

BOROUGH COUNCIL
MINUTES –JUNE 6, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday June 6, 2011. The Meeting was called to order at 7:04 pm 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, Muldoon, Rubin, Rasmussen and Wallace and Council President Cammarano.

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

HISTORIC PRESERVATION COMMITTEE - AWARD PRESENTATION

Councilman Muldoon, Tyreen Rueter, Nancy Zerbe, Suzanne Andrews and Becky Seeley approached the podium to announce the winners of the Historical Preservation Committee Scavenger Hunt. Councilman Muldoon thanked the committee for all the work that was put into creating the scavenger hunt. The winners will receive gift cards to be used at any Chamber of Commerce business in Metuchen and a certificate signed by Mayor Vahalla. Gail Bailey was the third place winner. She received a \$40.00 gift certificate . Mary Stinson was the second place winner and was awarded a \$60.00 gift certificate. The first place winners were Avery and Jordan Anderson. They received a \$100 gift certificate. Councilman Muldoon stated that the answer key would be posted on the Borough website.

PROCLAMATION –EMERGENCY MEDICAL SERVICES

Council President Cammarano presented the Metuchen EMS with a proclamation in honor of EMS week.

EMS Week Proclamation

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN in recognition of this event do hereby proclaim the week of May 15-21, 2011 as: **EMERGENCY MEDICAL SERVICES WEEK** and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Dated: June 6, 2011

Council President Cammarano changed the order of the agenda to have the discussion and presentation on the traffic light for Sharon Court.

DISCUSSION TRAFFIC LIGHT- SHARON COURT

Alexandria Wonski is a fifth grade 10 year old resident and her grandmother Linda of Sharon Court in Metuchen are both actively taking a roll to improve their town. Alexandria, with the help of her grandmother, acquired 100 signatures on a petition to have a traffic light placed at the top of Sharon Court where it intersects with New Durham Road. Linda and Alexandria Wonski gave a presentation as to why a light was needed on Sharon Court to be able to safely make a left onto New Durham Road. Alexandria and Linda thanked the Mayor and Borough Council for allowing their presentation and for their anticipated help in alleviating the traffic concerns on Sharon Court.

Mayor Vahalla thanked Alexandria and Linda Wonski for their presentation and stated that he would have the Traffic Officer attempt to address the traffic concerns on New Durham Road with the County because that is a County road in which the Borough has no jurisdiction over.

DISCUSSION- PROMOTION TO CAPTAIN

Council President Cammarano stated that Resolution No. 2011-118 needs to be amended to read appointment of the Captain.

On a motion by Council President Cammarano second by Councilwoman Rubin, with all in favor Resolution No. 2011-118 was approved as amended.

RESOLUTION NO. 2011-118

APPOINTMENT OF CAPTAIN OF POLICE

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *David Irizarry*, be and he is hereby promoted to Captain in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective June 6, 2011.

Dated: June 6, 2011

Captain Irizarry was accompanied by his mother, father, wife and children to the dais for his swearing in. The oath of office was administered by Borough Attorney Murphy.

Council President Cammarano pinned the Captain's badge onto Captain Irizarry.

Captain Irizarry thanked his family, Mayor Vahalla, Borough Council, Borough Clerk and the retirees for the foundation and ground work they have set for the Metuchen Police force.

Captain Irizarry also thanked Ms. Millie Scott, Sherriff of Middlesex County, Chief Hall, Chief Keane, Captain Bergen, the Fire Department, First Aid Squad and the Department of Public Works. Captain Irizarry mentioned the local police departments in attendance and apologized in advance if he forgot to mention anyone. Dave Schaeffer, Tommy Herbst and Kevin Hughes were also

thanked and recognized by Captain Irizarry. Also in attendance and recognized was the Captain's U-8 girls softball team. Finally the residents of Metuchen, Chief Rentenberg and all the current officers were recognized by Captain Irizarry. Chief Rentenberg spoke a few words about Captain Irizarry.

Mayor Vahalla requested a brief recess at 7:50pm.

On a motion by Council President Cammarano, second by Councilwoman Rubin, with all in favor the meeting was reconvened at 7:55pm.

AGENDA SESSION

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

Council President Cammarano removed the introduction of Ordinance 2011-10 from the agenda. Council President Cammarano clarified a statement that he made at the previous meeting regarding the restrictions placed on NJ's Tavern's liquor license. The restrictions are still currently in effect and any violations should be reported to the Police Department. Mayor Vahalla further clarified that once a violation is reported to the Police Department hearings can be held in Trenton or in Metuchen in which case a prosecutor for the Alcohol and Beverage Control Board, by the Borough, must be appointed and hearings are held before the Borough Council. On a motion by Council President Cammarano, second by Councilman Lease with all in favor the agenda session was closed.

DISCUSSION — ORDINANCE NO. 2011-8

Mayor Vahalla stated that it is the decision of the Council to have additional charrettes to discuss the proposed ordinance with the additional changes. The Ordinance introduction will then be taken up at a later time. Borough Planner Constantine addressed Council and the public to explain that the Ordinance in question would affect the B1 Central Business District, D1 Downtown Development District and the B3 Office Business District. Prior to 25 years ago apartment buildings including ground floor apartments, and retail uses were permitted anywhere in the B1, D1 and B3 zones. The Borough then removed the right to have ground floor apartments in the B1 District along with restricting offices in the downtown core. Somewhere between 2001-2003 the Borough also restricted apartments on the ground floor in the B3 districts also. The ordinance changes do not apply to the D1 District because it is a permitted use change for that zone. The approval for the D1 District was involved with a conditional use for a mixed use neighborhood which would have certain design and land assemblage requirements. 75% of the ground floor space in that district is required to be commercial space while the remaining 25% can be residential. Also in the D1 District, apartments are allowed on any floor in that district except if located on Middlesex Avenue with heavy buffering must be provided. Borough Planner Constantine went on to state that the Borough is attempting to preserve New Street ground floor space for retail use only and that the Borough is looking to be more restrictive as to where apartments can be. Councilman Muldoon asked if in the D1 District ground floor apartments were allowable. Borough Planner Constantine stated that ground floor apartments are permitted anywhere in the D1 district except on Middlesex Avenue unless substantial buffering is provided. He went on to discuss the ideas brought up by the Planning Board and the Development Commission to implement design standards for the ground floor apartments. The standard is to ensure adequate

privacy from passerby's and from the street and sidewalk. The standards could be implemented by a front yard setback containing landscape treatments or a finished ground floor level above grade with steps or an overhung over bottom floor windows to provide shade and privacy. Other standards included that window openings be residential scaled and not consist of large pane display windows. It was also stipulated that the ground floor be a live /work unit with the retail space be visible to the street and the living quarters be located in the back portion of the space. Borough Planner Constantine also discussed the process to have a store front converted into living space. He stated that at a minimum the applicant would be proposing a change of use so a minor site plan would need to be reviewed by the Technical Review Committee and have a recommendation made to the Planning Board. The Planning Board may require the applicant to provide full application with notices to the board. It was also stated the new ordinance is consistent with the Master Plan.

Councilman Lease stated his disagreement with the proposed ordinance. Councilman Lease feels that buildings will be demolished and turned into three story apartment buildings because the land is more valuable that way. He went on to state that people come to Metuchen for single family homes not apartments. Apartment dwellers are transient and do not stay and spend money in one area.

Mayor Vahalla stated that he felt that bringing more people into the downtown area would help support the local businesses.

Council President Cammarano stated that the new Ordinance will not be introduced until a series of meetings occur regarding the matter. Council President Cammarano also stated that it was very important for the members of the public to attend those meetings and let their voices be heard regarding the Ordinance.

Councilwoman Rubin stated that a study should be done regarding the demographics of Metuchen. She went on to state that there seems to be definite trend for people to live in the downtown area then in prior years. Councilwoman Rubin stated that things don't always remain the same and that Metuchen needs to move with the trends in order to remain vibrant.

Councilwoman Rubin also stated that maybe more information was needed to make a more informed decision.

Mayor Vahalla stated that a member of the Planning Board commented that it is getting harder and harder for people to get mortgages so the need for rentals does exist. Mayor Vahalla asked Borough Planner Constantine to research the trends and report back to the Council on his findings.

Borough Planner Constantine read an article on "renters by choice". These people are usually empty nesters that can afford to own homes comfortably but chose to rent. This group of individuals is what drives the luxury rental market. They tend to eat out more, usually use public transit and walk which all bring people into the downtown area.

PUBLIC COMMENT ON DISCUSSION ITEM - ORDINANCE 2011-8

Mayor Vahalla opened to the public for comment on this item only.

Robert James (238 Rose Street) offered to get contact information for the Borough Council to speak with NJ Transit. NJ Transit has done many studies on Transit Villages and residential homes located near rail lines. Mr. James went on to state that once apartments are located more than a block from the train station they will be regular apartments. People that live more than one block from the train station usually have cars and children and do not utilize mass transit.

Councilman Muldoon stated that it is difficult to believe that anything more than one block from the train station would negatively impact train usage.

Mr. James went on to state that the Ordinance needs to be clarified more.

Council President Cammarano stated that the Ordinance has already changed and has not been reintroduced because more changes are expected to be made.

Sherri Tomasco (77 Orchard Avenue) stated that she feels that the trends are changed and that people are not having as many children and do not want the land associated with owning a property. Ms. Tomasco also stated that there is definitely a need for apartments but that they should be limited to the 2nd and 3rd floors of buildings and that sale of condominium space should also be a requirement to develop retail and commercial space in Metuchen.

Councilwoman Rubin stated that she does not understand why people feel that it is acceptable to have apartment style living on the upper floors but not on the ground floor. She feels the same issues would arise no matter what floor the apartments are located on.

Councilman Lease stated that he does not want the zoning to change because investors will come in to develop a location and look to maximize their investment by making the property fully rentals from the ground floor up.

Councilwoman Rubin stated that in talking to local landlords there are no commercial businesses looking to rent the vacant spaces in Metuchen. They are not being turned away they just are not interested.

Councilman Lease stated that the economic climate will change but if this Ordinance is passed there will be no opportunity for business to come back into Metuchen. Metuchen will have large apartment buildings.

Raymond Detamaso (150 Main Street) stated that business does not come to Metuchen because Metuchen is very inhibitive of business. He went on to state that luxury high end apartments require a high level of maintenance that the Borough will not be able to sustain.

Councilman Lease stated that the Technical Review Committee should be evaluated by the Mayor and Council because it has become like a mini Planning Board. Councilman Lease feels that if that committee was adjusted in order to streamline the application process projects would move through more quickly and efficiently.

Irene Morris Nann (64 Newman Avenue) stated that ground floor apartments are not going to hurt anyone's business but not having a grocery store or a fully properly developed business district to attract luxury renters will.

Hearing no one else wishing to speak Mayor Vahalla closed the public comment portion on the proposed Ordinance.

APPROVAL OF MINUTES

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the Council minutes of April 4, 2011 were approved.

PUBLIC COMMENT

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

Robert James (238 Rose Street) stated that the flashing crosswalk resolution on the agenda for approval should not be the same design as the last lighted crosswalk.

Mayor Vahalla stated that the light is all ready in place and that it is not the same as the last design. He also stated that the resolution on the agenda is a change order for a reduction in the cost for said item.

Jim Conlin (20 Sharon Court) stated that he was in favor of having a light placed at the corner of New Durham Road and Sharon Court if it is a censured light that will only change if traffic is waiting at the light on Sharon Court. Mr. Conlin also stated that Renninger Road and Genessi Court also need to be taken into consideration with any changes that are to be made on Sharon Court and New Durham Road. Mr. Conlin continued and commented on the intersection of Lake Avenue and Middlesex Avenue. Mr. Conlin declared that he spoke to the State and requested that the right hand turn from Lake Avenue onto Middlesex Avenue be prohibited at least during peak traffic hours.

Council President Cammarano stated that the intersection will be addressed when the Renaissance property is developed.

Mr. Conlin then stated that the Borough, as of the last census, has a population of 13,574 people and that there are 566 municipalities in the State of New Jersey. The average population is 14,800. This statistic proves that there are 45% of smaller town located in New Jersey than Metuchen. Mr. Conlin feels that the State should address those towns before Metuchen regarding consolidation concerns.

Council President Cammarano stated that there is a bill in the Senate which states that if the town could be saving money by merging services that it must do so or that town will loose its State funding.

Raymond DiTomaso (150 Main Street) commented on the restrictions placed on NJ's Tavern and the non enforcement of those issues. Mr. DiTomaso went on the states that if the restrictions placed on the Tavern were enforced then many of the issues that are occurring would stop. Council President Cammarano stated that if Mr. DiTomaso sees someone breaking the law that the Police Department should be contacted.

Councilman Muldoon asked besides the on going investigation, which can not be discussed, is the site in question patrolled routinely.

Council President Cammarano stated that all businesses that hold liquor licenses are inspected annually. Council President Cammarano stated that the Police routinely stop into all business in Metuchen unannounced. He also stated that if there are issues at a particular location patrol is enhanced at the location.

Mayor Vahalla made a correction to his statement at the last meeting regarding the process of fining liquor license establishments for violations. There must be an ABC hearing in front of a judicial body either at the State or in Metuchen. This process occurred with this particular license holder in where the license was suspended for a number of days. That decision was appealed to the State and overturned for a much lighter sentence. Mayor Vahalla also stated that the police are actively investigating and documenting any situation that is occurring at that location.

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

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, second by Councilwoman Rasmussen, with all in favor the communications consent agenda items numbers 9-11 were approved.

9. Receive and Approve Block Party Request by John Gazda for Upland Avenue on Saturday September 10, 2011 With a Rain Date of Sunday September 11, 2011
10. Receive and Accept Minutes of Planning Board for March 17, 2011
11. Receive and Approve Block Party Request by Christine Brooks for Spear Street between New York and Delaware on Friday July 22, 2011.

COUNCIL REPORTS

POLICE DEPARTMENT

Council President Cammarano stated that the Police Department received a tip from a resident of suspicious behavior which led to the questioning and arrest of individuals that were going through mailboxes and taking mail. Council President Cammarano reminded residents to be vigilant and to report any suspicious activity.

EMS

Council President Cammarano stated that the EMS fund drive has begun and to please respond accordingly if you are able to. Council President Cammarano also stated that the EMS has seen an influx of members joining the squad.

AUXILLARY POLICE

Councilman Wallace stated that the new Auxiliary Police member will be graduating from the academy at the end of this month. Councilman Wallace also stated that the Auxiliary Police donate countless hours to the many functions that the Borough sponsors and should be commended.

PLANNING BOARD

Councilwoman Rubin stated that the Planning Board will be meeting this Thursday June 16 at 7:30 in Borough hall.

SENIOR CITIZEN

Councilwoman Rubin stated that the Senior Commission will meet Wednesday June 9 in the Senior Center at 5pm.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the June Bug Festival will continue for the next 3 Friday evenings in June. Councilwoman Rubin also stated that the Farmers Market will begin on Saturday, June 18 and that volunteers are needed to help make that event a success. Councilwoman Rubin continued to mention that anyone wishing to volunteer at the Farmers Market should contact her via email at srrubin@metuchen.com.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Commission is reviewing the Single Stream Recycling Plan and the possibility of having grass picked up in either the same manner or separately. The Commission is in the process of gathering information from other towns regarding their yard

waste recycling practices. Councilwoman Rasmussen also stated that Earth Day was very successful.

DEVELOPMENT

Councilwoman Rasmussen stated the Development Commission met on June 1st and are currently putting together a Metuchen brochure which will detail the process on how to start a business in Metuchen. The Commission is also working on a Metuchen brochure which will contain demographic of the Borough. Councilwoman Rasmussen stated that the Land Development Ordinance was also discussed at the meeting.

PARKING AUTHORITY

Councilman Muldoon stated that there were no proposals received regarding the redevelopment of the Pearl Street Parking Lot but that the Authority is moving forward and is now receiving expression of interest from developers. Councilman Muldoon stated that responses are due back July 19.

POOL

Councilman Muldoon stated that the Pool opened Memorial Day weekend and that the Pool will open daily on June 23. The next Pool Commission meeting will be held on Monday June 13.

CULTURAL ARTS COUNCIL

Councilman Muldoon stated that the June Bug Festival will continue every Friday night in the month of June and thanked all of the volunteers and staff that have made the event possible. The next meeting of the Arts Council will be June 27. Councilman Muldoon also stated that volunteers are needed for the many events that occur throughout the Borough and invited everyone to attend the next meeting to learn about the Art Council and see how they can help make each program a success.

REPORT OF BOROUGH ATTORNEY

The Borough Attorney had no report.

REPORT OF BOROUGH ADMINISTRATOR

The Borough Administrator had no report.

MAYOR'S REPORT

Mayor Vahalla commented on the outstanding job the Fire Department did regarding a house fire on Willow Drive. Twenty seven Metuchen fire fighters were at the fire and the Borough received backup from South Plainfield and Iselin.

Mayor Vahalla stated that the rededication of Vidas Field in memory of Steve Johnson will be occurring this Saturday at 2:30pm.

Mayor Vahalla commented on the success of the Spring Fair and the June Bug sculpture presentation.

Mayor Vahalla stated that a ribbon cutting took place at Suite Beverly which is a hair salon in Metuchen.

Mayor Vahalla stated that Joe Cardon will be performing as the opening act for the Canadian Tenures on June 14. Mayor Vahalla has 40 free tickets that he is making available to any senior

citizens that wish to attend by contacting the Senior Center Director Cathy Ostermueller at 732-632-8524.

Mayor Vahalla stated that Middlesex Water is meeting with Birdsall Engineering to discuss the movement of the water main located on Charles Field. Middlesex Water has informed the Mayor that they will be going out to bid to have the main relocated and work should begin sometime this summer.

Borough Attorney Murphy stated that Amtrak owns the small portion of road that runs behind the old Block Buster and is planning to have the road closed. The Borough is attempting to stop this from happening by staking a claim on the road via either adverse possession or easement via prescription.

CONSENT AGENDA

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the items encompassed in the consent agenda were approved.

RESOLUTION NO. 2011-119

RESOLUTION TO AMEND THE TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2011, effective June 6, 2011:

Administrative & Executive	S & W	30,000.00
Elections		5,000.00
Collection of Taxes	OE	2,000.00
Assessment of Taxes	S & W	4,000.00
Police	S & W	200,000.00
Emergency Management	S & W	1,000.00
Uniform Fire Safety	S & W	2,000.00
Public Works Administration	S & W	30,000.00
Public Works Administration	OE	1,000.00
Streets & Roads	S & W	30,000.00
Streets & Roads	OE	5,000.00
Solid Waste Collection		8,000.00
Buildings & Grounds	S & W	9,000.00
Buildings & Grounds	OE	5,000.00
Sewers	S & W	12,000.00
Garbage & Trash Removal	S & W	15,000.00
Recycling	S & W	1,000.00
Recycling	OE	4,000.00
Forestry	S & W	15,000.00
Recreation	S & W	3,000.00
Parks & Playgrounds	S & W	6,000.00
Parks & Playgrounds	OE	2,000.00
Tax Appeals		25,000.00

Gasoline & Diesel Fuel		20,000.00
Telephone		5,000.00
Municipal Court	S & W	10,000.00
	TOTAL	450,000.00

Dated: June 6, 2011

RESOLUTION NO. 2011-120

APPOINTMENT OF FIREFIGHTER – Agliata

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Steven Agliata** 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, **Steven Agliata** be and is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: June 6, 2011

RESOLUTION NO. 2011-121

APPOINTMENT OF FIREFIGHTER – Hand

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Jared Hand** 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, **Jared Hand** be and is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: June 6, 2011

RESOLUTION NO. 2011-122

RESOLUTION AUTHORIZING BONDS IN THE AMOUNT OF 944,760 AUTHORIZED BY ONE BOND ORDINANCE HERETOFORE ADOPTED TO FINANCE VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the "Borough") has heretofore adopted bond ordinance number 11-07 authorizing bonds to finance part of the costs of the construction and acquisition of various capital improvements in, by and for the Borough; and

WHEREAS, the Borough has not previously funded the bond anticipation notes authorized to be issued pursuant to such bond ordinance; and

WHEREAS, it is desirable to issue bond anticipation notes pursuant to said bond ordinance in a principal amount of \$944,760 (the "Notes") pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law"); now, therefore,

BE IT RESOLVED by the **BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN**, in the County of Middlesex, New Jersey as follows:

SECTION 1. That the Notes shall be issued as one issue and at such time as shall be determined by the Chief Financial Officer of the Borough (the "Chief Financial

Officer"), and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The Notes shall be entitled "Bond Anticipation Notes, Series 2011B" or any other designation determined by the Chief Financial Officer.

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she hereby is authorized to take all actions necessary to sell the Notes from time to time at public or private sale in such amounts as she may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Chief Financial Officer be and she hereby is authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. That the Notes are hereby designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). The Chief Financial Officer is hereby authorized and directed to to such designation of the Notes.

SECTION 8. That the Mayor of the Borough, the Chief Financial Officer and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 9. That the Borough hereby covenants to comply with the provisions of the Code applicable to the Notes and covenants not to take any action or to fail to take any action which would cause the interest on the Notes to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code. Further, the Borough will take all actions within its power that are necessary to assure that interest on the Notes does not lose the exclusion from gross income for federal

income tax purposes provided under Section 103 of the Code.

SECTION 10. That this resolution shall take effect immediately.

RESOLUTION NO. 2011-123

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2011, and the Borough of Metuchen Tax Collector will be unable to mail the Borough's 2011 tax bills on a timely basis,

WHEREAS, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY on the 6th of June, 2011, as follows:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2011 taxes. The Tax Collector shall proceed on June 7th, 2011 and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2011 is hereby set at \$49,459,356.55.
3. In accordance with law the third installment of 2011 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Dated June 6, 2011

RESOLUTION NO. 2011-124

RESOLUTION REFUNDING 2011 TAXES

WHEREAS, the following has made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Wells Fargo for Robert & Francita Guy	51.3/34	417 Midland Ave	1,201.53	Overpayment	2011/2 nd qtr

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

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$1,201.53. Dated June 6, 2011

RESOLUTION NO. 2011-125

RESOLUTION TO AMEND STATE CONTRACT PURCHASE FOR DIESEL

FUEL-AMEND RESOLUTION 2011-30

WHEREAS, there exists a need to amend resolution R2011-30 to purchase **diesel fuel** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #41867 ; and **WHEREAS**, the maximum amount of the purchase of regular unleaded gasoline for the Borough of Metuchen is amended to increase by \$10,000 for a total not to exceed \$40,000 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification of which \$40,000 is certified from the 2011 temporary budget, subject to adjustment to the amount of award at time of budget adoption; 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 **Taylor Oil Co., Inc, 77 Second Street, Somerville, NJ 08876.**

Dated: June 6, 2011

RESOLUTION NO. 2011-126

RESOLUTION TO AMEND STATE CONTRACT PURCHASE FOR REGULAR UNLEADED GAS-AMEND RESOLUTION 2011-29 AND 2011-86

WHEREAS, there exists a need to amend resolution R2011-86 to purchase **regular unleaded gasoline** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #65047 ; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline for the Borough of Metuchen is amended to increase by \$7,000 for a total not to exceed \$57,000 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification of which \$57,000 is certified from the 2011 temporary budget, subject to adjustment to the amount of award at time of budget adoption; 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:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Petroleum Traders Corp. 7110 Pointe Inverness Way, Ft. Wayne, IN 46804.**

Dated: June 6, 2011

RESOLUTION NO. 2011-127

RESOLUTION TO REDUCE AND REFUND 2009 AND 2010 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 152 Lot 51.1, assessed to Brazill Bros. & Associates

Inc. for 2009 and 2010,

WHEREAS, the assessed value changed for 2009 and for 2010 to an assessed value of \$387,000 reflecting a reduction in assessment of \$211,900 for Block 152 Lot 51.1

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 2009 taxes on Block 152 Lot 51.1 in the amount of \$10,111.87, and to reduce and refund the 2010 taxes on Block 152, Lot 51.1 in the amount of \$10,480.57 due to the successful State Tax Court Appeal including amendments, resulting in a total refund to Brazill Bros. & Associates Inc. for 2009 and 2010 taxes in the amount of \$20,592.44.

RESOLUTION NO. 2011-128

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE FLASHING
PEDESTRIAN CROSSWALK AT MAIN STREET AND PENNSYLVANIA
AVENUE
PROJECT**

WHEREAS, the Contract for the Re-Bid of Flashing Pedestrian Crosswalk and Signage Improvements on Main Street has been approved in a contract between the Mayor and Council and T.R. Weniger, Inc.; and

WHEREAS, the net decrease to the Borough for Change Order #1 is \$1,020.25;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1.

Dated: June 6, 2011

RESOLUTION NO. 2011-129

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CHARLES
FIELD**

SYNTHETIC TURF FIELDS IMPROVEMENTS PROJECT

WHEREAS, the Contract for the Synthetic Turf Field Improvements at Charles Park has been approved in a contract between the Mayor and Council and the LandTek Group, Inc.; and

WHEREAS, the net increase to the Borough for Change Order #1 is **\$17,496.60**;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change

RESOLUTION NO. 2011-130

**REFUNDING STREET OPENING BOND 54 CONCORD AVENUE BLOCK 126.3
LOT
56**

WHEREAS, on April 21, 2011 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Rupcoe Plumbing and Heating Inc. as the required Performance Guarantees for Street Opening #11-010 (2011)54 Concord Avenue; and

WHEREAS, the Director of Public Works advises that said work has been

completed in a manner satisfactory to his department; and

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

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to Rupcoe Plumbing and Heating Inc, 210 New Market Avenue, South Plainfield, NJ 07080 as recommended by the Director of Public Works.

RESOLUTION NO. 2011-131

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
THE CONSTRUCTION OFFICIAL**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that *John Soltesz* (Lic. #005721) be and is hereby appointed Construction Official for the Borough of Metuchen; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

RESOLUTION NO. 2011-132

**RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF
ACTING FIRE SUBCODE & FIRE INSPECTOR**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that *Raymond J. Colandrea* (Lic. #003372) be and is hereby appointed as Acting Fire SubCode & Fire Inspector for the Borough of Metuchen during the calendar year 2011 for a period of sixty (60) days, commencing June 6, 2011,

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

Dated: June 6, 2011

RESOLUTION NO. 2011-133

RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amount indicated, the following escrow balances to the depositors, as the project has been determined to be closed:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
F01-546 E	970.90	New Hope Baptist Church 45 Hampton Street

03-640 E	446.25	Yun Associates Corporation 283 Central
08-826 I	516.25	Fox & Foxx Development, LLC 35 & 39 Myrtle
09-872 E	686.12	Centenary United Methodist Church
10-887 E	284.36	Window Shapes Inc. 225 Liberty Street
10-899 E	745.75	Christopher Schwalije 12 Woodwild Terrace
216 UNIV I	50.01	Fox & Foxx Development, LLC 216 University Avenue

BILL RESOLUTION

On a motion by Council President Cammarano, second by Councilwoman Rubin, with all in favor the bill list resolution in the amount of \$3,300,899.43 was approved.

ORDINANCE INTRODUCTION

On a motion by Council President Cammarano, second by Councilwoman Rasmussen with all in favor Ordinance 2011-9 was taken up on first reading.

The Borough Clerk read the Ordinance by title only.

On a motion by Council President Cammarano, second by Councilwoman Rasmussen Ordinance 2011-9 was passed on first reading published according to law and a public hearing date set for June 20.

ROLL CALL

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

NAYS: None

ABSTAIN: None

ORDINANCE 2011-9

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2011-7 FINALLY ADOPTED MAY 16, 2011 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Section 3(a) of bond ordinance number 2011-7 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted May 16, 2011 and entitled "BOND ORDINANCE APPROPRIATING \$1,970,100 AND AUTHORIZING \$944,760 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS

IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" (the "Original Ordinance") which provided for various improvements is hereby amended (A) to include "loader/backhoe" in the list of equipment included in clause (i) thereof and (B) to add a new clause (vii) to read as follows: "(vii) the construction of the Pearl Street parking structure". Section 2. All other details of the Original Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC COMMENT

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

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

ADJOURNMENT

On a motion by Council President Cammarano, second by Councilman Lease with all in favor the meeting was adjourned at 10:10pm.