

BOROUGH OF METUCHEN
COUNCIL MINUTES –NOVEMBER 12, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 12, 2013. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Council President Muldoon was followed by the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

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

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Blank 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 removed Consent Agenda items A, B and F, R2013-211, 212 and 216 were removed from the Consent Agenda for further discussion.

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

2012 AUDIT

A brief discussion on the 2012 Municipal Audit and Corrective Action Plan was given by the Chief Financial Officer Rebecca Cuthbert.

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with all in favor Resolution No.2013-211 and R2013-212 were approved.

RESOLUTION NO. 2013-211
RESOLUTION ACCEPTING 2012 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year **2012** has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Dated: November 12, 2013

RESOLUTION NO.2012-212

RESOLUTION TO APPROVE AND ADOPT CORRECTIVE ACTION PLAN FOR 2012 AUDIT

WHEREAS, pursuant to Division of Local Government Services, Local Finance Notice 92-15, all local units are required to prepare and submit a Corrective Action Plan as part of their annual audit process;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Corrective Action Plan in connection with the 2012 Audit, prepared by Chief Finance Officer Rebecca Cuthbert and attached to the original of this resolution, shall be and is hereby approved; and

BE IT FURTHER RESOLVED that copies of said Corrective Action Plan, as approved by the Borough Council, be forwarded to the Chief Financial Officer Rebecca Cuthbert and the N. J. Division of Local Government Services forthwith.

Dated: November 12, 2013

A brief overview of the bond refunding resolution was provided by the Chief Financial Officer, Rebecca Cuthbert.

On a motion by Council President Muldoon, seconded by Councilwoman Inserro, with all in favor Resolution No.2013-216 was approved.

RESOLUTION NO.2013-216

**RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS OF NOT EXCEEDING \$12,000,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2013 OF THE
BOROUGH OF METUCHEN, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, AND PROVIDING FOR THE
SALE AND DELIVERY OF SUCH BONDS**

WHEREAS, THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (the "Borough") heretofore issued its General Improvement Bonds of 2004 dated December 1, 2004 in the original principal amount of \$13,842,000 (the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued to (i) finance various capital improvements for the Borough and (ii) finance costs of issuing the Prior Bonds; and

WHEREAS, the Prior Bonds maturing on or after September 1, 2016 are subject to optional redemption prior to their stated maturities at the option of the Borough in whole on any date on or after September 1, 2015; and

WHEREAS, the Borough intends to (i) refund all of the outstanding callable Prior Bonds in the amount of \$10,950,000; and (ii) finance costs of issuance to be incurred in connection therewith (collectively, the "2013 Refunding Project") through the issuance of its "General Obligation Refunding Bonds, Series 2013" in an aggregate principal amount not to exceed \$12,000,000 (the "Refunding Bonds"); and

WHEREAS, in order to market and sell the Refunding Bonds, (i) the Borough shall issue a Preliminary Official Statement (the "Preliminary Official Statement") and a final Official Statement (the "Official Statement"), (ii) the Borough shall enter into a negotiated sale of the Refunding Bonds with RBC Capital Markets, LLC (the "Underwriter") pursuant to the terms of a bond purchase agreement (the "Purchase Contract"), (iii) upon the issuance of the Refunding Bonds, the Borough shall enter into a "Continuing Disclosure Certificate" to be dated the date of closing for the Refunding Bonds (the "Continuing Disclosure Certificate") in connection with Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "SEC") pursuant to the Securities Exchange Act of 1934, as amended, or any successor rule or regulation thereto ("Rule 15c2-12"), and (iv) the Borough shall take such other actions and shall authorize, execute or acknowledge, as the case may be, and deliver such other documents, instruments or certificates as bond counsel to the Borough deems necessary, convenient, useful or desirable in order to issue the Refunding Bonds (collectively, the "Financing Documents");

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. In order to finance all or a portion of the cost of the 2013 Refunding Project, the Refunding Bonds shall be and are hereby authorized to be issued in an aggregate principal amount not to exceed \$12,000,000 pursuant to the Local Bond Law of the State of New Jersey (the "State") and a refunding bond ordinance of the Borough finally adopted on October 7, 2013 and entitled, "REFUNDING BOND ORDINANCE OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PORTION OF THE BOROUGH'S OUTSTANDING GENERAL IMPROVEMENT BONDS OF 2004 DATED DECEMBER 1, 2004, APPROPRIATING NOT

TO EXCEED \$12,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,000,000 REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COST THEREOF" (the "Refunding Bond Ordinance").

Section 2. The Refunding Bonds are hereby authorized to be sold to the Underwriter at a purchase price to be set forth in the Purchase Contract (the "Purchase Contract") described below (which sum shall represent the par amount of the Refunding Bonds to be delivered less an Underwriter's discount to be determined in an amount not exceeding \$6.00 per \$1,000 of Refunding Bonds sold and any original issue discount or premium to be determined in the Purchase Contract), plus interest accrued on the Refunding Bonds from their dated date to the date of delivery thereof, if any. The Mayor of the Borough and/or the Chief Financial Officer of the Borough (the "Mayor" and the "Chief Financial Officer," respectively) are hereby authorized to enter into the Purchase Contract with the Underwriter on behalf of the Borough in the form satisfactory to the Borough's bond counsel and upon terms satisfactory to the Chief Financial Officer for the sale of the Refunding Bonds which will refund the Prior Bonds maturing in the years 2016 to 2020, inclusive (the "Bonds to be Refunded") to the Underwriter in accordance with the provisions of this resolution; *provided*, that (i) the sale of the Refunding Bonds results in a net present value savings to the Borough of at least three percent (3%) of the par amount of the Bonds to be Refunded (as hereinafter defined), (ii) the debt service on the Refunding Bonds shall be structured so that no annual debt service payment is more than it was under the Bonds to be Refunded, (iii) the final maturity date of the Refunding Bonds does not extend past the maturity date of the Bonds to be Refunded, and (iv) the debt service savings are substantially level across the life of the Refunding Bonds. The signature of the Mayor or the Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals therefor.

Section 3. (a) The Refunding Bonds shall be issued in one series at such time as determined by the Chief Financial Officer in consultation with the Borough's bond counsel.

(b) The Refunding Bonds shall be issued in the aggregate par amount determined by the Chief Financial Officer to be necessary to pay costs of the 2013 Refunding Project, but in no event greater than \$12,000,000.

(c) The Refunding Bonds shall be dated the date of delivery or such other date as determined by the Chief Financial Officer, and shall bear interest at the rates per annum as set forth in the Purchase Contract, provided that such fixed interest rates on the Refunding Bonds shall not cause the true interest rate on the Refunding Bonds to exceed 4.00%.

(d) The Refunding Bonds shall be numbered consecutively from R-1 upward for each maturity of the Refunding Bonds, with such serial and/or term maturities as set forth in the Purchase Contract.

(e) The Refunding Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Refunding Bonds maturing in each year. Both principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Refunding Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of such interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Refunding Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of

\$5,000 or any integral multiple thereof through book-entries made on the books and records of DTC and its participants, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000 or any integral multiple thereof.

(f) The Refunding Bonds shall mature in the principal amounts as set forth in the Purchase Contract, commencing September 1, 2014 (or such other date as shall be determined by the Chief Financial Officer) through and including September 1, 2020, and shall bear interest at the rates per annum as set forth in the Purchase Contract payable semiannually on the first day of March and September, commencing March 1, 2014 (or such other date as shall be determined by the Chief Financial Officer), until maturity or prior redemption, if applicable. The principal of and interest on the Refunding Bonds will be paid to DTC by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC, as of each next preceding February 15 and August 15, unless such other record dates are approved by the Chief Financial Officer. The Refunding Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer under the official seal of the Borough (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Borough (the "Clerk").

(g) The Refunding Bonds may be subject to optional redemption and mandatory sinking fund redemption on such terms as are provided in the Purchase Contract and are acceptable to the Chief Financial Officer in order to obtain the best possible interest rates and the most cost effective financing in consultation with the Underwriter.

(h) The Refunding Bonds shall be designated as General Obligation Refunding Bonds, Series 2013.

Section 4. The Refunding Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Refunding Bonds in accordance with the requirements of DTC:

Dated: November 12, 2013

PROCLAMATIONS

WHEREAS, in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, approximately 1,180 deaths will occur in New Jersey in 2013;

WHEREAS, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;

WHEREAS, the U.S. Congress passed the *Recalcitrant Cancer Research Act* last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the Borough of Metuchen and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in the Borough of Metuchen those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS, the good health and well-being of the residents of the Borough of Metuchen are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

THEREFORE, BE IT RESOLVED that the Mayor and Borough Council designate the month of November 2013 as “Pancreatic Cancer Awareness Month” in Metuchen.

SOCIAL MEDIA POLICY

Councilman Grayzel stated that the TV and Technology Committee drafted a Social Media policy for Borough Council’s review. Information for the proposed Social Media policy came from a compilation of towns that already have a social media policy in place as well as input from the League of Municipalities.

Mayor Vahalla asked that a resolution be prepared for the next Council meeting accepting the Social Media policy.

ARTS COUNCIL PRESENTATION

Ms. Linda LaStella(242 Amboy Ave)on behalf of the Art Council shared a community art project with the Borough Council. Ms. LaStella stated that she would like to manage a project to cover all four sides of the concrete storage shed near the tennis courts at Oakland Park with decorative ceramic tiles creating a decorative mural. Each side of the building will depict a season of the year. The project would have a charge of \$25.00 per tile to cover the cost of supplies for the project. Ms. LaStella would donate her time and expertise to design, direct and oversee the project for the Borough at no charge. Borough Council was in favor of that request. Mayor Vahalla offered the assistance of the Public Works Department to help secure the structure of the shed prior to the onset of the tiling portion of the project. The Council was in agreement to allow the project to occur.

APPROVAL OF MINUTES

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Borough Council minutes of February 4, 2013 were approved.

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Jill Kitsko(131 Hazelwood Avenue) and Audrey Miller(122 Hazelwood Avenue) expressed their concerns regarding the large homes that were being built behind their homes and want the other homes being built in that area to readdress the height requirements and other issues associated with the new larger homes in that same area.

Mayor Vahalla and Councilman Muldoon stated that they would forward these concerns to the Zoning Board.

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

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Item's lettered A-F were approved.

- A. Receive and Approve Request for Fuce 5K.
- B. Receive and Accept Shade Tree Commission Minutes of September 24, 2013
- C. Request from Recreation Commission for Fireworks Display on December 31, 2013.
Permission From Parking Authority Needed.
- D. Receive and Accept Municipal Alliance Commission Minutes of July 11, 2013
- E. Receive and Accept Parking Authority Minutes of October 15, 2013.
- F. Receive and Accept Zoning Board of Adjustment Annual Report for 2012.

COUNCIL REPORTS

Council President Muldoon discussed that the Office of Emergency Management has received over \$183,000 in FEMA reimbursement regarding Super Storm Sandy destruction. Council President Muldoon also stated that the Office of Emergency Management received a \$65,000 grant to purchase a generator for the Public Works Department. The Office of Emergency Management also received a grant for a Variable Electronic Message Board.

RECREATION COMMISSION

Councilman Wallace stated that the Halloween Parade was a big success and that the Holiday Parade will be held on December 1, 2013.

Councilman Wallace also discussed other ongoing parking and property maintenance issues in town.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission attended the Annual Shade Tree Commission meeting in Cherry Hill to receive continuing education credits in topics such as tree maintenance. Councilwoman Rasmussen also stated that the procedure for notifying residents of trees being placed on their property is being reviewed.

MUNICIPAL ALLIANCE/YOUTH SERVICES

Councilwoman Rasmussen stated that the Youth Service Board attended a mentoring retreat which was needed to apply for a Federal Drug Free Communities Grant for \$125,000 for a 5 year cycle with a 5 year continuation if the Borough meets all of the requirements. The Youth Service Board received a 2 year grant through NCADD to help qualify for the larger grant amount.

Councilman Cammarano asked if the Shade Tree Commission would look into skipping a year of planting and just strictly do pruning and maintenance of existing trees.

Council President Muldoon asked if the Shade Tree Charter allows for maintenance or is it just planting.

Councilwoman Rasmussen said she would have look into that issue and discuss it further.

BOARD OF HEALTH

Councilwoman Inserro stated that the County issued a Rabies alert when a raccoon came in contact with a pet dog. The dog was not harmed and its shots were up to date. That is the third rabies incident this year. Councilwoman Inserro stated the importance of registering your pet with the Borough and that the 2013 licenses will be expiring on December 31, 2013.

Councilwoman Inserro also stated that the second reading of the heat regulating ordinance will be heard at the next Board of Health meeting on December 4th at 7:30pm.

CHAMBER OF COMMERCE

Councilwoman Inserro stated that a ribbon cutting ceremony will be held at the Clicks and Bricks Learning Center at 20 Hillside Avenue on November 15th at 5pm. Councilwoman Inserro stated that the Winter Festival Parade will be on December 1st at 2pm, starting at Edgar School, will continue down Main Street and ends at the Senior Center with hot chocolate and snacks. Councilwoman Inserro also stated that there were two more weekends left for the Farmers Market located in the Pearl Street Parking lot.

SENIOR CITIZENS

Councilwoman Inserro stated the senior population has been invited to a free pasta dinner and production by the Footlighters on Wednesday, November 20th at Metuchen High School. Councilman Wallace also wanted to remind the public that the fireworks production will be on December 31st.

Councilwoman Rasmussen relayed a request from a resident to see if there could be a late night for dog registration.

Mayor Vahalla stated that the registrations could be mailed in or be obtained the day of the free rabies clinic held at Metuchen High School.

LIBRARY

Councilman Cammarano stated that the Library Board has hired a new Library Director who will begin December 1st. The Director's name will not be released until all contracts are signed. Council President Muldoon stated that the American Legion was contacted by a charitable organization looking for military families that have members deployed overseas during the holiday season. Please refer any names of families in need to the American Legion.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the road project on Cliffwood Place and High Street is scheduled to start tomorrow.

MAYOR'S REPORT

Mayor Vahalla asked if the public would please remember to clean the gutter area in front of their homes of any leaves and debris. Mayor Vahalla also stated that he attended a meeting with New Jersey Transit regarding the Pearl Street Lot Development. NJ Transit is in favor of the Parking Authority project but had no available funds for construction projects. Mayor Vahalla stated that he would attempt to have New Jersey Transit and/or Amtrak look into extending the platforms at the stations. Mayor Vahalla also stated that the Engineer as well as the Traffic and Transportation Committee will investigate possible signage to help prevent trucks striking the bridge on Main Street. Mayor Vahalla suggested that it mimic the current signage already in place on Parsonage Road in Edison. Mayor Vahalla stated that the Fire Department responded to 24 alarms, 127 volunteer hours to fire alarms, 532 hours at drills and training and meetings and cadets and advisors volunteered 58 hours.

CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda items lettered C, D, E, G, H and I encompassing resolutions R2013-213-R2013-215 and R2013-217 through R2013-219 were approved.

RESOLUTION NO.2013-213

**RESOLUTION AUTHORIZING THE GOVERNORS COUNCIL ON ALCOHOLISM
AND DRUG ABUSE FISCAL GRANT EXTENSION JANUARY 1, 2014 TO JUNE 30,
2014**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough of Metuchen was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to the Metuchen Municipal Alliance/Youth Service Board in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does hereby authorize the submission of the grant extension for the Metuchen Municipal Alliance/Youth Service Board grant in the amount of:

DEDR	\$6,625.50
Cash Match	\$1,657.13
In-Kind	\$4,971.30

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Dated: November 12, 2013

RESOLUTION NO. 2013-214

**RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO.2013-131
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 amended to increase by \$30, 000 for a total not to exceed \$190,000 and funds will be available in the 2013 budget as evidenced by the

Chief Financial Officer's Certification of which \$190,000 is certified from the 2013 budget; 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 **Rachels Michele Oil Company, 116 Kuller Road, Clifton, NJ 07011.**

Dated: November 12, 2013

RESOLUTION NO. 2013-215

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF SMART DMS VERSION 7 SOFTWARE UPGRADE FOR NEW JERSEY 911 NETWORK

WHEREAS, there exists a need to purchase a Smart DMS Version 7 Software Upgrade for the New Jersey 911 Network for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #83903 and; and

WHEREAS, the maximum amount of the purchase of Smart DMS Version 7 Software Upgrade for the Borough of Metuchen is \$25,000.00 and funds will be available in prior year Capital Ordinances as evidenced by the Chief Financial Officer's Certification, of which \$25,000.00 is certified from prior years Capital Ordinances; 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:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to KML Technology Inc., 1460 Grandview Ave. Unit 4, Mid Atlantic Corporate Center, West Deptford, NJ 08066.

RESOLUTION NO.2013-217

RESOLUTION AMENDING RESOLUTION NO.2013-202-PREVENTION (OJJDP) ENFORCING THE UNDERAGE DRINKING LAWS STATE BLOCK GRANT PROGRAM; RESOLUTION APPROVING PARTICIPATION AND ACCEPTING AWARD FROM THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, there has been an increase in the amount of the grant monies to be awarded; and

WHEREAS, the Borough of Metuchen Police Department wishes to amend the previously authorized grant amount from \$3, 248.33 to \$3,439.41 in connection with a project entitled Cops in Shops Grant; for the period of November 15, 2013 to August 30, 2014.

WHEREAS, the Borough of Metuchen Police Department has reviewed said application and finds approval thereof to be in the best interests of the municipality/county; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and Borough of Metuchen Police Department for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen (1) that as a matter of public policy the Borough of Metuchen Police Department wishes to participate with the State of New Jersey (ABC) to the greatest extent possible; (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality/county; and (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

RESOLUTION NO. 2013-218

RESOLUTION APPOINTING OF FIREFIGHTER – MONDAY

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

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

Dated: November 12, 2013

RESOLUTION NO. 2013-219

RESOLUTION AUTHORIZING A 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 21, 2013 through October 20, 2015; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is \$15,000.00 for a total not to exceed \$15,000.00 and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification of which \$15,000.00 is certified from the 2013 budget; 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 **National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103**

Dated: November 12, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of **\$6,709,029.82** was approved.

APPOINTMENTS

On a motion by Council President Muldoon, seconded by Councilman Grayzel, with all in favor, the Mayor's appointment of William Hoover to the Dog Park Committee was approved.

DOG PARK COMMITTEE

William Hoover

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 Councilman Wallace, with all in favor the meeting was adjourned at 8:43 pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk