

BOROUGH COUNCIL
MINUTES –JUNE 4, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 4, 2012. The Meeting was called to order at 7:32 p.m. by Mayor Vahalla. The Invocation given by Councilman Grayzel 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 Wallace, Rasmussen, Muldoon, Grayzel, and Council President Cammarano.

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

DISCUSSION

Mr. Smith and his 6th grade Life Studies students were studying a unit on Citizenship and Public Policy. The project given to the class was set up for them to discover how they can influence policy making in their community. The issue the group chose to address was texting while driving. The groups had to define the problem, discuss solutions and create a policy. The Mayor and Council and Officer Kean congratulated the children on their awareness and pro-activeness in addressing a problem within the community.

HISTORICAL PRESERVATION SCAVENGER HUNT AAWARDS

Councilman Muldoon and members of the Historical Preservation Committee presented the awards to the winning recipients. The groups were ages 10 and under, 11-14, 15-18, adult category and a family/group category.

The winners in the Family/Group category were the Pell Family. The adult category winner was Daniel Kozo. The two 10 and under winners were Angelina Koreshi and Julienne DeTemple.

DISCUSSION-SUMMER COUNCIL MEETING SCHEDULE

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Council meetings of July 2 and the August 6 were cancelled.

AGENDA SESSION

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

Council President Cammarano stated that the Chief Financial Officers report was moved to the section for report of officials.

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

APPROVAL OF MINUTES

On a motion by Council President Cammarano, seconded by Councilwoman Wallace, with all in favor the Council minutes of February 21, 2012 were approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Walter Zwajin(218 Center Street) asked if the 17 questions he submitted top the Council are being addressed regarding the Parking Authority Development. Mr. Zwajin asked if the development occurs at the Pearl Street lot will the Parking Authority cease to exist. Councilman Muldoon stated that the Parking Authority maintains others lots besides the Pearl Street lot. Councilman addressed a few of the questions that were brought up by Mr. Zwajin at a previous Council meeting.

Daniel Lebar(581 Middlesex Avenue) stated that he has spoken with the Borough Planner, Jim Constantine, regarding his views for the Pearl Street Lot Development. Mr. Lebar discussed his idea in detail.

Mr. Lebar discussed a letter he received from the Mayor regarding being notified of intra-agency correspondence.

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

COMMUNICATIONS AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Communication Consent Agenda item numbered 7 was approved.

7. Receive and Accept Zoning Board Minutes of August 11, 2011.

COUNCIL REPORTS

Council President Cammarano has no report.

Councilman Wallace mentioned the exemplary job the Auxiliary Police do at all of the Borough events.

Councilman Wallace also stated that there are many cars utilizing the newly paved Factory Street to park on all day to avoid having to have a parking sticker and or pay to park in the lots.

Mayor Vahalla wants the Chief of police to be notified of this parking issue

SENIOR

Councilwoman Rubin stated that the Senior Citizens Commission meeting will be on Wednesday June 13th at 4:00

Councilwoman Rubin also stated that the next Planning Board meeting is scheduled for this Thursday, June 7th at Borough Hall at 7:30pm.

Councilwoman Rubin stated that the Farmer's Market will begin on June 16th, on Saturday and Sundays, and run through October 20th. The Parking Authority has provided the Farmer's Market with a permanent storage shed for use of setup every weekend. Councilwoman Rubin also stated that the area in the lot where the Farmer's Market will be contained will be painted green as to keep cars from parking over night in that area. Councilwoman Rubin continued with the fact that the Borough Improvement League will also be hosting events in conjunction with the Farmer's Market.

DEVELOPMENT

Councilwoman Rasmussen stated that the brochure for opening a business in Metuchen has been finalized.

PARKING AUTHORITY

Councilman Muldoon stated that the proposals for the Pearl Street Lot Development are due to the Parking Authority on June 16th. Councilman Muldoon also stated that the selection committee will be meeting individually with the developers on both the 25th and 26th of June.

POOL

The pool opened Memorial Day weekend with a few improvements to the pool. Turf grass was installed to help alleviate the mud situation that keeps occurring around the pool. All members need to have new member id cards issued so that the new card scanning system can be implemented. On Thursday, June 21st the pool will open for its full summer hours.

ARTS

Councilman Grayzel stated that BIL League will be having two concerts on July 7th and July 21st at 7:30pm. The three August concerts will be held at the Senior Citizens building in the parking lot on August 16, 23 and 30 at 7:30pm.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the Lake Avenue Bridge work will be delayed until July or August.

REPORT OF MAYOR

Mayor Vahalla stated that he is attending the unveiling of the new June Bug sculpture. Mayor Vahalla stated that the Memorial Day Parade was a huge success. The parade recognized all of the women serving in the United States Armed Services as well as the new Metuchen High School students who have enlisted. Mayor Vahalla thanked Cross Country Sport Honda for the Polaris UTV donation to be utilized on the Greenway.

REPORT OF CHIEF FINACIAL OFFICER

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Chief Financial Officer's Report was accepted.

NEW BUSINESS/CONSENT AGENDA ITEMS

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Agenda items numbered 9-16, encompassing Resolution #'s 2012-128 through 2012-135 were approved.

RESOLUTION NO. 2012-128

**RESOLUTION AUTHORIZING REFUND OF PERSON TO PERSON TRANSFERS
FEES FOR SPING INC-DBA NJ'S TAVERN**

WHEREAS, in accordance with State regulations an application and fees in the amount of \$200.00 to the State of NJ Division of Alcohol and Beverage Control and \$200.00 to the Borough of Metuchen for a Person to Person Liquor License Transfer was accepted by the Municipal Clerk for Sping Inc. DBA NJ's Tavern; and

WHEREAS, the Division of Alcohol and Beverage Control rejected said application and returned their portion of the associated fees and advised the Borough of Metuchen to do the same

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 \$200.00 as a refund of anticipated revenue to Sping Inc. DBA NJ's Tavern, 154 Main Street, Metuchen, NJ 08840 as recommended by the Municipal Clerk and Borough Attorney.

Dated: June 4, 2012

RESOLUTION NO. 2012-129

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CHARLES FIELD
SYNTHETIC TURF FIELDS IMPROVEMENTS PROJECT**

WHEREAS, the Synthetic Turf Field Improvements at Charles Park project has been approved in a contract between the Mayor and Council and The LandTek Group, Inc.; and

WHEREAS, Birdsall Services Group (Katherine Elliot) submitted a letter to the Borough approving Change Order #1 for a net increase of \$17,496.60; and

WHEREAS, on June 6, 2011 Change Order #1 for a net increase of \$17,496.60 was approved by the Borough Council; and

WHEREAS, on April 9, 2012 Birdsall Services Group (Katherine Elliot) submitted a letter approving Change Order #2 for a net decrease of \$482.60;

WHEREAS, on May 7, 2012 Change Order #2 for a net decrease of \$482.60 was approved by the Borough Council; and

WHEREAS, on May 29, 2012 Birdsall Services Group (Katherine Elliot) submitted a letter approving Change Order #3 and Final for a net increase of \$1,310.75;

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 #3 and Final.

Dated: June 4, 2012

RESOLUTION 2012-130

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A
DEVELOPER'S AGREEMENT BETWEEN LAPORTA BUILDERS, INC. AND THE
BOROUGH OF METUCHEN**

WHEREAS, THE ESTATE OF GRACE KNOX (the "Owner"), having an address of 27 Sheridan Street, Metuchen, New Jersey 08840 identified as Block 160, Lot 13 and 15 on the tax Map of the Borough of Metuchen, County of Middlesex and **LAPORTA BUILDERS, INC.** (the "Developer"), having its offices at 14 Laureldale Avenue, Metuchen, New Jersey 08840.; and

WHEREAS, the Applicant filed an application with the Planning Board for minor subdivision approval with bulk variances and waivers to raise an existing dwelling, subdivide the property into two lots and construct a new single family residence of each new lot

WHEREAS, the above described minor subdivision application was granted on December 15 2011 and memorialized by Resolution dated January 5, 2012 (attached hereto as **Exhibit A**);and

WHEREAS, approvals of the Metuchen Borough Planning Board were subject to the developer, **LAPORTA BUILDERS, INC** 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 **LAPORTA BUILDERS, INC** 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 **LAPORTA BUILDERS, INC.**;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement between **LAPORTA BUILDERS, INC.** and the Borough of Metuchen in the form on file with the Municipal Clerk 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: June 4, 2012

RESOLUTION NO.2012-131

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-005 – MICHAEL LENT -
33 EDITH AVENUE**

WHEREAS, Michael Lent posted \$53.00 for sidewalk escrow fees at 33 Edith Avenue;
and

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

NOW, THEREFORE, BE IT RESOLVED, that Michael Lent be refunded \$53.00 from the Sidewalk Inspection Escrow account.

Dated: June 4, 2012

RESOLUTION NO. 2012-132

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND FOR
RENAISSANCE PROPERTIES AKA DISTRICT AT METUCHEN-BLOCK 113 LOTS 39
AND 41-587 MIDDLESEX AVENUE**

WHEREAS, Renaissance Properties AKA District at Metuchen, has requested a refund of the performance bond for Block 113 Lots 39 and 41. –587 Middlesex Avenue; and

WHEREAS, the Developer, Renaissance Properties AKA District at Metuchen has reported that the project has been abandoned and no other submissions for possible projects have been accepted; and

WHEREAS, the Engineer (Birdsall Engineers) in a letter dated May 31, 2012 has recommended the full release of the performance guarantee in the amount of 119,442.60(paper bond)and \$13,271.40(10% cash guarantee); and

WHEREAS, the Engineer (Birdsall Engineers) in the same letter dated May 31, 2012 has recommended that no maintenance bond is required; 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 Renaissance Properties AKA District At Metuchen 3663 Route 9 North, Suite 202, Old Bridge, NJ 08857 upon payment of the any outstanding fees.

Dated: June 4, 2012

RESOLUTION NO. 2012-133

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND FOR GLEN
GAWRONSKI-BLOCK 99 LOTS 80.12-200 EAST CHESTNUT AVENUE AKA 204 EAST
CHESTNUT AVENUE**

WHEREAS, Glen Gawronski, has requested a refund of the performance bond for Block 99 Lots80.12–200 East Chestnut Avenue AKA 204 East Chestnut Avenue; and

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

WHEREAS, the Engineer (Birdsall Engineers) in a letter dated May 30, 2012 has recommended the full release of the performance guarantee in the amount of \$17,911.80 (cash guarantee); and

WHEREAS, the Engineer (Birdsall Engineers) in the same letter dated May 31, 2012 has recommended that no maintenance bond is required; 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 Glenn Gawronski, 188 East Chestnut Avenue, Metuchen, NJ 08840 upon payment of the any outstanding fees.

Dated: June 4, 2012

RESOLUTION NO. 2012-134

REFUNDING STREET OPENING BOND-64 HILLSIDE AVENUE BLOCK 123 LOT 49

WHEREAS, on May 4, 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 #12-023 (2012)-64 Hillside 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: June 4, 2012

RESOLUTION NO. 2012-135

WHEREAS, the 2011 NJDOT Improvements to Linden Avenue and Capital Roadway Improvement Program project has been approved in a contract between the Mayor and Council and Fischer Contracting, Inc.; and

WHEREAS, on April 10, 2012 Birdsall Services Group (Kathy Elliot) submitted a letter to the Borough approving Change Order #1 for a net decrease to the Borough of **\$19,989.88**; and

WHEREAS, on May 7, 2012 the net decrease to the Borough for Change Order #1 is **\$19,989.88** was approved by the Borough Council; and;

WHEREAS, on May 31, 2012 Birdsall Services Group (Katherine Elliot) submitted a letter to the Borough approving Change Order #2 for a net decrease to the Borough of **\$49,009.24**; and

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 #2.

Dated: June 4, 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 **\$414,334.72** was approved.

APPOINTMENTS

On a motion by Council President Cammarano, seconded by Councilman Grayzel, with all in favor the appointments of Christopher Morrison to the Metuchen Arts Council with a term to expire on 1/1/15 and the appointment of Terry Kohl to the Metuchen Arts Council with a term to expire 1/1/15 was approved.

ORDINACE INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor Ordinance 2012-5 be introduced and taken up on first reading.

Borough Clerk Harris read the Ordinance by title only.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, that said Ordinance be passed on first reading, published according to law, and a public hearing set for June 18, 2012.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: None

ABSENT: Councilperson Rubin

ORDINANCE NO. 2012-5
**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN,
CHAPTER 37 THEREOF, ENTITLED POLICE DEPARTMENT.**

BE IT ORDAINED, by the Municipal Council of the Borough of Metuchen that the Code of the Borough of Metuchen, Chapter 37, entitled "Police Department" is hereby amended as follows:

REPEAL AND REPLACE

§ 37-1 Composition; appointment.

