

BOROUGH COUNCIL
MINUTES –MARCH 19, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, March 19, 2012. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilwoman Rubin 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, Rasmussen, Rubin, Wallace and Council President Cammarano.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Murphy Borough Clerk Harris, David Frizzell and Shirley Bishop.

AGENDA SESSION

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

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

PRESENTATION-METUCHEN RELAY FOR LIFE

Stephanie Coutros from Relay for Life discussed the upcoming Metuchen Relay for Life event scheduled for June 1st into June 2nd at the Metuchen Sportsplex. Ms. Coutros is looking for Council and or committee members to become involved with the event.

CLOSED SESSION

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the closed session resolution was approved and Council entered closed session.

CLOSED SESSION RESOLUTION

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF MATTERS OF ATTORNEY-CLIENT PRIVILEGE.

WHEREAS, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss: matters of attorney-client privilege relating to the Borough of Metuchen's COAH obligations;

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing matters of attorney-client privilege relating to the Borough of Metuchen's COAH obligations; and

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Dated: March 19, 2012

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor of Council returning into public session was approved.

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Daniel Lebar (581 Middlesex Avenue) discussed the progress that has been made on the North East Corridor Main Street Railroad Project's punch list items. The issues addressed included stone deterioration, sidewalk repair, repair of pedestrian crossing lights as well as the height restriction lights located on the bridge.

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

PROCLAMATION-ARBOR DAY

Councilwoman Rasmussen read the proclamation into the record.

ARBOR DAY PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the Borough will hold their “National Arbor Day” observance on April 27, 2012 and is the 140th anniversary of the holiday; and

WHEREAS, “National Arbor Day” is now observed throughout the nation and the world; and

WHEREAS, the benefits of trees as part of a stable global environment are well recognized; and

WHEREAS, the special importance of trees in urban areas in reducing energy use and maintaining an awareness of the natural world is also evident; and

WHEREAS, the Borough of Metuchen is committed to preserving and renewing its numerous and beautiful trees which enhance the quality of life in our community;

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, do proclaim April 27, 2012 as the official celebration of Arbor Day in the Borough of Metuchen; and urge all the people of Metuchen to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Further, I urge all citizens to plant trees as a source of joy and spiritual renewal and to promote the well-being of this and future generations.

Dated March 19, 2012

ORDINANCE –PUBLIC HEARING

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2012-2
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.

Borough Clerk Harris read Ordinance 2012-2 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor said Ordinance 2012-2 be approved on second reading and published according to law.

Roll Call Vote:

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

Nays: None

Abstentions: None

Motion Carried.

ORDINANCE 2012-2
CALENDAR YEAR 2012

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Metuchen in the County of Middlesex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$369,167.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 369,167.86, and that the CY 2012 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Dated: March 19, 2012

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2012-3 **AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, KNOWN AS PARCEL VX98B, AS PART OF BLOCK 134.01, LOT 1 ON THE TAX MAP OF THE BOROUGH OF METUCHEN FOR CONDISERATIUN OF \$1.00.**

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.

Borough Clerk Harris read Ordinance 2012-3 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2012-3 be approved on second reading and published according to law.

Roll Call Vote:

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

Nays: None

Abstentions: None

Motion Carried.

ORDINANCE NO.2012-3

AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, KNOWN AS PARCEL VX98B, AS PART OF BLOCK 134.01, LOT 1 ON THE TAX MAP OF THE BOROUGH OF METUCHEN FOR CONDISERATIUN OF \$1.00.

WHEREAS, the New Jersey Department of Transportation (NJDOT) has been working on a project to replace the Route 27 Bridge over the abandoned Conrail South Plainfield Branch; and

WHEREAS, as part of the Project to mitigate the loss of parking due to the reconfiguration of Memorial Parkway, the State of New Jersey has offered to provide off street parking to Metuchen, by way of sale of a vacant lot for \$1.00, the State of New Jersey; and

WHEREAS, the State of New Jersey is the owner of land identified as "Parcel VX98B" on a Map entitled: NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PARCEL PROPERTY MAP, ROUTE 27 (1953) Section 6, From 287 Interchange to Garden State Parkway, Showing Existing Right of Way And Parcels to be Acquired in the Borough of Metuchen and Township of Edison and Woodbridge, County of Middlesex, December, 2007, and also being construction project Route 27 South Plainfield Branch Contract #022950276" located as part of Lot 1, in Block 134.01 in the Borough of Metuchen, Middlesex County, New Jersey (the "Property"); and

WHEREAS, the State of New Jersey has proposed a form of Agreement to Sell the Property for Public Use to the Borough of Metuchen with certain terms and conditions;

WHEREAS, the State of New Jersey has agreed to convey title by way of a fee simple determinable estate interest in said land to the Borough of Metuchen at the stated purchase price of \$1.00 in accordance with the terms of an Agreement to Sell Property for Public Use between the State of New Jersey and the Borough of Metuchen; and

WHEREAS, pursuant to N.J.S.A. 40A:12-4, the Borough Council of the Borough of Metuchen has determined that it is in the best interests of the Borough to acquire a fee simple determinable estate interest in said Property at the purchase price of \$1.00; and

WHEREAS, the Borough Treasurer/Chief Financial Officer of the Borough of Metuchen has determined that there are sufficient funds available to acquire said interests in the aforesaid Property.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey, they being the governing body thereof, as follows:

Section 1:

The Borough Council hereby authorizes and approves the acquisition from the State of New Jersey, of "Parcel VX98B" as identified on a Map entitled: NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PARCEL PROPERTY MAP, ROUTE 27 (1953) Section 6, From 287 Interchange to Garden State Parkway, Showing Existing Right of Way And Parcels to be Acquired in the Borough of Metuchen and Township of Edison and Woodbridge, County of Middlesex, December, 2007, and also being construction project Route 27 South Plainfield Branch Contract #022950276" located as part of Lot 1, in Block 134.01 (the "Property") in the Borough of Metuchen, Middlesex County, New Jersey consisting of approximately .242 acres, for the purchase price of \$1.00, subject to the terms and conditions set forth in Agreement to Sell Property for Public Use between the State of New Jersey and the Borough of Metuchen.

Section 2:

The appropriate Borough Officials are hereby authorized to take all necessary and proper steps to effectuate and finalize the acquisition of the Property, including but not limited to the review and preparation of all necessary closing documents.

Section 3:

This Ordinance shall take effect immediately after final passage and publication in accordance with law.

Dated: March 19, 2012

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the communications consent agenda items numbered 7 and 8 were approved.

7. Receipt and Acceptance of TV and Technology Minutes dated January 26, 2012.

8. Receive and Approve Use of Senior Center Building on Sunday December 2, 2012 For Jingle Bell Run/Walk For Arthritis.

REPORTS OF COUNCIL

RECREATION

Councilman Wallace stated that the lights on Charles Street were tested to verify a complaint received from one of the local neighbors. The issue is being addressed. Mayor Vahalla stated that the lights on Charles Field can be turned on and off through the Recreation Directors phone and or computer. Myrtle Park is also being retrofitted to do the same.

Councilwoman Rubin stated that there is an effort to promote local business and events within the Borough and to have them centrally listed for optimal exposure. The Borough Improvement League has agreed to organize a calendar to promote local events. All events and information about events should be forwarded to the Borough Improvement League via email and or telephonic communication.

Councilwoman Rubin also stated that a "Cash Mob" will be congregating at "What's the Scoop" on Saturday from 2-5pm.

Councilwoman Rubin stated that the 14th Annual Garage Sale will be taking place on April 21st with a rain date of the 22nd. She also stated that there will only be one Borough sponsored garage sale this year so to be sure to participate.

MUNICIPAL ALLIANCE/YOUTH SERVICES BOARD

Councilwoman Rasmussen stated that the Municipal Alliance/Youth Service Board is sponsoring a "Town Talks" meeting. The Meeting will discuss the effects of drinking on teenagers. The

panel of speakers will include Senator Buono, 3 principals from area schools, clergy, the County Prosecutor's office, a Student Against Drunk Driving Representative and teen community representatives.

Councilwoman Rasmussen also stated that the Alliance is sponsoring a Magic Show at Campbell School on April 20th and an Author Book Signing at the Library on April 29 at 2pm.

SHADE TREE

Councilwoman Rasmussen stated that she had received a complaint that a light from Charles Field was also shining into a residents home and if that issue would be looked into by the Recreation Director Nancy Goldberg.

Councilwoman Rasmussen also stated that the Community Tree Plaque has received its first donor engraved on it.

Councilwoman Rasmussen went on to state that the Shade Tree Commission has been in contact with Congressman Pallone's office to have evergreen trees planted along the train tracks in Metuchen. The trees will act as a noise buffer and help to beautify the area.

DEVELOPMENT

Councilwoman Rasmussen stated that the Metuchen Business Brochure has been sent to the Chamber of Commerce to have the printing process begin.

POOL

Councilman Muldoon stated that the early registration applications for Metuchen residents for pool memberships are now available. The deadline for the discounted rates is April 15.

PARKING AUTHORITY

Councilman Muldoon stated that the Parking Authority will be doing a presentation to the Chamber of Commerce on the Pearl Street Redevelopment project on April 17th at 12pm. Also on the 17th of April the Parking Authority will be holding a public forum on the Parking Authority redevelopment Project at the Senior Citizens Center at 7pm.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

MAYOR'S REPORT

Mayor Vahalla invited all Senior Citizens to attend Metuchen High School's free rehearsal performance of Sweeney Todd.

Mayor Vahalla also stated that he taped a program for MeTV on March 16th which discussed pedestrian safety.

Mayor Vahalla stated that the new recycling flyers will be sent to homes by the end of this week and the beginning of next week as well as a public service announcement on MeTV will air on the matter.

Mayor Vahalla reported that the Fire Department in the month of February responded to 31 alarms, 318 hours of fire alarms and emergencies, 228 hours of drills and training and the cadets provided 50 volunteer hours.

NEW BUSINESS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda items numbered 9-12, encompassing resolutions R2012-79 through R2012-82 were approved.

RESOLUTION NO.2012-79

**RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO.2012-61
ENTITLED "THE EXECUTION AND ENTRY INTO A TRAFFIC SIGNAL
AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE BOROUGH OF
METUCHEN"**

WHEREAS, a traffic condition exists at the intersection of Route 27 and Lake Avenue, in the Borough of Metuchen, in the County of Middlesex, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of image detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal, which the Borough of Metuchen has reviewed and revised to a form acceptable to the Borough of Metuchen;

WHEREAS, on February 6, 2012 the Borough executed said revised traffic signal agreement with the State of New Jersey for the intersection of Route 27 and Lake Avenue, in the Borough of Metuchen, County of Middlesex; and

WHEREAS, the revised agreement was deemed unacceptable by the State of New Jersey, Department of Transportation; and

WHEREAS, the Borough of Metuchen has agreed to accept and execute the State of New Jersey, Department of Transportation's standard form of traffic signal agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the said Borough of Metuchen, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of the Agreement being attached hereto and made a part hereof

BE IT FURTHER RESOLVED that the Mayor and the Clerk of the Borough of Metuchen, be and hereby are authorized to execute the Agreement.

Dated: March 19, 2012

RESOLUTION NO. 2012-80

**RESOLUTION AUTHORIZING SUBMISSION TO 2012 DRUG FREE COMMUNITIES
GRANT**

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the New Jersey Department of Health and Human Services for the **DRUG FREE COMMUNITIES SUPPORT** Grant,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, county of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the **DRUG FREE COMMUNITIES SUPPORT** Grant.

Dated: March 19, 2012

RESOLUTION NO.2012-81

RESOLUTION AUTHORIZING TRANSFER RESERVES

WHEREAS, there are unexpended balances in various 2011 appropriation reserve accounts not required for the balance of 2011; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts, **NOW, THEREFORE, BE IT RESOLVED**, that the following transfers be approved:

APPROPRIATION	TRANSFER IN	TRANSFER OUT
LEGAL OE	11,200.00	
BUILDINGS & GROUNDS S&W		2,400.00
STREETS & ROADS S&W		6,000.00
GARBAGE & TRASH S&W		2,800.00
TOTALS	11,200.00	11,200.00

Dated: March 19, 2012

RESOLUTION NO. 2012- 82

RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Chief Financial Officer has requested that the following escrow account be closed and the balance be refunded to the depositors,

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amount indicated, the following escrow balances to the depositors, as the project has been determined to be closed:

POLICE OUTSIDE OVERTIME ESCROW ACCOUNT	AMOUNT	DEPOSITOR
OT 087	216.00	Schifano

Dated: March 19, 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 **\$185,344.89** was approved.

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 8:29pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk