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**BOROUGH COUNCIL  
MINUTES – NOVEMBER 19, 2007**

**REGULAR MEETING**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, November 19, 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.

**APPROVAL OF THE MINUTES**

On a motion made by Council President Totin, seconded by Councilmember Dyas, the Regular Minutes of November 5, 2007 were approved. Councilmember Dacey abstained.

**COMMUNICATIONS  
CONSENT AGENDA**

3. Receive the minutes of the following meetings:  
-Parking Authority – September 18, 2007
4. Letter from Metuchen Chamber of Commerce requesting permission to close Main Street for Annual Tree Lighting Ceremonies – receive and approve.

On a motion made by Council President Totin, seconded by Councilmember Vahalla with all in favor, Items No.3 and No. 4 were received and/or approved.

**OTHER COMMUNICATIONS**

None.

**REPORTS OF THE COUNCILMEMBERS**

Council President Totin had no report.

Councilmember Weber noted the Recreation Commission would once again be holding a fireworks display at midnight on New Years Eve at the Pearl Street Parking lot. Councilmember Weber extended his thanks to the Metuchen Savings bank for their sponsorship of the event.

Councilmember Vahalla noted that the Metuchen High School Girls Soccer Team had won the Group 1 State Title and also offered congratulations to Fiona weeks and Elise Brevet who distinguished themselves amongst the girls cross country team.

Councilmember Grossman noted the First Aid Squad would hold their “Breakfast with Santa” on December 2<sup>nd</sup> from 8 am – 12 pm. All proceeds will directly benefit the Squad.

Councilmember Grossman noted the Cultural Arts Commission will host a Jazz Concert on December 7<sup>th</sup> featuring Jeannie Bryson daughter of the late Dizzy Gillespie. The concert will begin at 8 pm at Metuchen High School.

Councilmember Dyas had no report.

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Councilmember Dacey noted the Recreation Commission has already scheduled the date for Daddy Daughter Date Night – January 25<sup>th</sup> at the Victorian Manor. Flyers will be sent home shortly.

Councilmember Weber also noted the Chamber of Commerce will hold their annual Tree Lighting Ceremony on December 7<sup>th</sup>. The entertainment will begin at 6:30 pm on Main Street and will continue until 8:30 pm at which time the tree lighting ceremony will take place at the Borough Improvement League building.

### **REPORTS OF OFFICERS**

Mr. Frizell noted that legislation introduced to amend affordable housing laws are geared to eliminate transfer of obligations to urban towns. Mr. Frizell noted the Borough of Metuchen has always met their obligations within the confines of the borough and has never purchased credits with urban municipalities; thereby the amendments will have little to no effect on the Borough.

### **REPORT OF THE BOROUGH ADMINISTRATOR**

Mr. Boerth noted a new feature has been added to the borough's website – the video of council meetings will be available the next morning. Residents may also register to receive notices of new postings to website.

### **REPORT OF THE MAYOR**

Mayor O'Brien noted that since the last meeting the Planning Board Attorney and Borough planner have notified the Borough officials that the Class I, II and III members, all borough officials, may not vote on the Renaissance application (aka Stop & Shop property) due to conflict of interest as the Borough still owns a piece of the property in the development referred to as the "gorge".

Mr. Frizell noted the according to case law, if a municipality owns any property, no matter how small, administrative officials who sit on a board may not vote on applications. The Borough will abide by the decision and senior members of the Zoning Board of Adjustment will sit in on the application while the three officials recuse themselves from the application.

### **COMMENTS FROM THE PUBLIC**

The Mayor opened the meeting to public comment.

Hearing no comment, the Mayor closed the public portion.

### **NEW BUSINESS**

### **CONSENT AGENDA**

### **RESOLUTION NO. 2007-169**

### **TO GRANT EXEMPTION FOR DISABLED VETERAN AND TO REFUND 2007 TAXES**

**WHEREAS**, the Tax Assessor of the Borough of Metuchen has been provided sufficient proof that the owner of the property known as 77 Clive Street, Block 3, Lot 67, in the Borough of Metuchen is owned by a 100% Permanently & Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs dated October 17, 2007,

**WHEREAS**, the property owner Michael J. Garni, being determined to be totally and permanently disabled by the Department of Veteran Affairs applied to the Borough of Metuchen for the tax exemption on October 24, 2007, for Block 3, Lot 67,

**NOW THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer/Tax Collector is hereby authorized to refund the homeowner the monies already paid for the 2007 4th quarter taxes, prorated for the period of exemption in the amount of \$2,354.40.

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Dated: November 19, 2007

**RESOLUTION NO. 2007-170**

**Resolution – Refund of Sidewalk Escrow Fee #06-011 S**

**WHEREAS**, Metuchen-Edison YMCA posted \$71.00 for curb and apron escrow fees,

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Metuchen-Edison YMCA,

**NOW, THEREFORE, BE IT RESOLVED**, that Metuchen-Edison YMCA be refunded \$71.00 from the Sidewalk Inspection Escrow account.

Dated: November 19, 2007

**RESOLUTION NO. 2007-171**

**Resolution – Refund of Sidewalk Escrow Fee #07-014 S**

**WHEREAS**, Ralph Lindauer posted \$120.00 for sidewalk escrow fees,

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Ralph Lindauer,

**NOW, THEREFORE, BE IT RESOLVED**, that Ralph Lindauer be refunded \$120.00 from the Sidewalk Inspection Escrow account.

Dated: November 19, 2007

**RESOLUTION NO. 2007-172**

**Resolution – Refund of Sidewalk Escrow Fee #07-012 S**

**WHEREAS**, Jervis Lynch posted \$198.00 for sidewalk escrow fees,

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Jervis Lynch,

**NOW, THEREFORE, BE IT RESOLVED**, that Jervis Lynch be refunded \$198.00 from the Sidewalk Inspection Escrow account.

Dated: November 19, 2007

**RESOLUTION NO. 2007-173**

**WHEREAS**, bids were received by the Public Works Director on October 26, 2007 for Toro Groundmaster 7210 and a Case/IH Model DX45 Diesel Tractor for the Borough of Metuchen; and

**WHEREAS**, the Borough Council has reviewed the recommendation made by the Borough Administrator on said bids; and

**WHEREAS**, the Finance Officer has determined that sufficient funds will be available through capital funding in the amount of \$49,048.00 as evidenced by the Finance Officer's certification,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for Toro Groundmaster 7210 and a Case/IH Model DX45 Diesel Tractor be and the same is hereby awarded to Storr Tractor

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Company, 3191 Highway 22, Branchburg, NJ 09976.

**BE IT FURTHER RESOLVED**, that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for the same.

**BE IT FURTHER RESOLVED** that the certified check or bid bond of the successful bidder and the next lowest bidders:

1. Storr Tractor Company, Branchburg, NJ
2. Trenton Tractor and Equipment, Trenton, NJ

be returned upon the receipt of a fully executed contract and other required documents.

Dated: November 19, 2007

**RESOLUTION NO. 2007-174**

**WHEREAS**, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

<b>Cert #</b>	<b>Block/Lot</b>	<b>Address</b>	<b>Lienholder</b>
<b>07-00005</b>	<b>48.4/2.02 C-3B</b>	<b>160-3B Liberty St</b>	<b>American Tax Funding</b>
<b>07-00006</b>	<b>48.4/2.02 C-3C</b>	<b>160-3C Liberty St</b>	<b>Stuart Lasher</b>

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel these liens from the municipal records.

Dated: November 19, 2007

**RESOLUTION NO. 2007-175**

**WHEREAS**, the Borough of Metuchen Police Department will apply for the Municipal TDM grant from Keep Middlesex Moving;

**WHEREAS**, the objectives of the program are to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make bicycling and walking to school a safer alternative; and to facilitate planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the TDM Grant with Keep Middlesex Moving; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with Keep Middlesex Moving.

Dated: November 19, 2007

**RESOLUTION NO. 2007-176**

**WHEREAS**, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program enforcing the underage drinking laws; and

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**WHEREAS**, the Borough of Metuchen wishes to apply to the ABC for funds in connection with a project entitled Enforcing the Underage Drinking laws; and

**WHEREAS**, the Police Chief of the Borough of Metuchen has reviewed said application and finds approval thereof to be in the best interests of the Borough of Metuchen; and

**WHEREAS**, said project is a joint project between the State of New Jersey (ABC) and the Borough of Metuchen for the purposes therein described,

**NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Metuchen**

- (1) that as a matter of public policy the Police Department of the Borough of Metuchen wishes to participate with the State of New Jersey (ABC) to the greatest extent possible;
- (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the Borough of Metuchen; and
- (3) that the Chief Financial Officer will accept the funds in connection with said project from the ABC and make disbursement with said application.

Dated: November 19, 2007

**RESOLUTION NO. 2007-177**

**WHEREAS**, the Contract for the 2007 Road Program has been approved in a contract between the Mayor and Council and Phoenix Construction Services; and

**WHEREAS**, the net increase to the Borough for Change Order #1 shall not exceed \$4,479.33; and

**WHEREAS**, the Finance Officer has determined that sufficient funds are available in the capital account as evidenced by the Finance Officer's certification;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order 1.

Dated: November 19, 2007

**RESOLUTION NO. 2007-178**

**WHEREAS**, the Contract for the Central Avenue Traffic Calming Project has been approved in a contract between the Mayor and Council and Marvec Construction; and

**WHEREAS**, the net increase to the Borough for Change Order #3 shall not exceed \$5000.00; and

**WHEREAS**, the Finance Officer has determined that sufficient funds are available in the capital account as evidenced by the Finance Officer's certification;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order 3.

Dated: November 19, 2007

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**RESOLUTION No. 2007-179**

**WHEREAS**, there are unexpended balances in various 2007 appropriation accounts not required for the balance of 2007; and

**WHEREAS**, additional sums are required for the operating expenses of other Borough accounts,

**NOW, THEREFORE, BE IT RESOLVED**, that the following transfers be approved:

<b>Appropriation</b>	<b>From</b>	<b>To</b>
METV OE		500.00
Garbage & Trash OE		3,000.00
Assessor SW	3,500.00	
<b>TOTAL</b>	<b>3,500.00</b>	<b>3,500.00</b>

Dated: November 19, 2007

On a motion made by Council President Totin, seconded by Councilmember Dyas, with all in favor, the above Resolutions No. 2007-169 through No. 2007-179 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 \$2,663,8008.51.

Dated: November 19, 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 Weber, with all in favor, this Resolution was adopted.

**ORDINANCE NO. 2007-8**

Council President Totin made motion to introduce and take up on first reading Ordinance No. 2007-8 , which was seconded by Councilmember Vahalla, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2007-8            AN ORDINANCE TO AMEND THE CODE OF THE  
BOROUGH OF METUCHEN CHAPTER 20 THEREOF,  
ENTITLED FIRE DEPARTMENT.**

Council President Totin moved this Ordinance be passed on first reading, published according to law, and public hearing set down for December 3, 2007. This motion was seconded by Councilmember Vahalla.

**Roll Call Vote:**

AYES - Councilmembers Dacey, Dyas, Grossman, Vahalla, Weber and Council President Totin.

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NAYS -None.

**ORDINANCE NO. 2007-9**

Council President Totin made motion to introduce and take up on first reading Ordinance No. 2007-9, which was seconded by Councilmember Vahalla, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2007-9 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 185, ENTITLED VEHICLES AND TRAFFIC, SECTION 185-34 – HANDICAPPED PARKING , TO ADD A DESIGNATED LOCATION**

Council President Totin moved this Ordinance be passed on first reading, published according to law, and public hearing set down for December 3, 2007. This motion was seconded by Councilmember Dyas.

**Roll Call Vote:**

AYES - Councilmembers Dacey, Dyas, Grossman, Vahalla, Weber and Council President Totin.

NAYS -None.

**ORDINANCE NO. 2007-10**

Council President Totin made motion to introduce and take up on first reading Ordinance No. 2007-10 , which was seconded by Councilmember Vahalla, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2007-10 AN ORDINANCE ESTABLISHING A SCHEDULE OF CHARGES UNDER A SEWER USER ORDINANCE ADOPTED AUGUST 31, 1981.**

Council President Totin moved this Ordinance be passed on first reading, published according to law, and public hearing set down for December 3, 2007. This motion was seconded by Councilmember Vahalla.

**Roll Call Vote:**

AYES - Councilmembers Dacey, Dyas, Grossman, Vahalla, Weber and Council President Totin.

NAYS -None.

**COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY**

The Mayor opened the public hearing.

Christopher Morrison, 56 High Street, congratulated Councilmember Vahalla on his victory for mayor and thanked the democrats for a hard fought campaign.

Council President Totin offered for Mr. Morrison and Mr. Waldron to join the Council at the dais for the remaining meetings.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Totin, seconded by Councilmember Weber, the meeting was adjourned at 7:45 p.m.

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BOZENA LACINA, RMC  
Municipal Clerk