

BOROUGH COUNCIL
MINUTES –NOVEMBER 21, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 21, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Mayor Vahalla 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.

OATH OF OFFICE

Councilman Grayzel was administered the oath of office for the unexpired term formerly held by Councilman Weber by Borough Attorney Murphy. Councilman Weber's seat was temporarily held by Councilman Muldoon until a successor was picked at the next General Election.

AGENDA SESSION

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

On a recommendation by Council President Cammarano with all of Council in favor, Resolution No.2011-210 "Approval of the 2010 Audit" will be held until the first meeting in December.

On a second recommendation by Council President Cammarano with all of Council in favor, Resolution No.2011-213 "Resolution Authorizing the Interlocal Services Agreement for 2012-2013 Public Health Services" be removed from the consent agenda

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

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

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 Youth Service Board Minutes of April 12, 2011 and October 13, 2011.

Councilman Wallace stated that there was a correction that needed to be made to the October 13th minutes and that he would address that at the next Youth Service Board meeting.

In light of the change needing to be made to the October 13th meeting minutes, Council President Cammarano amended his motion to accept just the April 12 meeting minutes, seconded by Councilman Lease with all in favor the motion carried.

COUNCIL REPORTS

Council President Cammarano stated that the Requests for Proposals for Daytime Ambulance Services have been received and will be reviewed by a committee with recommendations then being made to the Borough Council.

POLICE DEPARTMENT

Council President Cammarano stated that the Borough does have emergency shelters available during storms. The decision was made during the last storm not to open the shelters because people in the past have not used them. People normally will go to friends, families or a hotel to ride out the severe weather. The last storm was different because it left entire sections of town without power for two or more days. The situation will be used as a learning experience for future storms.

RECREATION

Councilman Wallace stated that the Halloween Parade was a huge success and that the Holiday Parade will be held on Sunday, November 28th.

TRAFFIC AND TRANSPORTATION

Councilman Wallace stated that the traffic conditions on Sharon Court have been addressed by the County. The County painted a huge box at the intersection which reads "DO NOT BLOCK"

Councilman Wallace also urged his fellow Councilmembers to observe the intersection at South Main Street and West Cedar Street so that a discussion can be held at the next meeting to address any issues at that location.

Councilman Wallace also questioned the revenue that the Parking Authority will be losing when NJ Transit privatizes its two Metuchen lots.

Councilman Elect Muldoon stated that the number is approximately \$50, 000 with a one year transition period.

Councilman Grayzel stated that the loss of revenue is contingent upon the sale of the two small Metuchen lots.

Councilman Elect Muldoon stated that as of now the Borough is on a month to month lease for the lots in question but that nothing is changing as of yet.

CHAMBER OF COMMERCE

Councilwoman Rubin reiterated the event sponsored by the Borough Improvement League for the weekend of December 2-4. The event has been named the Hometown Holiday Weekend. This event has been created to promote holiday shopping in the local downtown area.

SENIOR

Councilwoman Rubin stated that all seniors are invited to a dinner and final dress rehearsal of the Metuchen High School play on November 30th. Dinner will be served at 5:30am and the play will begin at 7:30pm.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission discussed utilizing a stronger tree for future plantings. The tree suggestions were Red Maples and Zelcovas. Councilwoman Rasmussen stated that 34 trees were planted for the fall planting this year.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

The Borough Administrator Boerth stated that the concurrent projects at Charles Field are well underway. The Water Company will most likely finalize its movement of the water main by the end of the week. The Borough's contractor will then continue to work on the field until the weather no longer permits.

MAYOR'S REPORT

Mayor Vahalla stated that the Borough is receiving \$39,386.00 in various grants through the approval of the proposed resolutions on this meetings agenda. Mayor Vahalla wants to recognize Corporal David Liantonio and the Department of Public Works for all of the work they provide to help ascertain grant money for the Borough.

Mayor Vahalla gave an update on Renaissance Properties.

Mayor Vahalla stated that the proposals for Emergency Management Services will be reviewed by a committee which includes Council President Cammarano, Fire Chief Rob Donnan, Police Chief Rob Rentenberg, EMS Captain Warren Brooks, OEM Director James Graziano and himself.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, encompassing Resolutions R2011-211 and 2011-212 and Resolutions R2011-214 through R2011-226 were approved.

RESOLUTION NO. 2011-211

RESOLUTION AUTHORIZING SUBMISSION FOR A GRANT –ENFORCEMENT OF THE UNDERAGE DRINKING LAWS BLOCK GRANT PROGRAM (EUDL)

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the Alcoholic Beverage Control through the office of Juvenile Justice and Delinquency for the Enforcement of the Underage Drinking Laws Block Grant program (EUDL),

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 **Enforcement of the Underage Drinking Laws Block Grant program (EUDL)**; 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 Alcoholic Beverage Control through the office of Juvenile Justice and Delinquency

Dated: November 21, 2011

RESOLUTION NO. 2011-212

RESOLUTION AMENDING CERTAIN SALARIES

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 92-25 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2011 as follows:

Group V - FULL TIME OFFICERS AND EMPLOYEES

2.0% increase on 2010 base salary with the exception of the following which shall be paid as hereinafter stipulated:

Library Personnel - Salary adjustment and increase per Library Board
Chief of Police – 114,000
Captain of Police – 108,000
Lieutenant of Police – 103,000
Public Works Director – 4,000 on base plus 2%
Administration Official/Recycling Coordinator – 1,000 on base plus 2%

Group II - PART TIME OFFICERS AND EMPLOYEES

2.0% increase on 2010 base salary with the exception of the following which shall be paid as hereinafter stipulated:

Councilmembers	\$ 1,200/yr.
Intern Children's Librarian	Per Library Board
Mayor	\$ 2,000/yr.
Library Clerks, Junior Asst., Pages etc.	Per Library Board
Fire Department	Per point schedule established by Fire Chief
Municipal Court Judge	\$15,000/yr
Municipal Prosecutor	\$13,000/yr
Public Defender	\$ 7,500/yr
Registrar	\$10,000/yr
Deputy Registrar	\$ 4,000/yr
Fire Code Official-	\$ 9,675
Fire Code Inspector I	\$ 6,450
Fire Code Inspector II	\$ 6,000
Fire Code Inspector III	\$ 5,800
Fire Code Inspector IV	\$ 5,600
Fire Department/Fire Code Secretary	\$13.10/hr

Group III - RECREATIONAL SEASONAL EMPLOYEES

Starting rate at \$6.60 plus \$0.25 per hour increase for all returning hourly employees that are not at the maximum for the range plus \$25.00 per week increase for weekly returning employees that are not at the maximum for the range except as follows:

Cooking Program Director	\$30.00/hr
Tennis Director	\$65.00/hr
Tennis Instructor	\$8.00/hr
Drama Director	\$50.00/hr
Art Director	\$50.00/hr
Soccer Camp Director	\$750.00/week
Soccer Counselor(1 ST Year)	\$125.00/week
Soccer Trainer (1st Year)	\$325.00/week
Track Camp Director	\$750.00/week
Track Advisor	\$500.00/week
Track Specialist	\$300.00/week
Field Hockey Instructor, 1 st year	\$8.00/hr
Basketball Director	\$600.00/week
Recreation Assistant	\$8.00/hr
Camp Director	\$18.00/hr
Senior Counselor	\$8.25/hr

Junior Counselor	\$6.60/hr
Recreation Specialist	\$6.60/hr

Group IV - SEASONAL EMPLOYEES/POOL

Pool Manager	\$9,000.00
Assistant Managers (experienced)	\$7,400.00/season
Assistant Manager	\$6,600.00/season
Aquatics Director	\$3,000.00/season
Head Swim Team Coach*	\$2,200.00/season
Assistant Swim Team Coach	\$2,000.00/season
Swim Team Assistant	\$ 750.00/season
Lifeguard (1st year)	\$ 7.00/hr.
Lifeguard (2nd & 3 rd year)	\$ 7.75/hr.
Lifeguard (4th & 5 th year)	\$ 8.50/hr.
Senior Lifeguard	\$ 9.00/hr.
Head Lifeguard (1 st & 2 nd year)	\$ 10.00/hr
Head Lifeguard (3 rd year and up)	\$ 10.50/hr.
Head Diving Coach	\$1,400.00/season
Assistant Diving Coach	\$1,100.00/season
Activities Director	\$1,200.00/season
Swim Instructor (first year)	\$ 6.75/hr
Swim Instructor (2 nd & 3 rd year)	\$ 7.00/hr
Swim Instructor (4 th year & up)	\$ 7.50/hr
Maintenance, Laborer (first year)	\$ 5.75/hr.
Maintenance, Laborer (2 nd & 3 rd)	\$ 6.25/hr
Maintenance, Laborer (4 years & up)	\$ 7.00/hr
Gate Attendants (1 st year)	\$ 5.50/hr.
Gate Attendants (2 nd and 3 rd years)	\$ 6.00 /hr
Gate Attendants (4 th year & up)	\$ 7.00 /hr
Head Gate Attendant (1 st and 2 nd year)	\$ 8.00/hr.
Head Gate Attendant (3 rd year and up)	\$ 8.25/hr.

*position not filled when Aquatics Director position is filled and acts as Head Coach

BE IT FURTHER RESOLVED, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups; and

BE IT FURTHER RESOLVED, that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same range.

Dated: November 21, 2011

RESOLUTION NO. 2011-214

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE 2011 CDBG AND CAPITAL RAMP AND CONCRETE IMPROVEMNETS PROJECT

WHEREAS, the Contract for the 2011 CDBG and Capital Ramp and Concrete Improvements project has been approved in a contract between the Mayor and Council and P.A. Contractors Inc.; and

WHEREAS, the net increase to the Borough for Change Order #1 and final is **\$6,080.22**;

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 and final.

Dated: November 21, 2011

RESOLUTION NO. 2011-215

**REFUNDING STREET OPENING BOND 169 CHRISTOL STREET BLOCK 98
LOT 61**

WHEREAS, on October 19, 2011 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Steve Barrett as the required Performance Guarantees for Street Opening #11-032 (2011)– 169 Christol Street; 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, Steve Barrett, 169 Christol Street, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: November 21, 2011

RESOLUTION NO.2011-216

**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 \$20,535.58, which is now available from the State of New Jersey Solid Waste Administration for Clean Communities Grant in the amount of \$20,535.58.

BE IT FURTHER RESOLVED, that the like sum of \$20,535.58 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Solid Waste Administration in the amount of \$20,585.58.

Dated: November 21, 2011

RESOLUTION NO.2011-217
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 \$4,000.00, which is now available from the State of New Jersey Division Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Cops in Shops Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$4,000.00.

Dated: November 21, 2011

RESOLUTION NO.2011-218
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 \$3,000.00, which is now available from the State of New Jersey Division Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$3,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$3,000.00 is hereby appropriated under the caption Cops in Shops Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$3,000.00.

Dated: November 21, 2011

RESOLUTION NO.2011-219
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION
NJS 40A:4-87

WHEREAS, NJSA 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 \$4,000.00, which is now available from the State of New Jersey Highway Traffic Safety in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Click It or Ticket; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Highway Traffic Safety in the amount of \$4,000.00.

Dated: November 21, 2011

RESOLUTION NO.2011-220
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 County of Middlesex Municipal Alliance Supplemental 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 Municipal Alliance Supplemental Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from County of Middlesex Municipal Alliance Supplemental Grant in the amount of \$5,000.00.

Dated: November 21, 2011

RESOLUTION NO.2011-221
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 \$2,800.60, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,800.60.

BE IT FURTHER RESOLVED, that the like sum of \$2,800.60 is hereby appropriated under the caption Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Division of Criminal Justice in the amount of \$2,800.60.

Dated: November 21, 2011

RESOLUTION NO. 2011-222

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR UNIFORM FIRE SAFETY ACT PENALTY MONIES REQUIRED BY N.J.S.A 52:27D-192 ET SEQ.

