

January 12, 2016  
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor McMullin 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 McMullin 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 7, 2016. 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: Councilman Bray, Councilwoman Danyluk, Councilman Foohy, Councilman Giraldi, Councilman Sibilis  
Absent: Council President Carra  
Also Present: Mayor McMullin, Borough Attorney Wenner, Borough Engineer Schrek, Police Chief McCormick, Borough Administrator Jaxel, Borough Clerk Schmitt

**INVOCATION AND FLAG SALUTE**

Councilman Bray led the invocation and flag salute.

**PUBLIC COMMENT**

None.

**WORK SESSION**

**1. Route 202 Property - Unfit Buildings (LG)**

Borough Attorney Wenner updated the Mayor and Council on the provisions of Chapter 113 of the Borough Code and read the following memo from Construction Official Gara into record regarding Block 40, Lot 1 at 104 Second Avenue. Mr. Wenner informed Council that upon their authorization a habitability complaint can be filed on the property prompting a hearing and potential remedy:

The second floor and the roof of the above referenced building collapsed due to excessive loading on the structure caused by the accumulation of snow, ice, and water. A building permit was issued on March 18, 2014 to remove the second floor and roof and stabilize the remaining structure. Specifications were submitted by a NJ licensed architectural firm for the work. The work was completed and the building stabilized on April 29, 2014. The building remains uninhabitable. There are no utilities connected to the building. An application for a permit to reconstruct the building has not been filed.

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On motion by Councilman Sibiliala, seconded by Councilman Giralardi, it was moved to approve Resolution No. 2016-01-22 - A Resolution Authorizing the Borough Attorney to Proceed with Public Hearing Notification Relative to Chapter 113 of the Code of the Borough of Raritan, *Unfit Buildings*.

Councilman Foohey inquired if pending litigation would affect this new proceeding and Councilman Giralardi inquired if this would present any liability to the Borough. A brief discussion ensued and Borough Attorney Wenner provided a legal analysis and reviewed the procedures to file the complaint.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giralardi, Sibiliala

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

2. Engineer's Report (SS)

Borough Engineer Schrek delivered the following report:

**Orlando Drive, Phase 3**

Green Acres has requested that we schedule another Scoping Hearing as notices were not sent directly to property owners within the 200 foot radius of the subject properties. The required signage was posted. The new meeting will be scheduled for the second Council meeting in February. All other required paperwork has been submitted.

**Stonebridge at Raritan**

We are working with the developer on final punch list items and required documentation to recommend a final performance bond release. One outstanding item is the easement from NJ Transit required to complete the pedestrian access route from the site, along Tillman Street, 1<sup>st</sup> Ave, 3<sup>rd</sup> Street, 2<sup>nd</sup> Ave and into the NJ Transit parking lot. If the route is not completed at the time of bond release, the Settlement Agreement permits the placement of a secondary bond to secure completion.

**Raritan Library**

PSE&G has now agreed to upgrade electric service, to the Library, at no cost to the Borough. The service will be upgraded to 208V, 3-phase. Bid documents for the panel upgrade can now be completed.

**Firehouse Generator**

Contract submittals have been approved and the generator has been ordered. The pad will be poured shortly followed by exterior wiring.

Mr. Schrek also updated Council on the light pole on Somerset Street and informed them that PSE&G did not have any prior

knowledge of the damage to this pole, however, now since they have the pole number replacement of the pole will be scheduled.

3. Setting of a Date for 2016 Department Head Budget Meeting with Governing Body (DJ)

Borough Administrator Jaxel requested that Council set a date for the 2016 Department Head Budget Meeting. Discussion ensued on possible dates and Council agreed on January 25<sup>th</sup> at 5:00p.m.

4. NJ Temporary Disability Insurance (PG/AS)

Councilman Sibiliala referenced the handout prepared on NJ Temporary Disability Insurance and informed those in attendance and watching via broadcast that the employees of Raritan Borough currently do not have disability insurance. Mr. Sibiliala stated that he believes this should be offered to all employees. Mr. Giraldi added that the cost is relatively small to both the Borough and the employees and the coverage is well worth the nominal cost. A brief discussion ensued and it was noted that both unions have agreed in writing to the added payroll deduction.

On motion by Councilman Sibiliala, seconded by Councilman Giraldi, it was moved to approve Resolution No. 2016-01-23, Authorizing Participation in the New Jersey Temporary Disability Program.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibiliala

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

5. Length of time for committee/board obligations (PG)

Councilman Giraldi commented about the length of time volunteers need to commit to some board and committee obligations. He requested that the Borough Attorney and Administrator look into these extended commitments and suggested shortening some of the terms to get others involved who may shy away from long term commitments.

6. Hiring Freeze (CM)

Mayor McMullin referenced his speech at Reorganization where he spoke of the lawsuit and his review of the 2014 Audit. Mayor McMullin referenced the current judgement placed on the Borough which is currently under appeal. He noted that funds

to satisfy this judgement would need to be disbursed from the Borough's cash reserves which the Mayor does not see in the budget upon his review of the 2014 Audit.

Mayor McMullin stated that the Borough must face the harsh reality that this judgement could be imposed and suggested that a hiring freeze is one way to represent the economic challenges facing the Borough as a result of this imposed judgement. Mayor McMullin requested that the Finance Committee review some stop gap issues and report back to the entire Council by the end of February with additional ideas.

Councilman Foohey stated that he was led to understand that the financing of this judgement would come out of Borough surplus or through bonding. Discussion ensued on the use of surplus and Mayor McMullin stated that he did not feel that surplus would adequately address the dimension of this issue.

7. Appointment of Raritan's 2016 Community Development Representatives (DJ)

Borough Administrator Jaxel stated that two appointments are made to the 2016 Community Development Committee, one by the Mayor and one by the Council. Mr. Jaxel stated that for years he has had the pleasure to serve with John Orrechio and also appreciates the many presentations made by Borough Engineer Schrek. Mr. Jaxel stated that the Mayor is invited to the meeting when the final presentation is made. Mr. Jaxel nominated himself and John Orechio to serve on the 2016 Community Development Committee.

On motion by Councilman Sibiliala, seconded by Councilman Foohey, it was moved to appoint Daniel Jaxel and John Orecchio to the 2016 Community Development Committee.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibiliala

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

8. Liaison Appointments (AS)

Councilman Sibiliala stated that as a courtesy to those councilmembers who have certain liaison assignments, he would like to request that when issues arise these issues should be brought to the attention of the councilmembers assigned.

Mayor McMullin gave an explanation regarding the situation of concern and Borough Administrator noted that at times overlaps with liaison assignments will happen. Councilman Sibilia requested communication going forward.

9. Request by Sunesys to extend Telecommunications Fiber in Raritan (DJ)

Borough Administrator Jaxel informed Council that Sunesys has been granted permission in the past to extend telecommunications fibers and is now requested that the permission be extended to the Granetz Plaza area. Discussion ensued and Borough Attorney Wenner stated that he would reach out to Sunesys.

10. Out of Service Police Vehicle and Replacement from Somerset County (DJ)

Borough Administrator reviewed the request by the Police Department for a replacement vehicle from Somerset County.

On motion by Councilwoman Danyluk, seconded by Councilman Sibilia, it was moved to remove one vehicle from Police Department service and to make application to Somerset County for a replacement vehicle.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

11. Request to use Kiosk for JFK PTO Flyers (DJ)

Borough Administrator Jaxel reviewed the current use of the kiosk and the request from the JFK PTO to post flyers. Discussion ensued on which groups should be allowed access and who would manage the posting. Council agreed that the JFK PTO would be granted use of the kiosk.

12. Speed Sign on Woodmere Street (AS)

Councilman Sibilia stated that it appears that the speed sign on Woodmere Street works during the day but not at night. Borough Administrator Jaxel stated that he would look into it.

13. Update on 30 W. Somerset Street, Street Pole (AS)

This item was resolved in the Borough Engineer's report.

14. Salary Increase for Mayor and Council (PG)

Councilman Giraldi stated that he would like to initiate a discussion on this topic. Mr. Giraldi stated that the Mayor and Council positions are paid positions in the State of New Jersey and currently the Raritan Borough Mayor and Council are the lowest paid in Somerset County. In addition, there has not been a pay increase in over ten years. Mr. Giraldi continued that this position requires a fair amount of time and effort and the pay somewhat offsets these obligations. Also, it may help to incentivize others to get involved if the pay was slightly more. It was noted that the current compensation for the Mayor and Councilmembers is \$2,000 and \$1,500 per year respectively.

Councilman Sibilgia stated even if the pay is increased Councilmembers do not have to accept the compensation. Mr. Sibilgia stated that he currently does not accept any compensation; however, he knows how difficult it is to get others to run for office. Councilman Bray stated that he also would not be taking any compensation for his position. He stated that he is here to volunteer his time to the community.

Councilman Foohey stated that he considers this position as part time employment working for the residents. Mr. Foohey also commented that prior to the last raise ten years ago, an increase was given around 1984 or 1985; this would be only the third increase in over 30 years.

Discussion ensued on an acceptable increase and what compensation is given to other comparable Somerset County Mayors and Councilmembers.

15. Televising Council Meetings on Verizon (JF)

Councilman Foohey gave an update on the Verizon fiber optic installation. Mr. Foohey stated that broadcasting via Verizon may not be an option because it would require a manual switching at the school to access the Fios channel. Mr. Foohey explained that another option may be for the Borough to obtain its own government channel and gave an explanation on the procedure.

**APPOINTMENTS**

**Mayoral Appointment without Consent of Council**

Mayor McMullin announced the following appointment:

Regional Center Executive Board

Municipal Representative - 1/1/16 to 12/31/16 - Stanley Schrek,  
Borough Engineer

**Mayoral Appointment with Consent of Council**

Mayor McMullin announced the following appointment:

Library Board of Trustees

Member - Board of Education Representative - 1/1/16 to 12/31/16

- Ann Marie Meade

On motion by Councilman Sibilia, seconded by Councilman Bray, it was moved to approve the above listed appointment.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**RESOLUTIONS**

Resolution No. 2016-01-16 - Resolution Authorizing Submission of the Fiscal Year 2016-17 Bridgewater-Raritan Municipal Alliance Request for Application with Somerset County Board of Chosen Freeholders in the Amount of \$72,417

On motion by Councilman Sibilia, seconded by Councilman Giraldi, it was moved to approve Resolution No. 2016-01-16

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2016-01-17 - Budget Transfer

On motion by Councilwoman Danyluk, seconded by Councilman Bray, it was moved to approve Resolution No. 2016-01-17

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2016-01-18 - Disposition of Equipment by the Raritan Police Department

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On motion by Councilman Sibilgia, seconded by Councilman Giraldi, it was moved to approve Resolution No. 2016-01-18

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilgia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2016-01-19 - A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey Authorizing the Execution of a License Agreement for the Support and Maintenance of Hardware and Software with Spatial Data Logic, Inc.

On motion by Councilman Giraldi, seconded by Councilman Bray, it was moved to approve Resolution No. 2016-01-19.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilgia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2016-01-20 - Award of Bid for Transfer Station Disposal of Solid Waste

On motion by Councilwoman Danyluk, seconded by Councilman Sibilgia, it was moved to approve Resolution No. 2016-01-20.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilgia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2016-01-21 - Appointment of Public Defender

On motion by Councilman Giraldi, seconded by Councilman Sibilgia, it was moved to approve Resolution No. 2016-01-21 appointing Nicholas DePalma of the firm King and Petracca.

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilgia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**PURCHASE ORDER REQUESTS**

1. Administration - 2016 Fire & Security Alarm Services, Municipal Building - Automatic Communications Alarm in the amount of \$4,750.00.

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

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

2. Police Department - Bullistic Entry Shield in the amount of \$2,177.10.

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

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

3. Public Works - Planting of 4 trees on Somerset Street - Absolute Tree Experts, LLC in the amount of \$1,800.00.

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

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

4. Police Department - Maintenance on live scan fingerprint machine - Safron Morpho Trak in the amount of \$2,633.69.

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

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

5. Police Department - Yearly storage unit rent - Raritan Self Storage in the amount of \$1,560.00.

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

Recorded Vote:

Aye: Bray, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**OLD BUSINESS**

Councilman Giraldi inquired about the delay with the documents regarding the Gannet lawsuit being transferred to the new firm. Borough Administrator Jaxel responded that the copulation of the documents may take some time and he does not feel there is any unwillingness on the part of the prior firm. Borough Attorney Wenner stated that he would reach out the former firm and request an estimated time when the documents would be delivered.

Councilman Foohey provided an update on the compilation of the Borough calendar. Discussion ensued on the length of the calendar and donations received from merchants for the purpose of producing the calendar. Mr. Foohey also commented that additional information is required from the Boards & Committees to complete the calendar. Mayor McMullin requested that Councilman Foohey bring his ideas on how to move forward on the calendar to the next meeting.

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**COMMITTEE AND LIAISON REPORTS**

Councilman Bray delivered the Board of Health report for the month of December 2015.

Councilman Sibiliala mentioned that a Rabies Clinic will be held on Saturday, January 16<sup>th</sup>.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

On motion by Councilman Sibiliala, seconded by Councilman Foohey, it was moved to adjourn the meeting.

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

Motion Carried 5-0.

Meeting adjourned at 8:20p.m.

Respectively Submitted,

\_\_\_\_\_  
Marguerite Schmitt, RMC  
Borough Clerk

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