

January 26, 2016
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor McMullin 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 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, Council President Carra,
Councilwoman Danyluk, Councilman Foohey,
Councilman Giraldi, Councilman Sibilialia

Absent: XXX

Also Present: Mayor McMullin, 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

INVOCATION AND FLAG SALUTE

Council President Carra led the invocation and flag salute.

EXECUTIVE SESSION

Resolution No. 2016-01-24 - Executive Session - Subject Matter:
Litigation; Attorney/Client Privilege

On motion by Councilman Sibilialia, seconded by Councilman Bray, it
was moved to approve Resolution No. 2016-01-24.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

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

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

Recorded Vote: All Ayes

Motion Carried 6-0.

Council came out of Executive Session at 6:59p.m. and resumed in Regular Session at 7:00p.m.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

December 15, 2015 - Executive Session

December 15, 2015 - Agenda-Workshop/Regular Meeting

On motion by Councilman Giraldi, seconded by Councilman Sibilialia, it was moved to approve the minutes of the December 15, 2015 Executive Session and Agenda-Workshop/Regular Meeting.

Recorded Vote:

Aye: Carra, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: Bray, Danyluk

Motion Carried 4-0.

January 3, 2016 - Reorganization Meeting

On motion by Council President Carra, seconded by Councilman Sibilialia, it was moved to approve the minutes of the January 3, 2016 Reorganization Meeting.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

WORK SESSION

1. Redevelopment - Third Street Area - JMF Properties (DJ)

Joseph Forgione of JMF Properties at 80 S. Jefferson Road, Suite 202, Whippany, New Jersey delivered a presentation to the Mayor and Council regarding a concept plan to redevelop the site at Block 81, Lots 1-10 on Third Street. Mr. Forgione stated that this is a 14 parcel site on approximately 3.5 acres and stated that the plan is to construct a four story residential building with a parking deck that would include approximately 306 units. After the presentation there was a brief question and answer session between Council and Mr. Forgione.

Mayor McMullin invited Jeffrey Lehrer, Esq., with the Law Firm of DiFrancesco, Bateman, Kunzman, Davis Lehrer & Flaum, P.C. at 15 Mountain Boulevard, Warren, New Jersey to address Council on the redevelopment process. Mr. Lehrer stated that the first step in the redevelopment process is for Council to pass a Resolution requesting that the Planning Board conduct a preliminary investigation to see if the parcel indicated would meet the qualifications for redevelopment. Mr. Lehrer advised Council on the process and timeline. Mayor McMullin requested a motion to proceed with the Planning Board study.

Resolution No. 2016-01-32 - Authorizing the Borough of Raritan Planning Board to Undertake a Preliminary Investigation for the Redevelopment of Approximately 3.3 Acres of Land Known as Block 81, Lots 1,2,3,3.01,4,5,6.01,6.02,6.03,7,8,9,9.01, and 10 as Shown on the Borough of Raritan Tax Map

On motion by Councilman Giraldi, seconded by Councilman Sibilialia, it was moved to approve Resolution No. 2016-01-32.

Recorded Vote:

Aye: Bray, Carra, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: Danyluk

Motion Carried 5-0-1.

2. Council Liaison Assignments (CM)

Mayor McMullin announced that he will modify the current Council liaison assignments and appoint Councilman Sibilialia to Public Properties and Councilman Giraldi to Police.

3. Special Library Meeting (PG)

Councilman Giraldi stated that he wished to update Council that at the last Trustees of the Raritan Public Library meeting the Trustees requested a joint meeting with the Borough Council. Mr. Giraldi stated that discussion items for the agenda along with the date and time will need to be worked out. Mr. Giraldi stated that he will report back to Council when these items are finalized.

4. Finance Committee Report - Hiring Freeze (CM)

Mayor McMullin stated that the financial numbers with regard to the Gannett Lawsuit are significant and it is prudent that the Borough conserve cash. With this in mind, the Mayor requested that Council discuss and move forward with a

possible hiring freeze. Discussion ensued and Councilman Sibiliala stated that it is Council's responsibility to be fiscally responsible; however, he does not see a need for a hiring freeze. Borough Attorney Wenner suggested a resolution crafted to exclude or include certain personnel. Councilman Giraldi stated that he would have a problem with an across the board hiring freeze especially in the case of essential personnel. Mayor McMullin suggested a temporary hiring freeze which would not affect seasonal employees, however, would also not expand the current employee head count. There was consensus to move forward with a crafting a resolution to meet the criteria discussed.

5. First Avenue Paving Request (DJ)

Borough Administrator Jaxel reviewed the request from Somerset County to waive the noise ordinance for overnight construction for the milling and paving of First Avenue as a part of the 2016 County overlay contract. Borough Engineer Schrek reviewed other options such as performing the work on a Saturday; however, he stated that in 2001 when the County completed a similar project that project was completed at night. A brief discussion ensued.

On motion by Councilman Giraldi, seconded by Council President Carra, it was moved to waive the Noise Ordinance for this project and allow construction at night.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibiliala

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

6. River Fest/Duck Race (CM)

Mayor McMullin stated the he would like to explore how to revive the River Fest and Duck Race and asked Borough Attorney Wenner how the Borough should proceed. Mr. Wenner stated that it is dependent on what role Council plans to play in the process. Mr. Wenner reviewed the Borough's options and the proper course of action. Donald Tozzi reported on the Duck Race and the River Fest and how he would organize the event. Discussion ensued on who would be providing Police and Public Works Services and if the Borough was going to receive something in return from the entity running the event. Borough Attorney Wenner recommended that competitive contracting be initiated and explained the process.

Resolution No. 2016-01-33 was added:

A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey Authorizing Competitive Contracting for the Operation and Administration of the Raritan Borough Duck Race in Conjunction with Raritan Borough River Fest

On motion by Councilman Sibiliala, seconded by Council President, it was moved to approve Resolution No. 2016-01-33.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibiliala

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

7. Annual Stream Clean-Up (DJ)

Borough Administrator Jaxel reviewed the request from the Raritan Headwaters Association for the 2016 Stream Clean-up and requested publicity.

On motion by Councilman Sibiliala, seconded by Council President, it was moved to approve the event and provide the requested publicity.

Recorded Vote: All Ayes

Motion Carried 6-0.

8. Suburban vehicle transfer to Public Works Department (DJ)

Borough Administrator Jaxel informed Council that he plans to transfer the suburban vehicle from the Construction Department to the Public Works Department and asked if there were any objections from Council. Council was in favor of the transfer.

9. Calendar of Meetings (MS)

Borough Clerk Schmitt informed Council that an amended 2016 Calendar of Meetings was on the Agenda for their approval. The change was due to November 8th being overlooked as Election Day. Therefore, there will only be one meeting in November on the 4th Tuesday.

10. Issuance of Social Affair Permits (MS)

Borough Clerk Schmitt informed Council that the Division of Alcohol and Beverage Control has instituted a new procedure for issuance of Social Affair Permits. Permits will be

issued by the Division of ABC within seven business days and do not require the consent of Council.

Borough Attorney Wenner informed Council that this is a more streamlined process that the Division of ABC is instituting and he wanted to bring to Councils' attention that unless there is an ordinance requiring consent or approval of Social Affair Permits then approval is not required. However, if Council wishes to approve Social Affair Permits then they would have to adopt an Ordinance requiring consent.

APPOINTMENTS

Mayoral Appointment without Consent of Council

Mayor McMullin announced the following appointments:

Historic and Cultural Committee

Alternate Member #1 (1year term) - Edward Ruzbarsky - 1/1/16 to 12/31/16

Alternate Member #2 (1 year term) - Joyce Tronolone - 1/1/16 to 12/31/16

Mayoral Appointment with Consent of Council

Mayor McMullin nominated the following:

Board of Health

Member (3 year term) - Karen Mirra - 1/1/16 to 12/31/18

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

Councilman Foohey voiced his disapproval with this appointment and stated that he heard the reason for not reappointing Connie Del Rocco, a former member who spent 14 years on the Board of Health, was political. Mr. Foohey stated that if this appointment was in fact political than it is not putting Raritan First, it is putting politics first.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Giraldi

Nay: Foohey

Abstain: Sibilialia

Motion Carried 4-1-1.

ORDINANCES

Ordinance No. 2016-01 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 167, Fire Prevention, of the Code of the Borough of Raritan, Section

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6, Inspections of Multi Family Dwellings and Apartments,
Regarding Fees

On motion by Councilman Giraldi, seconded by Councilman Bray, it was moved to introduce Ordinance No. 2016-01.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Ordinance No. 2016-02 - An Ordinance of the Borough of Raritan,
County of Somerset, State of New Jersey, Amending the Code of
the Borough of Raritan in Order to Create a New Chapter 2
Entitled "Administration"

Mayor McMullin requested a motion be table Ordinance No. 2016-02 for further discussion.

On motion by Councilwoman Danyluk, seconded by Councilman Giraldi, it was moved to table Ordinance No. 2016-02.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

Mayor McMullin announced that Ordinance No. 2016-01 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, February 23, 2016 at 7:00p.m. or at any time and place to which the meeting for the further consideration of the ordinance shall be adjourned.

RESOLUTIONS

Resolution No. 2016-01-25 - Budget Transfer

On motion by Council President Carra, seconded by Councilman Giraldi, it was moved to approve Resolution No. 2016-01-25.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-26 - Amusement Devise Licenses

On motion by Councilman Sibilialia, seconded by Councilman Giraldi,
it was moved to approve Resolution No. 2016-01-26.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-27 - Amended 2016 Calendar of Meetings

On motion by Councilman Giraldi, seconded by Councilman Sibilialia,
it was moved to approve Resolution No. 2016-01-27.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-28 - Railroad Parking Refund

On motion by Councilman Giraldi, seconded by Councilman Sibilialia,
it was moved to approve Resolution No. 2016-01-28.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-29 - Appointment of Firefighter

On motion by Councilman Giraldi, seconded by Councilman Sibilialia,
it was moved to approve Resolution No. 2016-01-29.

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Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-30 - A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey, Authorizing Reduction of Performance Bond (Stone Bridge at Raritan)

On motion by Council President Carra, seconded by Councilwoman Danyluk, it was moved to approve Resolution No. 2016-01-30.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

Resolution No. 2016-01-31 - Appointment of Municipal Prosecutor - Charles Schalk of the firm Mauro, Savo, Camerino, Grant & Schalk

On motion by Council President Carra, seconded by Councilwoman Danyluk, it was moved to approve Resolution No. 2016-01-31.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

APPROVAL OF BILLS LIST

On motion by Councilman Giraldi, seconded by Councilman Bray, it was moved to approve the bills list for the period December 14, 2015 thru January 22, 2016 in the amount of \$3,042,366.22.

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilialia
Nay: XXX
Abstain: XXX

Motion Carried 6-0.

PURCHASE ORDER REQUESTS

1. Fire Department - Purchase of Pierce Fire Engine (State Contract Award #A83457) - Pierce Manufacturing Inc. in the amount of \$470,000.00.

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

Recorded Vote:

Aye: Bray, Carra, Danyluk, Foohey, Giraldi, Sibilia

Nay: XXX

Abstain: XXX

Motion Carried 6-0.

OLD BUSINESS

Borough Calendar

Councilman Foohey brought up discussion of the 2016 Borough Calendar. Discussion ensued on how to best approach the formation and distribution of the 2016 Borough calendar along with how to use the money already allocated for the purpose of the calendar. There was agreement to format the 2016 calendar from February to January 2017 and to move forward with placing the calendar on-line and expending the monies allocated.

Council President Carra requested that when an incident goes on in town that Council be informed.

COMMITTEE AND LIAISON REPORTS

Councilman Giraldi stated that he already gave the Library report during work session and the Basilone Committee meeting was postponed.

Councilman Bray announced that a new member, Marie Ciufu, was sworn in, Paula Machala was elected President and Katherine Mastice, Vice President. Also, a Rabies Clinic was held on January 16th and 123 animals were vaccinated. In addition, the Board of Health would like to recognize January as Cervical Cancer Awareness Month. Councilman Bray also announced that the Recreation Department is requesting to bring back the Opening Day Baseball Parade down Main Street.

Council President Carra commended the Department of Public Works on the great job with the snow removal during the blizzard and updated Council on the plan to begin removing the snow from

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Somerset Street starting next week. Also, the last court session was cancelled due to inclement weather.

Councilwoman Danyluk reported that there was nothing significant to report on the Environmental Commission.

Councilman Foohey announced that the Fire Department would like to remind everyone to keep paths to the fire hydrants clear of accumulated snow. Mr. Foohey reported that the Historic and Cultural Committee laid out plans for the coming year with may include a walking tour of Raritan and they are still hoping for a museum one day. Also, Mr. Foohey announced that the Mayor swore in the new officers of the Senior Citizens Organization.

Mayor McMullin noted that he noticed many historic artifacts while swearing in new committee members and noted that he would like to see these items properly secured and archived. Mayor McMullin stated that he has addressed this concern to the Historic and Cultural Committee.

Councilman Sibilgia reported on the Board of Education and announced that the teachers' union reached a tentative agreement and a new superintendent was scheduled to be announced tonight. Also, the Economic Development Committee has not met to date.

PUBLIC COMMENTS

Bob Lee of 87 E. Somerset Street, Raritan, New Jersey stated that the Borough has an Ordinance regarding the clearing of sidewalks during periods of snow and some sidewalks have not been cleared. Mr. Lee stated that people are walking in the street because sidewalks have not been cleared and he would like to see these sidewalks opened up.

Tom Brown of 18 Elmer Street, Raritan, New Jersey addressed the agenda item on the hiring freeze and noted that at last night's budget meeting Mr. LaVerde, Public Works Superintendent, brought up the issue of hiring a new employee to address storm sewer repairs. Mr. Brown noted that the hiring of personnel to address this issue may be of a critical nature. Mayor McMullin addressed this concern and stated that there is a reasonably detailed analysis that needs to be considered prior to moving forward with the hiring of personnel.

Donald Tozzi of 38 Glaser Avenue, Raritan, New Jersey reminded the Mayor and Council that the calendar previously was distributed in March. Mr. Tozzi made suggestions on how to proceed with developing and distributing the calendar.

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ADJOURNMENT

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

Recorded Vote: All Ayes

Motion Carried 6-0.

Meeting adjourned at 8:50p.m.

Respectively Submitted,

Marguerite Schmitt, RMC
Borough Clerk

Approved: _____