

October 28, 2014  
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor Liptak at 6:02p.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 October 22, 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 Carra, Councilman Giraldi,  
Councilman Lobell, Councilman Sibilgia,  
Council President Tozzi

Absent: Councilwoman Gara

Also Present: Mayor Liptak, Borough Attorney Wenner, Borough  
Engineer Schrek (arrived at 6:08p.m.), Borough  
Administrator Jaxel, Police Chief McCormick,  
Borough Clerk Schmitt

**FLAG SALUTE AND INVOCATION**

Councilman Lobell led the invocation and flag salute.

**PRESENTATION**

Marc Pfeiffer - Local Government Issues

Mayor Liptak announced that government officials are required by state law to participate in continuing education courses each year and introduced Marc Pfeiffer.

Marc Pfeiffer, former Deputy Director with the Division of Local Government Services, addressed Mayor and Council on the basics of Government 101. Mr. Pfeiffer reviewed the different forms of government and outlined the powers and duties of the Mayor and Council in all forms of government with particular focus on the Borough structure.

Mr. Pfeiffer also reviewed some of the current challenges facing government officials in particular issues regarding the two percent cap, health benefit contributions, and pension issues.

**PUBLIC COMMENTS**

None.

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**APPROVAL OF MINUTES**

September 9, 2014 - Agenda-Workshop Meeting

On motion by Councilwoman Carra, seconded by Council President Tozzi, it was moved to approve the September 9, 2014 - Agenda-Workshop Meeting minutes.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

September 9, 2014 - Executive Session

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to approve the September 9, 2014 Executive Session minutes.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

September 23, 2014 - Regular Meeting

On motion by Councilwoman Carra, seconded by Council President Tozzi, it was moved to approve the September 23, 2014 Regular Meeting minutes.

Recorded Vote: Aye: Carra, Giraldi, Sibilialia, Tozzi  
Nay: XXX  
Abstain: Lobell

Motion Carried 4-0-1.

September 23, 2014 - Executive Session

On motion by Council President Tozzi, seconded by Councilman Giraldi, it was moved to approve the September 23, 2014 Executive Session minutes.

Recorded Vote: Aye: Carra, Giraldi, Sibilialia, Tozzi  
Nay: XXX  
Abstain: Lobell

Motion Carried 4-0-1.

October 14, 2014 - Agenda-Workshop Meeting

On motion by Councilman Lobell, seconded by Councilman Giralardi, it was moved to approve the October 14, 2014 Agenda-Workshop Meeting minutes.

Recorded Vote: Aye: Carra, Giralardi, Lobell, Sibilia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

October 14, 2014 - Executive Session

On motion by Councilman Lobell, seconded by Councilman Giralardi, it was moved to approve the October 14, 2014 Executive Session minutes.

Recorded Vote: Aye: Carra, Giralardi, Lobell, Sibilia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

**ORDINANCES - SECOND READING**

Ordinance No. 2014-06 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 207, Land Use and Development, Part 6, Zoning, to Add a New Section 207-90.1 Regulating the Outdoor Storage of Firewood in Residential Areas of the Borough

Mayor Liptak called for a motion to open the Public Hearing.

On motion by Councilman Lobell, seconded by Councilwoman Carra, it was moved to open the public hearing on Ordinance No. 2014-06.

Recorded Vote: Aye: Carra, Giralardi, Lobell, Sibilia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

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

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

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

On motion by Councilwoman Carra, seconded by Councilman Lobell, it was moved to adopt Ordinance No. 2014-06.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Ordinance No. 2014-09 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Concerning Health Benefits

Mayor Liptak requested a motion to open the Public Hearing on Ordinance No. 2014-09.

On motion by Councilman Sibilialia, seconded by Councilman Giraldi, it was moved to open the public hearing on Ordinance No. 2014-09.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

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

On motion by Councilman Giraldi, seconded by Council President Tozzi, it was moved to close the public hearing.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

On motion by Councilman Sibilgia, seconded by Councilman Giraldo, it was moved to adopt Ordinance No. 2014-09.

