

**MEETING OF MAYOR AND COUNCIL
AUGUST 24, 2011 - 7:00 PM**

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

The meeting was called to order at 7:06 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:**

PECKHAM
ASCIOLLA
JANECZEK
KARCZEWSKI (arrived 7:11 p.m.)
PEREZ
SMITH

*** PUBLIC PORTION**

No one from the Public wished to speak.

*** CONSENT AGENDA – RESOLUTION # 2011 – 191**

Reports of Municipal Clerk, Tax Collector Utility Revenue Collector
Resolutions:

186 – Resolution of the Borough of Helmetta authorizing the filing of the Best Practices Checklist with the State of New Jersey

187 – Payment of Bills

188 – A resolution authorizing the Borough Tax Collector to place a lien against the property known as Block 11 Lot 7 for removal of brush, weeds and/or debris

190 – Resolution of the Borough of Helmetta authorizing an animal impoundment and an animal control agreement with the Borough of Milltown

MOTION – Clmn. Smith SECOND – Clmn. Asciolla
ROLL CALL: 5 - 0

*** REPORTS OF MAYOR, COMMITTEES, BOROUGH ATTORNEY,
BOROUGH ENGINEER, PUBLIC WORKS, PUBLIC SAFETY**

Mayor Martin asked the Council to arrive for Helmetta Day by noon to help set up. It is the 100th Anniversary of Holy Trinity Church and a Proclamation will be given to them. Public Works is getting ready for the storm. The animal shelter is running well; they are behind in billing. The Fire Dept. will sponsor the Fishing Derby on September 17.

Discussion ensued about the contractor and the completion of his work on time and the possibility of being given a penalty. He did not complete the punch list and Mike Testa should be advised that we are looking into the contractor's work. A call will be made to the Turnpike about reimbursement for any animals they may be called to pick up in their jurisdiction. Brandon and Joey should be given some type of compensation for all the time they are at the shelter.

Several other items of discussion were:

All requisitions will be signed off by members of the Committee

Health Benefits – all should go on NJ Direct

Trash pickup – when it should be put out, the weight and water in garbage cans

Recycling – computers are to be dropped off here

Clmn. Perez discussed the payment of bills.

Borough Engineer stated that the DOT Funding to be applied for will be the Park Avenue, Park Place, North 14th, North Shore area.

The feasibility of speed bumps on Lake Avenue was discussed.

A concept plan for the water park will e worked on.

Director Ely discussed the possibility of a questionnaire. Personal home visits by Police Officers were mentioned. Crosswalk signs should be placed by the Post Office, Animal Shelter, and Sutton Plaza. There is an internet company that will do free announcements to the residents from the Police Dept. The General Orders regarding going out of town will be reviewed.

*** READING OF ORDINANCES (Second Reading)**

14 - An ordinance authorizing a special emergency appropriation of \$25,000 for the purpose of funding the preparation and execution of a complete program of revaluation of real property for the use of the Borough's Tax Assessor in establishing a uniform schedule of the real property located within the Borough of Helmetta, County of Middlesex

The meeting was opened to the Public; there being no one in the Public to discuss this ordinance, the meeting was closed to the Public.

MOTION TO ADOPT – Clmn. Smith SECOND – Clmn. Asciolla

ROLL CALL: 6 - 0

15 – An Ordinance amending Chapter 13 of the Code of the Borough of Helmetta entitled "Police Department"

The meeting was opened to the Public; there being no one in the Public to discuss this ordinance, the meeting was closed to the Public.

MOTION TO ADOPT – Clmn. Asciolla SECOND – Clmn. Smith

ROLL CALL: 6 - 0

16 – 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 in the Public to discuss this ordinance, the meeting was closed to the Public.

MOTION TO ADOPT – Clmn. Janeczek SECOND – Clmn. Asciolla

ROLL CALL: 6 - 0

*** RESOLUTION # 2011 – 189**

Resolution of the Borough of Helmetta authorizing an agreement with Realty Appraisal Company to perform a reassessment of the Borough

MOTION – Clmn. Asciolla SECOND – Clmn. Peckham

ROLL CALL: 6 - 0

*** NEW BUSINESS**

Request to make Railroad Avenue one-sided parking – Several Residents made a request to Sgt. Messler about making Railroad Avenue one-sided parking. Their concerns are that an emergency vehicle would not be able to get through. This will be looked into.

*** ADJOURNMENT**

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

Sandra Bohinski
Municipal Clerk

REPORT OF MUNICIPAL CLERK
JULY, 2011

JULY, 2011		Copies	Marr Lic	Plng Bd	Towing	Licenses	Lndlr Reg	Recycling
Copies	\$1.35	\$1.35						
Copy	\$10.00	<u>\$10.00</u>						
Melfa	\$100.00							
Sztukowski	\$10.25						<u>\$100.00</u>	
Nowatkowski								\$10.25
\$28.00			<u>\$28.00</u>					
Videla	<u>\$29.77</u>							
Total	\$179.37	\$11.35	\$28.00				\$100.00	<u>\$29.77</u>
								\$40.02
Dog & Cat Licenses		\$26.00						

Borough of Helmetta

Denise Jawidzik

Denise Jawidzik

Tax Collector

REPORT OF THE TAX COLLECTOR

Month of: July, 2011

Dated: August 1, 2011

Taxes - 2011	\$
	11,144.94
Taxes - 2010	\$
	1,243.74

Interest	\$
	530.06

Costs

Tax search

Return Check fee

Search Printouts

Duplicate Bill Fee

Misc.

TOTAL	\$
	12,918.74

ADJUSTMENTS

Closing Balances

	Debit	Credit	
Tax	\$	\$	\$
2011	52,128.87	(29,549.78)	22,579.09
Tax	\$		\$
2010	52,214.31		52,214.31
		\$	-

Tax Collectors Trust

Prior Balance	\$
Receipts	18,700.00

Disbursements

Balance	\$18,700.00
---------	-------------

Water/Sewer Receipts Report

June 2011

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2007 Principal	\$ -	\$ -	\$ -
2008 Principal	-	-	-
2009 Principal	-	-	-
2010 Principal	1,448.76	1,542.19	2,990.95
2011 Principal	<u>6,969.66</u>	<u>7,406.66</u>	<u>14,376.32</u>
Subtotal	8,418.42	8,948.85	17,367.27
Interest	<u>160.02</u>	<u>169.83</u>	<u>329.85</u>
Subtotal	8,578.44	9,118.68	17,697.12
Final Water Reads	40.00	-	40.00
Returned Checks	800.72	-	800.72
Payment Reversal	-	-	-
NSF Bank Fees	50.00	-	50.00
Duplicate Bill Fee - W&S	-	-	-
Connection Fee	-	-	-
New Water Meter Fee	-	-	-
Transfer in from Tax	-	-	-
Transfer out to Tax	<u>-</u>	<u>-</u>	<u>-</u>
Total Deposits	<u>\$ 9,469.16</u>	<u>\$ 9,118.68</u>	<u>\$ 18,587.84</u>

Carol Feig
Utility Revenue Collector

RESOLUTION # 2011 - 186

**RESOLUTION OF THE BOROUGH OF HELMETTA
AUTHORIZING THE FILING OF THE BEST
PRACTICES CHECKLIST WITH THE STATE OF
NEW JERSEY**

WHEREAS, the State of New Jersey has issued a 2011 municipal Best Practices Checklist as part of the State's continued reform efforts to make government operate more efficiently, strengthen its accountability, and better manage taxpayers' resources; and

WHEREAS, municipal governments must fill out the Best Practices Checklist in order to determine how much of the municipality's State aid payment will be disbursed based upon the scoring of the Checklist; and

WHEREAS, the Borough of Helmetta (the "Borough") desires to complete the Best Practices Checklist and file it with the State by the filing deadline of September 1, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the Borough Council authorizes completion of the Best Practices Checklist, in the form attached hereto, and the filing of it with the State of New Jersey by September 1, 2011, in order for the Borough to receive State financial aid.

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 August 24, 2011.

RESOLUTION 2011 - 187

RESOLUTION 2011-

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	\$	695,525.67
Including the following non-budget items:		
School taxes	\$	634,192.93
State of New Jersey		200.00
	\$	<u>634,392.93</u>
WATER OPERATING FUND		22,520.37
SEWER OPERATING FUND		2,844.48
GENERAL CAPITAL FUND		2,045.27
DOG TRUST FUND		2.40
TRUST FUND		501.13
BUILDERS' ESCROW		1,915.81
	\$	<u>725,355.13</u>

	Motion	Second	Aye	Nay	Abstain	Absent
Peckham						
Asciolla						
Janeczek						
Karczewski						
Perez						
Smith						

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 August 24, 2011.

Sandra Bohinski, Municipal Clerk

RESOLUTION # 2011 - 188

A RESOLUTION AUTHORIZING THE BOROUGH TAX COLLECTOR TO PLACE A LIEN AGAINST THE PROPERTY KNOWN AS BLOCK 11 LOT 7 FOR REMOVAL OF BRUSH, WEEDS AND/OR DEBRIS

WHEREAS, the Borough of Helmetta (the "Borough") Construction Official has certified that brush, weeds and/or debris must be removed from Block 11 Lot 7 (the "Property") to secure the public health; and

WHEREAS, the Construction Official has certified that the Borough expended \$ 100.00 for the brush, weed and/or debris removal at the Property; and

WHEREAS, the Construction Official has certified that the owner of the Property is responsible for maintaining said property, and is liable for the costs incurred by the Borough on behalf of the Property owner for brush, weed and/or debris removal; and

WHEREAS, the costs incurred by the Borough shall become a lien upon the Property and shall become collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the Borough is hereby authorized to cause a lien for said costs in the amount of \$100.00 to be placed against the Property for failure to remove brush, weeds and/or debris in accordance with N.J.S.A. 40A:48-2.13.

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. Tax Collector
- b. Construction Official
- c. Lori Russo, CFO

RESOLUTION # 2011 - 189

**RESOLUTION OF THE BOROUGH OF HELMETTA
AUTHORIZING AN AGREEMENT WITH REALTY
APPRAISAL COMPANY TO PERFORM A
REASSESSMENT OF THE BOROUGH**

WHEREAS, the Borough of Helmetta (the "Borough") has determined that due to current market conditions it is appropriate and necessary to institute a reassessment program in the Borough in order to more accurately reflect market values as of October 1, 2011; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) a municipality may enter into a contract for professional services without competitive public bidding; and

WHEREAS, Realty Appraisal Company is a real estate appraisal firm which has submitted a proposal to the Borough (the "Proposal") to perform a complete reassessment of all the taxable and exempt real property within the Borough at the cost of twenty-five thousand dollars (\$25,000); and

WHEREAS, the Borough has reviewed the Proposal and finds Realty Appraisal Company to be qualified to provide the reassessment services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute a contract with Realty Appraisal Company, in a form legally acceptable to the Borough Attorney, whereby Realty Appraisal Company will perform a reassessment of the Borough at the cost of twenty-five thousand dollars (\$25,000).

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 a certified copy of this Resolution shall be provided to each of the following:

- a. Realty Appraisal Company
- b. David A. Clark, Borough Attorney
- c. Lori Russo, Borough Chief Financial Officer

RESOLUTION # 2011 – 190

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

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 Milltown ("Milltown") is in need of both animal control services and animal impoundment services; and

WHEREAS, the Borough of Helmetta (the "Borough") and Milltown desire to enter into a shared services agreement in which Milltown will pay the Borough \$5,000 per year, and the Borough will provide licensed animal control officers to perform animal control services within Milltown; and

WHEREAS, the Borough and Milltown also desire to enter into a shared services agreement in which the Borough will provide Milltown 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 on September 1, 2011, and shall terminate on December 31, 2011.

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 Milltown, both in the forms attached hereto, commencing September 1, 2011 and ending December 31, 2011. 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 Milltown
- b. David A. Clark, Borough Attorney
- c. Darren Doran, Animal Control Office

ORDINANCE # 2011 - 14

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$25,000.00 FOR THE PURPOSE OF FUNDING THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE BOROUGH'S TAX ASSESSOR IN ESTABLISHING A UNIFORM SCHEDULE OF VALUES FOR EQUALIZATION OF THE REAL PROPERTY LOCATED WITHIN THE BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for preparation and execution of a complete program of revaluation of real property for the use of the local tax assessor; and

WHEREAS, the Borough of Helmetta, in the County of Middlesex, New Jersey (the "Borough") has determined to undertake the preparation of a complete program of revaluation of real property for the use of its tax assessor in establishing a uniform schedule of values for equalization of the real property located within the Borough; and

WHEREAS, the Borough has determined that it is necessary to authorize a special emergency appropriation, as permitted under N.J.S.A. 40A:4-53, in order to provide adequate funds for the awarding of a contract for the preparation and execution of a complete program of revaluation of real property within the Borough; and

WHEREAS, the estimated cost of preparing and executing a complete program of revaluation of real property within the Borough is \$25,000.00.

NOW, THEREFORE, be it ordained by the Borough Council of the Borough Of Helmetta, in the County of Middlesex, New Jersey, as follows:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$25,000 is hereby appropriated for the preparation and execution of a complete program of revaluation of real property for the use of the Borough's tax assessor, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance and as provided in N.J.S.A. 40A:4-55.

Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

ORDINANCE # 2011 - 15

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE BOROUGH OF HELMETTA, ENTITLED "POLICE DEPARTMENT"

WHEREAS, the Borough Code of the Borough of Helmetta (the "Borough") currently contains Chapter 13, entitled "Police Department" which establishes and governs the Police Department within the Borough; and

WHEREAS, the Borough desires to amend Chapter 13 (Police Department) of the Code in order to re-allocate certain duties between the Police Director and the chief law enforcement officer of the Borough Police Department; and

WHEREAS, the Borough further desires to supplement Chapter 13 of the Code in order to permit members of the Police Department, during their off-duty hours, to engage in certain extra duty police-related activities for private persons or entities under specified circumstances; and

WHEREAS, the goal of said ordinance is to allow the Police Department to run in a more efficient and orderly manner to serve the residents and guests of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Helmetta that Chapter 13 of the Borough Code entitled, "Police Department" is hereby amended as follows (additions underscored, deletions struck-through):

1. Chapter 13, Section 5 (Sergeants) shall be amended as follows:

13-5. Sergeants.

There shall be within the Police Department of the Borough of Helmetta, a maximum of ~~one (1)~~ two (2) Sergeants to properly maintain the efficiency of the Police Department. The Sergeants shall be assigned by the Police Director to supervise all personnel as assigned by the Police Director and shall promote, enforce and abide by the rules and regulations of the Police Department of the Borough of Helmetta.

- A. Each Sergeant shall have and exercise the following authority and perform the following duties:

- (1) He or she, if so designated by the Director, shall be next in command to the Police Director and, in the case of absence or disability of the Director, shall perform all the duties of the Police Director when so ordered by the Police Director. He or she shall be superior in rank to patrol officers.
- (2) It shall be his or her duty to take cognizance of any and all neglect of duty, disobedience of orders and other offenses on the part of the members of the Police Department. He or she shall also ensure the police headquarters and other property of the Police Department are kept in proper order and condition and that strict discipline is always maintained and that efficient service is performed by the Police Department.
- (3) He or she shall ensure that all employees of the Police Department are properly instructed in his or her duties and assignment, and pay particular attention to the instruction of new members of the force.
- (4) He or she shall in the absence of the Director, issue such orders and give such instructions as he or she may deem necessary or proper, from time to time as to the administration and management of the Police Department.
- (5) He or she shall assist the Director in the performance of his or her duties and shall be responsible for seeing that all laws of the State of New Jersey and ordinances of the Borough are duly enforced and observed and that the public peace is maintained.
- (6) He or she shall during his or her tour of duty, in addition to the performance of the duties herein listed, exercise the authority and perform the duties of a patrol officer as far as practicable.
- (7) He or she shall communicate to the other members of the Police Department and to the special police officers assigned to active duty all specific tasks made and instructions and shall require the prompt performance thereof and compliance therewith. Moreover, he or she shall communicate and effectuate the policies and procedures developed and formulated by the Police Director and shall require the prompt performance thereof and compliance therewith by all police personnel.
- (8) He or she shall observe the work of all other members of the Police Department and shall report such observations to the Police Director. He or she shall criticize constructively the work of individual officers and give such instruction and direction as may be appropriate to improve the efficiency of their work.

- (9) He or she shall supervise and direct patrol officers in the proper administration of their duties and shall be responsible to the Director for the proper performance of their duties.
- (10) He or she shall be responsible for providing reports to the Police Director regarding the day-to-day operations of the police force.

2. Chapter 13, Section 18 (Police Director) shall be amended as follows:

13-18. Police Director.

- A. a. ~~The Police Director, who shall be appointed and supervised by the Public Safety Committee, shall serve as the executive of the Police Department.~~
- B. b. The Police Director shall receive an annual salary/stipend as established by the Council in accordance with applicable laws.
- C. c. ~~The Police Director shall serve as the active administrative and executive officer of the Police Department and shall command the Department. be responsible for the police department's efficiency and day to day operations and shall carry out the powers and duties established under N.J.S.A. 40A:14-118 and in accordance with applicable case law and the Attorney General guidelines and directives.~~
- D. d. The Police Director shall be the person to whom the Sergeants shall directly report to.
- E. e. The Police Director shall determine policy and direction for the Police Department.
- F. f. The Police Director shall provide monthly reports to the Public Safety Committee concerning the state of the Police Department.
- G. g. The Police Director shall issue special emergency directives, as necessary, to protect the health, safety and welfare of the Borough in an emergency.
- H. h. The Police Director shall receive daily reports or other periodic reports, as designated by the Police Director from the Sergeants.
- I. i. The Police Director shall designate the Sergeants responsible for performing the Police Director duties when the Police Director is absent.
- J. The Police Director by written order, subject to the approval of the Public Safety Committee, shall establish such bureaus, divisions and services as may be required for the proper functioning of the Police Department's work. The Director shall have the power to establish the respective duties and responsibilities for all members of the Police Department and to require them to perform the same.

3. Add New Section, Chapter 13-19 "Special Duty Assignments."

§ 13-19. Special duty assignments.

- A. Statutory authority. The Attorney General of the State of New Jersey and the Division of Local Government Services have determined that members of a municipal Police Department may, during their off-duty hours, engage in police-related activities for private persons or entities.
- B. Definitions:
- (1) "Thirty-Party Assignment" shall mean work performed by a sworn member of the Police Department where the member performs extra-duty police-related activities which are paid for and/or reimbursed by third parties rather than by the Borough of Helmetta.
 - (2) "Outside Employment" means work performed by a sworn member of the Police Department where the member is paid by a third party to perform non-police duties.
- C. Authorization for Third-Party Assignments. The chief law enforcement officer is hereby authorized to permit members of the Police Department, during their off-duty hours, to engage in police-related activities for third parties under the provisions of this ordinance.
- (1) Any and all Third-Party Assignments must be determined and approved by the chief law enforcement officer prior to the commencement of such employment. The chief law enforcement officer shall assign all third-party police-related activities pursuant to the Police Department policy for third-party work assignments.
 - (2) The chief law enforcement officer shall obtain such information as he deems necessary in order to make his determination as to whether to permit the requested assignment.
 - (3) The chief law enforcement officer shall be guided by the nature of the assignment and should avoid those with conflicts of interest and/or high risk of injury or which pose an unreasonable threat to the health, safety or welfare of the police officer(s) or residents of the Borough.
 - (4) The chief law enforcement officer may assign a patrol vehicle for use in performing the requested assignment if he determines that such patrol vehicle is necessary in order to properly perform the contracted duty. The chief law enforcement officer may deny assignment or use of police officer(s) or vehicles and/or impose any condition(s) or requirement(s) as he, in his sole discretion, may deem to be in the best interests of the Borough and/or the police officer(s) or public safety.

D. Nature of work. Third-Party Assignments shall be considered as a "special assignment from independent contractors" and will not be considered as a direct assignment.

- (1) Officers engaged in such Third-Party Assignments shall conform to all Police Department rules, regulations, and procedures.
- (2) In no event shall an Third-Party Assignment interfere with Borough related police assignments.
- (3) After approval of the activity by the chief law enforcement officer, the assignment of the necessary extra duty police officer(s) shall be made on a voluntary basis in accordance with a fair and reasonable system established and administered by the chief law enforcement officer.
- (4) Any law enforcement officers, when so employed by the Borough, shall be treated as an employee of the Borough provided, however, that wages earned for outside employment shall not be applied toward pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as over time.

E. Escrow accounts.

- (1) Any person or entity requesting the services of an off-duty law enforcement officer of the Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the chief law enforcement officer, and shall establish an escrow account with the Borough chief financial officer by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in this section, for the total estimated hours of service.
- (2) Prior to the chief law enforcement officer posting any request for services of off-duty law enforcement officers, the Police Director shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The chief law enforcement officer shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Borough chief financial officer. No officer shall provide any such services for more hours than those which are specified in the request for services.
- (3) In the event the funds in such an escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not

be performed or posted until additional funds have been deposited in the escrow account in the manner described above.

- (4) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- F. Request for services. All requests for the services of off-duty law enforcement officers for a period of one week or longer shall be forwarded to the chief law enforcement officer for posting at least ten (10) days before such services are required.
- G. Rates of compensation; administrative fee; payment for services. Fees for the services to be rendered shall be established by resolution of the Borough Council and may be amended from time to time at the Borough Council's discretion.
- H. Insurance coverage. The Borough shall be responsible for providing all necessary insurance coverage as required by law, including, but not limited to workers' compensation, public liability and claims for damage, personal injury including death or damage to property which may arise as a result of the Borough's performance under the agreement.
- I. Indemnification. Any private person or entity requesting the services of extra-duty police officers shall indemnify the Borough for any and all damages which may arise from the officer's employment by said private person or entity.
- J. Authorization for Outside Employment. The chief law enforcement officer is hereby authorized to permit members of the Police Department, during their off-duty hours, to engage in Outside Employment wholly unrelated to the officer's full-time work for the Borough, subject to periodic re-assessment and approval by the chief law enforcement officer. The officer shall be paid directly by his employer for any authorized Outside Employment and the provisions of subsections C through I above shall not apply.

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.

BOROUGH OF HELMETTA COUNCIL

ORDINANCE # 2011 - 16

**AN ORDINANCE APPROVING AND ADOPTING AN
AMENDED REDEVELOPMENT PLAN FOR THE
HELME MILL REDEVELOPMENT AREA
PURSUANT TO N.J.S.A. 40A:12A-7**

WHEREAS, the Helme Mill Redevelopment Area has been designated as an area in need of redevelopment by the Borough of Helmetta (the "Borough") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.; and

WHEREAS, the Borough adopted a redevelopment plan governing the Helme Mill Redevelopment area (the "Redevelopment Plan") and subsequently the Borough Council amended the original plan on several occasions;

WHEREAS, the Redevelopment Plan currently requires that the Helme Mill Redevelopment Area be redeveloped through the construction of an age-restricted residential housing project; and

WHEREAS, pursuant to the N.J.S.A. 45:22A-46.3 et seq. (the "Conversion Act"), Kaplan filed an application with the Helmetta Planning Board seeking to convert its preliminary site plan approval for the redevelopment project to allow for the development of non age-restricted housing (the "Conversion Application"); and

WHEREAS, when the Helmetta Planning Board denied the Conversion Application, Kaplan filed suit challenging this denial in litigation entitled Kaplan at Helmetta, LLC v. Borough of Helmetta Planning Board, Docket No. MID-L-2068-10, Docket No. A-5772-09 (the "Litigation"); and

WHEREAS, due to the Borough's role as the redevelopment entity for this redevelopment area, the Borough sought and was granted leave to intervene as a party defendant in the Litigation; and

WHEREAS, prior to the final adjudication of the Litigation, the Borough, the Helmetta Planning Board, and Kaplan agreed to settle the Litigation based upon the terms and conditions set forth within the Settlement Agreement signed by the parties on July 13, 2011; and

WHEREAS, the Settlement Agreement requires the Borough to amend the Redevelopment Plan to allow for the development of a non age-restricted project within the redevelopment area as described more fully within the Settlement Agreement; and

WHEREAS, the Borough wishes to amend the Redevelopment Plan in order to implement the terms and conditions of the Settlement Agreement; and

WHEREAS, the Amended Redevelopment Plan has been referred to the Helmetta Planning Board pursuant to N.J.S.A. 40A:12A-7e and the Helmetta Planning Board has provided a report to the Borough Council providing the

Helmetta Planning Board's recommendations to the Amended Redevelopment Plan; and

WHEREAS, the Borough Council has determined that it is in the public interest to adopt the Amended Redevelopment Plan, as amended by the recommendations of the Helmetta Planning Board, in the form attached hereto.

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

Section 1. The Borough Council hereby adopts the Amended Redevelopment Plan attached hereto as **Exhibit A** and incorporated herein. This Amended Redevelopment Plan shall supersede all previous zoning standards and development regulations for the redevelopment area.

Section 2. The Borough Council hereby amends the zoning district map of the Borough of Helmetta to reflect the rezoning of the Helme Mill Redevelopment Area by the Amended Redevelopment Plan. The amended zoning district map is attached hereto as **Exhibit B** and incorporated herein.

Section 3. This Ordinance shall take effect upon final adoption and publication as required by law.

BE IT FURTHER ORDAINED, if any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BOROUGH OF HELMETTA COUNCIL