

BOROUGH COUNCIL
MINUTES –SEPTEMBER 4, 2012

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Tuesday, September 4, 2012. The Meeting was called to order at 6:36 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, Muldoon, Grayzel and Council President Cammarano.

Absent was Councilperson Rasmussen.

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.

Council President Cammarano stated that Resolution No.2012-192 was changed to read as A Resolution Authorizing Amended Developers Agreement For 27 Sheridan Avenue-B160 L13 & 15-LaPorta Builders.

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

PROMOTIONS-SERGEANT

RESOLUTION NO.2012-185

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor, resolution R2012-185 was approved.

RESOLUTION NO. 2012-185
PROMOTION TO SERGEANT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *James C. Burns*, be and he is hereby promoted to Sergeant in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective September 4, 2012.

Dated: September 4, 2012

RESOLUTION NO.2012-186

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor, resolution R2012-186 was approved.

RESOLUTION NO. 2012-186
PROMOTION TO SERGEANT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *David J. Liantonio*, be and he is hereby promoted to Sergeant in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective September 4, 2012.

Dated: September 4, 2012

RESOLUTION NO.2012-187

On a motion by Council President Cammarano, seconded by Councilman Wallace, with all in favor, resolution R2012-187 was approved.

RESOLUTION NO. 2012-187

PROMOTION TO SERGEANT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that **Robert A. Belluscio**, be and he is hereby promoted to Sergeant in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective September 4, 2012.

Dated: September 4, 2012

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor Council entered into a recess.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor Council returned from recess.

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.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor items numbers 4-6 were accepted and approved.

4. Receive and Accept Parking Authority Minutes of July 17, 2012.
5. Receive and Approve Block Party Request for Dorian Road on Saturday, September 8, 2012.
6. Receive and Approve Block Party Request for Carson Avenue on Saturday, September 8, 2012.

COUNCIL REPORTS

Council President Cammarano stated that the Police Department is asking all residents to please be aware that school is back in session and to be mindful that children will be more prevalent on the roads and in the crosswalks.

POOL

Councilman Muldoon stated that the Pool had a wonderful season and the improvements to the filter system and the turf were a huge success.

PARKING AUTHORITY

Councilman Muldoon stated that the Parking Authority and the Developer Review Committee for the Pearl Street Parking Lot project will have a special meeting on September 6th at 4pm in the second floor conference room in Borough Hall.

ARTS

Councilman Grayzel stated that the Arts Council will be sponsoring a Jazz Fest on September 22nd from 3-5pm in front of Borough Hall.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF MAYOR

Mayor Vahalla stated that he will be meeting with Keep Middlesex Moving to discuss the possibility of having flag crossings at certain intersections in Metuchen. Mayor Vahalla also stated that he would like to present Austin Banks and Daniel Robinson with a Proclamation from the Borough recognizing their accomplishments as Marine Corp. members.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the pre-construction meeting for the Liberty Street Project will be held on September 6th at 10am in Borough Hall.

CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor the New Business Consent Agenda items numbered 7-15, encompassing resolutions R2012-188 through R2012-194 were approved.

RESOLUTION NO. 2012-188
APPOINTMENT OF FIREFIGHTER – TYSON

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Terrell Tyson** has been elected to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **Terrell Tyson** be and is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: September 4, 2012

RESOLUTION NO. 2012-189
**RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR
NYS COLLECTION REALITY-BLOCK 37 LOT 10-230 LIBERTY STREET**

WHEREAS, **NYS Collection Reality** has requested a refund of the maintenance guarantee for improvements to Block 37 Lot 10-230 Liberty Street; and

WHEREAS, the Project Engineer has reported that the contract has been completed in an acceptable manner; and

WHEREAS, the Project Engineer, in a letter dated August 28, 2012 recommends the full release of the maintenance guarantee in the amount of \$3,521.85 plus any accrued interest, pending payment of any necessary outstanding escrow fees; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the maintenance guarantee in the amount of \$3,521.85, plus accrued interest, as directed by the Project Engineer to NYS Collection Reality, 230 Liberty Street, Metuchen NJ 08840 upon payment of any outstanding fees.

Dated: September 4, 2012

RESOLUTION NO.2012-190
**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 \$5,000.00, which is now available from Middlesex County Prosecutor's Office for a 2012 Quality of Life Grant for bicycles and related equipment in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption Middlesex County Prosecutor's Office for a 2012 Quality of Life Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from Middlesex County Prosecutor's Office for a 2012 Quality of Life Grant in the amount of \$5,000.00.

Dated: September 4, 2012

RESOLUTION NO.2012-191
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-014 – ROBERT NARUS –
119 UNIVERSITY AVENUE**

WHEREAS, Robert Narus posted \$32.00 for sidewalk escrow fees at 119 University Avenue; and

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

NOW, THEREFORE, BE IT RESOLVED, that Robert Narus be refunded \$32.00 from the Sidewalk Inspection Escrow account.

Dated: September 4, 2012

RESOLUTION 2012-192
**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A
DEVELOPER'S AGREEMENT BETWEEN LAPORTA BUILDERS, INC. AND THE
BOROUGH OF METUCHEN**

WHEREAS, LaPorta Builders, Inc., is the Developer, with the consent of the owner of Block 160, Lots 13 & 15 (Estate of Grace Knox) as shown on the official Tax Map of the Borough of Metuchen, said property being commonly known as 27 Sheridan Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

WHEREAS, with the Owner's consent (the Estate of Grace Knox), the Developer filed an application with the Planning Board for minor subdivision approval with bulk variances and waivers to raze an existing dwelling, subdivide the property into two lots and to construct a new single family residence of each new lot;

WHEREAS, the above described minor subdivision application was granted on December 15, 2011 and memorialized by Resolution dated January 5, 2012 . The aforesaid Resolution of Approval is annexed to the proposed Developer's Agreement ("hereinafter referred to as the "Developer's Agreement") annexed hereto and made part hereof; and

WHEREAS, pursuant to the requirements of the Resolution of Approval, on April 3, 2012, the Developer submitted a revised conceptual plans for the minor site plan approval;

WHEREAS, approvals of the Planning Board were subject to LaPorta Builders, Inc. 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 LaPorta Builders, Inc. 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 with LaPorta Builders, Inc.;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement between LaPorta Builders, Inc. and the Borough of Metuchen in the form attached hereto 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: September 4, 2012

RESOLUTION 2012-193
**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A
DEVELOPER'S AGREEMENT BETWEEN MEIFEI MA AND THE BOROUGH OF
METUCHEN**

WHEREAS, Meifei Ma is the owner and developer (hereinafter referred to as "Meifei Ma" or "Developer") of the property commonly known as 140 Durham Avenue and identified as Block 54, Lots 28, 29, 30 and 31 on the tax Map of the Borough of Metuchen ("Property"); and

WHEREAS, Developer filed an application and amended application with the Zoning Board of Adjustment, for among other things, a use variance, bulk variances, waivers and site

plan approval with exceptions/waivers to convert a second floor apartment above an existing restaurant into an office, to construct a two-story addition, and to further improve the building exterior; which application was granted on October 8, 2009 and memorialized by Resolution dated November 12, 2009 and the amended application was granted on August 12, 2010 and memorialized by Resolution dated October 14, 2010. The aforesaid Resolutions of Approval are annexed to the proposed Developer's Agreement ("hereinafter referred to as the "Developer's Agreements") and are annexed hereto and made part hereof; and

WHEREAS, approvals of the Metuchen Zoning Board were subject to Meifei Ma 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 Meifei Ma 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 with Meifei Ma;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the proposed Developer's Agreement between Meifei Ma and the Borough of Metuchen in the form attached hereto 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: September 4, 2012

RESOLUTION NO. 2012-194
RESOLUTION AMENDING CERTAIN SALARIES

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 92-25 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2012 as follows:

GROUP I - LIBRARY PERSONNEL-Salary adjustment and increase per Library Board

GROUP II - PART TIME OFFICERS AND EMPLOYEES

A.	Councilmembers	\$ 1,200/yr.
	Intern Children's Librarian	Per Library Board
	Mayor	\$ 2,000/yr.
	Library Clerks, Junior Asst., Pages etc.	Per Library Board
	Fire Department	Per point schedule established by Fire Chief
	Municipal Court Judge	\$15,000/yr
	Municipal Prosecutor	\$13,000/yr
	Public Defender	\$ 7,500/yr
	Registrar	\$10,000/yr
	Deputy Registrar	\$ 4,000/yr

