

05/03/2010

**BOROUGH COUNCIL
MINUTES - May 3, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, May 3, 2010. The Meeting was called to order 7:34 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, Rubin, Waldron and Weber. Councilmembers Manley and Morrison were absent.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Frizell, and Borough Clerk Lacinia.

AGENDA SESSION

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

Councilmember Waldron noted that Councilmembers Manley and Morrison both had business commitments to attend to and asked that the Introduction of the 2010 Municipal Budget be postponed until the next meeting. Councilmember Waldron stated that with the elimination of any state aid, there is no pressing need to introduce at this meeting. Councilmember Waldron noted that given the many hours spent by the Council in budget worksession, it would be appropriate and warranted to reschedule the budget introduction.

Council President Cammarano stated that only Councilmember Morrison had contacted him in regards to postponing the budget introduction. Council President Cammarano noted that the course of business in not altered due to Council absence and asked the Council to mover forward with the introduction.

Councilmember Waldron noted that a huge amount of time has been invested in vetting the budget and stated that many residents are still not happy with the current budget.

Council President Cammarano noted the public would have a chance to comment on the budget until the final adoption and noted the Borough is already 5 months into the calendar year without introducing a budget.

Mayor Vahalla agreed and noted the Borough needs a working document to move forward from and did not advocate waiting any longer to introduce.

Councilmember Weber recognized the many hours spent on the budget worksessions and noted the Council has to deal with severe aid cuts. Councilmember Weber noted the budget is at bare bones already and the public will be able to comment it after introduction.

Councilmember Waldron made motion to reschedule the 2010 Budget Introduction until May 17th. There was no second – motion failed.

Councilmember Waldron also asked for a Proclamation to commemorate EMS week May 7-23, 2010.

Council President Cammarano noted the Ordinance No. 2008-10 - Fire Prevention Amendments and Resolution No. 2010-82 (urging the Governor to re-instate millionaire's tax) would be pulled from the agenda.

Councilmember Waldron asked that Resolution No. 2010-87 be pulled for discussion.

APPROVAL OF THE MINUTES

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

PROCLAMATION - POLICE WEEK

Council President Cammarano presented the following recognition to Captain Rob Rentenberg and Officer Vincent Russo:

WHEREAS, the Congress and the President of the United States have designated May 15th as Peace Officer's Memorial Day and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the Metuchen Police Department play an essential role in safeguarding the rights and freedoms of the Borough of Metuchen; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Metuchen Police Department unceasingly provide a vital public service,

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN call upon all citizens of the Borough of Metuchen and upon all patriotic and civic and educational organizations to observe and the week of May 9th through the 15th, 2010 as:

POLICE WEEK

in the Borough of Metuchen, in honor of the law enforcement officers, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and in doing so have established for themselves an enviable and enduring reputation for preserving their rights and the security of all citizens. And further call upon all citizens of Metuchen to observe May 15, 2010 as Peace Officer's Memorial Day in honor of those law enforcement officers who, through their courageous deeds have made the ultimate sacrifice to their community or have become disabled in the performance of duty and lets us recognize and pay respect to the survivors of our fallen heroes.

Dated: May 3, 2010

INTRODUCTION OF 2010 MUNICIPAL BUDGET

The Clerk the 2010 Municipal Budget as follows:

Municipal Budget for the Borough of Metuchen, County of Middlesex, for the fiscal year 2010:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010

BE IT FURTHER RESOLVED, that the said Budget shall be published in the Home News Tribune in the issue of May 14, 2010.

The Governing Body of the Borough of Metuchen does hereby approve the following as the Budget for the year 2010

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General Appropriations for:

1.	Appropriations within "CAPS"	
	(a) Municipal purposes	9,881,974.23
2.	Appropriations excluded from "CAPS"	
	(a) Municipal Purposes	4,201,312.44
	Total General Appropriations Excluded from Caps	4,201,312.44
3.	Reserve for Uncollected Taxes	879,098.45
4.	Total General Appropriations	14,962,385.12
5.	Less: Anticipated Revenue	4,885,747.49
6.	Difference: Amount to be raised by taxes For support of Municipal Budget	
	(a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes	10,076,637.63

Notice is hereby given that the Budget and tax resolution was approved by the Governing Body of the Borough of Metuchen, County of Middlesex on May 3, 2010

A hearing on the budget and tax resolution will be held at Borough Hall on June 7, 2010 at 7:30 p.m., at which time and place objections to said budget and tax resolution for the year 2010 may be presented by taxpayers or other interested persons.

Council President Cammarano moved the Introduction of the 2010 Budget . This motion was seconded by Councilmember Weber.

Roll Call Vote:

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

NAYS - Councilmember Waldron.

ABSENT - Councilmembers Manley and Morrison

COMMUNICATIONS

CONSENT AGENDA

6. Receive the minutes of the following meetings:
 - Parking Authority - March 16, 2010
 - TV & Technology Advisory - January 28, 2010
7. Letter from Robert Harrison requesting permission to hold a Block Party for Bounty Street on Monday, May 31, 2010 - receive and approve.
8. Letter from George Wasser requesting permission to hold a Block Party for Sylvan Avenue and Park Place for Monday, September 6, 2010 - receive and approve.
9. Letter from Eleanor Luerssen requesting permission to hold a Block Party for Bissett Place on Saturday, June 12, 2010 - receive and approve.

On a motion made by Council President Cammarano, seconded by Councilmember Weber , with all in favor, Items No. 6 through No. 9 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted that the new Jersey Department of Transportation (NJDOT) officially closed the Route 27 bridge on Friday, April 30, 2010. Council President Cammarano commended the Police Department and Department of Public Works for their efforts in this rushed operation. The project is expected to be completed in six months. Residents are asked to contact Police Captain Rob Rentenberg with any issues.

Council President Cammarano noted the Municipal Pool is completing their final touches for the official opening on Memorial Day.

Councilmember Weber noted the Planning Board will be meeting on May 6th to consider two applications on Liberty Street.

Councilmember Weber noted the Parking Authority is optimistic, as revenues climb, that they will be able to increase the municipal contribution. The new parking meters are getting good reviews.

Councilmember Waldron thanked the Environmental Commission, Recreation Commission and the Department of Public Works for their work in coordinating and staging the 2010 Earth Day activities.

Councilmember Rubin thanked the Shade Tree Commission for their efforts in assisting the Campbell School with the tree planting/ Arbor Day activities on April 30th.

Councilmember Rubin then presented the following Chamber of Commerce upcoming events:

- Cruise Nights will begin on Wednesday, May 5th and continue every first Wednesday through September.
- The Annual Memorial Day Parade will be held on Monday, May 31st at 10 a.m.
- June Street Fair will be held on Sunday, June 6th.
- The first night if June Bugs will be held on Friday, June 4th and continue every Friday through June.

Councilmember Rubin noted the Senior Citizen Commission held a retirement party for Senior Director Alice Fleming and wished her well in her retirement.

Councilmember Rubin then reported for Councilmember Morrison. Cultural Arts is busy planning events for the Crossroads Theatre, Union Church and the Rockefeller Estate.

REPORTS OF OFFICERS

Mr. Frizell stated that would prepare a resolution for the tax abatement for the Lincoln Avenue apartments after Borough officials meet with COAH at the end of May.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor Vahalla noted the Borough officials held a meeting with NJDOT to assist in alternate route planning. The Mayor also thanked the Police and DPW for their efforts in remediating signage problems for the detours.

The Mayor noted that the Borough Administrator is interviewing for the Senior Citizen's Director position.

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Mayor Vahalla noted the Police Chief Jim Keane has announced his retirement effective September 1, 2010.

The Mayor also thanked the Congressman Pallone's office for their assistance in getting Amtrak to put up temporary fencing and warning signs along their railway that abuts Oakland Park.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Rob Donnan, Fire Chief, presented the Mayor with a formal response plan that was developed for the Route 27 bridge closure. Mr. Donnan wanted to assure the residents that the Fire Department is prepared to respond quickly to protect both sides of the bridge.

Elliott Jarmin, 83 Main Street, noted that he has attended the last meeting to report a shade tree in serious condition in front of his home and noted that nothing was done about it yet.

Mr. Boerth apologized and noted the matter had been brought to the attention of the Director of Public Works. The tree is scheduled to be removed.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2010-81

WHEREAS, Franklin Square Developers LLC has requested a refund of the performance bond for various improvements on Block 85, Lot 1 – Franklin Square; and

WHEREAS, a partial release was approved by Resolution No. 2001-174 on November 5, 2001. However, no amended surety bond was ever posted; and

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

WHEREAS, the Project Engineer recommends the full release of the performance guarantee in the amount of \$97,853.76 (in cash) and \$880,683.84 (posted in the form of surety bond); and

WHEREAS, the Project Engineer has waived the maintenance bond in light of the fact that the project has been substantially completed for 10 years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to Franklin Square Developers c/o Harry Stadler, Esq. 90 Woodbridge Center Drive, Suite 600, Woodbridge, NJ 07095.

