

10/01/07

**BOROUGH COUNCIL
MINUTES – OCTOBER 1, 2007**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, October 1, 2007. The Meeting was called to order at 7:30 p.m. by Mayor O'Brien, followed by the Invocation given by Councilmember Vahalla and the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News and Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

Present were Councilmembers Dacey, Dyas, Grossman, Totin, Vahalla and Weber.

Also present were Mayor O'Brien, Borough Administrator Boerth, Borough Attorney Frizell, and Borough Clerk Lacina.

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, New Jersey, that the public shall be excluded from the portion of the meeting to be held on October 1, 2007 at the Borough Hall at which the following subject matter will be discussed:

PERSONNEL NEGOTIATIONS

BE IT FURTHER RESOLVED, that the discussion to be held by the Mayor and Council on such subject matter shall be disclosed to the public at the resolution of the respective matters.

Dated: October 1, 2007

On a motion made by Council President Totin, seconded by Councilmember Vahalla, the Council retired to Closed Session at 7:32 p.m.

The Council returned from Closed Session at 8:01 p.m.

PROCLAMATION – 200TH ANNIVERSARY OF BIL BUILDING

Mayor O'Brien noted the following proclamation would be presented at an Open House Celebration on October 6th:

WHEREAS, on October 6, 2007, the Borough Improvement League will celebrate the 200th Anniversary of the "Old Franklin School" which serves as the BIL Clubhouse; and

WHEREAS, the original "Franklin School" was constructed in 1807 and was Metuchen's first and only school for more than fifty years; and

WHEREAS, the original one room school house was expanded and renovated with Greek revival embellishments in 1842 and finally replaced by the "New Franklin School" on Middlesex Avenue in 1873;

WHEREAS, the Old Franklin Schoolhouse had been abandoned and had fallen into a grave state of disrepair when it was purchased by the Borough Improvement League in 1906 to be renovated as a clubhouse; and

WHEREAS, during World War I, they opened the building for recreational purposes to soldiers stationed nearby; and

10/01/07

WHEREAS, the building was awarded a certificate in 1942 attesting to its historic interests and associations by the Historic American Buildings Survey and in 1990 the building received a Determination of Eligibility for the National Register of Historic Places; and

WHEREAS, the building has been carefully maintained by the Borough Improvement League, a private non profit group dedicated to community service and the preservation of this important historic site,

NOW, THEREFORE, I. EDMUND O'BRIEN, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, do hereby extend heartfelt congratulations on the occasion of the 200th Anniversary of the Old Franklin School so faithfully maintained by the Borough Improvement League of Metuchen and wish the League every continued success in the future.

Dated: October 6, 2007

PROCLAMATION – POP WARNER RECOGNITION DAY

Mayor O'Brien then read the following proclamation:

WHEREAS, the Metuchen Pop Warner players, cheerleaders and coaches will be honored at the first **Metuchen Pop Warner Recognition Day** in conjunction with Metuchen High School on October 13, 2007; and

WHEREAS, the Metuchen Pop Warner Junior Bulldog and Cheer Club have been providing the youth of our community with the opportunity to develop their athletic skills in a fun and safe environment for the past **44** years—The program is committed to making the game of football and the sport of cheerleading a tremendous athletic, recreation and safe experience ; and

WHEREAS, the Metuchen Pop Warner Junior Bulldog and Cheer Club emphasizes commitment, respect, responsibility and scholastics, keeping a goal to keep the game free from pressure to win at all costs yet inspire the young people to achieve the ideals of sportsmanship, physical fitness and academic excellence ; and

WHEREAS, each year the Metuchen Junior Bulldogs award Gold, Silver and Bronze certificates to football players and cheerleaders who have maintained above average grades for the previous year – awarding 85% of all participants in 2006. The top academic football player and cheerleader are also honored with Scholar Athlete of the Year awards

NOW, THEREFORE, I. EDMUND O'BRIEN, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, do hereby commend the Pop Warner program, their coaching staff and the dedicated parents on their outstanding team efforts and dedication to the youth of the Borough that has brought positive recognition to Pop Warner program and the Borough of Metuchen.

Dated: October 1, 2007

APPROVAL OF THE MINUTES

On a motion made by Council President Totin, seconded by Councilmember Vahalla, the Regular Minutes of September 17, 2007 were approved.

COMMUNICATIONS **CONSENT AGENDA**

5. Receive the minutes of the following meetings:
-Parking Authority –August 21, 2007
6. Letter from the Arthritis Foundation requesting permission to hold a Jingle Bell Run/Walk on December 1, 2007 – receive and approve pending Police Department approval of route.

10/01/07

7. Letter from Diana Lunt requesting permission to hold a Block Party for Home Street on Saturday, October 13, 2007 – receive and approve.

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, Items No. 5 through No. 7 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Totin noted the minor damage made to the Library during roof repair will be corrected by the contractor with minimum disruption to the Library schedule.

Councilmember Weber noted the Parking Authority has reported that their books account for an \$80,000 increase in revenue as of July 2007 compared to the same time last year. Councilmember Weber noted the Parking Authority increased parking fees, coupled with an extraordinarily high demand, and has netted increased revenue.

Councilmember Weber also noted that local realtors have asked the Borough to consider amending their sign ordinance to allow for “Open House” signs to be placed in the right-of-way. Councilmember Weber noted these signs are usually confiscated by the Police Department and their event ends up with no advertising. Councilmember Weber stated the realtors asked if a temporary permit could be established to allow for the placement of these signs.

Mayor O’Brien noted that he had also been approached by the realtors, in this climate of poor home sales, over the same issue. Mayor O’Brien stated that he had spoken to Dotty Winhold of Prudential Realty and stated the matter would be considered by Council. However, the mayor stated Ms. Winhold was to go back to the realtors and see if their group would agree to the posting of a bond to insure the signs are removed immediately. The Mayor stated that the matter would then be brought to the Development Commission for further review and recommendation to the Council.

Councilmember Vahalla noted the Senior Citizen’s Inc. fundraiser at Kiddie Keep Well Camp would be held on October 21st.

Councilmember Vahalla thanked the Borough Planner for his presentation on the charrette for the New Street Connector in the D-1 District. Councilmember Vahalla noted the presentations were well attended and suggested having the presentation repeated at a Council meeting so that the public can see it the second time around.

Councilmember Grossman noted the Cultural Arts Commission has planned their October Jazz Fest, more information will follow at the next meeting.

Councilmember Grossman also announced the list of the new members in charge for the Police Auxiliary. Councilmember Grossman also relayed a special thank you to Angelo Donato, Jr. who suffered a stroke in 2006 and could not continue after 30+ years of service.

Councilmember Dyas noted the Fire Department will observe “Fire Prevention Week” during the week of October 7-13th. The Fire Department will host an Open House on October 12th and highlight this year’s theme – “Practice Your Escape Plan”. Councilmember Dyas also reminded the senior citizens that the Fire Department does provide smoke detectors free of charge to borough seniors.

Councilmember Dyas also noted the Fire Department volunteered 231 hours to emergencies and calls and 148 hours to drills and training during the month of September.

Councilmember Dacey had no report.

REPORTS OF OFFICERS

Mr. Frizell had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor O'Brien noted that Maser Consulting, originally scheduled to make a presentation at tonight's meeting, had been taken off the agenda after the meeting with New Jersey Department of Transportation (NJDOT) and the Federal Highway Authority. Mayor O'Brien stated while the authorities were highly approving of the concept and preliminary study, that the NJDOT asked that no public presentation of the project is made until an origin and destination study is completed by the NJDOT. The NJDOT did not want any data or schematics released before final plans are in order, at which time, the NJDOT will make any and all public presentations.

Mayor O'Brien also noted that the ordinance scheduled to be on the agenda for the parking amendment in the Central Business District had been taken off the agenda for further review by the Borough Planner and Parking Authority. The Mayor noted the ordinance was placed on the agenda in error.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Will Waldron, 23 Franklyn Place, asked if a draft ordinance was prepared.

The Mayor noted that a draft is prepared for review purposes. The ordinance would allow private parking lots or lease of parking spaces. The Mayor noted that the Borough is not sure if any available spaces exist.

Mr. Waldron asked when the review would be completed.

The Mayor stated the borough would first have to inventory available spaces before proceeding any further.

Councilmember Weber noted the Parking Authority also would like comment from the Planning Board as many resolutions have requirements for parking spaces or "developer spaces". Councilmember Weber stated the parking Authority is also concerned over the impact of competition. Councilmember Weber stated that this could encourage property owners to convert lots to parking for profit, which would result in a poor use of land.

Mayor O'Brien noted the review would take place as quickly as possible and noted that several factors such as inventory and land use impact would be carefully weighed.

Mr. Waldron asked if there would be residential preference.

The Mayor stated that currently, the Parking Authority has a "no wait" policy for residents and that would remain.

Mr. Waldron asked if there was a hierarchy for permits.

Mayor O'Brien stated there was not. Three types of permits exist : resident, non resident and developer's spaces. The developer's spaces have become problematic as the inventory has dried up, but the Parking Authority is working to rectify the situation.

Councilmember Weber noted the Parking Authority is also researching the possibility of night-time spaces (after 6p.m. until 7 a.m.) for some developer's spots that are for residential use. Several

10/01/07

options are being explored to add inventory.

Mr. Frizell noted that the parking Authority currently does a private lease from the A&P lot. However, the lot does not have a long term lease and of the Parking Authority ever lost that lease, an unreasonable waiting list could develop.

Chris Morrison, High Street asked when the 287/27 on ramp presentation would be rescheduled.

The Mayor stated the Borough had to wait for the NJDOT to conduct their necessary follow up studies, at which time the NJDOT would make the presentation.

Mr. Morrison asked if any the schematics or data were public record.

Mayor O'Brien stated the NJDOT asked that none of the information be released at this time. Once a formal presentation is made by the NJDOT, all information will be public. Mayor O'Brien reminded the residents that the study by the Borough was paid through funds awarded in a lawsuit against Edison and the Wal-Mart developer. The Mayor stated the entire project will be funded through State and Federal monies.

Hearing no further comment, the Mayor closed the public portion.

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2007-150

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Alan Fields has been elected to be a permanent member of the Washington Hose Company of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Alan Fields be and he is hereby elected, approved, and confirmed as a permanent member of the Washington Hose Company for the Fire Department of the Borough of Metuchen.

Dated: October 1, 2007

RESOLUTION NO. 2007-151

WHEREAS, there exists a need for breathing apparatus for the Fire Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A64813/A67896 ; and

WHEREAS, the maximum amount of the purchase of air packs, face pieces, cylinders and cartridge adapters, after trade in allowance for the Borough of Metuchen is \$236,107.25 and funds will be available in the 2007 capital budget and 2007 operating budget through the Federal Homeland Security Fire Department Assistance Grant as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to N.J. Fire Equipment Company, 923 N. Washington Ave, Dunellen, NJ 08812.

10/01/07

Dated: October 1, 2007

RESOLUTION NO. 2007-152

REFUND OF 2007 TAXES

WHEREAS, the following has made an overpayment of 2007 taxes,

Name	Block/Lot	Address	Amount		Year
Eichert, Jamison	85/2302 C020	3 Franklin School Way	\$517.90	Received Homestead Rebate from NJ Div of Taxation – property no longer owned by Eichert	2007

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that Jamison Eichert be refunded 2007 NJ Homestead Rebate as described, in the amount of \$517.90.

Dated: October 1, 2007

RESOLUTION NO. 2007-153

WHEREAS, the Borough of Metuchen is the owner of the following surplus equipment, which is no longer needed for public use:

<u>DEPARTMENT</u>	<u>YEAR/MAKE/MODEL</u>	<u>VIN/SERIAL #</u>	<u>MIN. BID</u>
Fire Department	1995 Ford Crown Victoria	2FALP71W5SX116891	\$ 2,500.00

WHEREAS, the Borough of Metuchen desires to authorize the sale of the above surplus equipment at public sale pursuant to N.J.S.A. 40A:11-36, to the highest bidder.

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

1. The Borough of Metuchen hereby declares the above described surplus equipment is no longer needed for public use.
2. All vehicles and equipment will be auctioned off in an "as is" condition.
3. The Borough of Metuchen, its officers and attorney are hereby authorized and directed to take any and all steps necessary to proceed with a public sale of said surplus equipment. The sale will take place **Saturday, October 20, 2007 at 10:00 a.m. at the Police Department Garage**, 501 Middlesex Avenue, Metuchen.
4. A deposit equaling 10% of the bid price in the form of cash or certified check made payable to the Borough of Metuchen, must be left for any item over \$500 with the balance to be paid within two working days.
5. The notice of the date, time and place of the public sale together with a description of surplus equipment and the conditions of sale, shall be published in The Home News, the official newspaper of the Borough of Metuchen, with the sale being held not less than seven (7) nor more than fourteen (14) days after publication of said notice. The surplus equipment will be sold on a cash basis to the highest bidder(s).
6. No limit shall be placed on the number of surplus equipment that can be purchased by any one bidder.
7. This resolution shall take effect immediately.

10/01/07

Dated: October 1, 2007

RESOLUTION NO 2007-154

TO REFUND 2006 TAXES, AND CANCEL 2007 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 195 Lot 30, assessed to Redfield Village,

WHEREAS, the assessed value changed in 2006 by a \$860,400 reduction in assessment for Block 195 Lot 30, resulting in an overpayment of taxes for 2006 of \$35,534.52,

WHEREAS, the assessed value changed in 2007 by an additional \$500,000 reduction in assessment for Block 195 Lot 30, resulting in the cancellation of 2007 taxes in the amount of \$59,585.52,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2006 and 2007 tax billings on Block 195 Lot 30 due to the successful State Tax Court Appeals including amendments, resulting in a refund to Redfield Village for 2006 taxes for \$35,534.52, and a cancellation of 2007 taxes in the amount of \$59,585.52.

Dated: October 1, 2007

RESOLUTION NO. 2007-155

WHEREAS, N.J.S.A. 40A-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a grant award in the amount of **\$8,304.00 from various grants and awards** and wishes to include this amount as a revenue with an offsetting appropriation,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Metuchen hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$8,304.00 which is now available as revenue from:

Miscellaneous Revenues - Section F:

Special Items of general Revenue Anticipated
with Prior Written Consent of the Director of
Local Government Services - Public and Private
Revenues Offset with Appropriations:

NJ DEP – Stormwater Grant	\$5,104.00
Middlesex County Cultural Arts Grant	3,200.00

BE IT FURTHER RESOLVED that a like sum of \$8,304.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by
Revenues

NJ DEP – Stormwater Grant	\$5,104.00
Middlesex County Cultural Arts Grant	3,200.00

BE IT FURTHER RESOLVED that the Borough Clerk of the Borough of Metuchen shall forward two copies of the Chapter 159 Certification Approval Form to the Director of the Division of Local Government Services.

Dated: October 1, 2007

10/01/07

On a motion made by Council President Totin, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2007-150 through No. 2007-155 were adopted.

OTHER NEW BUSINESS

BILL RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the proper warrants be drawn and all bills paid totaling \$1,230,288.39.

Dated: October 1, 2007

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

/s/ Rebecca Cuthbert, CFO

On a motion made by Council President Totin, seconded by Councilmember Dyas, with all in favor, this Resolution was adopted.

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

The Mayor opened the public hearing.

The resident from 216 University Avenue stated that they have been dealing with several issues as a result of recent construction at 212 University. The resident stated his apron was damaged along with the street in front of their home, which now pools water from the illegal sump connection at 212.

Mayor O'Brien stated the matter has been reviewed by the Borough Engineer and the Administrator and neither can find any damage.

The resident noted the problems did not exist prior to any construction. The resident noted his concern the matter would not be rectified before the developer leaves.

Mr. Boerth stated that the Borough is working with the developer to get the water problem cause by the illegal sump pump connection solved. Mr. Boerth also noted that the Borough currently has a bond on file from the developer and will not be returned until all the punch list items are completed.

Hearing no further comment, the Mayor closed the public portion.

On a motion made by Council President Totin, seconded by Councilmember Weber, the meeting was adjourned at 8:45 p.m.

BOZENA LACINA, RMC
Municipal Clerk