

BOROUGH COUNCIL
MINUTES - AUGUST 15, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday August 15, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The invocation was given by Council President Cammarano. Council President Cammarano asked for a moment of silence for the passing of former Councilman Tom Walsh, Councilman Wallace's brother Ken and Myrtle Marko. The Metuchen High School Color Guard presented the American Flag and then led the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News 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 Lease, Muldoon, Rubin, Rasmussen, Wallace and Council President Cammarano.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Murphy and Borough Clerk Harris.

DISCUSSION-METUCHEN HIGH SCHOOL MARCHING BAND ORANGE BOWL TRIP

John Essinger, director of the Pride of Metuchen High School Marching Band introduced the members of the band that were present. The marching band was recognized and invited to perform at the Orange Bowl in Miami, Florida this New Years Day. There will also be a band competition which will allow the winner to do a pre-game performance. Metuchen High is the only high school representing New Jersey. The marching band will be doing fundraisers around town in order to attempt to raise approximately 120,000 to help subsidize the marching bands trip to the Orange Bowl in Florida.

PROCLAMATION-METUCHEN POOL SWIM AND DIVE TEAM SWIMATHON

Councilman Muldoon read and presented the proclamation

WHEREAS, on July 24, 2011 the Metuchen Municipal Pool Swim and Dive team held a swimathon at the Metuchen Pool as a fundraiser for Swim Across America, a national organization dedicated to raising money and awareness for cancer research, prevention and treatment through swimming.

WHEREAS, a total of 110 MMP swim team members, parents, coaches and Master swimmers swam a total of 225 miles at the swimathon on July 24th raising over \$7500, demonstrating remarkable endurance, fitness and dedication to fighting cancer...

WHEREAS, in 2008 MMP Swim and Dive Team Parent Organization President, Melissa Karlovitch and her daughter Sara, a swimmer on the team who has personally swam over 17 miles, organized the first swimathon at the Metuchen Pool for cancer research. In total the past 4 swimathons have raised over \$32000 for cancer research with swimmers swimming a total of 640 miles; and

WHEREAS, special recognition and appreciation is granted to 2011 swimathon organizers Susan Wilcox, Christina Krebs, Elizabeth Spasiano, and Swim and Dive Team board members Pam Roberts, Maureen Azzara, Mike Conroy, Allan Krebs, Maura McCunney, Eric Lignell, and Steve Whittington, and the Metuchen Municipal Pool Commission, Pool managers and staff, as well as Metuchen Girl Scout Troop # 80743 for counting laps each year for the swimmers and Metuchen merchants who collected donations for the swimathon making it truly a community wide event: and

NOW , THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen, hereby recognize and further commend the MMP swim team members, parents, and coaches, as well as all those who supported or contributed to the swimathon in any way for their commitment and dedicated service to the community and to those in need; your efforts have enriched us because the swimathon efforts further demonstrate that Metuchen is a community that promotes and respects community service and serving the greater good.

BE IT FURTHER RESOLVED that the Mayor and Council, on behalf of the residents of the Borough of Metuchen, do hereby extend their gratitude and appreciation and offer their best wishes of good health and happiness to all those who give of their time and effort for the swimathon and hopes for many more successful swimathons in the years ahead.

AGENDA SESSION

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor the agenda session was opened.

Council President Cammarano added an item to the Consent Agenda. The item was the Annual Turn the Town Teal which is done every September for National Ovarian Cancer month. The addition shall be numbered 9A on the Communications Consent Agenda

Councilwoman Rubin stated that her children noticed some graffiti in town and wanted to know if it would be advantageous to have a link on the Borough website to report graffiti within the town.

Mayor Vahalla stated that residents usually call or email him and then the Department of Public Works addresses the situation.

Borough Administrator Boerth stated that a comment could be made on the Borough website, which he monitors and forwards to the appropriate department.

Councilwoman Rubin stated that some clarification should be made so that residents know that the inquiry link on the website can be utilized to report such incidences.

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor the agenda session was closed.

RESOLUTION 2011-172 RESOLUTION TO AMEND 2011 MUNICIPAL BUDGET

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen R2011-172 was approved.

A copy of the Resolution has been appended to the back of the minutes.

Borough Clerk Harris read the Resolution into the minutes.

Council President Cammarano explained that a new law has passed which requires the Council to separate out the portion of the budget that funds the Municipal Library.

ROLL CALL VOTE:

AYES: Councilpersons Muldoon, Rasmussen, Rubin, Wallace and Council President Cammarano

NAYS: None

ABSTENTIONS: None

RESOLUTION 2011-75 RESOLUTION TO APPROVE 2011 MUNICIPAL BUDGET

On a motion by Council President Cammarano, seconded by Councilman Lease R2011-75 was approved.

Mayor Vahalla stated that the increase on an average home is approximately \$74.84 per year.

Borough Clerk Harris read the Resolution into the record.

A copy of the Resolution is appended to the end of the minutes.

ROLL CALL VOTE:

AYES: Councilpersons Muldoon, Rasmussen, Rubin, Wallace and Council President Cammarano

NAYS: None

ABSTENTIONS: None

APPROVAL OF MINUTES

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor except for the abstention by Councilwoman Rubin and Councilman Muldoon on the July 18, 2011 minutes the Council minutes of July 18, 2011, Closed Session minutes of February 2 and 22, 2011 were approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any item on the agenda.

Ed Catanello, 57 Aldridge Avenue, commented on the disrepair of his street. He stated that no paving work was done on Aldridge Road since the 1960's.

Mayor Vahalla stated that he will have the Engineer look at the street and attempt to have it addressed in future budgets.

Hearing or seeing no one else wishing to comment Mayor Vahalla closed the public portion of the meeting.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor the Communications Consent Agenda items 7-9A were approved.

7.Receive and Accept Environmental Commission Minutes of June 15, 2011

8.Receive and Accept Resignation of Patricia Donahue from the Environmental Commission.

9.Receive and Approve Block Party Request by Alisa Schleif for Dorian Road between Mason Drive and Norris Avenue on Saturday, September 10, 2011.

9A. Approve Paint the Town Teal Request-National Ovarian Cancer Month.

COUNCIL REPORTS

Council President Cammarano spoke about the Community Concerns Grant Resolution on the agenda for approval. This year, the Council is requesting that the Prosecutor's Office allow the Borough to utilize that grant money, if awarded, for the enforcement of pedestrian safety within the community.

Council President Cammarano stated that the liquor license renewal for S.K & S.K Inc was on the agenda for approval tonight and that he was impressed with the establishments renovations and outside dining experience.

Councilman Lease asked for some clarification on that resolution.

Borough Attorney Murphy stated that there was some ongoing litigation with the said license which precluded, by means of an injunction, the Borough from renewing or transferring said liquor license. A decision was made by the court to allow the license to be renewed by S.K. & S.K. Inc. while the other matters are being resolved.

MUNICIPAL ALLIANCE

Councilman Wallace stated that on September 20, 2011 the Alcohol Recovery Program will be taking place.

RECREATION

The Recreation Commission offered a variety of summer programs. Many of the programs were filled to capacity and some residents even had to be put on a waiting list.

SENIOR CITIZEN COMMISSION

Councilwoman Rubin stated that the Senior Citizens Commission was getting ready for their annual luncheon on Sunday, October 23 at Camp Kiddie Keep Well. The cost is \$22 per person.

ENVIRONMENTAL

Councilwoman Rasmussen stated the Environmental Commission met on July 20th. The Commission discussed the benefits of Single Stream Recycling and that they wanted to start educating the public on its benefits.

DEVELOPMENT

Councilwoman Rasmussen stated the the Development Commission met August 3rd. The Commission discussed the possibility of having a fresh foods center on Pearl Street around the town green center.

Councilwoman Rasmussen stated the the Metuchen brochure is still being reviewed by the Planning Board Attorney.

SHADE TREE

Councilwoman Rasmussen stated that Shade Tree Commission met on August 8. They discussed the usage of County equipment to help water Borough trees.

Councilwoman Rasmussen stated that the Commission also spoke about the County Fair and the dispersment of magnets at the fair promoting the planting of trees.

Councilwoman Rasmussen also stated the Commission discussed removing Red Oaks and Sugar Maples from the recommended tree list.

PARKING AUTHORITY

Councilman Muldoon stated that the Parking Authority received expressions of interest from seven developers explaining their ideas for the redevelopment of that site. A review committee is comprised of volunteers with considerable expertise and knowledge that will go over the proposals and make recommendations on the best ideas for Metuchen and the development of

that site. The committee will meet August 17th. The Parking Authority will have their regular meeting on August 16th.

ARTS COUNCIL

Councilman Muldoon stated that the Metuchen Rocks Concert Series is continuing on Thursday nights at 7:30 in the downtown area. August 25th will be the final concert for the summer.

Councilman Muldoon stated that the rained out double feature movie night has been rescheduled for September 17th at Oakland Park.

Councilman Muldoon stated that the next Arts Council meeting will be August 27th.

POOL

Councilman Muldoon stated that another great pool season is coming to an end. The pool will remain open on a daily basis through Labor Day, September 5th.

Councilman Muldoon stated that the pool will be holding their second movie night on August 24th at 8pm. The movie Toy Story will be showing. Councilman Muldoon stated that the Pool Commission's next meeting will be August 17th.

CABLE COMMISSION

Councilman Lease stated that the Cable Commission is still working on the survey which will be placed on the Borough website regarding the types of programming residents would like to see on METV.

LIBRARY

Councilman Lease stated that the Library will be hosting a blood drive on August 22nd from 2-7pm.

Councilman Lease stated that the Library will be holding free computer classes and that anyone interested should contact the Library.

Councilman Lease also stated that the American Legion will be having a flea market on September 10th.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy explained R2011-175. Borough Attorney Murphy stated that Mr. Bisogne of Metuchen Mower requested a change to the insurance requirements stipulated in the original Developers Agreement. The amended Developers Agreement allows the contractor to provide the newly proposed insurance amount of \$1,000,000. The new agreement also stipulated that the Borough will be required to receive a 30 day cancellation policy notice from the insurance carrier if the insurance is dropped or changes are made to the policy by the contractor and/or the developer.

MAYOR'S REPORT

Mayor Vahalla stated that the Fire Department responded to 30 alarms, 189 fire alarm and emergencies and 157 hours of drills trainings and meetings.

Mayor Vahalla also stated that the District at Metuchen has offered to allow the Metuchen Fire Department to use the buildings on their property for drills.

Mayor Vahalla stated that he, Borough Administrator Boerth and the Borough Engineer are attempting to get discretionary aid to have the Grove Avenue Bridge replaced.

Mayor Vahalla also stated that Middlesex Water Company has gone out to bid to have the water main atn Charles Place replaced and moved.

Mayor Vahalla stated that he gave a Proclamation to Ms. Florence Prohodka for her 100th birthday.

CONSENT AGENDA

On a motion by Council President Cammarano seconded by Councilwoman Rasmussen with all in favor the consent agenda items encompassing R2011-161 to 174 and 2011-176 were approved.

RESOLUTION NO. 2011-161

WHEREAS, bids were received by the Borough Administrator on July 26, 2011 for the 2011 NJDOT and Capital Roadway Improvement Program for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Engineer on said bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds will be available in the amount of \$400,746.50, and funds are available in the 2011 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which \$400,746.50 is 2011 Capital Funds,

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 2011 NJDOT and Capital Roadway Improvement Program be and the same is hereby awarded to most responsive bidder, Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 and that award of contract is conditioned on approval from the New Jersey Department of Transportation.

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

BE IT FURTHER RESOLVED, that the certified check or bid bonds of the unsuccessful bidders:

1. Black Rock Enterprises, LLC., PO Box 235, Spotswood, NJ 08884
 2. Intercounty Paving Association, LLC., 859 Willow Grove Street, Hacketstown, NJ 07840
- be returned.

BE IT FURTHER RESOLVED, that the certified check or bid bond of the successful bidder and the next lowest bidders:

1. Fischer Contracting, Inc. 10 Short Hills Lane, Scotch Plains, NJ 07076
2. S. Brothers, Inc. PO Box 317, South River, NJ 08882
3. Top Line Construction, 22 Fifth Street, Somerville, NJ 08876

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

RESOLUTION NO. 2011-162

**RESOLUTION AUTHORIZING LIQUOR LICENSE RENEWAL FOR SK & SK INC. T/A
BROWNSTONE BAR AND GRILL**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption Licenses for the period August 15, 2011 to June 30, 2012 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-010-004	Sk & Sk Inc.. T/A Brownstone Bar and Grill 932 Middlesex Avenue	\$2,200

RESOLUTION NO. 2011-163

**RESOLUTION AUTHORIZING GRANT SUBMITTAL FOR LAW ENFORCEMENT
RESPONSE TO COMMUNITY CONCERNS GRANT**

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the Middlesex County Prosecutors Office for the Law Enforcement Response to Community Concerns Grant,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, county of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the LAW ENFORCEMENT RESPONSE TO COMMUNITY CONCERNS Grant; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with the Middlesex County Prosecutors Office.

RESOLUTION NO. 2011-164

**RESOLUTION AUTHORIZING GRANT SUBMITTAL FOR TARGET AND BLUE LAW
ENFORCEMENT GRANT PROGRAM**

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the local Target Retail Store for the Target and Blue Law Enforcement Grant Program,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, county of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the TARGET AND BLUE LAW ENFORCEMENT Grant Program; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with the local Target retail Store.

RESOLUTION NO. 2011-165

RESOLUTION AUTHORIZING SUBMISSION OF YOUTH SERVICE BOARD/MUNICIPAL ALLIANCE AGREEMENT FOR 2012 TO MIDDLESEX COUNTY

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 2012 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.

RESOLUTION 2011-166

RESOLUTION AMENDING RESOLUTION NO. 2011-10 CHANGING THE DATE OF THE SEPTEMBER 5, 2011 REGULAR COUNCIL MEETING OF THE BOROUGH OF METUCHEN TO SEPTEMBER 6, 2011

WHEREAS, at the Organization Meeting on January 3, 2011 the Mayor and Council of the Borough of Metuchen passed Resolution No. 2011-10, setting forth the regular scheduled meetings of the Borough Council of Metuchen for 2011;

WHEREAS, due to a religious holiday, the Mayor and Borough Council deem it in the best interest of the Borough of Metuchen to revise the schedule of the regular Council meetings changing the September 5, 2011 meeting to Tuesday, September 6, 2011.

NOW THEREFORE BE IT RESOLVED that the Borough Council meeting scheduled for September 5, 2011 at 7:30 p.m. is hereby changed to September 6, 2011 at 7:30 p.m.; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Metuchen that based upon the within Resolution, the following revised meeting schedule for the year 2011 for the Mayor and Council meetings is hereby established:

February 7, 2011

February 22, 2011 (Tuesday)

March 7, 2011

March 21, 2011

April 4, 2011

April 26, 2011 (Tuesday)

May 2, 2011

May 16, 2011

June 6, 2011

June 20, 2011

July 18, 2011

August 1, 2011

August 15, 2011
September 6, 2011 (Tuesday)
September 19, 2011
October 3, 2011
October 17, 2011
November 7, 2011
November 21, 2011
December 5, 2011
December 19, 2011

BE IT FURTHER RESOLVED that all regular meeting will commence at 7:30 p.m. in Council Chambers of the Borough Hall, 500 Main Street, Metuchen, New Jersey 08840.

RESOLUTION NO. 2011-167

PROPERTY TAX EXEMPTION – CANCEL 2011 TAXES

WHEREAS, Block 56, Lot 47 (owned by Italian American Civic League) was granted property tax exemption for tax year 2011 by the Middlesex County Tax Board

WHEREAS, owner has paid the 1st and 2nd quarter 2011 bills plus interest in the total amount of \$ 3925.89

WHEREAS, said owner is requesting refund of the above paid amount

WHEREAS, the above property would be subject to taxation via the added assessment process if it were to be sold

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to refund the 2011 taxes already paid (\$ 3925.89) and to cancel any remaining 2011 regular taxes.

RESOLUTION NO. 2011-168

**RESOLUTION AUTHORIZING LIEN REDEMPTION FOR BLOCKS 212 LOT 7.02 –36
EAST WALNUT STREET AND BLOCK 121 LOT 13 -414 MAIN STREET**

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
10-00010	212/7.02	36 E. Walnut Street	Pro Capital I LLC
10-00004	121/13	414 Main Street	Royal Tax Lien Services

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel these liens from the municipal records.

RESOLUTION NO. 2011-169

STATE CONTRACT PURCHASE FOR FIRE RESCUE TOOLS

WHEREAS, there exists a need to purchase Rescue Tools for the Fire Department in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-75944; and

WHEREAS, the maximum amount of the purchase of rescue tools for the Borough of Metuchen is \$18,855.00 and funds are available in the 2011 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which \$18,855.00 is certified from 2011 Capital Funds; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to ESI Equipment Inc., 440 Horsham Road, Horsham, PA 19044.

RESOLUTION NO. 2011-170

WHEREAS, bids were received by the Borough Administrator on August 3, 2011 for the 2011 Wheel Loader Backhoe for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Director of Public Works on said bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in the amount of \$75,490.00 which includes a trade-in credit in the amount of 12,500.00 for a 1989 Case 580 Backhoe, and funds are available in the 2011 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which \$75,490.00 is 2011 Capital Funds,

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 2011 Wheel Loader Backhoe be and the same is hereby awarded to most responsive bidder, Trico Equipment Services, LLC., 551 N. Harding Highway, Vineland, NJ 08360..

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

BE IT FURTHER RESOLVED that the certified check or bid bond of the successful bidder and the next lowest bidders:

1. Trico Equipment Services, LLC , 551 N. Harding Highway, Vineland, NJ 08360
2. Jesco Inc., 118 Saint Nicholas Avenue, South Plainfield, NJ 07080

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

RESOLUTION NO. 2011-171

WHEREAS, bids were received by the Borough Administrator on August 4, 2011 for the Dump Body with all associated equipment and 2012 Chassis Truck for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Director of Public Works on said bids; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$139,877.00 and funds are available in the 2011 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which \$139,877.00 is 2011 Capital Funds,

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 Dump Body with all associated equipment and 2012 Chassis Truck be and the same is hereby awarded to most

responsive bidder, Campbell Freightliner, 145 Talmadge Road, Suite 8, Edison, NJ 08817,

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

BE IT FURTHER RESOLVED that the certified check or bid bond of the successful bidder and the next lowest bidders:

1. Campbell Freightliner, 145 Talmadge Road, Suite 8, Edison, NJ 08817
2. Schwartz Truck Center, 585 Shrewsbury Avenue, Shrewsbury, NJ 07702

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

RESOLUTION NO. 2011-173

RESOLUTION TO PAY STATUTORY INTEREST ON STATE TAX COURT

JUDGMENT

WHEREAS, the State Tax Court invalidated a 2008 added assessment for Block 174, lot 5, 61 Grove Avenue for 2008,

WHEREAS, the property owner is due statutory interest due to an overpayment that resulted from the State Tax Court invalidation of the 2008 added assessment,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to pay statutory interest to the owner of record for Block 174, Lot 5 in the amount of \$408.94 due to the decision of the State Tax Court Judge invalidating the 2008 added assessment.

RESOLUTION NO. 2011-174

RESOLUTION TO REAPPLY 2011 TAX PAYMENTS

WHEREAS, Block 49, Lot 51, 283 Central Avenue and Block 49, Lot 52, Norcross Avenue had a property subdivision that reapportioned the land and created new Lots 51.01 and 51.02,

WHEREAS, the property owner made tax payments to the original Lots 51 and 52 for the 1st and 2nd quarter of 2011,

WHEREAS, the chart below shows how the taxes paid for the original blocks and lots in 2011 are reallocated to the new lots,

WHEREAS, the property owner has been delayed in making the 3rd quarter tax payment for Block 49, Lot 51.01 until the passage of this resolution making the 3rd quarter taxes subject to delinquent interest,

WHEREAS, the Tax Collector petitions the Borough Council to waive the delinquent interest for the 3rd quarter 2011 taxes for Block 49, Lot 51.01, provided that the property owner satisfy the principal balance due by August 31, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to apply the 2011 payments from Block 49, Lot 51 and Block 49, Lot 52 in the amounts of \$12,896.70 and \$2,050.12 to Block 49, Lot 51.01 and Block 49 Lot 52.01 in the amounts of \$10,873.92 and \$4,072.90, and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Metuchen that delinquent interest on Block 49, Lot 51.01 be waived for the 3rd quarter 2011 only, with the stipulation that taxes be brought current on the parcel by August 31, 2011.

2011 Tax Quarter	Block 49 Lot 51	Block 49 Lot 51.01	Block 49 Lot 52	Block 49 Lot 52.01
1	(6,448.35)	6,448.35		
2	(6,448.35)	4,425.57		2,022.78
1			(1,025.06)	1,025.06
2			(1,025.06)	1,025.06
	(12,896.70)	10,873.92	(2,050.12)	4,072.90

RESOLUTION 2011-176

RESOLUTION AUTHORIZING THE REQUEST TO PSE&G FOR A STREET LIGHT ON POLE NO. 61515MN LOCATED BETWEEN 144 AND 150 CHRISTOL STREET

WHEREAS, there is a location in the Borough of Metuchen where street lighting is inadequate; and

WHEREAS, the Police Chief is recommending to Public Service Electric and Gas that street lighting on the following pole and location be installed with 100 watt high-pressure sodium bulbs to provide for public safety and welfare:

POLE NO.

LOCATION

61515MN

Between 144 and 150 Christol Street

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen that the above street lighting proposal submitted to Public Service Electric and Gas Company is hereby approved and that the Borough Administrator is authorized to upgrade and install the necessary lights.

ITEMS REMOVED FROM THE CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor R2011-175 as amended was approved.

RESOLUTION 2011-175

RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A DEVELOPER'S AGREEMENT AND AMENDED DEVELOPER'S AGREEMENT BETWEEN BENJAMIN BISOGNE AND THE BOROUGH OF METUCHEN

WHEREAS, Benjamin Bisogne, is the owner of Block 130.01, Lots 5 & 6, as shown on the official Tax Map of the Borough of Metuchen, said property being located at the southwest corner of the intersection of Middlesex Avenue and Prospect Street, in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

WHEREAS, Benjamin Bisogne has filed various applications with the Metuchen Borough Zoning Board of Adjustment for, among other things, preliminary and final site plan approval with a use variance, bulk variances and waivers for a new two-story building for Benjamin Bisogne's business, Metuchen Mower Inc.; and

WHEREAS, the Metuchen Borough Zoning Board of Adjustment held public hearings on various dates, including but not limited to March 10, 2005, May 9, 2005, April 10, 2010, May 13, 2010, April 14, 2011 and May 12, 2011, which are set forth more specifically in the proposed

Developer's Agreement and Amended Developer's Agreement ("hereinafter referred to collectively as the "Developer's Agreements"); and

WHEREAS, the Metuchen Borough Zoning Board of Adjustment granted various approvals to Benjamin Bisogne which were memorialized by way of Resolutions dated July 14, 2005, July 12, 2007, June 28, 2010 and July 14, 2011, which are set forth more specifically in the proposed Developer's Agreements; and

WHEREAS, approvals of the Metuchen Borough Zoning Board of Adjustment were subject to Benjamin Bisogne entering into a Developer's Agreement with the Borough of Metuchen and pursuant to § 110-254 of the Code of the Borough of Metuchen requires that Developer's Agreements shall be approved by the Council of the Borough of Metuchen; and

WHEREAS, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to enter into the proposed Developer's Agreement and Amended Developer's Agreement with Benjamin Bisogne reflecting the approvals and conditions and requirements thereof in the form attached hereto and incorporated herein;

NOW THEREFORE BE IT RESOLVED that the Borough of Metuchen hereby authorizes the entry into the proposed Developer's Agreement and Amended Developer's Agreement with Benjamin Bisogne;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement and Amended Developer's Agreement between Benjamin Bisogne and the Borough of Metuchen in the form attached hereto and that Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Agreement attached hereto.

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor the bill resolution in the amount of \$5,260, 200.42 was approved

APPOINTMENTS

Mayor Vahalla appointed Anna Thomas from Centenary Methodist Church to the Youth Services Municipal Alliance Committee.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any items on the agenda.

Hearing no one wishing to speak Mayor Vahalla closed the public comment portion of the meeting.

ADJOURNMENT

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor the meeting was adjourned at 9:02pm.