

BOROUGH COUNCIL
MINUTES – OCTOBER 3, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 3, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilmember Rasmussen 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, Wallace and Council President Cammarano.

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

AGENDA SESSION

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

Council President Cammarano stated that the borough should look into the possibility of shared services with our neighboring towns for the Court Administrator position. Mayor Vahalla agreed with Council President Cammarano's suggestion for shared services and directed Borough Administrator Boerth to ascertain information from neighboring municipalities.

Councilwoman Rasmussen stated that the Environmental Commission is attempting to address the nutrient overload in Thomas Pond. The commission is looking to build a raft of sorts to place plants out into the pond. The plants will utilize the nutrients in the pond which will then prevent algae from overtaking the pond. Mayor Vahalla suggested that the Environmental Commission contact Cooke College at Rutgers to help assemble ideas that could address the situation.

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.

Elliot Jarman (20 Rose Street) expressed his concerns about a tree that had been removed from one of his properties at 83 Main Street by the Department of Public Works about 1 ½ years ago. Mr. Jarman stated that the stump to this day still has not been removed.

Mayor Vahalla asked the Borough Administrator to look into this matter.

Jim Conlin (20 Sharon Court) spoke about the new design of some of the catch basin castings. Mr. Conlin also discussed the right for municipalities to bond for Capital Budget purchases.

Bob James (238 Rose Street) stated that in response to Mr. Conlin's statements was that the borough has no long term plan to repay the compound notes that are being rolled over annually. Hearing no one else wishing to comment Mayor Vahalla closed the public comment portion of the meeting.

COMMUNICATIONS/CONSENT AGENDA

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the communications consent agenda items number 3 and 7 were approved.

3.Receive and Accept TV and Technology Committee Minutes of September 1, 2011.

4.Receive and Accept Traffic and Transportation Advisory Committee Minutes of June, 2011.

5.Receive and Approve Block Party Request by Karen McNamara on Saturday October 22, 2011 for Milton Avenue between Ferndale Place and Poplar Street.

6.Receive and Approve Block Party Request by Kristina Feja on Saturday October 15, 2011 for Laureldale Avenue to be closed off at the entrance to Woodbridge Avenue.

7.Receive and Approve Block Party Request by Diana Lunt on Saturday October 15, 2011 for Home Street between Woodbridge and Amboy Avenue.

COUNCIL REPORTS

OFFICE OF EMERGENCY MANAGEMENT

Council President Cammarano stated that FEMA will be in town canvassing and offering advice to areas and homeowners that suffered damage from the recent storm. Council President Cammarano stated that if any resident is planning on filing a claim that it must be done within 60 days of the occurrence. Council President Cammarano stated that claims may be filed online at disasterassistance.gov.

EMERGENCY MANAGEMENT SERVICES

Council President Cammarano stated that the RFP's for daytime ambulance services has been made available to any interested parties.

POLICE DEPARTMENT

Council President Cammarano stated that the Police Department will be strictly enforcing and educating the public on pedestrian safety and education. The Police Department will also be participating in "Walk Your Child To School Day" on October 17. The annual Blue Mass will be held this year at Saint Francis Cathedral in Metuchen on October 12. Sections of Main Street will be closed in order from approximately 10am till 12pm to accommodate parking for this event. Council President Cammarano also stated that Corporal Liantonio is being recognized as the Middlesex County Volunteer of the Year for his work with the Youth Services Board.

Council President Cammarano stated that the Borough should also recognize Corporal Liantonio for his acknowledgement.

Mayor Vahalla suggested that both Corporal Liantonio be recognized for his acknowledgment as well as Officer Westover who help to lost children on a field trip be reunited with his classmates.

MUNICIPAL ALLIANCE/YOUTH SERVICES BOARD

Councilman Wallace stated that the annual Alcohol Awareness program event, sponsored by the Municipal Alliance/Youth Service Board was well attended.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the Farmers Market has now come to end until next year. Councilwoman Rubin affirmed that the new date for the Metuchen 14th Annual Country Fair will be the 15th of October and that donations of non perishable food items will be accepted to help stock local food banks. Councilwoman Rubin went on to state that the Scarecrows on Main Street event will take place from the 28th of October till the 18th of November with the winner being announced at the Winter Festival Parade.

SENIOR CITIZEN'S

Councilwoman Rubin stated that the next Senior Citizens Commission meeting is scheduled for October 12 at 5pm and that plans are underway for the Senior Citizens 18th annual luncheon on Sunday, October 23 at Camp Kiddie Keep Well.

PLANNING BOARD

Councilwoman Rubin stated that the next Planning Board meeting is scheduled for Thursday, October 6th at 6:30pm.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission is attempting to help educate borough residents on the new single stream recycling program as well as recycling options for grass clippings and possibly composting certain items .

ARTS COUNCIL

Councilman Muldoon stated that the Sunday October 9 from 4 to 6pm there will be a ribbon cutting ceremony for the new Metuchen Student Art Gallery Annex in Borough Hall.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy described the circumstances regarding Resolution 2011-194.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth discussed the issues regarding the Bridge Street Bridge. Borough Administrator Boerth also discussed the water issue coming from Essex Avenue. The Department of Public Works and Middlesex Water Company are working together to alleviate this problem.

MAYOR'S REPORT

Mayor Vahalla stated that the Renaissance Development is moving ahead. Homes have started to be demolished and the area is being fenced in. Mayor Vahalla also reminded everyone to attend the Country Fair and Recovery Month.

Mayor Vahalla stated that the High School Marching Band will be attending the next Council meeting to discuss additional planned fundraisers for their "Quest for the Orange Bowl" event.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilman Lease, with all in favor the consent agenda items encompassing R2011-191 through R2011-199 were approved.

RESOLUTION NO. 2011-191

APPOINTMENT OF FIREFIGHTER – FINNERTY

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

RESOLUTION NO.2011-192

RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #11-009 S

WHEREAS, Michael Petronella posted \$178.50 for curb and apron escrow fees at 75 Beacon Hill Drive,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Michael Petronella,

NOW, THEREFORE, BE IT RESOLVED, that Michael Petronella be refunded \$178.50 from the Sidewalk Inspection Escrow Account.

RESOLUTION NO.2011-193

RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #11-014 S

WHEREAS, C. Rhondi Sabo posted \$596.00 for apron and sidewalk escrow fees at 121 Hampton Street,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to C. Rhondi Sabo,

NOW, THEREFORE, BE IT RESOLVED, that C. Rhondi Sabo be refunded \$596.00 from the Sidewalk Inspection Escrow Account.

RESOLUTION NO.2011-194

RESOLUTION AUTHORIZING THE REFUND OF ANNUAL LIQUOR LICENSE AND PLACE TO PLACE TRANSFER FEES TO THE DISTRICT AT METUCHEN AKA RENAISSANCE PROPERTIES INC. FOR LICENSE NO. 1210-33-010-004

WHEREAS, on or about May 2, 2011, the District at Metuchen LLC aka Renaissance Properties Inc. filed applications for the 2011-2012 Annual Renewal and a Place to Place

Transfer of Plenary Retail Consumption Liquor License No. 1210-33-010-004 and paid the application fees in the amount of \$2,200.00 for the Renewal fee and \$220.00 for the Person to Person Transfer fee; and

WHEREAS, litigation ensued, entitled, “S.K. & S.K., Inc., et als v. Michael J. Bryan, et als., Docket No: C-95-11”, relating to, among other things, the sale, purchase and the transfer of Plenary Retail Consumption Liquor License No. 1210-33-010-004, wherein the Court enjoined the Borough from taking any action relating to the transfer of Plenary Retail Consumption Liquor License No. 1210-33-010-004 until further order of the Court, and

WHEREAS, the Superior Court of New Jersey Chancery Division of Middlesex County Court entered a decision dated July 19, 2011 allowing Plenary Retail Consumption Liquor License No. 1210-33-010-004 to be renewed in the name of S.K. and S.K. Inc. dba Brownstone Bar and Grill, and

WHEREAS, S.K. & S.K., Inc. has made an application to renew Plenary Retail Consumption Liquor License No. 1210-33-010-004 and paid the required Annual Renewal fee of \$2,200.00 to the Borough, and

WHEREAS, on August 15, 2011, at its regularly scheduled Council meeting, by way of Resolution No. 2011-162, the Borough Council approved the application of renewal of Plenary Retail Consumption Liquor License No. 1210-33-010-004 filed by S.K. & S.K, and

WHEREAS, it appears that the matter of “S.K. & S.K., Inc., et als v. Michael J. Bryan, et als., Docket No: C-95-11” has been resolved and based upon the above, the District at Metuchen aka Renaissance Properties has requested a refund of the Annual Renewal and Person to Person Transfer fees paid to the Borough of Metuchen in the amounts of \$2,200.00 for the renewal fee and \$220.00 for the Person to Person Transfer fee; and

WHEREAS, N.J.A.C. 13:2-2.11 and N.J.A.C. 13:2-11 provides that the Borough is to return ninety percent (90%) of the application fees in the event that the application for renewal is denied or withdrawn or whether or not a transfer is granted and the Borough shall retain the remaining ten percent (10%) which shall be deemed as an investigation and processing fee;

NOW THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized and directed to refund The District At Metuchen LLC, 3663 Route 9 North, Suite 202, Old Bridge, NJ 08857-3517, \$1,980.00 for the return of the Renewal fee and \$198.00 for the return of the Person to Person Transfer fee (totaling \$2,178.00) and to retain and apply the remaining \$242.00 received as an investigation and processing fee of the applications for the Borough.

RESOLUTION NO 2011-195
RESOLUTION AUTHORIZING A LIEN REDEMPTION FOR BLOCK 117 LOT 63 –
505 MIDDLESEX AVENUE

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

Cert #	Block/Lot	Address	Lien holder
10-00007	117/63	505 Middlesex Ave	Park Finance LLC

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

RESOLUTION NO.2011-196
RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF 2011 TAXES-COUNTY TAX APPEALS

WHEREAS, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2011 as follows, and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2011, and

WHEREAS, the reduction in taxes has caused an overpayment of taxes for the parcel identified below,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2011 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$61,856.56, and an overpayment as a result of a tax appeal be refunded in the amount of \$245.20.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2011 Levy	Refund
143/21	97 Spring Street	10,500	540.02	540.02	
194/37	18 Eggert Ave	26,300	1,352.61	1,352.61	
181/77	36 Woodbridge Ave	26,500	1,362.90	1,362.90	
154.2/86.6	115 High Street	60,800	3,126.94	3,126.94	
182/27 C-203	331-3B Woodbridge Ave	36,000	1,851.48	1,851.48	
183/50	19 Carlton Road	38,800	1,995.48	1,995.48	
197/61 C0312	239L Amboy Ave	20,300	1,044.03	1,044.03	
125.6/17	207 Dellwood Road	48,400	2,489.21	2,489.21	
98.1/39	3 Mark Circle	68,500	3,522.96	3,522.96	
154.2/86.7	117 High Street	24,700	1,270.32	1,270.32	
117/50	Highland Ave	18,700	961.74	961.74	
17/33	302 E. Chestnut Ave	46,700	2,401.78	2,401.78	
98/57	295 E. Chestnut Ave	88,900	4,572.13	4,572.13	
84/26	152 Central Ave	8,100	416.58	416.58	
105/49	48 Oak Ave	35,700	1,836.05	1,836.05	
158/157	4 Honey Court	20,500	1,054.32	1,054.32	
216/50	80 Orchard Street	50,900	2,617.79	2,617.79	
118/24	426 Main Street	52,200	2,684.65	2,684.65	
118/25	428 Main Street	27,500	1,414.33	1,414.33	
100/29	29 Elm Avenue	15,900	817.74	817.74	

34/37	32 Homestead Road	38,600	1,985.20	1,985.20	
125.6/18	211 Dellwood Road	60,100	3,090.94	3,090.94	
4.2/10	22 Mason Drive	48,800	2,509.78	2,509.78	
215/81	47 Orchard Street	17,500	900.03	900.03	
150/45	23 Franklyn Place	40,000	2,057.20	2,057.20	
118/21	23 Hillside Ave	50,000	2,571.50	2,326.30	245.20
78.1/13.1	6 Robert Circle	32,700	1,681.76	1,681.76	
185/20.2	215 Woodbridge Ave	58,300	2,998.37	2,998.37	
122/13	20 Hillside Ave	33,200	1,707.48	1,707.48	
122/14	22-24 Hillside Ave	27,200	1,398.90	1,398.90	
122/15.2	30 Hillside Ave	75,200	3,867.54	3,867.54	
			62,101.76	61,856.56	245.20

RESOLUTION NO.2011-197

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
AND EXECUTION OF A GRANT CONTRACT WITH NJDOT FOR THE
IMPROVEMENTS TO LIBERTY STREET PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Metuchen Borough-00312 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO.2011-198

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
AND EXECUTION OF A GRANT CONTRACT WITH NJDOT FOR THE
DOWNTOWN MAIN STREET STREETScape IMPROVEMENTS PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as SST-2012-Metuchen Borough 00040 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and their signature

constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 2011-199

WHEREAS, the Middlesex County Prosecutors has received funds from the FY2008 Office of Homeland Security and Preparedness (OHS&P) for the purpose of purchasing and distributing Thermo Fisher RadEye Personal Radiological Detectors (PRDs) which provides law enforcement personnel the capability to detect radiological sources; and

WHEREAS, the County of Middlesex wishes to purchase said PRDs and distribute them to municipalities which do not currently possess them; and

WHEREAS, the Borough of Metuchen has agreed to accept said PRDs under the terms and conditions specified in the agreement

WHEREAS, the parties herein are authorized to enter into said agreement for said services:

- 1) The County shall purchase the PRD's through the use of OHS&P grant funds; and
- 2) The County Prosecutor, in his sole discretion, shall determine the number of PRDs to be provided to the Borough of Metuchen. The PRDs shall be used exclusively for the detection of radiological sources; and.
- 3) The County shall, at its sole cost and expense be responsible for the following:
 - A. Set up and initialization of the PRD;
 - B. Provide one (1) training session at a location to be determined by the County Prosecutor, on utilization of the PRD; and
 - C. Maintenance of the system for the initial warranty period.
- 4) The Borough of Metuchen shall, at its sole cost and expense, be responsible for the following:
 - A. Register the PRDs with the NJ resource Directory Data base (RDDDB) upon receipt of the equipment; and
 - B. Deploy the PRDs as part of any joint operational plan or in support of any joint operation; and
 - C. Repair and maintenance of the PRD beyond the warranty period, including battery replacement; and
 - D. Designate police officers to attend the training to be provided by the County Prosecutor; and
 - E. Deploy on a regular basis, the PRDs as deemed appropriate by the Borough of Metuchen; and
 - F. Arrange for the proper calibration of the PRDs; and
 - G. Produce the PRDs when required and requested by the Department of Homeland Security and/or the Office of Homeland Security and Preparedness.

- 5) The Borough of Metuchen shall save, protect, indemnify and hold harmless the County Prosecutor, the County and/or its elected officials officers and employees from any and all damages or claims for damages to persons or property which may result from the use of the PRDs provided pursuant to this Agreement.
- 6) The Agreement represents the entire understanding of the parties. It shall not be amended, except through written amendment approved by the respective governing bodies.

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 enter into an Agreement with the County of Middlesex for the Thermo fisher Scientific RadEye Personal Radiological Detectors (PRDs).

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the bill resolution in the amount of **\$364,769.52** was approved.

PUBLIC COMMENT

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

Elliot Jarman (20 Rose Street) reiterated his concern about the tree stump located at his residence on Main Street.

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 8:35pm.