[Amended 5-16-1969 by Ord. No. 69-12; 11-17-1969 by Ord. No. 69-30; 6-7-1971 by Ord. No. 71-9; 2-3-1986 by Ord. No. 86-2; 9-15-1997 by Ord. No. 97-20; 2-4-2002 by Ord. No. 2002-4; 4-21-2008 by Ord. No. 2008-9]

The Police Department of the Borough of Metuchen shall consist of no more than one Chief of Police, one Captain of Operations/Deputy Chief, one Lieutenant, six Sergeants, three Detectives and 17 Patrol Officers, and such employees as the Borough Council may from time to time appoint.

§ 37-35 Procedure for promotion from patrol officer to Sergeant.

[Amended 7-7-1986 by Ord. No. 86-16; 11-17-1986 by Ord. No. 86-26; 11-4-1991 by Ord. No. 91-22]

A. Procedure.

(1) The promotional procedure to the position of Sergeant from that of patrol officer within the Department shall be comprised of the following criteria:

- (a) Seniority and service.
- (b) Evaluation of the Chief of Police.
- (c) Evaluation of the Captain of Operations.
- (d) Evaluation of the Lieutenant of Patrol
- (e) Evaluation of the Borough Administrator.
- (f) A score of at least 65 on an oral examination administered by the New Jersey State Association of Chiefs of Police. Once the test scores are calculated, candidates will be ranked by their score with the best score being first and the lowest score being last. Any candidates scoring less than a 65 will be eliminated from the remainder of the process.

(2) The weight assigned to each of the afore stated criteria for the purposes of ranking the candidate shall be as follows:

Promotional Criteria	Max Points Per Category
Seniority and Service	20
Chief of Police Evaluation	65
Captain of Operations Evaluation	30
Lieutenant of Patrol Evaluation	20
Borough Administrator Evaluation	65

Seniority. In accordance with the chart set forth above the maximum 20 points for seniority and service shall be determined for each candidate by allotting 1 point per

year for each of the first 15 years in service and 1/2 point for each year of service between a candidate's 16th through 25th year of service. Additionally, no patrol officer shall be eligible for a promotion to the position of Sergeant until he/she has served with the Borough of Metuchen Police Department as a sworn law enforcement officer for at least five complete years. Fractional years of service shall not be calculated in the numbers of whole years, for purposes of the calculation of points and shall be determined as of the date when the position is to be made available.

- B. Police Chief Evaluation. The Chief of Police shall allot to each individual candidate a mathematical score, up to a maximum of 65 points, based upon an evaluation which shall consider past performance, leadership skills, management skills, personal strengths and weaknesses and other factors reasonably considered by the Chief to be related to the responsibilities of the position of Sergeant.
- C. Captain of Operations Evaluation. The Captain of Operations shall make a similar, but independent, appraisal of the individual candidates based upon the same factors as the Chief of Police, with a maximum point total of 30 points.
- D. Lieutenant of Patrol Evaluation. The Lieutenant of Patrol shall make a similar, but independent, appraisal of the individual candidates based upon the same factors as the Chief of Police and Captain of Operations, with a maximum point total of 20 points.
- E. Borough Administrator Evaluation. The Borough Administrator shall assign a point total, up to 65 points, based upon the Administrator's estimate of the personality strengths and weaknesses, leadership and supervisory qualities, ease and skill in interacting with the public, management skills and other qualities reasonably considered as relevant to the responsibilities of the position of Sergeant.
- F. Selection Process. The individuals with the top three scores will be interviewed by the Mayor and Borough Council. If a promotion is made, the Mayor and Borough Council shall promote any one of the top three candidates, regardless of ranking. If there are two sergeant positions available, the top four candidates will be interviewed by the Mayor and Borough Council. For each additional position available one candidate will be added to the interview.
- G. Maintenance of Ranking List. Once posted, the ranking list shall remain in effect for up to two years, unless the Mayor and Council exercises its discretion to call for a new test because additional candidates would be eligible for consideration to the position of Sergeant or the Mayor and Borough Council exercises its discretion to extend the list beyond two years for a period of time determined by the Mayor and Council.
- H. Removal from list. The name of any candidate may be removed from the list based on disciplinary action taken by the Department against the candidate after the list has been established.

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 9:00p.m.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk