

BOROUGH COUNCIL
MINUTES – JANUARY 7, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, January 7, 2013. The Meeting was called to order at 6:00 p.m. by Mayor Thomas Vahalla. The Invocation given by Reverend Barbara Cawthorne Crafton was followed by the Pledge of Allegiance.

Mayor Vahalla 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, Muldoon, Grayzel and Council President Cammarano.

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

OATHS OF OFFICE

Councilwoman Elect Inserro was escorted to the dais by Councilman Muldoon and Council President Cammarano. The oath of office for Councilwoman Elect Inserro was administered by Assemblyman Peter Barnes. Councilwoman Inserro was seated up on the dais.

Councilman Elect Grayzel was administered the oath of office by Assemblyman Peter Barnes. Councilman Grayzel was seated up on the dais.

Mayor Vahalla requested a roll call.

Present were Councilpersons Cammarano, Grayzel, Inserro, Muldoon, Rasmussen, and Wallace.

MAYORS MESSAGE

Mayor Vahalla congratulated Councilwoman Inserro and Grayzel on their successful election campaigns. Mayor Vahalla went on to thank all of his constituents in the audience and Borough professionals. Mayor Vahalla discussed plans for the Borough over the next year as well as the implications of Super Storm Sandy.

ELECTION OF COUNCIL PRESIDENT

Councilman Camarrano nominated Councilman Muldoon for the position of Council President. That motion was seconded by Councilman Wallace.

On a motion by Councilman Cammarano, seconded by Councilman Wallace, with all in favor, the nominations for Council President were closed.

On a motion by Councilman Cammarano, seconded by Councilman Wallace, with all in favor, Councilman Muldoon was elected as the Council President for 2013.

Council President Muldoon thanked his family and fellow constituents for their support.

Mayor Vahalla requested a roll call: Councilpersons Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, Resolution Number R2013-9 be removed from the consent agenda for a separate vote. Council President Muldoon also requested that Resolution Number R2013-13 be tabled to a later meeting

NEW BUSINESS/CONSENT AGENDA

On a motion by Councilman Cammarano, seconded by Councilman Wallace, with all in favor the New Consent Agenda items number 1-8, 10-12 and 14-32 encompassing Resolutions R2013-1 through R2013-8, R2013-10-R2013-12 and R2013-14-R2013-32 were approved.

RESOLUTION NO. 2013-1 RESOLUTION ADOPTING RULES AND REGULATIONS OF THE METUCHEN BOROUGH COUNCIL - 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, that the following Rules and Regulations be and the same are hereby adopted as the rules and regulations of the Council for the year **2013** to continue in full force and effect until altered, amended or made void by appropriate action of the Council.

RULE ONE

Regular meetings of the Council shall be held in the Borough Hall on the first and third Mondays of each month, at the hour of seven thirty (7:30) p.m. provided, however, that in the event any such meeting shall fall due upon a legal holiday, then such regular meeting shall be held on the Tuesday following such legal holiday to be held at Borough Hall.

Special meetings shall be called and held as provided for by statute, and upon written notice, designating the time and place of meeting, signed by the Mayor or by four members of the Council, which notice shall be given to all members of the Council personally, or left at their place of residence at least forty-eight (48) hours before the time of the meeting. Emergency meetings as provided in Open Public Meetings Act may be called on such notice as required by law.

Adjourned meetings shall be called to order and held at the time and place appointed by the motion or resolution under which it is held.

Agenda meetings of the Council shall be held at Borough Hall at the beginning of each regularly scheduled meeting of the Council. If agenda meetings fall upon a legal holiday, then such agenda meeting shall be held on the Tuesday following such legal holiday to be held at Borough Hall. The meeting shall begin at 7:30 p.m.

RULE TWO

The Mayor shall preside at all meetings; in his/her absence the President of the Council shall preside; and in his/her absence, the senior member of the Council shall preside.

RULE THREE

The order of business at regular meetings shall be as follows:

1. Announcement of compliance with the Open Public Meetings Act, Invocation, Pledge of Allegiance and Roll Call
 2. Approval of Minutes
 3. Discussion Matters
 4. Comments from the Public
 5. Proclamations or Resolutions Honoring.
 6. Public Hearings and Action on Ordinances.
 7. Communications Consent Agenda
- Other Communications
8. Report of Officers
 9. Report of the Borough Administrator
 10. Report of Borough Council members
 11. Report of the Mayor
 12. New Business Consent Agenda
- Other New Business
13. Comments from the Public on New Business Matters Only
 14. Adjournment

RULE FOUR

The order of business for agenda meetings shall be generally as follows:

1. Announcement of compliance with the Open Public Meetings Act and Roll Call.
2. Items for the regular agenda meeting.
3. Reports of Council members.
4. Report of Mayor.
5. Reports of other borough officials
6. Meetings with any other persons or bodies.
7. Any other business including items from which public may be excluded under Open Public Meetings Act.
8. Adjournment.

RULE FIVE

Every ordinance and resolution submitted for the consideration of Council shall be in writing. Every ordinance so submitted, including amendments to existing ordinances, shall be accompanied by a brief interpretive statement explaining the purpose of the ordinance or amendments. Any amendments to existing ordinances shall be provided in “redline” format when necessary showing the original text, along with proposed changes. No ordinance, or amendment to existing ordinance, shall be introduced unless a copy thereof is made available to each Councilmember no later than three days prior to the meeting at which the ordinance shall be introduced. The Council shall not be asked to consent to the appointment of officers of the Borough or members of Advisory Boards, Commissions and Committees, unless the name

of the nominee for appointment is made known to each Councilmember no later than three days prior to the meeting at which consent shall be asked. The Council President shall be notified of all items on the agenda.

RULE SIX

A. In General

Since no substantive action will ordinarily be taken at agenda meetings, the only votes contemplated at such meetings are those to determine whether a matter will be placed on the agenda for the regular meeting, any points of order, and motions in respect to adjournment. Such votes shall be by a majority of members present, with the presiding officer voting only in case of a tie. However, nothing herein shall preclude the Council to adopt resolutions at agenda meetings to act on matters from which the public may be excluded pursuant to Sections 7 and 8 of the Open Public Meetings Act, or to vote on holding emergency meetings pursuant to the requirements of said Act. Procedure at agenda meetings not specifically set forth herein shall be governed by the rules hereinafter applicable to regular meetings.

B. Consent Agenda

The Council may establish a Consent Agenda for any regular or special meeting. The consent agenda shall apply to communications, resolutions and motions but shall not apply to ordinances. The Consent Agenda may then be approved by motion, by majority vote, without the necessity of the Borough Clerk reading the title or the actual body of the communications, resolutions and motions on the consent agenda. If at any time prior to the adoption of the consent agenda at the regular meeting or special meeting, any Councilmember objects to placing or the existence of an item on the consent agenda, the matter shall be promptly deleted from the consent agenda and shall be voted on separately.

RULE SEVEN

A quorum for all meetings shall consist of four Councilmembers, or the Mayor and three Councilmembers.

RULE EIGHT

Wherever in these rules mention is made in the masculine gender, the feminine gender shall apply.

RULE NINE

The order of business of agenda meetings may be modified by a vote of the majority of Councilmembers present.

RULE TEN

The Borough Clerk is directed to take the minutes of all meetings, which shall be distributed to all Council members.

RULE ELEVEN

When a question is under debate, no motion shall be in order unless for recess, to lay on the table, to call the previous question, to postpone, to refer, or to amend, and these shall be precedence in the order in which they are named, the first three of which shall be decided without debate. A motion to refer, until it is decided, shall preclude all amendments for the main question.

RULE TWELVE

The ayes and nays may be called by a member, and being called, the names of those who voted for or against the question, or abstained, if requested by any member, shall be entered in the minutes.

RULE THIRTEEN

When a member intends to speak upon a question, he shall acknowledge the chair only in his opening remarks; thenceforth he shall confine himself to the question and avoid personalities. Should more than one member rise to speak at the same time, the presiding officer shall determine who is entitled to the floor.

RULE FOURTEEN

The previous question may be called for by any member, and if seconded, shall be put in this form, "Shall the main question be put?", and until it is decided, shall preclude all amendments to the main question and all further debate.

RULE FIFTEEN

Any member may call another to order while speaking when the debate shall be suspended and the member shall not speak until the point of order is determined. When the appeal from the decision of the chair is called for, no other question but the point of appeal shall be debated, when the question shall be put, "Shall the decision of the chair be sustained?"

RULE SIXTEEN

When any question is stated, and by Council agreed to be put, no member shall be at liberty to withhold his vote without the consent of the Council.

