

06/21/2010

**BOROUGH COUNCIL
MINUTES - JUNE 21, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, June 21, 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, Borough Attorney Frizell, and Borough Clerk Lacina.

**RESOLUTIONS HONORING THE METUCHEN EXCHANGE CLUB
POLICE OFFICER AND FIREFIGHTERS OF THE YEAR**

Council President Cammarano presented the following resolution to Officer Dan Granato:

WHEREAS, the Mayor and Council of the Borough of Metuchen wish to recognize and commend the accomplishments of the Metuchen Police Department who work diligently, assisting in safeguarding the safety and welfare of their neighbors and community; and

WHEREAS, the Mayor and Council are proud to honor **Officer Daniel Granato** upon the occasion of being named the 2010 Police Officer of the Year by the Metuchen Exchange Club; and

WHEREAS, Officer Granato currently serves as the Community Policing Officer. In this capacity, he is the police liaison to the Chamber of Commerce and works closely with them regarding all of the chamber events; greets all new business owners and provides them with information on Metuchen; conducts bicycle/motorcycle patrols during the spring and summer months; works with the Recreation Department and assists them with all of their community wide programs; and is one of the Police Department's DARE officers;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby recognize and further commend Officer Granato. We recognize in Officer Granato the very best of those values which make our community the very best -- courage, professionalism, impartiality, and selfless commitment to duty in the public interest. We call on the citizens of Metuchen to recognize in Officer Granato these qualities which truly inspire us, and to take note of his leadership by example. We also express our gratitude for his exemplary service and sacrifice, and through him, do express our thanks to all the men and women who serve our community, and our society, in the honorable profession of law enforcement.

Dated: June 21, 2010

Mayor Vahalla then read the following Resolution for Firefighter Devin Russo:

WHEREAS, the Mayor and Council wish to recognize and commend the accomplishments of the Metuchen Fire Department and has the deepest pride and admiration for the volunteer firefighters of the Borough of Metuchen who perform the crucial work of fire protection and fire prevention; and

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WHEREAS, the Mayor and Council are proud to honor **Firefighter Devin Russo** upon the occasion of being named 2010 Firefighter of the Year by the Metuchen Exchange Club; and

WHEREAS, Firefighter Russo joined the Metuchen Fire Department as a member of the Junior Firefighter program at the age of fourteen and upon graduating high school was accepted as a regular member. Firefighter Russo has proven a true team player and a valuable asset to the department and the community through his energetic participation and leadership abilities; and

WHEREAS, firefighters exemplify the power of human compassion and the strength of the spirit through actions of the most heroic magnitude; their sacrifices and their selfless dedication merit tribute and recognition by all citizens of this great borough; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby recognize and further commend Firefighter Russo. The community cannot express sufficient gratitude to those devoted individuals who recognize that the preservation of life and property is a sacred responsibility and who make that responsibility their own by serving as firefighters.

Dated: June 21, 2010

AGENDA SESSION

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

Councilmember Waldron commended the Metuchen Fire Departments for their assistance and efforts with the Face5K on June 19th.

Councilmember Waldron the questioned if Amtrak would be planting any buffer along the railroad tracks at Oakland Park.

Mayor Vahalla noted the Borough had to contact Senator Buono's office in order to have Amtrak put up a temporary fence along the railroad tracks at the park. The Mayor noted the while there is a plan for permanent fencing, there was no plan for any plantings to be done. The existing foliage was removed for safety and visual inspection.

Councilmember Waldron questioned the status of the Route 27 bridge repair and the status of the website updates on the matter.

Mr. Boerth stated that there were no further updates for posting.

Councilmember Rubin commented on the many wonderful events that have been going on: June Bug, Face 5K, the Little league Picnic; and suggested that the Borough consider a volunteer recognition day to honor all the volunteers that make things happen. Councilmember Rubin stated that she would brainstorm and present an idea at a future meeting.

Councilmember Rubin noted that the Chamber of Commerce had discussed the effect of the Route 27 bridge closure on the businesses in the construction area as well as the downtown. The Chamber of Commerce is concerned that the longer the bridge stays closed, the fewer patrons will return to the businesses that they once supported. Councilmember Rubin noted the Chamber of Commerce is looking to and advertise campaign on behalf of the borough businesses that publicize sales, specials and "how to get us" detour routes. Councilmember Rubin noted the Chamber would like to contact the New Jersey Department of transportation (NJDOT) to discuss a shared cost in the expense of the advertising campaign. Councilmember Rubin suggested that a letter or resolution of support come from the Council.

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Councilmember Rubin also noted that the Chamber of Commerce has decided they will put up signage directing the participants to the downtown retail Councilmember Weber requested that agenda items nos. 14, 15 & 15A be pulled for discussion and separate vote.

Councilmember Manley noted that he would recuse himself from Item #11.

PRESENTATION - PROJECT PORCHLIGHT

Mayor Vahalla invited Ms. Jill Zajac from Project Porchlight to the dais.

Councilmember Weber noted that he had been introduced to Project Porchlight at the League of Municipalities Convention. The program is sponsored the Board of Public Utilities (BPU) and the Office of Clean Energy.

Ms. Zajac noted that the project consists of door to door distribution of 14 watt CFL's (compact fluorescent lamps) empowering residents to believe that simple actions matter and to make smart choices that protect the environment. Project Porchlight, makes energy conservation accessible, relevant, and personal by engaging citizens, community groups, and municipalities to promote simple yet effective changes that have a global impact.

Ms. Zajac noted that project Porchlight likes to work with communities through blitzes or special events. Participating communities are eligible for 10 points credit with Sustainable NJ.

Councilmember Weber noted the project would be turned over to the Environmental Commission with a blitz date to be planned for July.

Mayor Vahalla thanked Ms. Zajac for her presentation.

APPROVAL OF THE MINUTES

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the Regular Minutes of June 7, 2010 were approved.

PRESENTATION - PROJECT PORCHLIGHT

ORDINANCE NO. 2010-8

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-8.

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

The Clerk read the Ordinance by title:

**Ordinance No. 2010-8 AN ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF METUCHEN, CHAPTER 93 THEREOF,
ENTITLED FIRE PREVENTION, BY REPEALING IT IN
ITS ENTIRETY AND CREATING A NEW CHAPTER 93
ENTITLED FIRE PREVENTION**

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

Fire Official George Wallace joined the Council at the dais.

Mr. Wallace noted that when he had taken over as Fire Official, he had asked the Borough Administrator and Mayor to revise the current ordinance. Mr. Wallace noted the proposed changes are minimal – adding a schedule of fees and an itemized listing of businesses. The

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ordinance would also change the title of the position to Fire Marshall and the Borough Administrator would become the borough official to whom the Fire Marshall would answer to.

Mr. Wallace noted that discussion at the previous meeting noted specific borough businesses as examples of the potential increase in fees. Mr. Wallace noted that these specific business are state regulated and fees are determined by the Department of Community Affairs (DCA)

Councilmember Cammarano noted that all fees are collected and turned over to the State. The State returns 65% of the fees to the Fire prevention Bureau for office operation costs.

Mayor Vahalla questioned if the ordinance revisions would allow for non-owner occupied rentals to be inspected.

Mr. Wallace stated that it would.

Councilmember Waldron clarified that although the ordinance is asking for a change in title from Fire Official to Fire Marshall, there is no new paid position being created.

Mayor Vahalla noted that was correct.

Councilmember Waldron noted that the Bureau currently operates with the Fire Official and one (1) inspector and questioned how the inspections would be effectuated. Councilmember Waldron questioned at what would be the proper staffing level.

Mr. Wallace noted that there is currently a Fire Official and two (2) inspectors.

Councilmember Waldron questioned how many properties would be affected and the anticipated revenue; how much was generated in the past two (2) years.

Mr. Wallace noted that last years numbers just came in. The ordinance revisions will allow the Bureau to get better understanding what is needed when the inspections begin.

Councilmember Waldron questioned the number of inspections.

Mr. Wallace stated that he did not have an exact figure. Mr. Wallace stated that in addition to inspections, the Bureau issues affidavits.

Councilmember Morrison questioned if illegal subdivisions were the impetus for doing the ordinance revisions and asked for supporting data.

Mr. Wallace noted that in the past month there have been two (2) complaints that were turned over to the Zoning Inspector.

Councilmember Morrison questioned how would the revised ordinance change that practice.

Mr. Wallace stated that there is no new language in reference to that.

Councilmember Morrison questioned if the ordinance revision improve the Bureau's ability to weed out illegal subdivisions.

Councilmember Rubin noted the revised ordinance requires notification upon change of occupancy.

Councilmember Weber noted the Bureau would be afforded an opportunity for re-inspection at that time.

Councilmember Morrison noted that the unregistered units would be the ones with problems.

Mr. Wallace noted the new language would institute a \$500 fine for violation of the requirements.

Councilmember Morrison asked if there was data on illegal apartments.

Mr. Wallace noted that in the past month there have been two (2) complaints that were turned over to the Zoning Inspector.

Councilmember Morrison questioned if the violations were on-going and/or increasing.

Mr. Wallace noted that currently the Bureau is only allowed to inspect common areas of many apartments and the ordinance revisions will allow inspection upon change in occupancy.

Councilmember Manley questioned the total amount of expected revenue to be generated from the revisions. Councilmember Manley stated that he understood the Bureau is self-sustaining, but the changes may be generating funds not needed.

Mr. Wallace stated that he could not guess at the amount of revenue that would be generated, as the fees are dependant upon the service provided; figures would be available one year from now.

Councilmember Manley stated he is concerned that government would not be expanded to meet the revenues generated.

Mayor Vahalla noted that surrounding communities have full time inspectors that provide the same service that we do part-time: Highland Park has 2 ½ full time inspectors and South Plainfield has 6 full time inspectors.

Councilmember Manley questioned what the fees generated today pay for.

Mr. Wallace stated that they cover the salaries of the inspectors, Fire Prevention week activities and their operating budget.

Councilmember Manley questioned if Mr. Wallace was expecting an increase in generated fees.

Mr. Wallace noted the Bureau was expecting an increase in inspections.

Councilmember Manley noted more inspections – higher salary.

Mr. Wallace noted the Council determines the salaries for the Bureau.

Council President Cammarano questioned what was the salary.

Mr. Boerth stated that the salary range was \$3,800-\$4,400 annually.

Councilmember Manley noted the Fire Official's salary is \$11,300.

Councilmember Morrison questioned the title change from Fire Official to Fire Marshall and questioned if any enforcement responsibilities or investigative powers were added?

Mr. Wallace stated that the Fire Prevention Bureau did no investigate any arson cases; the investigation was handled by the Police Department.

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Councilmember Rubin noted the title was being changed and not the duties or responsibilities.

Councilmember Manley then noted that increased fees would translate to increased salaries creating a burden to the tax payers in pension obligations.

Councilmember Manley noted that there is no supporting data to warrant the increase in fees.

Mayor Vahalla stated that there is supporting data to warrant the revisions. The Mayor noted that illegal subdivisions place a drain on municipal services. The Mayor noted the most recent illegal subdivision was done without the homeowner's knowledge, by the renter.

Councilmember Weber noted the Fire Official in his daily capacity sees a need for the revisions. Councilmember Weber noted the Bureau can just keep up with the current workload, leaving the for sale certificates to be made by affidavit, and stated that extra staff would be beneficial to the Bureau.

Councilmember Morrison noted the revision have the Fire Marshall reporting to the Borough Administrator. Councilmember Morrison asked if it would not be better to keep the Bureau matters within the Fire Department.

Mr. Wallace stated the Fire Department/Fire Chief would still be made aware of all the activities. The Bureau reports to the Borough Administrator now anyway.

Councilmember Rubin noted the ordinance revisions reflect a minor change to the current code: added record keeping abilities (rentals & businesses) penalty for failing to notify; elaborates on the fee schedule; types of business/fire hazards delineated and defines fees based on such.

Councilmember Manley noted the Council still does not know what the potential generated revenue will be.

Councilmember Rubin noted that amount is unknown until the business and rentals register. The purpose is to improve property safety.

Councilmember Waldron questioned why the problems could not be addressed through enforcement. Councilmember Waldron noted that fees are collected now and reported to the Borough Administrator. Councilmember Waldron who would ensure the follow up?

Mr. Wallace stated the Fire Official would.

Councilmember Waldron noted that in §93.7. a penalty of \$500 is set and questioned how it would be enforced.

Mr. Wallace noted that most violations do not end up in court and that the threat of the violations usually resolves the matter.

Councilmember Waldron questioned what if the owner changes and the Fire prevention Bureau is not notified – who would enforce?

Mr. Wallace stated he did no know.

Councilmember Waldron noted that if there is haphazard enforcement, how will the borough ensure a concrete system is in place.

Mr. Wallace noted that the Uniform Construction Code has certain requirements that must be met and once the new system is up and operating it will fall into place.

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Councilmember Waldron questioned if waivers are instituted for certain structures such as schools and religious institutions.

Mr. Wallace stated that currently the fees for municipal buildings and religious institutions are waived.

Councilmember Waldron questioned the time frame to have the registrations complete if approved tonight.

Mr. Wallace stated that some registrations are made at the time of inspection .

Councilmember Morrison then questioned the appointment terms.

Mr. Frizell stated that the language should have been changed from an earlier version and was not.

Councilmember Morrison questioned the use of discretion that is permitted by allowing the Fire Marshall to inspect periodically and asked how a time line was applied.

Mr. Frizell noted the language was taken directly from the Uniform Constructions Code.

Councilmember Manley noted that the Borough is proposing to charge a fee and there will be no guarantee of service.

Mr. Wallace stated that theoretically there will be annual inspections and habitual offenders get inspected more often.

Councilmember Rubin noted that once the ordinance is approved and registrations begin to be processed, more data can be collected and revisited.

Councilmember Waldron noted the same can be done under the current code; and there is no new language requiring the collection of data.

Councilmember Morrison noted that ordinance should not be a information gathering litmus test, rather data from the current code should justify any revisions.

At this time the Mayor opened the public hearing on this Ordinance.

David Glasofer read the following letter on behalf of the Chamber of Commerce:



METUCHEN AREA CHAMBER OF COMMERCE
323 Main Street, Suite B, Metuchen, New Jersey 08840-2433
Phone: 732-548-2964 / Fax: 732-548-4094
metuchen.chamber@verizon.net

Honorable Thomas Vahalla & Metuchen Borough Council Members
Borough Hall
500 Main Street
Metuchen, NJ 08840

Dear Mayor Vahalla & Council Members,

The Metuchen Area Chamber of Commerce Executive Board and Board of Directors have reviewed and discussed proposed Fire Ordinance No. 2010-8.

As the collective voice of Metuchen Borough Chamber Members and business owners, we believe that the proposed fire ordinance will improve the safety and well-being of our area

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businesses and residents and will not place an undue financial burden on our community or business owners.

The proposed annual registration fees appear to be in-line, if not lower than neighboring municipalities. Further, the proposed ordinance will improve the safety of our all volunteer fire department as they perform their duties in protecting our community.

We applaud the Mayor, Borough Council and local fire officials for recognizing the need to amend the Fire Prevention Code. We thank you for your continued commitment in safeguarding all those who call Metuchen their home.

Sincerely,

David Glasofer - President, Metuchen Area Chamber of Commerce

Sheri Tomasco, 77 Orchard Avenue, noted that the Fire Prevention Bureau used to inspect at the time of sale and noted the current policy is an affidavit. Ms. Tomasco questioned how many inspectors were there then and what the fee was.

Mayor Vahalla noted that fee is unchanged \$35.

Mr. Wallace noted that there were four inspectors.

Ms. Tomasco noted that from the discussion it does not seem that there was not enough information to make a decision. Ms. Tomasco questioned if businesses not previously required would have to register now?

Mr. Wallace noted that all businesses are required to register, there is no change to that language.

Ms. Tomasco stated the Bureau should start with enforcement of the current code.

Raymond DiTomaso, 150 Main Street, stated the Bureau should guarantee that the fee will equal a service. Mr. DiTomaso that he has operated his business in three locations throughout Metuchen and he has never been inspected by the Fire Prevention Bureau.

Susanne Broxmeyer, 14 Roberts Circle, also stated that there was not enough data to proceed with this ordinance. Ms. Broxmeyer noted that the residents pay lots of taxes and the previous resident stated that he has not had one inspection in the last 10 years.

Mayor Vahalla noted that the Fire Prevention Bureau does not operate with tax dollars.

Richard Plechner, 62 Oak Avenue, stated that from the discussion it seems that the zoning code needs better enforcement as illegal subdivisions are not the function of the Fire prevention Bureau. Mr. Plechner also noted that those abusing the law will not be voluntarily registering. Mr. Plechner stated this ordinance will be taking in fees not necessary.

Council President Cammarano noted the fees and inspections are required by State Code and are used for the Fire Prevention Bureau.

Stanley lease, 28 Franklyn Place, noted that other municipalities handle illegal subdivisions and overcrowding through a housing ordinance and questioned why the Borough was not proposing that.

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

On a motion made by Council President Cammarano, seconded by Councilmember Rubin,

this Ordinance **failed** on second reading.

Roll Call Vote:

AYES - Councilmembers Rubin, and Council President Cammarano.

NAYS - Councilmember Manley, Morrison, Waldron and Weber.

ABSENT - None.

At 9:55 p.m. Councilmember Manley made motion for a five minute recess. This motion was seconded by Councilmember Waldron, with all in favor.

The Council reconvened at 10:00 p.m.

ORDINANCE NO. 2010-9

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-9 .

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

Councilmember Morrison made motion that Section 1 of the ordinance be amended to read: "**SECTION 1.** Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:" This motion was seconded buy Councilmember Waldron with all in favor.

The Clerk read the Ordinance by title:

Ordinance No. 2010-9 AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF METUCHEN, CHAPTER 110, ARTICLE 24-FLOOD DAMAGE PREVENTION.

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

The Mayor opened the public hearing on this Ordinance.

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

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

Roll Call Vote:

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

NAYS - None.

ABSENT - None.

ORDINANCE NO. 2010-12

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2010-12.

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

The Clerk read the Ordinance by title:

Ordinance No. 2010-12 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 185 THEREOF ENTITLED VEHICLES AND TRAFFIC §185-14 PROHIBITED PARKING.

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

The Mayor opened the public hearing on this Ordinance.

Hearing no further 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, Weber and Council President Cammarano.

NAYS - None.

ABSENT - None.

COMMUNICATIONS
CONSENT AGENDA

8. Receive the minutes of the following meetings:
 - Traffic and Transportation – May 12, 2010
 - Zoning Board yearly reports 2008 & 2009
9. Letter from *Turn the Towns Teal, Inc.* requesting permission to tie teal ribbons in Metuchen during September 2010 in recognition of ovarian cancer – receive and approve.
10. Letter from Reed Leibfried tending his resignation to the Zoning Board – receive.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, 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 noted the Police Department will provide barricades during the Lacrosse Tournament at St. Joes to prevent parking in the residential section. St. Joe's has agreed to provide one off-duty police officer for the event.

Council President Cammarano noted there will be a public forum for the Route 287/27

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Interchange project on Monday, July 19th at Metuchen Borough Hall from 4 pm-7pm; and public presentation will follow at the Council meeting at 7:30 p.m.

Council President Cammarano also noted the Municipal Pool is now open and the past two weekends have seen great attendance.

Council President Cammarano noted the Little League Picnic was a great success with well over 1000 people in attendance. Council President Cammarano stated the League is a great example of the volunteerism in Metuchen.

Councilmember Weber announced the Parking Authority has made the first half of their annual contribution in the amount of \$337,500.

Councilmember Waldron noted the Environmental Commission would be meeting on June 23rd at 7 p.m.; on the agenda would be Project Porchlight and the proposed trash train.

Councilmember Waldron also noted that the City of Garfield has gone solar. Councilmember Waldron noted that private companies are offering programs where they install and become the owner and operators of the system. The Environmental Commission will look into these programs and report back.

Councilmember Rubin reminded residents that the Metuchen Library continues to be a drop off site for the MCFOODS program and the summertime sees a greater need for donations. Councilmember Rubin noted the Friends of the Metuchen Library are looking for members. The cost to join is \$5 and the fees benefits a variety of programs offered at the Library.

Councilmember Rubin also noted that Senior Citizens Inc is looking for members. Their membership fee is also \$5.

Councilmember Rubin congratulated the Metuchen Chamber of Commerce on the on a very successful June Bug series and urged residents to attend the last June Friday in June.

Councilmember Rubin commended Traci Gelber on her organization of the CSA in Metuchen; the first deliveries were received last week.

Councilmember Morrison noted the Municipal Pool looked great on Father's Day weekend and thanked the Mayor and Council for arranging free memberships to the volunteer emergency services of our town.

Councilmember Morrison thanked the Auxiliary Police for their participation in the June Bug, Fuce5K and Little League picnic. Volunteers are still needed. Interested residents may contact Councilmember Morrison, Police Chief Keane or Auxiliary Captain Dana .

Councilmember Morrison thanked the EMS for their service during the June Bug, Fuce5K and Little League picnic. Residents interested in volunteering with the Squad can provide EMT services, administrative help and donations. Please contact Lisa Garris at the Squad.

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

- August Summer Concert Series:
 - August 5th - 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 July 4th Concert would be held at Metuchen High School and was graciously sponsored by the Westerhoff School of Music.

Councilmember Manley thanked all those who participated and volunteered at the June 19th Fuce 5K, on behalf of the organization. \$30,000 was raised for three area families to assist with medical expenses for their sick children. Councilmember Manley noted that the event which has been intentionally planned the same day as the Little League picnic, will be separated next year. The committee will also consider further changes to ensure that area business are not adversely affected.

REPORTS OF OFFICERS

Mr. Frizell had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor Vahalla appointed Teri Coleman to the Municipal Pool Committee. Council President Cammarano made motion to approve the nomination. The motion was seconded by Councilmember Manley with all in favor.

Mayor Vahalla also announced that the Eagle Hook & Ladder and Washington Hose companies will merge into one fire department at a ceremony on July 7th.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Stan Lease, 28 Franklyn Place, noted that South Amboy merged the Planning and Zoning Boards and realized a considerable savings. Mr. Lease urged the Council to consider the same, as it would also expedite applications.

Michael Hunter, 4 Michael Drive and Suzanne Broxmeyer, 14 Roberts Circle, presented their concerns over the clearing of brush along the Amtrak property near Hampton Park.

Mayor Vahalla noted that the only trees and brush that were removed were on the actual property or encroaching onto their property. Amtrak periodically removes the vegetation for security and visual inspection purposes. Mayor Vahalla noted that the Borough will ask Amtrak to restore some buffering, however, they are no obligated to restore it.

Mr. Boerth noted that the Borough had succeeded in getting Amtrak to do a minimum of clearing but not without incident, as Amtrak threatened to have the Metuchen Police and the Borough Administrator arrested. Mr. Boerth noted that federal law allows Amtrak many sanctions and they did do the absolute minimum of work in Metuchen .

Councilmember Rubin noted that although Shade Tree would like to assist, their 2010 budget has been used on the spring plantings.

Sheri Tomasco, 77 Orchard Avenue, asked what the status of the Orchard Street roadwork was.

Mr. Boerth noted the contractor was scheduled to be in town this week.

Ms. Tomasco questioned if speed bumps would be installed.

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Mr. Boerth stated that neither the Police Department nor Borough Engineer recommend speed bumps. Speed bumps end up being noisy and require extensive signage and road markings. The project is being constructed using bump outs which also reduce speed by narrowing the roadway.

Ms. Tomasco noted her disconcert over Amtrak noting that the clearing was so extensive that it is possible to see Essex Avenue on the other side.