WHEREAS, permission is required by the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, N.J.S.A. 52:27D-192 et seq. provides for receipt of Uniform Fire Safety Act Penalty Monies by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Uniform Fire Safety Act Penalty Monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Metuchen County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Uniform Fire Safety Act Penalty Monies required by N.J.S.A.52:27D-192 et seq.

2. The Clerk of the Borough of Metuchen, County of Middlesex is hereby directed to forward two copies of this Resolution to the Director of the Division of Local Government Services.

Dated: November 21, 2011

RESOLUTION NO. 2011-223
RESOLUTION APPROVING TRANSFER OF FUNDS

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
Police S & W	69,500.00	
Administrative & Executive OE		8,000.00
METV OE		4,500.00
Police OE		7,500.00
Streets & Roads OE		6,300.00
Gasoline & Diesel		42,000.00
Defined Contribution Retirement Plan		1,200.00
	69,500.00	69,500.00

Dated: November 21, 2011

RESOLUTION NO 2011-224

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
11-00020	211/40	20 Charles Street	ProCapital I LLC

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

Dated: November 21, 2011

RESOLUTION NO. 2011-225
**RESOLUTION TO AMEND STATE CONTRACT PURCHASE FOR
DIESEL FUEL-AMEND RESOLUTION 2011-182**

WHEREAS, there exists a need to amend resolution R2011-182 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 \$20,000 a total not to exceed \$90,000 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification of which \$90,000 is certified from the 2011 budget; 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: November 21, 2011

RESOLUTION NO. 2011-226
**RESOLUTION TO AMEND STATE CONTRACT PURCHASE FOR
REGULAR UNLEADED GAS-AMEND RESOLUTION 2011- 181**

WHEREAS, there exists a need to amend resolution R2011-181 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 \$22,000 for a total not to exceed \$103,000 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification of which \$103,000 is certified from the 2011 budget; 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: November 21, 2011

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor, Resolution R2011-213 was approved.

RESOLUTION NO. 2011-213
**RESOLUTION AUTHORIZING THE INTERLOCAL AGREEMENT WITH
MIDDLESEX COUNTY FOR PUBLIC HEALTH SERVICES**

WHEREAS, the County has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 et seq., to provide an array of public health services; and

WHEREAS, the Borough of Metuchen is desirous of contracting with the County for furnishing health services of a technical and professional nature as more fully set forth below:

1. The County shall provide properly licensed personnel within the territorial jurisdiction of the Borough of Metuchen, to carry out the following public health activities"
 - a. ADMINISTRATION
 - b. HEALTH EDUCATION
 - c. ENVIRONMENTAL HEALTH
 - d. PUBLIC HEALTH NURSING
 - e. COMMUNICABLE DISEASE
 - f. MATERNAL AND CHILD HEALTH
 - g. ADULT HEALTH
2. All of the above mentioned activities shall be provided in accordance with the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey (revised) as set forth in N.J.A.C. Title 8 Chapter 51.
3. In addition to the above public health services, the County will continue to provide specialized grant services.

4. The term of this contract shall be for two (2) years commencing on January 1, 2012 and terminating December 31, 2013, unless terminated earlier as provided for in Paragraph 10 of the contract.
5. The base cost for the provision of the aforesaid health services shall be: 2012 - \$48,025.68. The base cost shall be adjusted for 2013 by an amount equal to the actual increase or decrease in the cost to the County to provide the aforesaid services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the County of Middlesex for the provision of public health services as outlined in the said agreement.

Dated: November 21, 2011

Council President Cammarano stated that he wants to address with the County that these services are able to be provided at any time of the day or day of the week.

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor, the bill resolution in the amount of \$3,221,666.65 was approved.

ORDINANCE INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor Ordinance 2011-11 was taken up on first reading.

The Borough Clerk read the Ordinance by title only.

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor, Ordinance 2011-11 was passed on first reading published according to law and a public hearing date set for December 5, 2011.

ROLL CALL

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

NAYS: None

ABSTAIN: 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.

PUBLIC COMMENT

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

Beatrice Moskowitz (279 Middlesex Avenue) questioned Resolution 2011-214. Borough Administrator Boerth stated that there was no reduction in the amount of monies received by the Borough.

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 8:25pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk