

06/07/2010

**BOROUGH COUNCIL
MINUTES - JUNE 7, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, June 7, 2010. The Meeting was called to order 7:35 p.m. by Mayor Vahalla. The Invocation given by Councilmember Weber and was 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.

AGENDA SESSION

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

Council President Cammarano requested that Resolution No. 2010-99 (Resolution opposing the transport of solid waste via rail over the Port Reading Line) be pulled for discussion.

Mayor Vahalla noted that he will hold the appointment of James Wallace to the Planning Board as an Alt. I member, until the next meeting. The Mayor did note that he will proceed with the appointment of Kathy Busch to full member.

Councilmember Manley requested that Resolution No. 2010-102 (Resolution approving agreement with the New Jersey Department of Transportation for use of Municipal Police Officers) also be pulled for discussion.

Councilmember Waldron noted that the residents within the Route 27 bridge closure neighborhoods have asked to receive weekly updates from the New Jersey Department of Transportation (NJDOT).

Council President Cammarano stated that the Police Department is in regular contact with the NJDOT and the work is proceeding on schedule, with a completion expected in October. Council President Cammarano stated that he would pass along the request to the Police Department.

Councilmember Waldron also noted that a resident has requested municipal enforcement of parking regulations during the Lacrosse Tournament that will held at St. Joe's. The resident noted that neighborhood parking is adversely affected during the tournament and requested increased enforcement.

Mayor Vahalla requested Lieutenant David Irizarry come forward to address the matter.

Lt. Irizarry noted that the Police Department has been in contact with the residents of that neighborhood, as well as St. Joe's and is looking at ideas to address the issue. Lt. Irizarry noted the event is so large that St. Joe's cannot accommodate the parking. Currently, overflow parking is funneled to the Woodrow Wilson School around the corner.

Mayor Vahalla suggested that overflow parking also be directed to the Pearl Street parking lot and St. Joe's can provide shuttle service from there. The Mayor noted that the downtown could also benefit from the crowds of attendees at the weekend event. Mayor Vahalla also asked that the neighborhood streets be accessible to local traffic only.

Councilmember Morrison noted that Ordinance No. 2010-11 is written in resolution format rather than ordinance format and questioned if that would be a problem.

Mr. Frizell stated the Ordinance to extend the tax abatement for the Lincoln Avenue senior housing will not get codified with the "whereas" clauses but rather incorporated into the affordable housing section.

Councilmember Morrison also noted that Ordinance No. 2010-9 to establish a flood plain utilized existing numbers from the code. Councilmember Morrison questioned if those sections were meant to be replaced or if it was to be incorporated in addition to the existing code. Councilmember Morrison noted that without a red-lined copy it was difficult to understand the necessary changes.

Mr. Boerth noted the Ordinance was prepared by the Borough Engineer and any detailed information would have to be provided by her office.

Mr. Frizell stated the Ordinance is required by FEMA to allow borough residents to purchase flood insurance.

Councilmember Morrison noted the ordinance removes some desirable language already included in the code. Councilmember Morrison asked this Ordinance be tabled until the next meeting for further review.

Council President Cammarano made motion to table the final adoption of Ordinance No. 2010-9 until June 21, 2010. This motion was seconded by Councilmember Morrison, with all in favor.

Councilmember Morrison then noted the Council was not provided with a red-lined copy of Ordinance No. 2010-8.

Mr. Frizell stated that red-lined version was provided last Friday. Mr. Frizell offered to review all the changes within the Ordinance.

Council President Cammarano noted that the Council has worked through 12 ordinances this year so far and none have been red-lined and there have been no objections until this ordinance. Council President Cammarano noted that any problems with the ordinance should be voiced instead of obstructing the ordinance on procedural issues.

Councilmember Morrison noted the red-lined copy was requested at the last meeting.

Council President Cammarano noted that a red-lined copy is not necessary as the current code is being repealed in its entirety and replaced with the proposed Ordinance No. 2010-8.

Councilmember Waldron noted the red-lined version is also for public edification.

Councilmember Morrison noted that if more than half of the ordinance remains the same then it should not be repealed entirely.

Councilmember Rubin noted that the Ordinance is not being argued on substance, but

rather has been impeded with procedural problems. Councilmember Rubin stated the Council should talk about the actual changes and substance of the Ordinance. Councilmember Rubin noted that there are actually only a few changes and this is the fifth time the Ordinance is being pulled from the agenda.

Councilmember Manley noted the changes to the registration fees are very significant.

Councilmember Rubin noted the Council should introduce the Ordinance, so that public comment can be heard and the substance if the ordinance discussed.

Councilmember Morrison noted his frustration with the inability to get the proper tools that are provided for in the rules. Councilmember Morrison stated the Ordinance proposes multiple changes that require preparation.

Mayor Vahalla noted that residents and Fire Department members are being put at risk every time the Council delays the introduction of this Ordinance.

Councilmember Morrison noted that proceeding on this Ordinance would be violation of the rules.

Mr. Frizell noted that even though there are many sections which have been written back in, the entire code is to be repealed and replaced with the proposed new code.

Councilmember Morrison stated that it was removed from the last agenda because there was no red-lined copy or statement of purpose provided.

Council President Cammarano stated the Ordinance was removed to discontinue the disagreement on procedural issues.

Councilmember Morrison noted that if it is a true repeal of the previous code, then the entire section should be red-lined and the new proposed ordinance can follow.

Councilmember Morrison made motion to remove Ordinance No. 2010-8 from the agenda. The motion was seconded by Councilmember Manley.

Roll Call Vote:

AYES - Councilmembers Manley, Morrison and Waldron.

NAYS - Councilmembers Rubin, Weber and Council President Cammarano.

MAYOR'S VOTE - NAY

Motion Fails.

Mr. Frizell then read the following letter into record:

April 19, 2010

Mayor Thomas Vahalla
Borough of Metuchen
500 Main Street
Metuchen, NJ 08840

Dear Mayor Vahalla:

You have asked me to clarify the advice regarding telephonic participation in Council meetings.

06/07/2010

- The State Statutes on actions by a municipality have no provision which allows a member of any governmental body to participate in official actions by telephone or other electronic means.
- Informal discussions, not part of a public record, can be had via electronic means, provided there is compliance with the Open Public Meetings Act.
- To allow participation via electronic means would require a suspension of current Rules, requiring a 2/3rds vote of the Council.

Very truly yours,

FRIZELL & SAMUELS, ESQS.

By:

David J. Frizell, Esq.
Borough Attorney

DJF/lg
cc: Borough Council

Mr. Frizell noted that telephonic participation in meetings of the governing body is limited to informal discussion; no formal action can be taken via teleconferencing.

Council President Cammarano noted that he was not in favor of allowing informal participation via teleconferencing. Council President Cammarano noted that teleconferencing has many logistical problems and that teleconferencing is not a good way for a governing body to do business. Council President noted a Councilmember could then technically call in to every meeting and never be physically present .

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

APPROVAL OF THE MINUTES

On a motion made by Council President Cammarano, seconded by Councilmember Weber, the Regular Minutes of May 17, 2010 were approved, with a correction noted by Councilmember Morrison.

ORDINANCE NO. 2010-9

The following Ordinance was held for final adoption until June 21st pending further review by the Borough Attorney.

Ordinance No. 2010-9 - An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen, Chapter 110, Article 24-Flood Damage Prevention.

RESOLUTION NO. 2010-96

Councilmember Morrison asked that the Resolution to amend the budget be held until after the public hearing to allow for further amendments.

Mr. Boerth stated that further amendments may require publishing and would delay the final adoption of the budget.

Councilmember Morrison questioned what percentage of the budget did the amendment have to be to require publishing?

Councilmember Waldron questioned if the Borough Administrator was not expecting any further amendments to the budget as a result of the public hearings.

Mr. Boerth stated that any further amendments would require another public hearing.

RESOLUTION NO. 2010-96
AMENDMENT TO THE 2010 BUDGET

WHEREAS, the local municipal budget for the year **2010** was approved on the 3rd day of May, 2010; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, County of Middlesex, that the following amendments to the approved budget of **2010** be made:

	<u>FROM</u>	<u>TO</u>
<u>Anticipated Revenues:</u>		
3. Miscellaneous Revenues:		
Section A: Local Revenues		
Other Fees and Permits	\$\$ 51,000.00	51,400.00
Total Section A: Revenues	816,000.00	816,400.00
Summary of Revenues:		
3. Miscellaneous Revenues		
Total Section A: Local Revenues	816,000.00	816,400.00
Total Miscellaneous Revenues	3,910,747.49	3,911,147.49
Subtotal General Revenues	4,885,747.49	4,886,147.49
7. TOTAL GENERAL REVENUES	14,962,385.12	14,962,785.12
(D) Municipal Debt Service		
Excluded from "CAPS"		
Payment of Bond Anticipation Notes	193,900.00	194,300.00
Total Municipal Debt Service		
Excluded from "CAPS"	1,325,100.00	1,325,500.00
(h-2) Total General Appropriations for Municipal Purposes		
Excluded from "CAPS"	4,201,312.44	4,201,712.44
o) Total General Appropriations		
Excluded from "CAPS"	4,577,199.45	4,670,747.83
L) Subtotal General Appropriations	14,083,286.67	14,083,686.67
(Items (H-1) and O)		
9. TOTAL GENERAL APPROPRIATIONS	<u>14,962,385.12</u>	<u>14,962,785.12</u>

BE IT FURTHER RESOLVED that three certified copies of this Resolution be filed with the Director of Local Government Services for his certification of the Local Municipal Budget, so amended.

Dated: June 7, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Resolution No. 2010-96 was approved.

Roll Call Vote:

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

NAYS - None.

PUBLIC HEARING AND FINAL ADOPTION OF THE 2010 MUNICIPAL BUDGET

Mayor Vahalla opened the public hearing on the 2010 Municipal Budget.

Councilmember Morrison questioned why the final adoption was being held so early as the Borough normally adopts the budget in August.

Mayor Vahalla noted that the Borough usually waits for state aid figures to assemble the final budget. However, this year, no further state aid or extraordinary aid will be given; so the Borough can adopt.

Henry Chang, Chair of the Cultural Arts Commission, thanked the Mayor and Council for the earlier discussions on the Cultural Arts budget. Mr. Chang stated that the Commission has explored the trust fund further and discovered that the account is not a surplus account but rather a fluid account dependent on the activities and events that the Recreation Department has going. Mr. Chang noted that the Commission is concerned that there will be insufficient funding available when Cultural Arts is looking to host a program. Mr. Chang also noted that the Commission is concerned over the 2011 budget since it received only half of the usual budget this year. Mr. Chang stated the Cultural Arts Commission is asking the Mayor and Council to reconsider the cut to the 2010 budget and re-instate the \$5,000.

Mayor Vahalla stated that the Cultural Arts Commission will receive the full funding this year: \$5,000 from taxes and \$5,000 from the trust account.

Mr. Boerth then stated that the Commission received a \$3,000 donation and that could also be used to fill in the cut. Mr. Boerth recognized that the trust is a fluid account and noted that programs will have to be worked around the account balances. Mr. Boerth stated the Commission should also look into charging fees for its programs.

Mr. Chang noted the \$3,000 donation was from a benefactor for a specific event--the 4th of July concert--and not to bridge the difference in the budget cut. Mr. Chang stated the Commission worries about further cuts in 2011 to the half budget they have remaining.

Beatrice Moskowitz, 279 Middlesex Avenue, asked that the language be specifically defined to ensure that the funding will be available in the future. Ms. Moskowitz noted that the Cultural Arts Commission provides many valuable programs to the community, all planned by volunteers and they need to know that the funding will be available.

Mayor Vahalla stated that there is no actual reduction to this year's funding as the budget cut will be made up through the trust account.

Councilmember Morrison made motion to decrease the Fire Department budget by \$7,000. The \$7,000 would then be re-allocated as follows: \$5,000 to the Cultural Arts Commission and \$2,000 to Metuchen EMS to restore their budget cuts. This motion was seconded by

Councilmember Manley.

After a brief discussion, a roll call vote was held:

Roll Call Vote:

AYES - Councilmembers Manley, Morrison and Waldron.

NAYS - Councilmembers Rubin, Weber and Council President Cammarano.

MAYOR'S VOTE - NAY

Motion Fails.

Councilmember Waldron made motion to reduce the Shade Tree Commission allocation by \$5,00 and reallocate the funding to the Cultural Arts Commission. This motion was seconded by Councilmember Morrison.

After a brief discussion, it was determined that the Shade Tree Commission has encumbered the \$15,920 of the \$16,900 allocated in the 2010 budget. The encumbered funds were used to cover the cost of the spring planting.

Councilmember Waldron withdrew the motion.

Councilmember Morrison noted that a reduction to the allocation for Professional Services can be made as there will be reduced COAH monitoring. Councilmember Morrison made motion to reduce the Professional Services in the amount of \$7,000 and reallocate \$5,000 to Cultural Arts and \$2,000 to EMS. This motion was seconded by Councilmember Manley.

Roll Call Vote:

AYES - Councilmembers Manley, Morrison and Waldron.

NAYS - Councilmembers Rubin, Weber and Council President Cammarano.

MAYOR'S VOTE - NAY

Motion Fails.

The Clerk read the following Resolution adopting the final budget for **2010** as follows:

BE IT RESOLVED by the governing body of the Borough of Metuchen, County of Middlesex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated and sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$10,076,637.63 (Item 2) for municipal purposes

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 375,000.00
Miscellaneous Revenues Anticipated	\$ 3,911,147.49
Receipts from Delinquent Taxes	\$ 600,000.00

2. Amount to be raised by taxation for municipal purposes	\$10,076,637.63
Total Revenues	\$14,962,785.12

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
(a&b) Operations Including Contingent	\$ 9,216,806.00
(e) Deferred Charges and Statutory Expenditures - Municipal	\$ 665,168.23
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	\$ 2,844,212.44
(c) Capital Improvements	\$ 32,000.00
(d) Municipal Debt Service	\$ 1,325,500.00
(m) Reserve for Uncollected Taxes	\$ 879,098.45
Total Appropriations	\$14,962,785.12

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with a tie-break vote, the 2010 Municipal Budget was adopted.

Roll Call Vote:

AYES - Councilmembers Rubin, Weber and Council President Cammarano.

NAYS - Councilmembers Manley, Morrison and Waldron.

MAYOR'S VOTE - AYE

COMMUNICATIONS
CONSENT AGENDA

- 7. Receive the minutes of the following meetings:
 - Environmental Commission - January 20, 2010, February 17, 2010 & April 21, 2010
 - Parking Authority - April 20, 2010
 - Traffic and Transportation - March 10, 2010, April 14, 2010 & April 15, 2010 and Metuchen Main Street/Penn Avenue Crosswalk Evaluation.
 - TV & Technology Committee - April 22, 2010
- 8. Letter of resignation from John Leazer to the Planning Board - receive.
- 8A. Letter from Fuccile Foundation requesting permission to follow route within Metuchen for their 5k Family Fun Run on June 19, 2010 - receive and approve

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

OTHER COMMUNICATIONS

- 9. Notice from the Chief Financial Officer as to the Award of Notes - receive.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, Items No. 9 was received.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted the Police Department has been in regular contact with the NJDOT in regards to the bridge closure. Any and all issues are being communicated and addressed. The Police Department would also remind residents that with summer vacation approaching, children will be out and about and motorists should exercise caution.

Council President Cammarano also reported that the Traffic and Transportation Commission has received the final draft of the Voorhees Study on the Main Street/Penn Avenue intersection. The Borough Engineer will be working with Middlesex County to implement some of the recommendations. Council President Cammarano thanked Dan Lebar and the members of the Commission for their efforts in this study.

Council President Cammarano noted the Development Commission heard a presentation by Mayor Vahalla on the plans for the town square at the Pearl Street Parking Lot. The Commission is very supportive of the plan and preliminary painting of the parking lot to better define and visualize the square.

Council President Cammarano noted the Municipal Pool opened to a successful Memorial Day weekend. The new additions to the pool—the big umbrellas and chair rentals—were a huge hit.

Council President Cammarano noted the Borough will meet with officials from the NJDOT on the Route 27/287 Interchange project. The ultimate goal of the meeting is to get the project forwarded to the North Jersey Transportation Planning Authority and get the necessary approvals to move the project forward.

Councilmember Weber noted the Historic Preservation Committee is planning the 2010-2011 grant applications and hoping to secure funding to begin work on the historic district delineation.

Councilmember Waldron noted the Environmental Commission is working on a new grant available through Wal-Mart that encourages sustainable communities.

Councilmember Rubin noted the Library has started their summer hours and will be closed on Sundays. Collection bins for MCFOODS are always available in the Library.

Councilmember Rubin noted the Chamber of Commerce has the following upcoming events:

- Cruise Nights continue every first Wednesday of the month through September.
- The first night of the June Bug was held on Friday, June 4th and continue every Friday through June from 6 pm – 10 pm.

Both the Memorial Day Parade and June Street Fair were very successful and thanks was extended to all those who made the events possible.

Councilmember Rubin noted the Shade Tree Commission has completed their spring plantings; planting 65 trees through the borough. Councilmember Rubin noted that all resident concerns were promptly addressed and thanked the Commission and the community for their efforts in continuing to support the shade tree program.

Councilmember Morrison thanked the Auxiliary Police for their efforts in the many recent community events such as the Memorial Day Parade and the Cruise Nites. Residents interested in volunteering with the Auxiliary can contact Officer David Liantonio or Councilman Morrison.

Councilmember Morrison also thanked the Metuchen EMS for their participation in the Memorial Day Parade, Cruise Nites, June Bug and Street Fair. Volunteers are always needed--both riding members and auxiliary staff. Interested residents can contact Lisa Garris of Metuchen EMS or Councilman Morrison.

Councilmember Morrison stated that the Cultural Arts Commission is discussing alternate funding for their programming, including admission fees.

Councilmember Manley noted the Youth Service Board/Municipal Alliance will present the "Amazing Dave" Magic Show on June 11th at the Campbell School. The proceeds will support the many programs and activities run by the YSB/MAC.

Councilmember Manley noted the TV & Technology Committee is modifying their survey question on the website and is continuing work on the requirements documents for the website redesign. The Committee is also working on getting together official Twitter and Facebook accounts for the Borough.

Councilmember Manley noted the upcoming Fuce5K organized by the Fucille Foundation. The profits from this year's event will be used to assist 3 Metuchen families whose lives have been touched by catastrophic childhood illnesses.

REPORTS OF OFFICERS

Mr. Frizell had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth thanked Fred Hall and the Department of Public Works for their efforts in getting the Municipal Pool ready for opening.

Mr. Boerth also noted the 2010 Road Program will be commencing at the end of June. The Charles Field Renovations specifications are substantially complete and will require Freehold Soil approval before further action can be taken.

REPORT OF THE MAYOR

Mayor Vahalla noted that Middlesex County will begin the reconstruction of Central and Durham Avenue shortly and noted that the water issues on Sharon Court should be addressed at that time.

The Mayor thanked the various community groups that participated in the Memorial Day Parade, and extended special thanks to the emergency personnel and Jan Margolis from the Metuchen Chamber of Commerce.

The Mayor then noted that the Borough of Metuchen has reinstated their efforts against the trash train which has been proposed by the new Governor. The mayors from Edison, Woodbridge, Carteret, South Plainfield and Piscataway are joining efforts to oppose the resurrection of the trash train via rail. The trash train route on the Norfolk Southern line will bring cars, of potentially dangerous materials, along Metuchen High School, Saint Joe's High School, the Cerebral Palsy School in Roosevelt Park and along the Texas Eastern Pipeline route. The Mayor noted that other communities with at-grade crossings face potential ill-effects for emergency response times and all communities face decreased property values.

Mayor Vahalla then appointed Kathy Busch to the unexpired regular term on the Planning Board.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Dan Lebar, Chair of the Traffic and Transportation Commission, urged residents to post their comments and concerns over traffic issues on the borough website rather than on independent community forums. Mr. Lebar thanked the Police Department for implementing one of the recommendations in the Voorhees study – to cone off the parking space in front of the Buttery

Bake Shoppe. Mr. Lebar noted the study was of no cost to the borough.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2010-97

Resolution - Refund of Sidewalk Escrow Fee #10-005 S

WHEREAS, RB Mason Incorporated posted \$160.00 for sidewalk escrow fees,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to RB Mason Incorporated,

NOW, THEREFORE, BE IT RESOLVED, that RB Mason Incorporated be refunded \$160.00 from the Sidewalk Inspection Escrow account.

