

BOROUGH OF METUCHEN
COUNCIL MINUTES – FEBRUARY 19, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Tuesday, February 19, 2013. The Meeting was called to order at 7:30 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, Cammarano and Council President Muldoon.

Absent was Councilman Grayzel

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.

Council President Muldoon requested that R20013-57 be removed from the Consent Agenda for a separate vote.

Councilman Wallace also requested that R2013-54, 2013-59 and 2013-60 be also removed from the Consent Agenda for discussion and a separate vote.

Councilman Cammarano requested that R2013-58 also be removed from the Consent Agenda.

Borough Administrator Boerth discussed R2013-58, R2013-59 and 2013-60.

Councilwoman Rasmussen discussed R2013-53.

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with all in favor except for one abstention by Councilman Cammarano, R2013-54, R2013-57, and R2013-58 be removed from the Consent Agenda for a separate vote.

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

PROCLAMATIONS/RESOLUTIONS HONORING

Councilwoman Rasmussen read the proclamation for Marijuana Awareness Month.

WHEREAS, The Metuchen Youth Alliance supports the Municipal Alliance's Mission to reduce alcohol and drug abuse in our community by raising awareness through the

identification and promotion of programs focused on prevention, education, awareness and recovery; and

WHEREAS, The National Center for Substance Abuse Prevention (CSAP) first designated February as Marijuana Awareness Month in 1998; and

WHEREAS, The Youth Alliance is concerned that there will be a growing acceptance of marijuana use among their peers, since in November 2012 voters in Colorado and Washington State elected to legalize marijuana for recreational use; and

WHEREAS, Marijuana is illegal for recreational use in the State of New Jersey and in 47 other states, and it is also NOT legal under federal law, even in Washington and Colorado; and

WHEREAS, Research proves that approximately 90% of addictions are rooted in the teenaged years and shows early first use of marijuana increases the likelihood of dependence. And research indicates marijuana has a long-lasting, negative impact on the developing brain, causing structural and functional deficits.

NOW, THEREFORE, I, THOMAS VAHALLA, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, on behalf of the Borough Council of the Borough of Metuchen do hereby proclaim February 2013 as Marijuana Awareness Month in Metuchen.

Dated: February 19, 2013



OPEN TO PUBLIC

Mayor Vahalla opening the meeting for public comment.

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

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Mulddon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda was approved.

REPORTS OF OFFICIALS

Council President Muldoon discussed the Police Departments Citizens Academy program.

Councilman Wallace discussed the efficiency of the Public Works and Fire Department.

Councilman Wallace discussed the possible Ordinance installing stop signs within the Borough.

DEVELOPMENT

Councilwoman Rasmussen stated that the Development Commission is continuing to work on the Business Improvement District recommendations.

MUNICIPAL ALLIANCE/YOUTH SERVICE

Councilwoman Rasmussen discussed the progress the Youth Service Board has made with its website.

Councilwoman Rasmussen stated that the June Bug meeting will be on February 21st.

CHAMBER OF COMMERCE

Councilwoman Inserro stated that the Chamber Installation Dinner at the Pines Manor will be held on March 16th and the Townwide Garage Sale will be Saturday April 20th.

POOL

Councilman Cammarano discussed the upcoming Pool season.

LIBRARY

Councilman Cammarano discussed the possibility of moving the Childrens Library during the ongoing renovations at the Library.

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 the Traffic and Transportation Committee will be holding a meeting on February 25th between 7pm and 9pm.

Mayor Vahalla also discussed the PBA Dinner and the award received by Patrolman Chris Brown.

Mayor Vahalla also discussed the actions taken to help prevent the closing of the Woodbridge and Totowa Developmental Centers.

Mayor Vahalla stated that the Fire Department last month responded to 22 alarms, 145 volunteer hours at fires and emergencies, 202 hours of drills and meetings as well as the cadets volunteering 50 hours.

CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the New Business Consent Agenda item numbers 4, 5, 7, 8, 11 and 12 encompassing resolutions R2013-52, 53, 55, 59 and 60 were approved.

RESOLUTION NO. 2013-52

RESOLUTION RESCINDING RESOLUTION NO.2013-46-A RESOLUTION OF THE BOROUGH OF METUCHEN AUTHORIZING THE SALE OF VEHICLES-AUCTION

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex that Resolution No.2013-46 is hereby rescinded.

Dated: February 19, 2013

RESOLUTION NO.2013-53

A RESOLUTION OF THE BOROUGH OF METUCHEN AUTHORIZING THE SALE OF VEHICLES-AUCTION

WHEREAS, the Borough of Metuchen is the owner of the following vehicles:

Year	Make
1994	Ford F350
1994	White GMC
1986	Mack-1993

1994	F700 Jet-1994
1990	F700 Dump Truck
2000	Explorer XLS
1991	Van E350
2000	Nissan Maxima SE
2004	Chevy Impala
2002	Chevy Impala
2006	Chevy Impala
2006	Chevy Impala
2005	Chevy Impala
1997	DT4900 Int.

WHEREAS, the Mayor and Council have determined, based upon the recommendation of the appropriate Borough officials, that the aforementioned vehicles are of such an age and in such a condition they are no longer necessary for public use; and

WHEREAS, the Mayor and Council have determined, based upon the recommendation of the appropriate Borough officials, that based upon the estimated value and condition of the vehicles minimum bids for each vehicle shall be set; and

WHEREAS, the Mayor and Council deem it in the best interest of Metuchen to conduct an open public auction to solicit bids for the sale of the vehicles pursuant to N.J.S.A. 40A:12-13.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Metuchen, that due to the age and condition of the aforementioned vehicles, they are no longer need for public; and

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the public auction of the following vehicles, with the minimum bids as indicated, to occur within the next thirty (30) days following the date of the within Resolution:

Year	Make	Minimum Bid
1994	Ford F350	\$500.00
1994	White GMC	\$4,000.00
1986	Mack	\$4,000.00
1994	F700 Jet	\$2,000.00
1990	F700 Dump Truck	\$2000.00
2000	Explorer XLS	\$500.00
1991	Van E350	\$500.00
2000	Nissan Maxima SE	\$350.00
2004	Chevy Impala	\$350.00
2002	Chevy Impala	\$350.00
2006	Chevy Impala	\$350.00
2006	Chevy Impala	\$350.00
2005	Chevy Impala	\$350.00
1997	DT4900 Int.	\$2,000.00

BE IT FURTHER RESOLVED, that the appropriate Borough officials and employees shall report back the results of the public auction and highest bids received for each vehicle and the Borough Council shall either reject or accept the bids for said motor vehicles, which shall be no later than the next regular Borough Council meeting following the date of the public auction; and

BE IT FURTHER RESOLVED, that the public auction and sale of vehicles shall be subject to the following terms and conditions:

1. The Borough of Metuchen reserves the right to reject any and all bids.
2. The Borough of Metuchen reserves the right to withdraw any and all vehicles from said auction or sale.
3. All vehicles are offered on and AS IS/WHERE IS condition.
4. Upon acceptance of a bid or bids and confirmation of the Borough Council, the successful bidders shall receive title for the motor vehicle from the Borough of Metuchen.
5. The said motor vehicles may be inspected by prospective purchasers sixty (60) minutes prior to the public auction.
6. Bids will not be accepted below the minimum bids established and will be considered the "starting bid".
7. Bid will be accepted only in \$25.00 increments.
8. All bidders must be 18 years of age or older.
9. All bidders participating in the public auction must agree that they have read and fully understand the terms and conditions of sale and agree to be bound thereby.
10. The descriptions of vehicles in the auction and in advertising prior to the auction are believed to be correct. Nevertheless, the Borough is not responsible for the correct description, year, make, model, or defects in any vehicle and makes no warranty. ALL SALES ARE FINAL. No deduction will be allowed on damaged vehicles as all vehicles are being exposed for public auction are sold "as is", "where is" and with all faults.
11. Bidder acknowledges that all vehicles were available for inspection prior to the auction and the Borough strongly encourages the Bidder to carefully inspect each vehicle in which the Bidder has any interest to determine the vehicle's condition. Bidder must rely solely on personal inspection and not on information listed or provided by the Borough. Bidder's failure to inspect or to be fully informed will not constitute grounds for any claim, adjustment, and refund, termination of the contract for sale or refusal to take possession or close the sale, against the Borough.
13. When Bidder places a bid on a vehicle at the auction being conducted by the Borough; Bidder is entering into a contractual agreement with the Borough. Therefore, unless Bidder intends on being legally obligated to purchase the vehicle(s) on which Bidder places a bid, Bidder should not place the bid. If Bidder does place a bid and fails to comply with the contractual agreement, Bidder agrees to be subject to the laws of the State of New Jersey, County of Middlesex.
14. All bids are binding, even if outbid, until the transaction of the highest legitimate bidder is completed with the Borough. In the case that the high bidder defaults on their bid, the Borough will have the option of either selling to the next highest bidder, or canceling the auction as to that vehicle.
15. All bidders understand that all high bids for the vehicles up for auction are subject to the Borough Council's confirmation. Bidders shall contact Sgt. Dave Liantonio at (732) 632-8547 by the end of the next business day following the Council meeting following the public auction, to find out if the sale of the vehicle has been confirmed by the Borough Council.
16. One hundred percent (100%) of the bid price shall be paid in cash, money order or by certified check payable unconditionally to the Borough of Metuchen when the motor vehicle is auctioned off and in the event of default by the bidder, it shall be forfeited to the Borough.

17. In the event that the highest bid is not confirmed or the sale is not authorized by the Borough Council, the Borough shall return the payment to the bidder

18. If the winning bidder fails to pay the full purchase price before the payment deadline (the closing of the public auction) then the such winning bidder shall be deemed in default of its obligations in connection with the bid and shall forfeit its rights to purchase the vehicle, in which case the Borough may sell the vehicle to next highest bidder.

19. The bidder/buyer is solely responsible for the removal of the vehicle. Appropriate documentation must be provided if the vehicle is to be released to anyone other than the listed bidder/buyer.

20. Vehicles must be removed within ten (10) days of the Borough's Council confirmation of the sale. For everyday thereafter a storage fee of \$20.00 per day will be charged to the buyer. If the vehicle is not removed within ten (10) days of notice from the Borough of a final removal date, the ownership of the vehicle will revert back to the Borough and the bidder/buyer shall forfeit all payments previously made to the Borough. In addition, the Borough has the right to sue for collection of storage charges as well as any other claims.

21. Vehicles will not be released except by appointment and until a driver's license and a paid receipt are presented in person to Sgt. Dave Liantonio, between the hours of 8:00 am and 4:00 pm, Mondays thru Fridays, holidays excepted. There will be NO WEEKEND releases of the vehicles.

22. The Vehicle(s) becomes the full responsibility of the Bidder/Buyer at the time the Buyer takes possession and Buyer assumes all risk of loss and damage to the vehicles at that time.

BE IT FURTHER RESOLVED, that notice of the Public Auction for the 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 and to conduct the public auction in an orderly fashion.

Dated: February 19, 2013

RESOLUTION NO.2013-55
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-002 – COVINO
CONSTRUCTION – 2 GOODWILL PLACE

WHEREAS, Covino Construction posted \$150.00 sidewalk escrow fees at 2 Goodwill Place; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Covino Construction,

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

Dated: February 19, 2013

RESOLUTION NO.2013-56

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-032 – STUART TOPPER
2 JONESDALE AVENUE**

WHEREAS, Stuart Topper posted \$112.00 sidewalk escrow fees at 2 Jonesdale Avenue;
and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Stuart Topper,

NOW, THEREFORE, BE IT RESOLVED, that Stuart Topper be refunded \$112.00 from the Sidewalk Inspection Escrow account.

Dated: February 19, 2013

RESOLUTION NO.2013-59

RESOLUTION TO REDUCE 2012 TAXES-STATE TAX APPEAL

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 80, Lot 17, 756 Middlesex Avenue for 2012,

WHEREAS, the assessed value for this parcel changed for 2012 by a reduction in the assessed value of \$75,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$3,933.75,

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 taxes on Block 80, Lot 17 in the amount of \$3,933.75 due to the successful State Tax Court Appeal for the year 2012, including amendments, and apply the resulting tax overpayment in the amount of \$3,933.75 to 2013 taxes levied as stipulated by the tax court judgment.

Dated: February 19, 2013

RESOLUTION NO.2013-60

RESOLUTION TO CANCEL AND REFUND 2012 TAXES-COUNTY TAX APPEAL

WHEREAS, a successful County Tax Appeal added taxes 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 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 for added taxes including amendments, in the amount of \$2,532.04, and overpayments as a result of a tax appeal be refunded in the amount of \$3,776.45.

Block/Lot/Qual	Address	Added Assessment Reduction	Number of Months of Added	Year/Quarter of Reduction	Refund
51.7/48	122 University Ave	6700	12	2012/4	351.42
51.7/48	122 University Ave	6700	12	2013/1	87.86

57.1/28	21 Desser Place	900	12	2012/4	47.21
57.1/28	21 Desser Place	900	12	2013/1	11.81
85/63	47 School Street	6700	6	2012/4	351.42
85/63	47 School Street	13400	12	2013/1	175.71
125.6/4	206 Highland Ave	4800	12	2012/4	251.76
125.6/4	206 Highland Ave	4800	12	2013/4	62.94
120/5	73 Hillside Ave	4775	3	2012/4	250.45
120/5	73 Hillside Ave	19100	12	2013/1	250.46
223/37	115 Hollywood Ave	37500	9	2012/4	1279.78
223/37	115 Hollywood Ave	50000	12	2013/1	655.63

Dated: February 19, 2013

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with one abstention from Councilman Wallace and everyone present in favor the New Business Consent Agenda item number 6, R2013-54 was approved.

RESOLUTION NO. 2013-54

RESOLUTION AUTHORIZING BID AWARD FOR FIRE APPARATUS AND REPAIR-FIRE AND SAFETY SERVICES

WHEREAS, bids were received by the Borough Administrator on February 6, 2013 for **Fire Apparatus Service And Repair** for the Borough of Metuchen; and

WHEREAS, the estimated number of hours for service and maintenance for (5) Heavy Duty Truck Chassis, (4) Fire Pumps, (1) Midmount Aerial Ladder and (2) Generators is approximately 100 hours; and

WHEREAS, the estimated number of hours for repairs on (3) Pumpers, (1) Ladder Truck and (1) Heavy Rescue Truck is approximately 75 hours; and

WHEREAS, the estimated figure for maintenance and repair parts, filters and fluids is \$10,000; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$22, 250.00 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 **Fire Apparatus Service and Repair** be and the same is hereby awarded to Fire and Safety Services, 200 Ryan Street, South Plainfield, NJ 07080.

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

1. Fire and Safety Services, 200 Ryan Street, South Plainfield, NJ 07080
be returned upon the receipt of a fully executed contract and other required documents.
Dated: February 19, 2013

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the New Business Consent Agenda item number 9, R2013-57 was approved.

RESOLUTION NO.2013-57
**RESOLUTION AUTHORIZING HEALTH BENEFITS FOR BOROUGH OF
METUCHEN RETIREES**

WHEREAS, the Borough of Metuchen has no written policy on the provision of health benefits for eligible full time employees upon their retirement who are not covered by a collective bargaining agreement, and

WHEREAS, the Mayor and Council of the Borough of Metuchen are desirous to provide a uniform policy for the provision of non-union employee retiree health benefits,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that pursuant to NJSA 40A:10-23 as amended that the Borough of Metuchen will contribute toward the cost of health benefits and pay all or a portion of the premiums or costs associated therewith for certain full time non-bargaining unit employees only, as enumerated below,

BE IT FURTHER RESOLVED, that any full time non-bargaining unit employee who had greater than 20 years of creditable service in one or more State of New Jersey retirement systems as of June 28, 2011, reached the age of 62 years or older, and who has retired with at least 20 years of full-time continuous service with the Borough and 25 years or more of service credit in the New Jersey State retirement system shall be entitled to receive health benefits from the Borough; the premiums or costs associated therewith which shall be paid by the Borough,

BE IT FURTHER RESOLVED, that any employee holding the title of Borough Administrator, Chief Financial Officer, or Public Works Director who had fewer than 20 years of creditable service in one or more State of New Jersey retirement systems as of June 28, 2011, reached the age of 62 years or older, and who has retired with at least 20 years of full-time continuous service with the Borough and 25 years or more of service credit in the New Jersey State retirement system, shall be entitled to receive health benefits from the Borough; the premiums or costs associated therewith which shall be paid by the Borough, until such time as the employee becomes eligible for Medicare or other federally subsidized health insurance program at which time all Borough provided health benefits will cease in their entirety,

BE IT FURTHER RESOLVED, that non-bargaining unit employees, who did not have at least 20 years of creditable service in one or more State retirement systems as of June 28, 2011, other than the Borough Administrator, Chief Financial Officer, and Public Works Director, will not be eligible to receive health benefits upon retirement,

BE IT FURTHER RESOLVED, that, as to all eligible employees as set forth herein, the Borough of Metuchen will pay the premiums or cost associated with health benefits for employee coverage only which coverage shall become secondary upon eligibility for Medicare or other federally subsidized health insurance program. The Borough shall not be responsible to pay for any portion of the premiums or costs associated with health benefits for non-bargaining

unit employees' spouses or dependents upon the retirement of the non-bargaining unit employees,

BE IT FURTHER RESOLVED, that an eligible employee as set forth herein who had fewer than 20 years of creditable service in one or more State retirement systems as of June 28, 2011 must pay the higher of 1.5% of their retirement allowance or the contribution required by P.L. 2011, c. 78, towards health care costs in retirement,

BE IT FURTHER RESOLVED, that this Resolution does not provide any right to health insurance upon retirement for employees of the Borough of Metuchen Public Library or Metuchen Parking Authority,

BE IT FURTHER RESOLVED, that any existing retirees who have previously retired from non-bargaining unit positions shall, effective the date of this Resolution, receive retirement benefits at the same level that is consistent with similarly situated current employees who will be eligible to health benefits upon retirement as set forth herein, including, but not limited to, the condition that the existing retirees' coverage shall become secondary upon eligibility for Medicare or other federally subsidized health insurance program,

BE IT FURTHER RESOLVED, that if any provision of this Resolution is not in compliance with future changes in any Federal, State, or local law, such unlawful provisions shall be unenforceable, and

BE IT FURTHER RESOLVED, that the Borough reserves the right to change or eliminate the health benefits provided to the retirees covered by this Resolution, upon adequate notice.

Dated: February 19, 2013

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with one abstention from Councilman Cammarano the New Business Consent Agenda item number 10, R2013-58 was approved.

RESOLUTION NO.2013-58

RESOLUTION AUTHORIZING REFUND OF 2012 AND 2013 TAXES

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Wells Fargo Home Mortgage for Patrick Post	205/35 Mother Lot to 205/37.01	18 Ethel Place	\$3,772.39	Overpayment to mother lot	2012/3 rd /4 th qtr
Peter & Diane Cammarano	117/90	455 Middlesex Ave	\$4,140.93	Overpayment	2013/1 st 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 \$7,913.32.

Dated: February 19, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the Bill Resolution in the amount of **\$7, 917, 318.25** was approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any items on the agenda. Hearing no one wishing to speak Mayor Vahalla closed the public comment portion of the meeting.

ADJOURNMENT

On a motion by Councilman Wallace, seconded by Councilwoman Rasmussen, with everyone present in favor the meeting was adjourned at 8:05 pm.

Respectfully Submitted,

Kathryn Cirulli, RMC