

**MEETING OF MAYOR AND COUNCIL
NOVEMBER 21, 2012
7:00 PM**

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

The meeting was called to order at 7:07 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.

*** STATEMENT OF ELECTION RESULTS**

At the General Election held on Tuesday, November there was a contest for two –two year seats. The results were as follows: Christopher Slavicek 2 Wendy Vidal 3

*** OATH OF OFFICE:**

**CHRISTOPHER SLAVICEK
WENDY VIDAL**

The Oath of Office was administered by Mayor Nancy Martin.

*** CALLING OF THE ROLL OF COUNCIL MEMBERS:** (All were in attendance)

ASCIOLLA
JANECZEK
KARCZEWSKI
PEREZ
SLAVICEK
VIDAL

*** PUBLIC PORTION**

There was no one present from the Public.

*** APPROVAL OF MINUTES – October 24, 2012**

MOTION – Clmn. Janeczek SECOND – Clmn. Ascioffa
ROLL CALL: 6 - 0

*** CONSENT AGENDA – RESOLUTION # 2012 - 181**

Report of Municipal Clerk, Tax Collector

RESOLUTIONS:

179 – Appointment of Gregory Bennett as Police Director

~~180 – Resolution authorizing reimbursement to Mayor and Council
for Borough-related activities- (pulled)~~

182 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements to John Street, Willow Street and High Street project

183 – Payment of bills

184 – Stipend in gratitude of the many hours given to the Helmetta Regional Animal Shelter for Jack Ford and Phil Dumont

185 – Payment to George Kosanovich

186 – Appointment of Steve Gallo as a Police Officer

MOTION – Clmn. Karczewski SECOND – Clmn. Slavicek
ROLL CALL: 6 – 0

180 – Resolution authorizing reimbursement to Mayor and Council

for Borough-related activities

MOTION – Clmn. Ascioffa SECOND – Clmn. Janeczek

ROLL CALL: 5-1

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

Mayor Martin stated that the Tree Lighting will be on December 9th at 6:00 p.m. The 55+ Dinner will be held on Friday, December 7th and the Children's Holiday Party will be held on December 15th. A Winter Fest will be held in January or the beginning of February and we can have David play music then.

Borough Attorney David Clark had no report.

Borough Engineer Randy Laks stated he sent a letter to Kaplan regarding John St. They were kind of shocked at the dollar amount and we discussed what modifications can be done and still stay within a budget. They will get the permits and the Borough will do the work. The DOT issues were explained to them. We are going to look into the reallocation of funds to cover more of John Street and to do the rest with future grants. Discussion was also held on the wastewater situation, the flood hazard permit, and the park lights. They are trying to get everything in line by the end of December. He also discussed a hazard mitigation program.

JCP & L gave us three portable generators and the Mayor discussed the importance of them being locked away.

Public Works Director Darren Doran reported that Joe Reid hurt his finger and will be out for possibly four weeks. He is working with Greg to put the FEMA package together for reimbursement. A resident was scammed on Avenue A after the storm. A tree service from Florida cut down his tree and told him the Borough would take the tree away. FEMA will pay to have the trees chipped away but the homeowner has to file a complaint against the company for fraud.

*** ORDINANCE # 2012 - 6 (First Reading)**

An Ordinance of the Borough of Helmetta establishing that a Business Entity which makes political contributions to Municipal Candidates and Municipal and County Political Parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough

Clmn. Perez compared the two documents sent to him and several sections differ. The Borough Attorney will review and if he feels it's important to change the sections to the original he will advise the Clerk before it is sent for advertisement.

MOTION – Clmn. Ascioffa SECOND – Clmn. Karczewski

ROLL CALL: 6 – 0

***RESOLUTION – BUDGET TRANSFER # 187**

MOTION - Clmn. Ascioffa SECOND – Clmn. Slavicek

ROLL CALL: 6-0

*** NEW BUSINESS**

The Mayor discussed with the shortage of help some people might not be able to take their vacation. Darren stated that this is covered.

Our next meeting will be on December 19th.

*** ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:10 p.m.

Sandra Bohinski, RMC
Municipal Clerk

OCTOBER, 2012	Copies	Marr Lic	Plng Bd	Towing	Licenses	Lndlr Reg	Recycling	Marr Cer
Gallichio	\$10.00	\$10.00						
Rinaldi	\$28.00	\$28.00						
Halligan	\$100.00							<u>\$100.00</u>
Dattolo	\$100.00					\$100.00		
DeNardo	\$100.00					\$100.00		
Lewis	\$100.00					\$100.00		
Kayleigh	\$28.00	<u>\$28.00</u>						
Chelstowski	\$100.00					\$100.00		
Gambarella	\$100.00					<u>\$100.00</u>		
Halligan	\$10.00	\$10.00						

Dzielak	\$10.00	\$10.00			
TOTAL	\$686.00	\$30.00	\$56.00		\$500.00
					\$100.00

REPORT OF THE TAX COLLECTOR

Tax Collector

Month of: October, 2012

Dated: November 5, 2012

Taxes - 2013	\$	240.71
Taxes - 2012	\$	161,609.06
Taxes - 2011	\$	29,516.62

Interest	\$	7,869.02
Costs	\$	2,676.02
Tax search		
Return Check fee		
Search Printouts		
Duplicate Bill Fee	\$	10.00
Misc.		

TOTAL	\$	201,921.43
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ADJUSTMENTS

		\$
2012	Added Assess	785.63

Closing Balances

	Debit	Credit	Net
Tax	\$	\$	
2012	1,074,832.26	(3,719.75)	\$1,071,112.51
Tax			
2011			\$ -

Tax Collectors Trust

Prior Balance	\$	4,300.00
Receipts	\$	61,722.84
Disbursements	\$	41,422.84
Balance	\$	24,600.00
Premium Balance	\$	24,600.00

Disbursements

	\$	
Check #127	9,532.02	
	\$	
Check #128	600.00	Premium
	\$	
Check #129	953.59	
	\$	
Check #130	1,145.00	
	\$	
Check #131	100.00	Premium
	\$	
Check #132	11,618.67	
	\$	
Check #133	17,473.56	
	\$	
	41,422.84	

Dog & Cat Licenses \$22.00

BOROUGH OF HELMETTA
51 MAIN STREET
HELMETTA, NEW JERSEY 08828

Office of the Tax Collector

Report of the Tax Sale

The Tax Sale for non-payment of 2011 municipal charges was held on October 25, 2012 at 9:00am. All liens were sold to third party lienholders. The proceeds of sale are as follows:

Taxes	13,970.56
Interest	2,791.89
Cost	711.11

Total \$17,473.56

Water	5,019.48
Interest	380.23
Cost	941.27

Total \$6,340.98

Sewer	4,918.38
Interest	359.31
Cost	.00

Total \$5,277.69

Premium \$21,000.00

Grand Total \$50,092.23

Respectfully submitted,

Denise Jawidzik

Denise Jawidzik
Tax Collector

**RESOLUTION
2012 - 179**

APPOINTMENT OF GREGORY BENNETT AS POLICE DIRECTOR

WHEREAS, the Borough of Helmetta requires a Police Director to fill a vacancy in the department; and

WHEREAS, several candidates were evaluated by the Public Safety Committee; and

WHEREAS, Gregory Bennett is the most qualified applicant; and

WHEREAS, the rate of pay is \$30.00 per hour, for a total of 20 flexible hours per week, with no medical insurance, benefits or compensated absences.

NOW, THEREFORE, BE IT RESOLVED that Gregory Bennett is hereby appointed to work for the Borough of Helmetta as Police Director for a rate of \$30.00 per hour, for a total of 20 flexible hours per week, with no medical insurance, benefits or compensated absences, effective November 13, 2012.

**RESOLUTION
2012-180**

**RESOLUTION AUTHORIZING REIMBURSEMENT TO MAYOR AND COUNCIL
FOR BOROUGH-RELATED ACTIVITIES**

WHEREAS, the Mayor and Council of the Borough of Helmetta have performed the duties of their office without salary since January 1, 2006; and

WHEREAS, the Mayor and Council incur expenses such as mileage, phone calls, attendance at seminars, etc. for which there is no monetary reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Helmetta hereby establish a policy that each member of the Mayor and Council shall be entitled to an annual allowance for mileage, use of personal phone, attendance at seminars and conventions and similar Borough-related functions in the amount of \$500.00, prorated based upon term.

Borough of Helmetta
Resolution #2012-182

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements to John Street, Willow Street and High Street project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Helmetta formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that Remington, Vernick & Vena Engineers, on behalf of the Borough Council and Clerk, are hereby authorized to submit an electronic grant

application identified as MA-2013-Helmetta Borough-00673 to the New Jersey Department of Transportation on behalf of the Borough of Helmetta.

BE IT FURTHER RESOLVED that Remington, Vernick & Vena Engineers, on behalf of the Borough Council and Clerk, are hereby authorized to sign the grant agreement on behalf of the Borough of Helmetta and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION
2012 – 183
PAYMENT OF BILLS**

RESOLUTION
2012-

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	\$	426,326.55
Including the following non-budget items:		
School taxes	\$	316,752.00
County taxes		<u>116.99</u>
		<u>\$ 316,868.99</u>
WATER OPERATING FUND		31,146.86
SEWER OPERATING FUND		7,263.76
GENERAL CAPITAL FUND		16,804.49
DOG TRUST FUND		8.40
TRUST FUND		190.37
	<u>\$</u>	<u>481,740.43</u>

	Motion	Second	Aye	Nay	Abstain	Absent
Asciolla						
Janeczek						
Karczewski						
Perez						
Slavicek						
Vidal						

Sandra Bohinski, Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at their regular meeting on November 21, 2012.

Sandra Bohinski, Municipal Clerk

**RESOLUTION
2012 – 184**

**STIPEND IN GRATITUDE OF THE MANY HOURS
GIVEN TO THE ANIMAL SHELTER FOR
JACK FORD AND PHIL DUMONT**

WHEREAS, Jack Ford and Phil Dumont, have given many hours of their time at the Helmetta Regional Animal Shelter; and

WHEREAS, as a small token of our appreciation we would like to recognize them for their untiring dedication;

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to issue a check in the amount of \$150.00 in grateful appreciation of their willingness to help at the shelter.

**RESOLUTION
#2012 - 185**

PAYMENT TO GEORGE KOSANOVICH

WHEREAS, George Kosanovich is no longer employed as a Police Officer in the Borough of Helmetta, and

WHEREAS, he has due Holiday, Vacation and Sick Pay,

Holiday Pay prorated	\$1, 846.15
Vacation hours & Sick hours	826.00

NOW THEREFORE BE IT RESOLVED, that the C.F.O. is hereby authorized to issue a check to George Kosanovich in the amount of \$2,6712.15.

**RESOLUTION
2012 – 186**

APPOINTMENT OF STEVE GALLO AS A POLICE OFFICER

BE IT RESOLVED, that Paul Steve Gallo be and is hereby appointed as Police Officer in the Borough of Helmetta. He must successfully complete his waivers and schooling designated by the Police Training Academy and any other requirements by law. As per the Borough Ordinance he shall serve a probationary period of one year after his completion of the Academy.

BE IT FURTHER RESOLVED, he will be entitled to insurance coverage under N.J. Direct 15 or a comparable plan. As a new employee he will fall under the newly negotiated contract as a new employee; and

BE IT FURTHER RESOLVED upon recommendation of the Police Director and the Public Safety Committee that he is hereby appointed as full time Police Officer

subject to the completion of the Police Academy and probationary period.

RESOLUTION
2012 - 187

WHEREAS, N.J.S 40A:4-58 provides that, should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amounts deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, and State of New Jersey that the following transfers in the 2012 Budget be authorized.

CURRENT FUND:

Name	Amount From	Amount To
Finance S & W	\$ 3,000.00	
Bank Service Charges	1,500.00	
Police S & W	22,000.00	
Fire Department OE-Hurricane Damages	17,134.79	
Landfill/Disposal Solid Waste	3,500.00	
Municipal Court S & W	4,000.00	
Finance OE		\$ 1,500.00
Unemployment/Disability Insurance		500.00
Police OE		22,000.00
Fire Department OE		17,134.79
Vehicle Maint- Police		2,000.00
Recycling Solid Waste OE		500.00
Fuel Oil Purchase		1,000.00
Postage		500.00
Gasoline		5,000.00
Social Security		500.00
Municipal Court OE		500.00
	\$ 51,134.79	\$ 51,134.79

WATER OPERATING FUND:

Name	Amount From	Amount To
Purchase of Water	\$ 3,000.00	
Water Operating S & W		\$ 2,400.00
Water Operating Insurance		400.00
Social Security		200.00
	\$ 3,000.00	\$ 3,000.00

SEWER OPERATING FUND:

Name	Amount From	Amount To
Capital Outlay	\$ 2,000.00	
Sewer Operating S & W		\$ 1,400.00
Insurance		400.00
Social Security		200.00
	\$ 2,000.00	\$ 2,000.00

**RESOLUTION
2012 – 181**

CONSENT AGENDA

The following routine items and resolutions were adopted in unison as a Consent Agenda

Report of Municipal Clerk, Tax Collector

RESOLUTIONS:

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- 183 – Payment of bills
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- 185 – Payment to George Kosanovich
- 186 – Appointment of Steve Gallo as a Police Officer

**ORDINANCE
#2012 - 6**

AN ORDINANCE OF THE BOROUGH OF HELMETTA ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the Borough of Helmetta (the “Borough”) desires to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Helmetta, County of Middlesex, and State of New Jersey that Chapter 1A “Administration of Government” of the Borough Code is hereby amended in order to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Helmetta as follows (additions are underlined and deletions are struck-through):

§ 1A-7 “Contractor Pay-To-Play Reform Ordinance” is hereby established as follows:

A. Definitions.

As used in this ordinance:

“Campaign Committee” means (i) every candidate for Borough of Helmetta elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Borough of Helmetta elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Borough of Helmetta elective municipal office; (iv) every political party committee of the Borough of Helmetta (v) every political party committee of the County of Middlesex; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of Helmetta municipal or County of Middlesex elective offices Borough of Helmetta municipal or County of Middlesex political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

“Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

“Contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.

“Business Entity” whose contributions are regulated by this ordinance means: (i) an individual including the individual’s spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of

any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

B. Prohibition on Awarding Public Contracts to Certain Contributors.

- (1) To the extent that it is not inconsistent with state or federal law, the Borough of Helmetta and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Helmetta or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Helmetta or County of Middlesex political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of the Borough of Helmetta municipal or County of Middlesex elections and/or Borough of Helmetta municipal or County of Middlesex candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection B(3) herein within one calendar year immediately preceding the date of the contract or agreement.
- (2) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of Helmetta or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Helmetta or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Helmetta or County of Middlesex political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- (3) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Borough of Helmetta (ii) \$500 maximum per calendar year to a County of Middlesex political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary

Unspecified Services as defined in subparagraph B(1), or engaged in negotiations for a contract defined in subparagraph B(1), when such Business Entity's Contribution is aggregated with all "persons" set forth within the definition of "Business Entity" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Borough of Helmetta candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of Helmetta or County of Middlesex political committees and political party committees as described herein combined, without violating subsection B(1) of this section.

- (4) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of Helmetta Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of Helmetta if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (5) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph B(1) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

C. Contributions Made Prior to Effective Date. No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

D. Contract Renewal. No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

E. Contribution Statement by Business Entity.

- (1) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Borough of Helmetta or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section B of this Ordinance. The Borough of Helmetta its purchasing agents and departments shall be responsible for informing the Borough Council of Helmetta that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (2) A Business Entity shall have a continuing duty to report to the Borough of Helmetta any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of Helmetta, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Helmetta Borough Council meeting following receipt of said report from the Business Entity, or whichever comes first.

- (3) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Helmetta or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

F. Return of Excess Contributions. A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section B of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

G. Exemptions. The contribution limitations prior to entering into a contract in Section B(1) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

H. Penalty.

- (1) It shall be a material breach of the terms of a Borough of Helmetta agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Helmetta, or a holder of public office having ultimate responsibility for the award of a contract, or any Borough of Helmetta or County of Middlesex political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (2) Furthermore, any Business Entity that violates Section H(1) shall be disqualified from eligibility for future Borough of Helmetta contracts for a period of four (4) calendar years from the date of the violation.
- (3) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including

fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of Helmetta.

I. **Citizens Private Right Of Action.** In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of Helmetta has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

J. **Indexing.** The monetary thresholds set forth in the definition of “Business Entity” and Section B(3) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York -New Jersey-Long Island region, rounded to the nearest \$10.00. The Clerk of the Borough of Helmetta shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

MEETING OF MAYOR AND COUNCIL
DECEMBER 19, 2012
7:00 PM

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

The meeting was called to order at 7:14 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 OF COUNCIL MEMBERS:**

ASCIOLLA
JANECZEK
KARCZEWSKI - ABSENT
PEREZ
SLAVICEK
VIDAL

*** PUBLIC PORTION** – There was no one present from the Public.

Discussion was held on Changeorders.

***CONSENT AGENDA – RESOLUTION # 2012 - 165**

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

RESOLUTIONS:

- 188 – Resolution authorizing the Tax Collector to refund tax overpayments for the year 2012
- 189 – Resolution of the Borough of Helmetta authorizing an Animal Impoundment Agreement with the Township of Marlboro
- 190 – Resolution of the Borough of Helmetta authorizing an Animal Impoundment Agreement with the Township of Monroe
- 191– Resolution of the Borough of Helmetta authorizing an Animal Impoundment Agreement and an Animal Control Agreement with the Borough of South River
- 192 – Transfer of Funds
- 193 – Cancellation of Outdated Checks
- 194 – Appointment of Stephanie Helsby as Finance Clerk
- 195 – Payment to Antonio Wilkie-Guiot
- 196 – Salaries for 2013
- 197 – Increase of Salary of Josh L. Merrill
- 198 – Emergency Resolution
- 199 – Gratuity to St. George’s Church
- 200 – Gratuity to Holy Trinity Church
- 201 – Authorization for Mayor to sign agreement with Middlesex County Utilities Authority
- 202 – Resolution Authorizing increase in hours of Chief Financial Officer
- 203 – Resolution of the Borough of Helmetta authorizing Change Order No. 1 in the amount of \$14,131.00 for a net increase to the contract with Z Brothers Concrete Contractors, Inc. and authorizing partial payment No. 1 for road improvements to Park Place, Park Avenue, North 14th Street and North Shore Boulevard
- 204 – Resolution authorizing payment to Nancy Martin for recreational activity cost
- 205 – Resolution authorizing payment to Sandra Bohinski for recreation activity cost
- 206 – Resolution of the Borough of Helmetta authorizing an Animal Impoundment Agreement with the Township of Plainsboro
- 207 – Payment of Bills

- 208 – Acceptance of Nicholas Dolce as a Junior Fireman
 - 209 - Resolution of the Borough of Helmetta authorizing an Animal Impoundment Agreement with the Township of Manalapan
 - 210 - Resolution authorizing a refund of Robert Kallus’ pet adoption fee in the amount of \$100.00
 - 211 – Hiring on one full time and two Class II Police Officers
- MOTION – Clmn. Ascioffa SECOND – Clmn. Slavicek
ROLL CALL: 5 - 0

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

Darren Doran reported that the trucks are ready for snow. The spreaders are ready to go. Chipping ended today. Five pallets of leaf bags are left. A storm water inspection is being done. Cold patch was picked up today and pot hole repairs will be done. Weather permitting; Community Service will clean around the curblines and catch basins. Paint was purchased and the inside of Borough Hall will be painted, starting with the hallways. A water service has broken but is under repair now. The handicap ramp railing, damaged by the storm, is being repaired. Signs that were damaged by the storm and those that were old and faded are being replaced.

Clmn. Perez attended two Board of Education meetings. One meeting was primarily a fun on – Are you smarter than a Fifth Grader? The other meeting they reported on the financial status. They had an increase in the fund balance of \$232,000.00. They are maintaining a 3,000,000.00 balance. They earmarked 1.2 million for capital items. The report given was a healthy financial one.

Clmn. Slavicek reported on Public Safety which has been a task; only two out of six cars were properly working. One full time and two Special Police Officers were hired. There will be a change in the schedule which will alleviate overtime and they will be able to give us back some time for Court and training. The tree lighting was very well intended even though we got rained out on the first date and we will start planning events for 2013.

*** SECOND READING OF ORDINANCE #2012 -6**

An Ordinance of the Borough of Helmetta establishing that a business entity which makes political contributions to Municipal Candidates and Municipal and County Political Parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough

The meeting was opened to the Public, there being no one present the meeting was closed to the Public.

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

*** NEW BUSINESS**

The tree lighting will
Date of Reorganization Meeting
The meeting will be held on Friday, January 7, 2013.

Meeting Dates for 2013

The meeting dates for 2013 were discussed.

A letter was sent to the PBA asking them to come to the January 23 meeting

***ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:55 p.m. All were in favor.

REPORT OF MUNICIPAL CLERK

NOVEMBER, 2012			Marr Lic	Plng Bd	Towing	Licenses	Lndlr Reg	Recycling
K of C	\$10.00					\$10.00		
Fire Dept.	\$250.00					<u>\$250.00</u>		
MacFarlan	\$10.00	\$10.00						
Smith	\$100.00						<u>\$100.00</u>	
Pawlowski	\$20.00	<u>\$20.00</u>						
	\$390.00	\$30.00				\$260.00	\$100.00	
			Dog & Cat Licenses					
			\$34.00					

REPORT OF THE TAX COLLECTOR

Tax Collector

Month of: November, 2012

Dated: December 3, 2012

Taxes - 2013	\$	2,863.47
Taxes - 2012	\$	969,821.54
Taxes - 2011		
Interest	\$	620.86
Costs		
Tax search		
Return Check fee	\$	25.00
Search Printouts		
Duplicate Bill Fee	\$	40.00
Misc.		
TOTAL	\$	973,370.87

ADJUSTMENTS

2012	Transfer O/P	\$	918.66
2013	Transfer O/P	\$	(918.66)
2012	Cancel Minimum	\$	0.05

Closing Balances

	Debit	Credit	Net
Tax			
2012	\$ 118,908.59	\$ (16,698.91)	\$ 102,209.68
Tax			
2011			\$ -

Tax Collectors Trust

Disbursements

Prior Balance	\$	24,600.00
Receipts		
Disbursements		
Balance	\$	24,600.00
Premium Balance	\$	24,600.00

-

Water/Sewer Receipts Report

October 2012

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2010 Principal	\$ -	\$ -	\$ -
2011 Principal	14,115.84	17,079.96	31,195.80
2012 Principal	<u>44,096.40</u>	<u>47,161.63</u>	<u>91,258.03</u>
Subtotal	58,212.24	64,241.59	122,453.83
Interest	<u>1,561.84</u>	<u>2,656.52</u>	<u>4,218.36</u>
Subtotal	59,774.08	66,898.11	126,672.19
Final Water Reads	20.00		20.00
Returned Checks	-	-	-
Deposit Correction	81.00	33.40	114.40
Payment Reversal	-	-	-
NSF Bank Fees	-	-	-
Misc.	-	-	-
Connection Fee	-	-	-
Water Meter Testing	-	-	-
In transit from Tax Sale	-	-	-
Transfer in from Tax	(11,618.67)		(11,618.67)
Transfer out to Tax	(1,404.86)	-	(1,404.86)
	<u>-</u>	<u>-</u>	<u>-</u>
Total Deposits	<u>\$46,851.55</u>	<u>\$ 66,931.51</u>	<u>\$113,783.06</u>

Carol Feig
Utility Revenue Collector

Water/Sewer Receipts Report

November 2012

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2010 Principal	\$ -	\$ -	\$ -
2011 Principal	-	-	-
2012 Principal	<u>48,020.78</u>	<u>48,455.97</u>	<u>96,476.75</u>
Subtotal	48,020.78	48,455.97	96,476.75
Interest	<u>58.77</u>	<u>71.52</u>	<u>130.29</u>
Subtotal	48,079.55	48,527.49	96,607.04
Final Water Reads	-	-	-
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>\$48,079.55</u>	<u>\$ 48,527.49</u>	<u>\$ 96,607.04</u>

Carol Feig
Utility Revenue Collector

**RESOLUTION
2012 - 188
RESOLUTION AUTHORIZING THE TAX COLLECTOR
TO REFUND TAX OVERPAYMENTS FOR THE YEAR 2012**

WHEREAS, the Borough Tax Collector has received tax overpayments for the taxes due for the year 2012 for the following:

To:	For:	Amount:
FWDSL & Associates 5 Cold Hill Road S Suite 11 Mendham, NJ 07945	13.01-11*	\$2,394.02
	13.02-88*	\$3,085.82
	20-28*	\$1,255.29
	21-7.1 C0806*	\$839.29
	21-7.1 C1203*	\$839.29
	30-6.01*	\$1,244.93

* reference on the check for the lien holder

Holy Trinity Church 100 Main St Helmetta, NJ 08828	13-3	\$57.90
Linda Conticchio 305Merrywood Dr Edison, NJ 08817	20-67	\$1,422.61
Luz Marcela Montenegro 10 George W Helme Dr Helmetta, NJ 08828	20-98	\$318.33
CoreLogic Escrow Mail DFW 4-3 1 First American Way Westlake, TX 76262	21-7.1 C0711	\$1,011.00
Joyce Smack 2411 Candlelight Ct Helmetta, NJ 08828	21-7.1 C 2411	\$317.25
William & Karen Langan 7 Borghaus Rd Helmetta, NJ 08828	21 – 9.02	\$1,441.40
Henryk & Alicia Zyhajlo 25 Avenue A Helmetta, NJ 08828	23-9.01	\$50.37
William H & Bonnie Wager 31 Old Forge Rd Helmetta, NJ 08828	25-22	\$1,217.52
Manuel A Rodriguez & Brenda Nunez 7 Avenue B Helmetta, NJ 08828	27-11	\$902.38

WHEREAS, the Borough Tax Collector requests authorization from the Borough Council to refund the overpayments to the owners of the properties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the Borough Tax Collector is hereby authorized to refund the overpayments to the property owners; and

BE IT FURTHER RESOLVED that the Borough's Chief Financial Officer is directed to issue a refund check for the overpayments to the property owners listed above.

RESOLUTION

2012 - 189

RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL IMPOUNDMENT AGREEMENT WITH THE TOWNSHIP OF MARLBORO

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Township of Marlboro ("Marlboro") is in need of animal impoundment services and desires to enter into a shared services agreement in which the Borough of Helmetta ("Borough") will provide Marlboro with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into an agreement for the provision of animal impoundment with the Township of Marlboro. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Township of Marlboro
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

RESOLUTION

2012 - 190

RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL IMPOUNDMENT AGREEMENT WITH THE TOWNSHIP OF MONROE

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Township of Monroe ("Monroe") is in need of animal impoundment services and desires to enter into a shared services agreement in which the Borough of Helmetta ("Borough") will provide Monroe with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into an agreement for the provision of animal impoundment with the Township of Monroe. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Township of Monroe

- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

RESOLUTION

2012 - 191

RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL IMPOUNDMENT AGREEMENT AND AN ANIMAL CONTROL AGREEMENT WITH THE BOROUGH OF SOUTH RIVER

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Borough of South River (“South River”) is in need of both animal control services and animal impoundment services; and

WHEREAS, the Borough of Helmetta (the “Borough”) and South River desire to enter into shared services agreement and the Borough will provide licensed animal control officers to perform animal control services within East Brunswick; and

WHEREAS, the Borough and South River also desire to enter into a shared services agreement in which the Borough will provide South River with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, both the animal control services agreement and the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into both an agreement for the provision of animal control services, and an agreement for the provision of animal impoundment with the Borough of South River, both in the forms attached hereto. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Borough of South River
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

RESOLUTION

2012 – 192

TRANSFER

WHEREAS, N.J.S 40A:4-58 provides that, should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amounts deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the following transfers in the 2012 Budget be authorized.

CURRENT FUND:

Name	Amount From	Amount To
Health Insurance-Employee	\$ 1,000.00	
Fire Department OE-Hurricane Damages	1,875.00	
Street Lighting	1,000.00	
Police OE		\$ 1,000.00
Fire Department OE		1,875.00
Landfill/Disposal Solid Waste		1,000.00
	\$ 3,875.00	\$ 3,875.00

**RESOLUTION
2012 - 193
CANCELLATION OF OUTDATED CHECKS**

WHEREAS, the Borough of Helmetta maintains bank accounts in all funds of the Borough for checking accounts; and

WHEREAS, the Chief Financial Officer of the Borough reconciles these accounts on a monthly basis to the books and records of the Borough; and

WHEREAS, there exists reconciling items that relate to the period ending December 31, 2011 and such items are deemed outdated and stale; and

WHEREAS, generally accepted accounting principals and generally accepted internal control standards require periodic review; and

WHEREAS, the Chief Financial Office of the Borough has performed a review and determined that such action of cancellation be taken as follows:

Clearing Account Number 8043483969:

Check Number	Date	Amount
1686	12/29/11	\$181.88
	Total:	<u>\$181.88</u>

Payroll Account Number 8043483555:

Check Number	Date	Amount
1100	06/23/11	\$25.01
1260	12/22/11	418.52
	Total:	<u>\$443.53</u>

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Chief Financial Officer be authorized to make such adjustments to the books and records.

RESOLUTION
2012-194
APPOINTMENT OF STEPHANIE HELSBY AS FINANCE CLERK

WHEREAS, the Borough of Helmetta requires additional personnel to assist the finance department; and

WHEREAS, several candidates were evaluated by the Chief Finance Officer; and

WHEREAS, Stephanie Helsby is the most qualified applicant who has indicated her willingness to obtain certifications; and

WHEREAS, the rate of pay is \$12.00 per hour, for a total of 9 hours per week, with no medical insurance.

NOW, THEREFORE, BE IT RESOLVED that Stephanie Helsby is hereby appointed to work for the Borough of Helmetta for a rate of \$12.00 per hour, effective December 3, 2012.

RESOLUTION
2012 – 195
PAYMENT TO ANTONIO WILKIE-GUIOT

WHEREAS, Antonio Wilkie-Guiot is no longer employed as a Police Officer I the Borough of Helmetta, and

WHEREAS, he has due Vacation, Sick and Personal pay in the amount of \$1,078.70, calculated as follows:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the Chief Financial Officer is hereby authorized to issue a check to Antonio Wilkie-Guiot in the amount of \$1,078.70.

RESOLUTION
2012 - 196
SALARIES FOR 2013

WHEREAS the Mayor and Council have determined that employees receiving stipends for Administrator duties for the year commencing January 1, 2013 should have said stipends paid with their base salaries, per the Division of Pensions and Benefits.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that, in accordance with the Division of Pensions and Benefits, the annual salaries and wages for the following employees be authorized, effective January 1, 2013; and

BE IT FURTHER RESOLVED that for any employee entitled to longevity pay in accordance with the Borough's Employee Handbook, that the salaries and wages listed below be used for the computation of 2013 longevity pay.

RESOLUTION
2012 – 197
INCREASE OF SALARY OF JOSH L. MERRILL

WHEREAS, based on his work performance, a recommendation was made by Michal Cieslesz to increase the salary of Josh Merrill from \$10.50 to \$12.50 an hour;

NOW THEREFORE BE IT RESOLVED, that the CFO is hereby instructed to increase the salary of Josh L. Merrill to \$12.50 an hour.

**RESOLUTION
2012 – 198
EMERGENCY RESOLUTION**

WHEREAS, an emergency has arisen with respect to Hurricane Sandy and, no adequate provision was made in the 2012 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$12,000.00 and three (3) percent of the total operating appropriations in the budget for 2012 is \$51,334.00 and

WHEREAS, the foregoing appropriation together with prior appropriations do not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2012.

NOW, THEREFORE BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Hurricane Sandy
Costs O/E in the amount of \$12,000.00.
2. That said emergency appropriation shall be provided for full in the
2013 budget, and is requested to be excluded from CAPS, pursuant to
NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the
Director of the Division of Local Government Services.

**RESOLUTION
2012 – 199
GRATUITY TO ST. GEORGE’S CHURCH**

WHEREAS, St. George’s Church has been generous in letting us use their facilities for Borough activities,

NOW THEREFORE BE IT RESOLVED that the CFO be instructed to issue a check for \$75.00 to St. George’s Church in appreciation for letting us use their facilities.

**RESOLUTION
2012 – 200
GRATUITY TO HOLY TRINITY CHURCH**

WHEREAS, Holy Trinity Church has been generous in letting us use their facilities for Borough activities,

NOW THEREFORE BE IT RESOLVED that the CFO be instructed to issue a check for \$200.00 to Holy Trinity Church in appreciation for letting us use their facilities.

RESOLUTION
2012 – 201
AUTHORIZATION FOR MAYOR TO SIGN AGREEMENT WITH
MIDDLESEX COUNTY UTILITIES AUTHORITY

WHEREAS, the Middlesex County Utilities Authority is offering reduced tipping fees for the disposal of acceptable solid waste to customers who enter into a three (3) year Solid Waste Agreement with the MCUA; and

WHEREAS, the Borough wishes to continue in this program with the MCUA offering the following discounted disposal rates for ASW: \$62.50 per ton (2013), \$62.75 (2014) and \$63.00 (2015) (those who choose not to enter into agreement will be charged Gate Rate of \$69.00 per ton for 2013),

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Helmetta hereby authorizes the Mayor to enter into such agreement with the MCUA.

RESOLUTION
2012 – 202
RESOLUTION AUTHORIZING INCREASE IN HOURS OF CHIEF FINANCIAL
OFFICER

WHEREAS, the Chief Financial Officer will take over the responsibilities of Animal Shelter billing and record keeping; and

WHEREAS, this will require additional hours of work;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the Chief Financial Officer is hereby authorized work 6 additional hours per week (from 18 to 24), and her salary will be as follows:

Salary at 18 hours per week	\$46,909.34
Salary at 24 hours per week	\$62,545.79

RESOLUTION
2012 – 203
RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING CHANGE
ORDER NO. 1 IN THE AMOUNT OF \$14,131.00 FOR A NET INCREASE TO THE
CONTRACT WITH Z BROTHERS CONCRETE CONTRACTORS, INC. AND
AUTHORIZING PARTIAL PAYMENT NO. 1 FOR ROAD IMPROVEMENTS TO
PARK PLACE, PARK AVENUE, NORTH 14TH STREET AND NORTH SHORE
BOULEVARD

WHEREAS, the Borough of Helmetta (the “Borough”) awarded a contract to Z Brothers Concrete Contractors, Inc. (the “Contractor”) for road improvements to Park Place, Park Avenue, North 14th Street, and North Shore Boulevard (the “Project”) in the amount of \$135,208.62; and

WHEREAS, there was a change in the as-built quantities for the Project resulting in a net increase of the contract in the amount of \$14,131.00; and

WHEREAS, the Contractor has requested authorization to perform the work described within Change Order No. 1 which is attached hereto; and

WHEREAS, the Borough Engineer has recommended that the Borough authorize Change Order No. 1 in order to allow the Contractor to complete the contract; and

WHEREAS, additionally, the Borough Engineer has recommended Partial Payment No. 1 be made to the Contractor for work completed through November 30, 2012 in the amount of \$146,352.83, and as further detailed in the Engineer's Certification attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute Change Order No. 1 authorizing a net increase to the contract awarded to Z Brothers Concrete Contractors, Inc. for road improvements to Park Place, Park Avenue, North 14th Street, and North Shore Boulevard in the amount of \$14,131.00, thereby increasing the total Project cost to date to \$149,339.62; and

BE IT FURTHER RESOLVED, that based upon the recommendation and certification of the Borough Engineer, Partial Payment No. 1 in the amount of \$146,352.83 be made to Z Brothers Concrete Contractors, Inc. for work completed on the Project through November 30, 2012; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number _____.

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

- a. Z Brothers Concrete Contractors, Inc.
- b. Lori Russo, Borough Chief Financial Officer
- c. David A. Clark, Borough Attorney

RESOLUTION

2012-204

RESOLUTION AUTHORIZING PAYMENT TO NANCY MARTIN FOR RECREATION ACTIVITY COSTS

WHEREAS, the Borough of Helmetta hosted a roller skating party; and

WHEREAS, there were expenses incurred relating to these recreation activities; and

WHEREAS, the vendors do not accept purchase orders from the Borough; and

WHEREAS, the expenses incurred for these recreation activities were paid by Nancy Martin, and valid receipts were presented to the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Helmetta that the Chief Financial Officer be and is hereby authorized to pay Nancy Martin \$112.50 as reimbursement for expenses paid for recreation activities for the Borough.

RESOLUTION

2012-205

RESOLUTION AUTHORIZING PAYMENT TO SANDRA BOHINSKI FOR RECREATION ACTIVITY COSTS

WHEREAS, the Borough of Helmetta hosted a Children’s Holiday Party; and
WHEREAS, there were expenses incurred relating to these recreation activities; and

WHEREAS, the vendors do not accept purchase orders from the Borough;
and

WHEREAS, the expenses incurred for these recreation activities were paid by Sandra Bohinski, and valid receipts were presented to the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Helmetta that the Chief Financial Officer be and is hereby authorized to pay Sandra Bohinski \$128.13 as reimbursement for expenses paid for recreation activities for the Borough.

RESOLUTION

2012 - 206

RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL IMPOUNDMENT AGREEMENT AND AN ANIMAL CONTROL AGREEMENT WITH THE TOWNSHIP OF PLAINSBORO

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Township of Plainsboro (“Plainsboro”) is in need of both animal control services and animal impoundment services; and

WHEREAS, the Borough of Helmetta (the “Borough”) and Plainsboro desire to enter into shared services agreement and the Borough will provide licensed animal control officers to perform animal control services within Plainsboro; and

WHEREAS, the Borough and Plainsboro also desire to enter into a shared services agreement in which the Borough will provide Plainsboro with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, both the animal control services agreement and the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into both an agreement for the provision of animal control services, and an agreement for the provision of animal impoundment with the Township of Plainsboro, both in the forms attached hereto. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Township of Plainsboro
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

RESOLUTION

2012- 207

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

Including the following non-budget items:

Grants

WATER OPERATING FUND

SEWER OPERATING FUND

GENERAL CAPITAL FUND

DOG TRUST FUND

TRUST FUND

BUILDERS' ESCROW

	\$	160,047.29
		78.64
		<hr/>
\$		78.64
		53,483.19
		6,986.49
		5,733.84
		1.20
		621.73
		2,885.00
	\$	229,758.74

**RESOLUTION
2012 – 208
ACCEPTANCE OF NICHOLAS DOLCE AS JUNIOR FIREMAN**

BE IT RESOLVED, that the Governing Body of the Borough of Helmetta does hereby accept Nicholas Dolce application to be a Junior Fireman with the Helmetta Fire Department.

**RESOLUTION
2012 - 209**

**RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL
IMPOUNDMENT AGREEMENT WITH THE TOWNSHIP OF MANALAPAN**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Township of Manalapan (“Manalapan”) is in need of animal impoundment services and desires to enter into a shared services agreement in which the Borough of Helmetta (“Borough”) will provide Manalapan with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into an agreement for the provision of animal impoundment with the Township of Manalapan. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Township of Manalapan
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

**RESOLUTION
#2012 – 210**

**RESOLUTION AUTHORIZING A REFUND OF ROBERT KALLUS’
PET ADOPTION FEE IN THE AMOUNT OF \$100.00**

WHEREAS, Robert Kallus, a resident of Monroe Township, New Jersey, adopted a dog from the Helmetta Municipal Animal Shelter (the “Animal Shelter”) and paid an adoption fee of \$100.00; and

WHEREAS, the dog that was adopted was diagnosed with Lyme disease and several tumors and may need surgery for the tumors;

WHEREAS, the Borough wishes to refund Mrs. Ford the \$100.00 adoption fee which she paid for adoption of the dog from the Animal Shelter.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Helmetta that the \$100.00 pet adoption fee which was paid to the Animal Shelter for adoption of a dog is hereby refunded to Robert Kallus and a check be issued to her in the amount of \$100.00 and sent to her at 730B Ralston Plaza, Monroe Township, NJ 08831.

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. Robert Kallus
- b. Darren Doran, Helmetta Animal Shelter

RESOLUTION

2012 – 211

HIRING OF ONE FULL TIME AND TWO CLASS II OFFICERS

WHEREAS, there is a need to hire additional members of the Helmetta Police Department;

NOW THEREFORE BE IT RESOLVED that the Police Committee is hereby authorized to hire one (1) full time Police Officer and two (2) Class II Officers upon successful and full completion of background and physical/mental examinations.

Borough of Helmetta
Reorganization Meeting
January 4, 2013
7:00 p.m.

Call to Order

Notice of Publication

Salute to the Flag

Certification of Election Results of
November 6, 2012.....Sandra Bohinski, Municipal Clerk

Administration of Oath of Office to:
Vincent Ascioffa, Councilman
Robert Janeczek, Councilman

Calling of the Roll

Public Portion

Election of Council President

Consent Agenda Resolution

Administration of Oath of Offices

Adjournment

Borough of Helmetta
Reorganization Meeting
January 4, 2013
7:00 p.m.

Call to Order * Notice of Publication * Salute to the Flag

The meeting was called to order by Mayor Martin at 7:10 p.m. Mayor Martin stated that 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.

Certification of Election Results of

November 6, 2012.....Sandra Bohinski, Municipal Clerk
The Municipal Clerk stated that at the General Election held on November 6, 2012 a contest was held for the position of two – three year Council seats. There are 1,396 registered voters in the Borough of Helmetta and on this date 645 votes were cast. The results were as follows: Vincent Ascioffa 328 and Robert Janeczek 311. Statements of determination were received from Sylvia Engel, Chairman of the Board of County Canvassers and attested by Elaine Flynn, County Clerk that Vincent Ascioffa and Robert Janeczek have been duly elected to respectively serve as Council members.

Administration of Oath of Office to:

Vincent Ascioffa, Councilman
Robert Janeczek, Councilman

The Oath of Office was administered to Councilmen Vincent Ascioffa and Robert Janeczek. They then took their seats on Council.

Calling of the Roll

Clmn. Ascioffa – Present
Janeczek – Present
Karczewski – Present
Perez - Present
Slavicek - Present
Vidal - Present

Public Portion

There was no one from the Public who wished to speak.

Election of Council President – Resolution #2013 – 1

Clmn. Karczewski nominated Clmn. Perez for Council President seconded by Clmn. Perez.
Clwmn. Vidal nominated Clmn .Ascioffa for Council President seconded by Clmn. Ascioffa.

Roll Call was taken:

Clmn. Perez - 3 – 3
Clmn. Ascioffa – 3 -3

Mayor Martin broke the tie and voted for Clmn. Ascioffa.

Consent Agenda – Resolution #2013 - 53

The following Resolutions will be voted on in unison as a Consent Agenda Resolution:

- #02 Appointment of Borough Attorney - David A. Clark, Esq.
- #03 Rules to Govern in 2013
- #04 Appointment of Standing Committees

- #05 Meeting Dates for 2013
- #06 Appointment of Borough Auditor - Gerard Stankiewicz, CPA, RMA
- #07 Appointment of Borough Engineer - Terence M. Vogt
- #08 Appointment of Borough Planner - Terence M. Vogt
- #09 Appointment of Redevelopment Counsel- Gluck Walrath, LLP
- #10 Appointment of Labor and Employment Counsel - Matthew Giacobbe, Esq.
- #11 Appointment of Bond Counsel- Gluck Walrath LLP
- #12 Appointment of Special Police Officer – Ronald Horinko
- #13 Appointment of Municipal Prosecutor – Paul Granick
- #14 Appointment of Public Defender – Erin Shamy
- #15 Appointment of Fire Marshal- Joseph Kotora
- #16 Appointment of Tax Search Official – Denise Jawidzik
- #17 Appointment of Purchasing Agent - Lori Russo
- #18 Appointment of Assessment Search Official – Sandra Bohinski
- #19 Appointment of Assistant Tax Collector/Utility Revenue Collector and Deputy Registrar - Carol Feig
- #20 Appointment of Back-Up Water Operator – George Smith
- #22 Appointments of Staff of Municipal Court
- #23 Appointment of Public Agency Compliance Officer – Sandra Bohinski
- #24 Appointment of Purchasing/Buyer – Sandra Bohinski
- #25 Appointment of Council Representative to Planning Board – Wendy Vidal
- #26 Appointment of Middlesex County Housing and Community Development Representative – Wendy Vidal
- #27 Appointment of Alternate to Middlesex County Housing and Community Development Representative – Christine Reid
- #28 Appointment of Flood Control Commission Representative – Darren Doran
- #29 Appointments of Alternates to Transportation Coordinating Committee – Robert Janeczek & Vincent Ascioffa
- #30 Approval of Cash Management Plan for 2013
- #31 Returned Check Charge
- #32 Cancellation of Minimum Balances
- #33 Authorization to Conduct Tax Lien Sale
- #34 Interest on Delinquent Taxes
- #35 Penalty for Delinquencies over \$10,000
- #36 Interest on Delinquent Water & Sewer Payments
- #37 Official Newspapers - Home News Tribune & Star Ledger
- #38 Authorization of a Petty Cash Fund
- #39 Custodian of Petty Cash Fund - Lori Russo
- #40 Approval of 2013 Temporary Budget Appropriations
- #41 Appointment of Alternate Municipal Judge - Christine Heitman Esq.
- #42 Appointment of Administrative Clerk and/or Recreation Staff – Denise Estrada
- #43 Appointment of Animal Cruelty Investigators – James Apgar, Michal Cielez, Richard Cielez, C. Brandon Metz
- #44 Authorization to sign County of Middlesex Public Health Interlocal Service Contract – 2013
- #45 Resolution authorizing an Animal Impoundment Agreement and an Animal

Control Agreement with the Borough of Helmetta
#47 2013 Fees for the Helmetta Regional Animal Shelter
#48 Authorization for Municipal Engineer and Clerk to sign Revision of Scope
of Work for Maple Street, John Street and Washington Avenue
Helmetta Borough, Middlesex County, Municipal Aid – Fiscal Year 2011
#49 Appointment of Special Class II Police Officers Glenn Pacyna and James
Parsons
(Resolution # 21 and # 46 were pulled to be voted on individually)
MOTION - Clmn. Ascioffa SECOND – Clmn. Janeczek
ROLL CALL: 6 - 0

#21 Appointment of Certified Municipal Court Administrator – Susan Slavicek
MOTION – Clmn. Ascioffa SECOND – Clmn. Janeczek
ROLL CALL: 5 – 0 – 1

#46 Standard Operating Procedures for the Helmetta Regional Animal Shelter
MOTION – Clmn. Ascioffa SECOND – Clmn. Janeczek
ROLL CALL: 5 – 0 – 1

Mayor Martin thanked everyone for coming.

There being no further business, a MOTION was made by Clmn. Ascioffa and SECONDED
by Clmn. Perez to adjourn the meeting at 7:48 p.m. All were in favor.

Sandra Bohinski, RMC
Municipal Clerk,

**RESOLUTION
#2013 – 01
COUNCIL PRESIDENT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, County of
Middlesex, State of New Jersey that

BE AND IS HEREBY elected as COUNCIL PRESIDENT for the Borough of
Helmetta for a term to expire 12/31/13.

**RESOLUTION
2013 – 02**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO DAVID A. CLARK, ESQ. OF GLUCK
WALRATH, LLP FOR LEGAL SERVICES AS THE BOROUGH ATTORNEY FOR**

THE 2013 CALENDAR YEAR

WHEREAS, the Borough of Helmetta (the “Borough”) has determined that there exists a need for legal services for the 2013 calendar year; and

WHEREAS, David A. Clark, Esq. of the firm of GluckWalrath LLP has submitted a proposal indicating that he will provide legal services as the Borough Attorney for a monthly retainer of \$2,000, plus an hourly rate not to exceed \$150.00 for work outside the retainer agreement; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, GluckWalrath, LLP has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, GluckWalrath, LLP has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with David A. Clark, Esq. of the firm of GluckWalrath LLP for the provision of legal services as the Borough Attorney for the 2013 calendar year; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-01-20-712-020.

RESOLUTION

#2013 – 03

RULES TO GOVERN IN 2013

WHEREAS, the members of the Governing Body have read the proposed Rules of the Borough Council for the Borough of Helmetta which were compiled in 1994 and since amended; and

WHEREAS, the Governing Body finds said rules to be acceptable for the purpose of conducting the meetings of the Borough Council.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council that the Rules of the Council of the Borough of Helmetta, Middlesex County, New Jersey be and they are hereby adopted as the official rules governing the Borough Council of the Borough of Helmetta for the year 2013.

**RULES OF THE COUNCIL
OF THE
BOROUGH OF HELMETTA
MIDDLESEX COUNTY
NEW JERSEY
YEAR – 2013**

RULE NUMBER ONE:

The Meetings of the Mayor and Borough Council of the Borough of Helmetta shall be held on the fourth Wednesday of each month at seven p.m., prevailing time, in the Borough Council Chambers in the Municipal Building, provided, however, that in the event any such Business Session shall fall due upon a Legal Holiday then such Business Session shall be held as called by motion duly adopted at the previous meeting.

Special Meetings of the Mayor and Borough Council of the Borough of Helmetta shall be called and held as provided by Statute and upon written notice designating the time and place of said Special Meeting, signed by the Mayor or four (4) members of the Borough Council, which Notice shall be given to all Members of the Council at least forty-eight (48) hours before the time of said Special Meeting.

Continued and Adjourned Meetings of the Mayor and the Borough Council of the Borough of Helmetta shall be called and held at the time and place designated by motion or resolution under which it is held.

RULE NUMBER TWO:

Each Business Meeting shall be conducted in the following prescribed manner:

Meeting shall be Called to Order by the Presiding Officer

Meeting of Notice of Compliance with the Open Public Meetings Law

Pledge of Allegiance

Calling of the Roll

Public Portion

Consent Agenda

Action on Minutes of previous meeting

Reciting of Ordinance, by title only, on second reading and Public Hearing thereon

Report of Mayor

Report of Borough Attorney.

Reading and consideration of Memorials, Petitions and Communications

Reading of communications shall be as follows: All communications received by the Mayor and Borough Council shall be prepared in digest form and entered upon the minutes of the Regular Meeting Agenda and submitted as follows:

Dated: Recipient: Sender: Text:

and the communications shall not be read in full nor shall the list be read in total unless specified by the Mayor and or Council Member

Reading of Resolutions not listed on the Consent Agenda

Reports of Committees

Unfinished Business of previous meeting

New Business

Reciting by title only of Ordinances for introduction for First Reading

Public Hearings other than called for by Special Meeting

Adjournment

RULE NUMBER THREE:

When a sufficient number of Members to constitute a quorum are present, the Mayor or in his/her absence, the President of the Council or in his/her absence, the President of the Council pro-tem, whom the quorum shall appoint, shall call them to order. Three members and the Mayor, or four members, constitute a quorum.

RULE NUMBER FOUR:

As soon as the Meeting comes to Order, the Clerk shall call the Roll and note the absentees. In case of the absence of the Clerk, the Presiding Officer shall appoint a Clerk Pro-Tem.

RULE NUMBER FIVE:

Any Member of the Governing Body shall have the right to submit a resolution for consideration of the Council, and the Presiding Officers, whether it is the Mayor or the President of the Council, shall have no right to prevent such resolution from being read or voted upon. In the event such Presiding Officer shall decline to permit any such resolution to be voted upon, any member of the Council shall thereupon have the right to call the roll and request a vote thereon, provided, however, in the event that such refusal is rendered in the first instance by the Mayor, the President of the Council shall have priority over other Council Members to call for such vote.

RULE NUMBER SIX:

When a question is under debate, no motion shall be in order, unless to recess, to refer, or to amend and these shall have precedence in the order in which they are named, the first three of which shall be decided without debate. A motion to commit or refer, until it is decided shall preclude all amendments of the main question.

RULE NUMBER SEVEN:

When a motion has been made and seconded, it shall be stated by the Presiding Officer before it is open for discussion, and after thus being stated, it shall be deemed in the possession of the Council, but may be withdrawn or amended by the mover at anytime before discussion.

RULE NUMBER EIGHT:

When an Ordinance is presented, the Presiding Officer shall direct it to be read by title

only by the Clerk, and when it is agreed that the same shall be taken up, it shall then be read and decided upon, after which the main question shall be put: "Shall the Ordinance be adopted on First Reading by title only and advertised as required by law for Public Hearing on Second Prior to Final Passage?" When an Ordinance is taken up on Final Passage after Public Hearing, it shall be read by title only, and after the reading of the title the vote shall be taken. Any Ordinance may be amended at First Reading or at a Public Hearing prior to Final Passage.

RULE NUMBER NINE:

The Ayes and Nays may be called for by any Member and being so called, the names of those who voted for or against any question, if requested by any Member, shall be entered upon the Minutes.

RULE NUMBER TEN:

When a Member intends to speak upon a question, he shall acknowledge the Chair only in his opening remarks, thenceforth; he/she shall confine himself/herself to the question and avoid personalities. Should more than one member speak at one time, the Presiding Officer shall determine who is entitled to the floor.

RULE NUMBER ELEVEN:

The previous question may be called for by any Member, and if seconded, shall be put in this manner: "Shall the main question now be put?" and until it is decided, shall preclude all amendments to the main question and all further debate.

RULE NUMBER TWELVE:

Any Member may call another Member to order while speaking, when the debate shall be suspended and the Member shall not speak until the point of order is determined. When the appeal from the decision of the Chair is called for, no other questions but the point of appeal shall be debated, when the question shall be put "Shall the decision of the Chair be sustained?"

RULE NUMBER THIRTEEN:

When any question is stated, and the Council agrees it to be put, no Member shall be at liberty to withhold his vote. A "Pass Vote" shall be considered a "Yes Vote". An Abstention Vote shall be not counted as "Yes Vote" or a "No Vote under any circumstance.

RULE NUMBER FOURTEEN:

A motion to adjourn shall always be in order and decided without a debate.

RULE NUMBER FIFTEEN:

At the Annual Reorganization Meeting, or at the First Meeting, or at the First Regular Meeting thereafter in January, the Council may establish all Standing Committees, and all other Committees not covered by State Statute, which appointments shall be approved by a majority vote of the Council. In the event the Council shall fail, refuse or neglect to establish such committees, or if the Council shall decline to approve and confirm any all of the same, the said Council shall have the right or power to make such appointments thereafter by majority vote. Special Committees may be appointed by the Mayor from time to time. Each Standing Committee shall consist of at least two Members and the Mayor shall be an Ex-Officio Member of all Committees and Departments.

RULE NUMBER SIXTEEN:

The Chairman of the Department or Special Committee shall be specifically named as such. It shall be his duty to give notice of the time and place of such meetings for the purpose of preparing the business for which they are appointed.

RULE NUMBER SEVENTEEN:

Standing Committees of the Borough Council shall be the following:

- Committee on Finance
- Committee on Public Safety
- Committee on Public Works/Public Property
- Committee on Recreation/Public Events
- Committee on Sanitation/Recycling
- Committee on Education

RULE NUMBER EIGHTEEN:

The names of the Members of the Council when called by the Clerk on any question shall be called in the following manner: the Council President will be called first and the remaining Council Members shall be called in alphabetical order.

RULE NUMBER NINETEEN:

All bills, before they are presented to Council, shall be itemized, sworn to and certified by the Officer in whose Department the indebtedness has been incurred, when they shall be referred to the Finance Committee, which Committee shall report them to the Council favorable over the required signatures, and if they shall be in compliance with statute, they shall be acted upon by motion.

RULE NUMBER TWENTY:

None of those rules of this Council, or part thereof, shall be amended, suspended or superseded, without at least the consent of two-thirds of the entire Council.

RULE NUMBER TWENTY-ONE:

All Rules of the Borough Council, heretofore adopted and inconsistent herewith, are hereby repealed.

CERTIFICATION

The aforesaid document represents a true and compared compilation of the Rules of the Borough Council of the Borough of Helmetta, New Jersey as the same are on record and on file in my office.

RESOLUTION

#2013 – 04

APPOINTMENT OF STANDING COMMITTEES

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, County of Middlesex, and State of New Jersey, that the following named persons are hereby appointed as members of the respective Standing Committees for the Borough of Helmetta, County of Middlesex, and State of New Jersey for a term to expire 12/31/13.

FINANCE	CHRISTOPHER SLAVICEK	JOSEPH PEREZ
PUBLIC SAFETY	VINCENT ASCIOLLA	CHRISTOPHER SLAVICEK
PUBLIC WORKS/ PUBLIC PROPERTY	ROBERT JANECEK	PETER KARCZEWSKI
RECREATION/ PUBLIC EVENTS	WENDY VIDAL	ROBERT JANECEK
SANITATION/ RECYCLING	PETER KARCZEWSKI	VINCENT ASCIOLLA
EDUCATION	JOSEPH PEREZ	WENDY VIDAL

**RESOLUTION
#2013 – 05**

MEETING DATES FOR 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the following meeting dates have been scheduled for the year 2013:

Meetings will begin at 7:00 p.m. The Borough Council may introduce and/or adopt ordinances, pass resolutions, or transact any other business within its power at any of the above listed meetings. The meetings will be held at the Helmetta Municipal Building, 51 Main Street, Helmetta.

January 23	July 24
February 27	August 28
March 27	September 25
April 24	October 23
May 22	November 27
June 26	December 23

**RESOLUTION
2013 – 06**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR

**PROFESSIONAL SERVICES TO GERARD STANKIEWICZ, CPA, RMA FOR
AUDITING SERVICES FOR THE 2013 CALENDAR YEAR**

WHEREAS, the Borough of Helmetta (“Borough”) has determined there exists a need for auditing services in the Borough of Helmetta during the 2013 calendar year; and

WHEREAS, Gerard Stankiewicz, CPA, RMA has submitted a proposal, attached hereto, indicating he will provide auditing services of the General, Water Utility and Sewer Utility Funds as the Borough Auditor as per his contract and such additional services as required in accordance with the fee schedule attached to the proposal; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Gerard Stankiewicz, CPA, RMA has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Gerard Stankiewicz, CPA, RMA has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Gerard Stankiewicz, CPA, RMA for the provision of auditing services as Borough Auditor for the 2013 calendar year.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a

Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-01-20-705-020.

**RESOLUTION
#2013 - 07**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO TERENCE M. VOGT OF REMINGTON, VERNICK
& VENA FOR ENGINEERING SERVICES AS THE BOROUGH ENGINEER FOR
THE 2013 CALENDAR YEAR**

WHEREAS, the Borough of Helmetta (“Borough”) has determined that there exists a need for engineering services in the Borough during the 2013 calendar year; and

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has submitted a proposal, attached hereto, indicating that he will provide engineering services to the Borough as per his contract and such additional services as required in accordance with the fee schedule attached to the proposal; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta, Middlesex County, New Jersey that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Terence M. Vogt of Remington, Vernick & Vena for the provision of engineering services as the Borough Engineer for the 2013 calendar year.

BE IT FURTHER RESOLVED that this appointment is being made without

competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-01-20-715-020.

RESOLUTION
#2013 – 08

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES TO TERENCE M. VOGT OF REMINGTON, VERNICK & VENA FOR PLANNING SERVICES AS THE BOROUGH PLANNER FOR THE 2013 CALENDAR YEAR

WHEREAS, the Borough of Helmetta (“Borough”) has determined that there exists a need for planning services in the Borough during the 2013 calendar year; and

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has submitted a proposal, attached hereto, indicating that he will provide planning services to the Borough as per his contract and such additional services as required in accordance with the fee schedule attached to the proposal; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Terence M. Vogt of Remington, Vernick & Vena has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta, Middlesex County, New Jersey that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Terence M. Vogt of Remington, Vernick & Vena for the provision of planning services as the Borough Planner for the 2013 calendar year.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the municipal clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-01-20-715-020.

RESOLUTION
#2013 – 09

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO GLUCK WALRATH LLP AS REDEVELOPMENT
COUNSEL FOR THE BOROUGH FOR THE 2013 CALENDAR YEAR**

WHEREAS, the Borough of Helmetta has determined there is a need for the legal services relating to redevelopment projects within the Borough during the 2013 calendar year; and

WHEREAS, Gluck Walrath LLP has submitted a proposal indicating that it will provide legal services as the Borough’s redevelopment counsel at an hourly rate not to exceed \$150.00; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Gluck Walrath, LLP has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Gluck Walrath, LLP has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with GluckWalrath LLP for the provision of legal services as the Borough’s redevelopment counsel for the 2013 calendar year.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

RESOLUTION

#2013 – 10

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES TO MATTHEW GIACOBBE, ESQ. OF CLEARY GIACCOCBE, ALFIERI, JACOBS, LLC AS LABOR AND EMPLOYMENT COUNSEL FOR THE BOROUGH OF HELMETTA FOR THE 2013 CALENDAR YEAR

WHEREAS, the Borough of Helmetta (“Borough”) has determined that there is a need for the legal services of a labor and employment attorney during the 2013 calendar year; and

WHEREAS, Matthew Giacobbe, Esq. of the firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC has submitted a proposal indicating he, and members of his firm, will provide legal services on labor and employment issues for the hourly rate of One Hundred Fifty Dollars (\$150.00); and

WHEREAS, the term of this contract is for one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Matthew Giacobbe, Esq. of LLC for the provision of legal services as labor and employment counsel; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that the appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is required by law which is exempt from competitive bidding under N.J.S.A. 40A:11.5.

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News as required by law within ten (10) days of its passage and this Resolution shall be maintained on file and available for public inspection in the office of the municipal clerk

RESOLUTION
#2013 – 11

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO GLUCK WALRATH LLP AS BOROUGH BOND
COUNSEL FOR THE BOROUGH FOR THE 2013 CALENDAR YEAR**

WHEREAS, the Borough of Helmetta has determined there is a need for the legal services relating to redevelopment projects within the Borough during the 2013 calendar year; and

WHEREAS, Gluck Walrath LLP has submitted a proposal indicating that it will provide legal services as the Borough’s Bond Counsel as per contract; and

WHEREAS, the term of this contract is one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Gluck Walrath, LLP has completed and submitted a Helmetta Borough Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Gluck Walrath, LLP has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the Borough.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with GluckWalrath LLP for the provision of legal services as the Borough’s Bond Counsel for the 2013 calendar year.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

**RESOLUTION
#2013 – 12**

APPOINTMENT OF CLASS I OFFICER

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

RONALD HORINKO

as a CLASS I OFFICER in the Borough of Helmetta for a term to expire 12/31/13.

**RESOLUTION
#2013 - 13**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF A MUNICIPAL
PROSECUTOR FOR THE BOROUGH OF HELMETTA FOR THE 2013 CALENDAR
YEAR**

WHEREAS, the Borough of Helmetta (“Borough”) has determined that there is a need for the legal services of a municipal prosecutor during the 2013 calendar year; and

WHEREAS, Paul Granick has submitted a proposal indicating that he will provide legal services as Municipal Prosecutor for the Borough for \$350.00 a Court Session not to exceed \$6000.00; and

WHEREAS, the term of this contract is for one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Paul Granick for the provision of legal services as a municipal prosecutor in an amount of \$350.00 a Court session not to exceed \$6,000.00; and

BE IT FURTHER RESOLVED that these appointments are being made without competitive bidding since the appointments involve members of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-01-25-757-020.

**RESOLUTION
#2013- 14**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO ERIN SHAMY FOR LEGAL SERVICES AS THE
BOROUGH’S PUBLIC DEFENDER FOR THE 2013 CALENDAR YEAR**

WHEREAS, the Borough of Helmetta (the “Borough”) has determined that there is a need for the legal services of a public defender during the 2013 calendar year; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(i) permits the Borough of Helmetta to award a professional services contract without public advertising for bids and bidding; and

WHEREAS, Erin Shamy has submitted a proposal indicating that she will provide legal services as Public Defender for the Borough for \$300.00 per session, not to exceed ten (10) sessions per year; and

WHEREAS, the term of this contract is for one (1) year from January 1, 2013 to December 31, 2013; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract on behalf of the Borough with Erin Shamy for the provision of legal services as public defender to the Borough in an amount not to exceed \$3,000.00; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding since the appointment involves a member of a recognized profession that is registered by law which is exempt from competitive bidding under N.J.S.A. 40A:11-5; and

BE IT FURTHER RESOLVED that a notice stating the nature, duration, service and the amount of this contract shall be published in the Home News & Tribune and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are or will be available for said contract from Account Number 3-13-55-000-003.

**RESOLUTION
#2013 - 15**

APPOINTMENT OF FIRE MARSHAL

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

JOSEPH KOTORA

as FIRE MARSHAL for the Borough of Helmetta for a term to expire on 12/31/13.

**RESOLUTION
#2013 – 16**

APPOINTMENT OF TAX SEARCH OFFICIAL

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

DENISE JAWIDZIK

as TAX SEARCH OFFICIAL for the Borough of Helmetta for a term to expire 12/31/13.

**RESOLUTION
#2013 – 17**

APPOINTMENT OF PURCHASING AGENT

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

LORI RUSSO

as PURCHASING AGENT for the Borough of Helmetta for a term to expire 12/31/13.

**RESOLUTION
#2013 - 18**

APPOINTMENT OF ASSESSMENT SEARCH OFFICIAL

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

SANDRA BOHINSKI

as ASSESSMENT SEARCH OFFICIAL for a term to expire 12/31/13.

**RESOLUTION
#2013 - 19**

**APPOINTMENT OF ASSISTANT TAX COLLECTOR/UTILITY REVENUE
COLLECTOR AND DEPUTY REGISTRAR**

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council, do hereby appoint

CAROL FEIG

as ASSISTANT TAX COLLECTOR/UTILITY REVENUE COLLECTOR AND DEPUTY REGISTRAR for the Borough of Helmetta for a term to expire 12/31/13.

**RESOLUTION
#2013 – 20**

APPOINTMENT OF BACK-UP WATER OPERATOR

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council, do hereby appoint

GEORGE SMITH

as BACK-UP WATER/SEWER OPERATOR for the Borough of Helmetta for a term to expire 12/31/13

**RESOLUTION
#2013 – 21**

**APPOINTMENT OF CERTIFIED MUNICIPAL COURT ADMINISTRATOR
SUSAN SLAVICEK**

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

SUSAN SLAVICEK

as CERTIFIED MUNICIPAL COURT ADMINISTRATOR for the Borough of Helmetta for a

term to expire 12/31/13.

**RESOLUTION
#2013 – 22**

APPOINTMENT OF MUNICIPAL COURT STAFF

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

Sharron Pyne	Deputy Court Administrator
Christine Hughes	Violations Clerk
Debra Vitierto	Acting Court Staff (as an on needed basis)
Christine Ward	Acting Court Staff (as an on needed basis)
Sean Brown	Court Staff Member

as Municipal Court Staff for the Borough of Helmetta for a term to expire 12/31/13.

**RESOLUTION
#2013 – 23**

APPOINTMENT OF PUBLIC AGENCY COMPLIANCE OFFICER

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

SANDRA BOHINSKI

as PUBLIC AGENCY COMPLIANCE OFFICER for the Borough of Helmetta for a term to expire 12/31/13

**RESOLUTION
#2013 – 24**

APPOINTMENT OF PURCHASING/BUYER

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

SANDRA BOHINSKI

as Purchasing/Buyer for a term to expire 12/31/13.

**RESOLUTION
#2012 – 25**

APPOINTMENT OF COUNCIL REPRESENTATIVE TO PLANNING BOARD

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta that

WENDY VIDAL

be and is hereby elected as COUNCIL REPRESENTATIVE TO THE HELMETTA PLANNING BOARD for a one year term to expire 12/31/13.

#2013 – 26

APPOINTMENT OF MIDDLESEX COUNTY HOUSING AND COMMUNITY DEVELOPMENT REPRESENTATIVE

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

WENDY VIDAL

as representatives to the Middlesex County Housing and Community Development Committee for the calendar year of 2013.

RESOLUTION

#2013 – 27

APPOINTMENT OF ALTERNATE TO MIDDLESEX COUNTY HOUSING AND COMMUNITY DEVELOPMENT

BE IT RESOLVED, that

CHRISTINE REID

is hereby appointed as a MEMBER TO MIDDLESEX COUNTY HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR THE BOROUGH OF HELMETTA FOR THE YEAR 2013.

RESOLUTION

#2013 – 28

APPOINTMENT OF FLOOD CONTROL REPRESENTATIVE

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

DARREN DORAN

as the year 2013 FLOOD CONTROL REPRESENTATIVE.

**RESOLUTION
#2013 – 29**

**APPOINTMENT OF ALTERNATES TO TRANSPORTATION COORDINATING
COMMITTEE**

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

**ROBERT JANECEK
VINCENT ASCIOLLA**

as the year 2013 BOROUGH OF HELMETTA ALTERNATES TO THE
TRANSPORTATION COORDINATING COMMITTEE.

**RESOLUTION
#2013 – 30**

APPROVAL OF CASH MANAGEMENT PLAN FOR 2013

WHEREAS, N.J.S.A. 40A:5-7.1 and 5-7.3 permits public funds of a municipality to be invested in any insured Association or any Federal Association, whose principal office in located within the State of New Jersey; and

WHEREAS, it is advisable that funds of this municipality on hand and not needed temporarily be invested in such accounts yielding a return in the investment at such time as the Borough of Helmetta may be in the position to do so;

WHEREAS, N.J.S.A. 40A:5-14 requires the approval of a cash management plan annually;

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Helmetta in the County of Middlesex and State of New Jersey, that the Borough Chief Financial Officer is hereby authorized and directed to make such investments of public funds of the Borough of Helmetta on hand and not needed temporarily in any insured Association of Federal Association, in such Principal Office, or Branch Office, up to the amount for which such accounts are insured, pursuant to N.J.S.A. 40A:5-7 and 5-7.3.

CASH MANAGEMENT PLAN OF THE BOROUGH OF HELMETTA,
COUNTY OF MIDDLESEX, NEW JERSEY

STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and investments (“Permitted Investments”) of certain public funds of the Borough of Helmetta, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to ensure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the perspective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

The Plan intended to cover the deposit and/or investment of the accounts of the Borough of Helmetta:

ALL FUNDS

DESIGNATION OF OFFICIALS OF THE BOROUGH OF
HELMETTA AUTHORIZED TO MAKE DEPOSITS AND
INVESTMENTS UNDER THE PLAN AND AUTHORIZED SIGNERS
FOR THE ACCOUNTS

The Chief Financial Officer of the Borough of Helmetta (the Designated Official) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Borough of Helmetta are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The followings signers are authorized to sign checks for the Year 2013:

CLEARING ACCOUNT:

MAYOR or COUNCIL PRESIDENT

And
CFO

PAYROLL ACCOUNT:

MAYOR or COUNCIL PRESIDENT
And
CFO or BOROUGH CLERK

DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

PNC Bank
New Jersey Cash Management Fund
TD Bank
Wachovia

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official referred to in Section III above

DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL

The following firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official of the Borough of Helmetta referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official referred to in Section III above.

NONE

AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

Government money market mutual funds;

Any obligations that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or external factor;

Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within the school district is located;

Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investments of the Department of the Treasury for

Investments by Local Units;

Local government investment pools;

Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281(c.52:18A-90.4); or

Agreements for the repurchase of fully collateralized securities if:

the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;

the custody of collateral is transferred to a third party;

the maturity of the agreement is not more than 30 days;

the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970,c.236(C.17:9-41); and

A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust: which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940”, 15 U.S.C. sec.80a-1 et seq., and operated in accordance with 17 C.F.R. sec.270.2a-7.

The portfolio of which is limited to US Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec.270.2a-7 and repurchase agreements that are collateralized by such US Government securities; and

Which has:

attained the higher ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or

Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec.80b-1 et seq., with experience investing in US Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool.

An Investment pool:

(a) which is managed in accordance with 17 C.F.R. sec.270.2a-7;

which is rated in the highest category by a nationally recognized statistical rating organization;

which is limited to US Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such US Government securities;

which is in compliance with rules adopted pursuant to the “Administrative Procedure Act”, P.L. 1968,c.410(c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

which does not permit investments in instruments that are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have value that approximates their par value; or utilize an index that does not support a stable net asset value; and

which purchases and redeems investments directly from the issuer, government money market mutual fund, of the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of

purchase or redemption has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9(C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in US Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such US Government securities.

B. Notwithstanding the above authorization, the moneys on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:

NO INVESTMENT TO EXCEED ONE (1) YEAR

SAFEKEEPING CUSTODY PAYMENT & ACKNOWLEDGEMENT OF RECEIPT OF PLAN

To the extent that any Deposit of Permitted Investment involves a document or security which is not physically held by the Borough of Helmetta, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Helmetta to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investment are either received by the Borough of Helmetta or by a third party custodian prior to or upon the release of the Borough of Helmetta's funds.

To assure that all parties with whom the Borough of Helmetta deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official.

REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Official referred to in Section III hereof shall supply to the Governing Body of the Borough of Helmetta a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

The name of any institution holding funds of the Borough of Helmetta as a Deposit or a Permitted Investment.

The amount of securities or Deposits purchased or sold during the immediately preceding month.

The class or type of securities purchased or Deposits made.

The book value of such Deposits or Permitted Investments.

The earned income on such Deposits or Permitted investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.

The fees incurred to undertake such Deposits or Permitted Investments.

The market value of all Deposits or Permitted Investments as of the end of the immediately

preceding month.

All other information which may be deemed reasonable from time to time by the Governing Body of the Borough of Helmetta.

TERM OF PLAN

This Plan shall be in effect from January 1, 2013 to December 31, 2013. Attached to this Plan is a resolution of the Governing Body of the Borough of Helmetta approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendment to all parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged

RESOLUTION

#2013 – 31

RETURNED CHECK CHARGE

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, that any checks returned to the Borough of Helmetta, will be subject to a charge of twenty-five dollars (\$25.00).

RESOLUTION

#2013 – 32

CANCELLATION OF MINIMUM BALANCES

WHEREAS, Chapter 113 of P.L.1996 allows the Tax Collector to cancel minimum balances as they occur without the requirement of the Governing Body's approval of each individual account; and

WHEREAS, in an effort to save time and paperwork for both the Governing Body and the Tax Collector by allowing the Tax Collector to cancel these balances upon occurrence instead of listing them for resolution approval.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the Tax Collector is hereby authorized to cancel minimum balances and credits under the amount of \$10.00 as they occur throughout the calendar year of 2013.

RESOLUTION

#2013 – 33

AUTHORIZATION TO CONDUCT TAX LIEN SALE

WHEREAS, there remains on the records and books of the Borough of Helmetta

delinquent taxes, water and sewer utility charges, and other municipal charges owing as of December 31, 2012; and

WHEREAS, N.J.S.A. 54-5 et seq., provides for the enforcement and collection of such delinquencies through a tax lien sale; and

WHEREAS, the Tax Collector is empowered by statute to conduct and preside over the sale of liens; and

WHEREAS, N.J.S.A. 54:-26 has been amended to allow the Tax Collector to mail two (2) notices in lieu of two (2) newspaper advertisements in preparation for the tax lien sale and add \$25.00 per mailing to the cost of the sale (per property);

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, County of Middlesex, State of New Jersey, that the Borough of Helmetta Tax Collector be and is hereby authorized to conduct a tax lien sale for 2012 delinquent taxes, utility and other municipal charges;

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to charge \$25.00 per property mailing to the costs of the lien sale.

**RESOLUTION
#2013 – 34**

INTEREST ON DELINQUENT TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that in accordance with Chapter 54:4-67 of the New Jersey Statutes the interest rate on delinquent taxes shall be eight per cent (8%) annum on the first \$1500.00 of delinquency, and 18% per annum on any amount in the excess of \$1500.00 to be calculated from the date the tax was payable until the date of actual payment. There shall be a ten (10) day grace period for payment of taxes.

**RESOLUTION
#2013 – 35**

PENALTY FOR DELINQUENCIES OVER \$10,000.00

WHEREAS, N.J.S.A. 54: 4- 67 has been amended to adopt into the law a provision

which permits the Governing Body to fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year. The penalty so fixed shall not exceed 6% of the amount of delinquency; and

WHEREAS, the Borough of Helmetta desires to adopt a penalty provision as authorized by N.J.S.A. 54:4-67,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta, County of Middlesex, State of New Jersey, that the Borough of Helmetta hereby adopts and authorizes the Tax Collector of the Borough of Helmetta to assess an additional six per cent (6%) penalty to any taxpayer with a delinquency of all taxes and municipal charges due in excess of ten thousand dollars (\$10,000.00) who fails to pay the delinquency prior to the end of the calendar year.

**RESOLUTION
#2013 – 36**

INTEREST ON DELINQUENT WATER & SEWER PAYMENTS

WHEREAS, the Mayor and Council of the Borough of Helmetta has established an interest rate in accordance with State law for unpaid water rents and sewer user charges;

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Collector of Sewer and Water Revenue be and is hereby authorized to charge eight per cent (8%) per annum as interest to be paid on delinquent accounts for unpaid balances of less than \$1500.00 and eighteen per cent (18%) per annum as the interest to be paid on delinquent accounts with unpaid balances of more than \$1500.00. The Collector shall allow a thirty (30) day grace period for payment, after which, interest will be charged from the due date for such payments.

**RESOLUTION
#2013 – 37**

OFFICIAL NEWSPAPERS – HOME NEWS TRIBUNE & STAR LEDGER

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, County of Middlesex, State of New Jersey, that the

HOME NEWS TRIBUNE
STAR LEDGER

be and are hereby designated as the OFFICIAL NEWSPAPERS for the Borough of Helmetta for the year 2013.

**RESOLUTION
#2013- 38**

**A RESOLUTION AUTHORIZING A PETTY CASH FUND IN THE BOROUGH OF
HELMETTA FOR THE 2013 CALENDAR YEAR**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund upon written application to and after approval by the director; and

WHEREAS, the Borough established a Petty Cash Fund in the amount of \$175 which was approved by the Division of Local Government Services; and

WHEREAS, the Division of Local Government Services recommends the approval of a petty cash fund annually.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta, Middlesex County, New Jersey that the Helmetta Petty Cash Fund is authorized and approved for calendar year 2013 in the amount of \$175.

**RESOLUTION
#2013 - 39**

**A RESOLUTION AUTHORIZING THE CUSTODIAN OF THE PETTY CASH FUND
FOR THE BOROUGH OF HELMETTA FOR FISCAL YEAR 2013**

WHEREAS, Lori Russo is bonded by virtue of a surety bond,

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that Lori Russo is hereby appointed custodian of the Helmetta Petty Cash Fund; and

BE IT FURTHER RESOLVED that two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

**RESOLUTION
2013 - 40**

**RESOLUTION APPROVING 2013 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 2013 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 date of this Resolution is within the first thirty (30) days of the month of January 2013; and

WHEREAS, the total amount of appropriations hereunder of \$559,893.75 do not exceed twenty-six and one quarter percent (26.25%) of the total budget appropriations of the Borough of Helmetta for 2012, exclusive of any 2012 appropriations made for debt service, capital improvement fund and public assistance, and exclusive of 2013 debt service appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following temporary budget for the Borough of Helmetta for the year 2013 be adopted, and a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer for their records.

CURRENT FUND BUDGET - 2013

**2013
TEMPORARY
BUDGET**

<u>CURRENT FUND</u>	
General Administration S&W	3,375.00
General Administration OE	125.00
Mayor and Council OE	1,000.00
Mayor and Council OE-School Board Oversight	750.00
Mayor and Council OE-Website Administration	1,500.00
Municipal Clerk S&W	4,375.00
Municipal Clerk OE	1,875.00
Financial Administration S&W	6,000.00
Financial Administration OE	5,000.00
Bank Charges	0.00
Audit Services	0.00
Revenue Administration (Collection of Taxes) S&W	5,000.00
Revenue Administration (Collection of Taxes) OE	3,000.00
Tax Assessment Administration S&W	2,937.50
Tax Assessment Administration OE	875.00
Elections	0.00
Legal Services and Costs OE	12,500.00
Engineering Services and Costs OE	750.00
Planning Board S&W	675.00
Planning Board OE	1,175.00
Police S&W	80,000.00
Police OE	7,500.00
Office of Emergency Management OE	25.00
Fire OE	6,000.00
Fire OE - Hurricane Damages	0.00
Fire Prevention Bureau S&W	906.25
Fire Prevention Bureau OE	250.00
First Aid Organization-Contribution	0.00
Uniform Fire Safety OE	0.00
Municipal Prosecutor OE	1,750.00
Municipal Court S&W	10,000.00
Municipal Court OE	750.00
Public Defender OE	387.50
Road Repairs and Maintenance S&W	20,000.00
Road Repairs and Maintenance OE	3,250.00
Solid Waste Collection OE	11,250.00
Recycling S&W	1,450.00
Recycling OE	62.50
Public Buildings and Grounds OE	5,000.00
Vehicle Maintenance OE-Public Works	2,000.00
Vehicle Maintenance OE-Police Vehicle	1,875.00
Vehicle Maintenance OE-Lease/Acquire Vehicles	7,000.00
Condo Act-Trash Removal	0.00
Condo Act-Street Lighting	0.00

Condo Act-Snow and Leaf Removal	0.00
Board of Health S&W	0.00
Kiddie Keep-Well Camp	0.00
South County Day Camp	0.00
Animal Control S&W	2,000.00
Animal Control OE	1,375.00
Recreation S&W	250.00
Recreation OE	1,875.00
Senior Citizen OE	250.00
Parks OE	1,875.00
Electricity	4,750.00
Street Lighting	5,250.00
Telephone	3,500.00
Natural Gas	3,125.00
Diesel Fuel	750.00
Gasoline	4,075.00
Postage	1,350.00
Copier Expense	725.00
Office Supplies	250.00
Construction S&W	1,275.00
Accumulated Sick Leave Reserve	0.00
Contingent	0.00
Social Security System (O.A.S.I.)	12,625.00
PERS Retirement - ERI Program	0.00
PERS Retirement	0.00
PFRS Retirement	0.00
Liability Insurance	7,500.00
Worker's Compensation Insurance	10,000.00
Employee Group Insurance (Health)	25,750.00
Unemployment, Disability Insurance	525.00

Inside CAP Appropriations

	299,443.75
Employee Group Insurance (Health) Exclusion	0.00
"December 2010 Blizzard"	0.00
LOSAP	0.00
Subtotal	0.00

Borough of Spotswood-Police Dispatch	6,000.00
Borough of Spotswood-Animal Control S&W	1,500.00
Borough of Spotswood-Animal Control OE	0.00
Borough of Spotswood-Zoning & Code Enforcement S&W	1,500.00
Borough of Spotswood-Zoning & Code Enforcement OE	0.00
Borough of Spotswood-Garbage & Trash Removal	12,000.00
Borough of South River-Animal Control S&W	0.00
Borough of South River-Animal Control OE	0.00
Borough of Sayreville-Animal Control S&W	0.00
Borough of Sayreville-Animal Control OE	0.00
Township of Plainsboro-Animal Control S&W	0.00
Township of Plainsboro-Animal Control OE	0.00
Borough of Matawan-Animal Control S&W	0.00
Borough of Matawan-Animal Control OE	0.00
Borough of Milltown-Animal Control S&W	0.00
Borough of Milltown-Animal Control OE	0.00
Township of Cranbury-Animal Control S&W	0.00

Township of Cranbury-Animal Control OE	0.00
East Brunswick Township-Animal Control S&W	0.00
East Brunswick Township-Animal Control OE	0.00
Borough of Jamesburg-Animal Control S&W	0.00
Borough of Jamesburg-Animal Control OE	0.00
Animal Shelter S&W	0.00
Animal Shelter OE	0.00
Animal Control/Shelter S&W	40,000.00
Animal Control/Shelter OE	23,000.00
Middlesex County Board of Health	4,500.00
Middlesex County Curbside Recycling Program	5,500.00
Subtotal-Interlocal Agreements	94,000.00
Clean Communities	0.00
DDEF	0.00
Body Armor	0.00
Recycling Tonnage Grant	0.00
Forest Services Volunteer Fire Assistance	0.00
Law Enforcement Response Grant	0.00
Police Car Cameras Grant	0.00
NJ Clean Energy Program	0.00
Matching Funds for Grants	0.00
Alcohol Ed & Rehab	0.00
Subtotal-Grants	0.00
Reserve for Acquisition of Animal Control Van	0.00
Reserve for Improvements to Police Department Facilities	0.00
Reserve for Improvements to Municipal Building	0.00
Reserve for NJ Clean Energy Direct Install Program	0.00
Capital Improvement Fund	0.00
Subtotal-Capital Improvements	0.00
Payment of Note Principal	0.00
Payment of Note Interest	0.00
Subtotal-Debt Service	0.00
Emergency Authorizations-1 year	0.00
Emergency Authorizations-5 years	0.00
Deferred Charge to Future Taxation-Unfunded	0.00
Subtotal-Deferred Charges	0.00
Outside CAP Appropriations	94,000.00
Subtotal before Reserve for Uncollected Taxes	393,443.75
Reserve for Uncollected Taxes	0.00
TOTAL CURRENT FUND	393,443.75

WATER OPERATING BUDGET - 2013

**2013
TEMPORARY
BUDGET**

WATER UTILITY FUND

Salaries and Wages	15,000.00
Other Expenses	11,500.00

Purchase of Water	30,000.00
Insurance	1,000.00
Accumulated Sick Leave	0.00
Capital Improvement Fund	1,250.00
Capital Outlay	0.00
Capital Outlay-Reserve Water Tower Repainting	0.00
Reserve for Acquisition of Dump Truck	0.00
Payment of Bond Principal	0.00
Payment of Note Principal	0.00
Payment of Bond Interest	0.00
Payment of Note Interest	0.00
Payment of USDA Loan	0.00
PERS Retirement	0.00
Social Security System	1,500.00
Unemployment, Disability Insurance	100.00
TOTAL WATER UTILITY FUND	60,350.00

SEWER OPERATING BUDGET - 2013

**2013
TEMPORARY
BUDGET**

<u>SEWER UTILITY FUND</u>	
Salaries and Wages	15,000.00
Other Expenses	6,750.00
MTMUA-Basic	76,000.00
MTMUA-DS surcharge	0.00
Other Expenses - Insurance	6,750.00
Accumulated Sick Leave	0.00
Capital Improvement Fund	0.00
Capital Outlay	0.00
Reserve for Acquisition of Dump Truck	0.00
Capital Outlay-I&I	0.00
Payment of Bond Principal	0.00
Payment of Bond Interest	0.00
PERS Retirement	0.00
Social Security System	1,500.00
Unemployment, Disability Insurance	100.00
TOTAL SEWER UTILITY FUND	106,100.00
GRAND TOTAL	559,893.75

**RESOLUTION
#2013 – 41**

APPOINTMENT OF ALTERNATE MUNICIPAL JUDGE

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

CHRISTINE HEITMAN, ESQ.

as ALTERNATE MUNICIPAL JUDGE.

**RESOLUTION
#2013 – 42**

**APPOINTMENT OF ADMINISTRATIVE CLERK
AND/OR RECREATION STAFF – DENISE ESTRADA**

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta, that

DENISE ESTRADA

are hereby appointed as Administrative Clerks and/or Recreation Staff as an on needed basis.

**RESOLUTION
#2013 – 43**

APPOINTMENT OF ANIMAL CRUELTY INVESTIGATORS

1

I, Nancy Martin, Mayor of the Borough of Helmetta, with the advice and consent of the Borough Council do hereby appoint

JAMES APGAR
MICHAL CIELESZ
RICHARD CIELESZ
C. BRANDON METZ

as ANIMAL CRUELTY INVESTIGATORS.

**RESOLUTION
#2013 – 44**

**RESOLUTION AUTHORIZING THE BOROUGH OF HELMETTA
TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT
WITH THE COUNTY OF MIDDLESEX FOR PROVISION
OF HEALTH SERVICES**

WHEREAS, the County of Middlesex (“County”) has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 et seq. to provide public health services; and

WHEREAS, the Borough of Helmetta (“Borough”) desires to contract with the County for the provision of public health services of a technical and professional nature; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to enter into an interlocal services agreement for the County to provide public health services to the Borough; and

WHEREAS, the County and the Borough are permitted to enter into this agreement pursuant to N.J.S.A. 40:8A-1 et. seq.; and

WHEREAS, a certification to the availability of funds executed by the Chief Financial Officer is attached to this Resolution pursuant to the provisions of N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the Public Health Services Interlocal Services Agreement, in a form substantially similar to that attached hereto, with the County of Middlesex for the provision of public health services is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the Public Health Services Interlocal Services Agreement between the Borough of Helmetta and the County of Middlesex in a form substantially similar to that attached hereto; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 3-01-43-785-020; and

BE IT FURTHER RESOLVED that conditioned upon the adoption of authorizing resolutions by both the County and the Borough and execution of the attached Public Health Services Interlocal Services Agreement by both parties, the Interlocal Services Agreement shall be effective pursuant to the terms of the agreement.

**RESOLUTION
#2013 - 45**

**RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING AN ANIMAL
IMPOUNDMENT AGREEMENT AND AN ANIMAL CONTROL AGREEMENT
WITH THE TOWNSHIP OF SPOTSWOOD**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Borough of Spotswood (“Spotswood”) is in need of both animal control services and animal impoundment services; and

WHEREAS, the Borough of Helmetta (the “Borough”) and Spotswood desire to enter into shared services agreement and the Borough will provide licensed animal control officers to perform animal control services within Spotswood; and

WHEREAS, the Borough and Spotswood also desire to enter into a shared services agreement in which the Borough will provide Spotswood with full-time kennel impoundment services at the Helmetta Municipal Animal Shelter; and

WHEREAS, both the animal control services agreement and the animal impoundment agreement shall commence upon execution, and shall terminate on December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to enter into both an agreement for the provision of animal control services, and an agreement for the provision of animal impoundment with the Borough of Spotswood, both in the forms attached hereto. Said agreements are on file with the Borough Clerk and are incorporated herein by reference.

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

- a. Clerk, Borough of Spotswood
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Officer

RESOLUTION
#2012 – 46

**OPERATING PROCEDURES FOR THE HELMETTA
REGIONAL ANIMAL SHELTER**

BE IT RESOLVED THAT THE FOLLOWING STANDARD OPERATING PROCEDURES WILL BE FOLLOWED BY THE HELMETTA REGIONAL ANIMAL SHELTER:

Policy:

The Animal Control Officer will conform and enforce the State of New Jersey Health Code and animal laws and regulations.

The Animal Control Offices of Helmetta will provide services and support to the Health Departments, Police and the community while ensuring the safety of all residents and maintaining the welfare of all animals both domesticated and wild.

Procedure:

Duties and Responsibilities:

Response - to calls and complaints from the public concerning lost, stray, injured, or nuisance domestic animals; also concerning suspect rabid wild or domestic animals and vicious dogs. It is important that responses are timely and that 24- hour on-call service is available for emergencies.

Capture - of stray domestic animals, as well as wild animal rabies vectors (i.e., raccoons, skunks, groundhogs, foxes, and bats) threatening the safety and health of residents. Proper equipment (i.e., transportation vehicles, rabies poles, heavy gloves, a two way radio, official uniforms and badges, and humane capture animal traps) is essential to carry out the above duties.

Note: Response to and capture of nuisance wildlife that are not threatening humans (i.e., healthy appearing raccoons in garbage cans, squirrels in attics, etc.) are NOT considered necessary services for municipal animal control to provide. Animal control officers should be able to educate residents over the telephone on how to modify their residences (i.e., cap chimneys, secure trash firmly, etc.) so as not to attract animal nuisances and refer them to agencies that can assist them.

Patrolling - for stray cats and dogs (should be performed on a daily basis, even without complaints or reports.)

Investigation - into reports of bite incidents and vicious dogs; seizure and impoundment of dogs meeting criteria under the state vicious dog law (N.J.S.A. 4:19-19-35.)

Confinement - serving notices for the confinement of biting or bitten animals for rabies observation and monitoring these confinements, if authorized by the Health Officer (N.I.S.A. 26:4-82 and 83).

Evaluation - of animals captured or picked up as to the need for veterinary emergency care.

Transportation - of captured animals to impoundment facility; transportation vehicles must meet state regulations. Sick or injured animals must receive . immediate emergency veterinary care. If designated, provide transportation of rabies specimens to State Public Health and Environmental laboratory.

Keeping record - to properly document all calls, activities, and animals picked up.

Education - of the public (including schools and other groups) as to responsible pet ownership. rabies prevention, and the need for spaying and neutering of pets (pamphlets on rabies control and statewide spay/neuter programs are available free of charge from the NJDHSS and on the DHSS website).

Participation - on local/county rabies task forces and other animal control related committees.

Canvass - for unlicensed dogs and cats and take enforcement action when necessary.

Enforcement – of State and Municipal Ordinances

Procedures

At the start of day the Animal Control Officer (later referred to as "ACO") will punch in. The ACO will sign out at the end of his/her tour.

The animal control officer will be responsible for the van he is assigned.

The ACO will check the van(s) for any damage or maintenance required

The ACO will keep the van(s) stocked for each call. Two control poles, 2 blankets and or sheets, 2 towels, 2 large carriers, 2 slip leads, large black garbage bags and hand sanitizer.

The ACO will sanitize the van after each animal transport.

The ACO will sanitize all carriers, traps and shelter equipment after each use.

At the Animal Shelter

The ACO will immediately upon arrival at the shelter check the external perimeter of the building. The ACO will be looking for any animals abandoned overnight.

The ACO will check the phone messages for any calls for service. The ACO will make contact with the caller to address their concerns.

The ACO will note same in the telephone log book, noting the date, callers name, phone number, complaint and outcome

Maintain shelter facilities (as per New Jersey Administrative Code 8:23 A-I.1 through 1.13) governing sanitary conduct animal operations.

The ACO will immediately start his assigned duties. If assigned to shelter the ACO will begin feeding dogs, then cats. If there are two ACO's the shelter one will feed dogs and the other feed the cats.

The ACO is responsible to follow all shelter policy and procedures regarding cleaning and feeding.

The ACO will clean the shelter quickly and diligently following the proper protocol set in the state health regulations and shelter procedures. The ACO will clean the shelter quickly and diligently keeping in mind there may be a call or calls for service during this time.

The ACO will notify a supervisor when he leaves for a call for service

The ACO will keep a log of each call for service. The log will include date, time departed for call and time returned

After the completion of each call for service the ACO will complete an pick up sheet. The pick-up sheet must include date town address of pick and any information needed for that call.

Bite Reports

The ACO will obtain a copy of the police report pertaining to the bite

The ACO will contact owners of the domestic animal involved to verify rabies vaccines are up to date and have not expired.

The ACO will only accept a rabies vaccine certificate, a municipal license receipt or a verbal confirmation from the owner's veterinarian.

The victim must be informed about the rabies vaccine status.

The pet owner must be informed of the ten day quarantine. The ten day quarantine must be explained to the pet owners.

A Notice of Bite and Confinement form must be completed and given to owner of animal, person bitten and local health department.

A copy of all reports must be sent to the local health department within 48 hours.

Rabies examination request forms must be completed for incidents requiring rabies testing.

The County Health Department must be contacted to arrange pick-up of the specimen.

The specimen must be prepared according to the guidelines given by the state health department.

If the animal is held at the shelter for ten day quarantine the owner must be advised of fees and additional fees if animal is not picked up on the 11th day. If animals are to be surrendered or surrendered to be euthanized those additional fees must be explained

Trapping, lending out traps

Traps can only be set outside only when the weather permits.

Traps will not be given out when there is a forecast of severe weather. (extreme heat, heavy rain, extreme cold, ice, sleet or snow)

Traps will be given out one trap at a time.

A Trap Report must be completed for each individual wanting to borrow a trap. The person's driver's license is added to the Trap Report. The proper way to trap and how to use the trap must be explained. A copy of the trap report is given to the resident

Anyone trapping cats must be informed the cats must be taken to the shelter. They CAN NOT be relocated to another location. They are domestic animals whether they are feral or not. The trapped stray cats MUST be held for 7 days.

Injured or sick wildlife cannot be released.

RESPONSE

At the end of every month all traps must be accounted for

Animal Control Officers must respond to calls for service in timely manner.

If a person has found a stray domesticated animal the animal control can not let the call wait, unless he has to respond to a call regarding public safety or a injured and or sick animal.

Stray dogs found by s resident must be responded to within 30 minutes

Any calls for service regarding a cat or kitten in trap response time must be within 1 hour.

Any calls for service regarding any sick or injured animals or public safety must be responded to immediately

PAPERWORK

All ACO must complete a pick up sheet for each call.

The pick-up sheet must be completed properly and include the following information: time of arrival, animal involved, breed, color male female, owner's name if applicable, address, address where animal was picked up, name of person who found the animal and disposition. If the animal received medical care by a veterinarian "MEDICAL" must be printed on the top of the form. A receipt from the veterinarian's office must be attached to the pick-up sheet and handed in to Lori and the shelter director

If an animal is taken to shelter for stray hold, the pick sheet must have "to shelter"

Animal Control Officers must copy the pick-up sheet and attach the copy to the kennel door for each dog brought in.

If dog is returned to owner and not taken to the shelter, the pick-up sheet must have "rto in field" written on it

Pick up sheets must be handed in to:

Chief Financial Officer – White Copy

Shelter Director - Yellow Copy

Animal Control Officer – Pink Copy

Xerox Copy - (Dogs only) Kennel Door

Animal Control Officers are responsible to check animal for injury and illness prior to leaving at the shelter.

Impound Animals

A seven day notice must be given to all owners of impounded animals. If the owner has been arrested and the ACO is unable to obtain the name and or contact information of the animal's owner; at minimum the ACO must obtain the officer's name, incident number or operation's number. The 7 day notice must be completed and mailed certified mail within 48 hours. If owner is in jail the notice must be sent to the facility he/she being held at.

TIME OFF

Requests for time off will be by seniority and must be handed in 72 hours prior to the day(s) needed to be coverage.

Duty phone must be given to the covering ACO.

All passwords for duty phones " 1111"

All messages on duty phones will state the towns the ACO is responsible for

The contracting towns will be divided between the two supervising animal officers

Zone 1

Plainsboro

Cranbury

Helmetta

Spotswood

Milltown

South River

Sayreville

Zone 2

East Brunswick

Hazlet

Aberdeen

Matawan

Shelter

Copies will be issued to each ACO

**RESOLUTION
#2013 – 47**

2013 FEES FOR THE HELMETTA REGIONAL ANIMAL SHELTER

BE IT RESOLVED, that the following fees will be charged in 2013 for the Helmetta Regional Animal Shelter:

REDEMPTION		*Proposed
Fee per day	\$10	
ADOPTION		
Dogs without vaccines	\$100	
Dogs with vaccines and or fixed	\$150	
Puppies	\$150	
Sr. dogs 10 yrs - older	\$20	
Kittens 10 weeks - 4 months	\$15	additional fees -vaccines, testing
Cats 4 months - adult	\$15	
Sr. cats	\$10	
Other Animals	\$25	
SURRENDER		
Dogs	\$50	*\$150.00 with utd vaccines
Dogs (no vaccines)		*\$200.00
Cats	\$50	*\$100.00
Cats (no social behavioral issues)		*\$150.00
Other	\$20	*\$50 - \$100
EUTHANASIA		
Dogs - 90 lbs	\$75	*\$100.00
Dogs over 95 lbs	\$90	*\$150.00
Cats	\$50	*\$100.00
Other animals	\$40	
*QUARANTINE		

Ten day hold	\$175	
Confiscation/impound* per day	\$25	
*due to cruelty, eviction, arrests, etc.	\$25.00	
Each day not picked up after Ten day hold	\$25.00	
Decap	\$75	
*OTHER		
Bath	*\$50	
Bath (medicated)	*\$75.00	
Nail clip	\$15	
Groom total shave down	*\$50	
Groom total shave down with sedation	*\$100	
Ears cleaned - medicated	*\$25	
Antibiotics per bottle	*\$30	
Eye care - medicated	*\$30	
*Additional care or medical		To be determined as needed
** <i>in addition</i> to shelter fees		

**RESOLUTION
#2013 – 48**

**Authorization for Municipal Engineer and Clerk to sign
Revision of Scope of Work for
Maple Street, John Street and Washington Avenue
Helmetta Borough, Middlesex County
Municipal Aid – Fiscal Year 2011**

WHEREAS the Department of Transportation has noted in correspondence a request to revise the scope of work for the above referenced project; and

WHEREAS it will be necessary to do a re-evaluation of the project limits if the Plans and specifications will not concur with the approved application/agreement;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council does hereby authorize our Engineers, Remington, Vernik & Vena, to file a request to make the change in project limits on behalf of the Borough of Helmetta and the Municipal Engineer and the Municipal Clerk are hereby authorized to sign the Re-Evaluation of Project Limits Form.

**RESOLUTION
2013 – 49**

**APPOINTMENT OF SPECIAL CLASS II POLICE OFFICERS
GLENN PACYNA & JAMES PARSONS**

BE IT RESOLVED, that Glenn Pacyna and James Parsons be and are hereby appointed as Special Class II Police Officers in the Borough of Helmetta. They must successfully complete their waivers and schooling designated by the Police Training Academy and any other requirements by law. As per the Borough Ordinance they shall serve a probationary period of one year after their completion of the Academy.

BE IT FURTHER RESOLVED, that they will be entitled to insurance coverage under N.J. Direct 15 or a comparable plan. As a new employee they will fall under the newly negotiated contract as a new employee; and

BE IT FURTHER RESOLVED upon recommendation of the Police Director and the Public Safety Committee that they are hereby appointed as Special Class II Police Officers subject to the completion of the Police Academy and probationary period.

