

07/19/2010

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

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, July 19, 2010. The Meeting was called to order 7:29 p.m. by Mayor Vahalla. The Invocation was given by Councilmember Weber and followed by the Pledge of Allegiance.

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

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

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Frizell, and Zoning Officer Fany Ayala. Borough Clerk Lacina was absent.

**AGENDA SESSION**

Mayor Vahalla noted that Ordinance No. 2010-14 would be pulled from the agenda the agenda to allow for additional comments and concerns to be brought up. The Mayor noted that the ordinance would be introduced at the August 16, 2010 meeting, by which time all questions and concerns should be presented.

Council President Cammarano noted that changes to the Fire Prevention have been discussed for a year and a half and the actual Ordinance has been on the table for 3 months. Council President Cammarano requested that all ideas, suggestions and concerns should be addressed before the next meeting.

Councilmember Waldron thanked the Mayor for pulling the Fire Prevention Ordinance and that he would be proactive in getting suggestions to help finalize the matter.

Councilmember Morrison questioned the format for Ordinance No 2010-15 (Establishing an Appropriate Authority for the Police Department). Councilmember Morrison noted the ordinance was not in red-line form.

Mr. Boerth noted the Ordinance was drafted by the Labor Relations Attorney and the ordinance is as close to red-line as possible. Mr. Boerth noted there is a large amount of information that will be removed and the Labor Relation's Attorney has attempted to address each section individually.

Mr. Frizell noted that two letters from the Labor Relations Attorney explain each and every amendment. The Ordinance is instruction for the Codifier to make changes to the existing code.

Councilmember Morrison noted that while the letter may be attached as a statement of purpose, the Council and public should get a copy of the actual law that is being adopted. Councilmember Morrison noted that a redline copy of the existing code and the changes to it should be provided.

Mr. Frizell stated that the ordinance, as presented, is in correct ordinance format.

Councilmember Morrison noted that certain amendments make changes to wording for the section without providing the section word for word. Councilmember Morrison stated that it would be helpful to see the final product before final adoption.

Mr. Frizell stated that the Codifier will not do the work before final adoption. Mr. Frizell noted that the letter from the Labor Attorney is especially clarifying on many of the issues.

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Council President Cammarano noted the issue is an important one and since the substance of the ordinance is not in question and the Borough Attorney has deemed the format to be correct, he asked the Council to proceed with the introduction of the ordinance. Council President Cammarano noted the longer the Police Department goes without an ordinance, the greater potential for problems.

Councilmember Waldron then noted that a number of young shade trees at Oakland Park Tennis Courts have died. Councilmember Waldron questioned if those trees could be replaced.

Councilmember Rubin noted that those trees would be examined and if they were on the 2010 shade tree plantings list, a guarantee was available. If the trees were planted in previous years or if a group donated and planted the trees, then they are not replaceable, at this time.

Mayor Vahalla noted the Fire Department and Department of Public Works have been watering the 2010 shade trees to make sure they do not wither during the recent rain-free weeks.

Council President Cammarano noted that residents, at the last meeting, made an appeal to the Council for trees at Hampton Park to help mitigate the Amtrak tree cuttings in the area. Council President Cammarano asked if any of the young trees planted at the Municipal Pool parking lot could be moved.

Councilmember Weber stated that while the trees were planted fairly close together, they were specifically chosen for that site to provide future shade. Councilmember Weber noted the trees will be very tall and would not work at Hampton for the purposes of buffering.

Mayor Vahalla noted the Borough would consider their request in the future shade tree plantings.

Council President Cammarano noted the Governor had signed into law a 2% CAP for next year and the Council will have to begin thinking of potential savings to be able to meet that CAP. Council President Cammarano noted the Star Ledger ran an article on ideas municipalities are using to fund programs. Council President Cammarano noted the Borough will have to consider similar programs to help fund previously free programs of the Recreation, Cultural Arts and youth programs. Council President Cammarano noted the Council would need to see a break down of event costs, including any overtime provided by the Police Department and Department of Public Works. Council President Cammarano noted the July 4<sup>th</sup> concert received a generous donation this year and similar ideas would be needed for the next budget.