Dated: May 3, 2010

RESOLUTION NO. 2010-82

RESOLUTION NO. 2010-82 PULLED DURING AGENDA SESSION

RESOLUTION NO. 2010-83

WHEREAS, bids were received by the Borough Administrator on April 27, 2010 for the 2010 Municipal Pool Deck Equipment for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Administrator on said bid; and

WHEREAS, the Finance Officer has determined that sufficient funds are available in the pool account in the amount of \$25,085.30, as evidenced by the Finance Officer's certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the 2010 Municipal Pool Deck Equipment for the Borough of Metuchen be and the same is hereby awarded to Aquatic Service, Inc., 170 Burlington Avenue, Spotswood, NJ 08884-1479.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for same.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized and directed to return the certified checks or bid bonds of the following successful bidder and the next lowest bidder:

1. Aquatic Services, Spotswood, NJ.
2. Todd Harris Co., Inc., Edison, NJ

upon the receipt of a fully executed contract and other required documents.

Dated: May 3, 2010

RESOLUTION NO. 2010-84

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2010, effective May 3, 2010:

Group Insurance		200,000.00
Police	OE	8,000.00
Recycling	OE	10,000.00
Public Works	OE	500.00
Sewers	OE	10,000.00
Senior Citizen	S&W	31,000.00
	TOTAL	259,500.00

Dated: May 3, 2010

Resolution No. 2010-85

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Reapply 2010 Tax Overpayment

WHEREAS, the following has made overpayment of 2010 taxes,

Name	Block/Lot	Address	Amount		
Mario & Marie Fiorentini	97/3	222 Christol Street	\$42.95	Overpayment of taxes	Apply to 2010/2 nd 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 tax overpayment be applied as described, in the amount of \$42.95.

Dated: May 3, 2010

RESOLUTION 2010-86

WHEREAS, the 2010-2011 school budget for the school district Borough of Metuchen was approved by the voters of the school districts on April 20, 2010 as follows

General Fund	\$29,272,156.00
Debt Service	2,449,459.00
Total Approved	\$31,721,615.00

WHEREAS, the balance to be raised for the school district taxes on account of the 2009-2010 school tax levy is \$15,301,357.50

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that the school district tax levy for the calendar year 2010 be established as follows:

January 1, 2010 to June 30, 2010 (balance of 2009-2010 levy)
\$15,301,357.50

July 1, 2010 to December 31, 2010 (one-half of 2010-2011 levy)
\$15,860,807.50

Amount to be raised for school district taxes in 2010
\$31,162,165.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Middlesex County Board of Taxation.

Dated: May 3, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2010-81 and 2010-82 through No. 2010-86 were adopted.

PULLED FOR DISCUSSION

RESOLUTION NO. 2010-87

WHEREAS, Alice Fleming, an employee of the Borough of Metuchen will retire on April 30, 2010 after 27 years of service;

WHEREAS, Alice Fleming has requested the Mayor and Council grant to her continued health benefits after retirement, of which she agrees to pay 50% of the cost thereof,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that Alice Fleming be and is hereby granted continued health benefits, after retirement on April 30, 2010.

Dated: May 3, 2010

Councilmember Waldron requested that future retirement benefits packages for non-union employees be discontinued.

Council President Cammarano stated that while he agreed the practice should be reduced to writing and an official policy, did not agree the practice should be cancelled.

Councilmember Waldron noted the luxury was a practice the Borough could no longer afford.

Council President Cammarano noted that the Borough’s past practice has been to provide administrative employees with 25+ years of service with health benefits after retirement. Council President Cammarano noted the policy would be discussed when reduced to writing.

On a motion made by Council President Cammarano, seconded by Councilmember Weber, with all in favor, the above Resolution No. 2010-87 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 \$1,952,231.79.

Dated: May 3, 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. 2010-10

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-10, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2010-10 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 185 THEREOF, ENTITLED VEHICLES AND TRAFFIC, TO AMEND THE VIOLATIONS AND PENALTIES FEE SCHEDULE.

Council President Cammarano moved this Ordinance be passed on first reading,

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published according to law, and public hearing set down for May 17, 2010. This motion was seconded by Councilmember Weber.

Roll Call Vote:

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

NAYS - None.

ABSENT - Councilmembers Manley and Morrison.

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 , the meeting was adjourned at 8:34 p.m.

BOZENA LACINA, RMC
Municipal Clerk