

MEETING OF MAYOR AND COUNCIL
WEDNESDAY, APRIL 30, 2014

* MEETING CALLED TO ORDER * STATEMENT REGARDING OPEN
PUBLIC MEETING LAW * SALUTE TO THE FLAG

Mayor Martin called the meeting to order at 7:03 p.m. This meeting is called to order in accordance with the Open Public Meetings Law. Notice of this meeting stating the starting time, date and location was advertised in the Home News, posted on the bulletin board in the lobby of the Municipal Building and will be incorporated in the minutes of this meeting. All in attendance Pledged Allegiance to the Flag.

* CALLING OF THE ROLL:

Asciolla (arrived at 7:29 p.m.)
Bruno
Estrada
Janeczek
Slavicek
Vidal

* PUBLIC PORTION

Joe Opinski, 18 Avenue A, had a question; he asked if we hired a Police Director. The Mayor stated we did and he asked what the salary was. The Mayor stated \$65,000.00. He asked who pays this and was told the taxpayers. He asked why Greg Bennett wasn't asked back and she said he's involved in litigation. He asked what is the litigation about and the Mayor said it's litigation and it can't be discussed in public. The Mayor clarified that it is a full time position, five days a week for \$65,000.00

RESOLUTION # 2014 – 96 ADOPTION OF BUDGET (It was advertised in Home News Tribune)

Clmn. Slavicek asked that after reviewing the animal shelter, he wondered if we were in the black or red. He also questioned paying the principal on the debt. He wanted to know what the monthly payment is and the C.F.O said it is an annual payment. She said the payment amounts to \$90,000.00 for the debt and \$15,000.00 for interest. There was no one from the Public who wished to speak on the budget.

MOTION – Clwmn Bruno SECOND – Clmn. Janeczek

ROLL CALL: 5-0

* CONSENT AGENDA – RESOLUTION # 2014 – 102

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

RESOLUTIONS:

97 – Refund of Overpayment

98 – Raising Awareness of Fibrodysplasia Ossificans Progressiva

99 – Resolution calling on the Legislature to make permanent the 2% Cap on

Interest arbitration awards

100 – Payment of bills

~~101 – Appointment of Finance Clerk (pulled)~~

MOTION – Clmn. Slavicek SECOND – Clwmn. Vidal

ROLL CALL: 5 - 0

Resolution #101 – Appointment of Finance Clerk

Clwmn. Bruno stated that she did not know that AnnMarie Mausser was leaving and is there a reason why she was leaving. The Boro Administrator said she gave him a letter of resignation and she is moving to another opportunity in the private sector. The Borough needs a daily presence in the Finance Department and she could not fulfill these hours. We received fifteen applications and we narrowed it down to four. He does live in Sussex but will be relocating to Middlesex County. He has checked his references and they were impeccable. He is willing to take the classes towards the C.F.O. certification. Clmn. Slavicek doesn't know if he would have recommended this person as some others had municipal experience. He was concerned that he had to reach out that we were hiring someone where we should have been notified that AnnMarie resigned.

MOTION – Clmn. Janeczek SECOND – Clwmn. Bruno
ROLL CALL: 5 - 0

* APPROVAL OF MINUTES

March 26, 2014 – MOTION to accept Clwmn. Vidal SECOND – Clwmn. Bruno
ROLL CALL: 5 - 0

March 30, 2014 – MOTION to accept Clmn. Slavicek SECOND – Clwmn. Vidal
ROLL CALL: 5 - 0

* COMMITTEE REPORTS: MAYOR, BOROUGH ATTORNEY, BOROUGH ENGINEER, DEPARTMENT COMMITTEE REPORTS

Clwmn. Janeczek reported that our summer water level has taken effect and we will be at 285,00 gallons per day; hopefully this will help with the ratchet and this will be in effect until October 31. East Brunswick Township has fought hard against a water increase but the Borough will see an increase around July of less than a 17% increase. Clean up day was held and Helme Park was cleaned up. We will do Residence Park next week. Hydrant flushing will take place. The Mayor asked the Administrator to take a look at the increase. He said that they are requesting 17% but he doesn't think the Judge will grant them this amount.

Clwmn. Bruno proudly announced that Spotswood High School went to Williamsburg and came back with four trophies. She thanked Santokh for promptly putting it on the website. She is working with the Mayor in obtaining a A4F4 form from Spotswood and trying to set up a shared services for IT. A meeting was held regarding Helmetta Day and there will be no road closure. Traffic will go down North Shore Blvd. She addressed concerns regarding the money; half will go to the Animal Shelter and half will go to the Fire Department. She wants everyone to know that everything is being done correctly and there is no need to worry about anything. We are going to count the money, figure out our bills and the proceeds will be split between the two. Clmn. Janeczek asked if we are getting help from the Fire Dept. and she said yes, today she was told that there are eight people to help cook, clean and they sponsored a trophy. If anyone can get any sponsorship or donations it would be appreciated. St. George's Church was concerned because they are having a Strawberry Festival. A meeting will be held with them and everything will be worked out. Clwmn. Vidal asked if anyone is anyone helping from the shelter. There will be a few. Clmn. Slavicek said that his business is donating dash plaques. The first one hundred cards will receive one. Each vendor that has responded are different, there are no duplicates.

* RECITING OF ORDINANCES ON SECOND READING & PUBLIC HEARINGS

#2 - An ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank (N.J.S.A. 40A:4-45.14) in the Borough of Helmetta, County of Middlesex, State of New Jersey

This Ordinance was opened to the Public. There being no one who wished to speak it was closed to the Public

MOTION to adopt – Clmn. Janeczek SECOND – Clwmn. Bruno

ROLL CALL: 5 – 0

Clmn. Ascioffa had just arrived and the Clerk did not include him on the voting.

#3 – An Ordinance of the Borough of Helmetta, County of Middlesex, State of New Jersey, fixing and determining salary ranges for certain employees and officials in the Borough of Helmetta, Middlesex County, New Jersey.

This Ordinance was opened to the Public. There being no one who wished to speak the hearing was closed to the Public.

The Borough Administrator said he is recommending this for several reasons. He said that all Borough's should have salary ordinances and when the Auditor comes in he can see that we have recognize contracts. The other thing that this will do it will enable to establish salaries within the ranges of this ordinance. Another thing it will do is allow personnel decisions to be made. Since we meet only once a month this will allow him to hire, other than Department heads, personnel. If not we will have to meet more than once a month. Clwmn. Bruno didn't like the wording like certain employees and officials in the Borough and appropriate authority. What does this mean? Certain employees would be the names and titles in this ordinance. The appropriate authority comes from the ordinance as your Police Director. It refers to the Public Safety Committee as being the appropriate authority. The Borough Attorney stated that there are statutes for the Police Dept. that states this also. Clmn. Bruno asked if the Council still has a vote. As far as Police, Public Works, Director of Public Safety would eliminate your vote; the control would be your contracts. Dave Clark, Borough Attorney, said that if the Administrator wanted to hire someone they would have to be paid within the salary ranges. His authority to hire would have to be within those ranges.

MOTION – Clmn. Ascioffa SECOND – Clmn. Janeczek

ROLL CALL: 3 – 3

(Aye - Ascioffa, Estrada, Janeczek Nay – Bruno, Slavicek, Vidal)

Clmn. Slavicek asked how Clmn. Ascioffa can vote on this ordinance when he didn't vote on anything else this evening. The Clerk said because he is here now. Clmn. Slavicek said but you skipped him on the last ordinance. She replies that he just sat down. He stated he didn't know if that is fair. She said she gave him time to catch his breath, he was just taking his coat off and sat down. Clmn. Slavicek said he didn't think it was right that he didn't vote on anything else just one thing. He felt that you should have to be here for the whole meeting. Borough Attorney David Clark stated that there is nothing legally stating he can't vote. If he is here, he can vote. The Borough Administrator said that if he is seated at the dais, he has the right to vote. Clmn. Slavicek said we get the agenda ahead; that means a Councilperson could come in and vote for one item and leave. Councilman Slavicek said and come back and vote on something else. The Attorney said there is nothing to stop this. It's probably not a very good practice but Council members can vote on things when they

are here. Long story short, there is no legal prohibition. Clmn. Slavicek said he doesn't have the handbook here but if he goes back and review it won't find that you have to be present for a certain amount of the meeting. He asked the Attorney if he was positive about that and he replied, I am. Clmn. Slavicek said it doesn't sit well with him and he is the type that likes to bring things to the table.

Mayor Martin broke the tie voting for it. She stated that it for the efficiency in the running of the Borough of Helmetta.

Clmn. Slavicek asked the Mayor if she could vote on this. The Mayor replied I am. The Mayor asked the Attorney if he could clarify this since he is saying Brandon works for the Borough. The Attorney said that this is not a vote to give an employer a particular raise. He said her son is governed by a Union Contract which was brought and voted on by the Council. This ordinance is just setting up a mechanism; it doesn't pertain to a particular person or hire. If your saying this is an ethics problem, in the Attorney's view it is not. Clmn. Slavicek questioned that the Administrator mentioned Department Heads and Brandon is a foreman and the next step for him would be to become a Department Head so that I don't know if you would be able to recommend him because that would be a conflict of interest. The Mayor said no one is recommending anybody. Clmn. Slavicek said if it came to that under this Ordinance. The Attorney stated that this Ordinance doesn't have anything to do with the appointment of a Department head; what the Administrator was saying that he would not have the authority to hire Department heads due to the salary ranges. If he needed someone to collect dog debris he could hire. Department heads are appointed by the Mayor and then they are approved by the Council. If the Mayor had to vote on a family member, we would have to raise the issue if it was an ethics problem.

MOTION – Clmn. Ascioffa

SECOND – Clmn. Janeczek

ROLL CALL: 3 – 3

* RESOLUTION # 103 - CLOSED SESSION – LITIGATION

MOTION – Clmn. Ascioffa

SECOND – Clwmn. Bruno

ROLL CALL: 6 - 0

The next meeting will be held on May 28.

* ADJOURNMENT

There being no further business, Clmn. Ascioffa made a MOTION and SECONDED by Clwmn. Bruno. All were in favor.

Sandra Bohinski, RMC
Municipal Clerk

	Copies	Marr Lic	Plng Bd	Towing	Licenses	Lndlr Reg	Recycling
Martelo	\$100.00					\$100.00	
Calella	\$100.00					\$100.00	
Ramlakhan	\$100.00					\$100.00	
Gherardi	\$100.00					\$100.00	
Posillico	\$100.00					\$100.00	
Messler	\$100.00					\$100.00	
Kaplan	\$100.00					\$100.00	
McDonald	\$100.00					<u>\$100.00</u>	
Bosch	\$28.00		<u>\$28.00</u>				
Recycling	<u>\$9.99</u>						<u>\$9.99</u>
TOTAL	\$837.99	\$28.00				\$800.00	\$9.99
Dog and Cat Licenses		\$147.00					

Borough of Helmetta

Denise Jawidzik

Denise Jawidzik

Tax Collector

REPORT OF THE TAX COLLECTOR

Month of: March, 2014

Dated: April 14, 2014

Taxes - 2013 \$ 7,230.13

Taxes - 2014 \$ 50,432.28

Taxes - 2015

ADJUSTMENTS

Interest \$ 1,017.44

Costs

Tax search

Return Check fee \$ 25.00

Search Printouts

Duplicate Bill Fee \$ 5.00

Misc.

Closing Balances

			Debit	Credit	Net
TOTAL	\$ 58,709.85	2014	\$ 1,298,028.92	\$ (274.27)	\$1,297,754.65
		2013	\$ 69,909.30		\$ 69,909.30

Tax Collectors Trust

Disbursements

Prior Balance	\$ 34,500.00	#167	\$ 2,139.84		
Receipts	\$ 7,570.16	#168	\$ 600.00		
		#169	\$ 2,170.60		
Disbursements	\$ 10,670.16	#170	\$ 700.00		
		#171	\$ 1,797.79		
		#172	\$ 1,000.00		
		#173	\$ 1,461.93		
Balance	\$ 31,400.00	#174	\$ 800.00		
Premium Balance	\$ 31,400.00			\$ 10,670.16	

Water/Sewer Receipts Report

March 2014

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2012 Principal	\$ -	\$ -	\$ -
2013 Principal	4,557.45	4,155.36	8,712.81
2014 Principal	<u>10,530.35</u>	<u>11,007.86</u>	<u>21,538.21</u>
Subtotal	15,087.80	15,163.22	30,251.02
Interest	<u>225.77</u>	<u>230.00</u>	<u>455.77</u>
Subtotal	15,313.57	15,393.22	30,706.79
Final Water Reads	-		-
NSF Returned Check	-	-	-
Refund Overpayment	-	-	-
NSF Bank Fees	25.00	-	25.00
New Water Meter	-	-	-
Connection Fee	-	-	-
Water Meter Testing	-	-	-
Transfer in from Tax	-	-	-
Transfer out to Tax	<u>-</u>	<u>-</u>	<u>-</u>
	<u>\$15,338.57</u>	<u>\$ 15,393.22</u>	<u>\$ 30,731.79</u>

Carol Feig

Utility Revenue Collector

**RESOLUTION
2014 – 96**

ADOPTION OF BUDGET

MOTION – Clwmn Bruno SECOND – Clmn. Janeczek
ROLL CALL: 5-0

**RESOLUTION
#2014 – 97**

REFUND OF OVERPAYMENT

WHEREAS, Lila Bredt was ordered to pay restitution fees of \$1,225.00, and

WHEREAS, total payments of \$1,250.00 were made; and

WHEREAS, James Apgar, Animal Control/Cruelty Officer requested that this overpayment of \$25.00 be refunded to her,

NOW THEREFORE BE IT RESOLVED, that the C.F.O. is hereby authorized to send a refund check of \$25.00 to Lila Bredt, 714 Lee Avenue, North Brunswick, NJ 08902.

MOTION – Clmn. Slavicek SECOND – Clwmn. Vidal
ROLL CALL: 5 - 0

**RESOLUTION
#2014 – 98**

RAISING AWARENES OF FIBRODYSPLASIA OSSIFICANS PROGRESSIVA

WHEREAS, Fibrodysplasia Ossificans Progessiva is an illness characterized by normal bone forming in muscles and connective tissue, forming an extra skeleton that immobilizes the body; and

WHEREAS, Fibrodysplasia Ossificans Progressiva affects children, usually in the first or second decade of life being diagnosed by the age of ten, depriving them of normal development; and

WHEREAS, it is estimated that 2,500 people worldwide are afflicted with Fibrodysplasia Ossificans Progressiva, with 200 diagnosed cases in the United States and 12 cases in New Jersey; and

WHEREAS, currently the University of Pennsylvania is the only medical research facility investigating a cure for Fibrodysplasia Ossificans Progressiva; and

WHEREAS, numerous states, countries and international organizations have joined together to increase public awareness of this devastating, rare genetic disorder, to promote research to find the cure; and

WHEREAS, the Borough Council of the Borough of Helmetta wishes to help to increase awareness of Fibrodysplasia Ossificans Progressiva and to provide public support to find a cause and a cure for this devastating disorder.

NOW, THEREFORE, I, Nancy Martin, Mayor of the Borough of Helmetta, on behalf of my colleagues on the Borough Council, wish to raise awareness of this devastating disease and support research to find a cause and cure for **Fibrodysplasia Ossificans rogressiva**. We urge all residents of Helmetta Borough to learn about this devastating disorder with the hope of developing a treatment and cure.

MOTION – Clmn. Slavicek SECOND – Clwmm. Vidal
ROLL CALL: 5 - 0

**RESOLUTION
#2014 – 99**

**RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT THE 2% CAP ON INTEREST
ARBITRATION AWARDS**

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Helmetta strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the Borough of Helmetta, State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

MOTION – Clmn. Slavicek SECOND – Clwmn. Vidal
ROLL CALL: 5 - 0

**RESOLUTION
#2014 – 100**

PAYMENT OF BILLS

Payment of bills as per bill list.

MOTION – Clmn. Slavicek SECOND – Clwmn. Vidal
ROLL CALL: 5 - 0

**RESOLUTION
#2014 – 101**

APPOINTMENT OF FINANCE CLERK

BE IT RESOLVED, that Kevin O’Keefe is hereby appointed as Finance Clerk for the Borough of Helmetta for a term to begin on May 5, 2014.

The salary for this position will be \$30,000.00 per year and he will work seven (7) hours a day; thirty-five (35) hours a week.

MOTION – Cllmn. Janeczek SECOND – Clwmn. Bruno
ROLL CALL: 5 - 0

**ORDINANCE
#2014- 2**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) IN THE
BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, the Local Government Cap Law (N.J.S.A. 40A:4-45.1 et seq.) provides that in the preparation of its annual budget, a municipality shall limit any increase in the budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40:4-45.14a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Helmetta in the County of Middlesex finds it advisable and necessary to increase its CY2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the residents; and

WHEREAS, the Borough Council of the Borough of Helmetta hereby determines that a 3.5% increase in the budget for CY2014 over CY2013, amounting to \$53,165.56 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council of the Borough of Helmetta hereby determines that any amount authorized above not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey, a majority of the full authorized membership of the Governing Body affirmatively concurring, that in the CY2014 budget year, the final appropriations of the Borough of Helmetta shall, in accordance with this Ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% over the CY2013 final appropriations, amounting to \$53,165.56, and the CY2014 municipal budget for the Borough of Helmetta be approved and adopted in accordance with this Ordinance; and

BE IT FURTHER ORDAINED that any amount authorized by this Ordinance that is not appropriated as part of the final CY2014 budget shall be retained as an exception to final appropriations in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of its introduction; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with the Director of the Division of Local Government Services within five (5) days of final adoption; and

BE IT FURTHER ORDAINED that if any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon adoption and publication as required by law.

MOTION to adopt – Clmn. Janeczek SECOND – Clwmn. Bruno
ROLL CALL: 5 – 0

ORDINANCE
#2014 - 3

An Ordinance of the Borough of Helmetta, County of Middlesex, State of New Jersey, Fixing and Determining Salary Ranges for Certain Employees and Officials in the Borough of Helmetta, Middlesex County, New Jersey.

Be it ordained by the Mayor and Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the following attached salary schedule is approved effective January 1, 2014.

The Salary Ordinance may be amended from time to time as needed to account for new collective bargaining agreements.

Be it further ordained that the Borough Administrator is hereby authorized to establish salaries within the posted ranges pursuant to any collective bargaining agreement.

Be it further ordained that the Borough Administrator is hereby authorized to establish salaries within the posted ranges for all other Borough personnel.

Be it further ordained the Mayor or other appropriate authority provided by ordinance shall appoint all Department Heads subject to the Council Confirmation.

Be it further ordained that the Borough Administrator is hereby authorized to hire all employees (excepting as to Department Heads), promote, discipline and terminate (per collective bargaining contract where required) all Borough personnel.

Be it further ordained that this ordinance shall repeal all other ordinances or parts thereof that are in conflict or inconsistent with this ordinance.

MOTION – Cmn. Ascioffa

SECOND – Cmn. Janeczek

ROLL CALL: 3 – 3

(Aye - Ascioffa, Estrada, Janeczek Nay – Bruno, Slavicek, Vidal)

Mayor Martin broke the tie voting for it. She stated that it for the efficiency in the running of the Borough of Helmetta.