

BOROUGH COUNCIL
MINUTES –JANUARY 17, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Tuesday, January 17, 2012. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Mayor Vahalla 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 Grayzel, 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 Wallace, with all in favor the agenda session was opened.

Council President Cammarano requested that Resolutions R2012-37 through R2012-48 be held and voted on at the next meeting.

Councilwoman Rubin stated that the Council meeting rescheduled for September 18th can not be held on that day due to the Jewish holiday of Rosh Hashanah. All Council Members were in favor of canceling the September 18, 2012 meeting.

Councilwoman Rubin discussed that there is some concern with snow removal through the Borough and that there could be possible revisions to the Vehicle and Traffic Ordinance regarding the temporary parking during snow removal times and also regulate and prohibit the placing of snow from properties into the streets.

Councilwoman Rasmussen stated that she had received complaints regarding the lights at Charles Field shining into resident's homes. Councilwoman Rasmussen asked if plantings would be placed as a buffer for those homes.

Borough Administrator Boerth stated that he and the Engineer are attempting to get that situation remediated.

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

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Beatrice Moskowitz (279 Middlesex Avenue) commented on the possible revisions to the parking and snow removal procedures in the Borough.

Dominick Pugliese (122 Spear Street) commented on the snow removal procedures. The plows that come and plow the streets dump mounds of snow in front of people's driveways and this is why people must shovel it back into the street to facilitate the melting of the snow.

Mayor Vahalla stated that residents are plowing their entire driveway and sidewalks into the streets and then complaining that their streets are not plowed.

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

COUNCIL REPORTS

LIBRARY

Council President Cammarano stated that the Library Board held their annual reorganization meeting. Elizabeth Waldron was elected as President.

POLICE DEPARTMENT

Council President Cammarano stated that the Police Department had received another grant for pedestrian safety. The grant will be used for enforcement of pedestrian regulations. Council President Cammarano stated that the Traffic and Transportation Committee will be working with the Police Department to help enforce pedestrian and vehicle safety throughout the Borough.

TRAFFIC AND TRANSPORTATION

Councilman Wallace stated that the last Traffic and Transportation meeting discussed pedestrian safety and how it can be improved.

RECREATION

Councilman Wallace stated that all of the current events handled by the Recreation Department are posted on the Borough website.

PLANNING BOARD

Councilwoman Rubin stated that the Planning Board will meet Thursday, January 19th at 7:30pm.

SENIOR CITIZENS

Councilwoman Rubin stated the Senior Center will meet in February.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the Chamber of Commerce held its reorganization meeting and named Maggie Cook as the new president. Councilwoman Rubin also stated that there will be two ribbon cuttings for new businesses in town. The first is on January 18th at 6pm at 15 Station Place for the Vam Art Gallery. The second is on January 20th also at 6pm at 932 Middlesex Avenue for the Brownstone Restaurant.

DEVELOPMENT

Councilwoman Rasmussen stated the Development Commission is working on finalizing the Borough Business Brochure. The Development Commission also discussed the possibility of meeting with the landlords in order to continue to receive feedback regarding development within the Borough.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission will meet on the 18th of January.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission discussed the Tree of Life Plaque for people who have donated trees in remembrance of loved ones or to mark a special life event. Councilwoman Rasmussen also stated that the Shade Tree Commission and the Environmental Commission will be meeting with the Metuchen High School Student Organizations to help improve an area outside the teachers lounge.

MUNICIPAL ALLIANCE/YOUTH SERVICES

Councilwoman Rasmussen stated that there is a survey on the Borough website regarding underage drinking. The survey will assist the Municipal Alliance/Youth Service Committee to provide services to the Borough. Councilwoman Rasmussen further stated that the Committee received a \$500 grant for the future "Town Hall" it will be sponsoring regarding underage drinking issues.

POOL

Councilman Muldoon stated that Margo Wheeler was elected as the Chairperson of the Pool Commission. The Pool Commission also discussed with the Borough Engineer new ADA requirements that must be met by the pool facilities.

PARKING AUTHORITY

Councilman Muldoon stated that the Parking Authority is meeting tonight and he will have a report at the next Council meeting.

HISTORIC PRESERVATION

Councilman Muldoon stated that the Historical Preservation Committee will be meeting later in the month.

ARTS COUNCIL

Councilman Grayzel stated that the Forum Theater will be hosting a documentary by Vanessa Roth who will be in attendance to answer any questions that arise. The event is scheduled for January 28th at 8pm.

Councilman Muldoon asked Councilman Grayzel to ascertain the results of the cable TV survey at their next meeting.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy stated that a draft agreement with JFK for daytime EMS Services is being reviewed. Revisions are currently being made to that agreement.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the Charles Field project is continuing to progress. Borough Administrator Boerth stated that the field has been leveled and the turf has been delivered.

MAYOR'S REPORT

Mayor Vahalla stated that he attended both the New Hope Baptist Church's Martin Luther King ceremony as well as the YMCA breakfast honoring Doctor Martin Luther King. Mayor Vahalla appointed Councilman Wallace as the liaison to the Department of Public Works. Mayor Vahalla stated that the Fire Department responded to 26 alarms, 126 hours of fire alarms and emergencies, 109 hours of drills, trainings and meetings as well as the cadets and advisors volunteering 80 hours.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda item numbers 3 through 7 encompassing R2012-32 through R2012-36 were approved.

RESOLUTION NO. 2012-32

RESOLUTION APPOINTING MIDDLESEX COUNTY TRANSPORTATION COORDINATING COMMITTEE MEMBER AND ALTERNATE MEMBER- DANIEL LEBAR AND PETER CAMMARANO

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen have received notification that an appointment and alternate appointment must be made to the Middlesex County Transportation Coordinating Committee for 2012; and,

NOW, THEREFORE, BE IT RESOLVED that Daniel Lebar be appointed as the designee to the Middlesex County Transportation Coordinating Committee for the calendar year 2012; and

BE IT FURTHER RESOLVED that Peter Cammarano be appointed as an alternate designee to the Middlesex County Transportation Coordinating Committee for the calendar year 2012; and

BE IT FURTHER RESOLVED that certified copy of this resolution be forwarded to the Middlesex County Transportation Coordinating Committee.

Dated: January 17, 2012

RESOLUTION NO. 2012-33

WHEREAS, the Middlesex County Prosecutor's office maintains a Law Enforcement Trust Account (PCLETA) to be used, inter alai, to support and upgrade local law enforcement agencies; and

WHEREAS, the County of Middlesex Prosecutors Office wishes to purchase and provide the Borough of Metuchen with a Taser International Model X2 device and the training and use thereof utilizing PCLETA funds; and

WHEREAS, the Borough of Metuchen has agreed to accept said Tasers and training under the terms and conditions specified in the agreement (attached); and

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

- 1) The County shall purchase the Tasers through the use of PCLETA funds; and
- 2) The County Prosecutor, in his sole discretion, shall determine the model of the device to be provided to the Borough of Metuchen; and.
- 3) The County shall, at its sole cost and expense be responsible for the initial purchase of the following:
 - A. The X2 Taser
 - B. Taser Cam
 - C. Two Blackhawk Holsters
 - D. 4 year warranty for the Taser Cam
 - E. 4 year warranty for the X2 Taser
- 4) The Borough of Metuchen shall, at its sole cost and expense, be responsible for the following:
 - A. Purchase of additional equipment including replacement darts and cartridges for both training and use of the device; and
 - B. Repair and maintenance of the device if such repair/maintenance exceeds the term of the warranty and/or warranty period; and
 - C. Designate police officer(s) to attend the required training to be provided and/or coordinated by the County Prosecutor.
- 5) The Borough of Metuchen agrees that the device shall be used in accordance with the guidelines set forth in the October 14, 2011 letter from the Attorney General of the of the State of New Jersey (attached)
- 6) 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 device provided, pursuant to this Agreement.
- 7) 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 Taser International Model X2 Tasers being provided by the Middlesex County Prosecutors Office.

Dated: January 17, 2012

RESOLUTION NO. 2012-34

WHEREAS, Metuchen is desirous of procuring Animal Control Shelter Services to comply with the laws of the State of New Jersey; and

WHEREAS, Edison is desirous of supplying and undertaking the duties of Animal Control Shelter Services and fulfilling the obligations thereof as prescribed by law; and

WHEREAS, Ordinance O.706-93 authorized the Township of Edison to enter into interlocal service agreements with the Borough of Metuchen for the purpose of providing certain Animal Control Services to this municipality; and

WHEREAS, Metuchen has duly adopted an Ordinance at a regular meeting of its governing body on June 21, 1993, appointing Edison Township to provide Animal Control Shelter Services for such municipality and authorizing the execution of an agreement; and

WHEREAS, Metuchen represents that the funds to meet the costs of this contract are included in the current budget appropriations or in the alternative, that there has been and there will continue to be an Ordinance authorizing the appropriation sufficient to meet the costs of carrying out the provisions of the contract;

WHEREAS, the cost for such services shall be at the rate stipulated in the attached agreement and not to exceed a total of \$74,717.44 for a three (3) year period from January 1, 2012 through December 31, 2014, of which the 2012 portion can not exceed \$24,087.48

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Mayor and Clerk be and they are hereby authorized to enter into an Animal Control Agreement between the Township of Edison and the Borough of Metuchen.

Dated: January 17, 2012

RESOLUTION NO. 2012-35
**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR
BLOCK 48.04 LOT 2.02**

WHEREAS, on December 6, 2011 HY Worldwide Holdings, LLC, has requested a refund of the performance bond for various improvements on Block 48.04 Lot 2.02 –160 Liberty Street; 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 January 13, 2012 recommended the full release of the performance guarantee in the amount of \$5,531.88 (posted in cash) plus any accrued interest; 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 plus accrued interest in the amounts directed by the Project Engineer to HY Worldwide Holdings, LLC., 412 Birch Court, New Brunswick, NJ 08901.

Dated: January 17, 2012

RESOLUTION NO. 2012-36

WHEREAS, Metuchen 1 LLC has requested a refund of the maintenance bond for various improvements on Block 71, Lot 37.01 – Bank Pad; and

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

WHEREAS, the Borough Engineer recommends the release of the maintenance cash guarantee in the amount of \$88,946.03 plus interest,

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 maintenance bond in the amounts directed by the Project Engineer plus interest to Metuchen I, LLC, c/o The Maven Group, 7801 Norfolk Avenue, Suite 200, Bethesda, MD.

Dated: January 17, 2012

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the bill resolution in the amount of **\$272,464.96** was approved.

APPOINTMENTS

Mayor Vahalla made the following appointments

	<u>Term to Expire</u>
Youth Service Board	
Michael Scheller	1-1-15
Planning Board	
Jason Kirin-Alt.II	1-1-14
Senior Citizens Committee	
Dominick Pugliese	1-1-15
Library Board	
Trisha Glave-Board of Education	1-1-13
Cable TV and Technology	
Christopher Thuman-Board of Education	1-1-14

The nominations were confirmed by a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor the nominations were approved.

ORDINANCE-INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2012-1 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen Ordinance No. 2012-1 was passed on first reading, published according to law and a public hearing date set for February 6, 2012

ROLL CALL VOTE:

AYES: Wallace, Rubin, Rasmussen, Muldoon, Grayzel and Cammarano

NAYS: None

ABSTENTIONS: None

ORDINANCE NO. 2012-1

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen, as follows:

Section 1. Section 169-3 of Chapter 169, **Swimming Pools**, of the Code of the Borough of Metuchen, is hereby amended to add/change the following fees to read as follows:

RESIDENT MEMBERSHIPS

Prior to April 15

NEW MEMBERS

MEMBERS FEES

	<u>FROM</u>	<u>TO</u>
(1)Resident Family (equivalent membership: one)	\$290	\$300
(2)Resident Family Plus	\$380	\$390
(3)Resident Individual	\$155	\$165
(4)Resident Senior	\$55	\$60

Resident Rates (after April 15):

(1) Resident Family (equivalent membership: one)	\$350	\$360
(2) Resident Family PLUS	\$440	\$450
(3) Resident Individual	\$165	\$175
(4) Senior	\$55	\$60

Non Resident Rates:

MEMBERS FEES

(1) Nonresident family.	\$475	\$490
(2) Nonresident Family PLUS	\$560	\$575
(3) Nonresident Individual	\$250	\$265
(4) Nonresident senior	\$150	\$160

Section 2. Section 87-20 of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change the permit fees to read as follows:

§ 87-20 – Fees Established.

<u>Program</u>	<u>Fee</u>	
Programs:	<u>FROM</u>	<u>TO</u>
ADD		
Kinder Karate	-	\$15.00 per hour

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any items on the agenda.
Hearing no one wishing to speak Mayor Vahalla closed the public comment portion of the meeting.

ADJOURNMENT

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor the meeting was adjourned at 8:36pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk