

July 28, 2015  
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor Liptak at 6:30p.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 January 6, 2015. 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 Foohey,  
Councilwoman Gara, Councilman Giraldi, Council  
President Lobell, Councilman Sibilialia

Absent: XXX

Also Present: Mayor Liptak, Borough Attorney Wenner, Borough  
Administrator Jaxel, Borough Engineer Schrek  
(arrived at 7:00p.m.), Police Chief McCormick  
(arrived at 7:00p.m.), Borough Clerk Schmitt

**FLAG SALUTE AND INVOCATION**

Council President Lobell led the invocation and flag salute.

**EXECUTIVE SESSION**

Resolution No. 2015-07-86 - Executive Session - Subject Matter:  
Litigation

On motion by Councilwoman Gara, seconded by Councilman Sibilialia,  
it was moved to approve Resolution No. 2015-07-86.

Recorded Vote:

Aye: Carra, Foohey, Gara, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Council convened in Executive Session at 6:34p.m.

On motion by Councilwoman Gara, seconded by Councilman Sibilialia,  
it was moved to come out of Executive Session.

Recorded Vote: AYE: All Ayes.

NAY: XXX

Abstain: XXX

Motion Carried 6-0.

Council came out of Executive Session at 6:48p.m. and resumed in Regular Session at 7:00p.m.

Upon resuming in Open Session the following motions were made:

On motion by Council President Lobell, seconded by Councilman Sibilialia, it was moved to approve a Tender and Release Agreement with Colonial Surety Company subject to a certification of availability of funds.

Recorded Vote:

Aye: Carra, Foohey, Gara, Giralardi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

On motion by Council President Lobell, seconded by Councilwoman Gara, it was moved to authorize the Borough Attorney to refile a complaint against ADS (Action Data Systems) concerning the Gannett Litigation.

Recorded Vote:

Aye: Carra, Foohey, Gara, Giralardi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

**RESOLUTION & OATH OF OFFICE**

Resolution No. 2015-07-87 - Appointment of Junior Firefighters

Mayor Liptak gave a brief history of the Raritan Fire Department, highlighting the need for member participation, and read the Resolution into record.

On motion by Council President Lobell, seconded by Councilwoman Gara, it was moved to approve Resolution No. 2015-07-87.

Recorded Vote:

Aye: Carra, Foohey, Gara, Giralardi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Mayor Liptak issued the oath of office to Junior Firefighters Jake Gara and Xavier Garay.

**PUBLIC COMMENTS**

Tom Brown of 18 Elmer Street, Raritan, New Jersey stated that he wished to bring attention to an article he referenced in the newspaper regarding the demolition of the Duke mansion and the potential effect of opening the back gate to the property. Mr. Brown encouraged Council to keep aware of the goings on at the Duke Estate property and the possible impact on the traffic pattern in the Borough and other related issues.

**DISCUSSION**

Lt. Walsh, Somerset County Prosecutor's Office - Ordinance adding Chapter 260, Precious Metals, Gems, Secondhand Goods

Lt. Walsh from the Somerset County Prosecutor's Office briefed Council on the reasons for the County's recommendation to institute an Ordinance governing Precious Metals, Gems, and Secondhand Goods. Lt. Walsh stated that the County is trying to institute this ordinance through the municipalities to give teeth to the existing laws. Lt. Walsh explained the RAPID system and the benefits of instituting this state-wide system to reduce the amount of crime.

A question and answer session ensued. Council President Lobell expressed his concerns regarding the costs that would be incurred by local businesses and exactly which type of business this ordinance would regulate. Lt. Walsh gave a brief history on the model ordinance and reviewed the seven points that the County has requested not be changed. Lt. Walsh advised that the Borough can adopt the model ordinance or is free to make changes to meet the Borough's own criteria, however, the County advises that the seven points he mentioned remain in place.

**APPROVAL OF MINUTES**

June 9, 2015 - Agenda-Workshop Meeting

On motion by Councilwoman Gara, seconded by Councilman Foohey, it was moved to approve the June 9, 2015 - Agenda-Workshop Meeting minutes.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: Lobell

Motion Carried 5-0-1.

June 9, 2015 - Executive Session

On motion by Councilwoman Carra, seconded by Councilwoman Gara, it was moved to approve the June 9, 2015 - Executive Session minutes.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: Lobell

Motion Carried 5-0-1.

June 23, 2015 - Regular Meeting

On motion by Councilwoman Gara, seconded by Councilman Foohey, it was moved to approve the June 23, 2015 - Regular Meeting minutes.

Recorded Vote:

Aye: Carra, Foohey, Gara, Giraldi, Lobell, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

June 23, 2015 - Executive Session

On motion by Councilwoman Carra, seconded by Councilwoman Gara, it was moved to approve the June 23, 2015 - Executive Session minutes.

Recorded Vote:

Aye: Carra, Foohey, Giraldi, Lobell, Sibilia

Nay: XXX

Abstain: Gara

Motion Carried 6-0.

July 10, 2015 - Special Meeting

On motion by Councilwoman Gara, seconded by Councilman Foohey, it was moved to approve the July 10, 2015 - Special Meeting minutes.

Recorded Vote:

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Aye: Carra, Foohey, Gara, Lobell  
Nay: XXX  
Abstain: Giraldi, Sibilialia

Motion Carried 4-0-1.

July 14, 2015 - Agenda-Workshop Meeting

On motion by Councilwoman Carra, seconded by Councilman Foohey, it was moved to approve the July 14, 2015 - Agenda-Workshop minutes.

Recorded Vote:

Aye: Carra, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: Gara

Motion Carried 6-0.

**ORDINANCES - SECOND READING**

Ordinance No. 2015-09 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Adding Chapter 260, *Precious Metals, Gems, and Secondhand Goods*, to the Code of the Borough of Raritan

Mayor Liptak called for a motion to remove Ordinance No. 2015-09 from the table.

On motion by Council President Lobell, seconded by Councilman Sibilialia, it was moved to remove Ordinance No. 2015-09 from the table.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

On motion by Councilwoman Gara, seconded by Council President Lobell, it was moved to table Ordinance No. 2015-09 to the next meeting for further discussion.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

Ordinance No. 2015-10 - An Ordinance to Fix and Determine the Salaries, Wages or Compensation to be Paid to Certain Officers and Employees of the Borough of Raritan

Mayor Liptak called for a motion to open the Public Hearing on Ordinance No. 2015-10.

On motion by Council President Lobell, seconded by Councilwoman Gara, it was moved to open the Public Hearing.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

There being no comments, Mayor Liptak called for a motion to close the Public Hearing.

On motion by Councilman Giraldi, seconded by Councilman Foohey, it was moved to close the Public Hearing.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

On motion by Councilwoman Gara, seconded by Council President Lobell, it was moved to adopt Ordinance No. 2015-10.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Ordinance No. 2015-11 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 128 of the Code of the Borough of Raritan Relating to Criminal Background Checks

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Mayor Liptak called for a motion to open the Public Hearing on Ordinance No. 2015-11.

On motion by Council President Lobell, seconded by Councilwoman Gara, it was moved to open the Public Hearing.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

There being no comments, Mayor Liptak called for a motion to close the Public Hearing.

On motion by Council President Lobell, seconded by Councilman Foohey, it was moved to close the Public Hearing.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

On motion by Councilman Foohey, seconded by Councilwoman Gara, it was moved to adopt Ordinance No. 2015-11.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

### **RESOLUTIONS**

Resolution No. 2015-07-88 - Resolution Providing for the Combination of Certain Issues of Bonds of the Borough of Raritan into a Single Issue of Bonds Aggregating \$3,888,000 in Principal Amount

On motion by Council President Lobell, seconded by Councilman Foohey, it was moved to adopt Resolution No. 2015-07-88.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-89 - Resolution Determining the Form and Other Details of \$3,888,000 General Obligation Bonds of the Borough of Raritan and Providing for Their Sale

On motion by Council President Lobell, seconded by Councilman Foohey, it was moved to adopt Resolution No. 2015-07-89.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-90 - A Award of Contract for Sidewalk Improvements to Southwick Street and Victoria Street

On motion by Councilwoman Gara, seconded by Councilman Sibilialia, it was moved to adopt Resolution No. 2015-07-90.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-91 - Resolution Authorizing Raritan Borough to Jointly Bid for Tipping Fees for Solid Waste with Manville Borough

On motion by Councilwoman Carra, seconded by Councilman Sibilialia, it was moved to adopt Resolution No. 2015-07-91.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia  
Nay: XXX  
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-92 - 2015 Salary and Wages

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On motion by Councilwoman Gara, seconded by Councilman Foohey, it was moved to adopt Resolution No. 2015-07-92.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell

Nay: Sibilialia

Abstain: XXX

Motion Carried 5-1.

Resolution No. 2015-07-93 - Renewal of 2015-2016 Liquor Licenses

On motion by Councilman Sibilialia, seconded by Councilman Giraldi, it was moved to adopt Resolution No. 2015-07-93.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-94 - Railroad Parking Refund

On motion by Councilman Sibilialia, seconded by Councilman Foohey, it was moved to adopt Resolution No. 2015-07-94.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Resolution No. 2015-07-95 - Disposition of Equipment by Borough Administrator

On motion by Councilwoman Carra, seconded by Councilman Sibilialia, it was moved to adopt Resolution No. 2015-07-95.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

**APPROVAL OF BILLS LIST**

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

On motion by Councilwoman Carra, seconded by Councilman Giraldi, it was moved to approve the Bills List for the period June 22, 2015 through July 24, 2015 in the amount of \$1,252,804.80.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

**PURCHASE ORDER REQUESTS**

1. Fire Department - Fire Hose Testing - Waterway New Jersey in the amount of \$1,919.95.

On motion by Councilwoman Carra, seconded by Councilman Sibilialia, it was moved to approve the above listed purchase order.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

**COMMITTEE AND LIAISON REPORTS**

Council President Lobell reported that Santa came to town in Raritan last week and he visited both Frehlinghuysen and Basilone pools. Santa handed out candy and gifts for the children and also read aloud "How the Grinch Stole Christmas". Also, the Recreation Committee has formed a sub-committee to look into the suggestion of renting and opening the pools on Sunday.

Councilwoman Carra reported that the Board of Health does not meet in July or August and read the report from the Office of Vital Statistics. Ms. Carra also gave the Municipal Court report and reported that a \$1,000.00 was raised from the car wash at the Raritan Mall.

Councilwoman Gara read the Police report and announced that the Police Department has received several applications for the open Police Officer position and interviews would begin shortly. Also, the new police vehicle would be arriving soon and there

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has been a delay in the use of Police body cameras pending a State directive.

Councilman Giraldi reported that the Historic and Cultural Committee is planning another walking tour in the fall and the Basilone Committee meets tomorrow.

Councilman Foohey reported that the Environmental Commission was not able to meet due to a lack of a quorum and proposed two potential candidates for alternate members, Charles Toye and Keith Abrams. Mr. Foohey gave a brief background on each candidate.

On motion by Councilman Foohey, seconded by Council President Lobell, it was moved to appoint Charles Toye as Alternate Member No. 1 and Keith Abrams as Alternate Member No. 2 to the Environmental Commission.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell

Nay: XXX

Abstain: Sibilialia

Motion Carried 5-0-1.

Mayor Liptak stated that there are two regular members of the Environmental Commission that fail to attend meetings and have not responded to email inquiries. Borough Attorney Wenner stated that in order to remove them, it would be required to send them a letter notifying them of a hearing. Mayor Liptak directed Mr. Wenner to compose the letter.

Councilman Sibilialia reported that the Sausa vs Raritan Borough litigation has been settled.

Mayor Liptak reviewed a few letters and other correspondence received. The first letter was from the Somerset County Freeholders congratulating Raritan Borough on ranking as one of the top 50 New Jersey suburbs. Another from the State Department of Transportation informing the Borough that regrettable the Borough was not eligible for grant funding through the Bikeway Grant Program. Also, a letter from Allen Kurdyla from the Somerset County Records Management Division with a report on the amount of shredding completed at Washington School on June 20<sup>th</sup>. The Mayor also received an emergency preparedness packet from PSE&G which she will pass along to the Library.

**OLD BUSINESS**

1. Amending Section 207 of the Borough Code - Firewood (DJ)

Borough Administrator Jaxel asked if Proper Maintenance Inspector Taddeo had a discussion with anyone over his interpretation of the Firewood Ordinance. Borough Attorney Wenner said that he would reach out to him.

Councilwoman Gara stated that the first floor office in the Municipal Building was supposed to have been vacated for the use of Property Maintenance. Ms. Gara inquired why Mr. Taddeo has not yet relocated to that office. Council was in agreement to move the Property Maintenance office from the Fire House to the vacant first floor office in the Municipal Building.

Council President Lobell inquired about the repair status of the light pole at Somerset and Anderson Streets. Borough Administrator Jaxel said that he would reach out to Public Service for an update.

Councilwoman Gara also inquired about the speed sign on Woodmere Street. Borough Administrator Jaxel stated that the circuit board has been removed and mailed to the company for repair.

**NEW BUSINESS**

1. Disposition of Police Vehicle (DJ)

Borough Administrator Jaxel informed Council that a certain police vehicle has a blown engine and the Police Chief has recommended that it be sent to the County Auction.

On motion by Councilwoman Gara, seconded by Councilman Sibilia, it was moved to send this police vehicle to the County Auction.

Recorded Vote:

Aye: Carra, Gara, Foohey, Giraldi, Lobell, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Mayor Liptak brought up the subject of Main Street and its current overgrown condition. The Mayor stated that there are numerous weeds growing along Main Street and it should be the Borough's responsibility to maintain this section of town. Council President Lobell brought up the grass growing in the right away along Thompson Street. Councilwoman Gara brought up

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other weeding issues and discussion ensued on weeding and licensing regulations on spraying.

Council President Lobell stated that he would like to discuss the authorities of the Borough Engineer and the Zoning Officer. Mr. Lobell stated that there should be consistency when land use issues are handled by the Borough Officials and when they are brought to the Land Use Board for review. Borough Engineer Schrek gave a brief explanation of the Land Use Law and how it applies to certain issues. Mayor Liptak suggested that this topic be an item for a work session.

**PUBLIC COMMENTS**

Tom Brown of 18 Elmer Street, Raritan, New Jersey stated that if Council plans to have the Land Use Law as a work session item then he suggests that the Land Use Board Attorney is present. Mr. Brown stated that this is a serious issue and Council should obtain this information from the proper authorities. Mr. Brown stated the Land Use Board operates under State Law and their purpose is to be fair to all residents.

**ADJOURNMENT**

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

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

Motion Carried 6-0.

Meeting adjourned at 8:30p.m.

Respectively Submitted,

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Marguerite Schmitt, RMC  
Borough Clerk

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