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**BOROUGH COUNCIL**  
**MINUTES - APRIL 19, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, April 19, 2010. The Meeting was called to order 7:30 p.m. by Mayor Vahalla. The Invocation was given by Councilmember Weber and followed by 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 Cammarano, Morrison, Rubin, Waldron and Weber. Councilmember Manley was absent.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Frizell, and Borough Clerk Lacina.

**AGENDA SESSION**

Mayor Vahalla questioned if the Council had any questions/comments on the agenda.

Mr. Frizell noted that Ordinance No. 2010-8 should be pulled until the next meeting as a memorandum detailing the changes was not included in the agenda packet.

Mayor Vahalla noted that the flag dedication by Specialist Glen Harlow will also be pulled from the agenda, as it will be done at the Memorial Day Parade.

Council President Cammarano requested that Resolutions No. 2010-76 and No. 2010-77 be pulled for discussion.

Council President Cammarano also noted that the Borough Police Department had been notified that due to structural issues on the Route 27 bridge, truck traffic will be temporarily detoured until construction is completed. Council President Cammarano noted the Police Chief is monitoring the situation with the New Jersey Department of Transportation (NJDOT). Council President Cammarano also noted that school buses will be allowed access, at this time.

Mayor Vahalla noted that he would contact Senator Buono and our Assembly to request a meeting with the NJDOT to discuss reimbursement of costs that the Borough will incur due to this detour.

Councilmember Weber noted the Historic Preservation Committee has received the final report and would like to make a presentation to Council during May, which is Historic Preservation Month.

Council President Cammarano requested Council consensus on the updated list of proposed budget cuts. Council President Cammarano noted that the budget needs to be introduced at the next meeting.

Mayor Vahalla noted that Borough Administrator Boerth recommended \$207,000 in cuts and raise the budget to meet the 4% CAP. The Mayor noted that the Borough is dealing with a \$1.138 million tax issue and the proposal will keep the budget under Cap and maintain services.

Councilmember Morrison questioned if the proposal to cone off a portion of the Pearl Street parking lot was investigated as far as insurance costs.

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Mr. Boerth stated that he spoke with the Parking Authority Attorney and the Middlesex County Municipal Joint Insurance Fund (MCJIF) would not permit the activity unless a professionally designed skate park was constructed. Mr. Boerth stated that a range of \$7,000-\$115,000 was given for the insurance increase for such an addition.

Councilmember Weber noted proposal was discussed at several Parking Authority meetings and the Board was not in favor of the idea. Councilmember Weber noted that the Parking Authority cited maintenance, cost and weekend special events as issues.

Councilmember Waldron noted the proposal was not for a skate park but to cordon off a section of the parking lot to allow skate boarders an area to skate.

Mr. Frizell noted that there is a standard care expected when you "invite" people for a purpose as opposed to them trespassing. Mr. Frizell stated that certain measures would need to be taken to insure safety.

### **HEALTH INSURANCE RENEWAL**

Mayor Vahalla invited forward Mike Atkinson from Insurance Design Administrators (IDA).

Mr. Boerth noted that quotes were solicited from five (5) companies and 2 proposals were received – IDA and BGIA.

Mr. Boerth noted the current policy with IDA/UF Fire Insurance Co., provided a policy with 24/12 coverage and a \$45,000 aggregating specific and \$55,000 corridor (deductibles on individual claims prior to reimbursement by the reinsurer)

Mr. Boerth noted that after thorough review of the proposals it was determined that the current carrier IDA provided a more fiscally sound proposal. The renewal would offer a \$45,000 aggregating specific and a \$65,000 corridor.

Mr. Atkinson answered a few questions from the Council.

By consensus of the Council, it was decided to continue with the current carriers as recommended by the Borough Administrator in Option #1 of the IDA proposal for renewal.

### **APPROVAL OF THE MINUTES**

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the Regular Minutes of April 5, 2010 were approved.

### **PROCLAMATION HONORING EMERGENCY SERVICES**

Mayor Vahalla invited forward the representatives from the Metuchen Police Department, Fire Department, EMS, Auxiliary Police, Office of Emergency Management and the Department of Public Works. The Mayor then read the following proclamation and presented each a copy:

**WHEREAS**, on the weekend of March 12, 2010 the Borough of Metuchen experienced a severe storm that brought high wind and heavy rains that lashed out on Middlesex County bringing flooding ,downed trees throughout the area and wreaking havoc with the borough sanitary sewer system; and

**WHEREAS**, the Borough of Metuchen emergency services teams provided a vital public service and the health, safety and comfort of this community greatly depends on those services; and

**WHEREAS**, the members of emergency services teams, whether career or volunteer, are devoted to the larger community and devote thousands of hours and considerable knowledge and skill to the protection of the residents and physical environment of the Borough of Metuchen; and

**WHEREAS**, Borough residents benefit daily from the dedicated efforts, knowledge and skills of the emergency services teams; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency services providers;

**NOW, therefore, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN** do hereby recognize and further commend the Police Department, Fire Department, Auxiliary Police, EMS, Office of Emergency Management and the Department of Public Works of Metuchen for their tireless and dedicated service to the community; your efforts have enriched us generously because a community possess no greater treasure than the dedicated service of its people.

### COMMUNICATIONS

#### CONSENT AGENDA

7. Letter from the Arthritis Foundation requesting permission to hold their Annual Jingle Bell Run/Walk on Sunday, December 5, 2010 – receive and approve pending Police Department approval of route.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Item No. 7 was received and approved.

### OTHER COMMUNICATIONS

None.

### REPORTS OF THE COUNCILMEMBERS

Council President Cammarano provided the following a Police Department report:

- As of April 1<sup>st</sup> a new law went into effect requiring motorists to stop and stay stopped while a pedestrian is in the crosswalk.
- The Department would like to remind parents that helmets are required when riding bicycles.
- Citizen's Satisfaction Survey is now available to the public. Surveys can be picked up at Borough Hall, Police Department, Police Records, the Borough's website, Library, Senior Citizen Center and senior housing on Lincoln Avenue, Metuchen Matters and MeTV. The Police Department is looking for feedback to determine if any improvements can be made to quality of life concerns and other police services.
- The Police Department urges residents to always lock their front door, even when at home or in the backyard.

Council President Cammarano reported that the NJDOT will begin work on the left hand turn arrow from Main Street onto Route 27 by June 2010.

Council President Cammarano also noted that the Traffic and Transportation representatives met with members of the Vorhees Institute Bicycle and Pedestrian Action Committee. The Committee reviewed the Main Street/Penn Avenue crosswalk and will issue a report with their recommendations.

Council President Cammarano noted the Municipal Pool is continuing their work for the season opening. Membership applications are available on-line and payments can be made with credit card.

Councilmember Weber noted the Parking Authority's current revenue reports a tracking with a slight increase over last year. Councilmember Weber noted the Authority is hopeful that an increased contribution can be made to the Borough if the trend keeps up.

Councilmember Waldron noted the Environmental Commission will be hosting the Borough's

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Earth Day Activities on April 24<sup>th</sup>. The morning clean-up will begin at 9 a.m. and will be followed by an education session at the Senior's Center.

Councilmember Waldron noted the Board of Health Free Rabies Clinic would be held on Saturday, May 8<sup>th</sup>, starting at 9 a.m. at Metuchen High School.

Councilmember Rubin noted the Shade Tree Commission expects to plant 50 trees this season. The Metuchen Arbor day celebration will be held on April 30<sup>th</sup>, in conjunction with the fourth grade at Campbell School trees will be planted on the school grounds. Councilmember Rubin noted the trees were donated by the Home Depot.

Councilmember Rubin then presented the following Chamber of Commerce report:

- Cruise Nights will begin on Wednesday, May 5<sup>th</sup> and continue every first Wednesday through September.
- The Annual Memorial Day Parade will be held on Monday, May 31<sup>st</sup> at 10 a.m.
- June Street Fair will be held on Sunday, June 6<sup>th</sup>.
- A free series of eight re-employment sessions will provide job seekers with step-by-step professional job search advice - from organizing your search, understanding your strengths, and developing a resume - to researching the market, interviewing, and negotiating your job offer. Register at [www.reemploymentseries.org](http://www.reemploymentseries.org) to take advantage of this career-building opportunity! When Monday evenings from 7:00 to 9:00 PM, starting March 22 and ending May 10, 2010.

Councilmember Morrison is looking for volunteers. Residents interested in volunteering with the Squad can provide either EMT services and/or administrative help. Donations are always welcome. Please contact Lisa Garris at the Squad.

Councilmember Morrison noted the following Cultural Arts upcoming events and programs:

- the Gallery at the Rotunda is currently featuring Kim Adlerman and Robert Stetz.
- April 30<sup>th</sup> is Open Mic at Brewed Awakenings.

Councilmember Morrison noted that volunteers are still needed for the Auxiliary Police. Interested residents may contact Councilmember Morrison, Police Chief Keane or Auxiliary Captain Dana.

### **REPORTS OF OFFICERS**

Mr. Frizell noted the owners of the Lincoln Avenue Senior Apartments have requested the Borough extend their tax abatement to 2042. Mr. Frizell recommended the extension to be in compliance with HUD regulations.

Mr. Frizell stated that the Ordinance amending the Fire Prevention code would be introduced at the next agenda.

Mr. Frizell stated that he would also have his opinion on teleconferencing ready for the next meeting.

Mr. Frizell noted that he had discussed with the Borough Planner the Borough's billboard code. Mr. Frizell noted that the United States Supreme Court has been striking down municipal ordinances. Mr. Frizell suggested the code be amended to have advice regarding signage be directed to the Planning Board through the Technical Review Committee as a minor site plan.

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

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor Vahalla noted the he had attended the budget hearings held by our District Legislative representatives. Mayor Vahalla then noted the following statement would be available online:

“Testimony Senate Committee Budget @ Middlesex County College  
on April 14, 2010 by Mayor Tom Vahalla

Thank you Senator Buono, Assemblymen Barnes and Assemblymen Diegnan for arranging this forum so we can speak frankly about the Governors’ proposed budget cuts and their effect on The Borough of Metuchen.

We in Metuchen have been frugal and judicious in our operation of the Borough and the spending of tax dollars.

Last year 2009, we asked every Borough department to help by contributing a 10 % cut in their budgets. With careful scrutiny we adopted a budget which cut our appropriations by \$517000. Still in order to maintain services we had to take advantage of the state offered pension deferral and increase taxes by 5.3 percent 4.34 points or \$83.82 per average assessed value.

This year we again cut our appropriations by \$207,000. Our mandated and statutory increases totaled \$786,104.66. We initially developed a budget with a 7.5 point 7.56 % increase to cover those costs. This equates to a \$142.50 tax increase on an average property in Metuchen valued @ \$189,966.

On March 16 the Governor announced his budget and on Friday March 19<sup>th</sup> we received the notice that our municipal aid would be cut \$372,485, a striking blow to an already thinly stretched budget.

With the additional aid cuts, and the mandated and statutory increases **Metuchen is forced** to wrestle with a **1.158 million dollar problem** on the municipal level.

The Governors plan to reduce aide in such a draconian fashion is like doing surgery with a machete.

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I agree that spending must be brought under control but passing the entire problem down to municipalities is not a workable approach or a proper solution.

This cut in aid will have a negative effect on all of the cities towns and Boroughs throughout our state. It will:

1. reduce services
2. deplete reserves
3. increase unemployment by laying off more workers
4. increase the drain on the unemployment trust fund
5. reduce state revenues .....unemployed workers do not pay taxes
6. reduce vital services being provided in our communities
7. hurt middle class and poorer families and
8. increase property taxes

These cuts will not elevate New Jersey but bring her to her knees.

Please look for alternatives to these cuts.

With the reinstatement of the millionaire’s tax and restoration of many of the cuts in state municipal and education aid. The millionaire’s tax, taxes income levels over \$430,000.

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Who is the Governor protecting?

How do I explain higher taxes and reduced services when our state government is cutting taxes for the most affluent of its residents?

My last suggestion is to explore alternate ways for funding education other than through the property tax.

Other states have done it, by transferring the funding of their schools from a property tax to sales, income or property transfer tax.

Thank you for your time and I look forward to working with you to create a stronger New Jersey and a better Metuchen."

Mayor Vahalla noted that the Senior Citizen director has offered to pay for ½ of her medical benefits after her retirement on April 30<sup>th</sup>. The Mayor noted that the Borough has extended coverage to administration with 25 years service.

The Mayor noted that the position will be offered as part-time 5 days a week from 9:00 a.m. – 2:30 p.m.

### COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Lisa Garris, Metuchen EMS President, made the following statement:

"Over the past months we have been monitoring the difficult work you have been doing in regards to managing the municipal budget.

Understanding the difficult financial position the borough is in, we declined making any additional budget requests. And, in fact, understood that we would likely be expected to absorb a 10% reduction in contribution funding as requested of other municipal agencies.

At the last council meeting the budget for our organization was discussed. A proposal was made to reduce our contribution funding by \$4000 to \$12000, bringing it back to the 2008 amount. Our insurance and utilities alone cost over \$43000 per year. \$12,000 is the level of contribution funding that our squad was receiving, without increase for well over a decade.

It is understood that our contribution is in addition to the \$26,000 proposed for the Edison EMS contract that assists with daytime coverage. This brings the total tax burden for EMS in Metuchen to about \$40k, or \$8 per Metuchen household annually, that's about 2 cents a day. If the \$4k contribution reduction is realized, Metuchen EMS would absorb the full decline for overall EMS services with a 25% decrease in our contribution money.

It was cited that Metuchen EMS is a not-for-profit corporation independent from the borough. It was also noted that municipal charters require provision of police and fire services, but not EMS. This is true. However, new jersey law does recognize the special relationship between municipalities and their independent first aid squads allowing contributions of up to \$70,000 before additional extraordinary aid. (NJSA 40:5-2)

It also allows for the purchase of first aid equipment, supplies, ambulance, rescue or other emergency vehicles and materials for use by these associations so long as title is maintained by the municipality. We only point this out to highlight the fact that our corporate function is solely for the borough's benefit and this is recognized as such by law.

Council President Cammarano, you stated it was your belief that Metuchen EMS response rate is down from the previous year. That we were only taking 40% of the calls now. It is unfair to publicly make a broad statement like that. It appears to viewers that we are missing 60% of our calls.

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The fact is, the call statistics from HQ show 43% of EMS calls come in during the hours of our committed coverage time. That is between 7 p.m. and 7 a.m. on weekdays and weekends. It is out of our control what time someone places a 911 call.

Even with our staffing issues, we were able to answer 96% of the calls that came in during our expected coverage time last year. So, Mr. Cammarano you should be applauding the squad for answering 96% of our calls during our duty hours.

At the last meeting it was mentioned that alternative solutions are being sought to how EMS is provided in Metuchen. We would hope to be part of those discussions. While our struggle with staffing issues are a reality, it is estimated that our members donated in excess of 10,000 hours last year to provide for the safety of the residents and visitors of Metuchen.

Our members have volunteered this time, attending mandatory training, community events, providing internal administrative and operational support, in addition to running ambulance calls asking for little in return. A few years ago our members agreed to forgo their stipends and return this money to assist with the daily costs of our operation.

The Governor has disbanded the EMT training fund for all continuing education expenses except initial EMT-B training and mandatory core recertification class. The additional 24 continuing education credits needed to recertify EMT must now be paid for by either our members themselves or by Metuchen EMS. Some of these classes offering specialized training for geriatric, pediatric or trauma patients can run upwards of \$250 per EMT.

We have extended invitations to the council to come down to Metuchen EMS to see what we do, but few have taken the opportunity to do so. The role and function of the emergency medical service in Metuchen is often not well understood.

Residents are often confused with how we are funded and our form of entity.

We come before you tonight so that you consider the role of Metuchen EMS with due respect for both our function and our members who are working hard to provide the best service we can with the resources we have."

Grace Shackney, 379 Middlesex Avenue, requested clarification of the proposed \$5,000 cut to the Cultural Arts budget.

Mayor Vahalla stated that the Cultural Arts budget would be cut by \$5,000. However, that \$5,000 would be returned to their budget with funds from the trust account.

Ms. Shackney asked for further clarification noting that those funds had never been available to the Cultural Arts Commission before.

Mayor Vahalla noted the trust holds money collected by Recreation through various program and event fees. The \$5,000 will be reimbursed to the Cultural Arts Commission from that fund.

Ms. Shackney questioned how the cut on paper would affect future budgets.

Mayor Vahalla stated that he could not answer that question as the Borough will have to deal with any budget shortfalls that arise.

Councilmember Waldron questioned how many trust accounts there were?

Mr. Boerth stated that he did not know and would find out.

Jim Conlon, 20 Sharon Court, wanted to make sure the public understood that teachers and public employees have made every contribution to the pension system, but the State has not made one contribution since Governor Whitman's term.

Mr. Conlon also questioned if insurance costs were recouped from the Parking Authority,

Pool Commission and Library.

Mr. Boerth stated they were.

Mr. Conlon also commented that the pavement in the Pearl Street parking lot was not suitable for skating. Mr. Conlon noted that coarse aggregate is used for parking lots, not smooth pavement like the street.

Elizabeth West, 6 Jonesdale and Chair of the Cultural Arts Commission, expressed her concern that their budget had received a greater cut than others.

Mayor Vahalla noted the Cultural Arts Commission was not receiving any cut as the full amount would be reimbursed from the trust.

Mrs. West questioned what would happen when the fund ran low or were not available for their programming.

Mayor Vahalla stated that he could not predict when the fund would run low or next year's budget situation.

Mrs. West noted that the Commission is essentially losing \$5,000 of tax payer funding to pay for their year long of programs and events.

Council President Cammarano noted that the budget is a work in progress. Council President Cammarano noted the Cultural Arts Commission has alternative funding available through the trust.

Council President Cammarano noted that the Council cannot predict next year's budget situation and stated that if the Governor imposes a 2.5% CAP then everything will need to be cut drastically.

Councilmember Rubin stated that the funds available in the trust should be used wisely and that perhaps the Commission could become self-sustaining and charge for their direct expenses for their programs and events.

Mrs. West noted that most of the events are provided free of charge. Mrs. West stated the Commission does not want to become a parasite on the trust fund and only sees this action as a disadvantage.

Councilmember Rubin noted the Commission would have to discuss their program and consider making them self-funded.

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

**NEW BUSINESS**  
**CONSENT AGENDA**

**RESOLUTION NO. 2010-72**  
**RESOLUTION - REFUND ESCROW BALANCE**

**WHEREAS**, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

**WHEREAS**, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

**WHEREAS**, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are

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complete and can be closed, and that no further billing from the professionals for these projects will be paid.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amount indicated, the following escrow balances to the depositors, as the project has been determined to be closed:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
09-856 E	473.75	Peter Hart 5 George Street
09-873 E	626.18	Gulberg Builders 329 Central Avenue

Dated: April 19, 2010

**RESOLUTION NO. 2010-73**

**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.</u>
<b>BID</b> OEM	1997 Ford Expedition	1FMFU18L4VLB21599	\$1,00.00

**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, April 24, 2010 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.

Dated: April 19, 2010

**RESOLUTION NO. 2010-74**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen that the Borough of Metuchen endorses the submission of the recycling tonnage grant application for the year **2009** to the New Jersey Department of Environmental Protection and Energy and designates Fred Hall to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Dated: April 19, 2010

**RESOLUTION NO. 2010-75**

**WHEREAS**, the Borough of Metuchen desires to participate in a grant program by submitting an application to the Graffiti Hurts Grant Program to promote address graffiti prevention,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen as follows:

- 1) The Borough of Metuchen is hereby authorized to participate in the FY 2010 Graffiti Hurts Grant Program ; 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 and in cooperation with the Graffiti Hurts Grant Program.

Dated: April 19, 2010

**RESOLUTION NO. 2010-78**

**HEALTH INSURANCE THIRD PARTY ADMINISTRATOR AND NETWORK**

**WHEREAS**, the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which shall renew effective on **May 1, 2010**; and

**WHEREAS**, this self-insurance program shall require a renewal of Insurance Design Administrators as the Third Party Administrator and the renewal of Qualcare as the Insurance Network for in-state members (Beechstreet for out-of-state members) and US Fire as Reinsurer; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen do hereby authorize the appointment of the above stated for all currently existing medical and dental programs offered for Borough employees and retirees.

Dated: April 19, 2010

**RESOLUTION NO. 2010-79**

**CANCELLATION OF 2008 AND 2009 TAX OVERPAYMENTS**

WHEREAS, the following parcels have overpayment of taxes,

Block/Lot	Address	Amount		Year
B153.1/L6 C303E	146 Newman Street	\$1,079.32	Overpayment of taxes	2008/4th qtr
B203 L32	6 James Place	\$1,813.48	Overpayment of taxes	2009/2 <sup>nd</sup> qtr
B126.5 L25	9 Lee Court	\$3,322.95	Overpayment of taxes	2009/4 <sup>th</sup> qtr

**NOW, THEREFORE, BE IT RESOLVED**, that the above listed tax overpayment balances by canceled, in the amount of \$6,215.75.

Dated: April 19, 2010

**RESOLUTION NO.2010-80**

**WHEREAS**, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

**NOW, THEREFORE BE IT RESOLVED** that the following additional temporary emergency appropriations shall be made for the year 2010, effective April 19, 2010:

Administrative & Executive	OE	10,000.00
Collection of Taxes	OE	3,500.00
METV	OE	3,000.00
Planning	S & W	2,000.00

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Zoning	OE	1,000.00
Emergency Management	OE	500.00
Fire	OE	20,000.00
Streets & Roads	OE	20,000.00
Solid Waste Collection	OE	20,000.00
Buildings & Grounds	OE	10,000.00
Sewers	OE	10,000.00
Garbage & Trash	OE	5,000.00
Solid Waste Disposal		232,000.00
Note Principal		193,900.00
	<b>TOTAL</b>	<b>530,900.00</b>
Pool	OE	60,000.00

Dated: April 19, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-72 through No. 2010-75 and No. 2010-78 through No. 2010-80 were adopted.

**PULLED FOR DISCUSSION**

**RESOLUTION NO. 2010-76**

**WHEREAS**, application has been made by HHP Enterprises, LLC., for a place-to-place transfer of Plenary Retail Consumption License #1210-33-008-007, T/A Hailey's Harp & Pub, for premises located at 400 Main Avenue, Metuchen, New Jersey 08840; and

**WHEREAS**, public notice of this transfer has been published in The Home News Tribune, Freehold, New Jersey; and

**WHEREAS**, no legally valid written objections have been received concerning said transfer; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen, that the application of HHP Enterprises, LLC., for a place-to-place transfer of Plenary Retail Consumption License #1210-33-008-007, T/A Hailey's Harp & Pub for premises heretofore located at 400 Main Avenue to extend existing premise, be and the same is hereby temporarily granted, effective April 19, 2010 according to the conditions below:

**Conditions:**

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the within permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2010.
2. The 36" rail separating the licensed area from the public sidewalk shall be maintained at All times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
3. No service shall be made in the outdoor area after 10:00 P.M. on weekdays, 11:00 P.M. on Friday and Saturday.
4. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
5. Service in the outside area shall be limited to seated customers being served food. No standing service/consumption shall be permitted.

Dated: April 19, 2010

New number: 1210-33-008-008

Council President Cammarano noted Hailey's Harp and Pub is requesting an extension of their premise to include an outdoor seating area. This extension would permit the service of alcohol outside.

Council President Cammarano noted the Council had some concerns and the conditions attached to the Resolution have addressed them.

Chris Flynn, owner Hailey's Harp & Pub, noted that he had reviewed the conditions and does agree to them.

Mr. Frizell noted that since their seating is contained on their private property and as long as the seating does not encroach onto the right of way, the Council cannot over-regulate.

Council President made motion to adopt Resolution No. 2010-76. This motion was seconded by Councilmember Weber with all in favor.

**RESOLUTION 2010-77**

**WHEREAS**, the Governor's budget message indicated that the proposed State Budget would reduce State Aid to Municipalities by more than 1 billion dollars statewide; and

**WHEREAS**, in Metuchen alone, the proposed budget would result in a reduction in State Aid to the Borough and the Metuchen Public Schools in excess of \$2 million; and

**WHEREAS**, the proposed budget would require a substantial reduction in local government and local school services, or a substantial increase in local real property taxes; and

**WHEREAS**, the Borough recognizes that extraordinary sacrifices are required to close the State Budget gap, but believes that sacrifices should be fairly distributed; and

**WHEREAS**, the Governor's proposed budget would not extend the so-called "millionaire's tax", thereby effectively providing a tax cut to those who had been subject to the tax, tax payers having an annual income in excess of \$400,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that the State Legislature of the State of New Jersey be urged to reinstate the "millionaire's tax" and to restore some of the aid to local schools and governments that was deleted or reduced in the proposed budget.

Dated: April 19, 2010

Councilmember Weber noted the Resolution was pulled to amend the language.

Council President stated the last WHEREAS, should read "reinstate" instead of "extend" and the final request is to reinstate the tax with legislation and "sign the legislation".

**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 \$851,165.19.

Dated: April 19, 2010

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 Cammarano, seconded by Councilmember Weber , with

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all in favor, this Resolution was adopted.

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

The Mayor opened the public hearing.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the meeting was adjourned at 9:20 p.m.

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BOZEN LACINA, RMC  
Municipal Clerk