Recorded Vote: Aye: Carra, Giraldo, Lobell, Sibilgia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

**ORDINANCES - FIRST READING**

Ordinance No. 2014-10 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Granting Non-Exclusive Permission and Consent to Sunesys, LLC, Its Successors and Assigns, to Use the Existing Public Right-Of-Way Along Johnson Avenue, Woodmere Street and Centre Street in the Borough of Raritan, Somerset County, New Jersey, Above the Surface Thereof for the Installation, Operation, Repair, Maintenance and Replacement of Fiber Optic Cable

**WHEREAS**, Sunesys, Inc., was authorized by the New Jersey Board of Public Utilities ("BPU") per a May 9, 2001 Order of Approval by the Board, Docket No. TE00040261, to provide local exchange and exchange telecommunications services in New Jersey; and

**WHEREAS**, by Order of Approval dated December 11, 2006 bearing Docket No. TM06100726 Sunesys, Inc. merged with and into its newly formed sister company Sunesys, LLC, resulting in the acquisition by Sunesys, LLC of the telecommunications-related assets of Sunesys, Inc. and the transfer to Sunesys, LLC of the authority previously held by Sunesys, Inc. to operate within the State of New Jersey; and

**WHEREAS**, Sunesys, LLC ("Sunesys") has requested municipal consent from the Borough of Raritan ("Borough") to locate, place, attach, install, operate and maintain its fiber optic network facility along existing poles located along Johnson Drive within the Borough public rights-of-way; and

**WHEREAS**, the Borough is obligated to grant Sunesys consent pursuant to 47 U.S.C. § 253(a); and

**WHEREAS**, Sunesys has agreed to pay \$1,000.00 for submission of initial occupancy application as required by the Municipality's Engineer, \$500.00 for submission of any subsequent modified or expanded occupancy application as required by the Municipality's Engineer and a fee for the Borough Attorney's time and review analysis in an amount not to exceed \$500.00; and

**WHEREAS**, the Borough desires to grant consent to Sunesys to install, operate, repair, maintain and/or replace its telecommunications system within the Borough's public rights-of-way along Johnson Avenue.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Raritan, County of Somerset and State of New Jersey, as follows:

**SECTION ONE.** Subject to the provisions of applicable Borough Ordinances, in particular Chapter A420 *Telecommunications Facilities*, nonexclusive permission and consent is hereby granted to SUNESYS, its successors and assigns, to install, operate, repair, maintain and replace its telecommunications' systems in, through, upon, over, across the various public rights-of-way along Johnson Drive, Woodmere Street and Centre Street within the Borough of Raritan.

**SECTION TWO.** All fiber optics will be installed on existing poles and conduit located along Johnson Drive, Woodmere Street and Centre Street. Should it be necessary for Sunesys to install poles along Johnson Drive, Woodmere Street and Centre Street, SUNESYS shall be required to come before the Borough Council to request approval for same.

**SECTION THREE.** All construction, installation, operation, repair, maintenance and replacement of SUNESYS' Telecommunications System shall be done so as not to interfere with any public water, sanitary sewer storm drainage or the facilities and appurtenances hereafter "Public Facilities". SUNESYS further agrees to remove and relocate, at its sole expense, all or any part of its telecommunications system hereafter located and installed that unreasonably interferes with construction, reconstruction and maintenance of any Public Facility, except as otherwise provided by law and subject to the right of SUNESYS to recover the costs of such work from third parties who may be legally responsible for such costs.

Any and all rights expressly granted to SUNESYS under this Ordinance, which shall be exercised at SUNESYS' sole cost and expense, shall be subject to the prior and continuing right of the Borough under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Ordinance shall be deemed to grant, convey, create or vest in SUNESYS a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of existing Utility Poles, which shall be the sole responsibility of SUNESYS to undertake and obtain, the Borough hereby authorizes and permits SUNESYS to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, relocate and replace its telecommunications facilities, in or on Utility Poles or other structures owned by public utility companies or to be constructed by SUNESYS located within the municipal rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

**SECTION FOUR.** SUNESYS, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Borough, its successors and assigns, elected officials, officers, employees, servants,

contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of SUNESYS' actions under this Ordinance and costs in connection therewith, except to the extent that such all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees are caused by the negligence or misconduct of the Borough, its employees, agents or contractors. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the Borough in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceeding which may arise in connection with SUNESYS' activities pursuant to the rights granted in the Ordinance.

**SECTION FIVE.** In the event that any work under this Ordinance requires road openings, SUNESYS shall file with the Borough of Raritan prior to the start of any work, a map or plan showing the location and size of any such facilities which map or plan shall be first approved by said Mayor and Council or their authorized representatives, which approval shall not be unreasonably withheld or delayed.

SUNESYS shall further strictly comply with the provisions of the Code of the Borough of Raritan, Chapter 320, Article IV regarding street openings, as the same shall be lawfully amended or supplemented during the term of this Ordinance.

**SECTION SIX.** The surface of the public rights-of-way, and any pavement or flagging taken up or soil and/or planting disturbed by SUNESYS in building its telecommunications system shall be restored to as good condition as it was before the commencement of work thereon by SUNESYS at no cost to the Borough of Raritan, except as otherwise provided by law. No public rights-of-way shall be encumbered for a longer period than shall be necessary to execute the work. Such restoration shall be subject to the approval of the Mayor and Council after an inspection by its authorized representative upon completion of the work.

**SECTION SEVEN.** SUNESYS agrees to pay reasonable costs incurred by the Borough by reason of SUNESYS' telecommunications system, including, but not limited to, Borough attorney's fees in an amount not to exceed \$500.00 for the development and preparation of this Ordinance and other activity related hereto which expenses were incurred subsequent to the request for this consent made by SUNESYS.

**SECTION EIGHT.** SUNESYS, its successors and assigns and any other companies or corporations having legal authority to erect and maintain poles, posts or pedestals, may jointly use the same poles, posts or pedestals, provided they can agree to do so upon any of the public rights-of-way in the Borough of Raritan.

**SECTION NINE.** The use of all public rights-of-way by SUNESYS shall be subject to such police and other regulations and restrictions as may be lawfully adopted by the Governing Body of the Borough of Raritan.

**SECTION TEN.** SUNESYS shall at all times maintain a comprehensive liability insurance policy with a single amount of One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein and an excess liability policy (or "umbrella" policy) in the amount of Five Million Dollars (\$5,000,000.00). The Borough shall be named as an additional insured under said insurance policies, but only to the extent necessary to provide the Borough with coverage for the indemnity obligations expressly assumed by SUNESYS under this Ordinance, and (ii) only to the extent of the respective amounts of insurance coverage that this Ordinance requires SUNESYS to maintain (and not to the extent of any greater policy limits). SUNESYS shall maintain at all times Workers' Compensation and Employer's Liability coverage in the amount of Five Hundred Thousand Dollars (\$500,000.00).

Prior to the commencement of any work pursuant to this Ordinance, SUNESYS shall file with the Borough Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies.

The Borough shall notify SUNESYS within fifteen (15) days after the presentation of any claim or demand to the Borough, either by suit or otherwise, made against the Borough on account of SUNESYS or any of its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Ordinance.

**SECTION ELEVEN.** Following the adoption of this Ordinance by the Borough, and acceptance thereof by SUNESYS, SUNESYS and the Borough shall execute a rights-of-way agreement which shall set forth the terms and conditions of the permission and consents granted herein. Said permission and consent shall continue and be in force for the initial term of ten (10) years commencing on the effective date, unless it is earlier terminated by either party in accordance with the provisions herein. Upon the expiration of the initial term or a prior extension term, the term shall automatically be extended for up to three (3) additional terms of ten (10) years each upon the terms and conditions set forth herein, unless either party hereto shall give written notice to the other party of its intent not to renew the Use Agreement at least twelve (12) months prior to the expiration of the initial term or then effective extension term..

**SECTION TWELVE.** Nothing herein contained shall be construed to grant unto SUNESYS, its successors and assigns, an exclusive right or to prevent the granting of permission and consent to other companies for like purposes on any of the public rights-of-way of the Borough of Raritan.

**SECTION THIRTEEN.** The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough of Raritan or any part thereof may at any time hereafter be changed, annexed or merged, and the term "Borough" or any other term herein used in referring to the Governing Body of the Borough of Raritan shall be held to apply and include the Governing Body of such other form of municipality.

**SECTION FOURTEEN.** SUNESYS shall pay the expenses incurred for advertising done in connection with the adoption of this Ordinance within thirty (30) days after the date of it going into effect.

**SECTION FIFTEEN.** Upon adoption of this Ordinance in accordance with law, the Borough Clerk shall provide SUNESYS with written notice thereof by Certified Mail. SUNESYS shall file with the Borough Clerk, its written acceptance of said Ordinance within 30 days of the receipt of said notice.

