

BOROUGH COUNCIL
MINUTES –OCTOBER 1, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 1, 2012. The Meeting was called to order at 6:06 p.m. by Mayor Thomas Vahalla. The Invocation given by Mayor Vahalla 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.
Absent was Council President Cammarano (arrived 6:08pm).

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

CLOSED SESSION

Council President Cammarano arrived at 6:08pm

On a motion by Acting Council President Rubin, seconded by Councilwoman Rasmussen, with all in favor, at 6:08pm the Council entered Closed Session.

CLOSED SESSION RESOLUTION
RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF
DISCUSSION OF PERSONNEL MATTERS.

WHEREAS, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss: personnel matters;

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing matters of personnel; and

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Dated: October 1, 2012

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor, the Borough reentered public session at 7:25pm.

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 there were a few late additions to the agenda. Items numbered 27-29 and number 31 were added late this afternoon for consideration at tonight's meeting.

Mayor Vahalla stated that it may be necessary to have a special meeting to facilitate the award of the Sanitary Sewer Repair bid at the intersection of Main Street and Middlesex Avenue. Mayor Vahalla also stated that if a special meeting does occur then the appointment of a new police officer would also be handled at that time.

Borough Administrator Boerth stated that he did not feel that the Borough would need to have a special meeting for the repairs at the intersection of Main Street and Middlesex Avenue.

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

APPROVAL OF MINUTES

On a motion by Council President Cammarano, seconded by Councilwoman Rasmussen, with all in favor, except for Councilwoman Rubin abstaining from the May 7 minutes the Council Minutes of April 16, and May 7 were approved.

PROCLAMATION/RESOLUTIONS HONORING RESOLUTION HONORING PEDESTRIAN SAFETY

WHEREAS, the residents of Metuchen desire to live in a welcoming and vibrant community where they can safely walk, bike and drive throughout the Borough; and

WHEREAS, the Mayor, Borough Council and Police Department view safe streets as essential to the overall health of the Borough; and

WHEREAS, the Mayor and Borough Council support efforts to make Metuchen a more pedestrian and bike friendly community so shoppers, commuters, senior citizens, school children and families feel safe crossing our streets; and

WHEREAS, improving the level of pedestrian safety in our Borough is a primary concern of many residents and business owners;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby designate October 2012 as **Pedestrian Safety Month** in the Borough of Metuchen

BE IT FURTHER RESOLVED that the Mayor and Council, on behalf of the residents of Metuchen, encourage all residents, commuters and visitors to observe all traffic regulations, especially motorists stopping for pedestrians in our crosswalks. In support of this resolution, we encourage all residents to support the following pedestrian-focused events and activities during October:

- 10/2 - Pedestrian Safety Walk for Campbell School 2nd graders, organized by the Metuchen Police Department, as part of the Partnership for a Walkable America
- 10/3 – International “Walk to School Day,” an annual event promoted by the National Center for Safe Routes to School
- 10/6 - Metuchen Country Fair and Metuchen Market Day Farmers Market
- 10/10 – “Bike-Walk Metuchen” Organization open meeting from 7pm to 9pm at the Old Franklin Schoolhouse
- 10/28 – The Metuchen Halloween Parade at 3pm on New Street, co-hosted by the Recreation Department and the Metuchen Area Chamber of Commerce
- 10/28 - The 2nd Annual Zombie Food Bank Fundraiser Walk departing from the Colonial Cemetery at 5pm
- 10/31 – Halloween Trick-or-Treating throughout the Borough

Dated: October 1, 2012

PROCLAMATION-NATIONAL WALK OUR CHILDREN TO SCHOOL

WHEREAS, National Walk Our Children to School Day, sponsored by the Partnership for a Walkable America, addresses three critical facets of everyday life: health safety and community environment; and

WHEREAS, American Children spend more time watching television than they do engaged in physical activity and exercise; and

WHEREAS, of the 5,700 pedestrians killed each year, about one out of seven of those killed are children; and

WHEREAS, National Walk Our Children to School Day teaches children and adults about pedestrian safety; and

WHEREAS, more and more communities are implementing strategies to make streets more walkable by installing sidewalks or traffic calming measures; and

WHEREAS, National Walk Our Children to School Day helps make children and adults more aware of their walking environment; and

WHEREAS, on National Walk Our Children to School Day children, parents and caregivers and community leaders across North America are joining together to walk to school in an effort to learn healthful and safe pedestrian habits and to evaluate pedestrian safety in their communities,

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DO HEREBY PROCLAIM OCTOBER 2, 2012 to be Walk Our Children to School Day in the Borough of Metuchen and encourage parents, children, public safety officers and community leaders to consider the safety of pedestrians today and everyday.

Dated: October 1, 2012

RESOLUTION HONORING-DANIEL ROBINSON

WHEREAS, from 1798 to 1942 the United States Marine Corps denied African-Americans the opportunity to serve as marines in the United States Armed Services; and;

WHEREAS, in 1942 President Franklin D. Roosevelt allowed African-American men an opportunity to serve in the United States Marine Corp; and

WHEREAS, from 1942 to 1949 approximately 20,000 Africa-American men enlisted in the Marine Corps and received segregated basic training at Montford Point Camp in North Carolina; and

WHEREAS, these devoted African-American soldiers served with distinction in some of most strategic and difficult battles in the Pacific; and

WHEREAS, these Montford Point Marines paved the way of all future African-American men and women who currently serve in the United States Armed Services and for this they were awarded the Congressional Gold Medal; and

WHEREAS, Mr. Daniel Robinson was one of the many African Americans to serve heroically when our Nation was at war; and

WHEREAS, Mr. Daniel Robinson also achieved many civic recognitions such as being appointed as the Chairman of the first Civil Rights commission in Metuchen; and

WHEREAS, Mr. Daniel Robinson has also served on the YMCA Board of Directors for 50 years as well as currently serving on its Finance Committee; and

WHEREAS, Mr. Daniel Robinson's other accomplishments include teaching tennis for the Metuchen Recreation Department, past member of the Board of Directors for the YMCA's Camp Mason, Scout Master, Deacon and Sunday School Teacher for the Reformed Church in Metuchen, past President of the Metuchen Rotary Club; and

WHEREAS, Mr. Daniel Robinson also holds a dozen patents in Electrical and Mechanical Engineering and was instrumental in the launching of the space shuttle Apollo by resolving a problem with its Guidance Tracking System as well as being elevated to senior member status by the Institute of Electrical, Electronics and Engineering;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, on behalf of the residents of Metuchen, wish to show their gratitude and extreme admiration as well as honor Mr. Daniel Robinson for his years of dutiful, dedicated service and commitment to the United States Marine Corps and the protection of our Country and citizens as well as his loyalty to the community.

Dated: October 1, 2012

RESOLUTION HONORING-AUSTIN BANKS

WHEREAS, from 1798 to 1942 the United States Marine Corps denied African-Americans the opportunity to serve as marines in the United States Armed Services; and;

WHEREAS, in 1942 President Franklin D. Roosevelt allowed African-American men the opportunity to serve in the United States Marine Corp; and

WHEREAS, from 1942 to 1949 approximately 20,000 African-American men enlisted in the Marine Corps and received segregated basic training at Montford Point Camp in North Carolina; and

WHEREAS, these devoted African-American soldiers served with distinction in some of the most strategic and difficult battles in the Pacific; and

WHEREAS, these Montford Point Marines paved the way of all future African- American men and women who currently serve in the United States Armed Services and for this they were awarded the Congressional Gold Medal; and

WHEREAS, Mr. Austin Banks was one of the many African Americans to serve heroically when our Nation was at war; and

WHEREAS, Mr. Austin Banks began his dedicated years of service to the United States Marine Corp in 1943 where he earned the rank of corporal as an Artillery Mechanic; and

WHEREAS, Mr. Austin Banks attended Howard University through the benefits afforded to him by the G.I. Bill; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, on behalf of the residents of Metuchen, wish to show their gratitude and extreme admiration as well as honor Mr. Austin Banks for his years of dutiful, dedicated service and commitment to the United States Marine Corps and the protection of our County and citizens.

Dated: October 1, 2012

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Allison Inserro(194 Woodbridge Avenue) thanked the Mayor and Council for promoting Pedestrian Safety Month.

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

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, items numbered 10 and 11 were accepted and approved.

10. Receive and Accept Zoning Board Minutes Of September 8, 2011, October 13, 2011, November 10, 2011, December 8, 2011, January 12, 2012, March 8, 2012 and April 12, 2012.

11. Receive and Accept Municipal Alliance Minutes for August 9, 2012.

COUNCIL REPORTS

Council President Cammarano had no report.

Councilwoman Rubin stated that the Country Fair was this coming Saturday and the theme was "Gardens".

Councilwoman also stated that the Farmers Market would be having an extended season this year, ending October 20, 2012.

MUNICIPAL ALLIANCE/YOUTH SERVICE BOARD

Councilwoman Rasmussen spoke about the new Safe Homes Program the Youth Service Board is promoting. Councilwoman Rasmussen also stated that the Youth Service Board held its annual Recovery Month meeting on September 27.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission will have a booth at the County Fair to help explain proper tree care and maintenance.

ENVIRONMENTAL

Councilwoman Rasmussen stated that members of the Environmental Commission attended the opening of the Middlesex Greenway. Councilwoman Rasmussen stated that Mayor Vahalla spoke and pledged his support for the expansion of the Greenway through the Dismal Swamp.

DEVELOPMENT

Councilwoman Rasmussen stated that she had attended a Chamber of Commerce Board meeting and discussed some knowledge she had attained regarding improving local business facades.

POOL

Councilman Muldoon stated that the Pool Commission meeting would be October 15th at 7:30pm in Borough Hall.

PARKING AUTHORITY

Councilman Muldoon stated that at the September meeting of the Parking Authority the selection of Woodmont Properties was made for the development of the Pearl Street Lot project. Councilman Muldoon stated that the next phase of the project would entail the Parking Authority and Woodmont Properties creating a Memorandum of Understanding outlining the specifics of Woodmont Properties proposal. Once the "MOU" is agreed upon a presentation with the Parking Authority, Woodmont Properties and the Borough Planner will take place at a public meeting.

TV AND TECNOLOGY

Councilman Grayzel stated that the Committee will be manning a booth at the Country Fair to ascertain public opinion on programming on MeTv.

ARTS

Councilman Grayzel stated that a few of the Arts Commission members helped to create a small art gallery at Saint Luke's Church named "Nails in the Wall". The gallery had an exhibition on September 22 that was well attended. The Arts Council also promoted a Jazz concert that also occurred on September 22.

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 he had attended the opening of the Middlesex Greenway which has plans to be extended further as far east as the Raritan River and as far west as the Dismal Swamp.

Mayor Vahalla also stated that the bids requests for the Sanitary Sewer replacement work on the corner of Main Street and Middlesex Ave are due back to the Borough on October 5.

Mayor Vahalla also stated that he attended the crossing guard's luncheon and would like to recognize all the work they do to keep Metuchen safe.

Mayor Vahalla reminded everyone that the Metuchen Senior Citizen's dinner will be on October 7 at Camp Kiddie Keep Well.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda items numbered 12-29, encompassing resolutions R2012-195 through R2012-211 were approved.

RESOLUTION NO.2012-195

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-017 – PC HOMES LLC – 5 WEST WALNUT STREET

WHEREAS, PC Homes LLC posted \$450.00 for sidewalk, curb & apron escrow fees at 5 West Walnut Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to PC Homes LLC,

NOW, THEREFORE, BE IT RESOLVED, that PC Homes LLC be refunded \$450.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 2012

RESOLUTION NO.196

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-012 – PROLOGIC INC. – 7 MILLER DRIVE

WHEREAS, Prologic Inc. posted \$172.00 for sidewalk escrow fees at 7 Miller Drive; and

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

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

Dated: October 1, 2012

RESOLUTION NO.197

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-016 – WAGNER CONTRACTING LLC – 138 CHRISTOL STREET

WHEREAS, Wagner Contracting LLC posted \$260.00 for apron escrow fees at 138 Christol Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Wagner Contracting LLC,

NOW, THEREFORE, BE IT RESOLVED, that Wagner Contracting LLC be refunded \$260.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 2012

RESOLUTION NO.2012-198

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-011 – STACEY HARMIS 26 HOME STREET

WHEREAS, Stacey Harmis posted \$177.00 for sidewalk escrow fees at 26 Home Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Stacey Harmis,

NOW, THEREFORE, BE IT RESOLVED, that Stacey Harmis be refunded \$176.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 2012

RESOLUTION NO.2012-199

RESOLUTION TO CANCEL AND REFUND 2012 TAXES-COUNTY TAX APPEALS

WHEREAS, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2012 as follows, and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2012, and

WHEREAS, the reduction in taxes has caused an overpayment of taxes for the parcel identified below,

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 2012 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$72,811.16, and overpayments as a result of a tax appeal be refunded in the amount of \$475.36.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2012 Levy	Refund
4.2/36	100 Clive Street	63,100	3,309.60	3,309.60	
9/32	157 Mason Drive	31,100	1,631.20	1,631.20	
29/1.0502	70 Middlesex Avenue	20,000	1,049.00	1,049.00	
40/14	320 Durham Avenue	5,000	262.25	262.25	
45/15	63 Aylin Street	68,200	3,577.09	3,577.09	
48.1/61.2	11 Leonard Street	54,300	2,848.04	2,848.04	
48.1/65	4 Leonard Street	100,000	5,245.00	5,245.00	
48.1/66	60 Liberty Street	100,000	5,245.00	5,245.00	
49/32.6	279 Central Avenue	100,000	5,245.00	5,245.00	
61/51	341 Durham Avenue	13,600	713.32	713.32	
78.1/18	14 Robert Circle	28,200	1,479.09	1,479.09	
95.1/15	91 Linden Avenue	31,600	1,657.42	1,657.42	
98/60	140 Oak Avenue	27,100	1,421.40	1,421.40	
108/30	150 Middlesex Avenue	48,900	2,564.81	2,564.81	
108.1/3.1	3 Reading Court	34,100	1,788.55	1,788.55	
108.1/33	60 Stoneham Place	40,000	2,098.00	2,098.00	
125.1/1	111 Clarendon Court	89,400	4,689.03	4,689.03	419.12
125.1/40.2	40 Sterling Court	39,200	2,056.04	2,056.04	
126/42	85 Woodside Avenue	30,000	1,573.50	1,573.50	
126/66	45 Lexington Drive	20,600	1,080.47	1,080.47	
126/71	77 Lexington Drive	30,000	1,573.50	1,573.50	
126/123	262 Highland Avenue	38,800	2,035.06	2,035.06	
126.3/80	69 Woodside Avenue	25,000	1,311.25	1,311.25	
126.5/19	392 Wakefield Drive	23,900	1,253.56	1,253.56	
140/116.2	16 Kentnor Street	37,900	1,987.86	1,987.86	56.24
143/19	20 Cliffwood Place	20,100	1,054.25	1,054.25	
147/2	79 Graham Avenue	18,700	980.82	980.82	
149/67.1	43 Graham Avenue	39,500	2,071.78	2,071.78	
150/43.01	31 Franklyn Place	35,000	1,835.75	1,835.75	
151/42	20 Graham Avenue	20,000	1,049.00	1,049.00	
158/156	2 Honey Court	20,000	1,049.00	1,049.00	

170/12	9 Stockton Street	19,600	1,028.02	1,028.02	
200/10	25 Vail Place	26,000	1,363.70	1,363.70	
203/36	18 James Place	19,500	1,022.78	1,022.78	
208/1	244 Main Street	22,100	1,159.15	1,159.15	
208/68	41 Tulsa Avenue	18,100	949.35	949.35	
216/30	38 Orchard Street	29,600	1,552.52	1,552.52	
		1,388,200	72,811.16	72,811.16	475.36

Dated: October 1, 2012

RESOLUTION NO.2012-200
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 \$2,350.00, which is now available from the County of Middlesex Cultural and Heritage Commission for a History Grant in the amount of \$2,350.00.

BE IT FURTHER RESOLVED, that the like sum of \$2,350.00 is hereby appropriated under the caption History Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the County of Middlesex Cultural and Heritage Commission in the amount of \$2,350.00

Dated: October 1, 2012

RESOLUTION NO. 2012-201

WHEREAS, there exists a need to purchase mobile radios and accessories for the Department of Public Works for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-53804; and

WHEREAS, the maximum amount of the purchase of mobile radios for the Department of Public Works for the Borough of Metuchen is \$22,573.25 and funds will be available in the 2012 Capital Ordinance as evidenced by the Chief Financial Officer's Certification, of which \$22,573.25 is certified from the 2012 Capital Ordinance; 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 Motorola Solutions, Inc., 13108 Collections Center Drive, Chicago, Il. 60693.

Dated: October 1, 2012

RESOLUTION NO. 2012-202
RESOLUTION AWARDING A CONTRACT FOR ONE BRUSH CHIPPER TO VERMEER
NORTH ATLANTIC SALES AND SERVICE

WHEREAS, on August 22, 2012, the Borough of Metuchen received bids for the provision of one Brush Chipper; and

WHEREAS, the Borough received three bids as follows:

BIDDER	AMOUNT
Modern Group, LTD (Brush Bandit)	\$47,577.60
Vermeer North Atlantic Sales and Service	\$49,971.00
Equipment, LLC dba Bobcat of Central NJ (Morbark)	\$51,585.00

and

WHEREAS, a review of the bid submitted by the apparent low bidder, Modern Group, LTD showed that the proposed brush chipper submitted by Modern Group indicated that it had deviations to the requirements of the bid specification that failed to establish that the brush chipper proposed by Modern Group was equal to or exceeded the requirements of the specification; and

WHEREAS, pursuant to the requirements of the Local Public Contracts Act and regulations, Frederick E. Hall, Jr., CPWM, Director of Public Works has undertaken an equivalency analysis in order to determine if the product bid by Modern Group equals or exceeds the refuse collection system required by the specification; and

WHEREAS, upon the review of the analysis, the brush chipper submitted by Modern Group does not equal or exceed the specified product in purposes of both operation and safety;

WHEREAS, these deviations from the requirements of the bid specifications constitute material modifications to the terms and conditions to the bid specifications rendering the Modern Group bid materially deficient and non-responsive; and

NOW, THEREFORE, BE IT RESOLVED, that the above paragraphs are incorporated herein; and be it

FURTHER RESOLVED, that as a result of the material deficiencies of the bid submitted by Modern Group, its bid is determined to be not responsive to the Invitation for Bids and Specifications; and be it

FURTHER RESOLVED, that the bid submitted by Vermeer North Atlantic Sales and Service has been reviewed and determined to be compliant with the Invitation for Bids and Specifications, and therefore, responsive; and be it

FURTHER RESOLVED, that the Borough of Metuchen hereby awards the contract for the provision of one brush chipper to Vermeer North Atlantic Sales and Service in the amount of \$49,971.00; and be it

FURTHER RESOLVED, that the Mayor and the Borough Clerk are hereby authorized to execute the Agreement with Vermeer North Atlantic Sales and Service and the officials and employees are authorized to take all necessary actions in order to effectuate the terms and conditions of the resolution and the Agreement.

Dated: October 1, 2012

RESOLUTION NO.2012-203

RESOLUTION REFUNDING SEWER CONNECTION FEES

WHEREAS, Section 153-28, et sq. 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, sufficient proof as required by Resolution 2012-111 has been provided so that a refund for the sewer connection fees in the amount of \$750.00 is hereby authorized for each of the following names:

Fox & Foxx Development, LLC, 242 Christol Street
Mr. Bashe, 81 Linden Avenue
Mr. Yerger, 194 Woodbridge Avenue
Mr. Stummer, 171 High Street
Fox & Foxx Development, LLC, 48 Voorhees Place
Ms. Jones, 58 Charles Street
Mr. Bolton, 15 Franklyn Place
Mr. Zappia, 87 Orchard Avenue

Mr. Ortiz, 29 Brunswick Avenue
Victorian Office Rentals, Calvin Place
Mr. Elster, 147 Amboy Avenue
Ms. Dupre, 104 Midland Avenue
Mr. Nemeth, 74 Essex Avenue
RupCoe Plumbing & Heating Co., Inc., 54 Concord Avenue
Mr. Dice, 93 Hillside Avenue
Ms. DeLaFuente, 69 Woodside Avenue
Ms. Kelly, 64 Pleasant Place
Mr. Hirsch, 39 Miller Drive
Mr. Brown, 626 Main Street
Mr. Stern, 157 Mason Drive
Gold Medal PHCE, 16 Applewood Court
Ms. Sweet, 24 Ross Avenue
Mr. Yang, 243 Main Street
Mr. Martin, 8 Beverly Court
Mr. Canterbury, 49 Essex Avenue
Mr. Erickson, 407 W. Chestnut Avenue
Ms. Donato, 15 Goodwill Place
Mr. Gorosseibl, 100 Princeton Street
Mr. Goldman, 70 Linden Avenue
Mr. Gordev, 412 Main Street
Mr. Tibok, 112 Huxley Road
Mr. Barrett, 169 Christol Street
Fox & Foxx Development, LLC, 389 Waltham Avenue
Fox & Foxx Development, LLC, 5 Sylvan Avenue
Ms. Kenney, 61 Clive Street
Michael Mandell Plbg. & Heating, Inc., 11 Cliffwood Place
Mr. Smirnov, 26 Carpenter Place

NOW, THEREFORE, BE IT RESOLVED, that refunds totaling \$27,750.00 be refunded from the Anticipated Revenue account.

Dated: October 1, 2012

RESOLUTION NO.2012-204

RESOLUTION TO REDUCE 2011 AND 2012 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 143, Lot 21, 97 Spring Street for 2011 and 2012,

WHEREAS, the assessed value for this parcel changed for each year by a reduction in the assessed value of \$20,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2011 is \$1,028.60 and \$1,049.00 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 143, Lot 21 in the amount of \$2,077.60 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 \$1,028.60.

Dated: October 1, 2012

RESOLUTION NO.2012-205

RESOLUTION TO REDUCE 2010 AND 2011 TAXES-STATE TAX APPEAL

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 29, lot 1.0502 for 70 Middlesex Avenue for 2010, and 2011,

WHEREAS, the assessed value for this parcel changed for 2010 by a reduction in the assessed value of \$200,000 and the assessed value for this parcel changed for 2011 by a reduction in the assessed value of 220,000,

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 2010 and 2011 taxes on Block 29, Lot 1.0502 in the amount of \$21,206.60 due to the successful State Tax Court Appeal for the years 2010, and 2011 including amendments, and apply the resulting tax overpayments to 2012 and 2013 taxes in the amount of \$21,206.60.

Dated: October 1, 2012

RESOLUTION NO.2012-206

RESOLUTION AUTHORIZING INDEMNITY AND TRUST AGREEMENT FOR CONTINUED MEMBERSHIP IN THE MIDDLESEX COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Metuchen has participated as a member of the Middlesex County Municipal Joint Insurance Fund (hereafter the "Fund") existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et. seq.); and is desirous of continuing said membership for a term expiring on December 31, 2015; and

WHEREAS, the governing body of the Borough of Metuchen membership in the Fund is in the best interest of the municipality;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Metuchen, in the County of Middlesex, and the State of New Jersey, as follows:

SECTION 1. The Borough of Metuchen hereby agrees to continue as a member of the Fund for a period commencing January 1, 2013, and terminating on December 31, 2015 for the purpose of securing the following types of insurance coverage:

- a) Workers Compensation and Employer's Liability.
- b) General Liability Coverage (including Public Official, Police Professional).
- c) Motor Vehicle and Equipment Liability Coverage.
- d) Property Damage Coverage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Boiler & Machinery and Public Employee Blanket Bonds).

After the expiration of the said three (3) year period of membership, participation may be canceled or extended in accordance with the ByLaws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of Metuchen hereby agrees to obtain the types of coverage from the Fund as are set forth in Section 1 of this Resolution and the Indemnity and Trust Agreement to be signed by it.

SECTION 3. The ByLaws of the Middlesex County Municipal Joint Insurance Fund, attached hereto, have been adopted and accepted.

SECTION 4. The Governing Body is hereby authorized and directed to execute an Indemnity and Trust Agreement signifying continued membership.

Dated: October 1, 2012

RESOLUTION NO.2012-207

MEMORANDUM OF UNDERSTANDING

by and between

MIDDLESEX COUNTY PROSECUTOR'S OFFICE

and the

**BOROUGH OF METUCHEN and BOROUGH OF METUCHEN
POLICE DEPARTMENT**

for the

"SKYWATCH" SURVEILLANCE PLATFORM

WHEREAS, the Middlesex County Prosecutor is the Chief Law Enforcement Officer for the County of Middlesex, and as such is charged with, inter alia, the responsibility of providing for the safety and welfare of the citizens of Middlesex County and does so by ensuring that the law enforcement professionals that serve said citizens are provided with state of the art technology and training in the field of homeland security; and

WHEREAS, the United States Department of Homeland Security has heretofore established the Urban Area Security Initiative, hereinafter (UASI), which is a homeland security designation and is based upon the infrastructure and risks within the Counties and Municipalities in the State of New Jersey; and

WHEREAS, Middlesex County is one of seven (7) counties in the State of New Jersey, which includes two (2) core cities, that falls under the purview of the Urban Area Security Initiative (UASI); and

WHEREAS, the Critical Infrastructure Subcommittee of the UASI has funded the purchase of a "Skywatch" surveillance platform for each County and core city in the UASI region to be deployed on an "as-needed" basis to support homeland security initiatives; and

WHEREAS, the "Skywatch" surveillance platform can also be deployed for other functions, such as surveillance of large scale events to monitor crowd and/or traffic movements, to deter crime and to promote a "birds eye" view of an area for security purposes; and

WHEREAS, the municipal law enforcement agencies of the Borough of Metuchen and the Borough of Metuchen, collectively referred to herein as "BOROUGH," within the County of Middlesex, are partners in the collaborative efforts of the Middlesex County Prosecutor's Office, the State of New Jersey Office of Homeland Security and Preparedness, and the United States Department of Homeland Security to provide for the safety and welfare of the citizens of Middlesex County by participating in the deployment of the "Skywatch" surveillance platform;

NOW, THEREFORE, BE IT RESOLVED that the parties of this Memorandum of Understanding agree to implement the deployment of the "Skywatch" surveillance platform on an as-needed basis as follows:

A. EQUIPMENT AND TRAINING

1. "Skywatch" surveillance platform allows for surveillance of large scale events to monitor crowd and/or traffic movements, inter alia, in an effort to prevent and deter crime by promoting a "bird's eye" view of an area for security purposes.

2. "Skywatch" surveillance equipment shall be issued in such a manner that it is utilized solely and exclusively by law enforcement personnel of the BOROUGH, who have successfully completed the established training requirements for the operation of the "Skywatch" and the equipment contained therein.

3. BOROUGH shall be fully responsible for the care, maintenance and/or damages to the "Skywatch" and the equipment contained therein, during their use and while in their custody.

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B. DEPLOYMENT

1. "Skywatch" surveillance equipment will be stored at the Middlesex County Fire Academy and will be made available to the BOROUGH for use on an "as-needed" basis, subject to availability.
2. All requests for the use of the "Skywatch" surveillance equipment are to be made directly to the Middlesex County Prosecutor's Office.
3. BOROUGH receiving the "Skywatch" equipment agrees to provide a written request for the equipment with an explanation describing the event in which it is to be employed, the reason the equipment is needed and the intended duration that the equipment will be needed.
4. BOROUGH agrees to provide proof of an insurance rider with each request submitted.
5. BOROUGH agrees to return the "Skywatch" surveillance equipment with a full tank of fuel. In the event the BOROUGH fails to do so, the BOROUGH shall pay the rate of fuel charged by the COUNTY.
6. BOROUGH agrees to report any damage to the "Skywatch" surveillance equipment, as well as any equipment contained therein directly to the Prosecutor's Office.
7. BOROUGH agrees to report any non-functioning or mal-functioning components of the "Skywatch" surveillance equipment, as well as any of the components to the equipment contained therein directly to the Prosecutor's Office.
8. BOROUGH agrees to provide the proper means to transport the "Skywatch" surveillance equipment to and from the Middlesex County Fire Academy, where the equipment will be stored.

C. INDEMNIFICATION

The BOROUGH shall save, protect, indemnify and save harmless the County of Middlesex, County Prosecutor, their elected officials and employees from any and all damages or claims for damages to persons or property which may result or arise from the use or maintenance of the "Skywatch" surveillance equipment.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its proper officers and have their proper corporate seal affixed, the day and year first written above.

Dated: October 1, 2012

RESOLUTION NO. 2012-208

WHEREAS, bids were received by the Borough Administrator on August 30, 2012 for One (1) 29 Cubic Yard High Compaction Rear Loading Sanitation Truck for the Borough of Metuchen; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$253,896.00 as evidenced by the Finance Officer's certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for One (1) 29 Cubic Yard High Compaction Rear Loading Sanitation Truck be and the same is hereby awarded to Raritan Valley Truck Sales Inc., 4115 Route 1 , South Brunswick, NJ 08852.

BE IT FURTHER RESOLVED, that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for the same.

BE IT FURTHER RESOLVED that the certified check or bid bond of the successful bidder and:

1. Raritan Valley Truck Sales, Inc. 4115 Route 1 , South Brunswick, NJ 08852.

be returned upon the receipt of a fully executed contract and other required documents.

Dated: October 1, 2012

RESOLUTION NO.2012-209

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-022 – CARLOS PAIVA 32 HOME STREET

WHEREAS, Carlos Paiva posted \$192.00 for sidewalk escrow fees at 32 Home Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Carlos Paiva,

NOW, THEREFORE, BE IT RESOLVED, that Carlos Paiva be refunded \$192.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 2012

RESOLUTION NO.2012-210

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-018 – KENNETH KING 48 FORREST STREET

WHEREAS, Kenneth King posted \$467.00 for sidewalk, curb & apron escrow fees at 48 Forrest Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Kenneth King,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth King be refunded \$467.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 2012

RESOLUTION NO.2012-211

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-013 – PATRICIA GARNER – 29 CARSON AVENUE

WHEREAS, Patricia Garner posted \$256.00 for sidewalk escrow fees at 29 Carson Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Patricia Garner,

NOW, THEREFORE, BE IT RESOLVED, that Patricia Garner be refunded \$256.00 from the Sidewalk Inspection Escrow account.

Dated: October 1, 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 \$3,325,483.44 was approved.

ORDINANCE –INTRODUCTION-2012-7

On a motion by Council President Cammarano, seconded by Councilman Wallace with all in favor Ordinance No. 2012-7 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Cammarano, seconded by Councilman Wallace Ordinance No. 2012-7 was passed on first reading, published according to law and a public hearing date set for October 15, 2012

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

ORDINANCE NO.2012-7

ORDINANCE AMENDING SECTION 185-32 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED MID-BLOCK CROSSWALKS

WHEREAS, Section 185-32 of the Code of the Borough of Metuchen governs and designates Mid-block crosswalks in the Borough of Metuchen,

WHEREAS, the Council of the Borough of Metuchen deem it in the best interest of the Borough of Metuchen to amend Section 185-32 entitled Mid-block crosswalks to include the Mid –block crosswalk located on Middlesex Avenue, specifically 612 feet west of Central Avenue (C.R.501) extending 6 feet west therefrom;

NOW THEREFORE BE IT ORDAINED that the following mid-block crosswalk be added to Section 185-32 of the Borough Code.

Name of Street	Location
Middlesex Avenue	612 feet west of Central Avenue (C.R.501) extending 6 feet west therefrom

Dated: October 1, 2012

ORDINANCE –INTRODUCTION-2012-8

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Ordinance No. 2012-8 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin Ordinance No. 2012-8 was passed on first reading, published according to law and a public hearing date set for October 15, 2012

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

ORDINANCE 2012-8

ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED TAXICABS

WHEREAS, Chapter 175 of the Code of the Borough of Metuchen regulates and governs Taxicabs, their licensing and their rules and regulations of the operations throughout the Borough of Metuchen,

WHEREAS, the Council of the Borough of Metuchen deem it in the best interest of the Borough of Metuchen to amend Chapter 175 in order to clarify the licensing and rules and regulations governing Taxicabs throughout the Borough.

NOW THEREFORE BE IT ORDAINED that the following sections be amended as follows

§ 175-9 Operator’s badge

Whenever any license is issued to the owner, operator or driver of any hack, cab or taxicab for the transportation of passengers or baggage within the Borough, a badge containing the number of such license shall be furnished by the Chief of Police to such owner, operator or driver who shall wear the same in a conspicuous place upon his or her person while engaged in such occupation, which badge shall bear the photograph of the license holder.

§ 175-11 Owner's licenses; issuance; fees.

A. The Chief of Police of the Borough is hereby authorized to grant licenses and renewals thereof to persons of the Borough, who, as individuals, shall be over the age of 21 years, to conduct the business of renting, leasing or hiring of hacks, cabs and taxicabs, not to exceed 25

taxi vehicles in number, for the transportation of passengers and also for the operation of such vehicles for transportation of baggage within the Borough.

B. All owners' and operators' licenses shall be issued for the term of one year, and upon the issuing of same, each licensee shall pay to the Borough Treasurer the sum of \$200 for each taxicab desired to be licensed to a maximum of \$2,000 for the entire taxicab fleet.

§ 175-12 Drivers' licenses; issuance; term; fees.

The Chief of Police is hereby authorized to grant licenses to persons of good moral character over the age of 21 years, exclusive of owners, as they shall think proper to drive or operate hacks, cabs and taxicabs for the transportation of passengers and for the transportation of baggage within the Borough. All such licenses shall be issued for a term of one year and shall expire on September 1 of each year, and upon the issuing of same, each licensee shall pay to the Treasurer of the Borough the sum of \$40.

§ 175-13 Operating without license

Any person who shall hire out, keep or use for hire or cause to be kept or used for hire or drive for hire any hack, taxicab or cab for the transportation of passengers or baggage between locations within the Borough or from a point within the Borough to a point outside the Borough, except for those taxicab companies principally conducting business in and licensed by another municipality, shall be and hereby are required to first obtain a license as provided in §§ **175-11** and **175-12**. No person shall operate or permit to operate a taxicab owned or controlled by him/her to be operated as a taxicab upon the streets of the Borough unless the owner of the vehicle shall first obtain a taxicab license from the Chief of Police. Nothing in this section or other sections of this chapter shall be construed to require the licensing of any taxicab operating from an office outside the Borough which enters the Borough in response to a specific call by a patron within the Borough or carrying patrons from any point outside the Borough to any point within the Borough. However, the within Chapter shall not be construed to excuse or exempt any taxicab from the requirements set forth in N.J.S.A. 48:16-2. Any person found guilty of violating this or any other section of this chapter shall be punished in accordance with the provisions of § **175-17**.

§ 175-15 Identification to be filed by licensees

Every person receiving a license under the provisions of this article shall file with the Chief of Police the automobile license, taxicab license, driver's license and such other identification as the Chief of Police may direct as reasonably necessary. Any person found guilty of violating this section may have his or her license revoked by the Mayor and Council in their discretion, and in addition thereto shall be liable to punishment as provided in § **175-17**.

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 Councilman Wallace with all in favor the meeting was adjourned at 8:25pm.

Respectfully Submitted,