

BOROUGH OF METUCHEN
COUNCIL MINUTES –APRIL 15, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 15, 2013. The Meeting was called to order at 6:35 p.m. by Mayor 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.

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

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

AGENDA SESSION

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

Borough Attorney Murphy discussed the possible addition of Resolution No. 2013-98-
RESOLUTION ACCEPTING BIDS FOR THE SALE OF BOROUGH VEHICLES NO
LONGER NEEDED FOR PUBLIC PURPOSES AND AUTHORIZING THE REVISION OF
THE STARTING BID AMOUNTS AND SALE OF VEHICLES NO LONGER NEED FOR
PUBLIC PURPOSES.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, R2013-98 was added to the New Business Consent Agenda.

Councilwoman Rasmussen expressed her concern about tree planting procedures of new homeowners.

Councilwoman Rasmussen also asked if garbage containers could be placed at the cemetery near the Greenway for garbage disposal.

Council President Muldoon discussed the possibility of purchasing the proposed firetruck through a County Co-op.

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

BUDGET DISCUSSIONS

A discussion with the Director of Public Works, Fred Hall, was held regarding the Public Works Department's budget and Capital budget for the year.

A discussion with the Librarian, Melody Kokola, was held regarding the Library's budget and Capital budget for the year.

PRESENTATION-EDGAR SCHOOL CHILDREN-CROSSWALK SAFETY-Ken Smith

A presentation regarding both pedestrian and crosswalk safety was provided to the Borough Council and the public by the 5th grade students attending Edgar School.

DISCUSSION ON INSURANCE RENEWAL

A discussion with Mike Atkinson, the Borough's Health Insurance Broker, regarding the Borough's Health Insurance Renewal was discussed.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to the public for comment.

Frank Freibott(18 Eggert Ave.) asked if the new Fire Truck Pumper was a necessity

A discussion ensued regarding the possible purchase of a Fire Truck Pumper.

Hearing no one else 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 2013-4
**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.

Borough Clerk Harris read Ordinance 2013-4 by title only.

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

Borough Administrator Boerth explained the Municipal Budget Cap and Cap Bank

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone in favor said Ordinance 2013-4 was approved on second reading and published according to law.

Roll Call Vote:

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

Nays: None

Abstentions: None

Absent: None

Motion Carried.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Item #'s 10 and 11 were approved.

10. Receive and Approve Block Party Request For School Street On September 14, 2013(Road Closure).

11. Receive and Accept Historic Preservation Minutes of February 26, 2013 and March 19, 2013

COUNCIL REPORTS

HISTORIC PRESERVATION

Council President Muldoon stated that May is Historic Preservation Month and that the Committee will sponsor the 2nd Annual Scavenger Hunt Contest.

PARKING AUTHORITY

Council President Muldoon stated that the Parking Authority would meet tomorrow night and will be discussing the Parking Authority Pearl Street Lot Project.

TRAFFIC AND TRANSPORTATION

Councilman Wallace stated that the Traffic and Transportation Committee would like to have October dedicated as Pedestrian Safety Month. Councilman Wallace also stated that the Committee would like to increase the number of locations and make recommendations where the Pedestrian Crossing flags should be used.

YOUTH SERVICE/MUNICIPAL ALLIANCE

Councilwoman Rasmussen discussed the increased and more in depth information required for the grant submissions. Councilwoman Rasmussen also stated that the Magic Show sponsored by the Municipal Alliance/Youth Service Board will be held at Campbell School on May 3, 2013 at 7pm.

SENIORS

Councilwoman Inzerro discussed the AARP program held at the Senior Center to help Senior's file their taxes.

CHAMBER OF COMMERCE

Councilwoman Inzerro discussed that the Townwide Garage Sale was being held this Saturday April 20th.

POOL

Councilman Cammarano stated that the Pool Commission continued to discuss staffing for the upcoming year and that today was the last day for early registration for a pool membership.

MAYOR'S REPORT

Mayor Vahalla stated that the County Freeholders meeting will be held on May 2, 2013. At that meeting the Plaza Green for the Pearl Street Lot Project will be discussed.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with all in favor the New Business Consent Agenda item number 16 through 21 and 23, encompassing resolutions R2013-90 and R2013-92 through R2013-98 were approved.

RESOLUTION NO. 2013-90

RESOLUTION APPROVING HEALTH INSURANCE THIRD PARTY ADMINISTRATOR AND NETWORK

WHEREAS, the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which shall renew effective on **May 1, 2013**; and

WHEREAS, this self-insurance program shall require a renewal of Insurance Design Administrators as the Third Party Administrator and the renewal of Qualcare as the Insurance Network for in-state members and US Fire Insurance Co. as Reinsurer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby authorize the appointment of the above stated for all currently existing medical and dental programs offered for Borough employees and retirees.

Dated: April 15, 2013

RESOLUTION NO. 2013-92A

RESOLUTION APPROVING SUBMISSION OF THE 2012 TONNAGE REPORT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Borough of Metuchen endorses the submission of the recycling tonnage grant application for the year **2012** to the New Jersey Department of Environmental Protection and Energy and designates Fred Hall to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Dated: April 15, 2013

RESOLUTION NO. 2013-93

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 2 PLEASANT PLACE-MATTCO PLUMBING AND HEATING LLC.

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Michael Mastrocola Plumbing Inc. as the required Performance Guarantees for Street Opening #12-046-2 Pleasant Place; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, Mattco Plumbing and Heating LLC., 26 Evergreen Avenue, Fords NJ 08863 as recommended by the Director of Public Works.

Dated: April 15, 2013

RESOLUTION NO.2013-94

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-003 – RONALD SEPPI
9 EGGERT AVENUE**

WHEREAS, Ronald Seppi has posted \$266.50 for curb, apron and sidewalk escrow fees at 9 Eggert Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Ronald Seppi,

NOW, THEREFORE, BE IT RESOLVED, that Ronald Seppi be refunded \$266.50 from the Sidewalk Inspection Escrow account.

Dated: April 15, 2013

RESOLUTION NO. 2013-95

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Metuchen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2013 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Dated: April 15, 2013

RESOLUTION NO.2013-96
RESOLUTION AUTHORIZING ISSUANCE OF DUPLICATE TAX SALE
CERTIFICATES 11-00008, 11-00009, 11-00018,11-00021

WHEREAS, Halina Malinowski, holder of Tax Sale Certificates 11-00008 for Block 130.1, Lot 10, 11-00009 for Block 132 Lot 36, 11-00018 for Block 197 Lot 52 and 11-00021 for Block 218 Lot 11.1 has requested that a duplicate tax sale certificate be created for each named certificate,

WHEREAS, Halina Malinowski has provided an affidavit stating that Halina Malinowski is the lawful owner of the described tax sale certificate. The listed tax sale certificates were presented to the Middlesex County Clerk for recording but were never received from the Middlesex County Recorded of Deeds.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be authorized to issue a duplicate tax sale certificate for certificates 11-00008 for Block

130.1, Lot 10, 11-00009 for Block 132 Lot 36, 11-00018 for Block 197 Lot 52 and 11-00021 for Block 218 Lot 11.1

Dated: April 15, 2013

RESOLUTION NO. 2013-98

RESOLUTION ACCEPTING BIDS FOR THE SALE OF BOROUGH VEHICLES NO LONGER NEEDED FOR PUBLIC PURPOSES AND AUTHORIZING THE REVISION OF THE STARTING BID AMOUNTS AND SALE OF VEHICLES NO LONGER NEEDED FOR PUBLIC PURPOSES

WHEREAS, the Borough of Metuchen authorized the sale and public auction of various vehicles no longer needed for public use by way of Resolution No. 2013-53; and

WHEREAS, pursuant to the Resolution, the Borough conducted a live public auction of the vehicles on March 30, 2013 and received bids from various individuals and/or business entities which met and/or exceeded the starting bid amounts set by the Borough; and

WHEREAS, the Mayor and Council deem it in the best interest of the Borough of Metuchen to accept the following bids on the Borough owned vehicles no longer necessary for public purposes:

Year	Make	Starting Bid	Bid Award
1991	Van E350	\$500.00	\$500.00
2000	Nissan Maxima SE	\$350.00	\$350.00
2004	Chevy Impala	\$350.00	\$350.00
2002	Chevy Impala	\$350.00	\$350.00
2006	Chevy Impala	\$350.00	\$775.00
2006	Chevy Impala	\$350.00	\$625.00
2005	Chevy Impala	\$350.00	\$350.00

WHEREAS, the Borough did not receive any bids meeting the starting bid requirements at the public auction on various vehicles; and

WHEREAS, the Mayor and Council deem it in the best interest of the Borough to revise some of the starting bid amounts in order to promote bidding; and

WHEREAS, the Mayor and Council deem it in the best interest of the Borough of Metuchen to further authorize the solicitation of bids for the following vehicles with the following starting bid amounts:

Item#	Year	Make	Starting Bid	New Starting Bid
001	1994	Ford F350	\$500.00	\$500.00
002	1994	White GMC	\$4,000.00	\$3,200.00
003	1986	Mack	\$4,000.00	\$3,200.00
004	1994	F700 Jet	\$2,000.00	\$2,000.00
005	1990	F700 Dump Truck	\$2,000.00	\$1,500.00
006	2000	Explorer XLS	\$500.00	\$500.00
007	1997	DT4900 Int.	\$2,000.00	\$1,500.00

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that it hereby accepts the following bids on the Borough owned vehicles no longer necessary for public purposes:

Year	Make	Starting Bid	Bid Award
1991	Van E350	\$500.00	\$500.00

2000	Nissan Maxima SE	\$350.00	\$350.00
2004	Chevy Impala	\$350.00	\$350.00
2002	Chevy Impala	\$350.00	\$350.00
2006	Chevy Impala	\$350.00	\$775.00
2006	Chevy Impala	\$350.00	\$625.00
2005	Chevy Impala	\$350.00	\$350.00

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Metuchen that it hereby authorizes the further solicitation of bids for the following vehicles with the following starting bid amounts:

Item#	Year	Make	Starting Bid	Starting Bid
001	1994	Ford F350	\$500.00	\$500.00
002	1994	White GMC	\$4,000.00	\$3,200.00
003	1986	Mack	\$4,000.00	\$3,200.00
004	1994	F700 Jet	\$2,000.00	\$2,000.00
005	1990	F700 Dump Truck	\$2,000.00	\$1,500.00
006	2000	Explorer XLS	\$500.00	\$500.00
007	1997	DT4900 Int.	\$2,000.00	\$1,500.00

BE IT FURTHER RESOLVED, that the within starting bid amounts must include the cost of removal of the vehicles which are not in operating condition;

BE IT FURTHER RESOLVED, that aside from the revised starting bid amounts contained herein, the conditions and terms of the sale of the vehicles shall remain consistent with those set forth in Resolution No. 2013-53, including but not limited to the Borough’s reservation to accept or reject any or all bids and that the vehicles are being sold in an “AS/IS WHERE IS” condition; and

BE IT FURTHER RESOLVED notice of the Public Sale of the Vehicles shall be published pursuant to N.J.S.A. 40A:12-13; and

BE IT FURTHER RESOLVED, that the Borough Clerk and all Borough officials and employees are authorized to take any and all necessary action to effectuate the within Resolution including but not limited to the transfer of title of the vehicles sold and to conduct the “open public sale” of the vehicles in the most advantageous method for the Borough of Metuchen.

ITEMS REMOVED FROM CONSENT

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with on abstention by Councilman Cammarano the New Business Consent Agenda item number 22 resolution R2013-97 was approved.

RESOLUTION NO.2013-97

RESOLUTION AUTHORIZING REFUND OF 2012 and 2013 TAXES

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
PHH Mortgage for Wells Fargo for Stephen & June Mellinger	108.1/3.1	3 Reading Court	\$1,788.55	Overpayment	2012/4 th qtr

Junaid Farooq and Saima Mirza	4.2/36	100 Clive Street	\$3,309.60	Overpayment	2012/4 th qtr
RoundPoint Mortgage Servicing Corporation for Steven & Merrill Lunt	151/42	20 Graham Avenue	\$1,049.00	Overpayment	2012/4 th qtr
BAC Tax Services Corporation for	90/8	31 William Street	\$1,907.87	Overpayment	2013/1 st qtr
Wells Fargo for Daniel Lebovits and Karin Feldman	149/67.1	43 Graham Avenue	\$2,071.78	Overpayment	2012/4 th qtr

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$10,126.80.

Dated: April 15, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of **\$3,269,368.65** was approved.

PUBLIC COMMENT

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.

ADJOURNMENT

On a motion by Council President Muldoon, seconded by Councilman Wallace, with all in favor the meeting was adjourned at 8:24 pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk