

10/18/2010

**BOROUGH COUNCIL**  
**MINUTES - OCTOBER 18, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, October 18, 2010. The Meeting was called to order 7:31 p.m. by Mayor Vahalla. The Invocation given by Councilmember Muldoon 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, Muldoon, Rubin and Waldron.

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.

Mayor Vahalla invited forward Irene Morris-Nann of the Youth Service Board to announce their upcoming events.

Mrs. Nann noted the Youth Service Board/Municipal Alliance would like to thank all the participants in the Recovery Month program held in September. Mrs. Nann noted the events received front page billing in the Sentinel. Mrs. Nann then announced the following upcoming programs:

Kids Rock & Roll Night - October 22, 2010 6:30-7:30 pm at Campbell School

Red Ribbon Week sponsored by the Metuchen Elks

"Know Your Liability" seminar on November 9, 2010 7:30 p.m.

Mrs. Nann also noted that the Commission is looking for new members.

Mayor Vahalla noted the Police Chief has been directed to begin the hiring process for a new officer.

Mayor Vahalla also noted that the Borough had met with Steve Gabel of Gabel Associates in Highland Park to discuss the potential of solar projects in Metuchen. The Mayor stated that after a cursory inspection of available sites, Mr. Gable has determined that the only buildings viable for a solar project are Edgar School, Metuchen High School, Campbell School and the Public Works building. Mr. Gabel's assessment was made through a determination of retrievable kilowatts at each of the sites. The Mayor noted that further inquiry will be made for the Library, Borough Hall parking lot and the Municipal Pool parking lot. Mayor Vahalla stated the remainder of the municipal buildings, along with Moss School, are not being considered as the retrievable kilowatts are fewer than 25. The Mayor noted the information has been forwarded to the Board of Education with the intention of preparing a joint RFP to get the project moving.

Mayor Vahalla then reassigned certain liaisons as follows:

Councilmember Muldoon:	Parking Authority Pool Commission Recreation Commission Historical Preservation Committee
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Councilmember Rubin:	Planning Board
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Council President Cammarano: Library Board

Mayor Vahalla announced that the Public Hearing for ordinance No. 2010-17, originally scheduled for this evening would be held on November 1, 2010 to meet notice requirements.

Councilmember Waldron thanked the Mayor and Mr. Boerth for taking the lead to get the Police Department hiring process started.

Councilmember Waldron also thanked the Mayor for his follow up with the solar project. Councilmember Waldron requested that once the project moves forward, a public display at Borough Hall should be set up showing how much energy is being generated in Metuchen.

**PROCLAMATION - NATIONAL AMERICAN INDIAN HERITAGE MONTH**

Mayor Vahalla invited forward Phyllis Bertekay of the Daughters of the American Revolution and presented her the following Proclamation:

**NATIONAL AMERICAN INDIAN HERITAGE MONTH**

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contribution of American Indians have enhanced the freedom, prosperity and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, do hereby proclaim November 2010 as National American Indian Heritage Month in the Borough of Metuchen and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

Dated: October 18, 2010

**APPROVAL OF THE MINUTES**

On a motion made by Council President Cammarano, seconded by Councilmember Rubin, the Regular Minutes of October 4, 2010 were approved.

**COMMUNICATIONS**  
**CONSENT AGENDA**

5. Notification of resignation to the Metuchen Pool Commission from Jay Muldoon - receive.

On a motion made by Council President Cammarano, seconded by Councilmember Rubin, with all in favor, Item No. 5 was received.

**OTHER COMMUNICATIONS**

None.

## REPORTS OF THE COUNCILMEMBERS

Council President Cammarano stated the Police department would like to offer the following Halloween tips:

The Police Department will have extra patrols out on mischief night and Halloween. We are also asking that in the interest of safety that those trick or treating follow some safety recommendations:

- Carry a flashlight.
- Be alert at all times
- Go out with a grown-up or responsible teenager
- Watch for cars backing up in driveways
- Walk don't run
- Use sidewalks, if there are none, stay to the left side of the road
- Cross at corners, not between parked cars
- Listen and Look all ways for traffic before crossing
- Obey traffic signals
- Be safe and have fun

Councilmember Waldron noted the Environmental Commission would be meeting on Wednesday, October 20<sup>th</sup>.

Councilmember Rubin noted the Library Board will offer English Conversation classes on Wednesday evenings; a complete calendar of events is available on their website.

Councilmember Rubin reminded the public that the Metuchen Seniors Inc will hold their Annual Fundraising luncheon at Kiddie Keep Well Camp on Sunday, October 24, 2010.

Councilmember Rubin also reminded the public that the Chamber of Commerce's "Scarecrows on Main" will make their appearance within the week and will be up until December 2<sup>nd</sup> for the public to vote. The winners will be announced at the Chamber's Annual Christmas Tree Lighting on December 3<sup>rd</sup>.

Councilmember Rubin stated the Shade Tree Commission would like to remind the residents that shade trees are a natural resource that need to be preserved. The Borough Code states:

"No person shall, without a written permit from the Shade Tree Commission, cut, break, climb with spikes, injure or remove any living tree in a public highway or injure, misuse or remove any device placed to protect such tree.

No person shall, without a written permit from the Shade Tree Commission, attach or keep attached to a tree in a public highway or to the guard or stake intended for the protection of such tree, a rope, wire, sign, poster or any other device."

Councilmember Muldoon noted the Pool Commission would meet on October 20<sup>th</sup>.

Councilmember Morrison questioned if the Land Development Ordinance originally scheduled for tonight would need to be re-introduced.

Mr. Frizell stated that it did not need to be re-introduced. A re-notice would be made to advise of the new date and time.

Councilmember Morrison noted that the Cultural Arts Commission held an Open House on October 15<sup>th</sup> to explain to prospective volunteers what the Commission does. Volunteers can serve as regular members, auxiliary members or event volunteers.

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Residents interested in volunteering can contact the Councilman for more information.

Councilmember Morrison also noted that the Cultural Arts Commission would hold a Classical Concert, to be held at the Presbyterian Church on November 7<sup>th</sup> at 3 p.m.

Councilmember Morrison thanked the Auxiliary Police for their participation in the Crop Walk and the Fire Department Open House. The Auxiliary will also participate in the World Mission Day Walk. Residents interested in volunteering with the Auxiliary should contact Angelo Donato at 732 632 8123.

Councilmember Morrison noted the Metuchen EMS will hold their "Breakfast with Santa" annual fundraiser on Sunday, December 5<sup>th</sup>. Residents wishing to volunteer with EMS should contact Lisa Garris at the Squad for further information.

Councilmember Manley noted the Youth Service Board/Municipal Alliance would hold their "Kids Rock & Roll Night" fundraiser on October 22<sup>nd</sup> at the Campbell School. The YSB would also present "Know Your Liability" seminar on November 9, 2010 7:30 p.m. The seminar will advise homeowners on the legal consequences and dangers of underage drinking on their properties.

Councilmember Manley noted that the TV & Technology Committee is aware that Cablevision no longer carries Channel 5. There are no updates in those proceedings.

### **REPORTS OF OFFICERS**

Mr. Frizell noted that there has been a decision in the COAH appellate case which strikes down many of the current COAH regulations. Metuchen's application has been affected, in that "double credits" are no longer permitted. The Borough's mediation in regards to the complaint filed against the Borough's third round filing has been adjourned indefinitely.

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

Mr. Boerth noted that the plans and specifications for the Charles Field artificial turf project are out and an award is expected at the November 1<sup>st</sup> meeting.

Mr. Boerth also noted that the plans and specifications for the Main Street/Penn Avenue crosswalk repairs would be out this week and an award is expected later in November.

### **REPORT OF THE MAYOR**

Mayor Vahalla appointed Kristen Liebfried to the Pool Commission. This appointment was moved by Council President Cammarano, seconded by Councilmember Rubin, with all in favor.

### **COMMENTS FROM THE PUBLIC**

The Mayor opened the meeting to public comment.

Walter Zjawin, 218 Center Street, stated that he was also representing the American Legion. Mr. Zjawin first addressed the potential of the Borough saving money on energy bills by enrolling in programs that offer energy from alternative suppliers.

Mr. Boerth stated the Borough already participates in a program through a Middlesex County consortium that saves the Borough between 15-20%.

Mr. Zjawin then noted that the Legion had received notice of the proposed project at the Pearl Street parking lot. Mr. Zjawin brought up the following concerns:

- Unaddressed traffic problems in the area

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- The Edison railroad station has absorbed a good portion of the train station parking customers and the lot has unused spaces.
- What will become of the Parking Authority and who will supervise the other parking lots.
- Holly Street does not provide access to the American legion hall and questioned how access would be made; how the plan affected the Legions ability to rent the hall without on-site parking.
- The first bay of parking spaces actually belongs to the American Legion.

Mayor Vahalla noted that the Legion would still have access to their building via the paver streets within the green.

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

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

**RESOLUTION NO. 2010-144**

**WHEREAS**, on March 31, 2010 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Thomas Castano as the required Performance Guarantees for Street Opening #1058- 12 Roberts Circle; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to Thomas Castano, 12 Roberts Circle, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: October 18, 2010

**RESOLUTION NO. 2010-145**

**WHEREAS**, TD Bank (formerly Commerce Bank) has requested a refund of the performance bond for various improvements on Block 29, Lot 1.0502 - Middlesex Avenue; and

**WHEREAS**, a partial release was approved by Resolution No. 2002-153 on August 5, 2002; 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 remaining performance guarantee in the amount of \$6,498.05 (remaining in cash) and \$58,482.41(posted in the form of surety bond) pending the posting of any necessary escrow fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to TD Bank, US Real Estate Department, 9000 Atrium Way, Mount Laurel, NJ 08054, upon payment of the any outstanding fees.

Dated: October 18, 2010

**RESOLUTION NO. 2010-146**

**WHEREAS**, the Borough of Metuchen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcohol and Drug Abuse through the County of Middlesex

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen as follows:

- 1) The Borough of Metuchen does hereby authorize submission of an application for the Metuchen Municipal Alliance grant for calendar year **2011** in the amount of **\$13,257.00**; and
- 2) The Borough of Metuchen acknowledges the terms and conditions for the administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Dated: October 18, 2010

**RESOLUTION NO. 2010-147**

**WHEREAS**, the Borough Council of the Borough of Metuchen has received the resignation of Police Officer Edward Mosko from the Metuchen Police Department, effective February 1, 2011; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen that the resignation of Police Office Edward Mosko from the Police Department, effective February 1, 2011 is hereby accepted.

Dated: October 18, 2010

**RESOLUTION NO. 2010-148**

**WHEREAS**, S & A General Construction, has requested a refund of the performance bond for the driveway on Block 205/Lot 12, 35 Goodwill Place; and

**WHEREAS**, the Zoning Official has reported that the driveway improvements have been completed in an acceptable manner; and

**WHEREAS**, the Zoning Official recommends the full release of the performance bond in the amount of \$7,500.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amount directed by the Zoning Official to S & A General Construction, 37 Meridan Road, Edison, NJ 08820.

Dated: October 18, 2010

**RESOLUTION NO. 2010-149**

**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
03-610 E	510.90	Metuchen Assembly of God 130 Whitman Avenue
07-800 I	500.00	PIPS Builders, LLC 32 Henry Street
10-894 E	600.65	David McMahan 26 Laureldale Avenue
04-0684 I	125.00	Richard Gentile 220 Amboy Avenue
09-852 E	563.66	Lawrence Costello 175 High Street

Dated: October 18, 2010

**RESOLUTION NO. 2010-150**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2010 in the sum of \$2,707.72, which is now available from the New Jersey Division of Criminal Justice for a Body Armor Replacement Fund Grant in the amount of \$2,707.72.

**BE IT FURTHER RESOLVED**, that the like sum of \$2,707.72 is hereby appropriated under the caption Body Armor Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from New Jersey Division of Criminal Justice in the amount of \$2,707.72

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Dated: October 18, 2010

**Resolution No. 2010-151**

**Refund of 2009 Taxes**

WHEREAS, the following has made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
June Verderosa	153/4 C210A	29 Kate Lane	\$1,011.83	Refinance caused overpayment	2009/2 <sup>nd</sup> qtr

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

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agents be refunded property taxes as described in the amount of \$1,011.83.

Dated: October 18, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Waldron, with all in favor, the above Resolutions No. 2010-144 through No. 2010-151 were adopted.

**OTHER NEW BUSINESS**

**BILL RESOLUTION**

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Metuchen that the proper warrants be drawn and all bills paid totaling **\$2,838,243.00**.

Dated: October 18, 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 Rubin, with all in favor, this Resolution was adopted.

**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 Manley, the meeting was adjourned at 8:09 p.m.

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BOZENA LACINA, RMC  
Municipal Clerk