

08/16/2010

BOROUGH COUNCIL
MINUTES - AUGUST 16, 2010

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, August 16, 2010. The Meeting was called to order 7:31 p.m. by Mayor Vahalla. An Invocation given by Mayor Vahalla 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, Manley, Morrison, Rubin, Waldron and Weber.

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

REPORT ON NATIONAL NIGHT OUT & YOUTH SERVICE BOARD

Irene Morris-Nann, Youth Service Board Chair, was invited forwarded by Mayor Vahalla to present a report on the 2010 National Night Out and the upcoming events of the Youth Service Board.

Ms. Nann presented the following report:

"The Metuchen Youth Service Board a Municipal Alliance is a nonprofit organization which receives a grant each year from the Governors Council on Alcohol and Drug Dependence.

Last September we developed and ran Metuchen's first annual Celebrate Recovery Community Forum where we brought together a panel from the community to discuss, Alcoholism, Addiction, treatment, resources, cost to the community and legal ramifications. The event was hugely successful and we are excited to be able make this an annual event.

In April we worked in conjunction with Solaris Health Care, and the National Association of Children of Alcoholics to present a day long event to educate local Clergy members and to present local resources to faith leaders, to help them when dealing with alcoholism and addictions within their faith communities. A follow up event is scheduled for June 16, 2010 a second follow up event is scheduled for September 30, 2010. The goal is to create on going quarterly training and education for faith leaders.

In May we worked with Judi Cheung the Student Assistance Counselor at Metuchen High School an Alliance member to bring a DUI simulator to the High School presented as part of a day long education seminar to drive home a sober driving message to High School students. The simulator clearly demonstrates the consequences of driving while under the influence of alcohol. Along with planning and partnering in the simulator we worked with our youth members and a young Artist to develop our Celebrate Sober sign campaign to put forth a strong anti drinking and driving campaign during Prom / Graduation time.

In June we ran a Magic Show at Campbell School as a fund raiser. In the past we had used a professional fundraiser, however this year we made a decision to go it on our own. The economy is tough and we wanted all money we raised to go directly to the community and to education and programming in alignment with to mission. The show was fun for all and attendance was a record high.

We just completed a collaborative effort with; the Recreation Department, Police Department, Fire Department, First Aid Squad, National Guard, a local Girl Scout Troop and the local PBA to create an exciting National Night Out celebration. The National Night Out celebration was held at Charles Field on August 5, 2010. We had a DJ, a face painter and an Italian Ice cart to make the evening festive. The Police, Fire Department First Aid squad opened the trucks, and cars for the children to see close up, children had "mug shots" taken with the Police, turned on the flashing lights in the Police cars and got to meet

08/16/2010

the police close up. The Fire Department was warm and welcoming and lowered the bucket so the kids could climb in and get their pictures taken. The First Aid Squad opened up the ambulance and explained all that they do; my eldest granddaughter can't wait to be old enough to join. The National Guard was fantastic and demonstrated through the use of golf carts and DUI simulation goggles the effect of driving while impaired. The guardsmen and women were skilled at the demonstration and passionate about the message they carry and gladly took time with everyone from tots to grandparents to share knowledge about alcohol and drugs

In September we will once again host a Recovery Month Community Forum. In October we will participate in the Country Fair and are working on another collaborative project which will include a Red Ribbon Week observance and Lock Your Meds Campaign. In November we will present a seminar geared toward parents of teens titled "Know Your Liability" to help parents to understand the serious consequences if underage drinking occurs in your home or on your property. Also in November we are working on a musical puppet show as an additional fundraiser to help us meet our cash match obligation for our grant."

Mayor Vahalla thanked Ms. Nann and all the members of the Board whose efforts help keep the borough drug-free.

Councilmember Manley also thanked Ms. Nann and noted the 2009 Recovery Event was a highly successful event that highlighted stories of Metuchen residents.

ORDINANCE NO. 2010-11

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-11.

Council President Cammarano made motion to receive and file the Affidavit, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the Ordinance by title:

ORDINANCE NO. 2010-11 AN ORDINANCE AMENDING CHAPTER 172, TAXATION TO CONFIRM, EXTEND, AND CONTINUE TAX EXEMPTION AND PROVIDE FOR PAYMENTS IN LIEU OF TAXES FOR METUCHEN SENIOR HOUSING (THE "PROJECT"), A 122 UNIT SENIOR CITIZEN PROJECT ON SITE DESCRIBED AS LOT 150, BLOCK 208 AS SHOWN ON THE OFFICIAL ASSESSMENT MAP OF THE BOROUGH OF METUCHEN, COMMONLY KNOWN AS 35 LINCOLN AVENUE.

WHEREAS, pursuant to Borough resolution dated May 15, 1978 the Project was granted a tax abatement (the "Original PILOT"), and thereafter pursuant to resolutions 98-165, and 2006-159 the Project's tax abatement was confirmed and continued;

WHEREAS, in 1999, Metuchen Associates, LLC assumed ownership/sponsorship of the Project (the "Sponsor") and the Borough, pursuant to resolution 98-165, consented to the assignment and continuation of the Original PILOT and, pursuant to resolution 2006-159, entered into a certain Agreement for Payment in Lieu of Taxes dated September, 2006;

WHEREAS, in connection with its acquisition of the Project in 1999, Metuchen Associates, LLC entered into that certain DEED RESTRICTION AND REGULATORY AGREEMENT Metuchen Senior Citizens Housing Project, HMFA #473, dated March 9, 1999, and recorded in the County Clerk's Office of the County of Middlesex, New Jersey in Book 4616, at Page 127, (the "Deed Restrictions");

WHEREAS, Whereas, Metuchen Associates, LLC has agreed that in consideration of a tax exemption to the year 2042, and of an agreement that the Borough will accept a Payment in Lieu of Taxes , that not less than 54 (20% of the total number of units, plus 29 additional units) shall be subject to the affordability controls as set forth in Paragraph 3 D (1) of the DEED RESTRICTION AND REGULATORY AGREEMENT, so that these units shall be reserved for persons of low and moderate income and for persons eligible for Federal housing vouchers, at least until the year 2042;

WHEREAS, the Project will remain subject to the requirements of the Deed Restrictions and continuation of the Pilot is material to the Project's viability; and

WHEREAS, the governing body had in the past determined, and hereby reaffirms and determines that there exists a need within the Borough for the Project.

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

Chapter 172, Taxation be amended to add:

172-10. The Project (35 Lincoln Avenue, Lot 150, Block 208) meets an existing housing need.

172-11. The Council does hereby make the determinations and findings herein contained by virtue of, pursuant to and in conformity with the requirements of the Deed Restrictions and the manner in which the Project has existed and operated since its inception and with the intent and purpose that the Department of Community Affairs, Federal Housing Administration of the Department of Housing and Urban Development and other public/private agencies, authorities and lenders overseeing or extending financing to the Project and Sponsor for the Project shall rely hereon now and in the future; and

172-12. The Council does further ordain and adopt this Ordinance for the intent and purpose that from the date of Final Adoption of this Ordinance that the Project, including both the land and improvements thereon, shall be exempt from real property taxation so long as the Deed Restrictions shall continue in effect, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the Borough in such amounts and manner as are set forth in the Agreement for Payment in Lieu of Taxes dated September 25, 2006 between Metuchen Associates, LLC and the Borough ("the September 26, 2006 PILOT"), which September 26, 2006 PILOT shall be amended to expressly state that the exemption of the Project from real property taxation and the Sponsor's obligation to make payments in lieu of taxes shall extend to and including October 31, 2042, and to further state that the Sponsor shall make payment to the Municipality in an amount equal to 6.28 percent of the Project Revenues, as defined in such restated and amended September 26, 2006 PILOT up to and including October 31, 2042.

172-13. The Council hereby authorizes and directs the Mayor of the Borough of Metuchen to execute, on behalf of the Borough, an agreement restating and amending same to extend the term of the September 25, 2006 PILOT and the grant of tax exemption upon the above stated terms, provided Metuchen Associates, LLC confirms its concurrence that not less than 63 units shall be reserved as set forth above.

- All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistency only.
- This Ordinance shall take effect after final passage and publication as provided by law.

The Mayor opened the public hearing on this Ordinance.

Mr. James Fries, Esq, on behalf of Metuchen Senior Associates LLC, noted the long term tax abatement helps keep the entire housing project at Lincoln Avenue a low/moderate income project. The extension of the tax abatement will ensure federal subsidies.

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

On a motion made by Council President Cammarano, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

Roll Call Vote:

AYES - Councilmembers Manley, Morrison, Rubin, Waldron, Weber and Council President Cammarano.

NAYS - None.

ABSENT - None.

AGENDA SESSION

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

Mayor Vahalla requested that the Environmental Commission prepare a Request for Proposal (RFP) for a solar energy project at the Metuchen Pool parking lot and the future Pearl Street Parking Structure. The Mayor asked that the Board of Education be contacted to inquire if they would like to be included in this project.

Councilmember Waldron noted that the Environmental Commission has looked into a solar energy program for the Borough. Many municipalities are currently operating solar projects that come at no cost to the municipality—vendors even offer incentives. Councilmember Waldron stated that the technical specifications needed for an RFP needs to be prepared by a consultant knowledgeable in the field, not by volunteer Commission members.

Councilmember Waldron also noted that the offers for no-cost solar energy programs are geared toward existing structures and the Parking Structure at Pearl Street would not be marketable as it a future project.

Council President Cammarano noted that he had suggested the Municipal Pool parking lot, after visiting the solar farm at Rutgers' University.

Councilmember Waldron noted that the vendor incentives have a time frame that needs to be met.

Mayor Vahalla noted that an RFP would help broaden the search and allow the Borough time to review the proposals.

Councilmember Manley suggested the Borough initiate 2 RFP's—one for current structures that would make a project ready to go and another for the Municipal Pool parking lot and the Pearl Street parking structure.

Mayor Vahalla noted that larger vendors will supply documents for an RFP.

08/16/2010

Councilmember Waldron also noted the Borough Engineer's firm has an energy advisory group that would be able to put together the RFP. Councilmember Waldron stated the matter would be discussed at the next Environmental Commission meeting.

Councilmember Rubin noted that the condition of the downtown sidewalks needed to be addressed. Councilmember Rubin noted the downtown sidewalks have become littered and while there is a borough ordinance to address the matter, the clean-up is not being done. Councilmember Rubin asked if the Borough could in some way assist the store owners in keeping the sidewalks clean by providing a weekly sweeping service.

Mayor Vahalla noted that the Department of Public Works (DPW) would be stressed to take on additional duties.

Mr. Boerth agreed with the Mayor and noted that if DPW takes on this task, another would have to be eliminated to balance their schedules.

Councilmember Manley noted that the Borough receives a Clean Communities grant and questioned if those funds could be used to hire a part-time employee specifically for the purpose of downtown clean-up. Councilmember Manley noted that community programs such as ARC (Association for Retarded Citizens) look to provide manpower for such jobs.

Council President Cammarano also questioned if the Parking Authority sweeper would be able to provide the service.

Councilmember Weber stated that he would inquire at the next meeting of the Parking Authority later this week.

Councilmember Morrison noted that other businesses in town, beyond downtown Main Street, have the same problem and questioned how the same service could be extended to them. Councilmember Morrison questioned if the service could be fee based.

Council President Cammarano noted that the Borough could not charge a service fee without establishing a Business Improvement District or a Special Improvement District.

Hearing no further comment on the agenda, Council President Cammarano made motion to adjourn the agenda session. This motion was seconded by Councilmember Weber, with all in favor.

Council President Cammarano then made motion to retire to Closed Session. This motion was seconded by Councilmember Weber, with all in favor.

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 2010 at the Borough Hall at which the following subject matter will be discussed:

PERSONELL

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: August 16, 2010

The Council returned to Open Session at 9:00 p.m. Council President Cammarano made motion to take a five (5) minutes recess. This motion was seconded by Councilmember with all in favor.

The Council returned to the Regular meeting at 9:05 p.m.

Council President Cammarano made motion to re-open the Agenda Session to add a Resolution to the new Business Consent Agenda. This motion was seconded by Councilmember Manley, with all in favor.

Mr. Frizell read the following resolution into record:

GRANTING LEAVE OF ABSENCE WITH PAY TO DIANA YASHINSKI

WHEREAS, on July 13, 2010, Diana Yashinski requested 40 additional days of leave of absence, based on illness; and

WHEREAS, THE Council has considered this request within the limitations of the Collective Bargaining Agreement and the fiscal conditions of the borough in the current year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen, that Diana yashinski be granted a leave of absence with half pay for a period of forty days.