Councilmember Morrison noted that the donation did not cover the full cost of the concert.

Mr. Boerth estimated that there was an additional \$750 needed to fund the concert.

Council President Cammarano noted the Council liaisons should begin to consider how to provide those programs and events without municipal funding.

Councilmember Morrison also noted that the July 4<sup>th</sup> concert is the single most expensive event hosted by the Cultural Arts Commission. The other events are a few hundred dollars.

Hearing no further questions or comments on the agenda, the agenda session was adjourned.

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**ROUTES 287/27 INTERCHANGE PRESENTATION - MASER CONSULTING**

Mayor Vahalla introduced Maurice Rached and Nicholas Schaefer of Maser Consulting.

Mayor Vahalla noted the interchange study was funded with a settlement of a lawsuit instituted against the developer's of the Wal-Mart property in Edison.

Councilmember Waldron questioned is there was an estimated start date?

Mr. Rached stated that it would be reasonable to see a start of the project in 7 years.

The Mayor noted that Edison Township is in support of the project and a combined effort may expedite the project.

Mr. Rached noted that a public hearing was held earlier in the day to allow for comments and questions to be received on the proposed Routes 287/27 interchange. Mr. Rached noted Maser Consulting will attempt to address all concerns.

Mr. Rached stated that for safety purposes, all interchanges operate on 8 movements. This interchange is missing 4 movements, which creates undue traffic in residential areas when motorists look for short cuts.

Mr. Rached noted the project proposal has been designed to accommodate for potential future development so that it remains viable for the next 20 years. The development/redevelopment of the Revlon site, Wal-Mart, the Ford Redevelopment and Edison Transit Village have all been considered.

Mr. Schaefer then presented various tables and charts that showed existing levels of service and projected improvements. Mr. Rached noted that the project is a balancing act between the most reasonable service the community will receive for the most reasonable cost.

Mr. Schaefer noted that Maser Consulting had narrowed the concept plans to an "Initially Preferred Alternative" that would utilize existing roadway conditions and maintain existing interchange elements. Mr. Schaeffer noted the challenges of the concept would be Right-of-Way (ROW) acquisitions and bridge widening. Mr. Schaeffer noted the Initially Preferred Alternative would offer the community with a significant benefit.

Mr. Rached noted that the estimated project cost is \$43 million, not including the ROW acquisitions. The next step is for the County and State to recommend the project to the North Jersey Transportation Authority agenda for future funding.

Councilmember Rubin questioned if the ROW acquisitions would be done through eminent domain and/or condemnation.

Mr. Rached noted that most of the ROW acquisitions were only partial takings that would be handled through the normal process. Only one property is wholly acquired—German Auto Shop in Edison.

Councilmember Rubin also asked why \$43 million in improvements would only bring the exchange up to a "D" grade.

Mr. Rached noted that the grading system is based on a national model and a "D" is desirable; a "C" is considered excellent. Mr. Rached noted that the intersection wait times will be reduced from 300+/- seconds to 80+/- seconds. Mr. Rached noted the improvements are also relative to the area we live in and the existing conditions.

The Mayor opened the discussion up to the public.

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Jim Conlon, 20 Sharon Court, noted that he had consulted on a NJDOT job in 1960 for improvements to Middlesex Avenue that never left the planning stages and voiced his doubt the project would be completed.

Bob James, 238 Rose Street, noted as a member of the Traffic and Transportation Commission, the project is viewed as a great benefit to the community.

Hearing no further comments, the Mayor thanked Mr. Rached and Mr. Schaeffer for their presentation.

**PROCLAMATION - ADA ANNIVERSARY**

Mayor Vahalla then presented the following proclamation:

**WHEREAS**, the Americans with Disabilities Act (ADA) was passed on July 26, 1990 to ensure the civil rights of citizens with disabilities; and

**WHEREAS**, the Borough of Metuchen affirms the principals of equality and inclusion for persons with disabilities as set forth for the State of New Jersey and is embodied in the ADA, the laws of the State of New Jersey and ordinances of the Borough of Metuchen; and

**WHEREAS**, numerous organizations in the State of New Jersey work with constituents and communities to bring forth the promise of hope and freedom that is envisioned by the passage of the ADA; and

**WHEREAS**, July 26, 2010 celebrates the Anniversary of the Americans with Disabilities Act;

**NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN** do hereby extend greetings and best wishes to all observing July 26, 2010 as Americans with Disabilities Act Awareness Day.

**APPROVAL OF THE MINUTES**

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the Regular Minutes of June 21, 2010 were approved.

**COMMUNICATIONS**  
**CONSENT AGENDA**

5. Receive the minutes of the following meetings:
  - Parking Authority - May 18, 2010
  - TV & Technology Advisory Committee - May 26, 2010
6. Block Party request from Melody McCarthy for Upland Avenue on Saturday, September 11, 2010 - receive and approve.
7. Block Part request from Kevin Brennemen for Columbia Avenue on Saturday, August 7, 2010 - receive and approve

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Items No. 5 through No. 7 were received and/or approved.

**OTHER COMMUNICATIONS**

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted the 2010 pool season is going well. The weather, pool equipment and memberships have all cooperated to make a good year.

Council President Cammarano noted the Development Commission is working on the Town Center Square project --planning the painted outlines to introduce the future project.

Council President Cammarano noted the following Police Department reports:

- Borough Council would be accepting the resignation of Police Officer Nancy Phibbs during the consent agenda and thanked Officer Phibbs for her years of service with the Borough of Metuchen.
- the Police Department has purchased a new computer system for the dispatch desk that provides mapping location of incoming 9-1-1 calls. The purchase was made possible through the Middlesex County Prosecutor's Office.
- the Police Department will be stepping up enforcement of truck traffic that has been detoured as a result of the Route 27 bridge work.

Council President Cammarano also noted that representatives from St. Joseph's High School and the Lacrosse Tournament sponsors have met with the Metuchen Police Department to discuss certain matters for next year's tournament. Council President Cammarano thanked the Police Department for their efforts and enforcement during this year's tournament and noted the weekend event greatly impacts the residents of the surrounding community and needs to be better planned for in the future.

Councilmember Weber noted that the Environmental Commission is working on the following projects/efforts:

- Food and Water Watch-New Brunswick has asked the Council to consider a resolution opposing the movement of liquefied natural gas.
- Coordinating efforts with Project Porchlight for the light bulb distribution.
- AND--meeting with Solar vendors to discuss the possibly of installing solar panels, free of charge, on Borough buildings and receiving energy discounts.

Mayor Vahalla noted that the Borough had met with PSE&G on the solar panel issue and was told that the savings would not be significant.

Councilmember Waldron noted that the solar vendors are private contractors that are offering installation at their expense, will maintain any roof damage warranties currently in effect and are offering a 30% savings on current bills.

Councilmember Rubin noted the Library is continuing their summer programs. Information is available on their website. Summer hours will continue until September 12<sup>th</sup>. Councilmember Rubin also noted that the curb cuts at the Metuchen Library are being installed.

Councilmember Rubin asked residents who received a borough shade tree planting this year for their continued cooperation with the watering of the trees.

Councilmember Rubin announced the upcoming 47th Annual Metuchen Country Fair which is scheduled for Saturday, October 2, 2010 with rain dates of October 9th, 16th and 23rd. This year's theme is "Countries of the World". If you have any questions, please phone Alla Dubiago at Metuchen Savings Bank (732) 548-7400 ext. 6148.

Councilmember Morrison thanked the Auxiliary Police for their participation in the summer events: Fuce5K and Chamber of Commerce Cruise Nites. Volunteers are still needed. Interested residents may contact Councilmember Morrison, Police Chief Keane or Auxiliary Captain Dana @ 732-632-8123.

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Councilmember Morrison thanked the EMS for their service during the many summer events. Residents interested in volunteering with the Squad can provide EMT services, administrative help and donations. Please contact Lisa Garish at the Squad.

Councilmember Morrison noted the Cultural Arts Commission will present the following events:

- August Summer Concert Series at the Metuchen Senior Citizen Center at 8 p.m. on Thursday nights:
  - August 5<sup>th</sup> - The One and Nines
  - August 12 - Readymade Breakup
  - August 19 - No Discipline
  - August 26 - Roadside Graves[The series is sponsored by Metuchen Savings Bank, the NJ Department on the Arts, the Middlesex County Cultural & Heritage Commission and the Middlesex County Board of Chosen Freeholders]
- The Labor Day Concert would be held on Monday, September 5<sup>th</sup> and will be followed by fireworks.

### **REPORTS OF OFFICERS**

Mr. Frizell noted that the Council on Affordable Housing (COAH) has approved the Borough *Request for Waiver* in their housing plan.

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

Mr. Boerth had no report.

### **REPORT OF THE MAYOR**

Mayor Vahall noted the Borough officials had met with representatives of the NJDOT on several matters. The Borough will has asked for funding to assist in an advertising campaign to get back business lost during the Route 27 bridge closure. The Borough will be applying on behalf of the Chamber of Commerce for a \$30,000 grant.

Mayor Vahalla also noted that the Grove Avenue Bridge was discussed with the NJDOT. The bridge sidewalks need repairs as well as a structural check of the bridge. The Mayor noted that over limit truck traffic has been using the bridge unlawfully during the bridge repairs.

Mayor Vahalla then appointed Brian Tobin to the Alternate I position on the Zoning Board. Mr. Tobin currently holds the Alternate II position. The appointment was motioned by Council President Cammarano and seconded by Councilmember Weber, with all in favor.

The Mayor then appointed Jason Kirin to the Alternate II position on the Planning Board.

Mayor Vahalla then announced that on July 7<sup>th</sup> the Washington Hose Company and Eagle Hook and Ladder Company merged into one company of the Metuchen Fire Department. The merge will help with training and in cutting costs for the Department as a whole.

Mayor Vahalla also thanked the Police Department for their efforts during the Lacrosse Tournament at St. Joe's High School. The Mayor noted that over 3,500 people attended the tournament and efforts are underway to introduce a shuttle service form area parking lots for next year's event.

### **COMMENTS FROM THE PUBLIC**

The Mayor opened the meeting to public comment.

Bob James, 238 Rose Street, addressed the Council on the issues of borough taxes. Mr. James noted the property of equalization is not being applied properly. Mr. James noted the Borough's last re-valuation was in 1982 and that only a reassessment was done in 1992,

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which has resulted in unfair assessments to several neighborhoods. Mr. James also noted that additional assessments for construction are being taxed at 100% rather than being taxed at the ratio of 40%.

Mr. Frizell agreed that a re-valuation is needed in the borough but noted a base line price for the re-valuation is \$500,000. Mr. Frizell disagreed that added assessments and new construction are being taxed at 100% and noted that the taxes are being adjusted for the ratio. Mr. Frizell also noted that while the Borough only did a reassessment in 1992 – very few appeals were filed and almost none were successful, as a result.

Council President Cammarano questioned if a re-valuation would fall within the CAP.

Mr. Boerth stated that he did not know if the cost of the re-valuation was inside or outside of CAPS.

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

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

**RESOLUTION NO. 2010-110**

**RESOLUTION - REFUND SIDEWALK ESCROW FEES**

**WHEREAS**, the Planning Board Secretary has requested that the following sidewalk escrow, curb and apron fee accounts be closed and the balance be refunded; and

**WHEREAS**, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the appropriate Borough Professionals, that the following sidewalk escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

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

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

<b>ESCROW ACCOUNT</b>	<b>REFUND AMOUNT</b>	<b>DEPOSITOR</b>
#10-007S	\$308.00	Stephan Groat
#10-008S	\$160.00	Patricia Franko
#10-009S	\$466.00	S&A General Construction & Development
#10-010S	\$268.00	Fox & Foxx Development
#10-011S	\$243.00	Fox & Foxx Development

Dated: July 19, 2010

**RESOLUTION NO. 2010-111**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted as performance guarantees for Street Opening Permits; and

**WHEREAS**, the Director of Public Works advises that said work has been

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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 the following depositors, as the project has been determined to be closed:

<b>STREET OPENING PERMIT #</b>	<b>STREET ADDRESS</b>	<b>DEPOSITOR</b>
1081(2010)	58 Charles Street	Accurate Sewer & Drain 528 Downer Street Westfield, NJ 07090
1080 (2010)	15 Franklyn Place	AA Absolute Construction 115 East 11 <sup>th</sup> Avenue Roselle, NJ 07203
1014 (2009)	17 Willow Road	Roto-Rooter Services Co. 80 Veronica Avenue Somerset, NJ 08873
975 (2009)	8 Lawrence Street	Ken's Plumbing 1606 Route 27 Edison, NJ 08817
960 (2009)	21 Poplar Street	Jerome Domino 21 Poplar Street Metuchen, NJ 08840
959 (2009)	100 Spring Street	Karen Hays 100 Spring Street Metuchen, NJ 08840
874 (2007)	3 Liberty Street	Metuchen Self Storage II, 159 Route 183 North Stanhope, NJ 07874
831 (2006)	130 Whitman Ave	Metuchen Assembly of God PO Box 561 Metuchen NJ 08840
767 (2006)	82 Forrest Street	P&R Concrete 16 Mt. Bethel Rd. #240 Warren, NJ 07059
665(2004)	7-15 New Street	PSE&G 472 Weston Canal Road Somerset, NJ 08873
573 (2003)	11 Sydney Place	Ruth Sullivan 11 Sydney Place Metuchen, NJ 08840
507 (2002)	115 Rutgers Street	Tri State paving 11 Warwick Road Edison, NJ 08820
406 (2001)	102 Woodside Avenue	Cohorsky Construction 27 Kirk Street Avenel, NJ 07001

Dated: July 19, 2010

**RESOLUTION NO. 2010-112**

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**SUPPORTING THE OVER THE LIMIT- UNDER ARREST  
2010 STATE WIDE CRACKDOWN**

**WHEREAS**, impaired drivers on our nations roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

**WHEREAS**, 28% of motor vehicle fatalities in New Jersey are alcohol related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the over the *Over the Limit Under Arrest 2009 Year End Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 20, 2010 through September 6, 2010; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Metuchen declares its support for the *Over the Limit Under Arrest 2010 State Wide Crackdown* and pledges to increase awareness of the dangers of drinking and driving.

Dated: July 19, 2010

**RESOLUTION NO. 2010-113**

**WHEREAS**, the following applicant for a Club License has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

**WHEREAS**, the applicant has been investigated by the Chief of Police, Fire Inspector and Health Inspector; and

**WHEREAS**, the proper application and fees have been received; and

**WHEREAS**, no legally valid objections have been made as to why this application should not be approved,

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Club License for the period July 19, 2010 to June 30, 2011, be and the same is hereby granted to said applicant.

1210-33-010-003	SK & SK Inc. T/A Metuchen Bar & Grill 932 Middlesex Avenue	\$1,939
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Dated: July 19, 2010

**RESOLUTION NO. 2010-114**

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**BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that James Graziano be and is hereby appointed as Emergency Management Coordinator for the Borough of Metuchen, commencing immediately.

**BE IT FURTHER RESOLVED** that said appointment shall expire July 6, 2013.

Dated: July 19, 2010

**RESOLUTION NO. 2010-115**

**WHEREAS**, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Jason Lesniak** has been elected to be a permanent member of the Metuchen Fire Department; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **Jason Lesniak** be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: July 19, 2010

**RESOLUTION NO. 2010-116**

**RESOLUTION SUPPORTING A DISCRETIONARY AID APPLICATION TO THE NEW JESREY DEPARTMENT OF TRANSPORTATION FOR FINANCIAL SUPPORT OF AN ADVERTISING CAMPAIGN**

**WHEREAS**, Route 27 Section 6L Conrail Port Reading Branch Bridge has been closed since April 26, 2010, it had become apparent that the closure has burdened the Borough of Metuchen, especially the Metuchen businesses and merchants; and

**WHEREAS**, the Borough of Metuchen has attempted to make sure that all Borough services and businesses continue with as little disruption as possible due to the Route 27 bridge closure; and

**WHEREAS**, the Mayor, Councilmembers and various officials have met with the NJDOT officials to express their concerns; and

**WHEREAS**, the Borough of Metuchen intends to make application to the State of New Jersey for \$30,000 in discretionary aid to defray the cost of an advertising campaign which will assist in maintaining a business supportive environment in the Borough,

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Metuchen, formally approves the grant application for the above stated project in their application to the NJDOT for financial support to defray the cost of the advertising campaign.

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to submit a grant application 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.

**BE IT FURTHER RESOLVED**, the Mayor and Borough Council appeals to the Legislature to support this crucial application in maintaining the quality of life in the Borough of

Metuchen.

Date: July 19, 2010

**RESOLUTION NO. 2010-117**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 92-25 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2010 as follows:

**Group III - RECREATIONAL SEASONAL EMPLOYEES**

Soccer Camp Director \$ 600/week  
Track Camp Director \$ 650/week

**Group IV - SEASONAL EMPLOYEES/POOL**

Assistant Swim Team Coach (reduced schedule) \$ 500.00/season  
Diving Coach \$1,000.00/season  
Diving Coach (reduced schedule) \$ 625.00/season

**BE IT FURTHER RESOLVED**, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups; and

**BE IT FURTHER RESOLVED**, that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same range.

Dated: July 19, 2010

**Resolution No. 2010-118**

**Refund of 2009 and 2010 Taxes**

**WHEREAS**, the following have made overpayment of taxes,

<b>Name</b>	<b>Block/Lot</b>	<b>Address</b>	<b>Amount</b>		<b>Year</b>
Richard & Justine Rowe	76/33	16 Edith Ave	\$2,135.42	Refinance caused overpayment	2010/1 <sup>st</sup> qtr
Kristy Lauricella	153/4 C214C	129 Newman Street	\$919.70	Refinance caused overpayment	2009/4 <sup>th</sup> qtr

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

**NOW, THEREFORE, BE IT RESOLVED**, that the above listed property owners or agents be refunded property taxes as described in the amount of \$3,055.12.

Dated; July 19, 2010

**RESOLUTION NO. 2010-119**

**WHEREAS**, the Borough Council of the Borough of Metuchen has received the

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resignation of Police Officer Nancy Phibbs from the Metuchen Police Department, effective August 1, 2010; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen that the resignation of Police Office Nancy Phibbs from the Police Department, effective August 1, 2010 is hereby accepted.

Dated: July 19, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-110 through No. 2010-119 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 \$402,854.03.

Dated: July 19, 2010

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

/s/ Rebecca Cuthbert, CFO

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

**ORDINANCE NO. 2010-15**

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-15, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2010-15      An Ordinance Amending Chapter 37 Entitled "Police Department" by Establishing an Appropriate Authority**

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

**Roll Call Vote:**

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

NAYS -            None.

ABSENT -        Councilmember Manley.

**ORDINANCE NO. 2010-16**

Council President Cammarano made motion to introduce and take up on first reading

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Ordinance No. 2010-16, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following 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.**

Councilmember Morrison questioned if additional identification could be added to §137-4. Councilmember Morrison noted that a passport is a valid form of ID and should be added to the list.

After a brief discussion it was decided that the listing of documents should be removed and replaced with "government issued identification."

Councilmember Morrison also noted that the final line of the Ordinance states: "A separate offense shall be deemed committed on each day during or on which a violation occurs or continues." Councilmember Morrison noted the language "or continues" is unclear.

Mr. Frizell noted that the language should be interpreted by the Municipal Judge and Prosecutor. Each individual case will be up to their discretion.

Councilmember Morrison made motion to amend Ordinance No. 2010-16 §137-4 Identity – to remove the listing of accepted identification A through D and replace with "government issued identification." This motion was seconded by Council President Cammarano with all in favor.

Councilmember Morrison made a second motion to amend Ordinance No. 2010-16 to remove "or continues" from the final sentence of the ordinance. This motion was seconded by Councilmember Waldron.

**Roll Call Vote:**

AYES - Councilmembers Morrison and Waldron.

NAYS - Councilmembers Rubin, Weber and Council President Cammarano.

ABSENT - Councilmember Manley.

The second motion failed.

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

**Roll Call Vote:**

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

NAYS - None.

ABSENT - Councilmember Manley.

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

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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 9:40 p.m.

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BOZENA LACINA, RMC  
Municipal Clerk

DRAFT