

BOROUGH COUNCIL
MINUTES –MARCH 5, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, March 5, 2012. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Council President Cammarano 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 and Borough Clerk Harris.

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 a presentation given by Councilman Muldoon on the Parking Authority project will be added to the agenda following the agenda session.

Councilwoman Rasmussen stated that the Shade Tree Commission has begun planting trees early this year and would like more of their budget monies made available sooner in order to continue planting additional trees.

Mayor Vahalla stated that the Shade Tree Commission's representatives can speak regarding receiving all of their yearly allocation.

Council President Cammarano asked to have item number 10, Resolution R2012-77 removed from the consent agenda.

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.

George Fromm (Shade Tree Commission Member) discussed the reasons for requesting to have all of the plantings for the Shade Tree to occur earlier this year and in one planting as oppose to two.

Tracey Gelber (Shade Tree Commission Chairperson) stated that to have 34 trees planted would cost \$8, 500. Mayor Vahalla asked if any of the donation money and trees owed to the Borough by developers are being included in the total number of trees planted.

Borough Attorney Murphy discussed his concerns with altering the original RFP proposal without resoliciting for proposals from contractors.

Borough Administrator Boerth stated that the process does not have to be lengthy. The proposals should be out for approximately 10 days and then award can coincide with the next Council meeting. The issue would be with making the arrangements with the winning contractors as far as any scheduling concerns.

Borough Attorney Murphy suggested placing a date in which all the trees must be planted by in the RFP.

Borough Administrator Boerth stated if the additional monies could be allocated from the donations line then the project would not have to go back out for proposals.

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

PEARL STREET REDEVELOPMENT PROJECT

Councilman Muldoon updated the Borough Council on the status of the Pearl Street Redevelopment Project. Councilman Muldoon stated that the Parking Authority is still in the planning process for the project.

REPORTS OF COUNCIL

Council President Cammarano stated that the Citizens Academy has begun. The current session has approximately 20 participants.

Council President Cammarano expressed concern about the amount of daytime utility work being done on Main Street. Council President Cammarano would like to continue to closely monitor this issue and possibly address it with an Ordinance that regulates hours of operation for non emergency utility work.

RECREATION

Councilman Wallace stated that he has heard great reviews regarding the Daddy Daughter Dance.

Councilman Wallace stated that Public Service needs to clean up all of the trees debris they have cut down along the Greenway.

Councilman Wallace also discussed the ongoing issue with the influx of water onto Route 27 along the section of Essex Avenue. Councilman Wallace has requested that Borough Administrator Boerth contact the New Jersey Department of Transportation and the Borough Engineer to set up a meeting to address the ongoing issue.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the Chamber's Annual Installation and Awards Dinner will be taking place on March 10th at 6:30pm at the Pines Manor in Edison.

Councilwoman Rasmussen reminded everyone to patron local businesses in Metuchen.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the Communications Consent Agenda items number 4-8 were approved.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that Rich DeSimone has improved a number of links on the MeTV's homepage of the Borough's website.

MAYOR'S REPORT

Mayor Vahalla stated the Borough housed a meeting with many Middlesex County Mayors and Congressman Pallone. The meeting led to discussions regarding possible grants for fire apparatus and a meeting to discuss the possibility of shared services with Highland Park in the police dispatcher's position. Mayor Vahalla also stated that the new starting date for the new recycling program has been set for April 2nd.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda items numbered 4-9 and 11, encompassing resolutions R2012-71 through R2012-66 and R2012-78 were approved.

RESOLUTION NO. 2012-71

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR DCR LANDSCAPING-BLOCK 48.01 LOT 2.01 –70 LEONARD STREET

WHEREAS, DCR Landscaping, has requested a refund of the performance guarantees for improvements on Block 48.01 Lot 2.01-70 Leonard Street; and

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

WHEREAS, the Project Engineer, in a letter dated February 15, 2012 recommends the full release of the performance guarantees in the amount of \$11,384.16 (posted in cash), plus accrued interest, and \$102,457.44(posted in the form of surety bond) pending the posting of a two-year maintenance guarantee in the amount of \$17,076.24 and payment of any necessary outstanding escrow fees; 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 guarantees plus accrued interest in the amounts directed by the Project Engineer to DCR Landscaping and Construction Inc., PO Box 4195, Metuchen, NJ 08840 upon posting of a two year maintenance bond in the amount of \$17,076.24 and payment of any outstanding fees.

Dated: March 5, 2012

RESOLUTION NO. 2012-72

RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR THE WESTERHOFF FAMILY FOUNDATION-BLOCK 145 LOTS 95, 96.01, 96.02, 97 AND 98–WESTERHOFF SCHOOL OF ART-5 CALVIN PLACE

WHEREAS, The Westerhoff Family Foundation has requested a refund of the maintenance guarantee for improvements to Block 145 Lots 95, 96.01, 96.02, 97 and 98-Westerhoff School of Art-5 Calvin Place; and

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

WHEREAS, the Project Engineer, in a letter dated February 16, 2012 recommends the full release of the maintenance guarantee in the amount of \$6,152.25 (posted in cash) plus any accrued interest , pending payment of any necessary outstanding escrow fees; 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 maintenance guarantee in the amount of \$6,152.25, plus accrued interest, as directed by the Project Engineer to The Westerhoff Family Foundation, 26 Young Court, Chester, NJ 07930-2479 upon payment of any outstanding fees.

Dated: March 5, 2012

RESOLUTION NO. 2012-73

RESOLUTION AUTHORIZING APPOINTMENT OF FIREFIGHTER – PATEL

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

Dated: March 5, 2012

RESOLUTION NO. 2012-74

RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

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:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
07-798 E	921.25	A thru Z Equities LLC 50 Homer Place
10-904 E	267.89	George McGrath 251 Woodbridge Avenue
11-923 E	307.50	Paul Sherbine 23 Tulsa Avenue
11-926 E	585.75	Pearl Street Associates, LLP 12-22 Center Street

Dated: March 5, 2012

RESOLUTION NO.2012-75
REFUND 2011 AND 2012 TAXES

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Chase for Rita Patel	85/1.01 C001	63 Center Street	\$440.68	Overpayment	2012/1st qtr
Chase for Paula Portner	224/65	119 Hazelwood Avenue	\$2,274.39	Overpayment	2011/4th qtr

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$2,715.07.

Dated: March 5, 2012

RESOLUTION NO.2012-76
RESOLUTION AUTHORIZING AMENDMENT TO TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2012, effective March 5, 2012:

Police OE	OE	22,200.00
	TOTAL	22,200.00

Dated: March 5, 2012

RESOLUTION 2012-78
RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE BOROUGH OF METUCHEN FOR THE PURCHASE OF PROPERTY FOR PUBLIC USE

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 purchased from TD Bank; 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, a copy of the Agreement being attached hereto and made a part hereof;

WHEREAS, the Borough of Metuchen deems it in the best interest of the Borough and its residents to accept the terms and conditions of the sale of the Property and authorize the entry into the Agreement with the State of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the Borough of Metuchen are hereby authorized to enter into the Agreement to Sell Property for Public Use between the State of New Jersey and the Borough of Metuchen in the form attached hereto; and

BE IT FURTHER RESOLVED that the Mayor and the Clerk of the Borough of Metuchen, are hereby authorized to execute the Agreement to Sell Property for Public Use between the State of New Jersey and the Borough of Metuchen in the form attached hereto on behalf of the Borough of Metuchen; and

BE IT FURTHER RESOLVED that the Administrator, Municipal Clerk and any other Borough official or employee shall take all necessary action in order to effectuate the within Resolution.

Dated: March 5, 2012

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor resolution R2012-77 was approved.

RESOLUTION NO. 2012-77

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLE

WHEREAS, there exists a need for vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #T2776 and A-79009; and

WHEREAS, the maximum amount of the purchase of a 2012 Dodge Charger in the Borough of Metuchen is 22,409.69 and funds will be available in the 2012 budget as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, NJ 08034.

Dated: March 5, 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 **\$586,439.47** was approved.

ORDINANCE INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2012-2 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. 2012-2 was passed on first reading, published according to law and a public hearing date set for March 19, 2012

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

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 5, 2012

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2012-3 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. 2012-3 was passed on first reading, published according to law and a public hearing date set for March 19, 2012

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

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 CONSIDERATION 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 have 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 5, 2012

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 9:23p.m.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk