

10/04/2010

**BOROUGH COUNCIL
MINUTES - OCTOBER 4, 2010**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, October 4, 2010. The Meeting was called to order 7:34 p.m. by Mayor Vahalla. The Invocation given by Councilmember Rubin 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 and Rubin. Councilmember Waldron arrived at 7:43 p.m.

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

PROCLAMATION - "WALK TO SCHOOL DAY"

Mayor Vahalla presented the following Proclamation to Police Officer Daniel Granato:

WHEREAS, hundreds of children could be saved each year if communities take steps to make pedestrian safety a priority; and

WHEREAS, parents and caregivers should teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day; and

WHEREAS, community leaders and parents should determine the "walkability" of their community by using a walkability checklist; and

WHEREAS, everyone should make a plan to make immediate changes to increase the safety of children who are walking in our communities and a list of suggestions for improvements should be done over time; and

WHEREAS, children, parents and community leaders are joining together nationwide to walk to school and evaluate pedestrian safety in their communities.

NOW, THEREFORE, I THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, do hereby proclaim October 5, 2010, "Walk to School Day" in the Borough of Metuchen and encourage everyone to consider the safety and health of children today and everyday.

Dated: October 4, 2010

AGENDA SESSION

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

Councilmember Morrison questioned if the three names submitted to fill the Council vacancy required public notice before Council can act.

Mr. Frizell stated that the statute does not require any public participation in the matter and no public notice is needed.

Councilmember Morrison asked that the procedure be clarified for the public.

10/04/2010

Council President Cammarano noted that the names of the following individuals have been submitted to fill the Council vacancy: James Wallace, Dorothy Rasmussen and John Muldoon.

Council President Cammarano noted that Jay Muldoon currently serves as Chairman of the Pool Commission and has a long record of business and volunteer activities in Metuchen.

Council President Cammarano then made motion to nominate Jay Muldoon to fill the Council vacancy until the 2011 General Election. This motion was seconded by Councilmember Manley, with all in favor.

RESOLUTION NO. 2010-141 AND ADMINISTRATION OF OATHS OF OFFICE

Jay Muldoon was invited forward. He was joined by his family and the Oath of office was administered by Borough Attorney David Frizell.

Councilmember Muldoon took his seat at the table.

RESOLUTION 2010-141

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Jay Muldoon be appointed to the unexpired Council term, until a replacement is voted upon at the 2011 General Election.

Dated: October 4, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Manley, with all in favor, the appointment of Jay Muldoon was approved.

AGENDA SESSION (continued)

Councilmember Morrison noted that paper copies of the recycling calendar, while no longer mailed, can be picked up at Borough Hall, the Library and the Senior Citizen's Center.

Councilmember Morrison then noted that the Council has been informed that one of the Sergeants will be on medical leave. Councilmember Morrison stated that this absence coupled with the absence of Lieutenant Irizarry who is attending the FBI Academy and the resignation of Officer Nancy Phibbs leaves the Department short 3 officers from the recommended staffing level. Councilmember Morrison noted that the Police Chief has requested permission to begin the interviewing process to replace Officer Phibbs.

Councilmember Morrison requested the Council approve the request to begin interviews.

Council President Cammarano noted that he has spoken with the Police Chief and the medical leave is temporary and the Lieutenant will return in 10 weeks. The Police Department has made the necessary adjustments to deal with the reduced manpower. Council President Cammarano noted the next budget cycle will bring difficult choices and so far the Borough has been able to avoid lay-offs. However, with the imposed 2% CAP a new hire may not be the best decision.

Councilmember Waldron noted that while he believes the Police Department is capable of managing with reduced manpower, there have been two memorandums requesting permission to begin the hiring process.

Councilmember Manley noted the 2% CAP is for next year's budget and Officer Phibbs was not earning a starting salary which would leave the Borough some financial room to

play with.

Councilmember Morrison also noted that with retirements expected from the Police Department, the Council should move ahead so the manpower is not further reduced awaiting the end of the training period of a new officer.

Council President Cammarano noted that no formal action of the Borough Council is required for the Police Chief to begin the hiring process; it is an administrative action made by the Mayor and Borough Administrator.

Councilmember Waldron made a motion to start the process for the hiring of a police officer.

Council President Cammarano noted the motion was not appropriate as it is not a function of the Borough Council.

Mr. Frizell also noted that the adoption of the resolution would violate the Open Public Meeting Act.

Councilmember Waldron requested that Resolution be placed on the next agenda.

Mr. Frizell stated that the agenda session is not for such requests.

Councilmember Morrison questioned the purpose of the agenda session if no additions could be made to the current agenda and no suggestions for the next agenda could be made.

Mr. Frizell stated that a request to place a resolution on the next agenda should be made to the Council President.

Councilmember Morrison questioned how an item could be added to agenda if there was not discussion prior to the meeting.

Mayor Vahalla noted the request would have to be submitted to the Council President.

Councilmember Morrison contended that a motion requesting a resolution for the next meeting could be made.

Mr. Frizell stated the motion would be out of order.

Councilmember Waldron noted the Borough Code delineates certain staffing levels for the Police Department which the Borough is currently below.

Mr. Boerth confirmed that there is a designated staffing level, but did not know what that number was.

Mr. Frizell noted that any Resolution for consideration should be submitted to the Council President prior to the next meeting.

At this time, the Mayor invited forward Caroline Woodruff of the Chamber of Commerce.

Ms. Woodruff brought a sample of the scarecrows that would be used in the newest event "Scarecrows on Main". Ms. Woodruff noted that scarecrows would be sponsored by area businesses and would be dressed in the style of the business and attached with zip-ties to the lampposts for easy removal. A name tags would be attached to the scarecrow so that shoppers could vote for their favorite. The event would run from October 31st until November 22nd and a winner would be awarded at the Winter Festival parade later in November.

10/04/2010

Mayor Vahalla complimented the Chamber on another great idea.

PRESENTATIONS BY BOROUGH PLANNER JAMES CONSTANTINE ON THE TOWN SQUARE PROJECT AND THE MIDDLESEX GREENWAY EXTENSION.

MIDDLESEX GREENWAY EXTENSION

Jim Constantine, Borough Planner, noted that the Borough had completed a planning study grant to extend the Middlesex County Greenway through the Dismal Swamp. The planning study was funded through a grant received from the Association of New Jersey Environmental Commissions (ANJEC) and through the generous donations of The District @ Metuchen and Metuchen I LLC.

Mr. Constantine noted the Middlesex Greenway was the abandoned home of the Lehigh Valley Railroad and was made part of the East Coast Greenway. Mr. Constantine noted that the Borough of Metuchen would like to continue the Greenway into the Dismal Swamp; the Dismal Swamp offers 1200 acres of vast green space.

Mr. Constantine presented a PowerPoint presentation of photos that illustrated the endless potential of adding the Dismal Swamp to the Middlesex Greenway including community vegetable gardens, wildflower gardens, educational opportunities and a backdrop to the community events.

The Mayor opened the presentation to public comment.

Kerry Butch, ANJEC, thanked the Environmental Commission and Mr. Constantine for their wonderful presentation and resourceful use of the grant funding to promote green space preservation.

Mark Groomer, 33 Parkerson Road, Edison, NJ, stated that he looked forward to the inter-community involvement to see this project forward.

Walter Stochel, Edison Wetlands Association, also noted his support of the project and encourages continued support of the entire Greenway project.

David Nelson, 54 Kempson, also noted his support of the extension and the project in its entirety.

Mark Herzberg, Chair of the Environmental Commission, thanked the Mayor and Council for their support of the project and thanked Mr. Constantine for bringing their vision to paper. Mr. Herzberg stated the Environmental Commission is looking forwarding to bringing the project to reality.

The Mayor thanked Mr. Constantine for his presentation and also thanked ANJEC, Mr. Schooler and Mr. McDade for their financial support of such a worthwhile project. Mayor Vahalla applauded their contributions to a great endeavor that will provide a long lasting benefit to the residents.

At 9:48 pm, the Council took a 5 minute recess.

TOWN SQUARE PROJECT

Mr. Constantine noted the Town Square Project has started taking shape. The Borough's intent is to create a lush town green on the 4 care tract that currently houses the Pearl Street commuter parking lot. The Town Square project will provide a one-block connector between the downtown Main Street and The District at Metuchen; as well as provide a parking structure on a portion of the lot.

Mr. Constantine noted the **Goals for Rezoning** are:

- Maximize financial return to taxpayers
- Require a reasonably-sized town green
- Relationship to Main Street & The District
- Reassessment of market changes
- Higher-quality construction/sustainability
- Reduce height & scale of parking structure
- Act as catalyst for reinvestment elsewhere

Mr. Constantine proceeded with his PowerPoint presentation which showed drawings and plans for the proposed project.

Councilmember Manley questioned what the current market perspective of the project was in terms of residential vs. retail.

Mr. Constantine noted the ordinance will allow for any and all commercial, retail and residential development of the site. Mr. Constantine noted that the project would realize its best potential with an anchor tenant. Mr. Constantine noted the project would have to be purposefully arranged as it would be competing with The District and downtown Main Street.

Councilmember Manley noted his concern over high density residential. Councilmember Manley also questioned the plan to maintain as the parking structure as a sustained revenue stream with a daytime flow. Councilmember Manley noted his concern over garage volume as it only adds 50 spaces to the current lot capacity of 700.

Mayor Vahalla noted that the parking structure would free up space on Main Street that are currently being used by employees. The Mayor stated the project expects the parking garage to accommodate daytime commuter parking and nighttime shoppers. Mayor Vahalla noted that once the project is put out for Requests for Proposals (RFP's), the Borough can narrow their focus based on market demands.

Mr. Frizell stated that the Parking Authority owns the parcel and will handle the RFP process. Mr. Frizell agreed that once the RFP's came in, adjustments could be made in zoning to achieve the community vision.

Councilmember Muldoon questioned who would operate the parking garage.

Mr. Frizell stated that option could be left open for now, as the garage could be privatized through a lease or the Parking Authority could continue the daily operations of the garage; that decision would be made through a market analysis.

Len Roseman, Parking Authority Chairman, noted the Parking Authority is enthusiastic about the proposal which takes full advantage of the 3 ½ acre site that currently is a black-topped eyesore for the community. Mr. Roseman stated the project will be a significant asset to the downtown.

Councilmember Rubin stated the expectation for the long term goal of the project to provide interplay between the existing downtown and The District. Councilmember Rubin noted her concern that the project would leave the downtown behind and asked if other zoning changes could be incorporated to help revitalize Main Street.

Mayor Vahalla noted that the Main Street revitalization is the current priority of the Development Commission.

Mr. Constantine noted the expectation of the project is to change the nature of New Street and make it feel like part of the downtown. Mr. Constantine noted that certain limitations could be added to leave an edge for Main Street, such as limiting restaurants.

10/04/2010

Mr. Frizell stated that Main Street is the biggest supporter of the project. Mr. Frizell also noted the project holds an unbelievable tax base potential for the Borough.

Councilmember Morrison noted the attached map includes portions of the downtown within the highlighted border and questioned if it should only be limited to the parking lot.

Mr. Frizell stated that while the amendment is to the entire D-1 zone, the ordinance specifics only allow development with frontage on Pearl and New Streets and requires size limitations that make the Pearl Street Parking lot the only site eligible. Mr. Frizell noted that the tracts across New Street are not eligible without the Pearl Street lot.

Councilmember Waldron questioned if the proposed six story "hotel/corporate space" would front Lake Avenue.

Mr. Frizell stated that frontage would only be available on New Street and Pearl Street.

Councilmember Waldron questioned what type of buffer would be permitted between the "hotel" space and the current American Legion building.

Mr. Constantine noted those specifications would be worked out once the project received interest.

Councilmember Waldron questioned if the capacity of the parking structure could be increased.

Mr. Constantine noted that a future parking study for shared space is anticipated.

Council President commended Mr. Constantine on his plan and stated the proposal is an exciting first step.

Councilmember Manley questioned the entrance and exit configuration for the parking structure.

Mr. Constantine noted the current proposal shows two.

Councilmember Manley questioned the Council's control within the project, if the property is formally owned by the Parking Authority.

Mr. Frizell noted that the Council's authority would be held in the zoning.

Hearing no further Council comments, the Mayor opened the discussion to the public.

Richard Dyas, 22 Grove Avenue and Parking Authority Commissioner, noted the proposal presented was truly a deliberative process and included the public comments on what should be included. Mr. Dyas assured the Council that their opinions would be given consideration throughout the project.

Eric Berger, 376 Middlesex Avenue, noted his support of the proposal as a downtown landlord. Mr. Berger stated the downtown merchants had greater concern over the development of The District and noted that this proposal has the vast potential of pulling it all together rather than creating a competitive situation. Mr. Berger also commended the project's inclusion of a town green will serve as a great community space.

Mr. Berger suggested the project encourage ground floor shopper parking to further promote the downtown. Mr. Berger stated that this project has the potential for long term benefit to the community. Mr. Berger questioned if there is a potential of continuing the parking structure into the Halsey Street parking lot to offer more spaces.

10/04/2010

Jim Conlon, 20 Sharon Court, noted his concern over the configuration of the entrance and exit to the parking structure. Mr. Conlon noted the parking structure has to be, at the very least, as easy as the current lot. Mr. Conlon also questioned the potential of continuing the parking garage onto Halsey.

Mayor Vahalla noted the potential was explored and the Halsey Street residents were not in favor of the project.

Mr. Conlon urged strict supervision of the project to insure that the architect and contractor was experienced in parking structures.

Dab LeBar, 581 Middlesex Avenue, suggested expanding the structure as 750 spaces in was not enough.

Mr. Frizell stated that could be addressed as the ordinance does not limit the spaces. The current 750 space estimate is limitation of a five story structure.

Councilmember Waldron questioned how the project would be marketed; as land lease or land sale? Councilmember Waldron stated that if the developer follows the scheme of 4 parcels, how is the 4 acre limit met.

Mr. Constantine noted the entire project is defined as one tract.

Hearing no further comments, the Mayor closed the public portion and again thanked Mr. Constantine for his presentations of the evening.

APPROVAL OF THE MINUTES

On a motion made by Council President Cammarano, seconded by Councilmember Rubin, the Regular Minutes of September 24, 2010 were approved. Councilmember Muldoon abstained from voting on these minutes.

ORDINANCE NO. 2010-13

The Borough Clerk presented an Affidavit of Publication for Ordinance No. 2010-13.

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

The Clerk read the Ordinance by title:

Ordinance No. 2010-13 Ordinance to Amend the Code of The Borough of Metuchen, Chapter 143, Entitled Public Records Access, to Reduce the Copy Fees for Public Records.

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

The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

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

Roll Call Vote:

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

NAYS - None.

ABSENT - None.

COMMUNICATIONS
CONSENT AGENDA

8. Receive the minutes of the following meetings:
 - Parking Authority - August 16, 2010
 - TV & Technology Committee - June 24, 2010
9. Letter of resignation from James Conlon to the Senior Citizen Commission – receive.
10. Letter from Metuchen Chamber of Commerce requesting permission to add the “Scarecrows on Main” to their annual event list – receive and approve.
11. Letter from the residents of Wilmer Place requesting permission to hold a Block Party on Saturday, October 9, 2010 – receive and approve.
12. Letter from Marissa Glassman, Rutgers University Dance Marathon, requesting permission to fundraise in the downtown – receive and approve

On a motion made by Council President Cammarano, seconded by Councilmember Rubin, with all in favor, Items No. 8 through No. 11 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Cammarano noted the “Walk To School Day” program has been postponed until Thursday, October 7th due to expected inclement weather.

Council President Cammarano complimented the parent volunteers at Campbell School that spent Saturday October 2nd on a landscape beautification project at the school.

Council President Cammarano then thanked Jim Conlon for his years of service to the Senior Citizen Commission, upon his resignation from the same.

Councilmember Waldron noted the Environmental Commission assisted Project Porchlight on September 25th in distributing CFL light bulbs to Borough residents in their continuing effort in going green.

Councilmember Rubin noted the Library is back on winter hours and is open seven days a week; program information is available on their website.

Councilmember Rubin thanked the Shade Tree Commission for their booth of tree inspired arts & crafts and the Country Fair.

Councilmember Morrison thanked the Cultural Arts Commission for a wonderful jazz concert on September 25th. The Commission will hold their Open House on Friday, October 15 in the Borough Council Chambers from 7 pm – 9 pm.

Councilmember Morrison thanked the Auxiliary Police for their participation in the Country Fair. Auxiliary Police volunteers are still needed. Interested residents may contact Angelo Donato Jr, at 732 632 8123.

10/04/2010

Councilmember Morrison noted the EMS will hold their *Breakfast with Santa* fundraiser on Sunday, December 5, 2010. Councilmember Morrison thanked the Squad for their participation in the Country Fair. Residents interested in volunteering with the Squad can provide EMT services, administrative help and donations. Please contact Lisa Garris at the Squad.

Councilmember Manley noted the Municipal Alliance Recovery Event was very successful and thanked the organizers and attendees for their support.

Councilmember Manley then noted the TV & Technology Committee conducted a survey at the Country Fair and noted that 70% of residents use the municipal website and they would like to see the Borough expand their notices to Facebook and Twitter.

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 Lou Klein to the Senior Citizen Commission to fill the unexpired term.

Mayor Vahalla noted the Police Department has been asked to make sure that no lawn signs are posted in the public right of way; the only exception to this rule is for real estate signs on weekends.

The Mayor then thanked the Chamber of Commerce, Metuchen Savings Bank, and all the participants that helped make the Country Fair a success.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Dan LeBar, 581 Middlesex Avenue, noted that Keep Middlesex Moving recently distributed "Stop for Pedestrians" tote bags with a glow in the dark decal for pedestrian safety. Mr. LeBar questioned if there were any pedestrian safety grants that could fund a similar project in Metuchen.

Nancy Huss, NJ Tavern owner, noted that her license has certain conditions attached, one prohibiting doors to be open. Ms. Huss requested the Council to reconsider this condition at certain times since she has no functional windows in the establishment and the cooler weather helps keep the air conditioning off. Ms. Huss also inquired about outdoor seating.

Mayor Vahalla noted that any extension of the licensed premise would have to be done through a place to place transfer. The Mayor also noted that the Council would take her request for open doors under consideration.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2010-142

CANCELLATION OF INTEREST 3RD QUARTER 2010

10/04/2010

WHEREAS, the property owner of Block 46, Lot 58 personally delivered an update of address to the Borough of Metuchen on November 12, 2009, at the time of redemption of a tax lien and the tax office updated the address information to the parcel and forwarded the information to the Tax Assessor on the same date to be updated in the Vital system,

WHEREAS, the assessor failed to make the update to Vital causing the tax office update to be overwritten by the Vital file on May 24, 2010 when the master tape was created by Vital for the printing of the 3rd quarter estimated tax bills,

WHEREAS, the property owner did not receive the 3rd quarter tax bill,

WHEREAS, the property owner has requested to petition Mayor and Council for relief of interest that has accrued on the parcel for 3rd quarter 2010 since he met the burden of notification of address change,

NOW, THEREFORE, BE IT RESOLVED, that the interest on 3rd quarter 2010 taxes be waived for Block 46, Lot 58, 51, 55-65 Liberty Street.

Dated: October 4, 2010

RESOLUTION NO. 2010-143

REFUND OF 2010 TAXES

WHEREAS, the following have made overpayment of taxes as a result of a successful County Tax Appeal judgment,

WHEREAS, the reduction in taxes has caused an overpayment of taxes for the following parcel:

Name	Block/Lot	Address	Amount		Year
Berger & Associates	113/45	577 Middlesex Ave	\$1,078.68	Tax appeal judgment	2010/4 th qtr

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owners or agents be refunded property taxes as described in the amount of \$1,078.68.

Dated: October 4, 2010

On a motion made by Council President Cammarano, seconded by Councilmember Rubin, with all in favor, the above Resolutions No. 2010-142 and No. 2010-143 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 **\$604,463.71**.

Dated: October 4, 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.

ORDINANCE NO. 2010-17

Council President Cammarano made motion to introduce and take up on first reading Ordinance No. 2010-17, which was seconded by Councilmember Rubin, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2010-17 An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen.

Council President Cammarano moved this Ordinance be passed on first reading, published according to law, and public hearing set down for October 18, 2010. This motion was seconded by Councilmember Rubin.

Roll Call Vote:

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

NAYS - None.

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

The Mayor opened the public hearing.

Dan LeBar, 581 Middlesex Avenue, voiced his concern that any developer selected for the project be investigated to insure that they are financially viable to complete the project.

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

On a motion made by Council President Cammarano, seconded by Councilmember Manley, the meeting was adjourned at 10:58 p.m.

BOZENA LACINA, RMC
Municipal Clerk