Council President Cammarano noted the Resolution would be number 2010-127. Council President Cammarano made motion to amend the agenda to include Resolution No. 2010-127. This motion was seconded by Councilmember Weber with all in favor.

Council President Cammarano made motion to return to the regular agenda. This motion was seconded by Councilmember Morrison, with all in favor.

ORDINANCE NO. 2010-15

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-15.

Council President Cammarano made motion to receive and file the Affidavit, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the Ordinance by title:

**ORDINANCE NO. 2010-15 AN ORDINANCE AMENDING CHAPTER 37
ENTITLED "POLICE DEPARTMENT", BY THE
MAYOR AND COUNCIL OF THE BOROUGH OF
METUCHEN, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH
OF METUCHEN AS FOLLOWS:**

Section 1. Chapter 37 entitled "Police Department" shall be amended as follows.

Section 2. Chapter 37-5, section B, shall be deleted in its entirety:

- B. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month and make such other reports as may be requested by such authority. As used in this section "appropriate authority" shall mean the Police Commissioner defined by § 37-2 or the Mayor or Borough Administrator to the extent and for the purposes authorized by a resolution of the Municipal Council. Nothing herein contained shall prevent the appointment by the

08/16/2010

governing body of such committees or commissions as shall be necessary to conduct investigations of the operation of the police force, which committees or commissions shall have such powers of inquiry as the governing body deems necessary to conduct any such hearing or investigation as authorized by law.

Section 3. Chapter 37-5 section B, shall be replaced with the following and section C shall be added:

- B. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month and make such other reports as may be requested by such authority. The Borough Administrator is designated as the Appropriate Authority for all matters relating to the police function. Upon recommendation of the Chief of Police, the Borough Administrator shall, from time to time, adopt, revise and amend the rules and regulations for the government of the Police Department and for the discipline of its members.
- C. Nothing herein contained shall prevent the appointment by the governing body of such committees or commissions as shall be necessary to conduct investigations of the operation of the police force, which committees or commissions shall have such powers of inquiry as the governing body deems necessary to conduct any such hearing or investigation as authorized by law.

Section 4. Chapter 37-7 shall be modified as follows:

The control and discipline of the Police Department of the Borough and of all its members shall be vested in the Chief of Police. He or she shall have the power to enforce all the rules and regulations provided by this chapter and any general and special orders which he or she may promulgate from time to time. He or she shall enforce these rules and punish their violation by reprimand or suspension from duty without pay not to exceed five day. Should the Chief of Police deem a violation to be of a sufficiently flagrant nature, he or she shall confer with the Appropriate Authority with reference to the filing of charges.

Deleted: .

Section 5. Chapter 37-11 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 6. Chapter 37-16 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 7. Chapter 37-18 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 8. Chapter 37-19 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 9. Chapter 37-21 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 10. Chapter 37-22 shall be modified as follows:

The Chief of Police shall establish such general orders for the regulation of the Police Department not inconsistent with the rules and regulations adopted by the appropriate authority

08/16/2010

Section 11. Chapter 37-23 shall be modified eliminating Mayor and Borough Council and Police Commissioner, and replacing them with Appropriate Authority.

Section 12. Chapter 37-26 shall be eliminated in its entirety.

Section 13. Chapter 37-27 shall be modified replacing Borough Council with Appropriate Authority.

Section 14. Chapter 37-28 shall be modified replacing Police Commissioner with Appropriate Authority.

Section 15. Chapter 37-30 shall be eliminated in its entirety.

Section 16. Article III will be renamed Superior Officers of the Police Department.

Section 17. Chapter 37-38 through Chapter 37-87 shall be eliminated in their entirety.

Section 18. Chapter 37-88 shall be eliminated in its entirety.

Section 19. Chapter 37-88 shall be replaced with the following:

Any member of the Police Department may be suspended, removed, fined or reduced from his or her office or employment therein for just cause only after written charges of the cause of complaint shall have been preferred against such employee of the Police Department, signed by the person making such charges, filed in the Office of the Chief of Police, and served upon the member charged. The member charged may request a hearing on the charges and will receive an opportunity to make his or her defense, if any he or she has, or chooses to make, as provided by law; provided, however, that for any dereliction of duty by a member of the Police Department for which a penalty less than suspension, removal, fine, or reduction from office or employment, as may be appropriate, the Chief of Police may impose such appropriate penalty. The Borough Administrator, or his or her designee, shall sit as Hearing Officer for the Borough on any complaint against a permanent member of the Police Department charging a violation of N.J.S.A. 40A:14-147 or violation of the Internal Rules and Regulations of the Police Department and on which is sought a suspension, removal, fine or demotion. In the event the Borough Administrator does not act as Hearing Officer, the individual so designated to hear the disciplinary matter shall, at the conclusion of the hearing, forward his/her findings and recommendations to the Borough Administrator who shall make the final determination. The Borough Administrator's decision shall be reviewable only as provided by N.J.S.A. 40A:14-150, as amended from time to time. In the event an individual not employed by the Borough is considered by the Borough Administrator to act as the Hearing Officer, the alternate Hearing Officer shall be appointed by the Borough Council.

Section 20. Chapter 37-90 shall be eliminated in its entirety.

Section 21. Chapter 37-90 shall be replaced with the following:

Each member and employee of the Police Department shall be presented with a printed or typewritten copy of the rules and regulations adopted by the appropriate authority. Any neglect or failure by any member or

08/16/2010

employee of the Police Department to carry out each and every rule and regulation shall be held to be sufficient cause for discipline and ignorance of the rule is no defense.

Section 22. Chapter 37-105, Section C shall be modified as follows:

- C. This Part III is not applicable to outside employment in fields unrelated to police work, such as landscaping, electrical, radio repair, umpiring, consulting, etc., where the employee's law enforcement skills will not be required. However, police officers remain held to the high standard of good conduct and duty bound to the rules and regulations, where appropriate, while off duty.

Section 23. Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 24. Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any inconsistencies.

Section 25. Effective Date.

This Ordinance shall become effective immediately after publication in the manner provided by law.

The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

Roll Call Vote:

AYES - Councilmembers Manley, Morrison, Rubin, Waldron, Weber and Council President Cammarano.

NAYS - None.

ABSENT - None.

ORDINANCE NO. 2010-16

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-16.

Council President Cammarano made motion to receive and file the Affidavit, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the Ordinance by title:

ORDINANCE NO. 2010-16

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 137 THEREOF, ENTITLED PRECIOUS METALS AND GEMS.

BE IT ORDAINED, by the Municipal Council of the Borough of Metuchen that the Code of the Borough of Metuchen, Chapter 137, entitled "Precious Metals and Gems" is hereby amended to include the following sections 137-6 Inspections and 137-7 Prohibitions and to renumber the remainder of the code accordingly:

§137-1. Written Record of purchases.

Any person, partnership or corporation in the full- or part-time business of purchasing gold, silver, precious metals and gems in the Borough of Metuchen shall maintain a written record of all purchases.

§137-2. Form of Record.

Said record shall be contained in a book bound with stitching, glue or other type of permanent binding and shall not be contained in any loose-leaf, spiral, insert or other type of semi permanent or temporary binding. There shall be no spaces between entries, and each entry shall be numbered in sequence.

§137-3. Data required for record.

Said record shall contain the following information:

- A. Date of sale.
- B. Name and address of seller.
- C. Detailed description of items purchased.
- D. Purchase price.

§137-4. Identity of seller.

The purchaser shall require that the seller present current, reliable identification in the form of a government issued photo identification card. The record shall reflect the nature of the identification presented.

§ 137-5. Availability of Record

The purchaser shall make the record available for inspection of any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises.

§ 137-6. Inspections

Each purchaser doing business in the Borough shall deliver to the Chief of Police the description of all items purchased or received within a seventy-two (72) hours of the completion of the transaction, on forms prescribed by the Chief of police.

§ 137-7. Prohibitions

No purchaser shall sell, melt, change the form or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made tot eh Chief of Police. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein.

§137-8. Violations and Penalties.

Any person who shall violate any provision of § 137-1 through 137-7 of this chapter or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be punished as provided in Chapter 1, General Provisions, Article 1. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

Roll Call Vote:

AYES - Councilmembers Manley, Morrison, Rubin, Waldron, Weber and Council President Cammarano.

NAYS - None.

ABSENT - None.

COMMUNICATIONS
CONSENT AGENDA

7. Receive the minutes of the following meetings:
-Parking Authority - June 15, 2010
-Traffic & Transportation - June 9, 2010

7A. Letter from Metuchen Chamber of Commerce requesting permission to hold their calendar of events for the remainder of 2010 - receive and approve.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Items No. 7 and No. 7A were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted the repairs to Woodbridge Avenue and the surrounding streets (repairs to patching done by the utility company) are in the process of being started.

Council President Cammarano thanked the New Jersey Department of Transportation (NJDOT) for their immediate attention, after concerns were raised by the Borough over the Grove Avenue bridge.

Council President Cammarano noted the Route 27 bridge replacement continues and is expected to be completed on schedule.

Council President Cammarano noted the Municipal Pool has had a great season. The beautiful weather had promoted a record number of memberships. Council President Cammarano thanked the staff, Pool Commission, Borough Administrator and Public Works Director for their efforts in a great pool season.

Council President Cammarano noted the Police Department would like to remind residents to remove any valuables from their cars and to lock their cars and homes at all times.

Councilmember Weber noted the Planning Board would be considering the following applications at their next meeting: 12 Center Street, 297 Main Street, 158 Durham Avenue

and 160 Liberty Street.

Councilmember Manley questioned the status of the Renaissance project.

Mayor Vahalla noted Middlesex County had just signed off on the project at their July 15th meeting and the application will now be forwarded to the NJDOT for their approvals.

Councilmember Waldron noted the Environmental Commission has been attempting to coordinate a Project Porchlight distribution night in Metuchen. The Commission is looking for volunteers to assist in the light bulb distribution.

Councilmember Rubin noted the Metuchen Public Library will host a live presentation of "Sherlock Holmes - The Final Problem" on August 30, 2010. there will also be a Type O Blood Drive on August 23rd between 2pm-8pm.

Councilmember Rubin noted the Senior Citizen's Center is open from 9am-2:30 pm and offers a range of services, trips, crafts, games, cards and the podiatrist. The Annual Fundraiser for Metuchen Senior's Inc. will be held at Kiddie Keep Well Camp.

Councilmember Rubin noted the Shade Tree Commission would like to remind residents to continue watering the new plantings. The Commission will be participating in this year's Country Fair.

Councilmember Rubin then presented the following upcoming Chamber of Commerce events:

- September 25th - Fall Townwide Garage Sale
- October 2nd - Annual Country Fair
- Martin & Son Jewelers will be sponsoring a Community Food Drive to help M.C.F.O.O.D.S. from now through November 24th. For every donation, you will receive a free watch battery or Jewelry Clean & Steam (1 per customer). Your help is really appreciated!
- What's The Scoop (410 Main St.) will be hosting a Blood Drive on Wednesday, August 25, from 2:00 to 8:00 pm. Every donor will receive pizza and ice cream from What's The Scoop, a ticket for a pint of beer at Hailey's Harp & Pub, and 2 Mets tickets.

Councilmember Manley questioned what the warranty was on the newly planted Borough shade trees.

Mr. Boerth stated that he believed it was a one year warranty.

Councilmember Morrison presented the following upcoming Cultural Arts Commission and Recreation Commission events:

- Rotunda Gallery: PHOTOGRAPHS FROM JAPAN --July 30, 2010 - September 29, 2010 by Metuchen photographer Kyo Morishima.
- the continuation of "Under The Stars", a free concert series: No Discipline on August 19th at 7:30, The Roadside Graves on August 25th at 7:30, and The Spidermonkeys, with post show fireworks, starting at 7:30 on September 5th. For more information, call 732-632-8502, or visit: www.metuchennj.org
- DOUBLE FEATURE UNDER THE STARS on Friday, August 27th at Charles Field (next to Myrtle Field) in Metuchen. The field opens at 7pm and the first feature, The Sword in the Stone, will begin at 8pm; The second feature, Ferris Bueller's Day Off, will begin at 9:30pm.

Councilmember Morrison also noted the Recreation Commission is hosting a bus trip to the Rockefeller Estate and Union Church on October 7th. The price of the trip is \$50. For more information, call 732-632-8502.

08/16/2010

Councilmember Morrison thanked the EMS for their services during the National Night Out celebration; Summer Concert Series and the Chamber of Commerce Cruise Nights. Residents interested in volunteering with the Squad can provide EMT services, administrative help and donations. Please contact Lisa Garris at the Squad.

Councilmember Morrison thanked the Auxiliary Police for their participation in the National Night Out celebration; Summer Concert Series and the Chamber of Commerce Cruise Nights. Volunteers are still needed. Interested residents may contact Councilmember Morrison, Police Chief Keane or Auxiliary Captain Dana .

Councilmember Manley had no report.

REPORTS OF OFFICERS

Mr. Frizell had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth noted the 2010 Road Program has been completed, other than the Orchard Avenue work.

Mr. Boerth also noted that the Elizabethtown Gas Company trenching patches will be further repaired with milling and overlay within the next few weeks.

REPORT OF THE MAYOR

Mayor Vahalla thanked the event coordinators for the August 4th Car Show that benefited Metuchen EMS and project Graduation.

The Mayor then appointed Thomas Dropa as Fire Official. Mayor Vahalla thanked William Russell for his many years of service to the Borough.

Mayor Vahalla announced that the Borough of Metuchen would be applying for the following NJDOT grants:

- Municipal Aid - Linden Avenue, requested **\$380,790.00**
- Centers of Place (South Main Street Streetscape Improvements) - requested **\$508,501.00**
- Safe Streets to Transit (Downtown Main Street Streetscape Improvements Route 27 to Woodbridge Avenue) - requested **\$912,500.00**
- Transit Village (Pearl Street Parking Structure) - **\$11,475,675.00**
- Extraordinary Aid - ad campaign for Metuchen Downtown during the Route 27 bridge closure - **\$30,000.00**

Mayor Vahalla noted the Borough is working with the County of Middlesex to standardize the speed limit along Main Street. The Mayor noted that the Borough did send the County a Resolution earlier this year requesting a lowered speed limit on South Main Street. The Borough would like to see a 25 mph speed limit the entire length of Main Street.

Mayor Vahalla thanked the Metuchen Savings Bank for their continued sponsorship of Metuchen events, especially the Labor Day Fireworks.

The Mayor then noted that the Fire Department responded to 31 alarms during the month of July and volunteered 297 hours to alarms and emergencies and 143 hours to drills and training.

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. 2010-120

WHEREAS, the County of Middlesex maintains a prosecutor's County Law Enforcement Trust Account (PCLETA) to be used, inter alai and to upgrade local law enforcements agency capabilities to have an integrated fingerprint/photograph system whereby fingerprints and photos of suspects are transferred electronically to various State and federal authorities and their respective data bases; and

WHEREAS, the County of Middlesex wishes to reimburse the Borough of Metuchen for the purchase of the photographic component (Mug Shot Camera & Software upgrade) to the existing Live-Scan Electronic Fingerprint System utilizing PCLETA funds; and

WHEREAS, the parties herein are authorized to enter into said agreement for said services :

- 1) The County shall provide a grant in the amount for \$3,640.00 for the purchase of the photographic component and software upgrade of the Live-Scan Electronic Fingerprint System utilizing PCLETA funds; and
- 2) Said grant shall be used for the purchase of the "Mug Shot Camera & Software upgrade" and for no other purpose.
- 3) The Borough will be responsible, at its sole cost and expense, for any additional upgrades to make the Borough system compatible with the photographic component as well as upkeep, repair, usage and maintenance of said equipment, including but not limited to insurance and storage. .

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to enter into an Agreement with the County of Middlesex for the "Mug Shot Camera & Software upgrade".

Dated: August 16, 2010

RESOLUTION NO. 2010-121

WHEREAS, on January 4, 2010 Resolution No. 2010-14 was adopted, awarding a Professional Services contract to David Frizell of Frizell & Samuels as Borough Attorney for the retainer sum of \$36,750 for calendar year 2010; and

WHEREAS, the amount of the original contract was incorrectly stated and the actual award should be for \$36,000 for calendar year 2010; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, that the Professional Services contract and Resolution No. 2010-14 for David Frizell of Frizell & Samuels, 450 Main Street, Metuchen NJ be amended to \$36,000.

Dated: August 16, 2010

08/16/2010

RESOLUTION NO. 2010-122

**Resolution and Agreement For State Aid
Transit Village Grant Program**

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and provides funding for non-traditional transportation-related projects to New Jersey municipalities designated as Transit Villages,

WHEREAS, the Borough of Metuchen is a designated Transit Village and desires to apply for Department Transit Village funds in order to erect a parking structure at the Pearl Street Parking Lot,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administrator and Clerk are hereby authorized to submit an electronic grant application identified as **TV-2011-Metuchen Borough-00013** to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Borough Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Dated: August 16, 2010

RESOLUTION NO 2010-123

**Resolution and Agreement For State Aid
Municipal Aid**

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and, via the Transportation Trust Fund, provides the opportunity for State assistance to local governments for the funding of road, bridge, and other transportation projects;

WHEREAS, the Borough of Metuchen desires to receive Municipal Aid in order to construct the proposed improvements along Linden Avenue, between NJ State Highway Route 27 and Christol Street, which improvements include roadway excavation and full-depth pavement reconstruction, striping, concrete curb, sidewalk and driveway improvements, upgrading drainage structures, traffic control and site restoration

NOW, THEREFORE, BE IT RESOLVED that the governing body of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Administrator and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Metuchen Borough - 00346 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Dated: August 16, 2010

RESOLUTION NO. 2010-124

**Resolution and Agreement For State Aid
Safe Streets to Transit Program**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Downtown Main Street Streetscape Improvements project.

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that improve the overall safety and accessibility for mass transit riders walking to transit facilities, encourage mass transit users to walk to train stations and facilitate the implementation of projects and activities in the vicinity of transit facilities;

WHEREAS, the Borough of Metuchen desires to receive Safe Streets to Transit funds in order to construct sidewalk and accessibility improvements to Main Street, between State Highway Route 27 and Woodbridge Avenue, which improvements include removing the existing deteriorated and unsafe sidewalks and constructing new brick paver and concrete sidewalks, concrete curb, accessible ramps and site amenities.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SSTT-2010-Metuchen Borough-00045 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Dated: August 16, 2010

RESOLUTION NO. 2010-125

**Resolution and Agreement For State Aid
Centers of Place Grant Program**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Main Street Streetscape Improvements project.

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and provides funding assistance to municipalities who have formally participated in implementation of the New Jersey State Development and Redevelopment Plan (SDRP);

WHEREAS, the Borough of Metuchen is eligible to apply for Department Centers of Place Funds and wishes to do so in order to construct streetscape improvements to Main Street, between Lincoln Avenue and East Walnut Street, which improvements include removing the existing dilapidated curb and sidewalk and constructing new brick paver and concrete sidewalks, concrete curb, decorative street lighting, electrical work, accessible ramps and site amenities.

08/16/2010

NOW, THEREFORE, BE IT RESOLVED that the governing body of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as COP-2010-Metuchen Borough-00021 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Dated: August 16, 2010

RESOLUTION NO. 2010-126

**RESOLUTION REQUESTING APPROVAL OF ITEMS
OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 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 county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2010 in the sum of \$4,400.00, which is now available from the National Highway Traffic Safety for Alcohol Traffic Safety and Drunk Driving Prevention for an Over the Limit Under Arrest Grant in the amount of \$4,400.

BE IT FURTHER RESOLVED, that the like sum of \$4,400.00 is hereby appropriated under the caption Over the Limit Under Arrest Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from National Highway Traffic Safety in the amount of \$4,400.00

August 16, 2010

RESOLUTION NO. 2010-127

GRANTING LEAVE OF ABSENCE WITH PAY TO DIANA YASHINSKI

WHEREAS, on July 13, 2010, Diana Yashinski requested 40 additional days of leave of absence, based on illness; and

WHEREAS, THE Council has considered this request within the limitations of the Collective Bargaining Agreement and the fiscal conditions of the borough in the current year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen, that Diana yashinski be granted a leave of absence with half pay for a period of forty days.

08/16/2010

Dated: August 16, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-120 through No. 2010-127 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 \$2,740,063.25 .

Dated: August 16, 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 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 Manley, the meeting was adjourned at 9:45 p.m.

BOZENA LACINA, RMC
Municipal Clerk