

**MEETING OF MAYOR AND COUNCIL
WEDNESDAY, MARCH 28, 2012
7:00 P.M.**

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

CALLING OF THE ROLL Peckham
 Asciolla
 Janeczek
 Karczewski
 Perez
 Smith

PUBLIC PORTION

INTRODUCTION OF THE BUDGET # 2012 - 87

CONSENT AGENDA – RESOLUTION # 2012 - 86

Report of Municipal Clerk, Tax, Collector, Utility Revenue Collector

RESOLUTIONS:

- 77 – Tax Identification Statement
- 78 – A Resolution of the Borough of Helmetta calling for the restoration of energy taxes to Municipalities
- 79 – Resolution Amending 2012 Temporary Budget Appropriations
- 80 – 2011 Budget Appropriation Reserve Transfer
- 81 – Resolution authorizing establishment of a change fund in the Helmetta Regional Animal Shelter
- 82 – Authorization for Mayor and Municipal Clerk to execute Shared Services Agreement for Animal Control Services with the Boroughs of Matawan and Sayreville and Animal Impoundment Services with the Borough of Matawan and Township of South Brunswick
- 83 – Resolution Opposing Senate Bill 1451 and 1452
- 84 – Resolution Opposing BPU Docket WR12010027
- 85 – Payment of Bills

APPROVAL OF MINUTES of February 15, 2012

**REPORT OF MAYOR, BOROUGH ATTORNEY, BOROUGH ENGINEER,
COMMITTEES,
PUBLIC WORKS DIRECTOR**

ORDINANCES

Second Reading #2012 – 1

Capital Ordinance authorizing the appropriation of \$100,000.00 for installation of solar panels and energy efficient items in the Helmetta Regional Animal Shelter, Borough of Helmetta, County of Middlesex, State of New Jersey

First Reading # 2012 – 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

NEW BUSINESS

Letter from Karen Hamberger & Craig Phelps

CLOSED SESSION (if needed)

ADJOURNMENT

**MEETING OF MAYOR AND COUNCIL
WEDNESDAY, MARCH 28, 2012**

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

The meeting was called to order at 7:10 p.m. by Mayor Martin. Adequate notice of this meeting was provided as is required by the Open Public Meetings Law with advertising in the Home News Tribune and posting on the bulletin board. All present Pledged Allegiance to the Flag.

CALLING OF THE ROLL:

PECKHAM
ASCIOLLA
JANECZEK
KARCZEWSKI
PEREZ
SMITH - absent

PUBLIC PORTION

Dorothy Fisko, 3 Park Avenue asked if anything was done regarding the letter she sent about the trees on Helmetta Blvd.. Some of them are breaking off in pieces. She was told Mr. Lear from the County is developing a plan. If he isn't heard from in a week, we will get in touch with him.

INTRODUCTION OF THE BUDGET # 2012 – 87

MOTION – Clmn. Ascioffa SECOND – Clmn. Peckham
ROLL CALL: 5 - 0

CONSENT AGENDA – RESOLUTION # 2012 - 86

Report of Municipal Clerk, Tax, Collector, Utility Revenue Collector

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- 84 – Resolution Opposing BPU Docket WR12010027
- 85 – Payment of Bills

MOTION – Clmn. Ascioffa SECOND - Clmn. Peckham
ROLL CALL: 5 - 0

APPROVAL OF MINUTES of February 15, 2012

MOTION – Clmn. Peckham SECOND – Clmn. Janeczek

ROLL CALL: 4 – 0 – 1

**REPORT OF MAYOR, BOROUGH ATTORNEY, BOROUGH ENGINEER,
COMMITTEES, PUBLIC WORKS DIRECTOR**

No reports from the Mayor, Borough Attorney or Engineer.

Committees: Clmn. Perez gave an update on the financial status of the Borough. Public Works Director Darren Doran stated that the new playground equipment has arrived. An inspection was done of the playground and several minor defects were found and will be corrected. Discussion was held on the fence which will be placed around the dog run at the shelter. It is an 8 ft. fence which will be 6 ft. above the concrete and the cost will be \$4100.00. There will also be a top rail. Clmn. Peckham questioned if perhaps a middle rail should also be included. Discussion ensued on the type of base that will be placed in the run. Two cat cages will be purchased; the cost is \$12,000.00 and the money will be taken from the bond. They will be most beneficial in use with the feral cats. Estimates are being obtained for security in the Municipal Building and Animal Shelter. The Mayor said to check the references to make sure the company has done Municipal work. Darren spoke with Mario about the tree replacement and the cost of the trees have gone up. The trees that cost \$18.00 are now \$24.50. The trees grow 3 to 5 feet a year and are called green giants. A maintenance bond would be taken out for two years. A meeting was held in the County on the Main Street Culvert. The project will not take place for over a year. The project will take around 5 to 6 months and the main concern was the detour of traffic. It was decided that the detour of traffic will be through Lake Avenue. The new equipment for the water meters has been received and training was held on the radio reads. Darren gave a report of the overtime hours worked and explained the concept of community service workers to the Council. Ventilation of the animal shelter was discussed and EDG has donated the plans for the work which needs to be done. The ventilation system will mix with the air outside and it won't take as much energy. The cost will be approximately \$3000.00.

RESOLUTION # 2012 – 88 Authorization for Public Works Director Darren Doran to obtain quotes for fencing for the dog run

MOTION – Clmn. Ascioffa

SECOND – Clmn. Janeczek

ROLL CALL: 5 - 0

Clmn. Peckham reported that he attended a CDBG meeting and the amount, if we receive it, for this year is \$21,370.00. Darren Doran stated that he money can only be used for a certain part of town and that is why Residence Park is always selected.

ORDINANCES - Second Reading #2012 – 1

Capital Ordinance authorizing the appropriation of \$100,000.00 for installation of solar panels and energy efficient items in the Helmetta Regional Animal Shelter, Borough of Helmetta, County of Middlesex, State of New Jersey

MOTION – Clmn. Peckham

SECOND – Clmn. Ascioffa

All in favor.

MOTION TO ADOPT – Clmn. Peckham SECOND- Clmn. Perez
ROLL CALL: 5 – 0

First Reading # 2012 – 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

MOTION – Clmn. Ascioia SECOND – Clmn. Peckham
ROLL CALL: 4 – 0 – 1

NEW BUSINESS

Letter from Karen Hamberger & Craig Phelps – Discussion was held and Public Works Director Darren Doran will provide a letter that although the front steps is on the Borough right of way it is okay to leave as is. This is something that has not just been added but has been on for over twenty years.

CLOSED SESSION – Resolution # 2012 – 89
Discussion of contracts

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:03 p.m.

RESOLUTION # 87– INTRODUCTION OF BUDGET

REPORT OF MUNCIIPAL CLERK

<u>FEBRUARY, 2012</u>	Copies	Marr Lic	Plng Bd	Towing	Licenses	Lndlrđ Reg	Recycling
Kotlyar	\$100.00					\$100.00	
Bako	\$100.00					\$100.00	
Ali	\$100.00					\$100.00	
Reid	\$100.00					\$100.00	
Hyde	<u>\$100.00</u>					<u>\$100.00</u>	
TOTAL	\$500.00					\$500.00	

Dog & Cat Licenses \$364.00

Denise Jawidzik

Denise Jawidzik

Tax Collector

REPORT OF THE TAX COLLECTOR

Month of: February, 2012

Dated: March 12, 2012

Taxes - 2013

Taxes - 2012 \$763,587.73

Taxes - 2011 \$ 1,653.37

Interest \$ 224.42

Costs

Tax search

Return Check fee

Search Printouts

Duplicate Bill Fee \$ 5.00

Misc.

TOTAL \$765,470.52

ADJUSTMENTS

2012 Allow Vet \$ (500.00)

Closing Balances

	Debit	Credit	Net
Tax			
2012	\$ 1,317,839.56	\$ (365.08)	\$1,317,474.48
Tax			
2011	\$ 72,873.30	\$ (121.36)	\$ 72,751.94

Tax Collectors Trust

Prior Balance \$ 22,500.00

Receipts \$ 5,468.23

Disbursements \$ 5,468.23

Balance \$ 22,500.00

Water/Sewer Receipts Report

January 2012

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2007 Principal	\$ -	\$ -	\$ -
2008 Principal	-	-	-
2009 Principal	-	-	-
2010 Principal			
2011 Principal	4,172.92	3,401.24	7,574.16
2012 Principal	<u>32,168.75</u>	<u>41,173.23</u>	<u>73,341.98</u>
Subtotal	36,341.67	44,574.47	80,916.14

Interest	<u>94.45</u>	<u>90.84</u>	<u>185.29</u>
Subtotal	36,436.12	44,665.31	81,101.43
Final Water Reads	-	-	-
Returned Checks	180.33	-	180.33
Payment Reversal	-	-	-
NSF Bank Fees	-	-	-
Misc.	-	-	-
Connection Fee	-	-	-
Water Meter Testing	-	-	-
Transfer in from Tax	-	-	-
Transfer out to Tax	<u>-</u>	<u>-</u>	<u>-</u>
Total Deposits	<u>\$36,616.45</u>	<u>\$44,665.31</u>	<u>\$81,281.76</u>

Carol Feig

Utility Revenue Collector

RESOLUTION

2012 -77

TAX IDENTIFICATION STATEMENT

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs;
and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Helmetta that the Borough of Helmetta hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2011 in the amount of \$2,479.41. Documentation supporting this submission is available at 51 Main Street, Helmetta and shall be maintained for no less than five years from this date.

REA Tax certified by:

Name of official:

Title of official:

Date:

**MCUA
Tons - 2011**

	Invoice Amount	Tons	Recycling Tax (3)
January-11	\$ 2,653.20	44.22	\$ 132.66
February-11	2,653.20	44.22	132.66
MfuCh-11	3,079.80	51.33	153.99
April-11	4,215.60	70.26	210.78
May-11	3,762.00	62.70	188.10
June-11	4,196.40	69.94	209.82
July-11	4,352.40	72.54	217.62
August-11	4,151.40	69.19	207.57
September-11	8,929.20	148.82	446.46
October-11	3,621.60	60.36	181.08
November-11	4,144.20	69.07	207.21
December-11	3,829.20	63.82	191.46
	<u>\$ 49,588.20</u>	<u>826.47</u>	<u>\$ 2,479.41</u>

RESOLUTION

2012 - 78

A RESOLUTION OF THE BOROUGH OF HELMETTA CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities (“Energy Taxes”) were originally collected by municipalities to be used for local purposes and to compensate the public for the use of the municipal rights of way; and

WHEREAS, when the State of New Jersey made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget-makers have diverted funding from Energy Taxes to fund State programs, and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur, current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State’s diversion of Energy Taxes has continued to grow;

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund the local programs and services.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Helmetta that the Borough calls for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that the Borough respectfully calls on State policy makers to end the diversion of municipal resources to cover State spending and to provide municipalities with this important tool to relieve the property tax burden borne for too long by the people of New Jersey;

BE IT FURTHER RESOLVED, that copies of this Resolution shall be provided by the Borough Clerk to the Governor of the State of New Jersey and to the Borough’s State Legislators.

**RESOLUTION
2012- 79**

RESOLUTION AMENDING 2012 TEMPORARY BUDGET APPROPRIATIONS

WHEREAS, in the normal operation of the business of the Borough of Helmetta, it will be necessary for making contracts, commitments and payments prior to the adoption of the regular 2012 budget for the Borough of Helmetta; and

WHEREAS, revised Statute 40A:4-19 of the State of New Jersey provides that the Governing Body of any municipality may make temporary appropriations to provide for any contracts, commitments or payments to be made between the beginning of the budget year and the adoption of the final budget; and

WHEREAS, the 2012 budget will not be adopted until after April 1 and commitments need to be covered until the date of adoption; and

NOW, THEREFORE, BE IT RESOLVED that the following list of appropriations shall constitute an amendment to the 2012 temporary budget of \$128,506.75 for the Borough of Helmetta, Middlesex County, New Jersey.

	2012 TEMPORARY BUDGET	TEMP BUDGET AMENDMENT 3/28/12
<hr/> <u>CURRENT FUND</u>		
General Administration S&W	3,375.00	0.00
General Administration OE	125.00	0.00
Mayor and Council OE	1,000.00	0.00
Mayor and Council OE-School Board Oversight	750.00	0.00
Mayor and Council OE-Website Administration	1,500.00	0.00
Municipal Clerk S&W	4,375.00	0.00
Municipal Clerk OE	1,875.00	0.00
Financial Administration S&W	6,000.00	0.00
Financial Administration OE	5,000.00	0.00
Bank Charges	0.00	0.00

Audit Services	0.00	0.00
Revenue Administration (Collection of Taxes) S&W	5,000.00	0.00
Revenue Administration (Collection of Taxes) OE	3,000.00	0.00
Tax Assessment Administration S&W	2,937.50	0.00
Tax Assessment Administration OE	875.00	0.00
Revaluation of Real Property	0.00	0.00
Elections	0.00	0.00
Legal Services and Costs OE	12,500.00	0.00
Engineering Services and Costs OE	750.00	0.00
Planning Board S&W	675.00	0.00
Planning Board OE	1,175.00	0.00
Planning Board OE-Legal	1,250.00	0.00
Police S&W	105,000.00	0.00
Police OE	7,500.00	0.00
Office of Emergency Management OE	25.00	0.00
Fire OE	6,000.00	0.00
Fire OE - Hurricane Damages	0.00	0.00
Fire Prevention Bureau S&W	906.25	0.00
Fire Prevention Bureau OE	250.00	0.00
First Aid Organization-Contribution	0.00	0.00
Uniform Fire Safety OE	0.00	0.00
Municipal Prosecutor S&W	0.00	0.00
Municipal Prosecutor OE	1,750.00	0.00
Municipal Court S&W	10,000.00	0.00
Municipal Court OE	750.00	0.00
Public Defender S&W	0.00	0.00
Public Defender OE	387.50	0.00

Road Repairs and Maintenance S&W	20,000.00	0.00
Road Repairs and Maintenance OE	3,250.00	0.00
Solid Waste Collection OE	11,250.00	0.00
Recycling S&W	1,450.00	0.00
Recycling OE	62.50	0.00
Public Buildings and Grounds OE	5,000.00	0.00
Vehicle Maintenance OE-Public Works	2,000.00	0.00
Vehicle Maintenance OE-Fire	0.00	0.00
Vehicle Maintenance OE-Police Vehicle	1,875.00	0.00
Vehicle Maintenance OE-Lease/Acquire Vehicles	7,000.00	0.00
Condo Act-Trash Removal	0.00	0.00
Condo Act-Street Lighting	0.00	0.00
Condo Act-Snow and Leaf Removal	0.00	0.00
Board of Health S&W	0.00	0.00
Kiddie Keep-Well Camp	0.00	0.00
South County Day Camp	0.00	0.00
Animal Control S&W	2,000.00	0.00
Animal Control OE	1,375.00	0.00
Recreation S&W	250.00	0.00
Recreation OE	1,875.00	0.00
Senior Citizen OE	250.00	0.00
Parks OE	1,875.00	0.00
Electricity	4,750.00	0.00
Street Lighting	5,250.00	0.00
Telephone	3,500.00	0.00
Natural Gas	3,125.00	0.00
Diesel Fuel	750.00	0.00

Gasoline	4,075.00	0.00
Postage	1,350.00	0.00
Copier Expense	725.00	0.00
Office Supplies	250.00	0.00
Construction S&W	1,275.00	0.00
Construction S&W-Special Projects	0.00	0.00
Construction OE	0.00	0.00
Accumulated Sick Leave Reserve	0.00	0.00
Contingent	0.00	0.00
Social Security System (O.A.S.I.)	12,625.00	0.00
PERS Retirement - ERI Program	0.00	0.00
PERS Retirement	0.00	0.00
PERS Delayed Enrollment Penalty	0.00	0.00
PFRS Retirement	0.00	0.00
Liability Insurance	15,000.00	0.00
Worker's Compensation Insurance	3,543.75	0.00
Employee Group Insurance (Health)	25,750.00	0.00
Unemployment, Disability Insurance	525.00	0.00
Animal Shelter Director S&W	0.00	0.00
Animal Shelter Director OE	0.00	0.00
Inside CAP Appropriations	<hr/> 326,737.50	0.00
Employee Group Insurance (Health) Exclusion	<hr/> 0.00	0.00
"December 2010 Blizzard"	0.00	0.00
LOSAP	0.00	0.00
Subtotal	<hr/> 0.00	0.00
Borough of Spotswood-Police Dispatch	<hr/> 5,592.50	0.00

Borough of Spotswood-Animal Control S&W	1,500.00	1,000.00
Borough of Spotswood-Animal Control OE	0.00	0.00
Borough of Spotswood-Zoning & Code Enforcement S&W	1,275.00	1,100.00
Borough of Spotswood-Zoning & Code Enforcement OE	0.00	0.00
Borough of Spotswood-Garbage & Trash Removal	9,963.50	10,000.00
Borough of South River-Animal Control S&W	1,750.00	2,000.00
Borough of South River-Animal Control OE	0.00	0.00
Borough of Sayreville-Animal Control S&W	2,750.00	3,000.00
Borough of Sayreville-Animal Control OE	0.00	0.00
Township of Plainsboro-Animal Control S&W	0.00	0.00
Township of Plainsboro-Animal Control OE	0.00	0.00
Borough of Matawan-Animal Control S&W	0.00	0.00
Borough of Matawan-Animal Control OE	0.00	0.00
Borough of Milltown-Animal Control S&W	0.00	0.00
Borough of Milltown-Animal Control OE	0.00	0.00
Township of Cranbury-Animal Control S&W	0.00	0.00
Township of Cranbury-Animal Control OE	0.00	0.00
East Brunswick Township-Animal Control S&W	0.00	1,000.00
East Brunswick Township-Animal Control OE	0.00	0.00
Borough of Jamesburg-Animal Control S&W	0.00	0.00
Borough of Jamesburg-Animal Control OE	0.00	0.00
Animal Shelter S&W	0.00	42,000.00
Animal Shelter OE	0.00	30,000.00
Middlesex County Board of Health	3,992.00	4,152.00
Middlesex County Curbside Recycling Program	5,250.00	3,000.00
Subtotal-Interlocal Agreements	32,073.00	97,252.00

Clean Communities	0.00	0.00
DDEF	0.00	0.00
Body Armor	223.56	0.00
Recycling Tonnage Grant	0.00	0.00
Forest Services Volunteer Fire Assistance	1,145.25	(1,145.25)
Law Enforcement Response Grant	0.00	0.00
Police Car Cameras Grant	0.00	0.00
NJ Clean Energy Program	0.00	0.00
Matching Funds for Grants	0.00	0.00
Alcohol Ed & Rehab	0.00	0.00
Subtotal-Grants	1,368.81	(1,145.25)
Reserve for Acquisition of Animal Control Van	0.00	20,000.00
Reserve for Improvements to Police Department Facilities	0.00	0.00
Reserve for Improvements to Municipal Building	0.00	(5,000.00)
Reserve for NJ Clean Energy Direct Install Program	0.00	0.00
Capital Improvement Fund	15,000.00	0.00
Subtotal-Capital Improvements	15,000.00	15,000.00
Payment of Note Principal	0.00	0.00
Payment of Note Interest	0.00	0.00
Subtotal-Debt Service	0.00	0.00
Emergency Authorizations-1 year	0.00	0.00
Emergency Authorizations-5 years	0.00	0.00
Deferred Charge to Future Taxation-Unfunded	0.00	0.00
Subtotal-Deferred Charges	0.00	0.00
Outside CAP Appropriations	48,441.81	111,106.75
Subtotal before Reserve for Uncollected Taxes	375,179.31	111,106.75

Reserve for Uncollected Taxes	0.00	0.00
TOTAL CURRENT FUND	375,179.31	111,106.75

	2012	TEMP BUDGET
	TEMPORARY	AMENDMENT
	BUDGET	3/28/12
<u>WATER UTILITY FUND</u>		
Salaries and Wages	15,000.00	0.00
Other Expenses	11,500.00	0.00
Purchase of Water	48,750.00	0.00
Insurance	6,750.00	6,000.00
Accumulated Sick Leave	0.00	0.00
Capital Improvement Fund	1,250.00	(1,250.00)
Capital Outlay	0.00	6,000.00
Capital Outlay-Reserve Water Tower Repainting	0.00	0.00
Reserve for Acquisition of Dump Truck	0.00	0.00
Payment of Bond Principal	0.00	0.00
Payment of Note Principal	0.00	0.00
Payment of Bond Interest	0.00	0.00
Payment of Note Interest	4,520.00	0.00
Payment of USDA Loan	39,256.00	0.00
PERS Retirement	675.00	(675.00)
Social Security System	1,500.00	0.00
Unemployment, Disability Insurance	62.50	0.00
TOTAL WATER UTILITY FUND	129,263.50	10,075.00

	2012	TEMP BUDGET
	TEMPORARY	AMENDMENT
	BUDGET	3/28/12
<u>SEWER UTILITY FUND</u>		
Salaries and Wages	15,000.00	0.00
Other Expenses	6,750.00	0.00
MTMUA-Basic	58,750.00	2,000.00
MTMUA-DS surcharge	0.00	0.00
Other Expenses - Insurance	6,750.00	6,000.00
Accumulated Sick Leave	0.00	0.00
Capital Improvement Fund	1,250.00	0.00
Capital Outlay	0.00	0.00
Reserve for Acquisition of Dump Truck	0.00	0.00
Capital Outlay-I&I	0.00	0.00
Payment of Bond Principal	0.00	0.00
Payment of Bond Interest	0.00	0.00
PERS Retirement	675.00	(675.00)
Social Security System	1,500.00	0.00
Unemployment, Disability Insurance	62.50	0.00
TOTAL SEWER UTILITY FUND	90,737.50	7,325.00
GRAND TOTAL	595,180.31	128,506.75

RESOLUTION

#2012 - 80

2011 BUDGET APPROPRIATION RESERVE TRANSFER

WHEREAS, various 2011 bills and claims have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2011 Budget Appropriation Reserve in the last two months of 2011; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments, or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the transfers in the amount of \$16,000.00 be made between the 2011 Budget Appropriation Reserves as follows:

<u>Account #</u>	<u>Name</u>	<u>Amount From</u>	<u>Amount To</u>
1-01-25-746-010	Police S & W	\$ 10,000.00	
1-01-26-315-025	Lease Purch Police Vehicle	2,000.00	
1-01-26-325-002	Condo Act/Street Lights	1,000.00	
1-01-31-826-020	Street Lighting	2,000.00	
1-01-31-833-020	Gasoline	1,000.00	
1-01-25-745-020	Police OE		\$ 600.00
1-01-26-325-020	Condo Act/ Trash Removal		12,000.00
1-01-35-842-020	Accum Sick Leave Reserve		3,400.00
		\$ 16,000.00	\$ 16,000.00

RESOLUTION

#2012 - 81

**RESOLUTION AUTHORIZING ESTABLISHMENT OF A
CHANGE FUND IN THE HELMETTA REGIONAL ANIMAL
SHELTER**

WHEREAS, it is the desire of Borough of Helmetta, Middlesex County to establish a change fund for the Helmetta Regional Animal Shelter in the amount of eighty dollars (\$80); and

WHEREAS, the custodian for this fund is Michal Cieslez, Shelter Director.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Helmetta hereby authorizes the Chief Finance Officer to prepare a change fund for the Helmetta Regional Animal Shelter in the amount of \$80.00.

**RESOLUTION
#2012 – 82**

**AUTHORIZATION FOR MAYOR AND MUNICIPAL CLERK TO
EXECUTE SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL
SERVICE AGREE WITH THE BOROUGH OF MATAWAN AND SAYREVILLE
AND ANIMAL IMPOUNDMENT SERVICES WITH THE BOROUGH OF MATAWAN
AND TOWNSHIP OF SOUTH BRUNSWICK**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as this Municipality to enter into Shared Services Agreements with other local units; and

WHEREAS, the Borough of Helmetta has offered to provide Shared Services for Animal Control with the Borough of Matawan and Sayreville and Animal Impoundment Services with the Borough of Matawan and Township of South Brunswick;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Helmetta that the Mayor and Municipal Clerk are hereby authorized to execute the Shared Services with the aforementioned Municipalities;

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this resolution, along with the executed Agreements to the Borough of Matawan for Animal Control and Animal Impoundment Services, the Borough of Sayreville for Animal Control Services, the Township of South Brunswick for Animal Impoundment Services.

**RESOLUTION
#2012 - 83**

Resolution Opposing Senate Bills 1451 and 1452

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Borough of Helmetta agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will

not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the Borough of Helmetta agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and

- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Borough of Helmetta strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Helmetta, County of Middlesex, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 18th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

RESOLUTION

#2012 – 84

RESOLUTION OPPOSING BPE DOCKET WR12010027

WHEREAS, Middlesex Water Company on January 9, 2012 filed a petition with the Board of Regulatory Commission requesting a significant (17.47%) rate increase; and

WHEREAS, the implications involved in this petition, if granted to the Bureau of Public Utilities, have a potential adverse financial impact on the residents of the Borough of Helmetta.

WHEREAS, the Borough Council of the Borough of Helmetta on behalf of all the residents of Helmetta vehemently opposes this increase.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Helmetta of the County of Middlesex and State of New Jersey that they are

hereby requesting a full copy of the petition and request to be notified of all prehearing meetings and conference meetings.

RESOLUTION

#2012 – 85

PAYMENT OF BILLS

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HELMETTA, in the County of Middlesex, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor and Chief Financial Officer are hereby authorized and directed to sign checks in the payment of bills and claims which are hereby approved.

The computer print-out of the list of bills will be on file in the Clerk's Office.

CURRENT FUND	\$	901,931.61
Including the following non-budget items:		
School taxes	\$	634,192.92
	\$	<u>634,192.92</u>
WATER OPERATING FUND		42,435.74
SEWER OPERATING FUND		89,594.41
GENERAL CAPITAL FUND		9,127.10
DOG TRUST FUND		145.49
TRUST FUND		3,105.22
BUILDERS' ESCROW		3,513.67
	\$	<u>1,049,853.24</u>

RESOLUTION

2012 – 86

CONSENT AGENDA

Report of Municipal Clerk, Tax, Collector, Utility Revenue Collector

RESOLUTIONS:

77 – Tax Identification Statement

78 – A Resolution of the Borough of Helmetta calling for the restoration of energy taxes

- to Municipalities
- 79 – Resolution Amending 2012 Temporary Budget Appropriations
 - 80 – 2011 Budget Appropriation Reserve Transfer
 - 81 – Resolution authorizing establishment of a change fund in the Helmetta Regional Animal Shelter
 - 82 – Authorization for Mayor and Municipal Clerk to execute Shared Services Agreement for Animal Control Services with the Boroughs of Matawan and Sayreville and Animal Impoundment Services with the Borough of Matawan and Township of South Brunswick
 - 83 – Resolution Opposing Senate Bill 1451 and 1452
 - 84 – Resolution Opposing BPU Docket WR12010027
 - 85 – Payment of Bills

RESOLUTION
#2012 – 88

AUTHORIZATION FOR PUBLIC WORKS DIRECTOR DARREN DORAN
TO AWARD CONTRACT

BE IT RESOLVED, that authorization is hereby given to Darren Doran, Public Works Director, to obtain bids and to award a contract to the lowest bidder for fencing for a 24 x 70 dog run with containment inside.

BOROUGH OF HELMETTA

ORDINANCE NO. 2012 - 1

CAPITAL ORDINANCE AUTHORIZING THE APPROPRIATION OF \$100,000.00 FOR INSTALLATION OF SOLAR PANELS AND ENERGY EFFICIENT ITEMS IN THE HELMETTA REGIONAL ANIMAL SHELTER, BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, NEW JERSEY.

WHEREAS, the Borough is desirous of installing solar panels and other energy efficient items in the Helmetta Regional Animal Shelter; and

WHEREAS, the Middlesex County Board of Chosen Freeholders awarded the Borough of Helmetta a \$100,000 2011 Sustainable Economic Growth Improvement Fund Grant for the Helmetta Regional Animal Shelter in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey, as follows:

Section 1. The improvements described below are hereby authorized as a general improvement to be made by the Borough of Helmetta, New Jersey.

Section 2. There is hereby appropriated for the improvements the sum of One Hundred Thousand Dollars (\$100,000.00) from the General Capital Fund as follows:

- a. One Hundred Thousand Dollars (\$100,000.00) from Middlesex County Sustainable Economic Growth Improvement Fund Grant; and

Section 3. The improvement for which this appropriation is authorized is the installation of solar panels and other energy efficient items in the Helmetta Regional Animal Shelter.

Section 4. The appropriation authorized above shall be funded completely from revenues received from either State and Municipal governments under grant funds already received or funds set aside for such purpose.

Section 5. The Governing Body of the Borough of Helmetta hereby certifies and assures that all of the required assurances which are necessary for such State and Municipal funding for the project have been or shall be met.

Section 6. This Ordinance shall take effect following its advertisement, public hearing and adoption in accordance with the requirements of law.

BOROUGH OF HELMETTA

ORDINANCE NO. 2012 - 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 2.5% 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 CY2012 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 CY2012 over CY2011, amounting to \$14,178.00 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 CY2012 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 CY2011 final appropriations, amounting to \$49,622.00, and the CY2012 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 CY2012 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 its adoption and publication as required by law.

2/24/2012

Karen Hamberger & Craig Phelps

32 North Shore Blvd

Helmetta, New Jersey 08828

To the Borough of Helmetta

60 Main Street

Helmetta, NJ 08828

Dear Council,

I am writing this letter to ask for permission to keep the deck and staircase to our front door at 32 North Shore Blvd. The deck, which from our understanding was built sometime by the person who owned the home 3 transactions ago, was built in the Boroughs right of way. It turns sideways, which minimizes the amount of space it takes up, and we're not aware of any hardship it has caused, but without it, we would not have an exit at the front of our home, and would also then have only one point of exit being our side door. Please let us know if would like any further information from us.

Thank you.

s/Karen Hamberger and Craig Phelps