

**BOROUGH OF SPOTSWOOD
77 Summerhill Road
Spotswood, New Jersey**

**Regular Meeting
December 5, 2011**

The regular meeting of the Borough Council of the Borough of Spotswood was called to order by Council President Stollen at the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

ATTENDANCE

The Clerk called the roll:

Councilman Seely	Present
Councilwoman Drozd	Present
Councilman Poliseno	Present
Councilman LoSacco	Present
Council President Stollen	Present

Also present were Business Administrator Ron Fasanello, Borough Attorney Patrick Diegnan and Mayor Barlow.

NOTICE

The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in the new schedule of meetings of the Spotswood Borough Council of January 2, 2011.

The new schedule was transmitted to The Home News Tribune and Sentinel. It was filed with the Clerk of the Borough of Spotswood and posted in Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

MINUTES

Minutes of 11/02/11 regular council meeting

A motion was made by Councilman Poliseno and seconded by Councilwoman Drozd to approve the minutes of 11/02/11.

The Clerk Called the Roll:

Councilman Seely	yes
Councilwoman Drozd	yes
Councilman Poliseno	yes
Councilman LoSacco	abstain
Council President Stollen	yes and the minutes of 11/02/11 were approved.

ORDINANCE – 1ST READING – PUBLIC HEARING – DECEMBER 19, 2011

The Clerk read ordinance 2011-8 by title only

ORDINANCE 2011-8

AN ORDINANCE TO AMEND AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPOTSWOOD, 1969, AS AMENDED AND SUPPLEMENTED, 1982 AND 1986, CHAPTER XIII, UTILITIES, MORE SPECIFICALLY, SECTIONS 13-1.7, 13-5.1, 13-5.2, 13-5.3, 13-5.4.

Council President moved for Ordinance 2011-8 be passed on first reading, that it be published according to law and public hearing set. Public hearing was set for December 19, 2011. Councilwoman Drozd seconded the motion.

The Clerk called the roll:

Councilman Seely	yes
Councilwoman Drozd	yes
Councilman Poliseno	yes
Councilman LoSacco	yes
Council President Stollen	yes and the ordinance was passed on first reading.

RESOLUTIONS UNDER CONSENT AGENDA

Copies of the resolutions under consent agenda are available for perusal only on the table. Anyone desiring a copy may contact the Clerk after the meeting.

RES: 2011-127

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX
RESOLUTION AUTHORIZING
A TAX REFUND**

WHEREAS, the Borough of Spotswood has received a duplicate payment for 4th Quarter 2011 taxes in the amount of \$2,025.65 for property known as Block 85.14 Lot 11, from Green Lable Title Company and Corelogic Real Estate Tax Service, and,

WHEREAS, the payment from Corelogic Real Estate Tax Service created an overpayment on the property located at 75 Jensen Ave., Spotswood, NJ 08884 assessed to John & Lori Vento; and,

WHEREAS, John & Lori Vento has requested this overpayment be returned to them via written request dated November 10, 2011.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Spotswood, County of Middlesex that the aforementioned overpayment of \$2,025.65 be refunded to John & Lori Vento located at 75 Jensen Ave., Spotswood, NJ 08884.

CURTIS STOLLEN
COUNCIL PRESIDENT

DATED: December 5, 2011

ATTEST:

PATRICIA DESTEFANO
MUNICIPAL CLERK

AS CHIEF FINANCIAL OFFICER OF THE BOROUGH OF SPOTSWOOD, I HEREBY CERTIFY THAT FUNDS FOR THIS RESOLUTION ARE AVAILABLE FROM 2011 OVERPAYMENTS.

BARBARA PETREN
Chief Financial Officer

RES: 2011-128

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX
RESOLUTION AUTHORIZING
A TAX REFUND**

WHEREAS, the Borough of Spotswood has received payment for 4th Quarter 2011 taxes for property known as Block 85.19 Lot 18 from Corelogic Tax Service on 10/27/11 via check #420501 and wire dated 11/9/11 and;

WHEREAS, the payment from Corelogic created an overpayment on the property located at 467 Adirondack Ave., Spotswood assessed to Douglas J. & Donna M. Faulkenberry; and,

WHEREAS, Corelogic has authorized the refund be returned to their office located at 1 Corelogic Drive, Westlake, Tx 76262.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Spotswood, County of Middlesex that the aforementioned overpayment of \$1,887.50 is refunded to Corelogic, Attn: Tax Refunds 1 Corelogic Drive. DFW1-3, Westlake, TX 76262.

CURTIS STOLLEN
COUNCIL PRESIDENT

DATED: December 5, 2011

ATTEST:

PATRICIA DESTEFANO
MUNICIPAL CLERK

AS CHIEF FINANCIAL OFFICER OF THE BOROUGH OF SPOTSWOOD, I HEREBY CERTIFY THAT FUNDS FOR THIS RESOLUTION ARE AVAILABLE FROM 2011 TAX OVERPAYMENTS.

BARBARA PETREN
Chief Financial Officer

RES: 2011-129

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX**

RESOLUTION TO REFUND

POLICE OUTSIDE FEES

WHEREAS, Highway Safety Systems of 716 Whitehorse Pike, Hammonton, NJ 08037 contracted with the Borough of Spotswood Police Department to perform police outside services on August 1-2, 2011 and on October 4-6, 2011 at Devoe Ave. & Mundy Ave., Spotswood, NJ; and

WHEREAS, The Spotswood Police Department issued estimated billing for the dates mentioned in the amount of \$4,265.64 and \$4,413.16 respectively for said work; and

WHEREAS, Highway Safety Systems issued check #024175 in the amount of \$2,750.08 on July 28, 2011 and check #001178 in the amount of \$4,413.16 on October 3, 2011; and

WHEREAS, The Spotswood Police Department issued final bills to Highway Safety Systems upon completion of work totaling \$1,592.38 and \$3,383.01 respectively; and

WHEREAS, Captain Zarro of the Spotswood Police Department has confirmed all Police Outside Services are complete with Highway Safety Systems and authorized the overpayment in the amount of \$2,187.85

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Spotswood, County of Middlesex, State of New Jersey that the CFO is hereby authorized to pay the sum of \$2,187.85 for the overpayment of Police Outside Services at Devoe Ave & Mundy on August 1-2-2011 and on October 4-10-2011 respectively to Highway Safety Systems.

CURTIS STOLLEN
Council President

DATED: December 5, 2011

ATTEST:

PATRICIA DESTEFANO, RMC
MUNICIPAL CLERK

AS CHIEF FINANCIAL OFFICE OF THE BOROUGH OF SPOTSWOOD, I HEREBY CERTIFY THAT FUNDS FOR THIS RESOLUTION ARE AVAILABLE FROM THIRD PARTY LIEN REDEMPTIONS.

BARBARA PETREN
CHIEF FINANCIAL OFFICER

RES: 2011-130

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX**

**RESOLUTION TO REFUND
POLICE OUTSIDE FEES**

WHEREAS, Kleinselder of 3 AAA Drive, Hamilton, NJ 08691 contracted with the Borough of Spotswood Police Department to perform police outside services on October 25, 2011 on Main Street, Spotswood, NJ; and

WHEREAS, The Spotswood Police Department issued estimated billing for the date mentioned in the amount of \$755.53 for said work; and

WHEREAS, Kleinselder issued check #1347 in the amount of \$755.53 on October 26, 2011; and

WHEREAS, The Spotswood Police Department issued a final bill to Kleinselder upon completion of work totaling \$437.05; and

WHEREAS, Captain Zarro of the Spotswood Police Department has confirmed all Police Outside Services are complete with Kleinselder and authorized the overpayment in the amount of \$318.48; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Spotswood, County of Middlesex, State of New Jersey that the CFO is hereby authorized to pay the sum of \$318.48 for the overpayment of Police Outside Services at Main Street on October 25, 2011 to Kleinselder.

Curtis Stollen
Council President

DATED: December 5, 2011

ATTEST:

PATRICIA DESTEFANO, RMC
MUNICIPAL CLERK

AS CHIEF FINANCIAL OFFICE OF THE BOROUGH OF SPOTSWOOD, I HEREBY CERTIFY THAT FUNDS FOR THIS RESOLUTION ARE AVAILABLE FROM THIRD PARTY LIEN REDEMPTIONS.

BARBARA PETREN
CHIEF FINANCIAL OFFICER

RES: 2011-131

RES: 2011-132

RES: 2011-133

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX**

***APPROPRIATION TRANSFERS WITHIN THE 2011 BUDGET
DURING THE LAST TWO MONTHS OF THE YEAR***

WHEREAS, N.J.S.A. 40A 4-58 provides for municipalities to transfer appropriations within the current year budget during the last two months of the fiscal year; and

WHEREAS, it is necessary to transfer the following funds within the 2011 Budget to provide for appropriations through the end of the year; and

WHEREAS, the transfer is adopted by not less than 2/3 vote of full membership of the governing body of the Borough of Spotswood.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Spotswood, County of Middlesex, State of New Jersey that the Chief Financial Officer is hereby authorized in accordance with N.J.S.A. 40A:4-58 to make the following transfers within the 2011 Budget for the Borough of Spotswood.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Auditor of the Borough of Spotswood.

CURRENT FUND

FROM:

REVENUE DEPARTMENT		
SALARY & WAGES	\$ 5,000.00	
ENGINEERING	\$10,000.00	
GROUP INSURANCE	\$20,000.00	
SOLID WASTE		
SALARY & WAGES	\$10,000.00	
POLICE		
OTHER EXPENSES	\$ 5,000.00	
FIRE DEPARTMENT		
OTHER EXPENSES	\$ 5,000.00	
	TOTAL:	\$55,000.00

TO:

EMERGENCY MEDICAL SERVICES		
SALARY & WAGES	\$55,000.00	
	TOTAL:	\$55,000.00

**CURT STOLLEN
COUNCIL PRESIDENT**

DATED: December 5, 2011

ATTEST:

PATRICIA DeSTEFANO, RMC
MUNICIPAL CLERK

RES: 2011-134

RESOLUTION

WHEREAS, Clearwater Village LLC has submitted an application for the renewal of its Mobile Home Park License in accordance with Section 78-11.11 of the revised General Ordinances of the Borough of Spotswood as adopted 1969 and amended and supplemented April, 1981; and

WHEREAS, the Borough Attorney, Patrick J. Diegnan, Jr., Esq., the County Board of Health, the Borough of Spotswood Planning Board and the Building Inspector have reviewed the application with said Ordinance and have set forth no objection to its renewal; and

WHEREAS, there has been no change in ownership or interest in the property since the original license was issued, and there has been no change in the Mobile Home Park with respect to any matters set forth in the original license application of Clearwater Village LLC regarding matters submitted in support thereof; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spotswood, County of Middlesex, and State of New Jersey, that Clearwater Village LLC is hereby awarded a renewal of its Mobile Home Park License for the lands described as Block 1.01, Lot 1; Block 2, Lot 1; and Block 3, as described on the Borough of Spotswood Tax Map.

BE IT FURTHER RESOLVED that the awarding of this renewal license (for the year 2012) is granted subject to the condition that Clearwater Village LLC will continue to comply with all Borough Ordinances now in existence as they may be amended or supplemented or deleted with the calendar year of 2012.

DATED: December 5, 2011

CURTIS STOLLEN
COUNCIL PRESIDENT

ATTEST:

PATRICIA DeSTEFANO
MUNICIPAL CLERK

RES: 2011-135

RESOLUTION

A RESOLUTION OF SPOTSWOOD, NJ TO SUPPORT IN CONCEPT THE SUSTAINABLE RARITAN RIVER INITIATIVE

WHEREAS, the Raritan river is an asset to the region and to Spotswood and it would benefit the community to increase awareness and use of the River via local access points and trails; and

WHEREAS, upgrades to current river access points are desirable and the need for ongoing plans for development of future recreational uses are of value to Spotswood; and

WHEREAS, protection and preservation of habitat and biodiversity in our river ecosystem will provide recreational and natural assets to Spotswood; and

WHEREAS, the goals of restoration, rehabilitation and regeneration of compromised areas of lands in public ownership will benefit present and future residents; and

WHEREAS, best management practices for habitat enhancement in the maintenance and management of open space are available and when applied would benefit various departments of Spotswood government, and the quality of life to all Spotswood residents; and

WHEREAS, properties that are deemed brownfields because they are contaminated, abandoned or underutilized, detract from the economic vitality of active businesses, and need attention to be remediated and returned to valued uses; and

WHEREAS, practices to prevent future pollution are known and could be applied for the benefit of Spotswood management operations, and the residents of the county; and

WHEREAS, stormwater runoff is a significant contribution to flooding, solid waste and streets in Spotswood, and further damages the Raritan River, and the Raritan River Action Plan (*Reclaiming the Raritan: a Restoration and Sustainable Reuse Plan*) encourages improvements in this area; and

WHEREAS, the overall restoration and protection of the watershed area that provides water to Spotswood residents and the Raritan River should be promoted; and

WHEREAS, redevelopment needs to provide economic benefits without further damaging, and ideally restoring, the ecology of the Raritan River and Spotswood.

NOW THEREFORE, BE IT RESOLVED that Spotswood's Borough Council support in concept the Sustainable Raritan River Initiative, and work as an active member of the Raritan River Collaborative to promote efforts to restore and protect the River in accordance with the goals as outlined in the Sustainable Raritan River Action Plan.

DATED: December 5, 2011

CURTIS STOLLEN
Council President

ATTEST:

PATRICIA DeSTEFANO
Municipal Clerk

RES. 2011 -136

**BOROUGH OF SPOTSWOOD
COUNTY OF MIDDLESEX**

**RESOLUTION REQUESTING REFUND
FOR OVERPAYMENT OF
EMERGENCY MEDICAL SERVICES**

WHEREAS, Michael Adams was transported to Robert Wood Johnson University Hospital by Spotswood Emergency Medical Services; and

WHEREAS, Medicare paid the primary payment to SBE and the balance was paid by the patient along with submitting addition information for Blue Cross Blue Shield; and,

WHEREAS, Blue Cross Blue Shield paid \$80.07 to SBE towards the patients account which then created an over payment due back to the patient; and,

WHEREAS, Strategic Billing Enterprise, the third party EMS billing company for the Borough of Spotswood has verified the over payment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Borough Council of the Borough of Spotswood, County of Middlesex, State of New Jersey has authorized the Chief Financial Officer to refund Michael Adams of 20 Stuart Drive, East Brunswick, NJ in the amount of \$80.07 for the overpayment of Emergency Medical Services.

Dated: December 5, 2011

CURT STOLLEN
COUNCIL PRESIDENT

ATTEST:

PATRICIA DeSTEFANO, RMC
MUNICIPAL CLERK

RES: 2011-137

RESOLUTION

WHEREAS, United Water Services Company, 200 Old Hook Road, Harrington Park, New Jersey and the Borough of Spotswood are parties to an Agreement dated April 1, 2002, as amended (the "Services Agreement") for a comprehensive range of services for public and private water and wastewater facilities; and

WHEREAS, United Water agreed to sell certain of its operations to WhiteWater, Inc., 253 B Worcester Road, Charlton, Massachusetts, of which the Borough of Spotswood agreement was included in said sale, for which transaction was to close on or about November 30, 2011; and

WHEREAS, WhiteWater, Inc. provides a comprehensive range of services for public and private water and wastewater facilities throughout the Northeast; and

WHEREAS, United Water has agreed to assign the Services Agreement to WhiteWater, and WhiteWater has agreed to assume all the liabilities related to the Services Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Spotswood, County of Middlesex, State of New Jersey does hereby consent to the assignment as outlined in Article 12.0 General Provisions of the Services Agreement and does authorize the appropriate officials to enter into aforesaid agreement with WhiteWater, Inc., 253 B Worcester Road, Charlton, Massachusetts for the remainder of agreement with United Water and the effective date of this Assignment shall occur upon the later of the following: (a) the closing of the transaction between United Water and WhiteWater; and (b) the date The Borough of Spotswood consents to this Assignment. United Water shall promptly advise The Borough of Spotswood of the Effective Date.

DATED: December 5, 2011

CURTIS STOLLEN
Council President

ATTEST:

PATRICIA DeSTEFANO, RMC
Municipal Clerk

Councilman Seely made a motion to adopt the Resolutions on the Consent Agenda, seconded by Councilwoman Drozd.

The Clerk called the roll:

Councilman Seely	yes
Councilwoman Drozd	yes
Councilman Polisenno	yes
Councilman LoSacco	yes
Council President Stollen	yes and the resolutions under the consent agenda were adopted.

RESOLUTIONS AUTHORIZING

Paymenat of Bills

The Clerk read the following excerpt of the payment of bills:

2011-138 Payment of Bills

WHEREAS law requires listing of all bills approved for payment; and

WHEREAS certification of available funds from the Chief Municipal Finance Officer has been made; and

WHEREAS the total bill list for the regular meeting dated December 5, 2011 is in the amount of One Million, Seven Hundred Thirty Thousand, Four Hundred Seventy-two dollars and 40 cents. \$1,730,472.40

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, of the Borough of Spotswood, that the CFO is hereby authorized to pay said bill list.

DATED: December 5, 2011

CURTIS STOLLEN
Council President

ATTEST:

PATRICIA DeSTEFANO, RMC
Municipal Clerk

A motion was made by _____ Councilwoman Drozd, seconded by _____ Councilman LoSacco and the Clerk called the roll

- | | |
|---------------------------|---|
| Councilman Seely | yes with the exception of PO 1467 |
| Councilwoman Drozd | yes |
| Councilman Polisen | yes with the exception of PO 's 1173, 1441, 1623 thru 1653, 1677 & 1684 |
| Councilman LoSacco | yes |
| Council President Stollen | yes with the exception of PO 00961 and the bill list was adopted. |

DISCUSSION

Mayor and Council discussed the request from AAA Express Taxi LLC to add five (5) more vehicles to their fleet. After discussion Council has granted the addition of five (5) vehicles to AAA Express Taxi LLC.

The Clerk read the following resolution in full:

RESOLUTION AUTHORIZING

RES: 2011-139

RESOLUTION

WHEREAS, The Borough of Spotswood, County of Middlesex State of New Jersey has on their books an ordinance, Chapter 185 entitled "Taxicabs and Limousines" Article 185-4 License of taxicab owners Section A(3); and

WHEREAS, at a council meeting held on December 5, 2011 Yadira De Jesus, owner of AAA Express Taxi, LLC operating in the Borough of Spotswood, appeared requesting additional vehicles to be added to their taxicab fleet; and

WHEREAS, after questioning the owner as to how and why the additional vehicles were needed, the Borough Council granted five (5) additional vehicles; and

WHEREAS, The Spotswood Borough Council also recommended that these vehicles be licensed by the Municipal Clerk annually and inspected by the Police Department before the licenses are issued; and

NOW, THEREFORE, BE IT RESOLVED that the Spotswood Borough Council grants an additional five (5) vehicles to the fleet of AAA Express Taxi, LLC owner Yadira DeJesus, whose address is 802 Hamilton Street, Somerset, New Jersey and require that these vehicle licenses be annually renewed with the Municipal Clerk.

DATED: December 5, 2011

CURTIS STOLLEN
Council President

ATTEST:

PATRICIA DeSTEFANO, RMC
Municipal Clerk

A motion was made by Councilman Polisen to allow addition of five (5) vehicles to AAA Express, seconded by Councilman LoSacco.

The Clerk called the roll:

- | | |
|---------------------------|--|
| Councilman Seely | yes |
| Councilwoman Drozd | yes |
| Councilman Polisen | yes |
| Councilman LoSacco | yes |
| Council President Stollen | yes and resolution 2011-139 was adopted. |

OPEN TO THE PUBLIC

Councilwoman Drozd made a motion to open the meeting to the public, seconded by Councilman Seely.

The Clerk called the roll:

- Councilman Seely yes
- Councilwoman Drozd yes
- Councilman Poliseno yes
- Councilman LoSacco yes
- Council President Stollen yes and the meeting was opened to the public.

Gregory Mayes, 73 Herman Drive came in and spoke of his water problems on his street and in his house. Still has dirty water, brown water. He feels that it is taking the town too long of a time to rectify this water situation.

There are plans in the works to have the DPW and Engineer to go out to Herman Drive on Wednesday and Thursday of this week to dig up and check the pipes out running from the street into the homes, weather permitting.

There being no further business in open portion a motion was made by Councilman Seely to close the open portion, seconded by Councilwoman Drozd.

The Clerk called the roll which was unanimous, and the open portion was closed.

CLOSED SESSION

The Clerk read the following closed session resolution:

12-02-11

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Spotswood, County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of any action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
personnel
3. It is anticipated at this time that the above-stated subject matter shall be made public
When confidentiality is no longer required.
4. This resolution shall take effect immediately.

DATED: December 2, 2011

PATRICIA DeSTEFANO
Municipal Clerk

Council President Stollen made a motion to accept the closed session resolution, seconded by Councilman LoSacco.

The Clerk called the roll:

- Councilman Seely yes
- Councilwoman Drozd yes
- Councilman Poliseno yes
- Councilman LoSacco yes
- Council President Stollen yes and the closed session resolution was adopted.

There being no further business in closed session a motion was made to closed the closed and reopen the public portion of the meeting by Council President Stollen, seconded by Councilman Seely.

The Clerk called the roll which was unanimous and the meeting was reopened.

There being no further business before council, Council President Stollen made a motion to adjourn the meeting, seconded by Councilman Seely.

The Clerk call the roll which was unanimous and the meeting was adjourned at 9:30 PM.

DATED: December 2, 2011

PATRICIA DESTEFANO, RMC
Municipal Clerk

ATTEST:

CURTIS STOLLEN
Council President