorekeeper	(per game) 7.15	14.00
Summer Help Public Works	(hourly) 7.15	14.00
Tax Collector /Tax Search Officer	20,000.00	50,000.00

Technical Assistant/Construction Clerk/Tax Assessment Office	9,000.00	44,000.00
Umpire	(per game) 15.00	65.00
Youth Services Coordinator/Library	25,000.00	40,000.00
Zuma Instructor	35.00	65.00

2. The salary and wage ranges and maximums shall be retroactive as of and from, and after January 1, 2014 and shall continue active as of and from, and after January 1, 2014.
3. In the event of future succession to any of the foregoing positions by a change of personnel, the salary or wage of such new employee shall be fixed by resolution of the Mayor and Council adopted therefore but not to exceed the amount or rate for such position as hereinabove set forth.
4. The Borough Council may also fix and determine from time to time the times at which and the installments in which or periods of time for which the salaries, wages, or compensation of the employees enumerated in Section 1 of this ordinance shall be paid to them respectively.
5. This ordinance shall take effect immediately upon passage and publication as required by law and all prior salary ordinances are hereby repealed.
6. Payment of the salaries, wages, and compensation described herein are subject to funding in the existing budget, notwithstanding the effective date of this ordinance.

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

On motion by Council President Tozzi, seconded by Councilman Lobell, it was moved to introduce Ordinance No. 2014-05.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Mayor Liptak announced that this ordinance 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, July 22, 2014 at 7:00 PM or at any time and place to which the meeting for the further consideration of the ordinance shall be adjourned.

RESOLUTIONS

Resolution No. 2014-06-96 - New Jersey Department of Transportation Resolution, Application, and Agreement for State Aid to Counties and Municipalities

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On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-06-96.

Recorded Vote on Resolution No. 2014-06-96.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-97 - A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey, Authorizing the Subordination Agreement for 5 Renzi Road in the Borough of Raritan

On motion by Councilwoman Gara Councilman, seconded by Councilman Sibilia, it was moved to adopt Resolution 2014-06-97.

Recorded Vote on Resolution No. 2014-06-97.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-98 - Tonnage Grant Application

On motion by Councilwoman Gara, seconded by Councilman Sibilia, it was moved to adopt Resolution 2014-06-98.

Recorded Vote on Resolution No. 2014-06-98.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-99 - Governing Body Certification of the Annual Report of Audit

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-06-99.

Recorded Vote on Resolution No. 2014-06-99.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-100 - Approving the 2013 Audit -
Corrective Action Plan

On motion by Councilwoman Gara, seconded by Councilman Lobell,
it was moved to adopt Resolution 2014-06-100.

Recorded Vote on Resolution No. 2014-06-100.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-101 - Chapter 159 - Clean Communities
2014

On motion by Councilwoman Gara, seconded by Council President
Tozzi, it was moved to adopt Resolution 2014-06-101.

Recorded Vote on Resolution No. 2014-06-101.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-102 - Appointment of Fire Prevention
Inspector

On motion by Councilman Sibilia, seconded by Council President
Tozzi, it was moved to adopt Resolution 2014-06-102.

Recorded Vote on Resolution No. 2014-06-102.

Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-103 - Appointment of Fire Firefighter

On motion by Councilman Sibilia, seconded by Councilwoman Gara,
it was moved to adopt Resolution 2014-06-103.

Recorded Vote on Resolution No. 2014-06-103.

Aye: Gara, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-104 - Department of Public Works -
Temporary Laborer

On motion by Councilman Sibilialia, seconded by Council President
Tozzi, it was moved to adopt Resolution 2014-06-104 inserting
the name Richard Johnson.

Recorded Vote on Resolution No. 2014-06-104.

Aye: Gara, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-105 - Renewal of 2014-2015 Liquor
Licenses

On motion by Councilman Sibilialia, seconded by Councilwoman Gara,
it was moved to adopt Resolution 2014-06-105.

Recorded Vote on Resolution No. 2014-06-105.

Aye: Gara, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-06-106 - Disposition of Equipment by the
Raritan Public Library

On motion by Councilman Lobell, seconded by Councilwoman Gara,
it was moved to adopt Resolution 2014-06-106.

Recorded Vote on Resolution No. 2014-06-106.

Aye: Gara, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

APPROVAL OF BILLS LIST

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the Bills List totaling \$3,958,412.61.

Council President Tozzi questioned a veterinary care bill on the bills list. Borough Administrator Jaxel and Mayor Liptak provided detail on this expense.

Recorded Vote: Aye: Gara, Giraldi, Sibilia, Tozzi
Nay: XXX
Abstain: Lobell

Motion Carried 4-0-1.

COMMITTEE AND LIAISON REPORTS

Council President Tozzi reported on parks and grounds and stated that the baseball fields are looking good. The paint on the light posts on Main Street is peeling and he is looking into the warranty on the paint. Borough Administrator Jaxel added that the Public Works Department has the correct paint and is working on getting the posts repainted. Mr. Tozzi also stated that the library held a nice ceremony for one of the Borough's centenarian's. The Basilone Parade committee is moving along on schedule and the Economic Development Committee is moving forward with its website design.

Councilman Giraldi reported on the Board of Health meeting and brought up two important issues discussed at their last meeting. The first issue is whether pet pigs should be licensed. Borough Administrator Jaxel stated that the code requires that pigs be approved by Council and he will contact the County Health Inspector for an inspection. Also, Mayor Liptak brought up the roosters on Reimer Street and requested that Mr. Jaxel have the County Health Inspector investigate.

The second issue brought up by the Board of Health is the lack of "no smoking" signs around the Borough building. The board also questioned why there is a smoking receptacle outside the building if smoking is prohibited. Borough Administrator Jaxel stated that the signs are posted and discussion ensued on the proper placement of the smoking receptacle. It was agreed to put the receptacle before the ramp as people approach the building from the parking lot.

Councilman Lobell had nothing to report at this time.

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Councilwoman Gara reported that Jerry Kovach was sworn in as a permanent member on the Environmental Commission and the commission is currently working on finding a replacement for the alternate member position. Ms. Gara inquired about the ANJEC dues payment and Borough Administrator Jaxel commented that the commission needs to submit a purchase order request for payment. Ms. Gara also reported that children from John F. Kennedy School's forest program assisted with planting the trees outside the municipal building and the forest program has agreed to donate additional trees for Orlando Drive Park. Councilwoman Gara thanked the Public Works employees for their assistance in watering the trees and it was suggested that tree gator bags may be a better alternative than the current watering process.

Councilman Sibiliala reported on the Recreation Department and stated that Friday, June 27th is movie night at Washington School and the movie Frozen will be shown. Also, the baseball program has completed the season and is working on trying to build the program for next year. The Borough Park pools have been delayed in opening and hopefully will open no later than early next week. Mr. Sibiliala also commented that the catch basins need to be completed. Mr. Sibiliala commented on the Board of Education stating that he read an interesting article on how a Bridgewater High School student graduated by taking on-line classes only.

Mayor Liptak thanked Patrick Mastice for organizing the program, this past Sunday, at the Raritan Public Library honoring Berardino DiGiacomantonio, a 100 year old resident, for his heroism and courage during World War II.

Mayor Liptak read the following update into record from Mark Anderson, Special Counsel on the Gannet case, which is also viewable on the Borough website:

It's been a long road so far, but we have today excellent news from the Appellate Division. This is on the motions that we and the League filed and motions that Gannett filed in response. The results below were provided to us orally this morning by Appellate Division staff.

Our motion was to preserve the stay of judgment pending appeal but reverse Judge Ciccone's requirement that Raritan appropriate and sequester funds to secure the payment of Gannett's attorneys' fees. We have been advised that the motion has been GRANTED. Raritan will not be required to take any steps to pay or secure payment of Gannett's fees while the underlying case is considered by the Appellate Division. This result is as we fully expected, but it is still good to know that the Appellate Division agrees.

The League's motion was to continue its role as amicus curiae at the Appellate Division level. That motion was GRANTED.

Gannett filed two motions. The first was to strike parts of our brief (for what we thought were bogus reasons) and to dissolve the stay of judgment pending appeal. If successful, the result would have required Raritan to pay Gannett's attorneys' fees immediately. Both parts of that motion were DENIED.

Gannett's second motion was directed to the League's request and its brief supporting Raritan's position. Both parts of that motion were DENIED.

