

**MEETING OF MAYOR AND COUNCIL  
MONDAY – MAY 20, 2013  
7:00 P.M.**

**MEETING CALLED TO ORDER \* STATEMENT REGARDING OPEN PUBLIC MEETING**

**LAW \* SALUTE TO THE FLAG**

The meeting was called to order at 7:02 pm by Mayor Nancy Martin. 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 Tribune and posted in the lobby of the Municipal Building and will be recorded in the minutes of this meeting. All in attendance Pledged Allegiance to the Flag.

**CALLING OF THE ROLL:**

ASCIOLLA  
JANECZEK  
KARCZEWSKI - ABSENT  
PEREZ  
SLAVICEK  
VIDAL`

**PUBLIC PORTION** – There was no one from the public who wished to speak.

**CONSENT AGENDA – RESOLUTION # 108**

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

**RESOLUTIONS:**

105 - A resolution authorizing release of the performance bond for the Park Avenue, Park Place, North 14<sup>th</sup> Street & North Shore Boulevard Reconstruction Project

106 – A resolution of the Borough of Helmetta memorializing the Borough Council’s Authorization for a sixty day extension of Officer Eugene Scheicher’s probationary period

107 – Payment of bills as per list

109 – Resolution authorizing a refund of Nellie Kaune’s pet adoption fee in the amount of \$150.00.

110 – Cleaning of Sewer lines

111 – Payment to Green Dogs Unleashed

MOTION – Clmn. Ascioffa                      SECOND – Clmn. Slavicek

ROLL CALL: 6 - 0

MINUTES – were tabled until next meeting

March 27

April 24

May 8

**RECITING OF ORDINANCE, BY TITLE ONLY, ON SECOND READING AND PUBLIC HEARING THEREON**

**ORDINANCE 2013 -4**

An Ordinance of the Borough of Helmetta amending the code in order to establish a procedure for application and issuance of permits for garage, yard, and lawn sales and to place certain restrictions upon the holding of garage, yard, and lawn sales in the Borough A hearing on this Ordinance was opened to the Public. There being no one who wished to speak, the hearing for the Public was closed.

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

COMMITTEE REPORTS: MAYOR, BOROUGH ATTORNEY, BOROUGH ENGINEER,  
COMMITTEE REPORTS, PUBLIC WORKS

The playground equipment was delivered and installation was completed today. This will close out the CDBG money. Clmn. Janeczek had concerns over the John Street reconstruction and will discuss with Darren why the equipment was being removed.

Mayor Martin announced that the Roller Skating trip is May 31.

Clmn. Slavicek said that he has been in touch with the face painter and she is trying to adjust her hours to accommodate us for the various events.

2<sup>nd</sup> Anniversary of Animal Shelter is June 9<sup>th</sup>.

Fishing Derby is on the 15<sup>th</sup>. Trophies will be given and a BBQ will be held. Clmn. Slavicek said that Bear Creek will sponsor the trophies.

National Night Out – August 6<sup>th</sup>.

Helmetta Day is in Sept. JCP&L stated it will take at least 90 days to get approval to hang up the banners. Joe Sapia said he wants to get involved.

Personnel Policies and Procedures Manual – The Clerk and the BA went through the manual and it will be adopted at June’s meeting

Clmn. Janeczek asked if we could get the parking lot repaved. The Mayor said if we could find money or get a capital ordinance. He said that here is a collapsed storm drain and a Police car is parked over it so no one rides on it.

Mayor Martin said it has been rumored that we are going to have a huge County tax increase due to tax appeals; all small municipalities will receive increases due to the appeals.

Pictures of the bogs were e-mailed to the County showing that the water lever is high.

ADJOURNMENT

There being no further business the meeting adjourned at 7:33 pm.

REPORT OF MUNICIPAL  
CLERK - APRIL, 2013

	Copies	Marr Lic	Plng bd	Towing	Licenses	Lndlr Reg	Recycling
	\$100.00					\$100.00	
Gomez	\$20.00	<u>\$20.00</u>					
Regenye	\$100.00					\$100.00	
Dyckman	\$100.00					\$100.00	
Olivero	\$28.00	<u>\$28.00</u>					
Sanon- Jules	\$100.00					\$100.00	
Addanki	\$100.00					\$100.00	

Del Percio	\$10.00			\$10.00	
Abouhayla	\$100.00				<u>\$100.00</u>
Baba	<u>\$60.00</u>	\$20.00	\$28.00	<u>\$60.00</u>	<u>\$600.00</u>
<b>TOTAL</b>	\$718.00			\$70.00	

Dog and Cat License \$265.00

**REPORT OF THE TAX COLLECTOR**

Tax Collector

Month of: April, 2013

Dated: May 6, 2013

Taxes - 2013	\$ 282,129.73
Taxes - 2012	\$ 4,819.98
Taxes - 2011	

**ADJUSTMENTS**

2012 Transfer O/P	\$ 1,053.36
2013 Transfer O/P	\$ (1,053.36)

Interest	\$ 803.74
Costs	
Tax search	
Return Check fee	
Search Printouts	
Duplicate Bill Fee	\$ 110.00
Misc.	

**Closing Balances**

		Debit	Credit	Net
TOTAL	\$ 287,863.45	2013 \$ 1,008,640.41	\$ (7,871.58)	\$1,000,768.83
		2012 \$ 57,270.97		\$ 57,270.97

**Tax Collectors Trust**

Prior Balance	\$ 16,100.00
Receipts	\$ 1,720.22
Disbursements	\$ 2,420.22

**Disbursements**

Check #150	\$ 1,720.22
Check #151	\$ 700.00

Balance	\$ 15,400.00	
Premium Balance	\$ 15,400.00	\$ 2,420.22

Water/Sewer Receipts Report

April 2013

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2011 Principal	\$ -	\$ -	\$ -

2012 Principal	3,566.40	3,719.94	7,286.34
2013 Principal	<u>40,305.11</u>	<u>42,042.65</u>	<u>82,347.76</u>
Subtotal	43,871.51	45,762.59	89,634.10
Interest	<u>222.26</u>	<u>248.79</u>	<u>471.05</u>
Subtotal	44,093.77	46,011.38	90,105.15
Final Water Reads	-	-	-
NSF Returned Checks	-	-	-
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>\$44,093.77</u>	<u>\$ 46,011.38</u>	<u>\$ 90,105.15</u>

Carol Feig  
Utility Collector

**RESOLUTION  
2013 - 105**

**A RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE BOND  
FOR THE PARK AVENUE, PARK PLACE, NORTH 14<sup>TH</sup> STREET, & NORTH  
SHORE BOULEVARD RECONSTRUCTION PROJECT**

**WHEREAS**, Z Brothers Concrete Contractors, Inc. posted a performance bond in favor of the Borough of guaranteeing the satisfactory completion of the reconstruction of Park Avenue, Park Place, North 14<sup>th</sup> Street & North Shore Boulevard (the "Project");

**WHEREAS**, the Borough of Helmetta (the "Borough") has previously, by resolution, authorized final payment to Z Brothers Concrete Contractors, Inc. ("Z Brothers") in the amount of \$1,441.75 for the Park Avenue, Park Place, North 14<sup>th</sup> Street & North Shore Boulevard (the "Project") contingent upon the posting of a maintenance bond and upon the requirement that Z Brothers completes various curb repairs and installation of drainage ID badges; and

**WHEREAS**, the Borough Engineer, in a letter dated May 2, 2013, has indicated that Z Brothers has satisfactorily completed all site improvements required under the Project and has recommended that the Borough Council authorize the release of the performance bond contingent upon Z Brothers posting the maintenance bond; and

**WHEREAS**, the Borough Attorney has reviewed the maintenance bond posted by Z Brothers and has found it to be legally sufficient;

**WHEREAS**, the Borough Council has determined that it is appropriate to authorize the release of the performance bond for the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Helmetta that the Borough Council hereby authorizes the release of the performance bond for the Project.

**BE IT FURTHER RESOLVED**, that a certified copy of the Resolution be provided to each of the following:

- a. Z Brothers Concrete Contractors, Inc.
- b. David A. Clark, Borough Attorney
- c. Terry Vogt

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek ROLL CALL: 6 - 0

**RESOLUTION  
2013 - 106**

**A RESOLUTION OF THE BOROUGH OF HELMETTA MEMORIALIZING THE  
BOROUGH COUNCIL'S AUTHORIZATION FOR A SIXTY DAY EXTENSION  
OF OFFICER EUGENE SCHEICHER'S PROBATIONARY PERIOD**

**WHEREAS**, pursuant to Chapter 13 (entitled "Police Department") of the Borough Code of the Borough of Helmetta (the "Borough"), all officers appointed to the Helmetta Police Department shall serve a probationary period of one year after graduating from the police academy; and

**WHEREAS**, at the conclusion of the one year probationary period, the Police Director shall make a recommendation to the Borough Council with respect to such officer's performance, and subsequently the Borough Council may appoint such officer to a permanent position or may remove the officer from the Helmetta Police Department without further recourse; and

**WHEREAS**, Helmetta police officer Eugene Scheicher graduated from the police academy on May 22, 2012, and accordingly, his one year probationary period is due to expire on or about May 22, 2013; and

**WHEREAS**, accordingly, Officer Scheicher was issued a Rice notice informing him that his employment would be discussed by the Borough Council at the May 8, 2013 Borough Council meeting; and

**WHEREAS**, at the May 8, 2013 Borough Council meeting, with the consent of Officer Scheicher and the PBA, the Borough Council passed an oral resolution extending Officer Scheicher's probationary employment period for an additional sixty (60) days, so that the probationary period shall now expire on July 21, 2013; and

**WHEREAS**, upon conclusion of Officer Scheicher's extended probationary period, the Borough Council shall have the opportunity to determine the status of Officer Scheicher's employment with the Borough; and

**WHEREAS**, any step increases in Officer Scheicher's pay shall be effective as of his new anniversary date of July 21, 2013.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Helmetta that the oral resolution passed at the May 8, 2013 Borough Council meeting extending Officer Eugene Scheicher's probationary period with the Helmetta Police Department an additional sixty (60) days is hereby memorialized; and

**BE IT FURTHER RESOLVED**, that Officer Scheicher's new probationary period shall expire on July 21, 2013, at or before which time the Borough Council shall have the

opportunity to evaluate and determine the status of Officer Scheicher's employment with the Borough.

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek

ROLL CALL: 6 - 0

**RESOLUTION  
2013 – 107**

**PAYMENT OF BILLS AS PER LIST.**

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek

ROLL CALL: 6 - 0

**RESOLUTION  
#2013 -108  
CONSENT AGENDA**

**The following routine items and resolutions will be voted in unison as a Consent Agenda:**

Report of Muncipal Clerk, Tax Collector, Utility Revenue Collector

**RESOLUTIONS:**

105 - A resolution authorizing release of the performance bond for the Park Avenue, Park Place, North 14<sup>th</sup> Street & North Shore Boulevard Reconstruction Project

106 – A resolution of the Borough of Helmetta memorializing the Borough Council's Authorization for a sixty day extension of Officer Eugene Scheicher's probationary period

107 – Payment of bills as per list

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek

ROLL CALL: 6 – 0

**RESOLUTION  
# 2013–109**

**RESOLUTION AUTHORIZING A REFUND OF NELLIE KAUNE'S PET ADOPTION FEE IN THE AMOUNT OF \$150.00**

**WHEREAS**, Nellie Kaune, a resident of the Borough of Spotswood, New Jersey, adopted a 5 year old Beagle mix dog from the Helmetta Municipal Animal Shelter (the "Animal Shelter") and paid an adoption fee of \$150.00; and

**WHEREAS**, after the adoption, Ms. Kaune discovered that the dog was ill; and

**WHEREAS**, at the recommendation of the Shelter Director, the Borough wishes to refund Ms. Kaune the \$150.00 adoption fee which she paid for adoption of a dog from the Animal Shelter

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Helmetta that the \$150.00 pet adoption fee which was paid to the Animal Shelter for adoption of a dog is hereby refunded to Nellie Kaune due to illness of the animal.

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to provide a certified copy of this Resolution to each of the following:

- a. Nellie Kaune
- b. Darren Doran, Helmetta Animal Shelter
- c. David A. Clark, Borough Attorney

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek

ROLL CALL: 6 - 0

**RESOLUTION  
2013 – 110  
CLEANING OF SEWER LINES**

**BE IT RESOLVED** that the unallocated CDBG funds be hereby used to clean the sewer lines.

MOTION – Clmn. Ascioffa

SECOND – Clmn. Slavicek

ROLL CALL: 6 – 0

**RESOLUTION  
2013 – 111  
PAYMENT TO GREEN DOGS UNLEASHED**

**BE IT RESOLVED** that a payment of \$400.00 be made to Green Dogs Unleashed.  
MOTION – Clmn. Ascioffa      SECOND – Clmn. Slavicek      ROLL CALL: 6 – 0

**ORDINANCE  
2013 - 04**

**AN ORDINANCE OF THE BOROUGH OF HELMETTA AMENDING THE BOROUGH CODE IN ORDER TO ESTABLISH A PROCEDURE FOR APPLICATION AND ISSUANCE OF PERMITS FOR GARAGE, YARD, LAWN SALES AND TO PLACE CERTAIN RESTRICTIONS UPON THE HOLDING OF GARAGE, YARD, LAWN SALES IN THE BOROUGH**

**37.1 Purpose.**

It has come to the attention of the Borough Council that there are being conducted in the Borough numerous garage sales at the same sites throughout the course of each year where new and/or used items are being offered for sale. As a result, parties are engaging in a commercial enterprise in residential neighborhoods adversely affecting the character of the residential neighborhood and traffic. The purpose of this section is to place certain restrictions upon garage sales so that they are limited to Borough residents at residential properties and which would prohibit garage sales from being used for commercial purposes.

**37.2 Definitions.**

As used in this section:

*Garage sale* shall mean a public sale of used personal property at a residential property in the municipality, which personal property is owned by the resident of the property where the sale is held, and which sale is commonly referred to as a "garage, yard, porch, attic, basement or lawn sale."

*Resident* shall mean:

- a. A tenant of a residential property, located in the Borough who resides at the property, or a person who is over the age of eighteen (18) years, and a member of the immediate family of the tenant, and who resides at the property; or
- b. An owner of a residential dwelling named in the deed granting title to the property and who resides at the property, or a person who is over the age of eighteen (18) years and a member of the immediate family of the person named on the deed and who resides at the property.

*Property or residential dwelling or residential property* shall mean a residential dwelling, a condominium unit, a townhouse or an apartment in a one (1) to four (4) family residential dwelling, apartment building or complex.

### **37.3 Restrictions.**

- a. Any person who is not a resident of the Borough of Helmetta shall not conduct a garage sale at any time at any place in the Borough.
- b. Any resident of the Borough of Helmetta over the age of eighteen (18) years may conduct a garage sale only in accordance with the provisions of this section.
- c. No garage sale shall be held except at a residential property as defined in this section.

### **37.4 Application Permit.**

Any resident wishing to conduct a garage sale shall apply, in writing, to the Borough Clerk for a garage sale permit at least two (2) business days prior to the date the resident wishes to conduct the garage sale. The application shall be in the form prescribed by the Borough Clerk. There shall be no fee for the application or the issuance of the permit. Upon a proper application being filed, the Borough Clerk shall issue to the resident a permit to conduct the garage sale. The permit shall provide the sale dates and the date for any additional one (1) day that may be required due to the cancellation of one of the sale dates ("rain date") and the location of the garage sale. The permit shall be prominently displayed at the site of the garage sale.

### **37.5 Limitations.**

- a. A resident or members of his or her immediate family shall be limited to no more than three (3) garage sale permits in any one (1) calendar year at the same residential property.
- b. A garage sale shall not commence earlier than 8:00 a.m. and end not later than 5:00 p.m. on any calendar day, and shall not be conducted for more than three (3) consecutive days, or three (3) days in total including the rain date.
- c. A garage sale shall not be held on any day, or at any property, not listed in the garage sale permit.
- d. Garage sales shall be conducted within the property lines of the residential property and items offered for sale at garage sales shall not be placed on any sidewalk, street or public right-of-way.
- e. No garage sale in an apartment complex, condominium complex, townhouse complex, or other similar type of residential complex shall be held in an area of the property which would impede or interfere with the ingress or egress of pedestrian or vehicular traffic, to and from, and within the complex.

### **37.6 Consent of Landlord Homeowners Association/Owner.**

In the event the resident seeking a garage sale permit is a tenant or is an owner or tenant where the residential property is subject to a homeowners association or an adult resident who is in the immediate family of the owner or the tenant, then, in that event, the resident's application for the garage sale permit must contain the written consent of the landlord, and/or the consent of the homeowners association, and/or the owner respectively and written consent shall be attached to the application to the Borough Clerk for the garage sale permit.

### **37.7 Utility Poles.**

It is a violation to post signs or posters on utility poles advertising a sale.

**37.8 Penalties.**

Any person or persons found guilty of violating this section shall be subject to a fine of not less than twenty five (\$25.00) dollars for the first offense nor more than one hundred (\$100.00) dollars for the second or subsequent offense. Each day that such sale shall continue without being duly licensed is considered a separate violation

**37.89 Enforcement.**

This section shall be enforced by the Police Department and/or the Zoning and Building Department.

PLEASE PRINT/COMPLETE AND BRING INTO HELMETTA MUNICIPAL CLERKS OFFICE FOR PERMIT

BOROUGH OF HELMETTA  
51 Main Street

Helmetta, New Jersey 08828

APPLICATION/PERMIT TO HOLD A GARAGE / YARD / LAWN SALE

Pursuant to Township Ordinance (Chapter IV, Section 4-18), a resident (defined as an owner or tenant, or a member of the owner or tenants immediate family, of a residential property who resides at said property and is at least 18 years of age) shall be limited to no more than three (garage, yard, lawn) sale permits in anyone calendar year at the same residential property and shall not be conducted for more than three consecutive days, or three days in total, including rain date(s). Residents shall apply for this permit at least two (2) business days prior to the date of garage, yard, or lawn sale. Any person found guilty of violating this Ordinance shall be subject to a fine of no more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1,000.00 for the second or subsequent offense.

1. RESIDENT NAME:

RESIDENT ADDRESS: \_\_\_\_\_ 2.

RESIDENT PHONE NO .. \_\_\_\_\_ 3.

4. DATE(S) OF GARAGE SALE:

5. RAIN DATE(S):  
(to be used only in the event of inclement weather (see below [\*\*] for instructions)

\* Sale shall not commence earlier than 8:00 a.m. and end not later than 5:00 p.m. on any calendar day.

\*\* If your Sale is cancelled due to inclement weather, it must be reported to the Municipal Clerk's Office @ 732-521-4946 x100 on the first business day following the sale to advise of cancellation.

\*\*\* New items are prohibited from being sold.

\*\*\*\* As per Township Ordinance (Chapter III, Section 3-1.7), it is a VIOLATION to post signs or posters on utility poles advertising a sale.

PERMIT MUST BE POSTED IN FRONT OF RESIDENCE AND VISIBLE FROM STREET

Sandra Bohinski, RMC, CMR Municipal Clerk

PERMIT NO. \_\_\_\_\_

DATE ISSUED \_\_\_\_\_

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