RULE SEVENTEEN

A motion to adjourn shall always be in order and decided without debate.

RULE EIGHTEEN

The proceedings of the Council where not specifically mentioned herein, shall be governed by Robert's Rules of Order.

RULE NINETEEN

Except as otherwise provided by law, all action of the Council, including the passage of ordinances, resolutions, creations of committees and the appointments or consent to the appointments of any officers of the Borough or members of advisory boards, commissions or committees, shall be by a majority vote of those members of the Council present.

RULE TWENTY

Except as otherwise provided by law or specific rule, the Mayor shall appoint the Chairman of all committees. It shall be the Chairman's duty to give notice of the time and place of meetings for the purpose of preparing the business for which he is appointed.

RULE TWENTY-ONE

The names of members of the Council, when called by the Clerk on any questions, shall be called alphabetically, with the Presiding Officer's name called last. Reports of Councilmembers shall be given in reverse alphabetically by order except that the Council President shall be first.

RULE TWENTY-TWO

All bills shall be itemized and certified to by the claimant as being correct, just and true. Before any bills shall be presented to the Council for payment, it shall have first been certified by the officer incurring the indebtedness. Before payment all vouchers must be approved and signed by the Administrator and the bill list must be signed by the Mayor and Council.

RULE TWENTY-THREE

No rule of this Council or part thereof shall be amended, suspended or superseded without at least the consent of two-thirds of the entire Council, except as provided in Rule Nine.

RULE TWENTY-FOUR

All rules of the Borough Council heretofore adopted and inconsistent herewith be and the same are hereby repealed.

RULE TWENTY-FIVE

The Presiding Officer at the commencement of every meeting shall announce publicly and shall cause to be entered in the minutes of the meeting an accurate statement that adequate notice had been given to the public of the time, place of the meeting, and the manner in which said notice was given, Section 5 of the Open Public Meetings Act.

RULE TWENTY-SIX

The Borough Clerk shall be the Borough official responsible for posting, mailing and filing of the "Adequate Notice" of meetings as provided in the Open Public Meetings Act including an annual schedule of meetings and any revisions thereof as set forth in Section 13 of said act.

RULE TWENTY-SEVEN

The Borough Clerk shall be the Borough official responsible for making minutes of Council meetings available to the public pursuant to Section 9 of the Open Public Meetings Act, and the mailing of regular meeting schedules or revisions thereof to persons requesting same under Paragraph 14 of said act.

Dated: January 7, 2013

RESOLUTION NO. 2013-2

RESOLUTION AUTHORIZING APPOINTMENT OF OFFICAL NEWSPAPERS

WHEREAS, N.J.S.A.40:53-1 provides that the Governing Body of every municipality may designate an official newspaper or newspapers for the publication of all advertisements and notices required by law to be published by said municipalities; and

WHEREAS, it appears for the best interest of the Borough of Metuchen that official newspapers shall be designated for the convenience of all individuals, taxpayers, firms and corporations interested in such ordinances, public notices and legal advertisements required by law to be published.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, that the Home News and Tribune and The Star Ledger, are hereby designated as the official newspapers of the Borough of Metuchen, and that such municipal notices, ordinances, public notices, election notices, and all other advertising required by law to be published shall be published in any of the official newspapers of the Borough of Metuchen in accordance with law.

Dated: January 7, 2013

**RESOLUTION 2013-3
RESOLUTION AUTHORIZING CHECK SIGNATORIES**

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, that the Mayor and Borough Treasurer and/or Council President are the persons designated to execute all checks on behalf of the Borough of Metuchen.

Dated: January 7, 2013

**RESOLUTION 2013-4
RESOLUTION AUTHORIZING DEPOSITORY INSTITUTIONS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, that the following banks and associations are hereby designated as depositories of the Borough of Metuchen from the date hereof wherein all public monies and funds of the Borough shall be kept for 2013:

Wachovia/Wells Fargo
Metuchen Savings and Loan Association
New Jersey Cash Management Fund
Summit Bank
United National Bank
Bank of America
TD Bank
Skylands

Dated: January 7, 2013

**RESOLUTION NO. 2013-5
RESOLUTION APPOINTED PARKING ENFORCEMENT OFFICERS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the following be and they are hereby appointed Parking Enforcement Officers for a term beginning January 1, 2013 and ending at the end of the year December 31, 2013:

James Guinane

Arthur Mohr, Jr.

BE IT FURTHER RESOLVED, that the aforesaid Parking Enforcement Officers shall not be members of the police force and their powers, rights and duties immediately cease and terminate at the expiration of the aforesaid term for which they are appointed. Any such appointment shall be revoked at anytime without cause or without hearing. The aforesaid officers shall be furnished with a badge which must be returned upon the expiration and termination of their respective terms. These appointments are made pursuant to the provisions of New Jersey Statutes 40A:9-154.7 et. seq. and 40:11A-22.1 et. seq. together with the amendments thereof and the supplements thereto. Every such Parking Enforcement Officer shall be under the supervision and direction of the Chief of Police and shall perform only those duties specifically assigned him or her by the Chief of Police.

Dated: January 7, 2013

RESOLUTION NO. 2013-6

RESOLUTION APPOINTING INSURANCE FUND COMMISSIONER-WILLIAM BOERTH

WHEREAS, the Borough of Metuchen is a member of the Middlesex County Municipal Joint Insurance fund; and,

WHEREAS, pursuant to the by-laws of said Fund the Governing Body shall appoint an Insurance Commissioner to represent the Borough in conducting the business of the Fund.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of January 2013 by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, that:

1. William E. Boerth, Borough Administrator, be and is hereby appointed Insurance Commissioner for the year **2013** with the right to designate an alternate to act in his place should he be unable to attend any meeting of the Fund.
 2. A copy of this Resolution be forwarded to the Middlesex County Municipal Joint Insurance Fund.
- Dated: January 7, 2013

RESOLUTION NO. 2013-7

RESOLUTION APPOINTING CROSSING GUARDS

WHEREAS, the Mayor and Council desires to provide safe crossings for school age children on designated public thoroughfares of the Borough of Metuchen; and,

WHEREAS, the individuals listed herein have been recommended by the Chief of Police as School Crossing Guards.

NOW, THEREFORE, BE IT RESOLVED that the below listed individuals are hereby appointed as School Crossing Guards for the year 2013.

NAME	ADDRESS
Accamondo, Joseph	17 Michael Drive, Metuchen
Branstner, Mary Anne	PO Box 105, Metuchen
Floeck, Diane	43 Christol St, Metuchen
Goldberg, Arnold	814 Hampton Lane, Iselin
Govelitz, Gloria	20 Juniper St., Metuchen
Kaminski, Gerald	84 Schuyler Dr., Edison
Koob, Joann	915 Waterford Dr., Edison
Reeder, Mildred	114 Front St., South Plainfield
Romano, Andrea	22 James Pl., Metuchen
Schmidt, Albert	29 Ferndale Pl., Metuchen
Kuenseler, Donald	57 Prospect Street, Metuchen
Dunn, Robert	32 Sylvan Ave.
Russomano, Doris	52 Christol St, Metuchen
Zjawin, Chong	218 Center Street, Metuchen
Christensen, Ken	89 Dorothy Ave., Metuchen
Colegrove, John	100 Midland Ave., Metuchen
Romano, Vincent	22 James Pl., Metuchen
McKeon, Tina	30 Victory Ct., Apt1L, Metuchen
Tolentino, Ed	46 Dorothy Ave., Edison

Dated: January 7, 2013

**RESOLUTION 2013-8
RESOLUTION APPOINT CLASS III PLANNING BOARD MEMBER**

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Councilmember James Wallace be appointed as a Class III member of the Planning Board, term to expire December 31, 2013.

Dated: January 7, 2013

**RESOLUTION 2013-10
RESOLUTION SETTING BOROUGH COUNCIL MEETING DATES FOR 2013**

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, that the following meeting schedule for 2013 for the Borough Council be established:

Reorganization Meeting 6:00 P.M. - January 7, 2013

Regular Council Meetings

January 22 (Tuesday) Martin Luther King
February 4
February 19

March 4
March 18
April 1
April 15
May 6
May 20
June 17
July 15
August 5
September 3 (Tuesday) Labor Day
September 16
October 7
October 21
November 12 (Tuesday) Veterans Day
December 2
December 16

BE IT RESOLVED, all regular meetings will begin at 7:30 p.m. in Council Chambers of Borough Hall, 500 Main Street, Metuchen, New Jersey 08840.

Dated: January 7, 2013

RESOLUTION NO. 2013-11

RESOLUTION APPOINTING RIGHT TO KNOW COORDINATOR- KATHRYN HARRIS

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that Kathryn Harris, Borough Clerk of the Borough of Metuchen, be named the Right To Know Coordinator.

Dated: January 7, 2013

RESOLUTION NO. 2013-12

RESOLUTION APPOINTING WASTE WATER SYSTEM OPERATOR FROM THE WASTE WATER COMPANY OF EDISON- JIM HENDERSON

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that *Jim Henderson* of the Waste Water Management Company of Edison, New Jersey is hereby appointed the Waste Water Collection System Operator for the Borough of Metuchen.

Dated: January 7, 2013

RESOLUTION NO 2013-14

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR BOROUGH ATTORNEY

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Attorney* as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 12, 2012 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *for the calendar year 2013*; and,

WHEREAS, the maximum amount of the contract is \$34,750 as annual retainer and funds will be available in the 2013 Budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Denis G. Murphy, Esq. of the firm of Schwartz, Simon, Edelstein and Celso, LLC, 44 Whippany Road, Suite 210, PO Box 2355, Morristown, NJ 07962.
2. This contract is awarded as a fair and open "Professional Service" in accordance with *N.J.S.A. 19:44A-20.4*.
3. A notice of this action shall be printed once in The Home News Tribune.

Dated: January 7, 2013

**RESOLUTION NO. 2013-15
RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR BOROUGH PROSECUTOR**

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Prosecutor*; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar year 2013*; and,

WHEREAS, William Feingold Esq., has submitted a proposal indicating they will provide the service of a Borough Prosecutor in the amount of \$13,000; and,

WHEREAS, the maximum amount of the contract shall not exceed \$13,000 and funds shall be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with William Feingold Esq., 7 Cooke Avenue, Carteret, NJ 07008.

2. A notice of this action shall be printed once in The Home News Tribune.

Dated: January 7, 2013

RESOLUTION NO. 2013-16
RESOLUTION AUTHORIZING INTREST ON DELIQUENT TAXES

WHEREAS, under N.J.S.A. 54:4-67 the Governing Body may fix the rate of interest to be charged for the nonpayment of taxes or assessments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the interest rate to be charged by the Borough of Metuchen on delinquent taxes, assessments and other municipal liens, is hereby fixed at 8% per annum on the first \$1,500 on the delinquency and 18% on any amount in excess of \$1,500, to be calculated from the date the tax was payable until the date of actual payment, effective immediately.

Dated: January 7, 2013

RESOLUTION NO. 2013-17
RESOLUTION SETTING RATE FOR DELIQUENT REAL ESTATE TAXES-YEAR END PENALTY

WHEREAS, Chapter 75 of the Laws of 1991 were passed by the State Legislature regarding penalties for nonpayment of real estate taxes; and,

WHEREAS, said penalties were codified in N.J.S.A. 54:4-67; and,

WHEREAS, the Borough of Metuchen has and will in the future have delinquent taxpayers; and,

WHEREAS, the Borough of Metuchen wished to avail itself of the opportunity to assess penalties pursuant to Chapter 75 of the Laws of 1991.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. That portion of Chapter 75 of the laws of 1991 are hereby adopted by the Borough of Metuchen wherein penalties shall be assessed to taxpayers with a delinquency in excess of \$10,000.00 who fail to pay under that delinquency prior to the end of the calendar year in the amount of 6% which is the maximum allowed by statute.

Dated: January 7, 2013

RESOLUTION 2013-18

RESOLUTION APPOINTING CLASS II MEMBER OF PLANNING BOARD-WILLIAM BOERTH

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that William Boerth, Borough Administrator be appointed as a Class II member of the Planning Board, term to expire December 31, 2013.

Dated: January 7, 2013

RESOLUTION NO. 2013-19

RESOLUTION AUTHORIZING CANCELLATION TAX OVERPAYMENTS OR DELINQUENT AMOUNTS LESS THAN TEN DOLLARS \$10.00

WHEREAS, *N.J.S.A. 40A:5-17* allows for the cancellation of property tax refunds or delinquent amounts in the amounts less than ten dollars \$10.00; and,

WHEREAS, the Governing Body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax refunds or delinquencies of less than ten dollars \$10.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Tax Collector be and is hereby authorized to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Auditor.

Dated: January 7, 2013

RESOLUTION NO. 2013-20

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER-KATHRYN HARRIS

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that **Kathryn Harris**, Borough Clerk, be designated as the Public Agency Compliance Officer for Affirmative Action for the purpose of ensuring compliance with Affirmative Action regulations pursuant to P.L. 1975, Chapter 127 (N.J.A.C. 17:27).

Dated: January 7, 2013

RESOLUTION NO. 2013-21

RESOLUTION APPOINTING HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE MEMBER- BEATRICE MOSKOWITZ

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen have received notification that an appointment must be made to the Housing & Community Development Committee for 2013; and,

WHEREAS, the residents of Metuchen have benefited from the funding made available by this program.

NOW, THEREFORE, BE IT RESOLVED that Beatrice Moskowitz be appointed the Metuchen HCD Committee representative for the calendar year 2013.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Middlesex County Housing and Community Development Agency.

Dated: January 7, 2013

RESOLUTION NO. 2013-22
RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR
BOROUGH LABOR RELATIONS ATTORNEY

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Labor Relations Attorney* as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 12, 2012 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2013; and,

WHEREAS, the maximum amount of the contract shall not exceed \$15,000 and funds shall be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of Apruzzese, McDermott, Mastro and Murphy, 25 Independence Boulevard, Liberty Corner, NJ 07938.
2. This contract is awarded as a fair and open "Professional Service" in accordance with *N.J.S.A. 19:44A-20.4*.
3. A notice of this action shall be printed once in The Home News Tribune.

Dated: January 7, 2013

RESOLUTION NO. 2013-23
RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR BOROUGH PUBLIC DEFENDER

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough PublicDefender*;
and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the
acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2013; and,

WHEREAS, the maximum amount of the contract shall not exceed \$7,500 and funds shall be available in
the Trust Fund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as
follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the
firm of Kenneth Vercammen & Associates, PC, 2053 Woodbridge Avenue, Edison, NJ 08817.

2. A notice of this action shall be printed once in The Home News Tribune.

Dated: January 7, 2013

RESOLUTION NO. 2013-24
RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR BOROUGH PLANNER

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Planner* as a fair
and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 12, 2012 and reviewed by the
Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the
acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is the calendar year 2013; and,

WHEREAS, the maximum amount of the contract shall not exceed \$6,000 (a monthly retainer fee of
\$500) and funds shall be available in the 2013 budget as evidenced by the Chief Financial Officer's
Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of LRK Inc., 182 Nassau Street, Suite 201, Princeton, NJ 08542.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A.19:44A-20.4.
3. A notice of this action shall be printed once in The Home News Tribune.

Dated: January 7, 2013

RESOLUTION NO. 2013-25
RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR BOROUGH AUDITOR

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Auditor* as a fair and open contract pursuant to the provisions of <N.J.S.A. 19:44A-20.4 >; and,

WHEREAS, Requests for Qualifications were received on December 12, 2012 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *calendar year 2013 and include the 2012 audit*; and,

WHEREAS, *Suplee Clooney & Company* will provide the 2012 Audit Services in the amount of \$37,275.00; and,

WHEREAS, the maximum amount of the contract is \$37,275.00; and funds will be available in the 2013 Budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of Suplee Clooney & Company, 308 Broad Street, Westfield, NJ 07090-2122.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.

3. A notice of this action shall be printed once in The Home News Tribune.
Dated: January 7, 2013

RESOLUTION NO. 2013-26
RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR BOROUGH BOND COUNSEL

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Bond Counsel* as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 12, 2012 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2013; and,

WHEREAS, Jacquelyn Shanes of McCarter and English has submitted a proposal indicating they will provide the service of a Borough Bond Counsel; and,

WHEREAS, the maximum amount of the contract shall not exceed \$10,000.00 and funds shall be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of McCarter and English, 4 Gateway Center, 100 Mulberry Street, Newark, NJ 07101.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.
3. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION NO. 2013-27
RESOLUTION AUTHORIZING TEMPORARY BUDGET

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1, 2012 and the adoption of the annual budget; and

WHEREAS, 26.25% of the total appropriations for the year 2011 exclusive of Public Assistance, Municipal Debt Service and Capital Improvement Funds;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that the following appropriations shall constitute the Temporary Budget for the year 2012.

ADMINISTRATIVE AND EXECUTIVE	S&	38,000	SEWER SYSTEM	S&W	30,000
	OE	60,000		OE	16,000
MAYOR	S&	2,500	GARBAGE & TRASH REMOVAL	S&W	130,000
	OE	4,000		OE	19,000
CLERK	S&	14,000	RECYCLING	S&W	4,000
	OE	200		OE	8,000
FINANCIAL ADMINISTRATION	S&	40,000	SOLID WASTE DISPOSAL		80,000
	OE	33,850	FORESTRY	S&W	29,000
ASSESSMENT OF TAXES	S&	15,000		OE	7,500
	OE	2,000	BOARD OF HEALTH	S&W	7,000
COLLECTION OF TAXES	OE	4,000		OE	500
LEGAL SERVICES	OE	59,750	PARKS & PLAYGROUNDS	S&W	30,000
MUNICIPAL PROSECUTOR	S&	13,000		OE	7,000
PUBLIC DEFENDER	S&	500	RECREATION	S&W	20,000
PUBLIC WORKS ADMINISTRATION	S&	70,000		OE	5,000
	OE	1,000	SENIOR CITIZEN BUS	S&W	11,000
PUBLIC BUILDINGS & GROUNDS	S&	17,000	SENIOR CITIZEN CENTER	S&W	13,000
	OE	25,000		OE	6,000
PLANNING BOARD	S&	1,000	METV	S&W	16,000
	OE	2,000		OE	6,000
BOARD OF ADJUSTMENT	S&	14,000	CONSTRUCTION CODE OFFICIAL	S&W	40,000
	OE	1,000		OE	15,000
GROUP INSURANCE	OE	310,000	SHADE TREE COMMISSION		6,000
OTHER INSURANCE	OE	5,000	FICA		60,000
FIRE DEPARTMENT	S&	3,000	SUI		4,000

	OE	20,000	MUNICIPAL COURT	S&W	30,000
FIRE HYDRANT SERVICE		70,000		OE	3,000
POLICE DEPARTMENT	S&	700,000	SEWERAGE DISPOSAL		245,000
	OE	36,000	MAINTENANCE OF FREE PUBLIC LIBRARY		200,000
AUXILIARY POLICE	OE	1,000	OFFICE OF EMERGENCY MGMT	S&W	1,400
UNIFORM FIRE SAFETY ACT	OE	6,000		OE	2,000
EDISON FIRST AID SQUAD		3,000	COUNTY OF MIDDLESEX JOINT INSURANCE FUND		85,000
ROAD REPAIRS & MAINTENANCE	S&	83,000	LIBRARY CONSORTIUM		7,000
	OE	30,000	INTERLOCAL - ANIMAL CONTROL		5,000
UTILITIES & BULK PURCHASES		150,000	INTERLOCAL - HEALTH SERVICES		12,000
			DCRP		1,200
			TOTAL		2,996.40 0
			SWIMMING POOL	S&W	30,000
				OE	30,000

RESOLUTION NO. 2013-28

RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL HOUSING LIAISON

WHEREAS, the Governing Body of the Borough of Metuchen petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on July 5, 2006; and,

WHEREAS, the Borough of Metuchen's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and,

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Metuchen is required to appoint a Municipal Housing Liaison for the administration of the Borough of Metuchen's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and,

WHEREAS, the Borough of Metuchen has amended Chapter 110 entitled Land Development Article 21 Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Metuchen's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Metuchen in the County of Middlesex, and the State of New Jersey that the ***Municipal Clerk, Kathryn Harris***, is hereby appointed by the Governing Body of the Borough of Metuchen as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Article 21 of the Borough of Metuchen's Land Development Code.

Dated: January 7, 2013

RESOLUTION NO. 2013-29
RESOLUTION AUTHORIZING PURCHASE FROM MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION FOR REGULAR UNLEADED AND DIESEL FUEL

WHEREAS, there exists a need to purchase **regular unleaded and diesel gasoline** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Middlesex Regional Educational Services Commission #11/12-32 pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 20, 2012 through October 20, 2013; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is \$50,000 and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification of which \$50,000 is certified from the 2013 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

WHEREAS, the Middlesex Regional Educational Services Commission shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Rachles Michele Oil Company**, 116 Kuller Road, Clifton, NJ 07011.

RESOLUTION NO. 2013-30

WHEREAS, there exists a need to purchase **office supplies** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #77249; and

WHEREAS, the maximum amount of the purchase of office supplies for the Borough of Metuchen is \$10,500.00 and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification of which \$10,500.00 is certified from the 2013 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Staples Business, PO Box 415256, Boston, MA 02241-5256.

Dated: January 7, 2013

RESOLUTION NO 2013-31
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AFFORDABLE HOUSING/COAH MATTERS ATTORNEY AND TAX APPEAL ATTORNEY.

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Attorney for Affordable Housing/COAH issues and a Tax Appeal Attorney as a contract without competitive bidding (non fair and open) pursuant to the provisions of <N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *one* year; and

WHEREAS, David Frizell and Bruce Samuels of the firm Frizell and Samuels has completed and submitted a Business Entity Disclosure Certification which certifies that *David Frizell and Bruce Samuels of the firm Frizell and Samuels* has not made any reportable contributions to the Borough of Metuchen, municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to the Borough of Metuchen or Middlesex County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties in excess of the thresholds specified in borough ordinance within one calendar year immediately preceding the date of the contract or agreement, and that the contract will prohibit *David Frizell and Bruce Samuels of the firm*

Frizell and Samuels from making any reportable contributions through the term of the contract; and

WHEREAS, Bruce Samuels will be providing the services of Tax Appeal Attorney; and

WHEREAS, David Frizell will be providing the services of Affordable Housing/COAH Attorney; and

WHEREAS, the maximum combined amount of the contract is \$10,000.00 and funds will be available in the 2013 Budget as evidenced by the Chief Financial Officer's Certification; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with David Frizell and Bruce Samuels of the firm Frizell and Samuels, 450 Main Street, Metuchen, NJ 08840.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 19:44A-20.4* of the Local Public Contracts Law because the contract is for a service performed by person(s) authorized by law to practice a recognized profession that is regulated by law.

3. A notice of this action shall be printed once in The Home News Tribune.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Dated January 7, 2013

RESOLUTION NO. 2013-32

WHEREAS, there exists a need to purchase tires for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-82528 and; and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is \$10,000.00 and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification, of which \$10,000.00 is certified from the 2013 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817**

Dated: January 7, 2013

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor Resolution R2013-9 was approved.

RESOLUTION NO. 2013-9

RESOLUTION APPOINTING COUNCILMEMBERS AS LIAISONS TO BOARDS AND COMMISSIONS

WHEREAS, the Mayor and Council of the Borough of Metuchen created the position of Borough Administrator in October of 1970 to serve as the Chief Administrative Officer of the Borough to supervise Borough Personnel and carry out the policies of the Mayor and Council to achieve the orderly operation of Borough Government.

NOW, THEREFORE, BE IT RESOLVED that the following Boards, Commissions, Officials, and Committees which are hereby listed shall have the following members of the Mayor and Council as Liaison for legislative purposes:

NAMES OF BOARDS AND OFFICIALS AND COUNCIL LIAISONS

Thomas Vahalla Mayor	Planning Board (Class I member) Fire Department
Jay Muldoon Councilmember Emergency Management Historical Preservation Parking Authority	Council President Police Department
Ronald Grayzel Councilmember	Arts Council Cable TV & Technology Advisory
Peter Cammarano Councilmember Metuchen EMS	Pool Commission Library Board
Dorothy Rasmussen	Shade Tree Commission

Councilmember Environmental Commission
Development Commission
Youth Service Board/Municipal Alliance Committee

Allison Inerro Board of Health
Councilmember Chamber of Commerce
Senior Citizen Commission

James Wallace Planning Board (Class III member)
Councilmember Traffic and Transportation/Mdlsx Cty
Traffic and Transportation
Police Auxiliary
Recreation Commission
Department of Public Works

BE IT FURTHER RESOLVED, that where any Councilmember cannot carry out his or her liaison or is absent for any reason, the Mayor shall appoint in their absence another Councilmember to discharge said duty.

BE IT FURTHER RESOLVED, that the Mayor with the advice and consent of the Council, or the Council by motion, or resolution by majority vote may establish committees for special projects. Membership of said committee shall be appointed by the Mayor with the consent of the Council or by resolution of the Council by majority vote.

Dated: January 7, 2013

APPOINTMENT OF BOARDS AND COMMISSIONS

Council President Muldoon named the appointments to the boards and commissions.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin, with all in favor, the nominations were approved as announced.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment.

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

BENEDICTION

The Benediction was given by Deacon Cammarano.

ADJOURNMENT

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor the meeting was adjourned at 7:02pm.