

**MEETING OF MAYOR AND COUNCIL**  
**July 13, 2010 - 7:00 PM**

**Meeting called to Order – Notice of Compliance with Open Public Meetings Law – Pledge of Allegiance**

The meeting was called to order at 7:07 pm 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 – all were in attendance.**

Clmn. Peckham  
Clmn. Ascioffa  
Clmn. Janeczek  
Clmn. Karczewski  
Clmn. Perez  
Clmn. Smith

**Public Portion**

Samantha Adornati, 98 Main Street. She just attended a Leadership in Economics Conference and thinks the animal shelter is a good idea. She would like to volunteer and could get other students to volunteer as well.

Joe Estrada, 50 Main Street. He has concerns about the speed limit on Main Street; it should be 25 mph. He is surprised that we don't have more accidents. The Mayor said we will look into it. He also thinks the animal shelter is a good idea. There is nothing that is coming into town and the Council should do whatever it can to make money on it.

Dorothy Fisko, 3 Park Avenue. She asked if the Code Enforcer gets a salary. We have all little dumps around town. She stated that you cannot get around by Heckendorf's house with what he has parked there. The Mayor told her the Police went and said there were no safety issues. Dorothy asked if no parking signs can be placed there. She also questioned the property on 119 Main Street. She was told the Code Enforcer and the Board of Health are working on this.

**Adoption of Budget – Resolution # 2010 – 140**

MOTION: Clmn. Karczewski SECOND: Clmn. Perez  
ROLL CALL: 6 - 0

**Consent Agenda – RESOLUTION # 2010 - 148**

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

**Report of Municipal Clerk**

**Resolutions:**

- 2010 – 141 Resolution authorizing agreement with Action Data Services, Inc. for the provision of payroll services**
- 2010 – 142 A Resolution authorizing payment to Dr. Brian Savage for consulting services related to the school district consolidation for the Borough of Helmetta**
- 2010 – 143 Resolution of the Borough of Helmetta authorizing Remington, Vernick and Vena to apply for a 2011 New Jersey Department of Transportation Paving grant**
- 2010 – 144 A Resolution authorizing the Borough of Helmetta to enter into a Cooperative Agreement with the Middlesex Regional Educational Services Commission**
- 2010 – 145 Payment of bills as per list**
- 2010 – 146 Sealed Bid Auction of two vehicles**
- 2010 – 147 Resolution authorizing purchase of 2011 Chevrolet Tahoe and related equipment under New Jersey State Contract #A73848**
- Application of Peter Tresch – Helmetta Fire Department**

REPORT OF MUNICIPAL  
CLERK

JUNE, 2010		Copies	Marriage License	Recycling	Towing	Lndlrđ Reg	Plng Bd	Licenses
Reid	\$100.00					\$100.00		
Dattolo	\$100.00					\$100.00		
Nedeski	\$700.00					\$700.00		
LaMarche	\$28.00		\$25.00	\$3.00				
	\$20.00	\$20.00						
	\$10.00	\$10.00						
	\$100.00					\$100.00		
Hye	\$0.75	0.75						
McManus	\$28.00		\$25.00	\$3.00				
	\$5.00	\$5.00						
<b>TOTAL</b>	\$1,091.75	\$35.75	\$50.00	\$6.00		\$1,000.00		

Dog and Cat Licenses \$16.00

**RESOLUTION  
# 2010 – 141**

**RESOLUTION AUTHORIZING AGREEMENT WITH ACTION  
DATA SERVICES, INC. FOR THE PROVISION OF PAYROLL  
SERVICES**

**WHEREAS**, the Borough of Helmetta (the “Borough”) has determined that there exists a need to retain the services of a company to perform the Borough’s payroll services and related accounting needs; and

**WHEREAS**, since the total aggregate amount of the anticipated contract for payroll services was less than the bid threshold established within the Local Public

Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, the Borough solicited received three (3) competitive quotes from vendors; and

**WHEREAS**, the Borough's present payroll services provider, Action Data Services, Inc. ("ADS"), submitted a proposal indicating that it will perform these services pursuant to a rate schedule for an amount not to exceed \$4,300.00 per year; and

**WHEREAS**, the Borough wishes to award the contract for payroll services to ADS since it was one of two vendors that submitted the lowest quotation for such services and it has provided satisfactory service to the Borough in the past.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Helmetta that the contract to provide payroll services to the Borough for a two year period is hereby awarded to ADS for the rates set forth within the ADS proposal and in an amount not to exceed \$4,300.00 per year; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute any and all documents necessary to enter into a contract with ADS for these services so long as such documents are in forms acceptable to the Borough Attorney; and

**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 contract from Account Number \_\_\_\_\_; and

**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. Nicholas A. DeScetto, ADS;
- b. Lori Russo, CFO
- c. David A. Clark, Esq., Borough Attorney

### **AGREEMENT FOR PAYROLL SERVICES**

**THIS AGREEMENT**, between the Borough of Helmetta ("Helmetta"), a municipal corporation of the State of New Jersey, having its principal offices located at 60 Main Street, Helmetta, New Jersey 08828, and Action Data Services, Inc. ("ADS"), having its principal place of business located at 17 Sherwood Lane, Fairfield, NJ 07004 (collectively, "the Parties").

### **WITNESSETH**

**WHEREAS**, ADS is a company that provides payroll processing and related accounting support; and

**WHEREAS**, ADS has offered to provide such services for Helmetta; and

**WHEREAS**, Helmetta shall compensate ADS in an amount not to exceed \$4,300.00 per year; and

**WHEREAS**, Helmetta believes that it is in the public interest that ADS be hired for a two-year term to provide payroll services; and

**WHEREAS**, the Parties now wish to memorialize the terms and conditions of their agreement by entering into this contract (the "Agreement").

**NOW, THEREFORE**, in consideration of the promises and mutual covenants hereinafter contained, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. ADS will commence its services on July 1, 2010.

2. ADS will perform payroll services for Helmetta as more fully detailed with the June 24, 2010 proposal letter from ADS to Helmetta (the "Proposal").
3. Helmetta will pay ADS for its services in accordance with the payment schedule set forth within the Proposal; provided, however, that the annual payments to ADS shall not exceed \$4,300.00. The prices set forth within the Proposal includes payroll processing for up to thirty-five (35) employees.
4. The contract will be for a two (2) year term, starting on July 1, 2010 and ending on June 30, 2012.
5. ADS shall defend, indemnify and save harmless Helmetta, its officers, employees and agents from all claims, suits or actions brought against Helmetta, its officers, employees and agents, arising from or relating to the services provided by ADS unless the cause thereof shall be the result of the willful, wanton or intentional wrongful acts of Helmetta, its agents, officials, employees or servants. Such obligation shall include, but not be limited to, attorneys' fees and costs and all other expenses incurred in the defense of any suit.
6. ADS is prohibited from assigning this Agreement or any right arising under said Agreement without the written approval of Helmetta which approval shall not relieve ADS of the obligations incurred by it under the terms of this Agreement.
7. This Agreement shall be governed by and construed and enforced pursuant to the laws of the State of New Jersey, without regard to its conflict of laws principles. Any action hereunder shall be brought exclusively in a court of the State of New Jersey, sitting in Middlesex County, New Jersey and ADS hereby waives all objections to such venue.
8. This Agreement constitutes the entire agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be signed by its authorized officers, and attested by its Clerk and its seal affixed hereto, the day and year first above written.

**RESOLUTION  
# 2010 – 142**

**A RESOLUTION AUTHORIZING PAYMENT TO DR. BRIAN SAVAGE FOR CONSULTING SERVICES RELATED TO THE SCHOOL DISTRICT CONSOLIDATION FOR THE BOROUGH OF HELMETTA**

**WHEREAS**, pursuant to N.J.S.A. 18A:7-8, the Helmetta School District, which was a non-operating school district, was consolidated with the Spotswood School District; and

**WHEREAS**, N.J.S.A. 18A:8-1, et seq. imposes various financial and other requirements upon the dissolution of a non-operating school district; and

**WHEREAS**, Dr. Brian Savage, the previous administrator of the Helmetta School Board, was retained by the Borough to serve as a consultant with regard to issues arising from the elimination of the Helmetta School District, including, but not limited to, the final audit of the Helmetta School District's accounts and financial transactions and the return of any remaining cash balances to Helmetta Borough; and

**WHEREAS**, the Borough now wishes to authorize the Chief Financial Officer to pay Dr. Brian Savage for the consulting services which he performed on behalf of the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Helmetta that the Borough's Chief Financial Officer is hereby authorized to issue a check to Dr. Brian Savage in the amount of \$1,762.50 in compensation for his consulting services on behalf of the Borough.

**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 0-01-20-110-222.

**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. Dr. Brian Savage
- b. Lori Russo, Borough Chief Financial Officer

**RESOLUTION  
# 2010 – 143**

**RESOLUTION OF THE BOROUGH OF HELMETTA AUTHORIZING  
REMINGTON, VERNICK AND VENA TO APPLY FOR A 2011 NEW JERSEY  
DEPARTMENT OF TRANSPORTATION PAVING GRANT**

**WHEREAS**, the New Jersey Department of Transportation (the "DOT") administers a grant program for the paving and reconstruction of qualified municipal streets (this year's grant program is referred to herein as the "2011 DOT Paving Grant"); and

**WHEREAS**, the Borough's Director of Public Works has identified the following roads that are in need of paving/reconstruction: (i) Maple Street from Main Street to Erickson Avenue; (ii) John Street from Maple Street to the John Street bridge; and (iii) Washington Avenue from John Street to the Helmetta border with East Brunswick (collectively, the "Project"); and

**WHEREAS**, the Borough wishes to apply for a 2011 DOT Paving Grant in order to fund the Project; and

**WHEREAS**, the Borough desires to authorize the Borough Engineer, Remington, Vernick & Vena, to provide the services necessary to prepare and file the application for the 2011 DOT Paving Grant to fund the Project.

**NOW, THEREFORE, BE IT RESOLVED** by Borough Council of the Borough of Helmetta that Remington, Vernick & Vena is hereby authorized to perform services, in an amount not to exceed \$500.00, which are necessary to apply for a 2011 DOT Paving Grant in order to fund the Project; and

**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 \_\_\_\_\_; and

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

- a. Remington, Vernick & Vena
- b. Lori Russo, Borough Chief Financial Officer

**RESOLUTION  
#2010 – 144**

**A RESOLUTION AUTHORIZING THE BOROUGH OF HELMETTA  
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE  
MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION**

**WHEREAS**, N.J.S.A 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Middlesex Regional Educational Services Commission, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on the Borough Council has determined that it is beneficial to participate in the Cooperative Pricing Agreement with the Middlesex Regional Educational Services Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Helmetta that pursuant to the provisions of N.J.S.A. 40A:11-11(5), Lori Russo, CFO is hereby authorized to enter into a Cooperative Pricing Agreement on behalf of the Borough with the Middlesex Regional Educational Services Commission (the “Lead Agency”); and

**BE IT FURTHER RESOLVED** that the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey; and

**BE IT FURTHER RESOLVED** that this Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Helmetta; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon passage; and

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

- a. the Middlesex Regional Educational Services Commission; and
- b. Lori Russo, Borough Chief Financial Office

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

**Reports of Mayor, Borough Attorney, Committees, Public Works**

Mayor Martin reminded everyone that National Night Out will be held on August 3<sup>rd</sup> at 6:00 p.m.

Borough Attorney announced that a favorable decision was made with the Kaplan Litigation. The Judge ruled in Helmetta's favor.

Public Works Director stated that he increased our water by 25,000 gallon. The water restrictions helped the situation.

**Adoption of Ordinance 15 - An Ordinance of the Borough of Helmetta, in the County of Middlesex, New Jersey, providing for various improvements and other related expenses land located in the Borough to provide for an animal shelter in and for the Borough of Helmetta and appropriating \$1,200,000 there for, and providing for the issuance of \$1,140,000 in bonds or notes of the Borough of Helmetta to finance the same.**

After discussion a vote was taken.

MOTION – Clmn. Smith      SECOND – Clmn. Janeczek  
ROLL CALL: 5 – 1

A MOTION was made by Clmn. Peckham and SECONDED by Clmn. Janeczek to read Ordinances 18, 19, and 20 by title only. ROLL CALL: 6 – 0.

**Second Reading of Ordinances:**

**18 – An Ordinance amending Chapter 39 (Housing Standards) of the Code of the Borough of Helmetta in order to prohibit the existence of boarding houses, rooming houses, and rooming units within the Borough**

The meeting was opened to the Public. Dorothy Fisko, 3 Park Avenue, stated that summonses should be issued. The Mayor replied that we are aware and concerned and that is why the ordinances were created. There being no one else from the Public who wished to speak the meeting was closed to the Public.

MOTION – Clmn. Peckham      SECOND – Clmn. Perez  
ROLL CALL; 6 - 0

**19 – An Ordinance of the Borough of Helmetta prohibiting boarding houses and rooming houses as conditional or permitted uses in any zone within the Borough**

The meeting was opened to the Public. There being no one from the Public who wished to speak; the meeting was closed to the Public.

MOTION – Clmn. Peckham      SECOND – Clmn. Perez  
ROLL CALL: 6 - 0

**20 – An Ordinance approving and adopting an amended redevelopment plan for the Helme Mill Redevelopment area pursuant to N.J.S.A. 40A:12A-7**

The meeting was opened to the Public. There being no one from the Public who wished to speak; the meeting was closed to the Public.

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

**First Reading of Ordinances:**

**21 – An Ordinance amending and supplementing Chapter 15 (Salaries and Compensation) of the Code of the Borough of Helmetta**

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

**22 – Ordinance reappropriating \$21,941.08 proceeds of obligations not needed for their original purposes in order to provide for the purchase of MXU water meter readers for the Borough of Helmetta and other related expenses in and by the Borough of Helmetta, in the County of Middlesex, New Jersey**

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

RESOLUTION  
# 2010 - 149

RESOLUTION OF THE BOROUGH OF HELMETTA  
AUTHORIZING MICHAEL TEST A TO PREP ARE THE PLANS  
AND SPECIFICATIONS REQUIRED TO PROCURE BIDS FOR  
THE ~ONSTRUCTION OF AN ANIMAL SHELTER ON PARCEL  
5 OF THE HELME MILL REDEVELOPMENT AREA .

WHEREAS, the Borough of Helmetta (the "Borough") wants to develop an animal shelter on Parcel 5 of the Helme Mill Redevelopment Area (the "Project"); and

WHEREAS, the Borough Council adopted Ordinance 2010-15 in order to finance to finance the Project; and

WHEREAS, once the twenty day estoppel period expires on Ordinance 2010-15, the Borough will have sufficient appropriated funds to finance the Project; and

WHEREAS, due to the Borough Council's reduced meeting schedule in the summer and to avoid further delays, the Borough Council wishes to authorize Michael Testa to prepare the construction plans and specifications needed to procure bids for the Project in an amount not to exceed \$22,000.00; provided, however, that such authorization shall not take effect until the date of the expiration of the estoppel period on Ordinance 2010-15.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Helmetta that Michael Testa is hereby authorized to prepare the construction plans and specifications needed to procure bids for the animal shelter project at ParcelS of the Helme Mill Redevelopment Area in an amount not to exceed \$22,000.00; provided, however, that such authorization shall not take effect until the date of the expiration of the estoppel period on Ordinance 2010-15.

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 C-04-55-500-801.



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

- a. Michael Testa, A.L.A.
- b. Borough Chief Financial Officer

MOTION – Clmn. Peckham      SECOND – Clmn. Janeczek

ROLL CALL: 6 - 0

**Unfinished Business**

Clmn. Janeczek commented that the trees on Old Forge Road dying. RVV received a memo and Mario has to replace them. They have a maintenance bond for two years. Clmn. Karczewski said drought resistance trees are needed. He even stated that he would water his trees.

**New Business**

Clmn. Karczewski stated that there is a cracked curb. The rebar is coming up. The contractors might not be responsible; let Mario make the determination.

Clmn. Karczewski requested speed bumps in their neighborhood. The Mayor asked if everyone wants this and that Clmn. Karczewski will be the one to take full responsibility of them being installed.

Discussion was held on the train stopping to eat and the lights flashing. A memo will be sent to the Chief to see if they could stop a little further down to avoid the lights from flashing.

Special Police Officer Michal Azzarello is heading the Neighborhood Watch and he is quite impressive.

Clmn. Smith said several signs on Main Street are so faded you can't even read them. The County policy is if we want them we install them.

**Closed Session – Resolution # 150 – Litigation/Personnel**

MOTION – Clmn. Peckham      SECOND – Clmn. Smith – All were in favor.

A MOTION was made by Clmn. Ascioffa and SECONDED by Clmn. Peckham to come out of closed session. All were in favor.

**Adjournment**

There being no further business, the meeting was adjourned at 8:55 pm

Sandra Bohinski, RMC  
Municipal Clerk