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

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Tuesday, January 19, 2010. The Meeting was called to order 7:31 p.m. by Mayor Vahalla. The Invocation given by Councilmember Weber and followed by the Pledge of Allegiance.

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

Present were Councilmembers Cammarano, Manley, Morrison, Rubin, Waldron and Weber.

Also present were Mayor Vahalla, Borough Administrator Boerth, Acting Borough Attorney Bruce Samuels, and Borough Clerk Lacina.

AGENDA SESSION

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

Councilmember Morrison questioned if the budget worksessions would begin at the February 1, 2010 meeting; this schedule would allow for worksessions to be completed prior to the budget filing date with the State.

Mr. Boerth stated that the deadline to introduce the budget is March 31st; municipalities not applying for extraordinary aid have a softer deadline. Mr. Boerth stated that the State has not announced whether extraordinary aid would be available this year. Mr. Boerth stated that the Chief Finance Officer is working with the Auditors to finalize the year end figures and assemble the 2010 budget. Mr. Boerth stated that he hoped to have a budget for Council review prior to the February 15th meeting and further worksessions can be scheduled from that point.

Council President Cammarano noted that the Governor's budget address is scheduled for March 16th, at which time the state agenda will be disclosed. Council President Cammarano noted the Council would have to be flexible in the early part of the budget preparation.

Councilmember Morrison stated that scheduling budget worksession as soon as possible will prevent the Council from having to make budget decisions under pressure.

Councilmember Manley questioned if the Administrator could at least bring in the department heads to discuss their requests.

Mr. Boerth stated that those discussion would not be productive until the numbers are finalized. Mr. Boerth noted that the CFO is currently closing last year's accounts and working through the cash balances and reconciliations with the Auditor.

Councilmember Waldron questioned if the process would definitely be started at the February 15th meeting and suggested moving the March 15th to March 22nd to allow for the Governor's remarks to be incorporated.

Mayor Vahalla noted that the Borough does not anticipate having information so quickly after the Governor's address.

Mr. Boerth agreed and noted that the legislature would have to have time to enact any of the Governor's requests and the municipalities would not receive any figures for another month, at least.

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Mr. Boerth stated the Borough will proceed with the best available information to meet the budget deadline. Mr. Boerth stated the deadline ensures DCA review of municipal budgets that are applying for extraordinary aid. If no extraordinary aid application is filed, the deadline is soft. Mr. Boerth noted that both caps are in effect.

Mayor Vahalla noted that department reviews will begin in late February and stated budget worksessions would begin at 6 p.m.

APPROVAL OF THE MINUTES

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the Regular Minutes of December 21, 2009 and January 4, 2010, 2009 were approved, with amendments to the December 21, 2009 minutes as requested by Councilmember Morrison.

RESOLUTION - 20TH ANNIVERSARY OF THE METUCHEN YMCA CHILDCARE PROGRAM

Councilmember Morrison read the following Resolution and presented it to Rose Cushing, Executive Director of the YMCA Childcare Program. Ms Cushing was joined by Board Members Sue Wernik-Gross, John Leazer and Pam Brown.

WHEREAS, there is no greater concern for any parent than the safety and welfare of his or her child, and

WHEREAS, in recent years more and more families have required access to quality childcare to ensure the health, safety, and development of their children, and

WHEREAS, the Metuchen-Edison-Woodbridge YMCA recognized this growing need and began its work in preschool childcare with the opening of the Edgar Childcare Center in Metuchen in January, 1990; and

WHEREAS, Childcare was expanded into community centers and churches throughout central Middlesex County which include: Ken Shirk, Our Saviors, Community Campus in Edison and Avenel Childcare, YMCA Colonia/Fords in Woodbridge, also Harborview and Grace Childcare Centers in Perth Amboy as well as Centenary and YMCA Metuchen Branch; and

WHEREAS, the Executive Director, Rose Cushing, while supervising a staff of 200, is recognized on a state/national level as a leader in childcare quality, staff development and childhood obesity prevention; and

WHEREAS, the Metuchen-Edison- Woodbridge YMCA is the largest Childcare provider in Middlesex County thus enhancing the position of the national YMCA as the largest Childcare provider in the U.S.A.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen congratulate the Metuchen-Edison-Woodbridge YMCA, Rose Cushing, Executive Director/Childcare Branch and her dedicated staff upon their 20th anniversary of providing this critical service to residents of Metuchen and Middlesex County,

BE IT FURTHER RESOLVED that the Mayor and Council on behalf of the residents of Metuchen do hereby extend their appreciation and gratitude to the YMCA professional staff and volunteers for their outstanding service to our community.

Dated: January 19, 2010

DISCUSSION - 2010 CAPITAL BUDGET

Mr. Boerth noted that the Capital Budget request has come before Council earlier than usual. A portion of the repair cost for the lighted crosswalk at Main Street & Penn Avenue must be bonded before the bid can go out for repairs. Mr. Boerth noted that department requests have been reviewed and recommendations have been made in order not to overburden the budget.

Mr. Boerth stated that he would like to get the Council's consensus on the recommended projects so that a Bond Ordinance can be introduced at the next meeting.

Councilmember Manley noted that in conjunction with the crosswalk repair, the Borough should consider removing the parking space in front of Bon Appetito for safety reasons.

Mr. Boerth stated the parking spot in front of the convenience store, directly across the street should also be considered for removal. The removal of those parking spaces would need to be done by Ordinance.

Councilmember Morrison questioned what measures can be made, in the interim, to ensure pedestrian safety at that crosswalk.

Mr. Boerth stated that the Borough is already in the process of making some upgrades to that crosswalk, in terms of increased lighting and tree trimming.

Council President Cammarano cautioned removing the parking spot, as the empty space would provide room for vehicles to maneuver around stopped vehicles.

Councilmember Manley noted that the Borough did apply for stimulus funding (that was rejected) to extend the bump-out to facilitate further traffic calming in the area.

Councilmember Waldron asked if the area could be striped with paint. Councilmember Waldron noted the Circulation Plan does provide for traffic calming to that area with planters and paint.

Councilmember Rubin requested that prior to investing the monies in repairing the crosswalk with a duplication of what was there, other avenues should be explored. Councilmember Rubin suggested a system that will not corrode over time.

Mr. Boerth stated that the new system would have to pass the NJDOT standards for traffic signals.

Council President Cammarano agreed that perhaps a system could be installed that alerted drivers by other means than lights within the roadway. Council President Cammarano noted the current system required continuous and expensive maintenance.

Mayor Vahall noted the Engineer would be advised of looking at alternate systems.

Councilmember Morrison questioned if a stop sign could be placed at the crosswalk.

Mayor Vahalla also suggested that in addition to removing those parking spaces, that the alleyways adjacent to the businesses be made into one-way thoroughfares.

Council President Cammarano questioned if the alleys could be made into pedestrian-only walkways.

Mayor Vahalla also noted that a recommendation had been made to allocate funding for Charles Field lighting. The Mayor noted that the Borough has received the bulk of the

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funding for the reconstruction of the field through Open Space grants and the remaining item for the project is the lighting. Mayor Vahalla stated that it would be prudent to complete the entire project together, rather than piecemeal.

Councilmember Waldron agreed and noted funding the lights now would alleviate future debates on whether to do the work at all.

Councilmember Weber agreed and noted that the lighting project will be cheaper to do with the entire project rather than after the field had been finished and the recreation programs will get the immediate benefit of the field.

Councilmember Weber questioned what the cost benefit would be to replace the analog equipment with digital versions for MeTV.

Mr. Boerth noted the MeTV capital request was to complete the conversion from analog equipment to digital. Mr. Boerth also noted that some equipment will replace broken equipment or equipment which is incompatible to the new system.

Councilmember Morrison noted that MeTV helps to support dissemination of information to the residents in a time when newspapers are no longer the primary information source. Councilmember Morrison supported the MeTV capital request.

Councilmember Rubin questioned if the request were "all or nothing" and questioned if the item could be prioritized.

Mayor Vahalla noted that the recommendations are based on the Borough Administrator's review of the requests with the department heads.

Councilmember Waldron questioned the requested automation for the Fire Department.

Councilmember Manley also noted that he required further review of the documentation provided by the Fire Chief.

Mr. Boerth stated that Borough's IT provider will review and revise the plan if necessary. The amount requested is an estimate and may not require the entire amount.

Councilmember Manley noted the life expectancy of the current Fire Station should be considered when the estimate includes wiring the building. Councilmember Manley questioned if using an outside server was considered; necessitating only purchasing the software.

Mr. Boerth stated that all requests are reviewed and are kept reasonable while trying to recognize the needs of the department. Mr. Boerth noted the system would be serviceable to both the Fire Department and Fire Prevention Bureau.

Councilmember Waldron questioned if the automation could be delayed.

Councilmember Morrison noted that maintenance costs to upgrade the system will become a yearly cost.

Mr. Boerth noted that figure will be budgeted forward through the Fire Department's operating costs.

Mayor Vahalla noted that the Fire Department has applied for a grant that may cover the cost of the system.

Councilmember Manley suggested the Borough review the request and strongly considers using an outside server. Councilmember Manley noted this way a total reinvestment would not be needed for outdated hardware in 5 years.

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Councilmember Waldron questioned if a concept plan was available for Charles Field.

Mr. Boerth stated that the Recreation Department has consulted with all the groups that utilize the field, but the document is not a public document yet.

Councilmember Waldron questioned if the Borough would consider making an entrance on Myrtle Avenue to alleviate the traffic problems on Orchard Avenue due to the field.

Mayor Vahalla stated that Myrtle Avenue did have an entrance to the park that was closed due to speeders and traffic problems.

Mr. Boerth reminded the Council that Orchard Avenue is slated for road improvements that include traffic calming measures.

Councilmember Morrison questioned why only one pick up truck was approved for the Department of Public Works (DPW). Councilmember Morrison noted those vehicles are used on a daily basis and perhaps the Borough could upgrade their request to a larger vehicle that can accommodate the work of the two requested.

Mr. Boerth noted that the pick-up trucks are not used to shuttle crew and the requested pick-up trucks are used to plow on smaller streets. Mr. Boerth stated the DPW can make due with one and future indebtedness should be considered.

Mayor Vahalla then received Council consensus to have the bond ordinance prepared for the next meeting in the amount of \$640,000, as recommended by the Borough Administrator.

COMMUNICATIONS
CONSENT AGENDA

7. Receive the minutes of the following meetings:
 - Parking Authority – November 17, 2009
 - Shade Tree Commission – November 9, 2009

8. Letter from Metuchen Lions Club requesting permission to hold their Annual Flea Market on Saturday – June 12, 2010 – receive and approve (PENDING PARKING AUTHORITY CONSENT)

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Items No. 7 and No. 8 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted the Municipal Pool Commission is busy getting ready for the upcoming season and discussing proposed improvements.

Council President Cammarano reported the Traffic and Transportation Committee reorganized and discussed a need for better communication between the Boards and Commissions. Council President Cammarano noted the Committee also discussed the possibility of adding a link on the Borough website where residents can leave comments and concerns directly for the Boards and Commissions.

Mr. Boerth noted that a link for Boards and Commission would be unadvisable, as the

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Borough should be able to monitor the website inquiries and funnel them accordingly. Currently all inquiries are received by the Borough Administrator and forwarded to the proper departments.

Council President Cammarano noted the Police Department will host a Neighborhood Watch seminar at Metuchen High School on February 4th. The presentation will focus on self defense. The Police Department is also beginning the 2010 Citizen's Police Academy on March 1st. Residents interested in joining the classes should contact Captain Rob Retenberg or Sergeant David Irizarry.

Councilmember Weber noted a presentation on the Middlesex County Greenway Extension is on the Planning Board agenda for 8 pm.

Councilmember Waldron noted the Environmental Commission will review and discuss the final draft of the Municipal Energy Audit. Councilmember Waldron stated the report details proposed repairs and energy efficiencies for the Borough Hall, DPW, the Library and Seniors Center. Councilmember Waldron noted that the Borough has chosen to proceed with one of the recommendations—replace the furnaces at DPW. The \$80,000 repair cost is included in the capital request.

Councilmember Waldron also announced that the New Jersey Board of Public Utilities (NJ BPU) is now offering a residential program for homeowners who would like to convert from oil or propane heat. The initial application fee is \$125 and is refundable if recommendations are implemented. Information on the program and loan availability is available at njcleanenergy.com

Councilmember Rubin noted that the Library Board has reorganized and announced the Library saw a 15% increase in users during 2009.

Councilmember Rubin noted the Shade Tree Commission has seen wonderful results from the tree inventory grant. A total of 5,600 trees have been catalogued and the information is now on a computer based system which is prioritized according to health. Councilmember Rubin noted that Commission will be working with DPW to further the efforts and grant writers and/or locators are being sought for continuance of the project.

Councilmember Rubin noted the Chamber of Commerce continues to encourage local spending and the ribbon cutting for the Yoga Studio would be held on January 21st.

Councilmember Morrison also welcomed the Duchess Diner back to Metuchen, after a brief hiatus.

Councilmember Morrison noted the Gallery @ the Rotunda has changed the display to feature the photographs of Judy Weinberg, through March 31st.

Councilmember Morrison then thanked Officer Cindy Velez for her liaison to the Auxiliary Police. The Auxiliary Police volunteered 2,200 hours in 2009—with only 8 officers. Volunteers are still needed. Interested residents may contact Police Chief Keane of Auxiliary Captain Dana.

Councilmember Morrison noted that the Metuchen EMS volunteered 938 hours and responded to 38 calls in December 2009. Councilmember Morrison reminded the residents to keep the EMS in mind when making charitable donations. Residents interested in volunteering with the Squad should contact Lisa Garris.

Councilmember Manley noted the Youth Service Board reorganized and discussed their mission statement. The group has requested a meeting with the Borough Administrator to discuss funding and accounting.

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Councilmember Manley noted the TV & Technology Advisory Committee is looking to generate specifications for a website redo. The Committee is collecting information and feedback and hope to have the final specifications available at year end.

REPORTS OF OFFICERS

Mr. Samuels had no report

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor Vahalla commended the New Hope Baptist Church, the YMCA, Chamber of Commerce and Second Baptist Church Choir for their Martin Luther King observances.

Mayor Vahall noted that on December 27th, Gramercy Square broke ground on a 12 unit condo complex on Amboy Avenue that is scheduled to be completed by the end of 2010.

Mayor Vahalla announced the Metuchen High School Key Club is coordinating fundraising efforts for Haiti Earthquake relief. Residents should contact Kari Blaze or Sharon Mantz, at Metuchen High School, for further information.

Mayor Vahalla noted that the lighted pedestrian crosswalk on Middlesex Avenue is under repair, but the lights are now functioning.

The Mayor then noted the Fire Department responded to 30 alarms and volunteered 324 hours to alarms & emergencies and 148 hours for training & drills in December 2009.

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. 2010-28

WHEREAS, on October 19, 2009 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by NJ Finest Home Improvements as the required Performance Guarantees for Street Opening #1003- 31 Orchard Avenue; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to NJ Finest Home Improvements, 234 Rose Street, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: January 19, 2010

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RESOLUTION NO. 2010-29

WHEREAS, on November 2, 2009 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Kozal Plumbing as the required Performance Guarantees for Street Opening #1005- 115 University Avenue; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to Kozal Plumbing, 25 Adam Street, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: January 19, 2010

RESOLUTION NO. 2010-30

WHEREAS, Metuchen Assembly of God has requested a refund of the performance bond for various improvements on Block 153 & 156, Lots 30.1, 30.3 et al. - 130 Whitman Avenue; and

WHEREAS, a partial release was approved by Resolution No. 2007-46 on February 20, 2007; and

WHEREAS, the Project Engineer has reported that the contract has been completed in an acceptable manner; and

WHEREAS, the Project Engineer recommends the full release of the performance guarantee in the amount of \$13,934.18 (remaining in cash) and \$125,047.32 (posted in the form of surety bond) pending the posting of a two-year maintenance bond in the amount of \$34,435.91 and the posting of any necessary escrow fees; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to Metuchen Assembly of God, 130 Whitman Avenue, Metuchen, NJ 08840, upon posting of the maintenance bond and payment of the any outstanding fees.

Dated: January 19, 2010

RESOLUTION NO. 2010-31

WHEREAS, Fox & Foxx Development has requested a refund of the performance bond for various improvements on Block 51.06 Lot 41. - 216 University Avenue; and

WHEREAS, the Project Engineer has reported that the contract has been completed in an acceptable manner; and

WHEREAS, the Project Engineer recommends the full release of the maintenance guarantee in the amount of \$2,000.00(posted in cash) pending the posting of any necessary escrow fees; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release

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the performance bond in the amounts directed by the Project Engineer to Fox & Foxx Development, 940 Amboy Avenue, Edison, NJ 08837 upon posting of the maintenance bond and payment of the any outstanding fees.

Dated: January 19, 2010

RESOLUTION NO. 2010-32

WHEREAS, the Borough Administrator representing the Governing Body of the Borough of Metuchen, County of Middlesex, State of New Jersey, has negotiated with the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440 for the union's collective bargaining agreement for the period of January 1, 2009 through December 31, 2010; and

WHEREAS, a memorandum of agreement was signed between representatives of the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440 and the Borough of Metuchen; and

WHEREAS, the terms of the memorandum have been ratified by the membership of the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440; and

WHEREAS, the Governing Body of the Borough of Metuchen has reviewed same and is desirous of ratifying said memorandum of agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the terms and conditions of the memorandum of agreement are hereby adopted;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and the same are hereby authorized to execute a contract incorporating the terms of the memorandum of agreement with the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440.

Dated: January 19, 2010

RESOLUTION NO. 2010-33

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that George Wallace be and he is hereby appointed as the acting Fire Official for the Borough of Metuchen effective immediately until such time that a replacement is appointed; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the New Jersey Division of Fire Safety.

Dated: January 19, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-28 through No. 2010-33 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 **\$2,916,050.15**.

Dated: January 19, 2010

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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.

ORDINANCE NO. 2010-1

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-1, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following 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.

Councilmember Waldron questioned the reason for the vacation.

Mr. Boerth stated that the alleys are no longer used for municipal purposes and the Borough would like to vacate the alleys to the residents, as was done in the 1990's with similar vacations. Mr. Boerth explained that ½ of the alley would be given to the adjacent homeowner.

The Mayor noted that the Borough would not increase taxes specifically for the extra property.

Councilmember Rubin questioned if the alley would be purchased by the homeowner.

Mr. Boerth explained that the property was an alley, not easement and that the property would be given to the homeowners without charge. Mr. Boerth noted the Borough currently has to expend efforts to maintain the alley and would rather cede the property to the adjacent homeowner.

Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for February 1, 2010. This motion was seconded by Councilmember Weber.

Roll Call Vote:

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

NAYS - None.

ORDINANCE NO. 2010-2

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-2, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2010-2 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO

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ESTABLISH A CAP BANK

Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for February 1, 2010. This motion was seconded by Councilmember Weber.

Roll Call Vote:

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

NAYS - None.

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

The Mayor opened the public hearing.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the meeting was adjourned at 9:48 p.m.

BOZENA LACINA, RMC
Municipal Clerk