

**MEETING OF MAYOR AND COUNCIL
AUGUST 25, 2010 - 7:00 P.M.**

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

The meeting was called to order at 7:14 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:**

Clmn. Peckham - Present
Asciolla - Present
Janeczek - Present
Karczewski - Absent
Perez - Present
Smith - Present (arrived late)

*** PUBLIC PORTION**

Dorothy Fisko - 3 Park Avenue questioned how far her neighbor's fence should be from her property line.

*** CONSENT AGENDA - RESOLUTION # 2010 - 167**

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

RESOLUTIONS:

2010 - 160 Resolution of the Borough of Helmetta authorizing the award of a contract to Craig Testing Laboratories, Inc. for NJDOT pavement test cores for the Madison Drive, Sutton Place & York Drive Reconstruction Project in the amount of \$975.00.

2010 - 161 Resolution authorizing shared services agreement with the Borough of Spotswood for the purpose of having them provide emergency medical services to the Borough of Helmetta

2010 - 162 Resolution authorizing Change Order in the amount of \$25,102.04 and payment in the amount of \$110,468.96 to Z Brothers Concrete Contractors, Inc. for Madison Drive, Sutton Place and York Drive Reconstruction

2010 - 163 Acceptance of the 2009 Municipal Audit

2010 - 164 Resolution authorizing purchase of 2010 Chevrolet Express 1500 Cargo Van and related equipment under New Jersey State Contract #A73806

2010 - 165 Amendment to Resolution #2010 - 149 authorizing Michael Testa to prepare the plans and specifications required to procure bids for the construction of an animal shelter on Parcel 5 of the Helme Mill Redevelopment Area

2010 - 166 Payment of bills as per list

2010 - 168 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Maple Street, John Street, Washington Avenue Reconstruction Project

2010 - 169 Resolution appointing Class II Special Police Officer Phillip Joseph Esposito

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**REPORT OF MUNICIPAL
CLERK – Sandra Bohinski**

JULY, 2010

PUGNER

TOTAL

\$25.00

\$25.00

\$3.00

\$3.00

DOG AND CAT LICENSES -0-

Borough of Helmetta

Denise Jawidzik

Denise Jawidzik

Tax Collector

REPORT OF THE TAX COLLECTOR

Month of: July, 2010

Dated: August 2, 2010

	\$
Taxes - 2009	5,132.76
	\$
Taxes - 2010	26,310.45
	\$
Interest	181.49
Costs	
Tax search	
Return Check fee	
Search Printouts	
	\$
Duplicate Bill Fee	10.00
Misc.	
	\$
TOTAL	31,634.70

ADJUSTMENTS

Closing Balances

	Debit	Credit	Net
Tax	\$		\$
2009	50,520.30		50,520.30
Tax	\$		\$
2010	48,590.74	(29,370.12)	19,220.62

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Township of Helmetta

Denise Jawidzik

Denise Jawidzik
Tax Collector

REPORT OF THE TAX COLLECTOR

Month of: July, 2010

Dated: August 2, 2010

Taxes - 2009 \$ 5,132.76
Taxes - 2010 \$ 26,310.45

ADJUSTMENTS

Interest \$ 181.49
Costs
Tax search
System Check fee
Check Printouts
Late Bill Fee \$ 10.00

Disc.		<u>Closing Balances</u>		Credit	Net
		Debit			
	\$				\$
	31,634.70	Tax	\$ 50,520.30		50,520.30
		2009			\$
		Tax	\$ 48,590.74	\$ (29,370.12)	19,220.62
		2010			
TOTAL					

July 2010

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2007 Principal	\$ -	\$ -	\$ -
2008 Principal	28.24	40.82	69.06
2009 Principal	1,088.35	832.94	1,921.29
2010 Principal	<u>39,059.99</u>	<u>40,463.82</u>	<u>79,523.81</u>
Subtotal	40,176.58	41,337.58	81,514.16
Interest	<u>119.91</u>	<u>126.69</u>	<u>246.60</u>
Subtotal	40,296.49	41,464.27	81,760.76
Final Water Reads	20.00	-	20.00
Returned Checks	-	-	-

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Payment Reversal	-	-	-
NSF Bank Fees	25.00	-	25.00
Connection Fee	-	-	-
Water Turn-on Fee	-	-	-
Transfer in from Tax	-	-	-
Transfer out	-	-	-
Total Deposits	<u>\$40,341.49</u>	<u>\$ 41,464.27</u>	<u>\$ 81,805.76</u>

Carol Feig
Utility Revenue Collector

**RESOLUTION
2010 – 160**

**RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING THE
AWARD OF A CONTRACT TO CRAIG TESTING LABORATORIES, INC. FOR
NJDOT PAVEMENT TEST CORES FOR THE MADISON DRIVE, SUTTON
PLACE & YORK DRIVE RECONSTRUCTION PROJECT IN THE AMOUNT OF
\$975.00**

WHEREAS, the Borough of Helmetta (the "Borough") issued a request for proposals for NJDOT required pavement test cores for the Madison Drive, Sutton Place & York Drive reconstruction project in the Borough (the "Project"), in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough Engineer has determined that the lowest responsible bidder is Craig Testing Laboratories, Inc. 5439 Harding Highway, P.O. Box 427, Mays Landing, NJ with a bid of \$975.00; and

WHEREAS, the Borough Attorney has reviewed Craig Testing Laboratories, Inc.'s proposal and finds it to be legally sufficient; and

WHEREAS, the Borough Council finds that it would be in the best interest of the Borough to award the Project to Craig Testing Laboratories, Inc. as the lowest responsible proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Helmetta that the Project is hereby awarded to Craig Testing Laboratories, Inc. and that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Borough Attorney, for the NJDOT required pavement test cores for the Madison Drive, Sutton Place & York Drive reconstruction project in an amount not to exceed \$975.00 and in accordance with the bid proposal submitted by Craig Testing Laboratories, Inc.

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 C-04-55-500-720. 000000

07/22/10
11:10:40

BOROUGH OF HELMETTA
Received P.O. Batch Listing By Vendor Id

Page No: 5

Rcvd Date	Batch Id	PO #	Vendor Item Description	Amount	Charge Account Description	Contract
07/22/10	LAR	10-00546	VER04 VERIZON BUSINESS 1 INV 74458598	78.04	0-01-31-827-020 TELEPHONE COSTS	
Total for Batch: LAR				227,957.83		
Total for Date: 07/22/10				Total for All Batches:	227,957.83	

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07/22/10
11:10:40

BOROUGH OF HELMETTA
Received P.O. Batch Listing By Vendor Id

Page No: 6

Batch Id	Batch Total
Total for Batch: LAR	227,957.83
Total of All Batches:	<u>227,957.83</u>

000352

07/22/10
11:10:40

BOROUGH OF HELMETTA
Received P.O. Batch Listing By Vendor Id

Page No: 7

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	0-01	119,006.81	0.00
WATER OPERATING FUND	0-05	20,983.46	0.00
SEWER OPERATING FUND	0-07	15,933.46	0.00
ANIMAL TRUST FUND	0-09	27.60	0.00
	Year Total:	155,951.33	0.00
GENERAL CAPITAL FUND	C-04	4,315.00	0.00
GENERAL TRUST FUND	T-13	67,608.00	0.00
BUILDERS' ESCROW FUND	T-14	83.50	0.00
	Year Total:	67,691.50	0.00
	Total of All Funds:	227,957.83	0.00

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RESOLUTION
#2010 – 156

EXTENSION OF GRACE PERIOD FOR
THIRD QUARTER TAX PAYMENT

WHEREAS, approval of the 2010 taxes from the State for the Borough of Helmetta came after August 1, 2010; and

WHEREAS, as a result the Tax Collector has been unable to timely prepare and mail third quarter bills for payment on August 1, 2010; and

WHEREAS, the Governing Body has been advised by the Tax Collector that the grace period for the payment of third quarter taxes should be extended:

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the grace period for the payment of third quarter taxes in the Borough of Helmetta be extended for 25 days from date of mailing.

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

- a. Craig Testing Laboratories, Inc.
- b. Borough Chief Financial Officer
- c. David A. Clark, Borough Attorney
- d. Terence Vogt, Borough Engineer

RESOLUTION

#2010 – 161

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE
BOROUGH OF SPOTSWOOD FOR THE PURPOSE OF HAVING THEM
PROVIDE EMERGENCY MEDICAL SERVICES TO THE BOROUGH OF
HELMETTA**

WHEREAS, pursuant to N.J.S.A.:11-1 et seq. the Borough of Helmetta may enter into shared services agreements with other governmental units; and

WHEREAS, the Borough of Helmetta entered into a shared services agreement with the Borough of Spotswood for the purpose of having Emergency Medical Services provided to them by the Borough of Spotswood for one year commencing June 1, 2009 through May 31, 2010 with a renewal upon the same terms and conditions for up to three (3) additional one year periods provided that both Parties have adopted resolutions authorizing the renewal of said Agreement prior to the termination date; and

WHEREAS, this resolution is retroactive to June 1, 2010 for renewal for one year of aforementioned terms of agreement through May 31, 2011; and

WHEREAS, for the emergency medical services herein mentioned, the Borough of Helmetta agrees to pay a one time non-refundable lump sum of \$2,000.00 to the Borough of Spotswood due and payable within forty-five (45) days of Helmetta's renewal of the Agreement for each additional year.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to enter into a shared services agreement with the Borough of Spotswood for the purpose of having provided Emergency Medical Services from Spotswood for one (1) year. Said agreement is on file with the Borough Clerk and in incorporated herein by reference. Agreement shall take effect, retroactive to June 1, 2010.

RESOLUTION

#2010 – 162

**RESOLUTION AUTHORIZING CHANGE ORDER IN THE
AMOUNT OF \$25,102.04 AND PAYMENT IN THE AMOUNT
OF \$110,468.96 TO Z BROTHERS CONCRETE CONTRACTORS, INC.
FOR MADISON DRIVE, SUTTON PLACE AND YORK DRIVE
RECONSTRUCTION**

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WHEREAS, the Borough awarded a contract to Z Brothers Concrete Contractors, Inc. for the Madison Drive, Sutton Place and York Drive reconstruction in the amount of \$125,518.17; and

WHEREAS, the Borough Engineer has prepared a NJ DOT Change Order in the amount of \$25,102.04 representing final as-built quantities; and

WHEREAS, as a Change Order in the amount of \$25,102.04 must be approved to coordinate with the NJ DOT Change Order; and

WHEREAS, the Borough Engineer has recommended payment in the amount of \$110,468.96 to Z Brothers Concrete Contractors, Inc. pursuant to Certificate No. 1, dated August 2, 2010; and

WHEREAS, a certification as 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 showing funds available in Account # C-04-55-500-710.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta authorizes a Change Order in the amount of \$25,102.04; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the NJ DOT Change Order in the amount of \$25,102.04; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay Z Brothers Concrete Contractors, Inc. the amount of \$110,468.96.

RESOLUTION
2010 - 163
ACCEPTING THE 2009 MUNICIPAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008/2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:
General Comments
Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:
General Comments

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Recommendations
as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52-to wit: R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Helmetta hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

2009 ANNUAL AUDIT

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

We, members of the governing body of the Borough of Helmetta, in the County of Middlesex, being duly sworn according to law, upon our oath depose and say:

We are duly elected members of the Borough Council of the Borough of Helmetta in the county of Middlesex;

In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2009;

We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)

(L.S.)

000863

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Clerk

Sworn to and subscribed before me this
_____ day of _____

Notary Public of New Jersey

RESOLUTION

2010- 164

**RESOLUTION AUTHORIZING PURCHASE OF 2010 CHEVROLET EXPRESS
1500 CARGO VAN AND RELATED EQUIPMENT UNDER NEW JERSEY STATE
CONTRACT #A73806**

WHEREAS, the Helmetta Borough Animal Control Department has the need for an additional Animal Control van; and

WHEREAS, the total purchase of the 2010 Chevrolet Express 1500 Cargo Van and related equipment is \$19,394.00, not exceeding the bid threshold amount of \$26,000; and

WHEREAS, the Helmetta Animal Control Department proposes to purchase the 2010 Chevrolet Express 1500 Cargo Van from Flemington Buick Chevy Pontiac GMC, LLC in Flemington under State Contract No. A73806 for \$15,495.00; and

WHEREAS, the cost of the related equipment does not exceed 15% of the bid threshold amount; and

WHEREAS, funds have been appropriated through Ordinance 2010-16; and

WHEREAS, a certification as 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 showing funds available.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Helmetta as follows:

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1. The Helmetta Animal Control Department is authorized to purchase a 2010 Chevrolet Express 1500 Cargo Van under State Contract #A73806 in a total amount of \$15,495.00 in accordance with the attached specification sheet.
2. The Helmetta Animal Control Department is authorized to purchase related equipment from Flemington Buick Chevy Pontiac GMC, LLC in the amount of \$3,899.00.
3. The Chief Financial Officer is hereby authorized to issue a check in the amount of \$19,394.00 to Flemington Buick Chevy Pontiac GMC, LLC in payment of the items.

RESOLUTION

2010 - 169

**RESOLUTION APPOINTING CLASS II SPECIAL OFFICER
PHILLIP JOSEPH ESPOSITO**

WHEREAS, the Borough Council of the Borough of Helmetta ("Borough") acknowledges the anticipated need for a Class II Special Law Enforcement Officer; and
WHEREAS, the Borough Council wishes to sponsor Phillip Joseph Esposito to attend a certified police training facility and desires to appoint him as a Class II Special law Enforcement Officer contingent upon his completion of training and graduation from a certified police training facility.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Helmetta that the Borough shall sponsor Phillip Joseph Esposito to attend a certified police training facility and hereby appoints him as a Class II Special Law Enforcement Officer contingent upon his completion of training and graduation from a certified police training facility.

MOTION – Clmn. Ascioffa SECOND – Clmn. Peckham

ROLL CALL: 4 - 0

*** REPORTS of Mayor, Committees, Borough Attorney, Borough Engineer, Public Works Director**

The Mayor had no report. Borough Attorney David Clark stated that once he receives the contract from Renaissance he will have the Mayor, who has authorization, sign it. Public Works Director Darren Doran read a letter from James Apgar requesting to be our Animal Cruelty Investigator. Discussion was held regarding the request from Susan Bishop, Ericson Avenue to buy the easement property from the Borough. Restrictions would have to be placed in the deed. The Mayor will speak to the Tax Assessor about this property. A lengthy discussion ensued regarding the animal session. It was decided to give authorization to RVV to provide professional services at a cost not to exceed \$74,500.00.

RESOLUTION

2010 – 170

**RESOLUTION OF THE BOROUGH OF HELMETTA APPOINTING JAMES
APGAR AS AN ANIMAL CRUELTY INVESTIGATOR**

WHEREAS, the Borough of Helmetta provides animal control services to a number of other municipalities pursuant to shared service agreements with those municipalities; and

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WHEREAS, James Apgar presently serves as a law enforcement officer with the Middlesex County S.P.C.A. and, in that capacity, has assisted the Borough's animal control officers on numerous occasions with animal cruelty investigations; and

WHEREAS, James Apgar has offered to serve as the Borough's animal cruelty investigator on a volunteer basis; and

WHEREAS, due to Mr. Apgar's experience in animal cruelty investigations and his willingness to serve the Borough in a volunteer capacity, the Borough wishes to formally appoint James Apgar to serve as an animal cruelty investigator.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that James Apgar be and hereby is appointed as an animal cruelty investigator on behalf of the Borough of Helmetta; and

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

- a. James Apgar; and
 - b. Darren Doran and Brandon Metz, Borough Animal Control Officers; and
 - c. Lori Russo, Borough Chief Financial Officer
- MOTION – Clmn. Peckham SECOND – Clmn. Janeczek
ROLL CALL: 4 - 0

**RESOLUTION
2010 – 171**

**RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING
REMINGTON, VERNICK & VENA TO PROVIDE PROFESSIONAL SERVICES
RELATING TO THE BOROUGH'S PROJECT TO CONSTRUCT AN ANIMAL
SHELTER ON PARCEL 5 OF THE HELME MILL REDEVELOPMENT AREA IN
AN AMOUNT NOT TO EXCEED \$74,500.00**

WHEREAS, Remington, Vernick & Vena ("RVV") serves as the Borough Engineer and the Borough Planner pursuant to a professional services contract with the Borough of Helmetta (the "Borough") and, in those capacities, provides professional services to the Borough on a project-by-project basis when so authorized by the Borough Council; and

WHEREAS, the Borough wishes to construct an animal shelter on Block 13, Lot 39.2 within Parcel 5 of the Helme Mill Redevelopment Area; and

WHEREAS, the Borough Council previously authorized RVV to perform professional services relating to the animal shelter project in an amount not to exceed \$20,000.00 and requested that RVV provide the Borough with a more detailed proposal of the scope and extent of the professional services necessary to complete the project; and

WHEREAS, RVV provided the Borough with a proposal dated August 23, 2010 (attached) setting forth in detail the professional services that RVV will perform for the

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animal shelter project (including civil/site design, permitting and construction oversight services), all for an amount not to exceed \$74,500.00 (inclusive of the \$20,000.00 in professional services previously authorized by the Borough Council); and

WHEREAS, the Borough Council wishes to authorize RVV to perform the professional services set forth within the August 23, 2010 proposal.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the previous authorization provided to Remington, Vernick & Vena ("RVV") to perform professional services relating to the animal shelter project in an amount not to exceed \$20,000.00 is hereby amended and RVV is hereby authorized to perform the professional services set forth within RVV's August 23, 2010 proposal (attached) relating to the animal shelter project in an amount not to exceed \$74,500.00 (inclusive of the \$20,000.00 in professional services previously authorized by the Borough Council).

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

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

- a. Terry Vogt, Borough Engineer/Borough Planner
- b. Lori Russo, Borough Chief Financial Officer

MOTION – Clmn. Ascioffa SECOND – Clmn. Peckham
ROLL CALL: 4 - 0

*** ORDINANCES (Second Reading) (Ordinance listed at end)**

A MOTION was made by Clmn. Ascioffa and SECONDED by Clmn. Janeczek that Ordinances Nos. 23 and 24 be read by title only. ROLL CALL: 4 – 0

2010 - 23 AN ORDINANCE AMENDING SECTION 8 ("RATES AND CHARGES") OF CHAPTER 57 ("WATER") OF THE CODE OF THE BOROUGH OF HELMETTA
The meeting was opened to the Public regarding this ordinance. There being no one who wished to speak the meeting was closed to the Public.

MOTION – Clmn. Peckham SECOND – Clmn. Janeczek
ROLL CALL: 4 - 0

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2010 - 24 AN ORDINANCE AMENDING SECTION 16 ("USER CHARGE ESTABLISHED") OF CHAPTER 47 ("SEWERS") OF THE CODE OF THE BOROUGH OF HELMETTA

The meeting was opened to the Public regarding this ordinance. There being no one who wished to speak the meeting was closed to the Public.

MOTION – Clmn. Peckham SECOND – Clmn. Perez

ROLL CALL: 4 - 0

*ORDINANCES (First Reading) (Ordinances listed at end)

2010 - 25 AN ORDINANCE TO REGULATE PEDDLERS AND UNSOLICITED DOOR TO DOOR SALESPEOPLE AND TO CREATE A DO NOT KNOCK REGISTRY IN THE BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY BY DELETING CHAPTER 38 IN ITS ENTIRETY AND REPLACING IT.

MOTION – Clmn. Peckham SECOND – Clmn. Ascioffa

ROLL CALL: 4 - 0

#2010 - 26 AN ORDINANCE TO AMEND ORDINANCE 40A ENTITLED "LITTERING; PROPERTY MAINTENANCE "IN THE BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

MOTION – Clmn. Peckham SECOND – Clmn. Ascioffa

ROLL CALL: 4 - 0

NEW BUSINESS: Family Day – Discussion was held on whether or not to sell beer. The permit from the State is \$100.00. A call will be made to JIF to see if we would be allowed to do so. If yes, the permit will be applied for.

CLOSED SESSION - Personnel and Litigation

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:47 p.m. All were in favor.

ORDINANCE

#2010 - 25

AN ORDINANCE TO REGULATE PEDDLERS AND UNSOLICITED DOOR TO DOOR SALESPEOPLE AND TO CREATE A DO NOT KNOCK REGISTRY IN THE BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY BY DELETING CHAPTER 38 IN ITS ENTIRETY AND REPLACING IT.

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

Section 1. Purpose

The purpose of this Ordinance is to establish background checks for licensing of all peddlers. and unsolicited door-to-door salespeople and to establish a Do Not Knock registry to regulate the distribution of unsolicited materials in the Borough of Helmetta.

Section 2. License required

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Any individual who owns and/or operates a peddling business or unsolicited door-to-door sales business must first obtain a license from the Borough Clerk.

Employees of peddling or unsolicited door-to-door sales businesses actively conducting business within the Borough of Helmetta must first obtain a permit from the Borough Clerk.

Licenses and permits must be displayed in full view during the course of business.

Licenses/permits must be renewed annually each calendar year.

Background checks will be conducted on a biennial basis for each holder of a license or permit.

It is the responsibility of the license holder to ensure that each new employee who engages in the activities regulated by this article completes an application and receives a permit.

Holders of special licenses from the State of New Jersey pursuant to the regulations of N.J.S.A. 45:24-9 as supplemented and amended, (honorably discharged veterans and exempt members of volunteer fire departments, volunteer fire engineer, hook and ladder, hose supply company or salvage corps of any municipality or fire district in the State of New Jersey who hold exemption certificates issued to them) must fill out an application and pay for any background checks with the New Jersey Division of State Police but shall be exempt from any of the Borough's administrative fees for background checks hereunder.

H. All licenses and permits shall expire on the last day of each calendar year.

Upon termination of an employee, all permits of terminated employees must be returned to the Borough Clerk within ten (10) days of such termination.

It shall be unlawful for any peddlers or unsolicited door to door salespeople to sell or dispose of any goods, wares or merchandise, within the Borough of Helmetta, Middlesex County, New Jersey, without first obtaining a license and having paid the license fee hereinafter prescribed.

Section 3. Issuance of licenses: cost of Issuing

The Borough Clerk is hereby authorized to issue any such license upon the payment by the applicant of the proper fee therefore, as hereinafter provided.

Any person desiring a license or permit under this article shall file on a form to be supplied by the Borough Clerk an application with the Borough stating the following:

A. License application.

Name of applicant's business

Address of applicant's business

Telephone number of applicant's business

Name and social security number of applicant

Applicant's home address and telephone number

Date and place of applicant's birth

Place or places of residence of applicant for the preceding three (3) years.

The kind and nature of merchandise to be sold or offered for sale.

Whether or not the applicant will use or employ any vehicles in connection with the operation of the business licensed under this article and, if so, the number of vehicles, license plate number and description of each vehicle.

Whether or not the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning peddlers and/or unsolicited door to door sales and, if so, where and the nature of the offense or convictions.

All applications for licenses must be accompanied by an approved fingerprint check from the Borough of Helmetta Police Department.

All applications must be accompanied by a signed license authorization form.

A. Two passport size photographs, one of which must be attached to the license.

B. Permit application.

Name of employer's business.

Address of employer's business.

Telephone number of employer's business

Name and social security number of applicant.

Applicant's home address and telephone number.

Date and place of the applicant's birth.

Place or places of residence of the applicant for the preceding three years.

The kind and nature of merchandise to be sold or offered for sale.

Whether or not the applicant will use or employ any vehicles in connection with the operation of the business licensed under this article and, if so, the number of vehicles, license plate number and description of each vehicle.

Whether or not the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning peddler and/or unsolicited door to door sales and, if so, where and the nature of the offense or convictions.

All applications for permits must be accompanied by an approved fingerprint check from the Helmetta Police Department.

All applications must be accompanied by a signed permit application release authorization form.

Two passport size photographs, one of which must be attached to the permit.

Section 4. License fees

The license fee for peddlers or door-to-door salespeople who use or employ one or more vehicles shall be \$200.00 annually; except that holders of special licenses pursuant to Section 21(G) of this Ordinance shall be exempt.

The license fee for peddlers or door-to-door salespeople who do not use or employ vehicles, but carry their wares or goods by foot, shall be \$100.00 annually, except that holders of special licenses pursuant to Section 2(G) of this Ordinance shall be exempt.

C. For initial license/permit application:

Money order for \$30.00 payable to the New Jersey Division of State Police - SBI.

Fee of \$45.00, payable to Borough of Helmetta to cover administrative fees for the background check, except that holders of special licenses pursuant to Section 2(G) of this Ordinance shall be exempt.

For biennial (every two (2) years) background check at renewal for those who have had an initial background check completed:

Money order for \$18.00, payable to the New Jersey Division of State Police-SBI.

Fee of \$25.00 payable to the Borough of Helmetta to cover the administrative fee for the background check, except that holders of special licenses pursuant to § 188-2(G) shall be exempt.

Section 5. Validity of license: non-transferability

Every such license shall remain in force and be valid only for the time therein expressed and shall apply only to the person or persons to whom granted and shall not be transferable.

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Section 6. License exemptions

A. Any person engaged in the business of selling goods, wares or merchandise from a store or building in the Borough.

B. Any federal census takers and polls or surveys taken pursuant to federal, state or local law shall not be prohibited by this article.

C. Any person engaged in information gathering or soliciting funds for a non profit or political entity.

The following reasons are to be deemed outside the licensure requirements of this Chapter and are exempt from the licensing provisions and fee requirements (except where noted) thereof: Any person selling newspapers or periodicals.

Section 7. Do Not Knock Registry

There is established a "Do Not Knock Registry" to be maintained in the Borough Clerk's Office. The purpose of the Do Not Knock Registry is to permit residents to bar any commercial solicitation, peddling or hawking taking place by foot, wagon, motor vehicle or any other conveyance on a door-to-door basis. Residents may register for such list by personal delivery, regular mail or e-mail to the Borough Clerk. After registration on the Do Not Knock Registry, it shall be a violation of the terms of this Chapter to visit any residences for commercial solicitation, peddling or hawking to any registered person and/or such person's property. No commercial solicitation or peddling of any nature or kind whatsoever shall be permitted on any properties which have been listed with the Do Not Knock Registry, to be maintained at the Borough Clerk's Office.

Section 8. Exceptions

The provisions of this chapter shall not be applicable to the delivery or personal solicitation of:

Mail, parcels, or packages by and in accordance with the rules of the United States Postal Service.

Parcels, packages, and materials delivered by a commercially registered recognized courier service or overnight express delivery agency, such as, by way of example, Federal Express or United Parcel Service.

Newspapers and other publications and periodicals if subscribed to by the owner or occupant of the recipient premises, provided same are placed firmly in a receptacle designed for such purpose, or in the absence of such receptacle, tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.

Delivery of laundry, dry cleaning, dairy, bakery or similar food products and commercial product sampling by agreement with or invitation of the owner or occupant of the recipient premises.

Personal delivery or drop off of non-commercial handbills of a political, non-profit charitable or religious nature whose distribution is or may be protected by constitutional rights of free speech, provided that same are packaged and placed in such a manner as not to blow and scatter upon the receipting premises or adjacent areas.

Section 9. Revocation of license

The Borough Clerk may revoke and/or rescind any license or permit granted under this article if the person or organization with such license or permit, as applicable, shall be found:

Using false or fraudulent statements in obtaining such license or permit.

Using false or fraudulent statements or other misrepresentations in the course of carrying on business or employment under such license or permit as applicable.

Conducting the business of canvassing, soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or nuisance or a menace to the health, safety and welfare of the citizens of the Borough of Helmetta.

Any conviction of a crime or other offense which would be cause for the denial of on Initial license or permit application.

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Section 10. Violations and Penalties

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, is the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any ordinance or part thereof inconsistent with this Ordinance is repealed to the extent of such inconsistency.

This Ordinance shall take effect upon adoption and publication as required by law.

**ORDINANCE
#2010 – 26**

**AN ORDINANCE TO AMEND ORDINANCE 40A ENTITLED "LITTERING;
PROPERTY MAINTENANCE " IN THE BOROUGH OF HELMETTA, COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, it will further the health, safety and welfare of the citizens of Helmetta to amend existing ordinance to establish a do not drop registry.

NOW THEREFORE, Section 40A-4 of Ordinance 40A shall be amended as follows:
New Section: 40A-4 (1)

DO NOT DROP LIST

There is hereby established a Do Not Drop List of residents of the Borough of Helmetta. Residents who wish to have the Borough assist them in limiting the place of delivery of unsolicited circulars may do so by completing a form to be established by the Municipal Clerk's Office and returning said form to the Municipal Clerk's Office.

The Municipal Clerk's Office shall advise the distributors of unsolicited circulars that the resident does not wish to receive the unsolicited circular unless it is placed within ten (10) feet of the front entrance of the resident's home (the "Permitted Drop Zone") by posting the list on the Borough's website and providing copies upon written request.

It shall be unlawful for any person or organization to deliver unsolicited circulars outside of the Permitted Drop Zone to any resident on the "Do Not Drop List".

Any ordinance or part thereof inconsistent with this Ordinance is repealed to the extent of such inconsistency.

All other provisions of Ordinance 40A shall continue to have full force and effect.
This Ordinance shall take effect upon adoption and publication as required by law.

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