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**BOROUGH COUNCIL
MINUTES - FEBRUARY 1, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, February 1, 2010. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Council President Cammarano 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, Dyas, Manley, Morrison and Waldron. Councilmember Weber 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.

Councilmember Waldron questioned the status of the development next to Friendly's.

Mr. Frizell stated that he would follow up with the developer, once again. However, the current stage of the project complies with Uniform Construction Codes and there is some work taking place every six months. Mr. Frizell also noted that the State of New Jersey just allowed an extension of all building permits, which trumps any local ordinance.

Council President Cammarano stated that while there is an abandoned property statute existing, the developer does just enough to fall shy of violating the law.

Mr. Boerth noted that the Tax Assessor has increased the taxes on the property to reflect an almost complete project.

Councilmember Waldron also questioned the status of the home on Center Street that was destroyed by fire in 2008.

Mr. Boerth stated that the current condition of the home is in compliance with building codes. Mr. Boerth stated that a court date on municipal summons' issued on the property has been temporarily postponed.

Councilmember Rubin noted that several residents had contacted her regarding the tree cutting near the railroad property.

Mayor Vahalla stated that the Borough has been as vigilant as possible to ensure that Amtrak stays within their legal boundaries. The Mayor noted that federal regulations allow the tree trimming/removal within their property lines.

Councilmember Morrison noted that he had heard from residents requesting the possibility of designating a location for skateboarders and rollerbladers. Councilmember Morrison questioned if a portion of the Pearl Street parking lot could be cordoned off on weekends to give the kids a safe place to skate.

Council President Cammarano stated the Borough would need to investigate the request further. Council President Cammarano voiced some concerns to the suggestion: is the pavement in good enough condition; is supervision required; what is the added liability through the Joint Insurance Fund (JIF); and is the Parking Authority in agreement since it is their lot?

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Councilmember Morrison agreed that several issues need to be looked into and asked that an answer be prepared for the next meeting.

Mayor Vahalla noted that when the Recreation Commission began the renovations on Myrtle Park, a skate park was considered. However, the insurance rates would have doubled and the idea was set aside. The Mayor noted that Edison Township has a skate park behind their municipal building at which Metuchen youth are welcome.

Councilmember Morrison noted that he was not suggesting a full fledged skate park, rather cordoning off a section of parking lot on weekends.

Mr. Frizell noted that even cordoning off a section of parking lot would be sanctioning the activity and assuming liability.

Councilmember Manley noted the suggestion deserves a second look as several municipalities do offer skate parks. Liability and supervision in these parks are left to the users and signage reflects such. Councilmember Manley stated that there are professional plans available through the Tony Hawk Foundation.

Council President Cammarano noted the suggestion is to cordon off a section of existing parking lot and that possibility will be discussed with JIF. Council President Cammarano stated the Borough is not considering a full blown skate park.

APPROVAL OF THE MINUTES

On a motion made by Council President Cammarano, seconded by Councilmember Morrison, the Regular Minutes of January 19, 2010 were approved.

PROCLAMATION HONORING POLICE OFFICER KEITH SWISTOCK

WHEREAS, it is fitting to recognize and acknowledge those who put their lives on the line to ensure the safety of the citizens of Metuchen and who have performed in an exemplary manner; and

WHEREAS, Police Officer Keith Swistock is one such outstanding public servant dedicated to the enforcement of the law; and

WHEREAS, on the afternoon of December 28, 2009, the Police Department received a call of a bank robbery at the Provident Bank;

WHEREAS, Officer Swistock was detailed to search the Metuchen Train Station, where an observant patron assisted Officer Swistock with the suspects whereabouts; and

WHEREAS, Officer Swistock then became engaged in an altercation with the suspect that necessitated Officer Swistock to draw his service handgun and followed in a chase, tackle and arrest of the suspect at a borough daycare center; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property;

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN do hereby recognize

POLICE OFFICER KEITH SWISTOCK

for his professionalism and restraint that was exhibited during the altercation and extend much deserved commendation for setting a fine example as a public servant of Metuchen.

Dated: February 1, 2010

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Council President Cammarano invited forward Police Chief Keane.

Chief Keane offered his commendation on the job well done.

Chief Keane then noted that the Borough has experienced several serious pedestrian accidents in the crosswalks in the past three months. Chief Keane noted that in Metuchen the number of pedestrian related accidents doubled from 2008 to 2009.

Chief Keane provided the following tips from a Walk Safely brochure made available by the NJ Division of Traffic Safety:

- Wear bright-colored clothing, especially night. If necessary, attach a piece of reflective material to your clothing or handbag.
- Walk on sidewalks or paths and always cross at the corner within marked crosswalks.
- Do not try to cross mid-block or between parked cars.
- Look left, right and left again before crossing and be on the lookout for turning vehicles.
- Continue to look for vehicles while crossing.
- Make eye contact with the driver before crossing in front of a vehicle.
- Learn the proper use of "Walk/Don't Walk" signals.
- Use the buddy system. Walk and cross with others when possible.
- If at all possible do not walk at night or during bad weather such as rain, snow or ice.

RESOLUTION - READ ACROSS AMERICA - NJ

WHEREAS, the citizens of Metuchen stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Metuchen schools have provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106th birthday of Theodor Seuss Geisel, better known as **Dr. Seuss**; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen do hereby call upon the citizens of Metuchen to assure that every child is in a safe place reading together with a caring adult on March 2, 2010;

BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S *Read Across America* and *Read Across America-NJ* and recommitts our community to engage in programs and activities to make America's children the best readers in the world.

Dated: February 1, 2010

ORDINANCE NO. 2010-1

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-1.

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

The Clerk read the Ordinance by title:

Ordinance No. 2010-1 AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO CERTAIN ALLEYS IN BLOCK 56 AND BLOCK 59, IN THE BOROUGH OF METUCHEN.

text follows:

WHEREAS, the Borough Council of the Borough of Metuchen in the County of Middlesex is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which said Borough may have in and to the following described alleys.

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

1. The public rights and interests of those certain alleys in the Borough of Metuchen, more particularly described as follows are hereby vacated, abandoned and released:

(a) The alley located between Maple Avenue and Talmadge Avenue, being 20 feet wide, and approximately 750 feet long, and extending from Centre Street on the west to the easterly lot lines of Lots 30 and 40 in Block 59 on the east side; and the 15 foot wide alley located adjacent to Lot 39, Block 59, extending from Talmadge Avenue on the south side a distance of approximately 250 feet north to Maple Avenue, encompassing lots 31 to 39 located in Block 59 as shown on the Tax Assessment Map of the Borough of Metuchen.

(b) The 15 foot wide alley located adjacent to Lot 33, Block 56, extending from Martin Street on the west a distance of approximately 315 feet east to the easterly boundary of 54, Block 56 as shown on the Tax Assessment Map of the Borough of Metuchen.

2. Expressly reserved and excepted from this vacation are all rights and privileges possessed at the time of passage of this Ordinance by public utilities, as defined in **N.J.R.S. 48:2-13**, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et. seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the alley. or part thereof, vacated.

3. It is the intention of this Ordinance, subject to the exceptions set forth in Paragraph 2 herein, to terminate the public easement in the alleyways described herein and to vest the abutting owners with all right, title and interest of the Borough of Metuchen to the Center line of said alleyways.

4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistency only.

5. This Ordinance shall take effect after final passage and publication as provided by law.

INTRODUCED: January 19, 2010

TABLED: February 1, 2010

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The Mayor opened the public hearing on this Ordinance.

Al Bertha, 575 Main Street, noted the alley is only 10.45' as delineated on a 1970 survey. Mr. Bertha also noted that he wished to convey the extra property to his neighbor and did not want the legal or financial hassles of such.

Michael Cummings, 112 Maple Avenue, noted that the alley adjacent to his property is used as a shared driveway and the vacation would impact the ability to reach his garage.

Mr. Boerth stated that he had inspected the alleys and did see that the alley is paved and used as a shared driveway. Mr. Boerth stated that the vacation should not impact any agreement that the neighbors have with each other.

Mr. Frizell suggested that when the alley becomes private, the neighbors should draw up an agreement on the usage of the driveway to continue the arrangement.

Mr. Cummings stated that he did not approve of the vacation.

Councilmember Waldron questioned if vacation of the alley would allow any of the neighbors to put up a fence and then block access for the remaining neighbors.

Mr. Boerth stated that portion of the alley (next to 112 Maple Avenue) dead ends at the parking lot for the apartments and no other neighbor would be able to block their access.

Mr. Cummings stated that if the three neighbors would not be able to reach a written agreement, then access would be blocked to his garage.

John Burke, 3 Talmadge, noted that his survey, prepared in 2007, also delineates the alley as 10.45'.

Michael Colucio, 45 Talmadge Avenue, questioned if there would be a tax consequence.

Mayor Vahalla stated that there would be no tax increase for the added property. However, when a revaluation was done for the entire Borough, that property would be factored in.

Mr. King, 35 Talmadge Avenue, questioned if the property could then be fenced in.

Mayor Vahalla stated that once it was vacated, the property owner could do with it what they chose.

Arthur Flaherty, 88 Durham Avenue, thanked the Council for the vacation, as this would stop the flow of people and illegal dumping in the alley.

Mayor Vahalla noted the vacation would also mean a reduction of maintenance costs for Public Works who has to maintain the alley and remove the illegal garbage.

David Spinelli, 5 Talmadge Avenue, questioned why the Borough chose to vacate the alley.

Mr. Boerth stated that it was looked into on the request of one of the neighbors. Mr. Boerth stated that process was actually started 10 years ago with other alleys in the surrounding neighborhood and this vacation will complete the alley vacations in that section of town. Mr. Boerth stated that public alleys are no longer used for municipal purposes and become attractive nuisances and illegal dumping grounds.

Lou Petto, 92 Maple Avenue, also thanked the Council and expressed his consent.

Mayor Vahalla noted that after the final adoption of the ordinance, the Borough Clerk will notify the residents and those not wanting the extra property should notify the Borough in writing.

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Al Regen, 96 Maple Avenue, questioned if the Borough would be responsible for removing the trees in the alley prior to vacation.

Mr. Boerth asked that Mr. Regen contact him directly.

Mr. Burke, 3 Talmadge Avenue, asked if the residents would have to notify the Borough immediately of not wanting the land.

Mayor Vahalla noted the Borough Clerk would contact all the residents by mail.

Councilmember Morrison questioned what would happen if both the residents refused the extra property.

Mr. Frizell stated that would not be allowable. The Borough will cede the extra property to the adjacent neighbor, but if both neighbors refuse the alley then will be vacated to each.

Councilmember Morrison questioned if the Borough had discussed the vacation with the Borough Planner.

Council President Cammarano noted that dimensions of the alleys do not allow for buildable lots and there is no other use or public purpose for this land.

Mr. Cummings noted that the apartments on Main Street provide a parking lot behind the building only accessible from the alley.

Councilmember Rubin questioned if the driveway was made on Borough property.

Mr. Cummings stated that he does not know who paved the alley, but stated the borough maintains it.

Mr. Boerth noted that portion of the ordinance could be removed from the vacation.

Mr. Frizell stated the ordinance would have to be re-noticed for such a change.

Councilmember Morrison also requested that Borough Planner provide his input in accordance with the Master Plan on this property.

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

On a motion made by Council President Cammarano, seconded by Councilmember Morrison, with all in favor, this Ordinance was tabled.

ORDINANCE NO. 2010-2

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-2.

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

The Clerk read the Ordinance by title:

**Ordinance No. 2010-2 AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

text follows:

WHEREAS, the Local Government Cap Law N.J.S.A. 40A:4-45.14 et seq., provides

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that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriation, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Metuchen in the County of Middlesex finds it advisable and necessary to increase the CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 358,499.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and the N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$ 358,499.44 and that the CY 2010 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of the ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION : January 19, 2010
SECOND READING: February 1, 2010
APPROVAL: February 2, 2010
FINAL PUBLICATION: February 5, 2010

(This entire Ordinance can be found in Ordinance Book #2)

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 Morrison, this Ordinance was passed on second reading and ordered published according to law.

Roll Call Vote:

- AYES - Councilmembers Manley, Morrison, Rubin, Waldron, and Council President Cammarano.
- NAYS - None.
- ABSENT - Councilmember Weber.

COMMUNICATIONS
CONSENT AGENDA

8. Receive the minutes of the following meetings:
 - Parking Authority - December 15, 2009
 - Traffic & Transportation Committee - October 14, 2009
9. Letter from Barbara Raciborski requesting permission to hold a Block Party for Mason Drive on Sunday, June 20, 2010 - receive and approve.
10. Letter from the Metuchen Chamber of Commerce requesting permission to hold their Schedule of Events through June 2010 - receive and approve (Street Fair requires separate permit.)

On a motion made by Council President Cammarano, seconded by Councilmember Morrison, with all in favor, Items No. 8 through No. 10 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano presented the following Police Department report:

- Neighborhood Watch meeting at Metuchen High School on February 4th at 7 p.m.
- Citizen's Police Academy begins on March 1st.
- As a reminder—residents must shovel their sidewalks within 24 hours after a snowfall so that pedestrians do not have to walk in the streets.

Council President Cammarano noted that the Council will consider a Resolution, on the agenda, to request a lowered speed limit on Main Street.

Council President Cammarano noted that on January 28th, borough officials attended a meeting with the New Jersey Department of Transportation (NJDOT) on the feasibility assessment of the Route 287/Route 27 Interchange. Council President Cammarano noted the meeting was not for formal endorsement.

Council President Cammarano requested that any Councilmember considering cuts to the budget should present that information as soon as possible, so that the proposals can be examined thoughtfully.

Council President Cammarano noted that also on the agenda is a Resolution supporting a "Call To Service Summit"; a program initiated by Citizen's Campaign which looks to draw volunteer talent from your community.

Mayor Vahalla stated the tentative date for the summit is Saturday, March 20th. Further information will follow as it becomes available.

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Councilmember Waldron noted the Environmental Commission will discuss the final Energy Audit recommendations, as presented by Steven Winters & Associates. Linda Hamden from NJ Clean Energy will also be present to offer suggestions.

Councilmember Rubin noted the Shade Tree Commission would like to make a presentation at the next meeting to showcase the new tree inventory program.

Councilmember Rubin extended thanks to the Metuchen Senior Housing Corporation for their generous gift of a new 18 passenger bus. The bus has been donated in honor of the memory of Corporation member Richard Smith.

Councilmember Morrison also extended thanks, on behalf of the Auxiliary Police Department, to Police Officer Cindy Velez for her years of service as liaison. Officer David Liantonio will now serve as liaison. The Auxiliary Police is looking for volunteer members. Interested residents may contact Auxiliary Captain Rich Dana or Police Chief James Keane.

Councilmember Morrison noted the Gallery @ the Rotunda has a new director, Mike Bransfield. Councilmember Morrison thanked Linda LaStella for her founding work of the Gallery. On exhibit are photographs by Judy Weinberg.

Councilmember Morrison noted the Metuchen EMS fundraising campaign is continuing and requested that resident remember the EMS in their charitable contributions. Councilmember Morrison noted the EMS is also looking for a donation of a computer.

Councilmember Manley kindly offered that donation.

Councilmember Manley noted the TV & Technology Advisory Committee has decided to undertake a redesign of the borough website. The Committee will discuss ideas in 2010 and ask the Borough to budget for implementation in 2011. Councilmember Manley also noted that two borough residents have expressed interest in joining the Committee and their appointments will be on the next meeting.

REPORTS OF OFFICERS

Mr. Frizell noted the \$700,000 provided by the District @ Metuchen for intersection improvements may require condemnation to expand a radius for truck traffic.

Councilmember Waldron asked Mr. Frizell to address the elimination of COAH in Trenton.

Mr. Frizell noted that a bill has been introduced that would do away with COAH, but not the obligations. Mr. Frizell stated the action would not affect Metuchen and our borough code has affordable set asides delineated.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth stated the 2010 budget is being worked on by the CFO and should be ready for the next meeting. Mr. Boerth requested that budget work sessions begin at that meeting with Police & Fire Departments.

Mayor Vahalla noted the meeting time would be amended to 7:00 p.m. to accommodate the work session.

Mr. Boerth also noted the Recreation Department is working with the various soccer and field hockey groups regarding the configuration of the new field at Charles.

REPORT OF THE MAYOR

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Mayor Vahalla thanked Grace Shackney for her efforts in the "Call to Service Summit".

Mayor Vahalla noted the Fire Department responded to 44 alarms in January 2010; and volunteered 436 hours to alarms and emergencies and 185 hours to drills and training.

Mayor Vahalla noted the Borough is vigilantly pursuing the parking structure project, with meetings set up throughout February with various groups and legislators. The Borough is hoping to acquire funding through recent monies allotted by the Obama cabinet.

Mayor Vahalla also noted that PSE&G offers a direct install 80/20 project. The Borough will use the energy audit recommendations and attempt to have some of those projects paid for through that offer.

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. 2010-34

WHEREAS, an act authorizing establishment of the Dismal Swamp Preservation Commission and Supplementing Title 40 of the Revised Statutes, also known as P.L. 2009, Chapter 132, has taken effect on October 1, 2009; and

WHEREAS, said act requires an authorizing resolution by the governing body of Borough of Metuchen endorsing the appointment of the Edison Wetlands Association and the appointment two elected officials from Middlesex County; and

WHEREAS, the Mayor and Council of Borough Metuchen have previously adopted a resolution in support of this act and appointed two Metuchen residents; and

WHEREAS, the Mayor and Council of Borough of Metuchen wishes the Dismal Swamp Preservation Commission to become fully functional as soon as possible; and

NOW THEREFORE BE IT RESOLVED, that Mayor and Council shall adopted the following:

1. Mayor and Council shall endorse the appointment of Robert Speigel of the Edison Wetland Association to the Dismal Swamp Preservation Commission pursuant to the provisions of P.L. 2009, Chapter 132.
2. Mayor and Council shall endorse the appointment of Freeholder carol Barrett and Dunellen Mayor Robert J. Seader as the Middlesex County appointments to the Dismal Swamp Preservation Commission pursuant to the provisions of P.L. 2009, Chapter 132.

Dated: February 1, 2010

RESOLUTION NO. 2010-35

WHEREAS, County Road 531 (CR531), also known as Main Street, runs the entire length of the Borough of Metuchen and is primarily a residential road on which the posted speed limit is currently 35 MPH;

WHEREAS, an adjacent portion of Main Street (CR531) filters traffic from Route 1 and Route 287;

WHEREAS, the Borough of Metuchen prides itself on maintaining the philosophy of improving pedestrian, bicycle and vehicle safety and has implemented several traffic

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calming measures to encourage multi-modal safety and more pedestrian and bicycle usage;

WHEREAS, residents have expressed concerns for the danger of excess speed on Main Street (CR 531) and have petitioned the Mayor and Council to reduce the speed limit; and

WHEREAS, the Police Chief has recommended the reduction of the speed limit on CR 531 to 25 mph for the entire length of the road;

WHEREAS, similar requests to Middlesex County have been denied citing a 1964 State approval;

WHEREAS, the Borough Council supports the reduced speed limit and requests that Middlesex County reevaluate the conditions and improvements to the roadway to facilitate the speed reduction;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Metuchen do hereby request Middlesex County lower the speed limit on CR 531 (Main Street) to 25 mph to ensure the safety of pedestrians, bicyclists and vehicle traffic.

Dated: February 1, 2010

RESOLUTION NO. 2010-36

REDUCE AND REFUND 2007 AND 2008 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 91 Lot 1.3, assessed to Bell Atlantic - NJ for 2007 and 2008,

WHEREAS, the assessed value changed in 2007 to an assessed value of \$2,012,500 for Block 91 Lot 1.3 causing an overpayment of taxes for 2007 in the amount of \$4,380.00,

WHEREAS, the assessed value changed in 2008 to an assessed value of \$1,612,500 for Block 91 Lot 1.3 causing an overpayment of taxes for 2008 in the amount of \$22,970.00,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2007 and 2008 taxes on Block 91 Lot 1.3 due to the successful State Tax Court Appeals including amendments, resulting in a refund to Bell Atlantic - NJ for 2007 taxes in the amount of \$4,380.00 and for 2008 taxes in the amount of \$22,970.00.

Dated: February 1, 2010

RESOLUTION NO. 2010-37

REDUCE AND APPLY FORWARD 2008 AND 2009 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 114 Lot 1, assessed to JP Morgan Chase Bank for 2008 and 2009,

WHEREAS, the assessed value changed in 2008 to an assessed value of \$1,057,750 for Block 114 Lot 1 causing an overpayment of taxes for 2008 in the amount of \$13,425.97,

WHEREAS, the assessed value changed in 2009 to an assessed value of \$1,057,750 for Block 114 Lot 1 causing an overpayment of taxes for 2009 in the amount of \$13,946.17,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2008 and 2009 taxes on Block 114 Lot 1 due to the successful State Tax Court Appeals including amendments, resulting in a credit to 2010 taxes as stipulated in the judgment in the amount of \$27,372.14.

February 1, 2010

RESOLUTION NO. 2010-38

REAPPLY 2009 TAX OVERPAYMENTS AND INTEREST PAID

WHEREAS, the following has made overpayment of 2009 taxes:

Name	Block/Lot	Address	Amount		
Wells Fargo for Thomas Marvel & Sheera Stern	140/47	47 Newman Street	\$477.20	Overpayment of taxes	Apply 2010/2 nd qtr
Kurt & Maria Elster	198/8	147 Amboy Ave	\$2,766.74	Overpayment of taxes	Apply to 2009/ qtr
Kurt & Maria Elster	198/8	147 Amboy Ave	\$176.91	Interest paid in 2009	Apply to 2009/ qtr

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

WHEREAS, property owners of 147 Amboy Avenue petition that interest paid on 2009 taxes be reapplied to 4th quarter taxes as the overpayment resulted from a mortgage refinance,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property tax overpayments be applied as described, in the amount of \$1,355.23.

February 1, 2010

RESOLUTION NO. 2010-39

TO CANCEL 2008 AND 2009 ADDED AND OMITTED TAXES

WHEREAS, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2008 and 2009 for added and omitted assessments as follows, and

WHEREAS, the reduction in taxes will be first applied to any 2009 delinquent tax balances and the balance refunded, with one overpayment applied toward 2010 taxes as requested by the property owner for Block 158, Lot 113, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2008 and 2009 added assessment tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$37,256.04 resulting in \$4,322.25 in refunds and \$22,730.59 in taxes applied.

Block/Lot/Qual	Address	Assessment Reduction	Tax Reduction	Reduction Applied to	Reduction Type	Application of Tax Overpayment	Refund of Tax Overpayment
215/65	77 Orchard Street	111,875	2,224.47	2009/4 th qtr	2009 Added		2,224.47
215/65	77 Orchard Street	111,875	1,334.68	2010/1 st qtr	2009 Added		
215/65	77 Orchard Street	111,875	1,334.68	2010/2 nd qtr	2009 Added		
154.6/68	238 Rose Street	34,050	1,173.22	2009/4 th qtr	2008 Omitted/Added	1,173.22	
154.6/68	238 Rose Street	34,050	1,624.87	2009/4 th qtr	2009 Added	1,624.87	
154.6/68	238 Rose Street	34,050	406.24	2010/1 st qtr	2009 Added		
154.6/68	238 Rose Street	34,050	406.24	2010/2 nd qtr	2009 Added		
158/	21 High Street	3,500	147.38	2009/4 th	2008	147.38	

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113.1				qtr	Omitted/Added		
208/151	27 Tulsa Ave	22,900	526.01	2009/4 th qtr	2008 Omitted/Added	526.01	
208/51	27 Tulsa Ave	22,900	1,092.79	2009/4 th qtr	2009 Added	1,092.79	
208/51	27 Tulsa Ave	22,900	273.20	2010/1 st qtr	2009 Added		
208/51	27 Tulsa Ave	22,900	273.20	2010/2 nd qtr	2009 Added		
178/4	117 Spear Street	2,300	105.66	2009/4 th qtr	2008 Omitted/Added		105.66
174/5	61 Grove Avenue	100,300	4,607.78	2009/4 th qtr	2008 Omitted	4,607.78	
174/5	61 Grove Avenue	100,300	4,786.32	2009/4 th qtr	2009 Omitted	4,786.32	
158/141	16 W Walnut Street	10,000	38.27	2009/4 th qtr	2008 Added	38.27	
158/41	16 W Walnut Street	10,000	477.20	2009/4 th qtr	2009 Added	477.20	
158/41	16 W Walnut Street	10,000	119.30	2010/1 st qtr	2009 Added		
158/41	16 W Walnut Street	10,000	119.30	2010/2 nd qtr	2009 Added		
154.6/66	230 Rose Street	# of Months of Added Assessment Adjusted	385.34	2009/4 th qtr	2009 Added		385.34
154/9	179 High Street	# of Months of Added Assessment Adjusted	722.96	2009/4 th qtr	2009 Added		722.96
151/54	48 Graham	140,300	6,695.12	2009/4 th qtr	2009 Added	6,695.12	
151/54	48 Graham	140,300	1,673.78	2010/1 st qtr	2009 Added		
151/54	48 Graham	140,300	1,673.78	2010 2 nd qtr	2009 Added		
130.1/4 1	292 High Street	1,400	42.86	2009/4 th qtr	2008 Omitted/Added		42.86
126.2/1 5	20 Woodside Ave	# of Months of Added Assessment Adjusted	331.55	2009/4 th qtr	2008 Omitted/Added		331.55
3/153	12 Willow Road	1,200	57.26	2009/4 th qtr	2009 Added		57.26
3/153	12 Willow Road	1,200	14.32	2010/1 st qtr	2009 Added		
3/153	12 Willow Road	1,200	14.31	2010/2 nd qtr	2009 Added		
29.2/1	6 Salem Court	3,400	162.25	2009/4 th qtr	2009 Added		162.25
29.2/1	6 Salem Court	3,400	40.56	2010/1 st qtr	2009 Added		
29.2/1	6 Salem Court	3,400	40.56	2010 2 nd qtr	2009 Added		
44.2/3	347 Central Avenue	10,200	486.74	2009/4 th qtr	2009 Added	486.74	
44.2/3	347 Central Avenue	10,200	121.69	2010/1 st qtr	2009 Added		
44.2/3	347 Central Avenue	10,200	121.68	2010/2 nd qtr	2009 Added		
97/3	222 Christol Street	3,600	171.79	2009/4 th qtr	2009 Added		171.79
97/3	222 Christol Street	3,600	42.95	2010/1 st qtr	2009 Added		
97/3	222 Christol Street	3,600	42.95	2010/2 nd qtr	2009 Added		
125.3/21	40 Clarendon Court	# of Months of Added Assessment Adjusted	118.11	2009/4 th qtr	2009 Added		118.11
126/85.1	75 Beacon Hill Drive	90,100	1,074.89	2009/4 th qtr	2009 Added	1,074.89	
126/85.1	75 Beacon Hill Drive	90,100	1,074.89	2010/1 st qtr	2009 Added		
126/85.1	75 Beacon Hill	90,100	1,074.89	2010/2 nd qtr	2009 Added		

02/01/2010

	Drive			qtr		
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February 1, 2010

RESOLUTION NO. 2010-40

WHEREAS, there are unexpended balances in various 2009 appropriation reserve accounts not required for the balance of 2009; 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:

APPROPRIATION	TRANSFER IN	TRANSFER OUT
PARKS & PLAYGROUNDS S & W	600.00	
SEWERS S & W	1,400.00	
RECYCLING OE	18,000.00	
TELEPHONE	8,000.00	
RECREATION S & W		4,000.00
PARKS & PLAYGROUNDS OE		5,000.00
BUILDINGS & GROUNDS		10,000.00
CONSTRUCTION S & W		9,000.00
TOTALS	28,000.00	28,000.00

February 1, 2010

RESOLUTION NO. 2010-41

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 February 1, 2010:

ADMINISTRATION	OE	20,000.00
PUBLIC WORKS	OE	1,000.00
COLLECTION OF TAXES	OE	5,000.00
TAX ASSESSMENT	OE	2,000.00
CAPITAL IMPROVEMENT FUND		32,000.00
	TOTAL	60,000.00

February 1, 2010

RESOLUTION NO. 2010-42

WHEREAS, there exists a need to purchase **diesel fuel** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #41867 ; and

WHEREAS, the maximum amount of the purchase of diesel fuel for the Borough of Metuchen is \$60,000 and funds will be available in the 2010 budget as evidenced by the Chief Financial Officer's Certification of which \$25,000 is certified from the 2010 temporary budget, subject to adjustment to the amount of award at time

of budget adoption; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Taylor Oil Co., Inc., 77 Second Street, Somerville, NJ 08876.**

Dated: February 1, 2010

RESOLUTION NO. 2010-43

WHEREAS, there exists a need to purchase **tires** for the Borough of Metuchen , in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-71688 ; and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is \$30,000 and funds will be available in the 2010 budget as evidenced by the Chief Financial Officer's Certification, of which \$6,000 is certified from the 2010 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817**

Dated: February 1, 2010

RESOLUTION NO. 2010-44

WHEREAS, there exists a need to purchase **regular unleaded gasoline** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #65047 ; and

WHEREAS, the maximum amount of the purchase of air regular unleaded gasoline for the Borough of Metuchen is \$60,00.00 and funds will be available in the 2010 budget as evidenced by the Chief Financial Officer's Certification of which \$25,000 is certified from the 2010 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to

02/01/2010

**Petroleum Traders Corp. 7110 Pointe Inverness Way, Ft. Wayne, IN
46804.**

Dated: February 1, 2010

RESOLUTION NO. 2010-45

**RELEASING CAPITAL FUNDS FOR THE
PURCHASE OF PARKING METERS**

WHEREAS, the Parking Authority of the Borough of Metuchen has received bids for the purchase of electronic parking meter mechanisms; and,

WHEREAS, the Parking Authority of the Borough of Metuchen has provided a certified copy of their Resolution 2010-12 awarding the contract to MacKay Meters, Inc.; and

WHEREAS, the Borough of Metuchen has previously provided capital funding for the purchase of parking meters in Ordinance 06-05; and

WHEREAS, the remaining funds allocated for the purchase of parking meters is \$16,340.43 as attested to in the attached Certification of Available Funds by the Chief Financial Officer of the Borough of Metuchen;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that capital funds provided in Ordinance 06-05, in the amount of \$16,340.43 be available for the purchase of electronic parking meter mechanisms to MacKay Meters, Inc.

RESOLUTION NO. 2010-46

WHEREAS, the State of New Jersey, Office of Juvenile Justice and Delinquency Prevention (OJJDP) has noticed the Metuchen Police Department that funding is available for Summer Expansion Programming; and

WHEREAS, the Borough of Metuchen wishes to apply to the OJJDP for funding up to the amount of \$20,000; and

WHEREAS, the Police Chief and Youth Service Board/Municipal Alliance 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 Office of Juvenile Justice and Delinquency Prevention 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 and Youth Service Board/Municipal Alliance of the Borough of Metuchen wishes to participate with the State of New Jersey Office of Juvenile Justice and Delinquency Prevention to the greatest extent possible;

(2) that the Office of Juvenile Justice and Delinquency Prevention 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 Office of Juvenile Justice and Delinquency Prevention and make disbursement with said application.

02/01/2010

Dated: February 1, 2010

RESOLUTION NO. 2010-47

“METUCHEN CALL TO SERVICE SUMMIT”

WHEREAS, the opportunities for citizen leadership have never been greater; and

WHEREAS, national studies have shown that voluntary community and public service have been in a steady decline; and

WHEREAS, polling data indicates that a significant portion of New Jersey citizens would like to be active in public service in their communities, but have limited time and are not in a position to run for public office; and

WHEREAS, appointments to municipal boards and commissions and bringing constructive proposals to the governing body, school board and other government bodies offer the easiest opportunities for regular citizens with limited time to be able to contribute their leadership; and

WHEREAS, Metuchen is determined to be an example to other communities across New Jersey in recruiting and educating its residents about citizen leadership and non-elected public service opportunities:

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY, STATE OF NEW JERSEY, hereby establishes and declares that **March 20, 2010** shall be Metuchen Citizen Service Day; and

BE IT FURTHER RESOLVED, the residents of Metuchen shall be invited to a town Summit on citizen leadership opportunities which shall include, but not be limited to, appointed government board and commission posts and membership in emergency response agencies. The Mayor and one or more members of the Council shall welcome residents to service at this Summit; and

BE IT FURTHER RESOLVED, the Summit shall also include an educational portion on the function and importance of municipal boards and commissions as well as the process by which citizens may apply to serve.

Dated: February 1, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Manley, with all in favor, the above Resolutions No. 2010-34 through No. 2010-47 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 **\$3,618,445.57**.

Dated: February 1, 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

02/01/2010

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

ORDINANCE NO. 2010-3

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010- 3, which was seconded by Councilmember Manley, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2010-3 BOND ORDINANCE PROVIDING FOR VARIOUS 2010 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$1,093,100 THEREFOR (INCLUDING GRANTS EXPECTED TO BE RECEIVED IN THE AGGREGATE AMOUNT OF \$453,100) AND AUTHORIZING THE ISSUANCE OF \$608,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President Dyas moved this Ordinance be passed on first reading, published according to law, and public hearing set down for February 16, 2010. This motion was seconded by Councilmember

Roll Call Vote:

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

NAYS - None.

ABSENT - Councilmember Weber.

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 9:10 p.m.

BOZENA LACINA, RMC
Municipal Clerk