The Mayor repeated that Amtrak operates under federal sanctions and the Borough is limited in their ability to restrict them.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2010-103

Refund of 2009 Taxes

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
William & Ellen Kuhne	138/53.02	45 Kentnor Street	\$3,009.07	Refinance caused overpayment	2009/2 nd qtr
Cheryl Craft	118/62	59 Robins Place	\$2,161.48	Refinance caused overpayment	2009/1 st qtr
Rosario Cusumano	44.2/27	35 Forrest Street	\$1,779.03	Refinance caused overpayment	2009/3 rd 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 \$6,949.58.

Dated: June 21, 2010

RESOLUTION NO. 2010-104

RESOLUTION – REFUND ESCROW BALANCE

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

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

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

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
04-658 E	125.00	Eric Berger, Esq.

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1210-32-002-002	Metuchen Inn A Corp, T/A Metuchen Inn 424 Middlesex Avenue	\$1,939
1210-33-006-004	Sping Inc. T/A NJ'S Tavern 154 Main Street	\$1,939
1210-33-009-007	Mercado Grill (In pocket)	\$1,939
1210-33-012-008	CGC Café LLC T/A Novita 25 New Street	\$1,939

PLENARY RETAIL DISTRIBUTION

1210-44-003-001	Great Atlantic and Pacific Tea Co. T/A A & P Warehouse Liquors 45 Pearl Street	\$1,193
1210-44-007-006	Sunny & Shivani. T/A Metuchen Liquor and Delicatessen 422 Main Street	\$1,193

PLENARY RETAIL DISTRIBUTION

1210-44-011-006	Abrol, Inc. T/A Wine Chateau 160 Durham Avenue	\$1,193
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CLUBS

1210-31-014-001	American Legion Fugle Hummer Post 65 Lake and Holly Street Post Office Box 365	\$ 150
1210-31-017-002	Metuchen Elks #1914 87 Middlesex Avenue	\$ 150

Dated: June 21, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-103 through No. No 2010-105 were adopted. Councilmember Manley recused himself from Item #11.

DISCUSSION OF RESOLUTION NO. 2010-106

Councilmember Weber questioned the necessity to continue the restrictions, as there have not been any police reports on the establishment for some time now.

Councilmember Morrison also agreed and noted the restriction of one drink purchase at a

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time was harsh. Councilmember Morrison asked that the conditions be reconsidered next year.

RESOLUTION NO. 2010-106

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2010 to June 30, 2011 due to past repeated disturbances and nuisances; and

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 Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2009 to June 30, 2010 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
<u>PLENARY RETAIL CONSUMPTION</u>		
1210-33-006-003	Sping, Inc. T/A NJ's Tavern and Restaurant 154 Main Street	\$1,939

Subject to the following terms and conditions:

- employ a security guard at the door to check identification, as well as maintain order who is not a family member or friend of the family.
- keep door closed while open for business.
- keep side door as “an alarmed fire exit only” in an attempt to eliminate underage drinking in rear area or bar.
- bartender must re-check identification prior to serving alcoholic beverages.
- must have a working video system available to authorities to review possible criminal activity.
- each patron is only allowed to purchase one drink at a time - they cannot purchase a drink for another person.

Dated: June 21, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-106 was adopted.

DISCUSSION OF RESOLUTION NO. 2010-107

Councilmember Weber noted that since the Borough has experienced minor infractions in the outdoor seating area at Hailey’s Harp & Pub, a trial period should also be added to Novita.

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Councilmember Waldron questioned if smoking was permitted in outdoor eating areas.

Mr. Frizell stated that it was, and that the Borough could not regulate it through a liquor license.

Charlie Badalamenti, owner and operator of Novita, noted that he had some concerns over the conditions being attached. Mr. Badalamenti noted that Hailey's is on Main Street, a much busier street than Novita. Mr. Badalamenti stated that Novita had continued the outdoor seating in error, from the previous owner and there have been no incidents. Mr. Badalamenti requested an extension of the outdoor operating hours, noted that he cannot block the break in the fencing surrounding the outdoor patio as it serves as a fire exit and requested the Council relax the condition to only allow service to eating costumers.

Councilmember Morrison suggested that signage be attached to the fencing stating that entrance to the patio area is prohibited from the parking lot/sidewalk.

Council President Cammarano noted that the Council is trying to be consistent in granting approval to outdoor spaces. Council president Cammarano also noted that any residents in the adjoining buildings would be disrupted through longer hours of operation.

Mr. Badalamenti noted that the restaurant is usually closed by 10 pm on weekdays, however, his concern is for a party that may continue past the prescribed hours.

Council President Cammarano noted that Novita did receive a noise complaint at one time.

Mr. Badalamenti noted that complaint was for the DJ night and no complaints have been for the outdoor patio space.

Councilmember Rubin noted that the outdoor space is not year round and suggested that 11 pm weekdays and 12 pm weekends be used.

It was the consensus of the Council to amend the conditions as follows:

Add: 1. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.

Amend:

Permitted time to read:

2. No service shall be made in the outdoor area after 11:00 P.M. on weekdays, 12:00 P.M. on Friday and Saturday.

Remove restriction to serve to eating costumers:

4. Service in the outside area shall be limited to seated customers being served food. No standing service/consumption shall be permitted.

RESOLUTION NO. 2010-107

WHEREAS, application has been made by CGC Cafe LLC., for a place-to-place transfer of Plenary Retail Consumption License #1210-33-012-008, t/a **NOVITA**, for premises located at 25 New Street, Metuchen, New Jersey 08840; and

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

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

06/21/2010

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the application of CGC Café, LLC., for a place-to-place transfer of Plenary Retail Consumption License #1210-33-012-008, t/a NOVITA for premises heretofore located at 25 New Street to extend existing premise, effective June 21, 2010 according to the conditions below:

Conditions:

1. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
2. No service shall be made in the outdoor area after 11:00 P.M. on weekdays, 12:00 P.M. on Friday and Saturday.
3. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
4. Service in the outside area shall be limited to seated customers being served food. No standing service/consumption shall be permitted.

Dated: June 21, 2010

New number: 1210-33-012-009

On a motion made by Council member Manley, seconded by Councilmember Waldron, the above Resolutions No. 2010-107 was adopted.

Voice Vote:

AYES - Councilmembers Manley, Morrison, Rubin, Waldron and Weber.

NAYS - Council President Cammarano.

DISCUSSION ON RESOLUTION NO. 2010-108

Councilmember Weber questioned if the outdoor barrier could be made permanent and unmovable.

Mayor Vahalla noted an issue has become only accessing the patio area from inside as per their conditions.

Council President Cammarano noted that while the problem was addressed immediately, the situation should be monitored under an extended trial period.

There was no further discussion on Hailey's Harp & Pub. The conditions remained as presented, other than service to eating customers was removed.

RESOLUTION NO. 2010-108

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

06/21/2010

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2010 to June 30, 2011 due to past repeated disturbances and nuisances; and

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 Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2009 to June 30, 2010 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
<u>PLENARY RETAIL CONSUMPTION</u>		
1210-33-008-007	HHP Enterprises LLC T/A Hailey's Harp & Pub 400 Main Street	\$1,939

Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the within permission to use the outdoor area for service/consumption of alcohol shall expire on December 31, 2010.
2. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
3. No service shall be made in the outdoor area after 10:00 P.M. on weekdays, 11:00 P.M. on Friday and Saturday.
4. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
5. Service in the outside area shall be limited to seated customers being served food. No standing service/consumption shall be permitted.

Dated: June 21, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Morrison, with all in favor, the above Resolutions No. 2010-108 was 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 **\$2,231,300.50**.

Dated: June 21, 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.

06/21/2010

/s/ Rebecca Cuthbert, CFO

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

ORDINANCE NO. 2010-13

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-13, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2010-13 AN ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF METUCHEN, CHAPTER 143, ENTITLED
PUBLIC RECORDS ACCESS, TO REDUCE THE COPY
FEES FOR PUBLIC RECORDS.**

Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for July 19, 2010. This motion was seconded by Councilmember

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 11:15 p.m.

BOZENA LACINA, RMC
Municipal Clerk