

BOROUGH COUNCIL
MINUTES –NOVEMBER 19, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 19, 2012. The Meeting was called to order at 7:32 p.m. by Mayor Thomas Vahalla. The Invocation given by Councilwoman Rasmussen 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.

Councilwoman Elect Inserro was asked to join the Councilmembers at the dais.

Present were Councilmembers Wallace, Rubin, Rasmussen, Muldoon and Grayzel and Council President Cammarano.

Also present were 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.

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.

Walter Zjawin(218 Center Street) congratulated Councilwoman Elect Inserro and Councilman Grayzel on their victory in the General Election and stated his dedication to making sure that the American Legion Post interests are protected.

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

COUNCIL REPORTS

Council President Cammarano discussed that the Library Board was notified by the State as to what the third of a mill formula amount was. The number was \$719,000.

TRAFFIC AND TRANSPORTATION

Councilman Wallace stated that the Traffic and Transportation Committee has begun to meet after a short hiatus. Councilwoman Rasmussen discussed the efforts of Tyreen Rueter through the Borough Improvement League who spearheading the gathering of food and clothing for families that had been affected by Hurricane Sandy.

Councilman Wallace recognized the job the Public works Department has been doing regarding the Super Storm Sandy Cleanup.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the Chamber of Commerce is finalizing its preparation for the Winter Festival Parade on Sunday, November 25th at 2pm. The Red Cross will be providing a pickup for non perishable food items for people affected by Super Storm Sandy at the Winter Festival Parade.

Councilwoman Rubin stated that the “Scarecrows on Main Street” event is still open for people to cast their vote for their favorite entry.

Councilman Wallace interjected that FEMA had arranged a water delivery in Metuchen. Mayor Vahalla and Council President Cammarano as well as himself redistributing water to Metuchen

residents. Mrs. Vahalla and Mrs. Cammarano were both helping to distribute water as well as some students from Metuchen High School.
 Mayor Vahalla mentioned the outstanding job the Office of Emergency Management Director, James Graziano, has done with the Super Storm Sandy fallout.

SHADE TREE

Councilwoman Rasmussen stated that the fall planting will be postponed to the first week in December.

YOUTH SERVICE BOARD

Councilwoman Rasmussen stated that the Youth Service Board met and is preparing their end of the year paperwork for the County Municipal Alliance Grant monies.

POOL

Councilman Muldoon stated that the pool has been winterized and the repairs to the kiddie pool will occur prior to the beginning of next season.

PARKING AUTHORITY

Councilman Muldoon stated that the Parking Authority will be meeting tomorrow night at 8pm. Councilman Muldoon stated that he will be receiving an update on the Memorandum of Understanding from Woodmont Properties regarding the development of the Pearl Street Lot.

Councilman Muldoon also stated that the second Annual Hometown Holiday Weekend, organized by the Borough Improvement League will be occurring on Friday, November 30th through Sunday, December 2nd. There is a culmination of multiple events occurring that weekend.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the reconstruction of the sewer manhole on the corner of Middlesex Avenue and Main Street went well. The project began at 7pm on Friday and was completed by 1pm on Saturday.

REPORT OF MAYOR

Mayor Vahalla reminded everyone that was interested to vote to do so by the 23rd of November. Mayor Vahalla thanked everyone that participated in the Cast A Can Cast A Ballot campaign.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda items numbered 3 through 11, encompassing resolutions R2012-235 through R2012-243 were approved.

RESOLUTION NO.2012-235

RESOLUTION AUTHORIZING APPROPRIATION TRANSFERS

WHEREAS, there are unexpended balances in various 2012 appropriation accounts not required for the balance of 2012; and

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

Appropriation	From	To
Police S & W	54,000.00	
Recycling OE	5,500.00	
Utilities	8,000.00	
Telephone		8,000.00
Streets & Roads OE		2,000.00
Buildings & Grounds OE		3,500.00
Group Insurance		54,000.00
	67,500.00	67,500.00

Dated: November 19, 2012

RESOLUTION NO.2012-236

**RESOLUTION TO APPROVE AND ADOPT CORRECTIVE ACTION PLAN FOR 2011
AUDIT**

WHEREAS, pursuant to Division of Local Government Services, Local Finance Notice 92-15, all local units are required to prepare and submit a Corrective Action Plan as part of their annual audit process;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Corrective Action Plan in connection with the 2011 Audit, prepared by Chief Finance Officer Rebecca Cuthbert and attached to the original of this resolution, shall be and is hereby approved; and

BE IT FURTHER RESOLVED that copies of said Corrective Action Plan, as approved by the Borough Council, be forwarded to the Chief Financial Officer Rebecca Cuthbert and the N. J. Division of Local Government Services forthwith.

Dated: November 19, 2012

RESOLUTION NO. R2012-237

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION**

NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2012 in the sum of \$2,864.27, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,864.27.

BE IT FURTHER RESOLVED, that the like sum of \$2,864.27 is hereby appropriated under the caption Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Division of Criminal Justice in the amount of \$2,864.27.

Dated: November 19, 2012

RESOLUTION NO.2012-238

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION**

NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2012 in the sum of \$15,380.19, which is now available from the State of New Jersey Department of Environmental Protection Recycling Tonnage Grant in the amount of \$15,380.19.

BE IT FURTHER RESOLVED, that the like sum of \$15,380.19 is hereby appropriated under the caption Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Department of Environmental Protection in the amount of \$15,380.19.

Dated: November 19, 2012

RESOLUTION NO. 2012-239

**RESOLUTION AMENDING RESOLUTION NO.2012-139- AWARD OF CONTRACT
FOR BOROUGH LABOR RELATIONS ATTORNEY**

WHEREAS, on January 3, 2012 the Borough of Metuchen had a need to acquire the services of a *Borough Labor Relations Attorney* as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 21, 2011 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar year 2012*; and,

WHEREAS, the original agreement stipulated that the maximum amount of the contract shall not exceed \$15,000 and funds shall be available in the 2012 budget as evidenced by the Chief Financial Officer's Certification; and,

WHEREAS, the Borough, on June 18, 2012, deemed it necessary to dedicate an additional \$5,000 for continued services; and,

WHEREAS, the Borough has deemed it necessary to dedicate a additional \$15,000 for continued services; and,

WHEREAS, the new maximum amount of the contract shall not exceed \$35,000 and funds shall be available in the 2012 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Chief Financial Officer is hereby authorized and directed to amend the agreement with the firm of Apruzzese, McDermott, Mastro and Murphy, 25 Independence Boulevard, Liberty Corner, NJ 07938.

Dated: November 19, 2012

RESOLUTION NO.2012-240

RESOLUTION TO REDUCE 2009, 2010 AND 2011 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 48.1, lot 61.1, 203 Norcross Avenue for 2009, 2010, and 2011,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$50,600.00 for 2009 and 2010, and by a reduction in the assessed value of \$90,600.00 for 2011,

WHEREAS, the stipulation of settlement requires that all reductions in taxes due to the appeal be applied towards future taxes levied,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2009, 2010 and 2011 taxes on Block 48.1, Lot 61.1 in the amount of \$9,576.87 due to the successful State Tax Court Appeal for the years 2009, 2010, and 2011 including amendments, and apply the resulting tax overpayments to 2013 taxes in the amount of \$9,576.87.

Dated: November 19, 2012

RESOLUTION NO.2012-241

RESOLUTION TO REDUCE 2011 AND 2012 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 96, Lot 75.02, 86 Linden Avenue for 2011 and 2012,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$52,200.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2011 is \$2,684.65 and \$2,737.89 for 2012,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2011 and 2012 taxes on Block 96, Lot 75 in the amount of \$5,422.54 due to the successful State Tax Court Appeal for the years 2011 and 2012, including amendments, and refund the resulting tax overpayment in the amount of \$5,422.54.

Dated: November 19, 2012

RESOLUTION NO.2012-242

RESOLUTION TO REDUCE 2011 AND 2012 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 103, Lot 13, 43 Oak Avenue for 2011 and 2012,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$48,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2011 is \$2,468.64 and \$2,517.60 for 2012,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2011 and 2012 taxes on Block 103, Lot 13 in the amount of \$4,986.24 due to the successful State Tax Court Appeal for the years 2011 and 2012, including amendments, and refund the resulting tax overpayment in the amount of \$4,986.24.

Dated: November 19, 2012

RESOLUTION NO.2012-243

RESOLUTION TO REDUCE 2011 AND 2012 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 184, Lot 71, 44 Home Street for 2011 and 2012,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$42,200.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2011 is \$2,170.35 and \$2,213.39 for 2012,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2011 and 2012 taxes on Block 184, Lot 71 in the amount of \$4,383.74 due to the successful State Tax Court Appeal for the years 2011 and 2012, including amendments, and refund the resulting tax overpayment in the amount of \$4,383.74.

Dated: November 19, 2012

BILL LIST

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the bill resolution in the amount of **\$6,023,346.72** was approved.

PUBLIC COMMENT

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

Patrick Mullen(40 Bounty Street) questioned what the procedure was to have stumps removed from the Borough Right of Way that were placed there from a Borough tree that fell during the storm.

Borough Administrator Boerth stated that stumps that were created from a Borough tree being uprooted by the storm will be removed by the Borough.

Mr. Mullen asked if the stumps could be taped off to keep small children away from the area.

Mayor Vahalla stated that the Borough would tape off the section.

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

ADJOURNMENT

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the meeting was adjourned at 8:06p.m.

Respectfully Submitted,