

September 27

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

**\* CALLING OF THE ROLL:** Peckham  
Asciolla  
Janeczek  
Karczewski  
Perez  
Smith

**\* PUBLIC PORTION**

**\* RESOLUTION # 2010 - 181 - CONSENT AGENDA**

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

**RESOLUTIONS:**

- 2010 – 173 Changing of title of Penny Danley-Gravatt amending Resolution #2010-159
- 2010 – 174 Payment to Z Brothers Concrete Contractors, Inc.
- 2010 – 175 Payment of bills
- 2010 – 176 Emergency Resolution N.J.S. 40A:4-48
- 2010 – 177 Resolution appointing Cindy Shapter and Denise Estrada Administrative Clerks  
and/or Recreation Staff as needed
- 2010 – 178 Resolution of the Borough of Helmetta amending Brandon Metz's Compensation  
for participation in Community Day Activities within the Borough
- 2010 – 179 Resolution of the Borough of Helmetta authorizing the extension of the Public  
Works contract with the International Brotherhood of Teamsters Local 210
- 2010 – 180 Payment to Michael V. Testa, LLC for solar design engineering

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

**\* SECOND READING OF ORDINANCES**

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.

2010 – 26 An Ordinance to amend Ordinance 40A entitled "Littering;  
Property Maintenance" in the Borough of Helmetta, County of  
Middlesex, State of New Jersey

**\* FIRST READING OF ORDINANCES**

2010 – 27 An Ordinance amending Chapter 23 ("Bicycles") of the  
Code of the Borough of Helmetta

000874

**\* UNFINISHED BUSINESS**

**\* NEW BUSINESS**

**\* CLOSED SESSION (If needed)**

**\* ADJOURNMENT**

**MEETING OF MAYOR AND COUNCIL  
SEPTEMBER 22, 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 7:04 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  
 Ascioffa - Absent  
 Janeczek – Present  
 Karczewski – Present  
 Perez – Present  
 Smith – Absent

**\* PUBLIC PORTION**

There was no one from the public who wished to speak.

**\* RESOLUTION # 2010 - 181 - CONSENT AGENDA**

Report of Municipal Clerk, Tax Collector, Utility Revenue Collector

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- 2010 – 178 Resolution of the Borough of Helmetta amending Brandon Metz's Compensation for participation in Community Day Activities within the Borough
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- 2010 – 180 Payment to Michael V. Testa, LLC for solar design engineering

	Copies	Marriage License	Recycling	Towing	Lndlr Reg	Plng Bd	Licenses
GRENNEN							
\$100.00	\$100.00				\$100.00		
LL REG	\$100.00				\$100.00		
MCMANUS	\$28.00	\$25.00	\$3.00				
MILIC	\$750.00						\$750.00
SANFORD	\$28.00	\$25.00	\$3.00				
ROSETE	\$28.00	\$25.00	\$3.00				
MCELHANEY \$28.00		\$25.00	\$3.00				
<b>TOTAL</b>	<b>\$1,062.00</b>	<b>\$100.00</b>	<b>\$12.00</b>		<b>\$200.00</b>		<b>\$750.00</b>

000375

DOG AND CAT LICENSES \$56.00

**Borough of Helmetta**

*Denise Jawidzik*

Denise Jawidzik

Tax Collector

**REPORT OF THE TAX COLLECTOR**

Month of: August, 2010

Dated: September 13, 2010

Taxes - 2009	\$ 370.17
Taxes - 2010	\$ 271,839.16
Taxes - 2011	\$ 2,331.59
Interest	\$ 701.17
Costs	
Tax search	
Return Check fee	
Search Printouts	
Duplicate Bill Fee	\$ 20.00

**ADJUSTMENTS**

2010 Tax Appeal	\$ (9,925.11)
Levy	\$ 5,036,591.06
SC/Vet duplicate	\$ (21,500.00)

Misc.

