

**BOROUGH COUNCIL**  
**MINUTES – OCTOBER 17, 2011**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 17, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilmember Muldoon 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.  
Absent was Council President Cammarano

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

**DISCUSSION-ORANGE BOWL**

Mayor Vahalla asked Mr. Morrison to discuss the progress that the Metuchen Marching Band has made regarding their trip to the Orange Bowl to perform at the opening ceremonies. Mr. Morrison stated the next fundraiser for the band will be on Saturday October 29 at Applebee's. Breakfast will be served with a portion of the proceeds going to the Marching Band. A bake sale on November 6th at Saint Francis in the breezeway and a "Cutathon" on Sunday, November 20th at John Anthony Paul Salon in Woodbridge will also benefit the Metuchen Marching Band. Mayor Vahalla thanked Mr. Morrison and his staff for the job that they are doing for the children of Metuchen.

**RESOLUTION HONORING-MARTIN JESSEN**

On a motion by Acting Council President Rubin and seconded by Councilman Lease with all in favor, the Resolution for Mr. Jessen was approved. Councilwoman Rasmussen read the Resolution honoring Mr. Martin Jessen

**WHEREAS**, on October 22, 2011, Martin Jessen will be honored as the YMCA Citizen of the Century at the 90th Anniversary Gala of the Metuchen-Edison-Woodbridge-South Amboy YMCA; and

**WHEREAS**, Martin Jessen, a lifetime resident of the Borough of Metuchen has exemplified through his service to country and community the attributes of commitment, patriotism and integrity; and

**WHEREAS**, Martin Jessen served his country during World War II as a Quartermaster on a Destroyer Escort in the Western Pacific and during the Korean Conflict as a Lieutenant JG aboard a U.S. Naval salvage vessel; and

**WHEREAS**, Martin Jessen exemplified his commitment to public service as Deacon of the Reformed Church of Metuchen, President of the Rotary Club and Historical Commission, Trustee of the General Contractors of New Jersey, President of the Metuchen Savings & Loan, and a member of the Metuchen Planning Board member; and

**WHEREAS**, Martin Jessen, as President of the Chamber of Commerce established in 1964 the Country Fair which has become an annual fall county-wide event highlighting Metuchen's Main Street and providing a fundraising opportunity for local schools, scout troops, churches and community organizations, and businesses; and

**WHEREAS**, Martin Jessen's service to the YMCA began with his youth membership at the High Street building and was followed by a lifetime of volunteering, serving as a Board member, Board President, Charles S. Edgar Society member and fundraiser. His example of volunteerism resulted in the creation of the Edgar Award in 1989 which he received and is awarded annually to a community volunteer for leadership and personal integrity.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen recognize Martin Jessen as the YMCA Volunteer of the Century and congratulates the Metuchen-Edison YMCA for its 90 years of service to the community.

Dated: October 17, 2011

**RSOLUTION HONORING-CORPORAL DAVE LIANTONIO**

On a motion by Acting Council President Rubin, seconded by Councilman Lease with all in favor, the Resolution for Corporal Liantonio was approved.  
Councilman Wallace read the Resolution into the record.

**WHEREAS**, Corporal David Liantonio serves as the Police Records Officer in Metuchen, in charge of firearms processing and maintenance, oversight of the Records Bureau, Public Information Officer, 911 Coordinator, Computer Aided Software Administrator, grant writer, liaison to the Municipal Alliance and Auxiliary Police and also lends his wisdom and expertise as a D.A.R.E. Officer as well as many other skills and duties within the Borough of Metuchen; and

**WHEREAS**, Corporal Liantonio in his 17 plus years of dedicated and exemplary service to the Borough of Metuchen has demonstrated his commitment by generously giving his time and expertise to the betterment of the Borough of Metuchen by protecting and serving the residents of the Borough; and

**WHEREAS**, Corporal Liantonio has been honored for his outstanding dedication by the Senate and General Assembly with the prestigious distinction of Middlesex County Volunteer of the Year for 2011 during the Twentieth Annual Summit of the Governor's Council on Alcoholism and Drug Abuse on September 9; and

**WHEREAS**, the Borough of Metuchen wishes to recognize Corporal Liantonio for his years of stellar service and dedication to the many organizations in which he selflessly devotes his talents to and to congratulate him on his recognition as the Middlesex County Volunteer of the Year for 2011.

**WHEREAS**, the Borough of Metuchen is grateful and fortunate for the numerous assets provided by Corporal Liantonio to the Borough of Metuchen; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen, hereby recognize and praise Corporal David Liantonio for his altruistic leadership in all that he sets forth;

**BE IT FURTHER RESOLVED** that the Mayor and Council, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation for Corporal David Liantonio's dedication to the many Metuchen Organizations he serves on and offer their best wishes of good health, happiness and success in the years ahead.

Dated: October 17, 2011

#### **RESOLUTION HONORING-DOROTHY OBRUPTA**

On a motion by Acting Council President Rubin, seconded by Councilman Muldoon with all in favor, the Resolution for Ms. Obropta was approved.

Acting Council President Rubin read the proclamation for Ms. Obropta.

**WHEREAS**, Dorothy Obropta is a long time resident and retired Metuchen School District teacher, past member of the Senior Commission and active member of the Garden Club along with other organizations; and

**WHEREAS**, Dorothy Obropta during her years of enthusiastic service had taken a special interest in participating in the New Jersey Senior Olympics which is a subsidiary of the National Senior Games Association, a non profit member of the United States Olympic Committee whose mantra is to inspire seniors to lead and maintain healthy lifestyles through participation in athletic and coordination building games; and

**WHEREAS**, Dorothy Obropta participated in the New Jersey Senior Olympics in both ping pong and horseshoes for the first time in 2010 and placed with a gold medal in horseshoes and a bronze medal in ping pong; and

**WHEREAS**, Dorothy Obropta's successful medal placement in both events enabled her to compete at the National Senior Games held in Houston Texas in June 2011 where she competed with over 10,000 participants from all of the United States and Canada including 133 participants from New Jersey and ascertained the silver medal in horseshoes; and

**WHEREAS**, Dorothy Obropta's success continued in September where she again participated in the New Jersey Senior Olympics in Bocce, horseshoes and javelin and medaled with a gold in both horseshoes and javelin and plans on continuing her efforts in 2012 to qualify for the 2013 summer national games in Cleveland, Ohio;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen, hereby recognize and praise Dorothy Obropta for her determination and leadership in setting a example of what a healthy active senior lifestyle is;

**BE IT FURTHER RESOLVED** that the Mayor and Council, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation for her dedication to the many Metuchen Organization she serves on and offer their best wishes of good health, happiness and success in the years ahead.

Dated: October 17, 2011

**PROCLAMATION-WALK YOUR CHILDREN TO SCHOOL DAY**

Mayor Vahalla stated that this proclamation was read at Campbell School last week.

**WHEREAS, National Walk Our Children to School Day**, sponsored by the Partnership for a Walkable America, addresses three critical facets of everyday life: health safety and community environment; and

**WHEREAS**, American Children spend more time watching television then they do engaged in physical activity and exercise; and

**WHEREAS**, of the 5,700 pedestrians killed each year, about one out of seven of those killed are children; and

**WHEREAS, National Walk Our Children to School Day** teaches children and adults about pedestrian safety; and

**WHEREAS**, more and more communities are implementing strategies to make streets more walkable by installing sidewalks or traffic calming measures; and

**WHEREAS, National Walk Our Children to School Day** helps make children and adults more aware of their walking environment; and

**WHEREAS, on National Walk Our Children to School Day** children, parents and caregivers and community leaders across North America are joining together to walk to school in an effort to learn healthful and safe pedestrian habits and to evaluate pedestrian safety in their communities,

**NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DO HEREBY PROCLAIM** October 17, 2011 to be Walk Our Children to School Day in the Borough of Metuchen and encourage parents, children, public safety officers and community leaders to consider the safety of pedestrians today and everyday.

Dated: October 17, 2011

### **AGENDA SESSION**

On a motion by Councilwoman Rasmussen, seconded by Councilman Lease with all in favor, the agenda session was opened.

Acting Councilwoman Rubin discussed the noise complaint issues at the Brownstone Bar and Grill.

On a motion by Acting Council President Rubin, 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.

Peter Carpena (19 Forrest Street) stated that maybe a plastic baffle could be placed at the Brownstone to mitigate the noise compliance issues at that location.

Bob James (238 Rose Street) spoke about the noise issues at the Brownstone.

Frank Cammarano (23 Elm Avenue) stated that trees should not be used as a noise buffer because when the leaves fall off then the buffer no longer exists.

James Conlin (20 Sharon Court) commented on comments that were made by a candidate running for Mayor at the upcoming election.

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

### **COMMUNICATIONS/CONSENT AGENDA**

On a motion by Acting Council President Rubin, seconded by Councilman Lease with all in favor, the communications consent agenda item numbers 8 and 9 were approved.

8. Receive and Accept Development Commission Minutes of August 3 and September 7, 2011.

9. Receive and Accept Environmental Commission Minutes of July 20, 2011.

### **COUNCIL REPORTS**

#### **CHAMBER OF COMMERCE**

Acting Council President Rubin stated that the Scarecrows on Main Street event will take place from the 28<sup>th</sup> of October through the 18<sup>th</sup> of November with the winner being announced at the Winter Festival Parade. Acting Council President Rubin also stated the Chamber of Commerce's new and improved website is now up and running. The Chamber of Commerce will also be holding a Halloween Parade in conjunction with the Recreation Department on October 30<sup>th</sup> as well as the Christmas tree lighting on December 2<sup>nd</sup>.

### **SENIOR CITIZEN'S**

Councilwoman Rubin stated that the next Senior Citizens Commission meeting is scheduled for October 19<sup>th</sup> at 5pm and that plans are underway for the Senior Citizens 18<sup>th</sup> annual luncheon on Sunday, October 23<sup>rd</sup> at Camp Kiddie Keep Well.

### **PLANNING BOARD**

Councilwoman Rubin stated that the next Planning Board meeting is scheduled for Thursday, November 3<sup>rd</sup>.

### **RECREATION**

Councilman Wallace elaborated on the Halloween Parade particulars.

### **MUNICIPAL ALLIANCE**

Councilman Wallace stated that last month was Alcohol Awareness month and that the event sponsored by the Municipal Alliance was a huge success.

### **SHADE TREE**

Councilwoman Rasmussen stated that the Shade Tree Commission will be planting 34 trees for its annual planting. Councilwoman Rasmussen stated that the Shade Tree Commission also participated in the Fair by discussing and distributing literature on proper tree maintenance.

### **ENVIRONMENTAL**

Councilwoman Rasmussen stated that Mr. Dan Lebar from the Traffic and Transportation Committee attended the Environmental Commission meeting to discuss certain improvements needed at the train station. Councilwoman Rasmussen stated that the Environmental Commission participated in the Fair by distributing information on the new Single Stream Recycling program being implemented by the Borough.

### **PARKING AUTHORITY**

Councilman Muldoon stated that the Pearl Street Parking Lot expressions of interest submissions will be reviewed by the selection committee on October 19 and narrowed down to the top two. The decisions made by the selection committee will then be recommended to the Parking Authority for a final decision.

### **ARTS COUNCIL**

Councilman Muldoon stated that the Arts Council is planning their events for this Fall. The Council will be having a Silent Auction as well as an Open House to bring together people who have an interest in the Arts. Councilman Muldoon also stated that the Rotunda Art Gallery in Borough Hall, which is displaying student's art from the area schools in Metuchen, had a ribbon cutting on October 9<sup>th</sup>.

### **CABLE TV AND TECHNOLOGY**

Councilman Lease did not attend the scheduled meeting. Mayor Vahalla attended the Cable TV and Technology meeting. Mayor Vahalla stated that after careful review of all

submissions the Borough website administration will continue to be supplied by City Connections.

**REPORT OF BOROUGH ATTORNEY**

Borough Attorney Murphy stated that the liquor license for Sping Inc. trading as NJ Tavern, has been suspended by the Alcohol and Beverage Commission effective November 1, 2011 and is indefinite for a breach of an agreement between the ABC and Sping Inc.

**REPORT OF BOROUGH ADMINISTRATOR**

The Borough Administrator had no report.

**MAYOR'S REPORT**

Mayor Vahalla stated that the County water main replacement project on Charles Street will begin taking place in approximately two weeks.

Mayor Vahalla stated that the Fire Department responded to 217 hours of fires, alarms or emergencies. 190 hours of drills, trainings and meetings were attended by the Fire Department. The cadets and advisors donated an additional 50 hours of service.

**CONSENT AGENDA**

On a motion by Acting Council President Rubin, seconded by Councilman Wallace , with all in favor the consent agenda items numbered 10-13 encompassing Resolutions R2011-200 through R2011-203 were approved.

**RESOLUTION NO.2011-200**

**RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #11-015S-100 WILLOW ROAD**

**WHEREAS**, Raquel Class posted \$90.00 for sidewalk escrow fees at 100 Willow Road,

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Raquel Class,

**NOW, THEREFORE, BE IT RESOLVED**, that Raquel Class be refunded \$90.00 from the Sidewalk Inspection Escrow Account.

Dated: October 17, 2011

**RESOLUTION NO. 2011-201**

**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR BLOCK 212 LOTS 69, 71 AND 72-35 AND 39 MYRTLE AVENUE**

**WHEREAS**, Fox and Foxx, has requested a refund of the performance bond for various improvements on Block 212 Lots 69, 71, and 72 –35 and 39 Myrtle Avenue; and

**WHEREAS**, the Project Engineer has reported that the contract has been completed in an acceptable manner; and

**WHEREAS**, Birdsall Engineering in a letter dated September 30, 2011 recommended the full release of the performance guarantee in the amount of \$3,305.00 (posted in cash); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to Fox and Foxx Development, LLC, 940 Amboy Avenue, Suite 101, Edison, NJ 08837.

Dated: October 17, 2011

**RESOLUTION 2011-202**

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A DEVELOPER'S AGREEMENT BETWEEN FIRST PRESBYTERIAN CHURCH OF METUCHEN AND THE BOROUGH OF METUCHEN**

**WHEREAS**, First Presbyterian Church of Metuchen, is the owner of Block 164, Lots 49, 49.01, 49.02 and 49.03, as shown on the official Tax Map of the Borough of Metuchen, said property being located in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

**WHEREAS**, First Presbyterian Church of Metuchen filed an application with the Planning Board for preliminary and final site plan approval with exceptions/waivers to expand the existing social center and improve traffic flow on the subject property; and

**WHEREAS**, the Planning Board of the Borough of Metuchen granted various approvals to First Presbyterian Church of Metuchen on March 3, 2011 memorialized by Resolution dated March 17, 2011, which are annexed to the proposed Developer's Agreements; and

**WHEREAS**, approvals of the Metuchen Planning Board were subject to First Presbyterian Church of Metuchen entering into a Developer's Agreement with the Borough of Metuchen and pursuant to § 110-254 of the Code of the Borough of Metuchen requires that Developer's Agreements shall be approved by the Council of the Borough of Metuchen; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Metuchen hereby authorizes the entry into the proposed Developer's Agreement with First Presbyterian Church of Metuchen;

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

Dated: October 17, 2011

**RESOLUTION 2011-203**

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A DEVELOPER'S AGREEMENT AND AMENDED DEVELOPER'S AGREEMENT BETWEEN FOX & FOXX DEVELOPMENT AND THE BOROUGH OF METUCHEN**

**WHEREAS**, Fox & Foxx Development, is the Developer, with the consent of the owner of Block 154.02, Lots 4 & 5 as shown on the official Tax Map of the Borough of Metuchen, said property being commonly known as 3 Sylvan Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

**WHEREAS**, with the Owner's consent, the Developer filed an application with the Planning Board for minor subdivision approval with bulk variances and waivers to raze an existing dwelling with detached garage and construct a two (2) story dwelling on each of the two (2) newly configured lots;

**WHEREAS**, the above described minor subdivision application was granted on May 12, 2011 and memorialized by Resolution dated June 16, 2011 which is annexed to the proposed Developer's Agreement and Amended Developer's Agreement ("hereinafter referred to collectively as the "Developer's Agreements"); and

**WHEREAS**, approvals of the Metuchen Borough Planning Board were subject to Fox & Foxx Development entering into a Developer's Agreement with the Borough of Metuchen and pursuant to § 110-254 of the Code of the Borough of Metuchen requires that Developer's Agreements shall be approved by the Council of the Borough of Metuchen; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Metuchen hereby authorizes the entry into the proposed Developer's Agreement and Amended Developer's Agreement with Fox & Foxx Development;

**BE IT FURTHER RESOLVED** that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement between Fox & Foxx Development and the Borough of Metuchen in the form on file with the Municipal Clerk and the Amended Developer's Agreement in the form attached hereto and that Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Agreement attached hereto.

Dated: October 17, 2011

**BILL LIST**

On a motion by Acting Council President, seconded by Councilman Lease , with all in favor the bill resolution in the amount of **\$5,871,298.94** was approved.

**PUBLIC COMMENT**

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

Peter Carpena (19 Forest Street) asked about the new Single Stream Recycling Program.

Bob James (238 Rose Street) stated that there should be a central calendar of all of the Borough events.

Mr. James also asked about the progression on the repayment of the upcoming debt payments.

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

**ADJOURNMENT**

On a motion by Acting Council President Rubin, seconded by Councilman Muldoon with all in favor the meeting was adjourned at 9:14pm.

Respectfully Submitted:

Kathryn Harris  
Municipal Clerk