

BOROUGH COUNCIL
MINUTES –MAY 7, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 16, 2012. The Meeting was called to order at 6:30 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 Wallace, Rasmussen, Muldoon, Grayzel, and Council President Cammarano.

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

DISCUSSION-CAPITAL BUDGET LIBRARY

Ms. Melody Kokola, Elizabeth Waldron, Bernard Ackerman and Linda Koskoski discussed the Library's Capital Budget requests.

Mayor Vahalla asked how the improvements to the Children's Wing are proceeding.

Ms. Kokola stated that the Library is still in the beginning stages regarding that project.

AGENDA SESSION

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

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

PRESENTATION-PEARL STREET DEVELOPMENT

Councilman Muldoon explained the findings from the meeting with both the Chamber of Commerce and the public meeting held on April 17th. Councilman Muldoon stated that the meeting did not discuss a specific proposal just some ideas that both the Chamber of Commerce and the public would like to see at the Pearl Street Lot location.

APPROVAL OF MINUTES

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Council minutes of December 19, 2011 and January 3, 2012 were approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Byron Sondergard(62 Kempson Place) asked what is done with the old Library computers.

Council President Cammarano stated that they are very used and have no monetary value so they are given to the Department of Public Works for the proper disposal.

Mr. Sondergard then questioned the Pearl Street Lot presentation.

Councilman Muldoon stated that they are still in the fact finding stages and that nothing has been decided as of yet. Having retail space is still an idea and to provide the Borough with something it does not already have.

Walter Zjawin (218 Center Street) provided a list of questions to be answered by the Council.

Council President Cammarano stated that the questions Mr. Zwjawin is proposing are all questions that Council has also been addressing.

Nelson Li(16 Bounty Street) stated that he was the volunteer manager for the Farmer's Market held in Metuchen and that the potential development on the Pearl Street lot would be an advantageous space for the farmers market to continue.

Lisa McCallister(SEIU Local 32BJ) stated her concerns regarding one of the potential developers being considered for the Pearl Street Lot project.

Michael Sudol(43 Salem Court) addressed his concerns with the unfinished development at the Renaissance Property.

Tyreen Reuter(16 Durham Avenue) stated that she was in favor of careful development of the Pear Street Lot.

Janna Morishima(182 Amboy Avenue) stated that she feels that a Green Market is a viable option for the Pearl Street Lot Development.

Grace Shakney(379 Middlesex Avenue), as an Arts Council member, expressed her desire to have a place where cultural events could be held.

Gideon Gelber(24 School Street) stated he was in favor of having the Farmer's Market to continue to be a part of the new development plan for the Pearl Street Lot because it would keep people present at that location.

Councilman Grayzel asked if there were any changes made to the Pearl Street Lot plan would the Developer have to go before the Planning Board.

Mayor Vahalla stated that the Parking Authority would make a decision as to which plan they would like to choose for the development and if that plan required zoning changes then it would go before the Planning Board which then would come before Council for adoption of those changes.

Councilman Grayzel then asked if there were no zoning changes involved with the chosen development plan then there would be no say by the Borough as to the plan.

Mayor Vahalla stated that the Planning Board would be involved because site plan approval would be needed.

Council President Cammarano stated that the Borough has always had a good working relationship with the Parking Authority and has no doubt that it will continue.

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

PROCLAMATIONS/RESOLUTIONS HONORING

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Proclamations/Resolutions honoring have been approved.

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and

WHEREAS, Thomas Faggioni, a Saint Francis Cathedral School student, has been an active member of Cub Scout Pack 69; and

WHEREAS, Thomas's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, Thomas has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, Thomas will be bridging to Boys Scouts where he will join Troop 66 to continue his scouting endeavors; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize Thomas Faggioni for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and

WHEREAS, Alexander Koskoski, a Metuchen resident and Edgar School student, has been an active member of Cub Scout Pack 69 since 2007; and

WHEREAS, Alexander's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, Alexander has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, Alexander will be bridging to Boys Scouts to continue his scouting endeavors; and **NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN** on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize Alexander Koskoski for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and

WHEREAS, Michael Cyran, a Metuchen resident and Edgar School student, has been an active member of Cub Scout Pack 69 since 2007; and

WHEREAS, Michael's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, Michael has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, Michael will be bridging to Boys Scouts and hopes to become an Eagle Scout; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize Michael Cyran for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and

WHEREAS, Eric Bernheimer, a Metuchen resident and Edgar School student, has been an active member of Cub Scout Pack 69 since 2010; and

WHEREAS, Eric's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, Eric has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, Eric will be bridging to Boys Scouts to continue his scouting endeavors; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize Eric Bernheimer for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and

WHEREAS, David Dunn, a Metuchen resident and Edgar School student, has been an active member of Cub Scout Pack 69; and

WHEREAS, David's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, David has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, David will be bridging to Boys Scouts to continue his scouting endeavors; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize David Dunn for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Robert Baden Powell was the founder of Scouting in 1907, and the Boy Scouts of America was founded in 1910; and

WHEREAS, the Boy Scouts of America's mission is to help facilitate the acquisition of responsible character and integrity as the participant moves from a child to a young man; and **WHEREAS**, Colin Hueston, a Metuchen resident and Edgar School student, has been an active member of Cub Scout Pack 69 since 2007; and

WHEREAS, Colin's dedication and persistence has helped him to achieve many recognitions while with his Pack such as the Super Achiever Award; and

WHEREAS, Colin has earned the Arrow of Light award which is the highest rank a Cub Scout can earn; and

WHEREAS, Colin will be bridging to Boys Scouts to continue his scouting endeavors; and

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN on behalf of the Council and the residents of the Borough of Metuchen, do hereby recognize Colin Hueston for his accomplishments as a Cub Scout and his future achievements as a Boy Scout and for the outstanding example he has set for the youth of Metuchen.

Dated: May 7, 2012

WHEREAS, Eagle Scout is the highest rank which can be earned by a Boy Scout and is achieved by less than 2% of all scouts; and

WHEREAS, Ryan Seesselberg, a member of Boy Scout Troop 17 has been awarded the rank of Eagle at a special Eagle Court of Honor; and

WHEREAS, Ryan Seesselberg earned 37 merit badges which 11 were required to become an Eagle Scout; and

WHEREAS, Ryan Seesselberg's Eagle Scout Project involves Community Service such that Ryan chose to beautify Edison Tower Memorial Park; and

WHEREAS, Ryan Seesselberg's project involved landscaping, tree maintenance and the installation of park benches; and

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor, on behalf of the Borough Council of the Borough of Metuchen, does hereby commend and honor **Ryan Seesselberg**, for his fulfillment of the requirements for the rank of Eagle and for his selfless dedication to the Community which holds him as an example of the fine youth that exists in our community.

Dated: May 7, 2012

WHEREAS, Eagle Scout is the highest rank which can be earned by a Boy Scout and is achieved by less than 2% of all scouts; and

WHEREAS, Zachary Stier, a member of Boy Scout Troop 17 has been awarded the rank of Eagle at a special Eagle Court of Honor; and

WHEREAS, Zachary Stier's Eagle Scout Project involves community service such that Zachary chose to organize and direct the refurbishment of the Old Colonial Cemetery in Metuchen to help remember the 63 Metuchen Revolutionary War Veterans laid to rest at that site; and

WHEREAS, Zachary's project involved the removal of all debris, planting of grass and then the installation of a Belgium Block pathway around the site of the Old Meeting House which continued down to the flag and monument; and

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor, on behalf of the Borough Council of the Borough of Metuchen, does hereby commend and honor **Zachary Stier**, for his fulfillment of the requirements for the rank of Eagle and for his selfless dedication to the Community which holds him as an example of the fine youth that exists in our community.

Dated: May 7, 2012

COMMUNICATIONS AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the Communication Consent Agenda items numbered 8-12 were approved.

8. Receive and Accept Parking Authority Minutes-March 20, 2012.

9. Receive and Accept Traffic and Transportation Minutes-March 14, 2012.

10. Receive and Accept Municipal Alliance Board Minutes for February 9, 2012, March 8, 2012 and April 12, 2012 meetings.

11. Receive and Approve Block Party Request by Bolivar Valera for William Street on May 26, 2012(Road Closure).

12. Receive and Approve Picnic Request by Metuchen Reformed Church on Sunday, June 10, 2012 (Road Closure -Franklyn Place from the corner of Lake Avenue to end of Church Property).

COUNCIL REPORTS

Council President Cammarano stated that the Metuchen Police Department did a traffic study on Linden Avenue to decide if speed humps would be appropriate. The study tracked 1700 cars traveling on Linden Avenue had an average speed of 21.9 mph and only 7 cars substantially exceeded the speed limit. The Chief is recommending not installing speed humps on Linden Avenue.

Council President Cammarano stated that the Police Department is strictly enforcing all traffic safety and pedestrian safety laws in the downtown area.

A discussion ensued regarding energy receipts.

MUNICIPAL ALLIANCE

Councilwoman Rasmussen recognized the members of the Municipal Alliance Committee who helped the Town Talks meeting to be such a great success. The meeting received so much coverage that the events were discussed on a local radio station the following day.

DEVELOPMENT

Councilwoman Rasmussen stated that the Development Commission met and discussed the possibility of having a year round Farmer's Market at the Pearl Street Lot.

Councilwoman Rasmussen also stated that she would like to encourage residents to shop and eat in town to help support local business for Mother's Day.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission held an Earth Day event with work being done at Centennial Park.

POOL

Councilman Muldoon stated the Pool Commission will meet next Monday at 7:30 pm and that the pool will be opening Memorial Day weekend.

HISTORICAL PRESERVATION

Councilman Muldoon stated that May is Historical Preservation month and that the Committee's Annual Scavenger Hunt is underway. Entry forms for the scavenger hunt are available at the YMCA, Borough Hall and the Library.

ARTS

Councilman Grayzel stated the Arts Committee met and discussed community outreach programs, June Bug Festival and improvements to the archway located at the Greenway.

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 stated that Metuchen High School is utilizing the excess wood chips from the Department of Public Works so that they do not need to be disposed of it. Mayor Vahalla also stated that there were some issues with the way PSE&G was trimming the trees in the Borough. Councilmembers will be meeting with PSE&G and a tree expert this week. Mayor Vahalla continued to state that MeTV was recognized in two categories by the NJ Access Group Statewide Video Awards and that the Exchange Club will be recognizing Matt Strickland and Kenneth Bauer.

NEW BUSINESS ITEMS

Borough Clerk Harris provided the affidavit of publication.

Mayor Vahalla opened the Resolution to public comment.

Hearing no one wishing to speak the public comment portion was closed.

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor RESOLUTION NO. 2012-95 was adopted.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: None

ABSENT: Councilperson Rubin

See Attached.

NEW BUSINESS/CONSENT AGENDA ITEMS

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the New Business Agenda items numbered 14-25, encompassing Resolution #'s 2012-100 through 2012-111 were approved.

RESOLUTION NO. 2012-100

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 (Kathy 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 (Kathy Elliot) submitted a letter approving Change Order #2 and Final for a net decrease of \$482.60;

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 and Final.

Dated: May 7, 2012

RESOLUTION NO. 2012-101

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, the net decrease to the Borough for Change Order #1 is **\$19,989.88**;

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 #1.

Dated: May 7, 2012

RESOLUTION NO. 2012-102

RESOLUTION AUTHORIZING GRANT SUBMITTAL FOR DRIVE SOBER OR GET PULLED OVER 2012 STATEWIDE CRACKDOWN GRANT

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Highway and Traffic Safety for Drive Sober or Get Pulled Over 2012 Statewide Crackdown 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 **DRIVE SOBER OR GET PULLED OVER 2012 STATEWIDE CRACKDOWN** Grant; 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 Division of Highway and Traffic Safety.

Dated: May 7, 2012

RESOLUTION NO. 2012-103

RESOLUTION AUTHORIZING AMENDMENT R2012-47 -STATE CONTRACT PURCHASE FOR TIRES

WHEREAS, there exists a need to amend resolution R2012-47 to purchase tires for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-71687 and T0123;
and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is amended to an amount not to exceed \$30,000.00 and funds will be available in the 2012 budget; 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 **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817**

Dated: May 7, 2012

RESOLUTION 2012-104

RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A DEVELOPER'S AGREEMENT BETWEEN DAG HOLDINGS, LLC. AND THE BOROUGH OF METUCHEN

WHEREAS, EMIL DEPASQUALE (the "Applicant"), having an address of 457-459 Main Street, Metuchen, New Jersey 08840 identified as Block 114, Lot 11 on the tax Map of the Borough of Metuchen, County of Middlesex and **DAG HOLDINGS, LLC** (the "Developer"), having its offices at 67 Center Street, Metuchen, New Jersey 08840.; and

WHEREAS, the Applicant filed an application with the Planning Board for preliminary and final site plan approval with variances and waivers to replace and expand an existing mixed-use structure so as to contain two retail uses on the first floor and six residential units on the second and third floors, with four (4) two bedroom units on two floors and two one bedroom units one on the second floor and one on the third floor

WHEREAS, the above described preliminary and final site plan was granted on January 19, 2012 and memorialized by Resolution dated February 16, 2012 (attached hereto as **Exhibit A**);and

WHEREAS, , approvals of the Metuchen Borough Planning Board were subject to the developer, DAG Holdings LLC. 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 DAG Holdings, LLC 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 and Amended Developer's Agreement with DAG Holdings, LLC.;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement between DAG Holdings, LLC 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: May 7, 2012

RESOLUTION NO.2012-105

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-002 – ROBERT CARLSON – 75 LAKE AVENUE

WHEREAS, Robert Carlson posted \$160.00 for apron escrow fees at 75 Lake Avenue;
and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Robert Carlson,

NOW, THEREFORE, BE IT RESOLVED, that Robert Carlson be refunded \$160.00 from the Sidewalk Inspection Escrow account.

Dated: May 7, 2012

RESOLUTION NO.2012-106

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-003 – HALECON, INC. – 568 MIDDLESEX AVENUE

WHEREAS, Halecon, Inc. posted \$652.00 for apron and sidewalk escrow fees at 568 Middlesex Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Halecon, Inc.,

NOW, THEREFORE, BE IT RESOLVED, that Halecon, Inc. be refunded \$652.00 from the Sidewalk Inspection Escrow account.

Dated: May 7, 2012

RESOLUTION NO.2012-107

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #06-024 – SUDHAKAR RACHAKONDA – 137 HARVARD AVENUE

WHEREAS, Sudhakar Rachakonda posted \$200.00 for sidewalk escrow fees at 137 Harvard Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Sudhakar Rachakonda since the work was never done by the contractor,

NOW, THEREFORE, BE IT RESOLVED, that Sudhakar Rachakonda be refunded \$200.00 from the Sidewalk Inspection Escrow account.

Dated: May 7, 2012

RESOLUTION NO. 2012-108

REFUNDING STREET OPENING BOND-157 MASON DRIVE BLOCK 9 LOT 32

WHEREAS, on June 22, 2011 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Michael Stern as the required Performance Guarantees for Street Opening #11-016 (2011)–157 Mason Drive; 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 Stern, 157 Mason Drive, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: May 7, 2012

RESOLUTION NO. 2012-109

RESOLUTION AMENDING R2012-91-APPROVING HEALTH INSURANCE THIRD PARTY ADMINISTRATOR AND NETWORK

WHEREAS, the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which renewed effective on May 1, 2012; and

WHEREAS, the named Reinsurer Fidelity Security Life Insurance Company, attempted to change the terms of terms of their proposal after the resolution was awarded; and

WHEREAS, the Boroughs Third Party Administrator has secured another proposal from American Fidelity Assurance Company who had previously provided a quote that is now more beneficial in its terms and lower in price than both their original quote and that of Fidelity Security Life Insurance Company;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby name American Fidelity Assurance Company as Reinsurer for the Borough's health insurance Program effective May 1, 2012.

Dated: May 7, 2012

RESOLUTION 2012-110

RESOLUTION CERTIFYING THE 2011-2012 BOARD OF EDUCATION BUDGET

WHEREAS, the 2012-2013 school budget for the school district Borough of Metuchen was approved by the voters of the school districts on April 17, 2012 as follows

General Fund	\$30,367,802.00
Debt Service	\$2,453,395.00
Total Approved	\$32,821,197.00

WHEREAS, the balance to be raised for the school district taxes on account of the 2011-2012 school tax levy is \$16,137,296.50

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that the school district tax levy for the calendar year 2012 be established as follows:

January 1, 2012 to June 30, 2012 (balance of 2011-2012 levy)	\$16,410,598.50
July 1, 2012 to December 31, 2012 (one-half of 2012-2013 levy)	\$16,410,598.50
Amount to be raised for school district taxes in 2012	\$32,547,895.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Middlesex County Board of Taxation.

RESOLUTION NO.2012-111

RESOLUTION AUTHORIZING THE REFUND OF SEWER CONNECTION FEES

WHEREAS, Section 153—28, *et seq.* of the Code of the Borough of Metuchen governs the collection of fees for connections to the Sanitary Sewer System of the Borough of Metuchen; and

WHEREAS, by way of Ordinance 2004-8, the Council of the Borough of Metuchen established a fee to be assessed whether the connection was a new one or if it was a repair or replacement connection; and

WHEREAS, residents of the Borough of Metuchen have expressed a concern relating to the sewer connection fee established by Section 153-28 of the Code of the Borough of Metuchen for a repair or replacement connection to the sewer system; and

WHEREAS, the Mayor and Borough Council deem it both, equitable in nature, and in the best interest of the Borough to provide for the refund of the Sewer Connection fee collected for the repair or replacement connections to residential units upon the appropriate application and presentation of support to the Borough;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that it hereby authorizes the Borough Administrator to refund the sewer connection fee to applicants upon showing good cause that the applicant paid the sewer connection fee to the Borough for a repair or replacement connection.

BE IT FURTHER RESOLVED that all Borough officials, employees and agents are authorized to forward a letter advising the residents of the within Resolution and providing them with a period of forty five (45) days to respond with the appropriate information in order to be considered for such refund.

BE IT FURTHER RESOLVED by the Mayor and Borough Council that all Borough officials, employees and agents take all necessary action to effectuate the terms of the within Resolution.

Dated: May 7, 2012

RESOLUTION NO.2012-111

RESOLUTION AUTHORIZING THE REFUND OF SEWER CONNECTION FEES

WHEREAS, Section 153—28, *et seq.* of the Code of the Borough of Metuchen governs the collection of fees for connections to the Sanitary Sewer System of the Borough of Metuchen; and

WHEREAS, by way of Ordinance 2004-8, the Council of the Borough of Metuchen established a fee to be assessed whether the connection was a new one or if it was a repair or replacement connection; and

WHEREAS, residents of the Borough of Metuchen have expressed a concern relating to the sewer connection fee established by Section 153-28 of the Code of the Borough of Metuchen for a repair or replacement connection to the sewer system; and

WHEREAS, the Mayor and Borough Council deem it both, equitable in nature, and in the best interest of the Borough to provide for the refund of the Sewer Connection fee collected for the repair or replacement connections to residential units upon the appropriate application and presentation of support to the Borough;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that it hereby authorizes the Borough Administrator to refund the sewer connection fee to applicants upon showing good cause that the applicant paid the sewer connection fee to the Borough for a repair or replacement connection.

BE IT FURTHER RESOLVED that all Borough officials, employees and agents are authorized to forward a letter advising the residents of the within Resolution and providing them with a period of forty five (45) days to respond with the appropriate information in order to be considered for such refund.

BE IT FURTHER RESOLVED by the Mayor and Borough Council that all Borough officials, employees and agents take all necessary action to effectuate the terms of the within Resolution.

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor the bill resolution in the amount of **\$2,453, 451.12** was approved.

APPOINTMENTS

Mayor Vahalla appointed Nicole Kay to the Youth Services Board with a term to expire on 1/1/15.

ORDINANCE INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor Ordinance 2012-4 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 Rasmussen, that said Ordinance be passed on first reading, published according to law, and a public hearing set for May 21, 2012.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: None

ABSENT: Councilperson Rubin

BOROUGH OF METUCHEN **BOND 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

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 therefor 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 therefor 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.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any items on the agenda.

Byron Sondergard (62 Kempson Place) asked what the Borough's current state of bonded indebtedness is.

Borough Administrator Boerth stated that we have about \$20,000,000 of bonded indebtedness which is about .9% of the allowed 3.5% bonding capacity.

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

ADJOURNMENT

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

Respectfully Submitted:

Kathryn Harris
Municipal Clerk