**Closing Balances**

TOTAL

\$ 275,262.09

	Debit	Credit	Net
Tax 2009	\$ 50,150.13		\$ 50,150.13
Tax 2010	\$ 2,259,926.94		\$2,259,926.94

Water/Sewer Receipts Report

August 2010

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>	
2007 Principal	\$ -	\$ -	\$ -	000376
2008 Principal	-	-	-	

2009 Principal	894.32	1,089.00	1,983.32
2010 Principal	<u>38,335.29</u>	<u>35,431.03</u>	<u>73,766.32</u>
Subtotal	39,229.61	36,520.03	75,749.64
Interest	<u>121.76</u>	<u>127.75</u>	<u>249.51</u>
Subtotal	39,351.37	36,647.78	75,999.15
Final Water Reads	20.00	-	20.00
Returned Checks	-	-	-
Payment Reversal	-	-	-
NSF Bank Fees	-	-	-
Connection Fee	-	-	-
Water Turn-on Fee	-	-	-
Transfer in from Tax	-	-	-
Transfer out	<u>-</u>	<u>-</u>	<u>-</u>
Total Deposits	<u>\$39,371.37</u>	<u>\$ 36,647.78</u>	<u>\$ 76,019.15</u>

Carol Feig  
Utility Revenue Collector

RESOLUTION  
# 2010 - 173

CHANGING OF TITLE OF PENNY DANLEY-GRAVATT  
AMENDING RESOLUTION # 2010 - 159

WHEREAS, Penny Danley-Gravatt has been appointed as Deputy Court Administrator; and

WHEREAS, it has been brought to our attention that the title of this position is incorrect;

NOW THEREFORE BE IT RESOLVED that Penny Danley-Gravatt is hereby appointed as Violations Clerk at the hourly rate of \$20.00 per hour.

RESOLUTION  
#2010 - 174

PAYMENT TO Z BROTHERS CONCRETE CONTRACTOR'S, INC.

WHEREAS, an Engineer's Certificate was received for payment to Z Brothers Concrete Contractors, Inc. in the amount of \$110,468.96, and

WHEREAS, the amount paid to them should have been \$111,211.73 ;

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NOW THEREFORE BE IT RESOLVED, that the C.F.O. is hereby authorized to pay the difference and a check be issued to Z Brothers Concrete Contractors, Inc. for the amount of \$742.77.

RESOLUTION #2010 – 175 – PAYMENT OF BILLS

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**\* Report of Mayor, Committees, Borough Attorney, Borough Engineer,  
Public Works Director**

Clmn. Perez reported on the status of our finances. Borough Engineer Jason Cline reported on the pre-construction meeting for Sutton Place. They hope to get started on July 12 and have the milling done in one day. It was stressed to them to have good communication with the residents. The sustainable grant fund application will shortly be due. Discussion was held on the realignment of John Street. Joe Kotora will be called regarding Kaplan property. Public Works Director Darren Doran gave his report and discussion ensued about watch ratcheting and how much extra water to go for – 50,000 or 25,000.

**\* Second Reading of Ordinances:**

A MOTION was made by Clmn. Peckham and Clmn. Janeczek to read Ordinances 12, 13, 14, 16, and 17 by title only. ROLL CALL: 4 – 0

**12 – An Ordinance of the Borough of Helmetta amending Chapter 40  
“Land Development”, Section 119 “Storm Drainage” in accordance  
with NJDEP updates to the Borough’s Tier A Storm water permit.**

**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: 4 - 0**

**13 – An Ordinance of the Borough of Helmetta amending Chapter 49A “Solid  
Waste” to comply with the NJDEP mandates regarding the Municipal  
Storm water regulation program.**

**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. Karczewski**

**ROLL CALL: 4 - 0**

**14 – An Ordinance amending Chapter A72 “Cable Television Franchise”  
of the Borough Code granting renewal of Municipal Consent to Comcast  
to construct, connect, operate and maintain a cable television and  
communications system in the Borough of Helmetta**

**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. Karczewski SECOND – Clmn Peckham**

**ROLL CALL: 4 - 0**

**16 – Capital Ordinance authorizing the appropriation of \$20,000 for the purchase  
of an animal control van in the Borough of Helmetta, County of Middlesex,  
State of New Jersey**

**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: 4 - 0**

**17 – Ordinance No. 2010-17 amending Capital Ordinance No. 2009-16 authorizing  
the appropriation of \$30,000 for the acquisition of a Police SUV in the Borough  
of Helmetta, County of Middlesex, State of New Jersey**

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Section 8. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

**ORDINANCE NO. 2010-17**

**ORDINANCE NO. 2010-17 AMENDING CAPITAL  
ORDINANCE NO. 2009-16 AUTHORIZING THE  
APPROPRIATION OF \$30,000 FOR THE ACQUISITION  
OF A POLICE SUV IN THE BOROUGH OF HELMETTA,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**WHEREAS**, the Council of the Borough of Helmetta ("Council") desires to purchase an SUV for the Police Department; and

**WHEREAS**, the Council appropriated Thirty Thousand Dollars (\$30,000) for the acquisition; and

**WHEREAS**, additional funds are needed to complete the acquisition; and

**WHEREAS**, the Council will contribute an additional \$2,000.00 from the current fund 2010 budget to cover additional related expenses.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Borough Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey, that Ordinance 2009-16 is amended to read as follows:

Section 1. The improvements described below are hereby authorized as a general improvement to be made by the Borough of Helmetta, New Jersey.

Section 2. There is hereby appropriated for the improvements the sum of One Hundred Sixty Eight Thousand and Three Hundred Dollars (\$32,000) as follows:

A. Twenty Thousand Dollars (\$20,000.00) from Reserve for Police SUV;

B. Ten Thousand Dollars (\$10,000) from the General Capital Improvement Fund; and

C. Two Thousand Dollars (\$2,000.00) from the Current Fund 2010 Budget.

Section 3. The improvement for which this appropriation is authorized is the acquisition of an SUV for the Police Department in the Borough of Helmetta.

Section 4. The appropriation authorized above shall be funded completely from revenues received from either State and Municipal governments under grant funds already received or funds set aside for such purpose.

Section 5. The Governing Body of the Borough of Helmetta hereby certifies and assures that all of the required assurances which are necessary for such State and Municipal funding for the project have been or shall be met.

Section 6. This project will be included in the capital budget in the final adopted budget for 2010

Section 7. This Ordinance shall take effect following its advertisement, public hearing and adoption in accordance with the requirements of law.

**\* Acceptance of Minutes of May 26, 2010**

MOTION- Clmn. Peckham SECOND – Clmn. Perez

ROLL CALL: 4 - 0

**\* Acceptance of Minutes of June 7, 2010**

MOTION- Clmn. Peckham SECOND – Clmn. Perez

ROLL CALL: 4 - 0

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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: 4 - 0

15 - An Ordinance of the Borough of Helmetta, in the County of Middlesex, New Jersey, providing for various improvements and other related expenses to 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.

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. A lengthy discussion was held amongst the Mayor and Council. A MOTION was made by Clmn. Peckham and SECONDED by Clmn. Janeczek that the final vote of this ordinance be tabled until our next meeting. ROLL CALL: 4 - 0

Ordinances 18 & 19 will have their second reading at our next meeting due to Advertisement deadlines

A Special Meeting will be held on July 13 at 7:00 p.m.

\* First Reading of Ordinance

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

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. (the “LRHL”); and

WHEREAS, the Borough previously adopted a redevelopment plan governing the Helme Mill Redevelopment area (the “Redevelopment Plan”); and

WHEREAS, the Borough wishes to develop Parcel 5 of the Helme Mill Redevelopment Area as an animal shelter; and

WHEREAS, the existing Redevelopment Plan does not allow for the development of Parcel 5 with an animal shelter; and

WHEREAS, the Borough entered into an amended redevelopment agreement with Kaplan at Helmetta, LLC (“Kaplan”) terminating Kaplan’s rights and obligations as to Parcel 5 so that the Borough could redevelop Parcel 5 as an animal shelter; and

WHEREAS, the Borough Council directed the Helmetta Planning Board to prepare an amendment to the Redevelopment Plan so that an animal shelter is a permitted use on Parcel 5 and to thereafter transmit the amended Redevelopment Plan, along with any additional recommendations in accordance with N.J.S.A. 40A:12A-7, to the Borough Council; and

WHEREAS, on June 9, 2010, the Helmetta Planning Board adopted a resolution recommending that the Borough Council adopt an amended Redevelopment Plan for the Helme Mill Redevelopment Area that provides that an animal shelter is a permitted use on Parcel 5.

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

Section 1. The recommendations of the Helmetta Planning Board with regard to the amended Redevelopment Plan are hereby accepted in full.

Section 2. The Borough Council hereby finds that the amended Redevelopment

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Plan satisfies the criteria, guidelines and conditions set forth within N.J.S.A. 40A:12A-7 and the Borough Council hereby approves and adopts the amended Redevelopment Plan in the form attached hereto.

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.

MOTION – Clmn. Peckham SECOND – Clmn. Perez

ROLL CALL: 4 - 0

\* **CLOSED SESSION - RESOLUTION # 2010 – 139 – Litigation and Personnel**

MOTION – Clmn. Peckham SECOND – Clmn. Peckham

ROLL CALL: 4 – 0

A MOTION to go into Open Session was made by Clmn. Peckham and SECONDED by Clmn. Karczewski.

\* **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:57 pm.

Sandra Bohinski, RMC  
Municipal Clerk

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**WHEREAS**, an emergency has arisen in the Current Fund due to the fact obligations through December 31, 2010 as follows:

- Legal expenses were higher than anticipated due to additional services relative to developer and employment issues.
- Municipal court appropriations are not sufficient to provide for a required video system in the court. The existing system is no longer functional.

Expenditures of this magnitude were not anticipated at the time of preparation of the 2010 Budget; and

**WHEREAS**, the 2010 Current Fund Budget for the Borough of Helmetta did not provide funds adequately for the aforesaid purpose and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriations created, including the appropriation created by this resolution is \$30,000.00, of which all is for the Current Fund Budget; and

**WHEREAS**, three percent (3%) of the total operating appropriations in the Budget for 2009 was \$66,366.09 of which \$45,042.09 was for the Current Fund; and

**WHEREAS**, three percent (3%) of the total operating appropriations in the Budget for 2010 was \$68,335.71 of which \$46,132.71 was for the Current Fund; and

**NOW, THEREFORE, BE IT RESOLVED** that, in accordance with NJSA 40A:4-48 for the Current Fund Budget made as follows:

1. An Emergency Appropriation be and is hereby made for the Current Fund Budget:

**CURRENT FUND**

**8. GENERAL APPROPRIATIONS**

**(A) Operations - within "CAPS"**

**GENERAL GOVERNMENT FUNCTION**

**Legal Services:**

Other Expenses \$ 20,000.00

**PUBLIC SAFETY FUNCTION**

**Municipal Court**

Other Expenses \$ 10,000.00

**BE IT FURTHER RESOLVED** that in accordance with NJSA 40A:4-48:

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1. That said emergency appropriation shall be provided for in full in the 2011 Current Fund Budget.
2. That an "Emergency Note" not in excess of the above amounts be authorized pursuant to NJSA 40A:4- 48 and in accordance with NJSA 40A:4-51.
3. That such note shall be executed by the Borough's Chief Financial Officer, the Mayor and the Borough Clerk.
4. That said note shall be dated when issued and may be renewed from time to time and such note and renewals thereof shall be payable on or before September 22, 2011.
5. That two certified copies of this resolution be filed with the Division of Local Government Services.

**RESOLUTION  
# 2010 – 177**

**RESOLUTION APPOINTING CINDY SHAPTER AND DENISE  
ESTRADA ADMINISTRATIVE CLERKS AND/OR RECREATION  
STAFF AS NEEDED**

**WHEREAS**, Cindy Shapter and Denise Estrada are employed by the Borough of Helmetta (the "Borough") and previously served as Deputy Court Administrators, but now are no longer needed in such a capacity; and

**WHEREAS**, the Borough Council desires to transfer Cindy Shapter and Denise Estrada so that their duties shall now include that of administrative clerks and/or recreation staff, as needed, within the Borough; and

**WHEREAS**, the Borough shall pay Cindy Shapter and Denise Estrada the same salaries which they were previously receiving as Deputy Court Administrators.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Helmetta that Cindy Shapter and Denise Estrada are hereby appointed administrative clerks and/or recreation staff, as needed, in the Borough of Helmetta as of September 22, 2010.

**RESOLUTION  
# 2010 – 178**

**RESOLUTION OF THE BOROUGH OF HELMETTA AMENDING  
BRANDON METZ'S COMPENSATION FOR PARTICIPATION IN  
COMMUNITY DAY ACTIVITIES WITHIN THE BOROUGH**

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**WHEREAS**, Brandon Metz ("Mr. Metz") is an employee of the Borough of Helmetta (the "Borough") who works on Saturdays when community service and "Paint Day" activities are taking place; and

**WHEREAS**, the Borough Council had previously authorized Mr. Metz to receive overtime pay on the third Saturday of every month during "Paint Day" and hour-for-hour comp time on Saturdays when Mr. Metz assists with the community service program; and

**WHEREAS**, the Borough Council now desires to authorize Mr. Metz to receive overtime pay, rather than comp time, on Saturdays when Mr. Metz assists with the community service program.

**NOW, THEREFORE, BE IT RESOLVED** by Borough Council of the Borough of Helmetta that Brandon Metz shall receive overtime pay on Saturdays when he assists with the community service program.

**RESOLUTION  
# 2010 - 179**

**RESOLUTION OF THE BOROUGH OF HELMETTA  
AUTHORIZING THE EXTENSION OF THE PUBLIC WORKS  
CONTRACT WITH THE INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 210**

**WHEREAS**, Public Works employees of the Borough of Helmetta (the "Borough") are represented by the International Brotherhood of Teamsters Local 210 ("IBT"); and

**WHEREAS**, IBT entered into an agreement (the "Agreement") with the Borough establishing the rights and obligations of all Public Works' employees; and

**WHEREAS**, the Agreement expired on June 30, 2010; and

**WHEREAS**, IBT requested that the Borough consent to the extension of the Agreement until December 31, 2010; and

**WHEREAS**, the Borough Council believes it is in the public interest to extend the Agreement until December 31, 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Helmetta that the Mayor is hereby authorized to execute all documents necessary to effectuate the extension of the Agreement with the International Brotherhood of Teamsters Local 210 through December 31, 2010.

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

- a. International Brotherhood of Teamsters Local 210
- b. David A. Clark, Borough Attorney

**RESOLUTION  
2010 – 180**

**PAYMENT TO MICHAEL V. TESTA. LLC FOR  
SOLAR DESIGN ENGINEERING**

WHEREAS, Michael V. Testa, Architect, LLC was awarded the contract to design the animal shelter; and

WHEREAS, he is providing additional services for solar design engineering as noted in Section 3.6 additional services; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the amount of \$4,500.00 for these services;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer is hereby authorized to issue a check in the amount of \$4,500.00 to Michael V. Testa, LLC for solar design engineering.

MOTION – Clmn. Perez      SECOND – Clmn. Peckham  
ROLL CALL: 4 – 0

\* **Reports** of Mayor, Committees, Borough Attorney, Borough Engineer, Public Works  
Mayor Martin's report will come under Closed Session. The Borough Attorney had no report.  
The Borough Engineer reported on the status of the projects in the Borough. The Public Works  
Director stated that the panic alarms were installed and he awaiting RFP's for the security video  
system. Five contractors have thus picked up the bid specs for the animal shelter. The animal  
Control van will be ready for pick up next Friday.

\***SECOND READING OF ORDINANCES** (Ordinances are listed at end)  
A MOTION was made by Clmn. Peckham and SECONDED by Clmn. Janeczek to read  
Ordinance 25 and 26 by tile only. ROLL CALL: 4 – 0.  
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.  
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 TO ADOPT – Clmn. Peckham      SECOND – Clmn. Janeczek  
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

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 TO ADOPT – Cmn. Peckham SECOND – Cmn. Karczewski  
ROLL CALL: 4 - 0

**\* FIRST READING OF ORDINANCES** (Ordinance is listed at end)

2010 – 27 An Ordinance amending Chapter 23 (“Bicycles”) of the Code of the  
Borough of Helmetta

MOTION – Cmn. Karczewski SECOND – Cmn. Peckham  
ROLL CALL: 4 - 0

**RESOLUTION  
2010 – 182**

**ISSUANCE OF CHECKS TO RVV FOR PERMITS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Helmetta  
that the Chief Financial Officer is hereby authorized to issue two checks to  
RVV for permits for the animal shelter in the amount of \$975.00 and \$550.00 to  
Middlesex County Planning Board.

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

**RESOLUTION  
2010 – 183**

**APPROVAL OF LOCAL GOVERNMENT BEST PRACTICES**

BE IT RESOLVED, that the Mayor and Council has reviewed and hereby  
approves the Local Government Best Practices checklist.

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

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**\* CLOSED SESSION RESOLUTION # 184 – ATTORNEY/CLIENT,  
LITIGATION, PERSONNEL**

**MOTION – Cmn. Janeczek SECOND – Cmn. Perez**

**ROLL CALL: 4 – 0**

**The meeting was reopened to the Public.**

**\* ADJOURNMENT**

**There being no further business the meeting was adjourned.  
All were in favor.**

**ORDINANCES ON SECOND READING:**

**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

- A. 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.
- B. 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.
- C. Licenses and permits must be displayed in full view during

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the course of business.

- D. Licenses/permits must be renewed annually each calendar year.
- E. Background checks will be conducted on a biennial basis for each holder of a license or permit.
- F. 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.
- G. 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.
- I. 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.
  - 1) Name of applicant's business
  - 2) Address of applicant's business
  - 3) Telephone number of applicant's business
  - 4) Name and social security number of applicant
  - 5) Applicant's home address and telephone

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number

- 6) Date and place of applicant's birth
- 7) Place or places of residence of applicant for the preceding three (3) years.
- 8) The kind and nature of merchandise to be sold or offered for sale.
- 9) 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.
- 10) 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.

- 11) All applications must be accompanied by a signed license authorization form.
- 12) Two passport size photographs, one of which must be attached to the license.

**B. Permit application.**

- 1) Name of employer's business.
- 2) Address of employer's business.
- 3) Telephone number of employers business
- 4) Name and social security number of applicant.
- 5) Applicant's home address and telephone number.
- 6) Date and place of the applicant's birth.
- 7) Place or places of residence of the applicant for the preceding three years.
- 8) The kind and nature of merchandise to be sold or offered for sale.
- 9) Whether or not the applicant will use of 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.
- 10) 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

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the offense or convictions.

- 11) All applications for permits must be accompanied by an approved fingerprint check from the Helmetta Police Department.
- 12) All applications must be accompanied by a signed permit application release authorization form.
- 13) Two passport size photographs, one of which must be attached to the permit.

#### **Section 4. License fees**

- A. 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 21G) of this Ordinance shall be exempt.
- B. 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:
  - 1) Money order for \$30.00 payable to the New Jersey Division of State Police - SBI.
  - 2) 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.
- D. For biennial (every two (2) years) background check at renewal for those who have had an initial background check completed:
  - 1) Money order for \$18.00, payable to the New Jersey Division of State Police-SBI.
  - 2) 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

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persons to whom granted and shall not be transferable.

### **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 or for the ~~benefit of the Borough or any other person or entity.~~

### **Section 7. 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:

- 1) Mail, parcels, or packages by and in accordance with the rules of the United States Postal Service.
- 2) 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.
- 3) 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.

- 4) 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.
- 5) 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 receiving 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:

- A. Using false or fraudulent statements in obtaining such license or permit.
- B. Using false or fraudulent statements or other misrepresentations in the course of carrying on business or employment under such license or permit as applicable.
- C. 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.
- D. Any conviction of a crime or other offense which would be cause for the denial of on Initial license or permit application.

### **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.

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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**

1. There is hereby established a Do Not Drop List of residents of the Borough of Helmetta.
2. 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.
3. 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.
4. 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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ORDINANCE ON FIRST READING:

**BOROUGH OF HELMETTA**

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ORDINANCE NO. 2010 – 27

AN ORDINANCE AMENDING CHAPTER 23  
("BICYCLES") OF THE CODE OF THE BOROUGH  
OF HELMETTA

WHEREAS, pursuant to N.J.S.A. 39:4-10.1 et seq. any person under the age of 17 shall not operate or ride upon a bicycle, or operate any roller skates or skateboard unless that person is wearing a properly fitted helmet; and

WHEREAS, the Borough Council desires to amend the Borough Code of the Borough of Helmetta in order to establish that minors under the age of 17 must wear a helmet while operating self-propelled vehicles.

NOW, THEREFORE, BE IT ORDAINED, by Borough Council of the Borough of Helmetta that Chapter 23 ("Bicycles") of the Borough Code is hereby amended as follows (additions are underlined and bolded, and deletions struck-through):

1. Chapter 23 Bicycles and Self-Propelled Vehicles.
2. § 23-1. Definitions.

The term "bicycle," as used in this chapter, shall mean a device having a wheel or wheels with tires twelve (12) inches or more in diameter, connected by a frame of metal or wood, and so arranged as to be propelled by human power. The term "bicycle" as used in this chapter, shall not include children's tricycles or baby carriages.

The term "self-propelled vehicle," as used in this chapter, shall mean any wheeled device propelled solely by human power, and which shall include but is not limited to, bicycles, roller skates, roller blades, skateboards, and scooters.

3. § 23-2 and § 23-3 shall remain unchanged.
4. § 23-4 Helmets.

Any person under 17 years of age shall not operate or ride upon any self-propelled vehicle, unless that person is wearing a properly fitted and fastened helmet which meets the standards set forth in N.J.S.A. 39:4-10.1 et seq. The requirements of this section shall apply at all times while a self-propelled vehicle is being operated on any property open to the public.

5. ~~§ 23-4~~ § 23-5 Violations and penalties.

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Any person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than fifty dollars (\$50) and/or by imprisonment for not more than fifteen (15) days.

**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.

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