

BOROUGH OF METUCHEN
COUNCIL MINUTES – FEBRUARY 4, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, February 4, 2013. The Meeting was called to order at 7:30 p.m. by Mayor 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, 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 R2013-43 be removed from the Consent Agenda for a sperate vote.

On a motion by Councilman Cammarano, seconded by Councilwoman Rasmussen, with all in favor the agenda session was closed.

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Hearing no one wishing to comment the Mayor closed the public comment section of the agenda.

ORDINANCE-PUBLIC HEARING

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-1
**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN,
VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND
PERMIT FEES.**

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 2013-1 by title only.

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

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor said Ordinance 2013-1 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Cammarano, Inzerro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Absent: Grayzel

Motion Carried.

ORDINANCE NO. 2013-1

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

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

Section 1. Section 169-3 of Chapter 169, Swimming Pool

s, of the Code of the Borough of Metuchen, is hereby amended to add/change the following fees to read as follows:

RESIDENT MEMBERSHIPS

Prior to April 15

NEW MEMBERS

MEMBERS FEES

| | <u>FROM</u> | <u>TO</u> |
|---|------------------|-----------|
| (1)Resident Family: (equivalent membership: one) | \$300 | \$310 |
| (2)Resident Family Plus. | \$390 | \$400 |
| (3)Resident Individual. | \$165 | \$170 |
| (4)Resident Senior. | \$60 | \$65 |

Resident Rates (after April 15)

| | | |
|---|------------------|-------|
| (1) Resident Family. (equivalent membership: one); | \$360 | \$370 |
| (2) Resident Family PLUS. | \$450 | \$460 |
| (3) Resident Individual. | \$175 | \$180 |
| (4) Senior | \$60 | \$65 |

Non Resident Rates:

| | | MEMBERS FEES |
|-----|--------------------------|------------------------|
| (1) | Nonresident family. | \$490 \$500 |
| (2) | Nonresident Family PLUS. | \$575 \$585 |
| (3) | Nonresident Individual | \$265 \$270 |
| (4) | Nonresident senior. | \$160 \$165 |

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-2
**AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF METUCHEN,
ENTITLED, “ANIMALS”**

Borough Clerk Harris read Ordinance 2013-2 by title only.

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

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor said Ordinance 2013-2 be approved on second reading and published according to law.

Roll Call Vote:

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

Nays: None

Abstentions: None

Absent: Grayzel

Motion Carried.

ODINANCE 2013-2

**AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF METUCHEN,
ENTITLED, “ANIMALS”**

WHEREAS, the Council of the Borough of Metuchen adopted Chapter 59 of the Code of the Borough of Metuchen, entitled, “Animals”; and

WHEREAS, Section 59-33, prohibits the keeping of more than two cats and or two dogs over six months of age without written permission of the enforcing official of the Borough of Metuchen; and

WHEREAS, the Council of the Borough of Metuchen deems that based upon the request and recommendation of the health inspector, it is in the best interest of the Borough to revise the oversight and supervision of Section 59-33 from the enforcing official to the licensing official, *i.e.*, the Secretary of the Board of Health, and to amend the age of the dogs and or cats from over six months to the age that the animals are required to be licensed; and

WHEREAS, the Borough has determined that the intentional feeding of wild animals not only attracts predators, feeding wild animals can result in wild animals being concentrated at artificial feeding areas, making them more susceptible to disease transmission. Further, the feeding of wild animals can be extremely disruptive to the natural feeding habits of the wild animals. Moreover, animals fed by humans are drawn into heavy traffic areas seeking handouts, and are killed by vehicles, or cause accidents killing humans; and

WHEREAS, due to the threat to the health and safety of all Borough residents, the Council of the Borough of Metuchen deem it in the best interest of the health, safety and welfare of its residents to amend Chapter 59 of the Code of the Borough of Metuchen.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, that § 59-33 of the Code of the Borough of Metuchen, entitled, “Unauthorized keeping of dogs or cats” should be amended to state as follows:

§ 59-33. Unauthorized keeping of dogs or cats.

The keeping of more than four cats and or four dogs of licensing age, without written permission of the Secretary of the Board of Health, upon the showing of good cause, shall be prohibited. The denial of permission for the keeping of more than four cats and or four dogs of licensing age shall be subject to appeal to the Board of Health.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen, that Article 3 of Chapter 59 of the Code of the Borough of Metuchen, entitled, “Wildlife Feeding”, specifically, §§ 59-43 through 59-47 should be amended and § 59-45.1 shall created to state as follows:

**Article 3.
Wildlife Feeding**

§ 59-43. Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Metuchen, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. In addition, it has been well established that the feeding of wild animals is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

§ 59-44. Definitions and word usage.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED - To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE - All animals that are neither human nor domesticated.

WILD ANIMALS - Any animal, which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl and any domesticated unlicensed animal, including but not limited to stray cats and/or dogs.

§ 59-45. Prohibited conduct.

A. No person shall feed, in any public park or on any other property owned or operated by the Borough of Metuchen, any wildlife, excluding confined wildlife (for example,

wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

B. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal in said Borough, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals.

C. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal.

D. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Borough to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.

E. Nothing in this section shall apply to (1) any agent of the Borough authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (2) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

§ 59-45.1 - Feeding of songbirds and other backyard birds permitted

A. Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) Does not create an accumulation of droppings on the property and surrounding properties and; (3) Does not become an attractant for rodents or other wild animals and; (4) Bird feeders are placed at least five (5) feet above the ground.

§ 59-46. Enforcement.

A. This article shall be enforced by the Health Officer of the Borough of Metuchen.

B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

C. Each property owner shall have the duty to remove any above named materials or device placed on the owner's property in violation of this Ordinance.

D. Failure to remove such materials or device or to make such modifications within twenty-four (24) hours after notice from the Borough shall constitute a separate violation of this Ordinance.

E. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

§ 59-47. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000.

BE IT FURTHER ORDAINED that the remaining sections and provisions of Chapter 56 of the Code of Metuchen not mentioned herein shall remain in full force and effect; and

BE IT FURTHER ORDAINED that every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this ordinance; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that all Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law. On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the affidavit was received and filed according to law.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilman Cammarano, with everyone present in favor the Communications Consent Agenda, Item #'s 6 and 7 were approved.

6. Receive and Approve Chamber of Commerce Annual Spring Events Calendar.
7. Receive and Approve Face 5K Run Request.

COUNCIL REPORTS

Council President Muldoon discussed the Citizens Police Academy as well as the new Face Book page for the Police Department.

AUXILIARY POLICE

Councilman Wallace stated the volunteer and training hours the Auxiliary police had last month.

MUNICIPAL ALLIANCE/YOUTH SERVICES

Councilwoman Rasmussen stated that the Youth Service Board is recognizing Marijuana Awareness Month.

SHADE TREE

Councilwoman Rasmussen discussed the Tree of Life.

DEVELOPMENT

Councilwoman Rasmussen stated the Munsamy Govinder has resigned from the Development Commission. The Commission will be looking for a replacement for that position.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

MAYOR'S REPORT

Mayor Vahalla had no report.

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 8 and 10-17 encompassing resolutions

R2013-42 and 2013-44 through R2013-51 were approved.

RESOLUTION NO. 2013-42

RESOLUTION AUTHORIZING 100 PERCENT DISABLED VETERAN PROPERTY TAX EXEMPTION

WHEREAS, the Tax Assessor of the Borough of Metuchen has been provided sufficient proof that the property known as 31 Williams Street , Block 90, Lots 8 and 9 in the Borough of Metuchen is owned by a 100% permanently and totally disabled veteran,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the Tax Collector is hereby authorized to cancel the 2013 taxes from January 1, 2013 (proofs received January 2, 2013) for Block 90, Lots 8 and 9, 31 William Street, in the name of Michael Orlando since he is a 100% permanently & totally disabled veteran,

BE IT FURTHER RESOLVED that the Chief Financial Officer/Tax Collector is hereby authorized to cancel all of the property taxes due for the year of 2013.