B. 2.0% increase on 2011 base salary:

Video Coordinator	Fire Subcode Official
Asst. Video Coordinator	Fire Inspector
Bus Drivers	Bulding Subcode Official
Part-Time Clerk and Secretaries	Building Inspector
Construction Official	Alternate Subcode Official
Plumbing Subcode Official	Alternate Inspectors
Plumbing Inspector	Janitors, Firehouse
Electrical Subcode Official	Fire Official
Electrical Inspector	Fire Inspectors
School Crossing Guards	Office of Emergency Management Director
	Zoning Officer

Group III - RECREATIONAL SEASONAL EMPLOYEES

Starting rate at \$6.60 plus \$0.25 per hour increase for all returning hourly employees that are not at the maximum for the range plus \$25.00 per week increase for weekly returning employees that are not at the maximum for the range except as follows:

Cooking Program Director	\$30.00/hr
Tennis Director	\$65.00/hr
Tennis Instructor	\$8.00/hr
Drama Director	\$50.00/hr
Art Director	\$50.00/hr
Soccer Camp Director	\$750.00/week
Soccer Counselor(1 ST Year)	\$125.00/week
Soccer Trainer (1st Year)	\$325.00/week
Track Camp Director	\$750.00/week
Track Advisor	\$500.00/week
Track Specialist	\$300.00/week
Field Hockey Instructor, 1 st year	\$8.00/hr
Basketball Director	\$600.00/week
Recreation Assistant	\$8.00/hr
Camp Director	\$18.00/hr
Senior Counselor	\$8.25/hr
Junior Counselor	\$6.60/hr
Recreation Specialist	\$6.60/hr

Group IV - SEASONAL EMPLOYEES/POOL

Pool Manager	\$9,000.00
Assistant Managers (experienced)	\$7,400.00/season
Assistant Manager	\$6,600.00/season
Aquatics Director	\$3,500.00/season
Head Swim Team Coach*	\$2,200.00/season
Assistant Swim Team Coach	\$2,000.00/season
Swim Team Assistant	\$ 750.00/season
Lifeguard (1st year)	\$ 7.00/hr.
Lifeguard (2nd & 3 rd year)	\$ 7.75/hr.
Lifeguard (4th & 5 th year)	\$ 8.50/hr.
Senior Lifeguard	\$ 9.00/hr.
Head Lifeguard(1 st & 2 nd year)	\$ 10.00/hr
Head Lifeguard(3 rd year and up)	\$ 10.50/hr.
Head Diving Coach	\$1,400.00/season
Assistant Diving Coach	\$1,100.00/season
Activities Director	\$1,500.00/season
Swim Instructor (first year)	\$ 6.75/hr
Swim Instructor (2 nd & 3 rd year)	\$ 7.00/hr
Swim Instructor (4 th year & up)	\$ 7.50/hr
Maintenance, Laborer (first year)	\$ 5.75/hr.
Maintenance, Laborer (2 nd & 3rd)	\$ 6.25/hr
Maintenance, Laborer (4 years & up)	\$ 7.00/hr
Gate Attendants (1 st year)	\$ 5.50/hr.
Gate Attendants (2 nd and 3 rd years)	\$ 6.00 /hr
Gate Attendants (4 th year & up)	\$ 7.00 /hr
Head Gate Attendant (1 st and 2 nd year)	\$ 8.00/hr.
Head Gate Attendant (3 rd year and up)	\$ 8.25/hr.

*position not filled when Aquatics Director position is filled and acts as Head Coach

GROUP V – FULL TIME OFFICERS AND EMPLOYEES

2.0% increase on 2011 base salary:

- Administrative Secretary
- Administrative Officer
- Borough Clerk, Court Administrator
- Recreation Director, Tax Assessor, Senior Citizens Director

Police Lieutenant/DPW Superintendent
Police Captain, Chief Financial Officer/Tax Collector, Public Works Director
Police Chief, Borough Administrator

BE IT FURTHER RESOLVED, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups; and

BE IT FURTHER RESOLVED, that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same range.

Dated: September 4, 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 **\$202,651.23** was approved.

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 7:15pm.

Respectfully Submitted,