Dated: June 7, 2010

RESOLUTION NO. 2010-98

Resolution - Refund of Sidewalk Escrow Fee #10-006 S

WHEREAS, Gulino’s Trattoria LLC posted \$590.00 for sidewalk escrow fees,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Gulino’s Trattoria LLC,

NOW, THEREFORE, BE IT RESOLVED, that Gulino’s Trattoria LLC be refunded \$590.00 from the Sidewalk Inspection Escrow account.

Dated: June 7, 2010

RESOLUTION NO. 2010-99

RESOLUTION OPPOSING THE TRANSPORT OF SOLID WASTE VIA RAIL OVER THE “PORT READING LINE.”

WHEREAS, the Borough has learned of a plan to transport solid waste by rail over the “Port Reading Line”, which passes through Metuchen and the neighboring communities of Edison and Woodbridge; and

WHEREAS, the information indicates that the volume of and frequency of the transportation of this material is not appropriate given the nature of the area and neighborhoods through which it will pass; and

WHEREAS, it also appears from this information that this plan will have a substantial adverse impact on the quality of life in the Borough of Metuchen, especially on those residential neighborhoods directly affected; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the representatives of the Borough at the levels of government including the Board of Chosen Freeholders of Middlesex County; the General Assembly and Senate of the State of New Jersey, the Governor of the State of New Jersey, representatives to the House of Representative and the Senate, as well as all State and Federal agencies be informed of the grave concern and, based on the information available, strong opposition to this plan and of our insistence that all

alternatives be explored before this plan is implemented.

Dated: June 7, 2010

RESOLUTION NO. 2010-100

SELF EXAMINATION OF ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Metuchen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2010 budget year, NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Metuchen, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Dated: June 7, 2010

Resolution No. 2010-101

Refund of 2009 and 2010 Taxes

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Kenneth Sammond & Samina Ali	85/71	27 School Street	\$1,703.61	Refinance caused overpayment	2010/1 st qtr
Ki Tae & Soon Young Kim	181/61	17 Beechwood Ave	\$2,143.39	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 \$3,847.00.

Dated: June 7, 2010

RESOLUTION NO. 2010-102

RESOLUTION AUTHORIZING AGREEMENT WITH THE NEW JESREY DEPARTMENT OF TRANSPORTATION FOR USE OF MUNICIPAL POLICE OFFICERS AT THE ROUTE 27 BRIDGE REPLACEMENT

WHEREAS, the Borough of Metuchen wishes to enter into an Agreement with the New Jersey Department of Transportation (heretofore referred to as "NJDOT") for use of Municipal Police Officers as Traffic Directors on the Route 27 Bridge Replacement Project Section 6L; and

WHEREAS, the Borough of Metuchen has the necessary resources to provide such services on behalf of the NJDOT; and

WHEREAS, the Borough of Metuchen deems it to be in the public interest to enter into an Agreement with the NJDOT for the purpose entailed; and

WHEREAS, the cost for such services shall be payable to the Municipal Police Officers at the rate stipulated in the attached agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby directed and authorized to enter into an Agreement with the NJDOT and the Police Chief shall be authorized as official signatory.

Dated: June 7, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-97 through No. 2010-102 were adopted.

OTHER NEW BUSINESS

BILL RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the proper warrants be drawn and all bills paid totaling \$3, 089,288.13.

Dated: June 7, 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. 2010-8

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-8, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following 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

Councilmember Morrison noted his continued objection to the procedural violation of the rules.

Council President Cammarano noted the Borough Counsel had stated that there was no violation to the rules.

Councilmember Manley then read the following expert form the Mayor's Re-organization address: "This year I want to concentrate on four important areas for Metuchen's sound progression: 2. we must protect our greatest asset, our property values, by passing a property maintenance ordinance, which will create registrations and inspections of rental properties and limit illegal, dangerous house subdivisions. These illegal subdivisions/construction reduce property values, add a burden on our schools, and department of public works, and create dangerous and hazardous conditions for the tenants, our fire department and emergency medical services, and in some incidents add to police calls and costs."

Councilmember Manley noted the while he agrees with the problem addressed by the Mayor in his speech, Ordinance No. 2010-8 is not the solution to that problem. Councilmember Manley stated the issue, as defined, is a "property maintenance" issue not a fire prevention issue. Councilmember Manley noted the proposed ordinance will require registration of just about every property short of single family residences. Councilmember Manley noted that current code does not have that requirement and questioned what the anticipated revenue from the registration will be.

Mayor Vahall noted that a committee worked on the ordinance for a year and a half. The fees are based on survey of a sampling of communities. The Mayor noted that Woodbridge Township did attempt to address this issue through their "building

maintenance" code and was found to be in violation in the courts. The Mayor noted that the Fire Department routinely inspects businesses and finds obvious subdivision/construction violations that need to be addressed.

Councilmember Manley questioned what the expected revenue was.

Council President Cammarano stated the Borough could not guess on the revenue.

Councilmember Manley noted the registrants will be paying additional fees. Councilmember Manley stated that these fees do not exist in the current code and questioned the need for extra fees to area businesses.

Councilmember Waldron noted that the onus for the enforcement has shifted to Fire Prevention and the proposed fee structure will increase 400-600%. Councilmember Waldron noted that this will cause a direct impact on Main Street and the entire community.

Councilmember Rubin stated the proposed ordinance will allow for annual inspections of rentals and business in an attempt to combat unsafe and illegal conditions that arise from illegal subdivisions. Councilmember Rubin noted the borough reviewed the codes from other communities and drafted an ordinance for Metuchen that allows for a mechanism to address the issue.

Councilmember Manley stated that the municipalities used in the review are not comparable to Metuchen as they have large anchor businesses and retail establishments; whereas Metuchen has mom and pop shops.

Mr. Frizell noted that the mom and pop shops will not see huge fee increases as the fees are based on square footage.

Councilmember Morrison noted that no supporting data was ever provided.

Mayor Vahalla stated that supportive data would be available for the next meeting.

Council President Cammarano noted the purpose of the ordinance remains—to address safety violations. Council President Cammarano asked the Council to introduce the ordinance and allow for public discussion at the next meeting.

Councilmember Manley stated that he understood the issues but disagreed with the proposed solution. Councilmember Manley questioned if there was any other way to provide the safety without instituting new fees.

Council President Cammarano noted that the inspection costs must be covered.

Mayor Vahalla noted that illegal subdivisions place an undue and added burden on the emergency services.

Mr. Frizell noted that the violations are zoning violation as well as fire violations.

Councilmember Manley questioned what the revenue was needed for.

Councilmember Rubin noted the Fire Official would best answer that question at the next meeting.

Councilmember Manley stated that there are too many questions that need to be vetted through the Chamber of Commerce on behalf of the borough businesses, before going any further.

Councilmember Waldron questioned what the Fire Official would do differently during inspections with the proposed fee rather than what is done now.

Hearing no further Council comment, Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for June 21, 2010. This motion was seconded by Councilmember Weber.

Roll Call Vote:

AYES - Councilmembers Rubin, Weber and Council President Cammarano.

NAYS - Councilmembers Manley and Waldron.

ABSTAIN - Councilmember Morrison. ``

ORDINANCE NO. 2010-11

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-11, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2010-11 An Ordinance to Confirm, Extend, and Continue Tax Exemption and Provide for Payments In Lieu of Taxes for Metuchen Senior Housing (the "Project"), a 122 Unit Senior Citizen Project on Site Described as Lot 150, Block 208 as Shown on the Official Assessment Map of the Borough of Metuchen, Commonly Known as 35 Lincoln Avenue.

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 Weber.

Roll Call Vote:

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

NAYS - None.

ORDINANCE NO. 2010-12

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-12, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following 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.

Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for June 21, 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 10:44 p.m.

BOZENA LACINA, RMC
Municipal Clerk

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