Dated: February 4, 2013

RESOLUTION NO. 2013-44

RESOLUTION AMENDING TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2013, effective February 4, 2013:

| | | |
|----------------------|--------------|-------------------|
| Fire Department | OE | 22,500.00 |
| METV | OE | 3,000.00 |
| Bond Principal | | 30,000.00 |
| Bond Interest | OE | 273,000.00 |
| Emergency Management | OE | 3,000.00 |
| Streets & Roads | OE | 11,000.00 |
| Recycling | OE | 6,000.00 |
| | | |
| | | |
| | TOTAL | 348,500.00 |

Dated: February 4, 2013

RESOLUTION NO. 2013-45

STATE CONTRACT PURCHASE FOR FIRE TURNOUT GEAR AND ACCESSORIES

WHEREAS, there exists a need to purchase TurnOut Gear and Accessories for the Fire Department in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-80948 through Total Fire Group with purchase order made out to SAFE-T; and

WHEREAS, the maximum amount of the purchase of TurnOut Gear and Accessories for the Borough of Metuchen is \$25,382.75 and funds are available in the prior and or prior years Capital Ordinance(s) as evidenced by the Chief Financial Officer's Certification, of which \$25,382.75 is certified from prior year and or years Capital Funds; 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 a purchase through Total Fire Group and forward a Purchase Order to **SAFE-T, 23 Hamburg Turnpike, Suite A, Riverdale, New Jersey, 07457**, working in connection with Total Fire Group.

Dated: February 4, 2013

RESOLUTION NO.2013-46

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 |
| 1993 | White GMC |
| 1986 | Mack-1993 |
| 1991 | F700 Jet-1994 |
| 1989 | F700 Dump Truck |
| 2000 | Explorer XLS |
| 1991 | Van E350 |
| 1999 | Nissan Maxima SE |
| 2004 | Chevy Impala |
| 2002 | Chevy Impala |
| 2006 | Chevy Impala |
| 2006 | Chevy Impala |
| 2004 | 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 |
| 1993 | White GMC | \$1,500.00 |
| 1986 | Mack | \$1,000.00 |
| 1991 | F700 Jet | \$2,000.00 |
| 1989 | F700 Dump Truck | \$750.00 |
| 2000 | Explorer XLS | \$500.00 |
| 1991 | Van E350 | \$300.00 |
| 1999 | Nissan Maxima SE | \$1,500.00 |
| 2004 | Chevy Impala | \$200.00 |
| 2002 | Chevy Impala | \$200.00 |
| 2006 | Chevy Impala | \$500.00 |
| 2006 | Chevy Impala | \$500.00 |
| 2004 | Chevy Impala | \$300.00 |
| 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 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.

RESOLUTION NO.2013-47

RESOLUTION TO REDUCE 2010 AND 2011 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 80, Lot 17, 756 Middlesex Avenue for 2010 and 2011,

WHEREAS, the assessed value for this parcel changed for 2010 by a reduction in the assessed value of \$50,000.00 and the assessed value for this parcel changed for 2011 by a reduction in the assessed value of \$65,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2010 is \$2,473.00 and \$3,342.95 for 2011,

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 80, Lot 17 in the amount of \$5,815.95 due to the successful State Tax Court Appeal for the years 2010 and 2011, including amendments, and apply the resulting tax overpayment in the amount of 5,815.95 to 2013 taxes levied as stipulated by the tax court judgment.

Dated: February 4, 2013

RESOLUTION NO.2013-48

RESOLUTION TO REDUCE 2012 TAXES

WHEREAS, a State Tax Court Appeal amended judgment was awarded to Block 96, Lot 75.02, 86 Linden Avenue for 2012,

WHEREAS, the assessed value for this parcel was further reduced for 2012 by \$14,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$734.30,

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 96, Lot 75 in the amount of \$734.30 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$734.30.

Dated: February 4, 2013

RESOLUTION NO.2013-49

RESOLUTION TO REDUCE 2012 TAXES

WHEREAS, a State Tax Court Appeal amended judgment was awarded to Block 103, Lot 13, 43 Oak Avenue for 2012,

WHEREAS, the assessed value for this parcel was further reduced for 2012 by \$15,000.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$786.75,

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 103, Lot 13 in the amount of \$786.75 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$786.75.

Dated: February 4, 2013

RESOLUTION NO.2013-50

Resolution Authorizing Refund of 2012 Taxes

WHEREAS, the following have made overpayment of taxes,

| Name | Block/Lot | Address | Amount | | Year |
|--|------------------|---------------------------|------------|-------------|--------------------------|
| Joseph Baluch | 46/34 | 72 Aylin Street | \$250.00 | Overpayment | 2012/4 th qtr |
| David Scutari | 131.1/6 C305 | 165-305 Essex Avenue | \$1,145.13 | Overpayment | 2012/4 th qtr |
| GMAC Mortgage for Robert & Diana Sklans | 126/71 | 77 Lexington Drive | \$1,573.50 | Overpayment | 2012/4 th qtr |
| Huaxu Cheng and Zhen Qin | 85/55.02 C055 | 63 Franklin School Way | \$1,958.58 | Overpayment | 2012/4 th qtr |
| Wells Fargo Home Mortgage for Elaine & Russ Madeo | 204/35 | 14 Carpenter Place | \$1,920.51 | Overpayment | 2012/3 rd 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 \$6,847.72.

Dated: February 4, 2013

RESOLUTION NO. 2013-51

RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Planning Board Secretary has requested that the following escrow account be closed and the balance be refunded to the depositor,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the project is closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow project is complete and can be closed, and that no further billing from the professionals for this project will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amount indicated, including the developer share of interest earned for the following escrow balance to the depositor, as the project has been determined to be closed:

| ESCROW ACCOUNT | AMOUNT | DEPOSITOR |
|----------------|------------|--|
| 06-761 I | \$5,529.75 | The District at Metuchen 587 Middlesex Avenue |

Dated: February 4, 2013

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor Resolution # 2013-43 was approved.

RESOLUTION NO.2013-43

RESOLUTION AUTHORIZING PILOT PROGRAM FOR REMOVABLE PEDESTRIAN CROSSWALK FLAGS AT THE INTERSECTIONS OF OAK AVENUE AND MIDDLESEX AVENUE AND MAIN STREET AND LINCOLN AVENUE

WHEREAS, motorists may sometimes be uncertain of a pedestrian’s intentions to cross a street or may not see a pedestrian in a crosswalk, and

WHEREAS, the Borough of Metuchen wishes to improve pedestrian safety by increasing the visibility of pedestrians in crosswalks and intersections, and

WHEREAS, removable crosswalk flags increase visibility because pedestrians take the flags from one end of the crosswalk, carry the flags as they cross the street and return the flags to the other side, and

WHEREAS, Keep Middlesex Moving, Inc., Middlesex County’s non profit transportation management association, has provided orange crosswalk flags to the Borough at no cost, and

WHEREAS, the Borough of Metuchen wishes to pilot a program introducing orange crosswalk flags at the intersections of Oak Avenue and Middlesex Avenue and Main Street and Lincoln Avenue,

NOW THEREFORE BE IT RESOLVED, that the Borough of Metuchen will install removable crosswalk flags at the intersections of Oak Avenue and Middlesex Avenue and Main Street and Lincoln Avenue.

Dated: February 4, 2013

A brief description of the Pedestrian Flag Program was given by Tyreen Rueter from the Traffic and Transportation Commission.

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with everyone present in favor the Bill Resolution in the amount of **\$257,947.87** was approved.

APPOINTMENTS

On a motion by Council President Muldoon, seconded by Councilman Wallace, with one abstention from Councilwoman Inserro and everyone present, the Mayor’s appointment was approved.

Cable TV and Technology Committee

Donald Yerger-Alternate

Term to Expire

1/1/14

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 Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the meeting was adjourned at 8 pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk