

BOROUGH COUNCIL
MINUTES –JULY 16, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, July 16, 2012. The Meeting was called to order at 7:30 p.m. by Acting Mayor Cammarano. The Invocation given by Acting Mayor Cammarano was followed by the Pledge of Allegiance.

The Acting 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 Wallace, Rasmussen, Muldoon (Acting Council President), Grayzel and Council President Cammarano (Acting Mayor).

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

Absent were Mayor Vahalla and Councilperson Rubin.

AGENDA SESSION

On a motion by Acting Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the agenda session was opened.

Acting Mayor Cammarano stated that there was a late addition to the agenda. Resolution No.2012-164

On a motion by Acting Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the agenda session was closed.

OPEN TO PUBLIC

Acting Mayor Cammarano opened the meeting to the public for comment.

Lisa McAllister(Service Employees International Union Local 32BJ) presented the Council with a petition form signed by the residents of Metuchen urging them to choose developers that reflect responsive and responsible business practices regarding the Pearl Street Lot development project.

Alexi Azmuth(Princeton, NJ) provided the Council with copies of a letter from Avalon Bay's Attorney to Princeton Borough's Attorney and the Princeton Regional Planning Board Attorney. The letter discusses Avalon Bays view on inclusionary developments and its regards to affordable housing units.

Hearing no one else wishing to comment, Acting Mayor Cammarano closed the public comment portion of the meeting.

COMMUNICATIONS CONSENT AGENDA

On a motion by Councilman Muldoon, seconded by Councilwoman Rubin, item numbers 3-6 were brought before the Council for acceptance.

Councilman Wallace stated that item number 5 needed to be removed from consideration due to discrepancies with the documents contents as to attendance of members and content regarding the Shade Tree Commission.

On a motion by Councilwoman Rasmussen, seconded by Councilman Muldoon, with all in favor the communications consent agenda item number 5 was removed from consideration.

On a motion by Councilman Muldoon, seconded by Councilwoman Rasmussen, with all in favor the communications consent agenda items number 3, 4 and 6 were accepted and approved.

3. Receive and Accept TV and Technology Advisory Committee Minutes of March 22, 2012 and May 24, 2012.
4. Receive and Accept Municipal Alliance Minutes of June 14, 2012.
6. Receive and Approve Block Party Request for Upland Avenue on September 8, 2012 with rain date September 9, 2012.

COUNCIL REPORTS

Councilman Wallace discussed traffic safety concerns on Lake Avenue and Memorial Parkway onto Rose Street. Councilman Wallace also requested that the Department of Public Works remove the overgrowth located on the corner of Rose Street and Memorial Parkway.

FIRE DEPARTMENT

Councilman Wallace stated that one member of the Fire Department has enlisted in the military as well as another member who is on a leave of absence to attend paramedics certification. Councilman Wallace also stated that the Fire Department has responded with mutual aid to all of the surrounding towns experiencing large fires this last month.

Councilwoman Rasmussen stated that vehicles are not yielding to pedestrians in the crosswalks and would like to find ways to increase pedestrian safety.

SHADE TREE

Councilwoman Rasmussen discussed the funds received from developers regarding the planting of trees throughout the town. Councilwoman Rasmussen would like to discuss if the Borough could require a bond of any developers or contractors that are doing work near mature shade trees to assure the protection of those trees. The Commission also discussed the possibility of planting any new shade trees on the side of the street that does not have overhead power wires. This will help prevent trees taking down power lines as well as severe pruning inflicted by PSE&G.

MUNICIPAL ALLIANCE/YOUTH SERVICE BOARD

Councilwoman Rasmussen stated that National Night Out and the Town Talks meeting will be August 7. The Town Talks meeting will begin at 6pm at the Senior Citizens Center followed by National Night Out festivities in the Friendly's parking lot.

Councilwoman Rasmussen also stated that the Safe Homes Program will be presented at Back to School Night at the High School and Middle School in Metuchen. The Safe Homes Program encompasses a form that local parents sign promising that if there was a party at their home that no drugs and or alcohol would be allowed.

ENVIRONMENTAL

Councilwoman Rasmussen stated that all electrical components for disposal must be brought down to the Public Works garage. These items will not be picked up curbside. Councilwoman Rasmussen would like an assessment as to whether or not our tonnage amounts have decreased and recycling amounts increased since the implementation of the new recycling system.

Councilwoman Rasmussen also discussed the possibility of having uniform environmentally friendly carryout containers utilized by the local restaurants.

Councilman Muldoon recognized members of the BIL, Garden Club, Farmers Market organizers, as well as the JuneBug and Summer Concert Series organizers and participants for their tireless efforts in providing many outstanding cultural events throughout the Borough.

ARTS

Councilman Grayzel stated that under the leadership of the Borough Improvement League and the Borough Council many cultural events are underway. On July 21st at 7pm at the Old Franklin School as concert will be held featuring the Clayhold Brothers with music that spans 70 years. On Saturday August 4 at 8pm Sharon Goldman a group of talented musicians will do an evening of Simon and Garfunkel songs. August 10th at 8pm will be an event called Art and Music with an Edge. Councilman Grayzel also stated that every Saturday morning from 11 to 2 pm in collaboration with the Farmers Market a series of food workshops will be offered at the Old Franklin School House. Councilman Grayzel also discussed the free Summer Concert Series being offered at the Senior Center in the month of August starting at 7:30pm. For additional information on all the events please refer to the Borough Improvement Leagues website.

TV AND TECHNOLOGY

Councilman Grayzel stated that the TV and Technology Committee meet and discussed the Borough website.

REPORT OF CHIEF FINANCIAL OFFICER BONDS AND NOTES

On a motion by Councilman Muldoon, seconded by Councilwoman Rasmussen, with all in favor the CFO's report was accepted.

REPORT OF BOROUGH ADMINISTRATOR

The Borough Administrator had no report.

REPORT OF BOROUGH ATTORNEY

The Borough Attorney had no report.

ACTING MAYOR'S REPORT

Acting Mayor Cammarano stated that the Police Department has continued with its Pedestrian Enforcement Plan.

Acting Mayor Cammarano stated that he would be attending a meeting tomorrow with the Department of Transportation regarding the reconstruction of the Lake Avenue Bridge.

CONSENT AGENDA

On a motion by Acting Council President Muldoon, seconded by Councilman Wallace, with all in favor the New Business Consent Agenda items numbered 8-17, encompassing resolutions R2012-155 through R2012-164 were approved.

RESOLUTION 2012-155

RESOLUTION APPOINTING MUNICIPAL JUDGE-PRICE

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Gary Price be appointed as a the Municipal Judge for the Borough of Metuchen with a term to expire June 30, 2015.

Dated: July 16, 2012

RESOLUTION NO. 2012-156

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR 3 AND 5 SYLVAN PLACE-B154.02 L4&5

WHEREAS, Fox and Foxx Development LLC, has requested a refund of the performance bond for the minor subdivision project on Block 154.02 Lots 4 and 5 –3 and 5 Sylvan Place; and

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

WHEREAS, the Engineer (Birdsall Engineers- Kathy Elliott) in a letter dated April 13, 2012 recommended the full release of the performance guarantees in the amount of \$8,494.20 (paper Bond) and \$943.80 (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 upon payment of any outstanding fees.

Dated: July 16, 2012

RESOLUTION 2012-157

RESOLUTION APPOINTING MUNICIPAL ALLIANCE CHAIRMAN

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Beatrice Moskowitz be appointed as a Municipal Alliance Chairman with a term to expire December 31, 2012.

Dated: July 16, 2012

RESOLUTION 2012-158

RESOLUTION APPOINTING MUNICIPAL ALLIANCE COORDINATOR

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Councilwoman Dorothy Rasmussen be appointed as a Municipal Alliance Coordinator with a term to expire December 31, 2012.

Dated: July 16, 2012

RESOLUTION NO. 2012-159

**RESOLUTION AUTHORIZING REFUND OF STREET OPENING PERMIT BOND-53
MCCOY AVENUE BLOCK 193 LOT 29**

WHEREAS, on June 8, 2012 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by John Burton Plumbing and Heating as the required Performance Guarantees for Street Opening #028 (2012)–53 McCoy Avenue; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

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

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, John Burton Plumbing and Heating, Inc, 400 Amboy Avenue, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: July 16, 2012

RESOLUTION NO. 2012-160

WHEREAS, the Middlesex County Prosecutors has received additional FY2010 funding from the Office of Homeland Security and Preparedness (OHS&P) for the purpose of purchasing Automatic License Plate Recognition System (ALPRS) which provides law enforcement personnel the capability to read license plates and check those license plates against numerous data bases to identify individuals who may be wanted by other law enforcement agencies and vehicles which have been used in criminal activities; and

WHEREAS, the County of Middlesex wishes to purchase said ALPRS and distribute them to municipalities which are the home of recognized transportation sector and/or commercial asset sector sites, as determined by OHS&P; and

WHEREAS, the Borough of Metuchen has agreed to accept said ALPRS under the terms and conditions contained herein;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Middlesex County and the Borough of Metuchen do mutually agree as follows.

- 1) The County shall purchase the ALPRS through the use of OHS&P/UASI FY2010 grant funds; and
- 2) The County Prosecutor, in his sole discretion, shall determine the number of ALPRS to be provided to the Borough of Metuchen. The ALPRS shall be used exclusively for the provision of security and surveillance around the transportation sector and or Transportation Assets as designated by OHS&P in their Critical Infrastructure Criteria Matrix dated 3/19/2012 and the 2011 Jurisdictional Risk Analysis for Middlesex County; and
- 3) The County shall, at its sole cost and expense be responsible for the following:
 - A. Set up and initialization of the ALPRS;
 - B. Maintenance of the system for two years (2)
 - C. Providing unlimited user licensing for a duration of ten (10) years as long as the agency is covered by an active maintenance program; and
 - D. Providing the necessary server and periodic uploads from the NCIC System (via the New Jersey State Police) as well as the necessary data storage capacity.
- 4) The Borough of Metuchen shall, at its sole cost and expense, be responsible for the following:
 - A. Providing at minimum one (1) police vehicle with existing wireless MDT capability;
 - B. Repair and maintenance of the ALPRS beyond the second year if funding is available; and
 - C. Requiring the vehicle(s) which are equipped with the ALRPS to be deployed on a regular basis to patrol the designated transportation sector and or commercial asset sector sites within the Borough of Metuchen.
 - D. Requiring that the receiving agency enter into the State of New Jersey Resource Directory Data Base (RDDDB) upon receipt of the device and that the status of the resource be kept current in the RDBB;
 - E. When appropriate, making the ALPRS available to other law enforcement agencies via mutual aid requests.
- 5) Borough of Metuchen shall save, protect, indemnify and hold harmless the County Prosecutor, Middlesex 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 ALPRS 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 FURTHER 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 Automatic License Plate Recognition System (ALPRS).

Dated: July 16, 2012

RESOLUTION NO.2012-161

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-007 – CICERO CONSTRUCTION– 400 NEW DURHAM ROAD

WHEREAS, Cicero Construction posted \$48.00 for sidewalk escrow fees at 400 New Durham Road; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Cicero Construction,

NOW, THEREFORE, BE IT RESOLVED, that Cicero Construction be refunded \$48.00 from the Sidewalk Inspection Escrow account.

Dated: July 16, 2012

RESOLUTION NO.2012-162

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-009 – KAREN CORUM – 428 MIDLAND AVENUE

WHEREAS, Karen Corum posted \$64.00 for sidewalk escrow fees at 428 Midland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Karen Corum,

NOW, THEREFORE, BE IT RESOLVED, that Karen Corum be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: July 16, 2012

RESOLUTION NO.2012-163

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-010 – FOX & FOXX DEVELOPMENT, LLC – 26 KENTNOR STREET

WHEREAS, Fox & Foxx Development, LLC posted \$150.00 for sidewalk escrow fees at 26 Kentnor Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$150.00 from the Sidewalk Inspection Escrow account.

Dated: July 16, 2012

RESOLUTION NO. 2012-164

RESOLUTION TO REDUCE 2010 AND 2011 TAXES-BLOCK 126 LOT 61-3 LEXINGTON DRIVE

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 126, Lot 61, 3 Lexington Drive for 2010 and 2011,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$53,500.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2010 is \$2,646.11 and \$2,751.51 for 2011,

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 2010 and 2011 taxes on Block 126, Lot 61 in the amount of \$5,397.62 due to the successful State Tax Court Appeal for the years 2010 and 2011, including amendments, and refund the resulting tax overpayment in the amount of \$2,751.51.

Dated: July 16, 2012

BILL LIST

On a motion by Acting Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the bill resolution in the amount of \$489, 251.60 was approved.

APPOINTMENTS

On a motion by Acting Mayor Cammarano, seconded by Councilman Wallace, with all in favor the appointments of Laura Stibich and Kelley Jacques to the Library Board with a term to expire on January 1, 2017 were approved.

LIBRARY BOARD	TERM TO EXPIRE
Laura Stibich	1/1/17
Kelley Jacques	1/1/17

ORDINANCE -INTRODUCTION 2012-6

On a motion by Councilman Muldoon, seconded by Councilwoman Rasmussen, with all in favor that Ordinance 2012-6, An Ordinance Amending and Supplementing Ordinance Number 92-95 Establishing Salary Ranges be introduced and taken up on first reading

Borough Clerk Harris read the Ordinance by title only.

On a motion by Councilman Muldoon, seconded by Councilman Wallace that Ordinance 2012-6 An Ordinance Amending and Supplementing Ordinance Number 92-95 Establishing Salary Ranges be passed on first reading and published according to law and a public hearing date set down for on August 20, 2012.

ROLL CALL VOTE:

AYES: Councilpersons Cammarano, Grayzel, Rasmussen, Wallace, Acting Council President Muldoon

NAYS:

ABSENT: Councilperson Rubin.

ORDINANCE NO. 2012-6

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 92-25 ESTABLISHING SALARY RANGES.

[STATEMENT OF PURPOSE: TO AMEND WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES]

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen that Ordinance No. 92-25 as amended and supplemented be further amended as follows:

1. Section I, Group I is hereby amended by deleting the existing maximum ranges and replacing them with the following:

<u>RANGE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	
3	\$18,000	\$38,000	Clerk Typist, Secretary, Deputy Court Administrator, Office Assistant,
4	\$19,000	\$41,000	Telecommunications Operator
6	\$20,000	\$45,000	Accounting/Tax Clerk, Library Assistant II
7	\$21,000	\$51,000	Head Telecommunications Operator, Library Assistant I
8	\$26,000	\$53,100	Children's Librarian, Adult Services Librarian
9	\$33,000	\$56,100	Assistant Administrator, Reference Librarian
11	\$41,000	\$81,600	Library Director

2. Section I, Group V is hereby amended by deleting the existing maximum ranges and replacing with the following:

<u>RANGE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>POSITION</u>
19	\$30,000	\$51,000	Administrative Secretary
21	\$32,000	\$61,200	Administrative Officer
25	\$43,000	\$71,400	Borough Clerk, Court Administrator
29	\$48,000	\$79,600	Recreation Director, Tax Assessor, Senior Citizen Director
30	\$50,000	\$85,700	Public Works Supervisor
33	\$53,000	\$108,200	Lieutenant/DPW Supt.
35	\$58,000	\$114,300	Police Captain, Chief Financial Officer/Tax Collector, Public

36	\$63,000	\$119,400	Works Director
38	\$68,000	\$126,500	Borough Engineer
40	\$73,000	\$131,600	Chief of Police
			Borough Administrator

3. Additional compensation by way of holiday pay, longevity, overtime, sick days, personal days, insurance benefits for full time employees not covered in collective bargaining agreements are fully set forth in the Personnel Resolution and amendments thereto previously adopted by the Borough Council and are hereby incorporated in this Ordinance.

4. Section 6 - No officer or employee shall be paid at a base rate which is above the maximum rate for any salary range in any of the aforementioned groups. 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 that are greater than the minimum 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 group.

5. If any portion of this ordinance is in conflict with any portion of a collective bargaining agreement, then the collective bargaining agreement shall take precedence.

6. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

7. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2012.

Dated: July 16, 2012

PUBLIC COMMENT

Acting Mayor Cammarano opened the meeting to public comment on any items on the agenda. Hearing no one wishing to speak the Acting Mayor closed the meeting to public comment.

ADJOURNMENT

On a motion by Acting Council President Muldoon, seconded by Councilman Wallace with all in favor the meeting was adjourned at 8:06p.m.

Respectfully Submitted,

Kathryn Harris