

BOROUGH COUNCIL  
MINUTES –MAY 21, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, May 21, 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 Wallace, Rasmussen, Rubin, Muldoon, Grayzel 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 Rasmussen, with all in favor the agenda session was opened.

Council President Cammarano stated that the introduction of Ordinance 2012-5 will be removed from the agenda for discussion at a later meeting.

Mayor Vahalla stated that he will be appointing Councilwoman Rasmussen to the Dismal Swamp Commission as well as Ms. Beth Strom to the Environmental Commission. Borough Clerk Harris stated that the appointment to the Dismal Swamp Commission was already listed as a Resolution on the agenda.

Mayor Vahalla also stated that the Technology Committee will be giving a report regarding the community survey they created and administered throughout the year.

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

PROCLAMATION-

Councilwoman Rubin read the Proclamation to the public.

**WHEREAS**, Brownie Troop #80611, under the leadership of Cara Cuite, Carla Trolaro and Discretion Winter, has been working on a ‘Brownie Quest Journey; and

**WHEREAS**, the 13 second grade girls from Campbell and St. Francis schools chose a “Taking Action” project as a part of this journey; and

**WHEREAS**, the focus of this project was to participate in Earth Day 2012; and

**WHEREAS**, the Brownie Troop and parents decided to plant a redbud tree at the Metuchen Public Library, along Middlesex Avenue, on April 21, 2012; and

**WHEREAS**, the Brownies have assumed the responsibility of regularly watering and otherwise caring for this tree,

**NOW, THEREFORE, BE IT PROCLAIMED I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN**, on behalf of the Borough Council of the Borough of Metuchen, does hereby wish to acknowledge the hard work of this troop and thank the members of Brownie Troop #80611, the leaders and parents, for their efforts in beautifying one of the Borough’s public building.

Dated: May 21, 2012

PRESENTATION-SWAG-IT

Mayor Vahalla described the new program the Borough has attained regarding viewing council meetings and minutes. Councilman Muldoon gave a brief explanation of how the new “Swag It” program works.

PRESENTATION-BREAKING THE CHAIN

Mayor Vahalla recognized the students of Metuchen High School involved with the Breaking of the Chain project. This project was begun to help stop slavery and to build a school in an impoverished country. The organization has raised approximately \$100,000 and an award of

\$5,000 from Cablevision to help with the cause. The school will be finished this September which will house 240 students.

### **APPROVAL OF MINUTES**

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Council minutes of January 17, 2012 and February 6, 2012 were approved.

### **DISCUSSION-CABLE TV AND TECHNOLOGY COMMITTEE**

Mr. Mike Guarino and Ms. Beatrice Moskowitz discussed the Borough survey results regarding programming on MeTV. Some areas of concern that were discussed included placing a highlight section for any new programs being aired on the website for viewing. A second issue was having more formalized procedures to have the Borough website updated and the possibility of having the vendor train an employee to update the website on their own. The survey also uncovered that the residents would like to see more updated information and programming on the PEG Channel. The Cable TV and Technology Committee would like to have an appointment from the Board of Education to its committee.

### **PROCLAMATION-METUCHEN HIGH SCHOOL COURTYARD**

Mayor Vahalla stated that the dedication of the Courtyard will take place on June 5<sup>th</sup>. The Mayor will read the proclamation at the event.

**WHEREAS**, World Environment Day is held each year on June 5 and is one of the principal vehicles through which the United Nations stimulates worldwide awareness of the environment and enhances political attention and action; and

**WHEREAS**, The World Environment Day 2012 slogan is "Forest: Nature at your service"; and

**WHEREAS**, The Metuchen High School Culture Club with the assistance of the Garden Club, and Metuchen High School drafting and German students seek to promote an environmentally friendly atmosphere on the school grounds; and

**WHEREAS**, The Metuchen High School organizations have chosen to beautify the courtyard on the grounds of the high school which included the planting of four new trees; and

**WHEREAS**, the students recognize the benefits of trees as part of a stable global environment as well as enhancing the quality of life in our community; and

**WHEREAS**, the Metuchen High School project participants wish to dedicate the newly enhanced courtyard in conjunction with World Environment Day on June 5, 2012;

**NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**, on behalf of the Borough Council of the Borough of Metuchen do hereby proclaim June 5, 2012 as the official celebration of the dedication of the newly beautified and environmentally sustainable Metuchen High School Courtyard dedication as well as World Environment Day 2012.

**FURTHER**, the Metuchen High participants should be commended on the foresight and project planning furthering the cause to promote a cleaner, greener future for all.

Dated: May 21, 2012

### **PUBLIC COMMENT**

Mayor Vahalla opened the meeting for public comment.

Walter Zjawin( 218 Center Street) congratulated the Brownies and the Breaking the Chain Organization on their accomplishments. Mr. Zjawin also stated that at this years Memorial Day Parade, on May 28, all of the Grand Marshalls will be women to honor their service to their country.

Tim Kelly(64 Pleasant Place) asked when the proposals for the Pearl Street parking Lot Development were due.

Councilman Muldoon stated that the developers have 45 days from the receipt of the revised criteria which was sent out last week.

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

### **ORDINANCE-INTRODUCTION**

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2012-4

**BOND ORDINANCE APPROPRIATING \$1,088,700 AND AUTHORIZING \$770,070 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY**

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

Borough Clerk Harris read Ordinance 2012-4 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 Rubin, with all in favor said Ordinance 2012-4 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.**

**BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**Section 1.** The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$1,088,700, said sum being inclusive of all appropriations heretofore made therefore and including (i) the sum of \$40,530 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes, (ii) a grant from the New Jersey Department of Transportation totaling the amount of \$250,000, and (iii) a Community Development Block Grant from Middlesex County in the amount of \$28,100 (items (ii) and (iii) are collectively referred to as the "Grant").

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$1,088,700 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$770,070 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$770,070 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) the acquisition of a public works garbage truck, brush chipper, communications equipment, and repairs to the Jersey Avenue pump station; (ii) the acquisition of equipment for the Fire Department, including, but not limited to, personal protective equipment; (iii) the acquisition of two police SUVs and equipment, digital mobile vision cameras, duty weapons and computer system upgrades; (iv) improvements to sewers; (v) overlay, drainage improvement and reconstruction of Liberty Street and curb/sidewalk repair; and (vi) administration computer server upgrades, and telephone system server and telephone upgrades, including all materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$770,070.

(c) The estimated cost of said purposes is \$1,088,700 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$1,088,700 over the estimated maximum amount of bonds or notes to be issued therefor and the Grant is the amount of the down payment for said purposes.

**Section 4.** The following matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized

for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 16.32 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$770,070, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$88,107 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

**Section 5.** Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the Grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

**Section 6.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

**Section 7.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

**Section 8.** The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$770,070. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

**Section 9.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **COMMUNICATIONS AGENDA**

On a motion by council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Communications agenda items numbered 8-11 were approved.

8. Receive and Approve Block Party Request by Robert Harrison for Bounty Street on May 27, 2012-Rain date May 28, 2012(Road Closure).
9. Receive and Approve Block Party Request by Mark Herzberg for Bissett Place on June 16, 2012 (Road Closure).
10. Receive and Accept Chamber of Commerce Spring Street Fair Application for June 3, 2012 (Certificate of Insurance on File)
11. Receive and Accept Chamber of Commerce Country Fair Application for October 6, 2012 (Certificate of Insurance on File)

### **COUNCIL REPORTS**

Council President Cammarano stated he had no report.

### **RECREATION**

Councilman Wallace stated that the flyers for the summer programs were printed and forwarded to all of the schools.

### **CHAMBER OF COMMERCE**

Councilwoman Rubin stated that the annual golf outing at the Metuchen Country Club is being postponed to June 5<sup>th</sup> due to inclement weather. Councilwoman Rubin also stated that the Memorial Day parade will be Monday, May 28<sup>th</sup> and that all should attend and show their support for the many women serving in the armed services. Councilwoman Rubin continued to discuss both the 2<sup>nd</sup> Annual Farmers Market as well as the next “Cash Mob” occurring on May 25<sup>th</sup> at 5:30 at Marafiki and then moving to Café Paris.

#### SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission is gearing up for its plantings and that anyone interested in a tree needs to contact the Shade Tree Commission via the Borough website. Councilwoman Rasmussen also stated that the first two names have been added to the Tree of Life Plaque and that anyone else interested in a donation to have an event memorialized should contact the Shade Tree Commission. Councilwoman Rasmussen also stated that she and several others met with both PSE&G and a Rutgers Cooperative Extension Forrester regarding the pruning of Borough trees.

#### YOUTH SERVICES

Councilwoman Rasmussen stated that the Youth Service Board is discussing topics for its next Town Talks event scheduled for August 14<sup>th</sup> at 6pm in conjunction with National Night Out.

#### ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission met with an Eagle Scout to discuss his Eagle Scout project.

Councilwoman Rasmussen also stated that the Commission discussed the possibility of having all of the restaurant owners in town utilize recyclable carryout containers. The owners would get together and order them jointly in order to receive a discounted bulk rate as well as helping to eliminate garbage entering the landfills.

#### POOL

Councilman Muldoon stated that the Metuchen Municipal Pool will open this Memorial Day weekend, extending through Tuesday due to the additional school closing. Pool Memberships are still available and the application is available on the Metuchen website.

#### HISTORICAL

Councilman Muldoon stated that Downtown Historical Scavenger Hunt is continuing for approximately another week. All submissions are due by the end of May.

#### REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

#### REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

#### REPORT OF MAYOR

Mayor Vahalla requested that when residents put garbage out to please leave space between the garbage cans so that the garbage truck arms can access the pails. Mayor Vahalla reminded everyone to attend the Memorial Day parade. Mayor Vahalla discussed resolution Number 2012-117. This resolution will allow the Borough to discuss having the Greenway expanded going towards the Raritan River and the bay. Conrail is seeking to have a Rail Stop placed to house some of its trains which would allow neighboring towns to negotiate having the Greenway extended. Mayor Vahalla stated that in discussions with PSE&G they have agreed to attempt to give the Borough trees to replace the trees that have been destroyed due to the trimming efforts of PSE&G.

Council President Cammarano stated that PSE&G is also replacing many poles in town and that the old ones are not being removed. The Borough has requested that a schedule be given out as to when the old poles will be removed.

Councilman Muldoon asked why trees can not be planted on the opposite side of the street which does not have trees located on it.

Mayor Vahalla stated that the Shade tree commission is looking into planting the trees further in on the Borough right of way or even possibly on the opposite side of the street as well as the possibility of lower growing trees.

NEW BUSINESS/CONSENT AGENDA ITEMS

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor, except Councilwoman Rasmussen who abstained regarding R2012-127, the New Business Agenda items numbered 13-28, encompassing Resolution #'s 2012-112 through 2012-127 were approved.

**RESOLUTION NO. 2012-112**

**REFUNDING STREET OPENING BOND-126 CHRISTOL STREET BLOCK 97 LOT 63**

**WHEREAS**, on April 24, 2012 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mandell Plumbing and Heating as the required Performance Guarantees for Street Opening #12-020 (2012)–126 Christol Street; 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, Michael Mandell Plumbing and Heating Inc., 17 Oliver Street, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: May 21, 2012

**RESOLUTION NO. 2012-113**

**REFUNDING STREET OPENING BOND-134 NORRIS AVENUE BLOCK 4.1 LOT 23**

**WHEREAS**, on April 25, 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 #12-021 (2012)–134 Norris 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: May 21, 2012

**RESOLUTION NO. 2012-114**

**RESOLUTION AUTHORIZING GRANT SUBMITTAL TO VERIZON FOUNDATION  
GRANT PROGRAM**

**WHEREAS**, the Borough of Metuchen desires to participate in a grant program by submitting an application to Verizon Foundation Grant Program,

**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 Verizon Foundation Grant Program; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with Verizon.

Dated: May 21, 2012

**RESOLUTION NO. 2012-115**

**RESOLUTION AUTHORIZING GRANT SUBMITTAL FOR TARGET AND BLUE LAW  
ENFORCEMENT GRANT PROGRAM**

**WHEREAS**, the Borough of Metuchen desires to participate in a grant program by submitting an application to the local Target Retail Store for the Target and Blue Law Enforcement Grant Program,

**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 TARGET AND BLUE LAW ENFORCEMENT Grant Program; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with the local Target retail Store.

Dated: May 21, 2012

**RESOLUTION NO. 2012-116**

**RESOLUTION AUTHORIZING GRANT SUBMITTAL TO STATE FARM SAFETY  
GRANT PROGRAM**

**WHEREAS**, the Borough of Metuchen desires to participate in a grant program by submitting an application to State Farm Safety Grant Program,

**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 State Farm Safety Grant Program; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with State Farm.

Dated: May 21, 2012

**RESOLUTION NO.2012-117**

**RESOLUTION URGING EXPANSION OF THE MIDDLESEX GREENWAY**

**WHEREAS**, there is a pending joint application prepared and submitted by the New Jersey Department of Transportation in partnership with Federal Business Centers, Inc., Bayshore Recycling Corp., Consolidated Rail Corporation, and Raritan Central Railroad for a United States Department of Transportation Tiger (Transportation Investment Generating Economic Recovery) IV grant to create "The Raritan Industrial Multimodal Hub" ("HUB"), and

**WHEREAS**, this "HUB" would create a multimodal freight transportation hub integrating marine highway, rail and truck service by realigning and rehabilitating the Raritan Industrial Track to accommodate 286,000 lb railcars, complete the Chemical Coast Line connection with the Raritan Industrial Track through construction of a direct southbound to westbound turnout and the reconstruction of an initial portion of dilapidated Raritan Wharf, and

**WHEREAS**, the proposed one track freight line to service the "HUB" would be located less than one hundred yards from the present termination point of the "Middlesex Greenway" , a 3.5 mile linear park which is about to open and has already generated use by hundreds of bicyclists, runners and walkers before its construction is even complete, and

**WHEREAS**, there is 65 rails with trails encompassing more than 385 miles of trails in thirty states with another 82 trails proposed or planned with the nearest operating rails with trails being the Traction Line Recreational rail in Morristown , New Jersey; and

**WHEREAS**, one half of the aforementioned trails are adjacent to Class I mainline or other freight railroad lines; and

**WHEREAS**, there is 100 feet of right of way width owned by Conrail from Perth Amboy through to Garden State Parkway and thereafter the right of ways are narrower but the adjoining property owned by various private sector partners in the application and such width would allow a continuation of the Middlesex Greenway to the Arthur Kill and Raritan Center; and

**WHEREAS**, this considerable right of way can easily accommodate a one track freight line and a trail for the public by installing a ten feet to twenty five foot separation with either fencing ; a low wall or a vegetative barrier; and

**WHEREAS**, the **Federal I** Highway Administration Office of Planning, Environment and Realty has issued a treatise called "Rails with Trails: Lessons Learned" which outlines various designs alternatives as well as observed that there is an almost non-existent record of claims, crashes or other problems with any existing rail with trail facility and that the rail lines have experienced a reduction in trespassing, dumping and vandalism; and

**WHEREAS**, The " HUB "requires the acquisition of a parcel of land by Conrail owned by the Perth Amboy Board of Education and must offset the potential air quality and noise as well as the potential for adverse effects of Environmental Justice populations; and

**WHEREAS**, a number of employees of the businesses in Raritan Center utilized bicycles for transportation to their places of employment are forced to travel along dangerous thoroughfares with trucks and other large motor vehicles and these same employees are from Environmental Justice populations; and

**WHEREAS**, a rail with trail component to the "HUB" would greatly enhance the transportation opportunities for Environmental Justice populations, provide recreational opportunities to residents of the City of Perth Amboy and expand the Middlesex County Greenway for the benefit of all Middlesex County residents, and

**WHEREAS**, both the 1995 and 2003 Middlesex County Open Space Plan have identified a greenway running along this railroad corridor running from Perth Amboy to

South Plainfield and the 2009 Woodbridge Master Plan proposed a connection from the proposed East Coast Greenway along the Raritan River to the Middlesex Greenway, and

**WHEREAS**, the Middlesex County Open Space Fund has adequate funds to pay for the design and construction for a proposed rail with trail and said trail can be incorporated into the TIGER IV application which will improve its chances for approval;

**NOW THEREFORE IT IS RESOLVED** that

1. Conrail and Raritan Central Railroad shall permit the County of Middlesex to design and construct a rail with trail in its right of way to connect with the Middlesex County Greenway from the Arthur Kill to Raritan Center.
2. Copies of this resolution shall be sent to Middlesex County Board of Freeholders; Middlesex County Planning Board; Middlesex County Transportation Coordinating Committee; Robert A. DeSando c/o New Jersey Department of Transportation; W. Scott Douglas c/o New Jersey Department of Transportation, Jonathan Broder c/o Consolidated Rail Corporation; Peter Visceglia, c/o Federal Business Center; Valerie Montecalvo c/o Bayshore Recycling Corp.; Eyal Shapira c/o Raritan Central Railway; Brian Tobin c/o Rutgers Center for Advanced Infrastructure & Transportation; Mayor and Council of the Township of Edison; Mayor and Council of the Township of Woodbridge; Mayor and Council of the City of Perth Amboy; Senator Barbara Buono; Assemblyman Peter J. Barnes; Assemblyman Peter J. Diegnan; Senator Joseph Vitale; Assemblyman Craig J. Coughlin and Assemblyman John S. Wisniewski.

#### **RESOLUTION NO.2012-118**

#### **RESOLUTION SUPPORTING A-2717 EXTENDING THE TIME PERIOD FOR MUNICIPALITIES TO COMMIT TO EXPEND COLLECTED DEVELOPMENT FEES AND PAYMENTS –IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS**

**WHEREAS**, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be "committed for **expenditure**, or risk forfeiture to the State;" and

**WHEREAS**, the 2008 Act did not define the term "committed for expenditure" and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for "committed" as well as a timetable for expenditures; and

**WHEREAS**, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

**WHEREAS**, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

**WHEREAS**, at the time of 2008 Act, COAH was prepared to adopt its "3<sup>d</sup> round regulations" establishing municipal obligations under the "Fair Housing Act"; and

**WHEREAS**, COAH's 3<sup>rd</sup> round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

**WHEREAS**, Eight-years of litigation over COAH's methodology has had a -chilling 'effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

**WHEREAS**, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

**WHEREAS**, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

**WHEREAS**, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen urges our State Legislators to **support and approve A-2717**, which will

provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the sponsor of A2717, Senator Barbara Buono, Assemblyman Peter J. Barnes and Assemblyman Patrick J. Diegnan Jr., members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the office of the Governor.

Dated: May 21, 2012

**RESOLUTION NO.2012-119**  
**RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

**WHEREAS**, while that right should be the exception, it has become the rule; and right should be the exception, it has \_\_\_\_\_ become the rule; \_\_\_\_\_ and \_\_\_\_\_

**WHEREAS**, by using \_\_\_\_\_ tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

**WHEREAS**, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

**NOW THEFORE BE IT RESOLVED**, by the Mayor and Governing Body of the Borough of Metuchen, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

**BE IT FURTHER RESOLVED**, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

**BE IT FINALLY RESOLVED**, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

**RESOLUTION NO. 2012-120**

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN  
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED  
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

**WHEREAS**, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2012, and the Borough of Metuchen Tax Collector will be unable to mail the Borough's 2012 tax bills on a timely basis,

**WHEREAS**, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range and the range of permitted estimated tax levies:

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY** on the 21st of May, 2012, as follows:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2012 taxes. The Tax Collector shall proceed on May 22nd, 2012 and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2012 is hereby set at \$51,564,815.51.
3. In accordance with law the third installment of 2012 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Dated: May 21, 2012

**RESOLUTION NO.2012-121**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-006 –ROHIT PALEJA –  
156 MAIN STREET**

**WHEREAS**, Rohit Paleja posted \$81.00 for sidewalk escrow fees at 156 Main Street;  
and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Rohit Paleja,

**NOW, THEREFORE, BE IT RESOLVED**, that Rohit Paleja be refunded \$81.00 from The Sidewalk Inspection Escrow account.

Dated: May 21, 2012

**RESOLUTION NO.2012-122**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-019 –PETER  
KACZMAREK – 40 BROCKTON COURT**

**WHEREAS**, Peter Kaczmarek posted \$192.00 for sidewalk escrow fees at 40 Brockton Court; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Peter Kaczmarek,

**NOW, THEREFORE, BE IT RESOLVED**, that Peter Kaczmarek be refunded \$192.00 from the Sidewalk Inspection Escrow account.

Dated: May 21, 2012

**RESOLUTION NO.2012-123**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-021 –CONDE  
CONSTRUCTION – 24 SCHOOL STREET**

**WHEREAS**, Conde Construction posted \$310.00 for curb, apron and sidewalk escrow fees at 24 School Street; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that Conde Construction be refunded \$310.00 from the Sidewalk Inspection Escrow account.

Dated: May 21, 2012

**RESOLUTION NO.2012-124**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-024 –NASSAU  
DEVELOPMENT VII, LLC - 10 JERSEY AVENUE**

**WHEREAS**, Nassau Development VII, LLC posted \$352.00 for apron escrow fees at 10 Jersey Avenue; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Nassau Development VII, LLC,

**NOW, THEREFORE, BE IT RESOLVED**, that Nassau Development VII, LLC, be refunded \$352.00 from the Sidewalk Inspection Escrow account.

Dated: May 21, 2012

**RESOLUTION NO. 2012-125**

**REFUNDING STREET OPENING BOND-RIGHT OF WAY ON SYDNEY PLACE**

**WHEREAS**, on March 13, 2012 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by PT Consultants as the required Performance Guarantees for Street Opening #12-011 (2012)-Sydney Place right of way ; 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 ,PT Consultants, 629 Creek Road, Bellmawr, NJ, 08031 as recommended by the Director of Public Works.

Dated: May 21, 2012

**RESOLUTION NO.2012-126**

**REFUND OF 2012 TAXES**

**WHEREAS**, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
LoanCare for Samual/Valerie Jones	145/50.2	20 Halsey Street	\$1,105.78	Overpayment	2012/1st qtr
LSCS Properties LLC	197/61 C0104	239D Amboy Ave	\$375.85	Overpayment	2012/2nd 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 \$1,481.63.

Dated May 21, 2012

**RESOLUTION NO.2012-127**

**RESOLUTION AUTHORIZING APPOINTMENT TO DISMAL SWAMP COMMISSION**

**WHEREAS**, an act authorizing establishment of the Dismal Swamp Preservation Commission and Supplementing Title 40 of the Revised Statutes, also known as P.L. 2009, Chapter 132, has taken effect on October 1, 2009; and

**WHEREAS**, said act requires two residents of Borough of Metuchen be appointed by governing body of Borough of Metuchen; and

**WHEREAS**, said appointments consisted of Mayor Thomas Vahalla and Ms. Ann Sardone; and

**WHEREAS**, Ms. Ann Sardone with regret has tendered her letter of resignation from said Commission; and

**WHEREAS**, said resignation has created a vacancy on the Dismal Swamp Commission;

**WHEREAS**, Mayor and Council wish to fill said vacancy with the appointment of Ms. Dorothy Rasmussen.

Dated: May 21, 2012

**BILL RESOLUTION**

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen with all in favor the meeting the bill list resolution in the amount of \$11,476,526.73 was approved.

**APPOINTMENTS**

Mayor Vahalla appointed Beth Strom to the Environmental Commission with a term to expire on 1/1/14. On a motion by council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the appointment was approved.

**PUBLIC COMMENT**

Mayor Vahalla opened the meeting for public comment.

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

**ADJOURNMENT**

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the meeting was adjourned at 8:53 p.m.

Respectfully Submitted:

Kathryn Harris  
Municipal Clerk