Gannett also asked for oral argument. Granting oral argument might have implied that the questions of granting a stay of judgment pending appeal or requiring security were more difficult than we thought that they should be. Gannett's request was DENIED.

In sum, four motions, addressing six issues, and one request, all decided in Raritan's favor.

These Appellate Division decisions will be incorporated in written orders.

It remains much too early to have a result on the underlying issues in the Gannett case, most importantly the attorneys' fees issue, but the Appellate Division's understanding of and willingness to reverse one of Judge Ciccone's more egregious errors gives us renewed expectation that we are on a path to a favorable result.

OLD BUSINESS

1. Riverfront Project and other areas (DT)

Council President Tozzi reported that Councilman Lobell, Borough Engineer Shrek and he have had meetings with people who are very interested in developing areas along the riverfront.

2. Re-restriction of affordable housing units, Cardinal Woods area (DJ)

Borough Administrator Jaxel reported that the twenty-four affordable housing units in Cardinal Woods currently have a twenty year restriction and are currently coming due for non-restriction; if not re-restricted then the Borough would be obligated to build twenty-four new affordable units. Mr. Jaxel inquired if Council would prefer to maintain the current restriction and if so for how many years. Mr. Jaxel stated that normally affordable housing restrictions are for thirty years. After a brief discussion, Council was in consensus to

re-restrict the twenty-four units in Cardinal Woods for an additional thirty years.

3. No Smoking - Municipal Building (DJ)
Borough Administrator Jaxel stated that this issue has been resolved earlier in the meeting.
4. Massage business in town/Lacie Law (DT)
Borough Attorney Wenner stated that he has circulated a draft ordinance for Council's review; currently, there are no regulations governing massage businesses in the Borough. Borough Engineer Schrek stated that this item should be referred to the Planning Board since it regulates Land Use.
5. Reinforcing business to comply with paint colors for building fronts (DT)
Council President Tozzi inquired about a review committee that required businesses to submit the color of their building fronts prior to painting. Mayor Liptak stated that the Borough code needs to be more specific regarding this issue and this item should be worked on promptly.

Borough Administrator Jaxel asked if Mayor and Council had any objection to him executing the NJ Historic Trust amendment. Council was in agreement to have Mr. Jaxel proceed with the execution.

Councilman Lobell stated that he had a few updates under old business. Mr. Lobell stated that he has received approval from the County Director of Public Works to go ahead with the project to paint murals in the tunnel under the Lyman Street Bridge beginning September 2014. The Borough needs to pass a Resolution and get approval from the County Freeholders. Also, following up on the request for additional painted light control boxes, Mr. Lobell stated that these boxes are not permitted on State roads and currently the County Freeholders are only putting these boxes on new light control boxes. In addition, Mr. Lobell commented that there is a Cultural and Historical meeting at the County on Monday.

NEW BUSINESS

1. Council Meetings - times, dates, locations (PG)
Councilman Giraldi requested that going forward he would like to request that if a meeting date or venue is changed that it must be approved by council.

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Borough Attorney Wenner added that this policy is acceptable unless an emergency meeting is required.

On motion by Councilman Giraldi, seconded by Council President Tozzi, it was moved that all council meeting changes regarding time or venue must be approved by the Borough Council.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
 Nay: XXX
 Abstain: XXX

Motion Carried 5-0.

PUBLIC COMMENTS

Marie Vale of 1087 First Avenue, Raritan, New Jersey inquired when the Borough calendars would be available. Councilwoman Gara responded they may be available in a few weeks.

Tom Brown of 18 Elmer Street, Raritan, New Jersey commented that he was in Somerville this past Sunday and commerce there was very alive, vendors and restaurants where open, and he believes this is due partly to their very active Chamber of Commerce. He commented that Raritan's Chamber of Commerce should be more active in bringing business to town. Discussion ensued on how to get businesses involved and how to develop the downtown area.

ADJOURNMENT

On motion by Councilman Giraldi, seconded by Councilwoman Gara, it was moved to adjourn the meeting.

Recorded Vote: AYE: All Ayes
 NAY: XXX
 Abstain: XXX

Motion Carried 5-0.

Meeting adjourned at 8:05p.m.

Respectively Submitted,

Marguerite Schmitt, RMC
Borough Clerk

Approved: _____