

BOROUGH COUNCIL
MINUTES –DECEMBER 5, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, December 5, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Council President Cammarano 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 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, Rubin, Rasmussen, Wallace, Councilman Elect Grayzel, former Councilman Muldoon and Council President Cammarano.

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

DISCUSSION -2010 AUDIT

Mr. Robert Swisher from Suplee Clooney discussed the 2010 Audit. Mr. Swisher stated that the Borough is in good financial standing and has slowly been building up its surplus monies.

Councilman Grayzel asked for an explanation of what the term “borrowing power” means.

Mr. Swisher explained that a municipality is allowed to issue debt up to 3 ½ percent of its equalized valuation and that Metuchen is currently at .9 percent.

Councilman Grayzel asked if the items mentioned in the comments portion of the audit have been corrected.

Mr. Swisher answered in the affirmative.

Councilman Grayzel then asked if Mr. Swisher was confident in the amount of revenue the Court had received in 2010.

Mr. Swisher stated that the discrepancies were not in revenue taken in by the Court but with unreconciled accounts which include outstanding checks that had not cleared and bank errors from being charged erroneous service fees.

Councilman Grayzel asked about the Borough’s pension plan obligations.

Mr. Swisher stated that the figures in 2009 were significantly less because the Borough was advised that if it planned to apply for extraordinary aid that the pension payments for 2009 must be deferred. Even though the Borough did not receive the extraordinary aid repayment of the other half of the 2009 pension payment must commence in 2012 over a 15 year period.

Mayor Vahalla had explained that the Borough in prior years did receive extraordinary aid in amounts that ranged from \$300,000 to \$500,000. In order to apply for the aid pension payments needed to be deferred.

Councilwoman Rubin asked if there was anything that the Borough should be addressing for future audits that is not already being done.

Mr. Swisher stated that the Borough should continue to monitor the recommendations made within the audit every year.

Mayor Vahalla thanked Mr. Swisher for his presentation.

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 stated that there was an amendment to the agenda to allow for the appointment of Sean Massey to the Parking Authority.

Mayor Vahalla stated that the Committee reviewing the Daytime Emergency Services proposals would like to make a recommendation for JFK Hospital to provide 6 day a week daytime services from 5am to 7pm. Mayor Vahalla requested that the Borough Administrator and Borough Attorney negotiate a contract to that effect.

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

APPROVAL OF MINUTES

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, the Council Minutes of August 15, 2011 were approved.

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment

Dan Lebar (581 Middlesex Avenue) stated that the Traffic and Transportation Committee has had a vacancy on it since Councilman Wallace was elected which has created some difficulty in maintaining a quorum for all of their meetings.

Mr. Lebar stated that the Committee has been attempting to get New Jersey Transit to extend its southbound platform to meet Pearl Street. This project would make the Pearl Street Lot more marketable and safer.

Mr. Lebar also stated that the Traffic and Transportation Committee has been spearheading the project of researching maintenance and repair issues with a number of Victorian Street Lamps throughout the Borough.

Mr. Lebar wants the Council to consider appointing a liaison from the Department of Public Works to the Traffic and Transportation Committee.

Mayor Vahalla stated that the Borough is aware of the nonfunctional lamps and is attempting to get parts for those lamps.

Frances Molochnick (82 Aylin Street) questioned the possibility of having a secondary access route from the industrial area down to Jersey Avenue.

Mayor Vahalla stated that he would have the Borough Engineer provide a cost estimate to provide a secondary access route.

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

COMMUNICATIONS/CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor, the Communications Consent Agenda item number 5 was approved.

5. Receive and Accept Parking Authority Minutes of October 18, 2011

COUNCIL REPORTS

POLICE DEPARTMENT

Council President Cammarano stated that the Police Department wants to remind people to lock any accessory buildings on their properties to prevent break-ins.

The Police department is also continuing its Pedestrian Education and Enforcement initiative on Main Street.

Council President Cammarano stated that the Police Department has made the Council aware of some of the issues involved with allowing running races in the Borough. These races pose many traffic and personnel issues for the Police Department. One of the suggestions provided to alleviate some of the issues was to change the route to incorporate the Middlesex Greenway.

Mayor Vahalla stated that this is definitely an issue that will need to be addressed.

EMERGENCY MANAGEMENT SERVICES

Council President Cammarano stated that FEMA will be coming into town to assess the damages to the Borough by Hurricane Irene. The Borough may be eligible to be reimbursed for some of the damages that were incurred.

Councilman Wallace would like to have the island at the intersection at South Main and West Cedar removed.

Mayor Vahalla stated that he would like to have the Borough Engineer and the Traffic and Transportation Committee review the intersection and propose an alternate plan for that intersection.

Councilwoman Rasmussen asked if the streetlight at that intersection would also be replaced.

Borough Administrator Boerth stated that replacing street lights is very cost prohibitive and money needs to be found in order to replace any lights.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that Middlesex Water Company's replacement and relocation of the water main at Charles Field has advanced to the point where it will no longer interfere with the Borough's project to reconstruct the field.

Borough Administrator Boerth stated that the Borough is contemplating putting out a recycling calendar just for the month of January because the Borough is not sure when the new recycling truck will be delivered.

MAYOR'S REPORT

Mayor Vahalla stated the Reorganizational Meeting for Borough Council will be on January 3, 2012 at 6:30pm

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, the consent agenda items numbered 6 through 11 encompassing Resolutions R2011-227 and 2011-232 were approved.

RESOLUTION NO. 2011-227 **RESOLUTION APPROVING 2010 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year **2010** has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Dated: December 5, 2011

RESOLUTION NO. 2011-228
**RESOLUTION AUTHORIZING INTERNATIONAL FIREWORKS TO HAVE A
FIREWORKS DISPLAY**

WHEREAS, the Borough of Metuchen is desirous of putting on a public display of fireworks on December 31, 2011 and January 1, 2012; and

WHEREAS, the New Jersey State Fire Code Chapter 31 – Fireworks requires municipal governing body approval for such public displays; and

WHEREAS, a certificate of insurance has been posted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that International Fireworks is hereby permitted to put on a public display of fireworks in the Pearl Street Parking lot on December 31, 2011 and January 1, 2012;

Dated: December 5, 2011

RESOLUTION NO.2011-229
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-003 – JOSHUA
ROSENBLUM – 62 PELTIER AVENUE**

WHEREAS, Joshua Rosenblum posted \$144.00 for sidewalk escrow fees at 62 Peltier Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Joshua Rosenblum,

NOW, THEREFORE, BE IT RESOLVED, that Joshua Rosenblum be refunded \$144.00 from the Sidewalk Inspection Escrow account.

Dated: December 5, 2011

RESOLUTION NO.2011-230
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-012 – LEONILO
G. DELA CRUZ – 2 GINESI COURT**

WHEREAS, Leonilo G. Dela Cruz posted \$144.00 for sidewalk escrow fees at 2 Genisi Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Leonilo G. Dela Cruz,

NOW, THEREFORE, BE IT RESOLVED, that Leonilo G. Dela Cruz be refunded \$144.00 from the Sidewalk Inspection Escrow account.

Dated: December 5, 2011

RESOLUTION NO.2011-231
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-020 – SCOTT E.
REID – 6 WESTON STREET**

WHEREAS, Scott E. Reid posted \$64.00 for sidewalk escrow fees at 6 Weston Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Scott E. Reid,

NOW, THEREFORE, BE IT RESOLVED, that Scott E. Reid be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: December 5, 2011

RESOLUTION NO. 2011-232

RESOLUTION TO REDUCE AND/OR REFUND 2008, 2009, 2010, 2011 TAXES

WHEREAS, successful State Tax Court Appeal judgments were awarded to the following parcels for 2008, 2009, 2010 and 2011,

WHEREAS, the assessed value for these parcels changed for 2008, 2009, 2010 and 2011 by the assessed values as listed below,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce and refund the 2008 taxes on the listed parcels in the amount of \$17,070.52 due to the successful State Tax Court Appeals including amendments, resulting in a total refund to the parcels listed for 2008 taxes in the amount of \$17,070.52,

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce and refund the 2009 taxes on the listed parcels in the amount of \$40,027.54 due to the successful State Tax Court Appeals including amendments, resulting in a total refund to the parcels listed for 2009 taxes in the amount of \$40,027.54,

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2010 taxes on the listed parcels in the amount of \$41,487.05 due to the successful State Tax Court Appeals including amendments, resulting in a total refund to the parcels listed for 2010 taxes in the amount of \$41,487.05.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2011 taxes on the listed parcels in the amount of \$35,111.26 due to the successful State Tax Court Appeals including amendments, and to apply \$14,296.24 of the judgment to 2011 taxes due, resulting in a total refund to the parcels listed for 2011 taxes in the amount of \$20,815.02.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Refund	Appeal Applied to 2011	Tax Year
48.1/72	76-84 Liberty Street	359,300	17,145.80	17,145.80		2009 4 th qtr
48.1/72	76-84 Liberty Street	359,300	17,770.98	17,770.98		2010 4 th qtr
48.1/72	76-84 Liberty Street	384,300	19,764.55	19,764.55		2011 4 th qtr
45.1/17	138 Liberty Street	371,583	17,070.52	17,070.52		2008 Added 4 th qtr
45.1/17	138 Liberty Street	479,500	22,881.74	22,881.74		2009 4 th qtr
45.1/17	138 Liberty Street	479,500	23,716.07	23,716.07		2010 4 th qtr
45.1/17	138 Liberty Street	298,400	15,346.71	1,050.47	14,296.24	2011 4 th qtr

Dated: December 5, 2011

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, the bill resolution in the amount of \$374,534.36 was approved.

APPOINTMENT

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, the appointment of Sean Massey to the Parking Authority was approved.

Parking Authority

Sean Massey term expires 1/1/13

PUBLIC COMMENT

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

Hearing no one else 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 8:31pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk