

**MEETING OF MAYOR AND COUNCIL
WEDNESDAY – JANUARY 23, 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

P.B.A.

PUBLIC PORTION

CONSENT AGENDA – RESOLUTION # 56

RESOLUTIONS:

- 52 – Resolution authorizing payment to Michal Cielez for unused vacation time
- 53 – Extension of water/sewer payments
- 55 – Payment of bills

MINUTES

Approval of minutes of November 21, 2012

Approval of minutes of December 19, 2012

Approval of minutes of January 4, 2013

Approval of minutes of January 14, 2013

REPORTS

Mayor, Borough Attorney, Borough Engineer, Public Works, Committees

OLD BUSINESS

NEW BUSINESS

CLOSED SESSION (if needed)

ADJOURNMENT

**MEETING OF MAYOR AND COUNCIL
WEDNESDAY – JANUARY 23, 2013
7:00 P.M.**

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

The meeting was called to order at 7:10 p.m. by Mayor Nancy Martin. This meeting is called to order in accordance with the Open Public Meetings Law. Notice of this meeting stating the starting time, date and location was advertised in the Home News Tribune and posted in the lobby of the Municipal Building and will be recorded in the minutes of this meeting. All in attendance Pledged Allegiance to the Flag.

CALLING OF THE ROLL:

ASCIOLLA - Absent
JANECZEK
KARCZEWSKI
PEREZ - Absent
SLAVICEK
VIDAL

P.B.A.

Mayor Martin asked Officer Lockman if he would like this discussion to be held in Open or Closed Session. Officer Lockman said it could be held on Open Session. Joseph Vitale, Delegate for the Spotswood/Helmetta Police Dept. Mr. Vitale said he is here to discuss the grievance filed by Officer Lockman not being paid the difference between workmen's comp and he has time related benefits being deducted. It is their understanding that anything after a year you have the right to do so. He came back in eleven months then got reinjured and went out so there was a break in the time so he didn't surpass one whole year without returning to work and that is why the grievance was filed. Mayor Martin said they will review it and get back to them. The grievance was denied because it wasn't submitted in time. It is our understanding that as soon as time related benefits start being deducted he can file it at any time. The major concern is that he returned to work within a year and he was cleared not only by his own Doctor but by the Borough's Doctor as well and he returned to work in August so he did return within the year and he didn't surpass one year and he got reinjured. It is our understanding that after one year you have the right to do that but being that he returned before that year he should be compensated by the Borough and not penalized by time related issues.

PUBLIC PORTION

There was no one present from the Public who wanted to speak.

CONSENT AGENDA – RESOLUTION # 56

RESOLUTIONS:

- 52 – Resolution authorizing payment to Michal Cielez for unused vacation time
- 53 – Extension of water/sewer payments
- 54 – (withdrawn)
- 55 – Payment of bills

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek

Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

RESOLUTION # 2013-57 – Requesting permission for Dedication by Rider for Animal Shelter Fund Raising Activities required by NJSA 40A: 5:29

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek
Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

MINUTES

Approval of minutes of November 21, 2012

MOTION- Clmn. Janeczek SECOND – Clmn. Slavicek
ROLL CALL: 3 – 0 – 1

Approval of minutes of December 19, 2012 and January 4, 2013

MOTION- Clmn. Janeczek SECOND – Clmn. Slavicek
Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

Approval of minutes of January 14, 2013

MOTION- Clmn. Slavicek SECOND – Clmn. Vidal
ROLL CALL: 3 – 0 – 1

A meeting was held with Kaplan and the Engineer and the Mayor asked what engineering fees are we paying on this (John Street). Darren Doran stated that in our normal projects the design fees are paid by the Borough and the contract administration is paid by the grant.

RESOLUTION # 2013-58 Authorization for RVV to place bid for John Street improvement project

MOTION- Clmn. Janeczek SECOND – Clmn. Vidal
Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

REPORTS

Mayor, Borough Attorney, Borough Engineer, Public Works, Committees

Darren Doran, Public Works Director, reported that they did salting on Monday. We are expecting another storm on Friday and the equipment is ready to go. A request was made by the Public Works Committee to give a report on our mechanics repair. North Brunswick does a good job; we've never had to take anything back to them. They are responsive, quick and we save 50% on labor costs. The Mayor asked how long is the contract and Darren said he said he thinks we signed for three years last year. The Mayor asked about an animal control contract with them. Darren said that we have back up contract for all services and beginning February 1 we are going to provide animal control service on a regular basis and bill them on the back up contract price of \$200.00 per day plus \$75.00 for overtime, after hour or holiday coverage. They are looking for coverage from 7:00 a.m. to 7:00 p.m.; this is a trial period of one month.

The Mayor had a few questions for Sgt. Messler pertaining to OPRA requests. She asked if he had any requests that he didn't go through the Clerk. She wanted to see the OPRA request for an incident that took place at a party on North Shore Blvd. a few months ago. He said you mean someone that came in and filed for a report, she said no she wants to see an OPRA request. He said that he didn't have an OPRA request if she is referring to Pete coming in and applying for one. She asked him if he was aware that there is an OPRA law and we had issues with OPRA before. She asked if there were any other requests did they go through the Clerk. Why was this one not followed the same way. There is a form downstairs that they come and fill out and they get the report. She asked if others get reports this way and he responded yes that this is the way

it's been done for seventeen years. Did you not think there was some issues with Sandy giving you requests for OPRA and you're giving them out reports without it? How many reports have you given out? Sgt. Said he can't answer that. He has one downstairs where they want someone removed from their community and they were advised to go through their lawyer and request discovery. The Mayor said you have had only one discovery this year and the request from Clmn. Karczewski. Since we have had an issue with OPRA and the Police Dept. the Mayor is concerned how reports are given out. Sgt. Messler said this is how it's been done for seventeen years. If Sandy gives you a request for OPRA don't you think all requests should go through her. Sgt. Messler asked Sandy the cost per copy and she said five cents. The Mayor said that we have to comply with the law and the OPRA laws have to be followed. The Mayor asked the Clerk if she ever gave the Police Dept. OPRA requests and she answered yes. She asked to see a copy of the request (for No. Shore Blvd. incident); he said he didn't handle it but will go downstairs and get it and she wants Sandy to look at it and see if it complies with the law and any other one. Clmn. Slavicek asked if anyone can go downstairs and request a report. Clmn. Karczewski said he did not do a written request so he will not find anything downstairs. The Mayor said she wants everyone to be educated about the OPRA law and for the Clerk to give a handout. Clmn. Karczewski said he signed when he got the copy. The Mayor asked what made him request a report without going through the Clerk. Clmn. said it wasn't a OPRA request and the Mayor said all records must be obtained through OPRA. Clmn. Karczewski again said there was no written report. Clmn. Slavicek said to Sgt. Messler, you said there was a report. Sgt. Messler said that he did not handle this, Officer Wilkie did. He was aware that Clmn, Karczewski was going to come in.

Mayor Martin asked Sgt. Messler if on any occasion did the Public Safety Committee ask you to make sure that the Officers are having twelve hours between shifts, including and especially on a Friday into a Saturday. Sgt. Messler asked her to say it again. She said did anyone on the Police Safety Committee ask you or tell you that there are concerns about the twelve hours not being between the Friday and Saturday shifts. He replied yes you did. It's still continuing and the guys live two hours away

Mayor Martin told the Clerk to give everybody information about the OPRA. We had an incident that dragged out for two years. The Mayor said we are opening ourselves up. The Clerk said that OPRA information should have been handed down by the former Chief.

NEW BUSINESS

A MOTION was made by Clmn. Slavicek and SECONDED by Clmn. Janeczek to accept the resignation of Police Officer Adam Tuvel.

Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

ADJOURNMENT

There being no further business a MOTION was made by Clmn. Karczewski and SECONDED by Clwmn. Vidal. All were in favor.

Sandra Bohinski, RMC
Municipal Clerk

**RESOLUTION
2013 - 52**

**RESOLUTION AUTHORIZING PAYMENT TO MICHAL
CIELESZ FOR UNUSED VACATION TIME**

WHEREAS, the Teamsters Local Union No. 210 contract of the Borough of Helmetta states that employees hired after January 1, 2010 are not permitted to carry over vacation days; and

WHEREAS, an employee may be paid for any unused vacation days; and

WHEREAS, Michal Cielez has requested to be paid for her unused 2012 vacation days; and

WHEREAS, the Chief Financial Officer has calculated the payment amount to be \$1,156.68.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Helmetta, Middlesex County, New Jersey hereby authorize the Chief Financial Officer to issue a check to Michal Cielez representing payment for unused 2012 vacation time less the normal and regular deductions.

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek

Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

2013 – 53

EXTENSION OF WATER/SEWER PAYMENTS

WHEREAS, due to a problem with the United States Postal Service where many of our residents did not receive their bills; and

WHEREAS, the bills had to be reprinted and mailed out again;

NOW THEREFORE BE IT RESOLVED that the payment date be extended to **February 16, 2013.**

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek

Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

RESOLUTION

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			\$ 1,009,029.76
	Including the following non-budget items:		
	School taxes	\$ 262,291.00	
	County taxes	15,941.69	
	Taxes refunded	17,299.78	
	State of New Jersey	50.00	
		\$ 295,582.47	
WATER OPERATING FUND			17,447.69
SEWER OPERATING FUND			86,649.56
GENERAL CAPITAL FUND			1,020,474.74
DOG TRUST FUND			4.20
TRUST FUND			638.44
			\$ 2,134,244.39

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek
 Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-

**RESOLUTION
 #2013 - 57**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ANIMAL SHELTER FUND RAISING ACTIVITIES REQUIRED BY NJS 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40A:5-29 provides for receipt of proceeds from fund raising activities for the animal shelter by the municipality to provide for a debt service reserve; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Animal Shelter proceeds from fund raising activities are hereby anticipated as revenue and

are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough Council of the Borough of Helmetta County Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay debt services for the Animal Shelter fund raising activities per NJS 40A:5-29.

2. The Clerk of the Borough of Helmetta, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

MOTION – Clmn. Slavicek SECOND – Clmn. Janeczek

Ayes – Janeczek, Karczewski, Slavicek, Vidal Nays: -0-