

BOROUGH COUNCIL
MINUTES –NOVEMBER 5, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 5, 2012. The Meeting was called to order at 7:35 p.m. by Mayor Thomas 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, Rubin, Rasmussen, Muldoon and Grayzel and Council President Cammarano.

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

AGENDA SESSION

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

Council President Cammarano stated that there were two items that needed to be added to the agenda. The first item was the appointment of Richard Miller to the Historical Preservation Committee. The second item was the addition of Resolution No.2012-235A. A resolution to increase the number of members on the Traffic and Transportation Committee.

Councilman Grayzel asked that Consent Agenda item No.7, Resolution No. 2012-216- Resolution Approving 2011 Municipal Audit, be removed and voted on separately.

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

METUCHEN RESCUE SQUAD BENEFIT CAR-TRUCK-MOTORCYCLE SHOW BENEFIT

Mayor Vahalla and the Metuchen EMS received a check generated from the profits of the benefit. Mayor Vahalla thanked the organization for their generous donation of \$1,200.00.

PROCLAMATION-PANCREATIC CANCER MONTH

WHEREAS, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and **WHEREAS**, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS, approximately 1130 deaths will occur in New Jersey in 2012; and

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Borough of Metuchen and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in the Borough of Metuchen support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and **WHEREAS**, the good health and well-being of the residents of the Borough of Metuchen are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; **NOW, THEREFORE, I THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DO HEREBY PROCALIM** the month of November 2012 as “Pancreatic Cancer Awareness Month” in the Borough of Metuchen.

OPEN TO PUBLIC

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

ORDINANCE PUBLIC HEARING

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2012-9 which was published in the Home News Tribune on October 19, 2012.

AN ORDINANCE TO AMEND ORDINANCE NO.2012-1-THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

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

Borough Clerk Harris read Ordinance 2012-9 by title only.

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

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

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor said Ordinance 2012-9 be approved on second reading and published according to law.

Roll Call Vote:

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

Nays: None

Abstentions: None

Motion Carried.

ORDINANCE NO. 2012-9

AN ORDINANCE TO AMEND ORDINANCE NO.2012-1-THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen, as follows:

Section 1. Section **175-11** and section **175-12** of Chapter 175, **Taxicabs**, of the Code of the Borough of Metuchen, is hereby amended to change the permit fees to read as follows:

Fee Schedule	Application Fee	
	<u>FROM</u>	<u>TO</u>
175-11. Owner’s fees		
Taxicab	\$ 177	\$200
Taxicab fleet	\$1725	\$2000
175-12. Drivers’ license fees.		
Taxi Driver	\$ 35	\$40

Section 2. Section **87-20** of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change the permit fees to read as follows:

§ 87-20 – Fees Established.

<u>Program</u>	Fee	
	FROM	TO
Programs:		
ADD		
Mother-Son Event	-	\$40per couple \$19 each additional Child
Adult Fitness Program		\$60-\$120 depends

COUNCIL REPORTS

Council President Cammarano discussed the Office of Emergency Management and the recognition they deserve for the services they provide.

Councilman Wallace reiterated Council President Cammarano sentiment regarding the Office of Emergency Management. Councilman Wallace also thanked all of the emergency personnel that provided services to the Borough during Hurricane Sandy.

Councilwoman Rasmussen discussed the efforts of Tyreen Rueter through the Borough Improvement League who spearheaded the gathering of food and clothing for families that had been affected by Hurricane Sandy.

Councilman Muldoon also thanked the emergency service providers in Metuchen for their efforts. Councilman Muldoon also recognized Metuchen residents helping other Metuchen residents by sharing generators and even allowed residents to stay with them in their homes if they have power.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth thanked all of the employees that came to the aid of Metuchen Residents.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF MAYOR

Mayor Vahalla thanked the emergency management personnel for their efforts. Mayor Vahalla also thanked the high school for allowing the facility to be used as a location for residents to utilize for warmth and to charge their electronics. The Metuchen Elks sent water and snacks to the High School for the residents at that site. Mayor Vahalla reminded the public about the Cast a Can Cast a Ballot event that will be held on Election Day. The boxes for donations will be placed in the polling locations for anyone who would like to donate a non perishable item. The items collected will be donated to the local food bank.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda items numbered 6 and 8 through 13, encompassing resolutions R2012-213 and R2012-227 through R2012-235A were approved.

RESOLUTION NO. 2012-213

CRANFORD CO-OP PURCHASE-TWO (2) POLICE INTERCEPTOR SUV'S

WHEREAS, there exists a need to purchase two (2) 2013 Police Interceptor SUV's for the Police Department in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Cranford Co-Op Contract 101 Item# 2; and

WHEREAS, the maximum amount of the purchase of rescue tools for the Borough of Metuchen is \$27,805.75 per vehicle for a total of \$55,611.50 and funds are available in the 2012 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which is \$27,805.75 per vehicle for a total of \$55,611.50 is certified from 2012 Capital Funds; and

WHEREAS, public bids are not required when the purchase is under a state contract or Co-Op agreement 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 **ESI Equipment Inc., 440 Horsham Road, Horsham, PA 19044.**

Dated: November 5, 2012

RESOLUTION NO. 2012-227

**RESOLUTION AMENDING R2012-141 AUTHORIZING STATE CONTRACT
PURCHASE FOR REGULAR UNLEADED FUEL AND DIESEL FUEL-**

WHEREAS, there exists a need to purchase **regular unleaded fuel and diesel fuel** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A80913 and or T0083 for regular unleaded fuel and State Contract #A81398 and or T0077 for diesel fuel; and

WHEREAS, the additional maximum amount of the purchase of regular unleaded fuel and diesel fuel for the Borough of Metuchen is \$30,000.00 for a total not to exceed \$125,000.00 and funds will be available in the 2012 budget as evidenced by the Chief Financial Officer's Certification of which \$125,000.00 is certified from the 2012 budget, subject to adjustment to the amount of award; 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:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Rachles Michele Oil Company, 116 Kuller Road, Clifton, NJ 07011.**

Dated: November 5, 2012

RESOLUTION NO.2012-228

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-031 – SEAN DEVERIN
45 SHERIDAN AVENUE**

WHEREAS, Sean Deverin posted \$157.50 for apron & sidewalk escrow fees at 45 Sheridan Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Sean Deverin,

NOW, THEREFORE, BE IT RESOLVED, that Sean Deverin be refunded \$157.50 from the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO.2012-229

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-008
GLORIA PARKER-FORMAN – 11 MARTIN STREET**

WHEREAS, Gloria Parker-Forman posted \$308.00 for apron escrow fees at 11 Martin Street and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Gloria Parker-Forman,

NOW, THEREFORE, BE IT RESOLVED, that Gloria Parker-Forman be refunded \$308.00 from the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO.2012-230

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-015 –113 COLUMBIA
AVENUE**

WHEREAS, Lisa Carvalho posted \$256.00 for sidewalk & apron escrow fees at 113 Columbia Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Lisa Carvalho,

NOW, THEREFORE, BE IT RESOLVED, that Lisa Carvalho be refunded \$256.00 From the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO.2012-231

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-025 –407 WEST
CHESTNUT AVENUE**

WHEREAS, Eric Erickson posted \$104.00 for sidewalk escrow fees at 407 West Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Eric Erickson,

NOW, THEREFORE, BE IT RESOLVED, that Eric Erickson be refunded \$104.00 from the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO.2012-232

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-019 -42 WILLOW ROAD

WHEREAS, Lori Barber posted \$172.00 for sidewalk escrow fees at 42 Willow Road; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Lori Barber,

NOW, THEREFORE, BE IT RESOLVED, that Lori Barber be refunded \$172.00 from the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO.2012-233

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-004 – 18 CREST DRIVE

WHEREAS, Elliot Kramer posted \$150.00 for curb & sidewalk escrow fees at 18 Crest Drive; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Elliot Kramer,

NOW, THEREFORE, BE IT RESOLVED, that Elliot Kramer be refunded \$150.00 from the Sidewalk Inspection Escrow account.

Dated: November 5, 2012

RESOLUTION NO 2012-234

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

Cert #	Block/Lot	Address	Lienholder
11-00021	218/11.1	20 Main Street	Halina Malinowski

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel this lien from the municipal records.

November 5, 2012

RESOLUTION NO 2012-235A

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Metuchen is increasing the number of members on the Traffic and Transportation Committee to 10 total members.

Dated: November 5, 2012

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda item number 7, R2012-216 was approved.

RESOLUTION NO. 2012-216

RESOLUTION APPROVING 2011 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year **2011** has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the

State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Dated: November 5, 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 **\$2,383,755.14** was approved.

APPOINTMENTS

On a motion by Council President Cammarano, seconded by Councilwoman, with all in favor the following appointment was approved.

Historical Preservation Committee

Richard Miller

PUBLIC COMMENT

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

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 Rubin, with all in favor the meeting was adjourned at 8:30pm.

Respectfully Submitted,