

BOROUGH COUNCIL
MINUTES –DECEMBER 19, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, December 19, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Council President Cammarano 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 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 Grayzel, Lease, Rubin, Rasmussen, Wallace and Council President Cammarano.

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

RESOLUTION HONORING-JOSEPH PERRINO

On a motion by Councilman Lease, seconded by Council President Cammarano, with all in favor the Resolution honoring Joseph Perrino was approved.

The Resolution honoring Joseph Perrino was read into the record by Councilman Lease.

WHEREAS, Joseph J. Perrino was born on July 8, 1919 in the Borough of Metuchen to the late Vincent and Mildred Perrino where he has remained as a lifelong resident; and

WHEREAS, Joseph Perrino began his life of service and valor in 1942 when he became an active member of the United States Armed Services during World War II in which he was severely injured on assignment in Guam in 1944 while still managing to save the lives of the Platoon Sergeant and First Class Private; and

WHEREAS, Joseph Perrino received the Bronze Star Award, which is the fourth highest award military personnel can receive for performing an act of bravery, heroism and meritorious service; and also received the Purple Heart which is given to anyone who has been wounded or killed in the line of service; and

WHEREAS, Joseph Perrino has dedicated his life to the protection of citizens everywhere not just by his devotion to the citizens of the United States through his service in the United States Armed Forces but also by his allegiance to the Borough of Metuchen through his service on the Metuchen Police Department; and

WHEREAS, Joseph Perrino was appointed to the Metuchen Police Force on January 1, 1946; and

WHEREAS, Joseph Perrino received the rank of Sergeant on September 10, 1953 and then Captain on January 8, 1965; and

WHEREAS, Joseph Perrino was elevated to the rank of Chief of Police on March 31, 1976; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, on behalf of the residents of Metuchen, that Chief Joseph Perrino is hereby recognized and commended for his dedicated service to the residents of Metuchen and citizens of the United States.

BE IT FURTHER RESOLVED, that the residents of the Borough of Metuchen hereby recognize December 7, 2011 as Pearl Harbor Remembrance Day and commemorate the seventieth anniversary of the United States of America entering into World War II and that all of our veterans should be revered in the highest regard.

Dated: December 19, 2011

AGENDA SESSION

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

Councilwoman Rasmussen would like to have a plaque for people who donate money for a tree in remembrance of a loved one or for any special event.

Councilwoman Rubin stated that the issue of snow removal must be addressed to aid the Department of Public Works.

Mayor Vahalla stated that the issue should be addressed with the Department of Public Works, Borough Administrator Boerth and Councilwoman Rubin along with himself.

Councilman Muldoon stated that the street light repair issues must be addressed immediately.

Councilman Grayzel stated that the Shade Trees and responsibilities of maintaining these trees be addressed.

Council President Cammarano resigned his position as Council President and called for a nomination to fill that position.

On a motion by Councilman Wallace, seconded by Councilwoman Rasmussen, with all in favor Councilman Lease was elected as Council President.

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

APPROVAL OF MINUTES

On a motion by Council President Lease, seconded by Councilman Cammarano, with all in favor the September 6, 2011 Council Minutes were approved.

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

William Waldron (_____) congratulated the newly elected Councilmembers. Mr.

Waldron also congratulated and thanked Councilman Lease for a job well done.

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

ORDINANCE 2011-11 PUBLIC HEARING

Borough Clerk Harris stated the Ordinance 2011-11 entitled an **ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED, "GAMES OF CHANCE"** was published according to law.

On a motion by Council President Lease and seconded by Councilman Cammarano, with all in favor the said affidavit of publication was accepted.

Borough Clerk Harris read Ordinance 2011-11 by title.

Mayor Vahalla opened the meeting to the public for discussion on Ordinance 2011-11 only.

Walter Zjawin (Commander of American Legion Post 65 Open to Public) thanked the Council for the lowering of the required fees for the annual raffles.

Hearing no one else wishing to speak the Mayor closed the public comment portion.

On a motion by Council President Lease, seconded by Councilman Cammarano with all in favor Ordinance No. O2011-11 be passed on second reading and published according to law

ROLL CALL:

AYES: Councilpersons Wallace, Rubin, Rasmussen, Grayzel, Cammarano and Council President Lease

NAYS: None

ABSENTIONS: None

ORDINANCE NO. 2011-11

ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED, "GAMES OF CHANCE"

WHEREAS, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to clarify and amend Chapter 95 of the Code of the Borough of Metuchen setting the municipal licensing fee for instant raffle games awarding cash or merchandise as a prize;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 95 of the Code of the Borough of Metuchen, entitled, "Games of Chance", shall be amended to state as follows:

**Chapter 95
GAMES OF CHANCE**

§ 95-1. Operation on Sundays.

§ 95-3. Issuing authority.

§ 95-2. Violations and penalties.

§ 95-4. License fees.

[HISTORY: Adopted by the Mayor and Council of the Borough of Metuchen 3-30-1981 by Ord. No. 81-6. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 124.

§ 95-1. Operation on Sundays.

Organizations, societies and associations duly licensed to hold and operate legalized games of chance under the provisions of N.J.S.A. 5:8-24, *et seq.* and 5:8-50, *et seq.* are hereby authorized, pursuant to N.J.S.A. 5:8-31 and 5:8-58, to hold, conduct and operate authorized games of chance in the Borough of Metuchen on Sundays.

§ 95.2. Violations and penalties. [Amended 9-154997 by Ord. No. 97-20]

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Chapter 1, General Provisions, Article 1.

§ 95-3. Issuing authority. [Added 2-20-2007 by Ord. No. 2007-1]

The Municipal Clerk is hereby delegated the authority to act as the issuing authority to approve the granting of raffle and bingo licenses.

§ 95-4. License fees. [Added 2-20-2007 by Ord. No. 2007-1]

The license fees for raffle and bingo licenses shall be the same fees as established by the State of New Jersey, except that the municipal licensing fee for instant raffle games awarding cash or merchandise as a prize shall be \$20.00 for each day on which instant raffle tickets are sold or offered for sale; or \$100.00 for a one year license to sell, or to offer for sale, instant raffle tickets during that year.

§ 95-5. License Required

It shall be unlawful for any person or entity to hold and operate legalized games of chance under the provisions of N.J.S.A. 5:8-24, *et seq.*, N.J.S.A. 5:8-50, *et seq.* N.J.S.A. 5:8-78, *et seq.* without having first obtained a license to do so from the Borough

COUNCIL REPORTS

Council President Lease had no committee reports but thanked the Council and the residents of Metuchen for the honor of serving as a Councilmember.

TRAFFIC AND TRANSPORTATION

Councilman Wallace discussed the ongoing repair issues at and around the train station.

RECREATION

Councilman Wallace discussed the events handled by the Recreation Commission.

SENIOR CITIZENS

Councilwoman Rubin stated the Senior Center held its annual holiday dinner.

Councilwoman Rubin thanked and wished Council President Lease well.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission planted 61 trees this year.

DEVELOPMENT

Councilwoman Rasmussen stated the Development Commission is looking for two new volunteers.

Councilwoman Rasmussen thanked Council President Lease for all of his time and dedication to the Borough.

ARTS COUNCIL

Councilman Grayzel stated that an exhibit of Gary Westerhoff's work will be held at the Art Gallery in Borough Hall.

Councilman Cammarano had no reports. Councilman Cammarano thanked Council President Lease for his service and knowledge which he shared with the Borough.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy described the circumstances regarding Resolution 2011-236. JFK has agreed to serve the Borough as the Daytime EMS Services provider commencing 60 days from the date of the award of the contract.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the Charles Field project is continuing to progress. Middlesex Water Company is moving their portion of the project along allowing the Borough to continue its plans for Charles Field.

MAYOR'S REPORT

Mayor Vahalla thanked the EMS for allowing him to help with their "Breakfast with Santa Clause Fundraiser".

Mayor Vahalla stated that the Fire Department responded to 26 alarms, 126 hours of fire alarms and emergencies, 109 hours of drills, trainings and meetings as well as the cadets and advisors volunteering 80 hours.

Mayor Vahalla reminded all to attend the fireworks display on New Years Eve. The event is being sponsored by Metuchen Savings Bank.

Mayor Vahalla thanked Council President Lease for his time and service to the residents of Metuchen.

CONSENT AGENDA

On a motion by Council President Lease, seconded by Councilman Cammarano, with all in favor the New Business Consent Agenda items encompassing R2011-234 through R2011-240 were approved excluding R2011-236 Councilwoman Rasmussen recused herself.

RESOLUTION NO. 2011-234

Resolution Authorizing Budget Appropriation Transfers

WHEREAS, there are unexpended balances in various 2011 appropriation accounts not required for the balance of 2011; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be approved:

Appropriation	From	To
Court S & W		4,000.00
Public Works S & W		2,400.00
Sewers S & W		2,000.00
Forestry S & W		1,000.00
Administrative & Executive OE		5,000.00
METV OE		1,600.00
Planning OE		2,000.00
Utilities		13,000.00
Sewers		9,500.00
Telephone	9,000.00	
Zoning OE	1,000.00	
Emergency Management OE	3,000.00	
Recycling OE	5,000.00	
Parks & Playgrounds S & W	2,000.00	
Recycling S & W	1,500.00	
Senior Bus S & W	2,000.00	
Police S & W	10,300.00	

Forestry OE	1,000.00	
Auxiliary Police S & W	700.00	
Auxiliary Police OE	500.00	
Other Insurance	2,500.00	
Fire S & W	2,000.00	
	40,500.00	40,500.00

RESOLUTION NO. 2011-235

RESOLUTION REFUNDING RAFFLE APPLICATION FEE TO METUCHEN POP WARNER-JR BULLDOGS

WHEREAS, Metuchen POP Warner posted \$100.00 for a raffle application fee; and

WHEREAS, Metuchen POP Warner has withdrawn its application No.RA-882 from consideration; and

WHEREAS, the Borough Clerk has requested that the application fees be refunded to Metuchen POP Warner,

NOW, THEREFORE, BE IT RESOLVED, that Metuchen POP Warner be refunded \$100.00 from anticipated revenues.

Dated: December 19, 2011.

RESOLUTION NO. 2011-236

RESOLUTION AWARDING A CONTRACT TO JFK MEDICAL CENTER FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES TO THE BOROUGH OF METUCHEN FROM THE HOURS OF 5:00 A.M. TO 7:00 P.M. FROM MONDAY THROUGH SATURDAY.

WHEREAS, on October 21, 2011, in response to a Request for Proposals (“RFP”), the Borough of Metuchen received and opened proposals for the award of a contract for the provision of emergency medical services to the Borough of Metuchen from the hours of 5:00 a.m. to 7:00 p.m. from Monday through Saturday; and

WHEREAS, the Borough received various proposals for the provision of emergency medical services to the Borough of Metuchen from the hours of 5:00 a.m. to 7:00 p.m. from Monday through Saturday; and

WHEREAS, the Borough formulated an advisory committee to review and evaluate said proposals and make an informal recommendation to the Mayor and Council, which committee has completed its evaluation and has recommended to the Mayor and Council the award of contract to JFK Medical Center for a term of three years (3) years.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby awards a contract for the provision of emergency medical services for a term of three (3) years to JFK Medical Center at no cost to the Borough of Metuchen consistent with the terms and conditions of the Borough’s RFP and JFK Medical Center’s proposal dated October 21, 2011; and

BE FURTHER RESOLVED by the Council of the Borough of Metuchen that the Mayor is hereby authorized to execute an agreement to be prepared by legal counsel with JFK Medical Center for the provision of emergency medical services from the hours of 5:00 a.m. to 7:00 p.m. from Monday through Saturday acceptable in form by the Mayor and Council President; and

BE IT FURTHER RESOLVED that the Administrator, Municipal Clerk and any other Borough official or employee shall take all necessary action in order to effectuate the within Resolution.

Dated: December 19, 2011

RESOLUTION NO. 2011-237

APPOINTMENT OF FIREFIGHTER – Hamilton

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that Mario W. Hamilton has been elected to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Mario W. Hamilton be and is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: December 19, 2011

RESOLUTION 2011-238

**RESOLUTION OF THE BOROUGH OF METUCHEN RECOGNIZING,
ACKNOWLEDGING AND ACCEPTING THE CONSOLIDATION OF THE EAGLE
HOOK & LADDER COMPANY AND THE WASHINGTON HOSE COMPANY TO A
SINGLE COMPANY KNOWN AS METUCHEN VOLUNTEER FIRE COMPANY OF
THE METUCHEN VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Borough of Metuchen created and established the Metuchen Volunteer Fire Department consisting of two departments: (1) the Eagle Hook & Ladder Company and (2) the Washington Hose Company; and

WHEREAS, by way of Ordinance No. 2009-12, the Council of the Borough of Metuchen permitted the Eagle Hook & Ladder Company and the Washington Hose Company to consolidate to a single fire company known as the Metuchen Volunteer Fire Company; and

WHEREAS, pursuant to Ordinance No. 2009-12, on or about July 7, 2010, the Eagle Hook & Ladder Company and the Washington Hose Company met and voted to merge and consolidate the two companies into one known as the “the Metuchen Volunteer Fire Company”; and

WHEREAS, the Mayor and Borough Council deem it in the best interest of the current and future volunteer firefighters of the Borough of Metuchen, as well as the Borough residents, to formally acknowledge, recognize and accept the merger and consolidation of Eagle Hook & Ladder Company and the Washington Hose Company to a single fire company known as the Metuchen Volunteer Fire Company of the Metuchen Volunteer Fire Department.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the Borough of Metuchen hereby authorized, by way of Ordinance No. 2009-12, and, recognizes, acknowledges and accepts the merger and consolidation of Eagle Hook & Ladder Company and the Washington Hose Company to a single fire company known as the Metuchen Volunteer Fire Company of the Metuchen Volunteer Fire Department effective the date of the vote to approve the merger and consolidation.

Dated: December 19, 2011

RESOLUTION NO.2011-239

**RESOLUTION 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 2011 in the sum of \$5,000.00, which is now available from the Middlesex County Prosecutor’s Office Community Concerns –Pedestrian Safety Grant in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption County Pedestrian Safety Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from Middlesex County Prosecutor’s Office Community Concerns –Pedestrian Safety Grant in the amount of \$5,000.00.

Dated: December 19, 2011

RESOLUTION NO.2011-240

RESOLUTION TO CANCEL 2011 BUDGET BALANCES

WHEREAS, the following Current Fund budget appropriation balances remain unexpended;

Interest on Bonds	.50
Interest on Notes	\$279.64

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the above listed unexpended balances totaling \$280.14 of the Current Fund be canceled.

Dated: December 19, 2011

BILL LIST

On a motion by Council President Lease, seconded by Councilman Cammarano with all in favor the bill resolution in the amount of \$3,196,682.18 was approved.

PUBLIC COMMENT

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

Frank Cammarano(23 Elm) questioned if trees would be replaced alongside the fence at Charles Field so that the ball field would not be looking out into a cemetery or a cemetery looking out into a ball field and also the potential for homerun balls being hit into the cemetery.

Borough Administrator Boerth stated that remediation of those issues are being discussed.

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

ADJOURNMENT

On a motion by Council President Lease, seconded by Councilman Cammarano with all in favor the meeting was adjourned at 7:45pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk