

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

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

CALLING OF THE ROLL:

ASCIOLLA
JANECZEK
KARCZEWSKI
PEREZ
SLAVICEK
VIDAL`

PUBLIC PORTION

CONSENT AGENDA – RESOLUTION # 108

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

RESOLUTIONS:

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

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

107 – Payment of bills as per list

MINUTES

March 27

April 24

May 8

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

ORDINANCE 2013 -4

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

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

UNFINISHED BUSINESS

NEW BUSINESS

Personnel Policies and Procedures Manual

ADJOURNMENT

**RESOLUTION
#2013 -108
CONSENT AGENDA**

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

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

RESOLUTIONS:

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

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

107 – Payment of bills as per list

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

CERTIFICATION

I, Sandra Bohinski, Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at the meeting held on May 20, 2013.

Sandra Bohinski, RMC
Borough Clerk

**RESOLUTION
2013 - 105**

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

I, Sandra Bohinski, Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at the meeting held on May 20, 2013.

Sandra Bohinski, RMC
Municipal Clerk

**RESOLUTION
2013 - 106**

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that Officer Scheicher's new probationary period shall expire on July 21, 2013, at or before which time the Borough Council shall have the opportunity to evaluate and determine the status of Officer Scheicher's employment with the Borough.

CERTIFICATION

I, Sandra Bohinski, Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at the meeting held on May 20, 2013.

Sandra Bohinski, RMC
Municipal Clerk

**RESOLUTION
2013 – 107**

PAYMENT OF BILLS AS PER LIST.

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

CERTIFICATION

I, Sandra Bohinski, Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at the meeting held on May 20, 2013.

Sandra Bohinski, RMC
Borough Clerk

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

37.1 Purpose.

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

37.2 Definitions.

As used in this section:

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

Resident shall mean:

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

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

37.3 Restrictions.

- a. Any person who is not a resident of the Borough of Helmetta shall not conduct a garage sale at any time at any place in the Borough.
- b. Any resident of the Borough of Helmetta over the age of eighteen (18) years may conduct a garage sale only in accordance with the provisions of this section.

c. No garage sale shall be held except at a residential property as defined in this section.

37.4 Application Permit.

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

37.5 Limitations.

a. A resident or members of his or her immediate family shall be limited to no more than three (3) garage sale permits in any one (1) calendar year at the same residential property.

b. A garage sale shall not commence earlier than 8:00 a.m. and end not later than 5:00 p.m. on any calendar day, and shall not be conducted for more than three (3) consecutive days, or three (3) days in total including the rain date.

c. A garage sale shall not be held on any day, or at any property, not listed in the garage sale permit.

d. Garage sales shall be conducted within the property lines of the residential property and items offered for sale at garage sales shall not be placed on any sidewalk, street or public right-of-way.

e. No garage sale in an apartment complex, condominium complex, townhouse complex, or other similar type of residential complex shall be held in an area of the property which would impede or interfere with the ingress or egress of pedestrian or vehicular traffic, to and from, and within the complex.

37.6 Consent of Landlord Homeowners Association/Owner.

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

37.7 Utility Poles.

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

37.8 Penalties.

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

37.89 Enforcement.

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

P.O. Type: All		to Last		Open: N		Paid: N		Void: N		Stat/Chk		First Rcvd		Chk/Void		1099	
Range: First				Rcvd: Y		Held: Y		Aprv: N		Enc Date		Date		Invoice		Excl	
Format: Detail		without Line Item Notes		Bid: Y		State: Y		Other: Y		Exempt: Y							
Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description											
ACT01 ACTION DATA SVC, INC	13-00484 05/16/13 PAYROLL																
	1 PAYROLL		42.13	3-01-20-705-020		B FINANCE OE	R			05/16/13	05/16/13			19611		N	
	2 PAYROLL		14.04	3-05-55-500-020		B WATER OPERATING OE	R			05/16/13	05/16/13			19611		N	
	3 PAYROLL		14.05	3-07-55-500-020		B SEMER OPERATING OE	R			05/16/13	05/16/13			19611		N	
			<u>70.22</u>														
	Vendor Total:		70.22														
HEL08 ALLEGIANCE LAWN & GARDEN	13-00474 05/01/13 FLOWERS																
	1 FLOWERS		12.00	3-01-26-772-020		B BUILDINGS & GROUNDS OE	R			05/01/13	05/16/13					N	
	Vendor Total:		12.00														
AUT01 AUTO KING	13-00479 05/02/13 CLUTCH SLAVE CYL																
	1 CLUTCH SLAVE CYL		53.95	3-01-26-315-020		B VEHICLE MAINT-PUBLIC WORKS	R			05/02/13	05/16/13					N	
	Vendor Total:		53.95														
BAR03 BARCO PRODUCTS COMPANY	13-00417 04/17/13 10 ROLLS PET LITER BAGS																
	1 10 ROLLS PET 03CB1610/DC		112.15	3-01-28-796-020		B PARKS OE	R			04/17/13	05/16/13			031300589		N	
	Vendor Total:		112.15														
BET01 BETTER LIVING	13-00462 04/29/13 SUPPLIES																
	2 SUPPLIES STATEMENT 3/25/13		276.04	3-01-43-800-530		B ANIMAL SHELTER - MAINTENANCE	R			04/29/13	05/16/13			BORHEL		N	
	3 SUPPLIES STATEMENT 4/25/13		921.72	3-01-26-772-020		B BUILDINGS & GROUNDS OE	R			04/29/13	05/16/13			BORHEL		N	

Vendor # Name	PO # PO Date Description	Item Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
BET01 BETTER LIVING	13-00462 04/29/13 SUPPLIES			Continued								
	4 CREDIT FROM PREVIOUS PMT			654.52	3-01-26-765-020	B STREETS & ROADS OE	R	04/29/13	05/16/13		BORHEL	N
				543.24								
	Vendor Total:			543.24								
CFG01 CFG HEALTH SYSTEMS, LLC	13-00454 04/29/13 TELEPSYCHIARTY SVCS											
	1 TELEPSYCHIARTY SVCS			93.60	3-01-25-745-020	B POLICE DEPARTMENT OE	R	04/29/13	05/16/13		10006	N
	Vendor Total:			93.60								
CIR01 CIRCLE JANITORIAL SUPPLIES	13-00476 05/01/13 JANITORIAL SUPPLIES											
	1 JANITORIAL SUPPLIES			289.49	3-01-43-800-530	B ANIMAL SHELTER - MAINTENANCE	R	05/01/13	05/16/13		12045-13	N
	Vendor Total:			289.49								
CIT02 CIT-E-NET LLC	13-00461 04/29/13 WEBSITE 4/113 - 3/31/14											
	1 WEBSITE 4/113 - 3/31/14			150.00	3-01-20-110-023	B MAYOR & COUNCIL OE - WEBSITE ADMIN	R	04/29/13	05/16/13		HELM-ML2013	N
	Vendor Total:			150.00								
CLE04 CLEARY GIACOBBE ALFIERI&JACOBS	13-00451 04/29/13 LEGAL SVCS THRU 3/31/13											
	1 LEGAL SVCS THRU 3/31/13			2,595.00	3-01-20-712-020	B LEGAL SERVICES OE	R	04/29/13	05/16/13		16326	N
	Vendor Total:			2,595.00								
COM02 COMCAST	13-00485 05/16/13 INTERNET											
	1 INTERNET			69.90	3-01-43-800-510	B ANIMAL SHELTER - UTILITIES	R	05/16/13	05/16/13		09568580958-01-	N

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date	Chk/Void	Invoice	1099
								Date	Date	Date		Excl
WCS01	WCS-WILDLIFE CONTROL SUPPLIES											
	13-00435 04/25/13 SAFEGUARD 30-X11'X12'H											
	1 SAFEGUARD 30-X11'X12'H		528.50		3-01-43-800-515	B ANIMAL SHELTER - SUPPLIES	R	04/25/13	05/16/13		115905	N
	Vendor Total:		528.50									
Total Purchase Orders:			34	Total P.O. Line Items:	45	Total List Amount:	42,618.16	Total Void Amount:	0.00			

BOROUGH OF HELMETTA
Bill List By Vendor Name

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total
CURRENT FUND	3-01	30,443.21	0.00	30,443.21	0.00
WATER OPERATING FUND	3-05	3,137.11	0.00	3,137.11	0.00
SEWER OPERATING FUND	3-07	2,064.05	0.00	2,064.05	0.00
Year Total:		<u>35,644.37</u>	<u>0.00</u>	<u>35,644.37</u>	<u>0.00</u>
GENERAL CAPITAL FUND	C-04	4,547.67	0.00	4,547.67	0.00
GRANT FUND	G-02	2,405.72	0.00	2,405.72	0.00
ANIMAL TRUST FUND	T-09	20.40	0.00	20.40	0.00
Total of All Funds:		<u><u>42,618.16</u></u>	<u><u>0.00</u></u>	<u><u>42,618.16</u></u>	<u><u>0.00</u></u>