**SECTION SIXTEEN.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION SEVENTEEN.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION EIGHTEEN.** This Ordinance shall take effect immediately upon adoption.

On motion by Councilman Lobell, seconded by Councilman Sibiliala, it was moved to introduce Ordinance No. 2014-10.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibiliala, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Ordinance No. 2014-11 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 207, Land Use and Development, of the Code of the Borough of Raritan to Address Emergency Generator Zoning Regulations

**BE IT ORDAINED** by the Borough Council of the Borough of Raritan, County of Somerset and State of New Jersey, that Chapter 207, Land Use Development, of the Code of the Borough of Raritan, is hereby amended as follows:

**Section A**

**I:** Section 207-7 shall be revised to amend the definition of "LOT COVERAGE" to read as follows:

**LOT COVERAGE-** The percentage of lot area that is covered by impervious material, but specifically excluding any emergency generator having: a rated generating capacity not exceeding 20 kilowatts; a footprint, including the pad, not exceeding 20 square feet; and a height not exceeding 4 feet.

**II:** Section 207, *Land Use Development*, Part 6, *Zoning*, Article X, *General Provisions*, shall be amended to add a new Section 207-90.2 to read in its entirety as follows:

207-90.2. *Emergency generators.* The provisions of this Section 207-90.2 do not apply to Police, Fire and other emergency response agencies. Emergency generators may be located outside the building envelope on lots in Residential Zoning Districts subject to the following:

(1) These provisions only apply to emergency generators having: a rated generating capacity not exceeding 20 kilowatts; a footprint, including the pad, not exceeding 20 square feet; and a height not exceeding four feet measured from the top of the pad to the top of the generator.

(2) The emergency generator shall not be located in front of the principal building on the lot.

(3) No portion of the emergency generator and pad may be located within the principal structure bulk setback of the prevailing zone in which the generator is to be sited and no more than 20 feet from the principal structure on the lot. The generator may be placed in the side yard in accordance with the accessory structure setback provided that six foot (6') board-on-board fencing is installed along the side yard where the generator is located. The fence must conform to the Raritan Borough fence code. The fence is required to be installed within 60 days of the installation of the generator. All other State and local codes must be met as well as the manufacturer's specifications for the installation and placement of the generator.

(4) The emergency generator shall be appropriately screened/buffered by nondeciduous plantings (subject to seasonal planting timing limitations) and/or a fence so as to minimize visibility from all lot lines from which the setback is less than the minimum applicable to buildings and structures.

(5) The emergency generator shall be located in the back yard where practical and with due consideration for adjoining buildings in order to be a minimally intrusive as possible when the emergency generator is in operation.

**Section B**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**Section C**

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section D**

This ordinance shall take effect immediately upon final publication as provided by law.

On motion by Councilman Lobell, seconded by Councilman Giraldi, it was moved to introduce Ordinance No. 2014-11.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibiliala, Tozzi  
Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Ordinance No. 2014-12 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 87, Amusements, Section 2, Application for License, of the Code of the Borough of Raritan, To Specify a Term for the License

**BE IT ORDAINED** by the Borough Council of the Borough of Raritan, County of Somerset and State of New Jersey, that Chapter 87, Amusements, Section 2, Application for License, is hereby amended by adding a new subsection "C" as follows:

§ 87-2

(C) The term of a license issued pursuant to this Chapter shall run from the first day of January through the last day of December in the year of issue.

**Section B**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**Section C**

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section D**

This ordinance shall take effect immediately upon final publication as provided by law.

On motion by Councilman Lobell, seconded by Councilman Sibilialia, it was moved to introduce Ordinance No. 2014-12.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Mayor Liptak stated that the ordinances listed above for first reading 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, November 25, 2014 at 6:00 PM or at any time and

place to which the meeting for the further consideration of the ordinance shall be adjourned.

**RESOLUTIONS**

Resolution No. 2014-10-138 - A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey, Supporting Taking Any and All Action Necessary to Prevent Access by Undocumented Immigrants, Including Unaccompanied Minors into Our Country

On motion by Council President Tozzi, seconded by Councilman Sibilialia, it was moved to adopt Resolution 2014-10-138.

Recorded Vote on Resolution No. 2014-10-138.

Aye: Carra, Giralardi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-139 - Appointment of Firefighter

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-10-139.

Recorded Vote on Resolution No. 2014-10-139.

Aye: Carra, Giralardi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-140 - Appointment of Secretary to the Board of Health

On motion by Councilwoman Carra, seconded by Councilman Giralardi, it was moved to adopt Resolution 2014-10-140.

Councilman Lobell questioned the distribution of salary with regard to this position. Borough Administrator Jaxel explained that the salary would automatically be pro-rated for the months stated.

Recorded Vote on Resolution No. 2014-10-140.

Aye: Carra, Giralardi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-141 - 2014-2015 Renewal of Plenary Retail Consumption License - Ye Olde Yorke Inn Inc.

On motion by Councilman Lobell, seconded by Council President, it was moved to adopt Resolution 2014-10-141.

Recorded Vote on Resolution No. 2014-10-141.

Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-142 - Resolution Authorizing the Borough of Raritan to Enter Into a Payroll Services Contract With R&L DataCenters Inc.

On motion by Councilman Giraldi, seconded by Councilman Lobell, it was moved to adopt Resolution 2014-10-142.

Recorded Vote on Resolution No. 2014-10-142.

Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-143 - Resolution Authorizing Award of a Contract for Professional Services with Animal Control Solutions, LLC for the Provision of Animal Control Services to the Borough of Raritan

On motion by Councilman Giraldi, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-10-143.

Recorded Vote on Resolution No. 2014-10-143.

Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-144 - Railroad Monthly Parking Refund

On motion by Councilman Sibiliala, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-10-144.

Recorded Vote on Resolution No. 2014-10-144.

Aye: Carra, Giralardi, Lobell, Sibiliala, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-145 - Disposition of Equipment by the Construction Office

On motion by Councilman Lobell, seconded by Councilwoman Carra, it was moved to adopt Resolution 2014-10-145.

Recorded Vote on Resolution No. 2014-10-145.

Aye: Carra, Giralardi, Lobell, Sibiliala, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-10-146 - Resolution Acknowledging Completion of Improvements and Authorizing Release of Irrevocable Letter of Credit for Janssen Supply Group LLC

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-10-146.

Recorded Vote on Resolution No. 2014-10-146.

Aye: Carra, Giralardi, Lobell, Sibiliala, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**MOTION**

Recreation Committee Appointments to Unexpired Terms

1. Keith Wiley to fill unexpired term of Albert Bartocci to end December 31, 2015.

Mayor Liptak stated that she has not received a letter of resignation from Albert Bartocci and therefore Council will

not be able to act on this motion until Mr. Bartocci officially resigns.

No Action was taken on this motion.

2. Fred Sinagra to fill unexpired term of Joseph Forte to end December 31, 2017.

Mayor Liptak requested some background information on Mr. Sinagra. Councilman Sibilialia stated that Mr. Sinagra is a father of young children, who also coaches and he would like to step up and volunteer on the Recreation Committee. Mayor Liptak requested that Mr. Forte complete the required citizen leadership form and submit a resume.

On motion by Councilman Sibilialia, seconded by Councilman Giraldi, it was moved to appoint Fred Sinagra to the Recreation Committee to fill the unexpired term of Joseph Forte until December 31, 2017.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

#### **APPROVAL OF BILLS LIST**

Mayor Liptak called for a motion for approval of the Bills List.

On motion by Councilwoman Carra, seconded by Council President Tozzi, it was moved to approve the Bills List totaling \$1,662,005.66.

Councilman Lobell raised questions on the purchase of tires for the Public Works Department.

Borough Administrator Jaxel stated that he would pull the bill and purchase orders for the purchases in question.

Recorded Vote: Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

**PURCHASE ORDER REQUESTS**

1. Tax and Finance Department - 2015 Software Maintenance - Edmunds & Associates, Inc. in the amount of \$6,713.00.

On motion by Councilman Giraldi, seconded by Councilman Lobell, it was moved to approve the above listed purchase order.

Recorded Vote:     Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi  
                          Nay:    XXX  
                          Abstain:  XXX

Motion Carried 5-0.

**COMMITTEE AND LIAISON REPORTS**

Council President Tozzi announced that the Public Works Department calendar was posted on the website and has been received with positive feedback. Parks and Grounds will host the Halloween extravaganza Friday night and the sprinklers at the Muncipal Complex will be shut off and winterized. Borough Administrator Jaxel confirmed that the irrigation company would perform the shut off on Election Day.

Councilman Sibilialia reported that he met with Ann Marie Meade from the Board of Education and reported that not much has changed. Mr. Sibilialia reminded everyone that at the upcoming election voters will be voting for Board of Education members. Mr. Sibilialia also announced that Public Works will be conducting the last bulk pick-up and there will be a hiatus until next year. Lastly, Mr. Sibilialia mentioned that the Recreation Department will be hosting the Halloween parade on Friday at 6:00p.m., program sign-ups are ongoing and the Recreation Department is looking for coaches.

Councilman Lobell requested that the Borough scroll a message across the Borough website regarding the last bulk trash pick-up schedule. Mr. Lobell also gave the Police Department report.

Councilman Giraldi stated that the next Board of Health meeting is mid November and he would have a report at the next meeting.

Councilwoman Carra gave an update on the Gannet appeal, stated that the briefs have been filed and the Borough is awaiting the appellate court decision.

Mayor Liptak stated that so often residents take volunteers for granted and outline an incident that occurred at her residence

when she required the assistance of the volunteer rescue squad. Mayor Liptak stated that Sargent Mondo with the Raritan Borough Police Department and three men from the Somerville/Raritan Rescue Squad were absolutely wonderful and she wished to thank them all.

Mayor Liptak announced that tomorrow at 12:00p.m. is the ribbon cutting at Stonebridge and that the Department Head meeting was very successful. Mayor Liptak also mentioned that she happened to be on the Bridgewater Township's website and they are hosting a photo of President Harding signing the Treaty of Versailles which she believes may have in fact happened in Raritan.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **1. Fire Prevention Vehicles (DJ)**

Borough Administrator Jaxel stated that the Fire Department has requested acquisition of the old vehicle assigned to Frank D'Amore. Councilman Lobell questioned this request and discussion ensued on who would incur the maintenance costs. Mr. Jaxel stated that he would ask for more details and report back at a later date.

#### **2. Municipal Animal Licensing Software (MS)**

Borough Clerk Schmitt referenced the memo to Council that outlined the details of the purchase and requested Council's approval to move forward with the purchase. A brief discussion ensued on an annual canvas of unregistered dogs.

#### **3. Approval of Solicitor Permit (MS)**

Borough Clerk Schmitt explained the purpose of the solicitor permit application brought forth for Council's review and requested approval. Ms. Schmitt made note that that the application has also been reviewed by the Police Chief and Zoning Officer. Council granted approval for the permit to be issued.

### **PUBLIC COMMENTS**

Geraldine Cicerro of 5 Woodmere Street, Raritan, New Jersey questioned the procedure that was put in place tonight regarding the zoning of emergency generators and was concerned that she would be required to wait until November 25<sup>th</sup> until she would be able to install a residential generator. Mayor Liptak explained the ordinance process to Ms. Cicerro and emphasized that this issue was discussed at length at the Planning Board meeting. Ms. Cicerro questioned the specifics related to placement of the

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generator and Mayor Liptak directed her to speak with Lou Gara the Borough's Zoning Officer.

Richard Yadlosky of 267 Weiss Terrace, Raritan, New Jersey commended Councilmen Lobell on thoroughly examining the bills list. He also commented that Bridgewater may actually have the rights to claiming the Treaty of Versailles, ending World War I, occurring in their Township since Raritan was not incorporated until 1948. Mr. Yadlosky also questioned Ordinance No. 2014-10 permitting the right of way. Borough Engineer Schrek explained that the right of way is being granted on existing poles.

**EXECUTIVE SESSION**

Resolution No. 2014-10-147 - Executive Session - Subject Matter: Litigation; Professional Services

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-10-147.

Recorded Vote on Resolution No. 2014-10-147

Aye: Carra, Giraldi, Lobell, Sibilialia, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Mayor Liptak called for a five minute recess and Council convened in Executive Session at 7:40p.m.

On motion by Councilman Sibilialia, 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 8:48p.m.

**ADJOURNMENT**

On motion by Council President Tozzi, seconded by Councilman Giraldi, it was moved to adjourn the meeting.

Recorded Vote: AYE: All Ayes

NAY: XXX

Abstain: XXX

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Motion Carried 6-0.

Meeting adjourned at 8:50p.m.

Respectively Submitted,

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Marguerite Schmitt, RMC  
Borough Clerk

Approved: \_\_\_\_\_