

**BOROUGH OF METUCHEN  
COUNCIL MINUTES SEPTEMBER 16, 2013**

A Regular Meeting of the Borough of Metuchen was held in the Council Chambers of Borough Hall on Monday September 16, 2013. The meeting was called to order at 7:30pm by Mayor Vahalla. The invocation was given by Councilman Wallace followed by the Pledge of Allegiance.

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

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

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

**AGENDA SESSION**

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

Mayor Vahalla added a late notification of a block party to the agenda for Dorian Road on September 28<sup>th</sup>.

Mayor Vahalla also added an appointment to the Traffic and Transportation Committee of Michelle Dellaventura to be done at the appropriate time.

Councilman Rasmussen asked if the Shade Tree Commission was allowed alternate members to help facilitate quorums at scheduled meetings.

Borough Attorney Murphy will review the State Statute regarding Shade Tree Commissions because they are regulated by that authority.

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

**PROCLAMATION AND RESOLUTIONS HONORING**

Councilman Wallace read the Resolution Honoring Patrolman Westover.

**WHEREAS**, Patrolman Richard Westover has honorably served the Metuchen Police Department since December of 2006; and

**WHEREAS**, Patrolman Westover began his career with the Borough of Metuchen as a Police Dispatcher and then became a Patrolman in October of 2009; and

**WHEREAS**, Patrolman Westover in his 6 plus years of dedicated service to the Borough of Metuchen has received many resident accolades for his handling of various situations to protect and serve the residents of the Borough; and

**WHEREAS**, Patrolman Westover has provided exemplary service as evidenced by a commendation letter received for an incident that occurred on November 2, 2011 for stopping a possible stolen vehicle and then apprehending a suspect after a foot chase ensued; and

**WHEREAS**, Patrolman Westover utilized his expertise to respond to a call on July 16, 2013 for an unresponsive adult male in which he was able to revive and sustain until the Paramedics could respond; and

**WHEREAS**, Patrolman Westover's valorous efforts and quick response on that day helped to save the life of a Metuchen resident; and

**WHEREAS**, the Borough of Metuchen is grateful and fortunate for the numerous assets provided by Patrolman Westover to the Borough of Metuchen,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen, hereby recognize Patrolman Richard Westover's outstanding lifesaving skills and efforts which helped a Metuchen resident and his family to survive a possible tragedy;

**BE IT FURTHER RESOLVED** that the Mayor and Council, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation for Patrolman Westover's dedication to the residents of Metuchen and offer their best wishes of good health, happiness and success in the years ahead.

Dated: September 16, 2013

Patrolman Westover also was recognized and given a Resolution from the State Assembly.

**THE METUCHEN RESCUE SQUAD-CAR-TRUCK-MOTORCYCLE BENEFIT PRESENTATION**

Mayor Vahalla stated that this item will be moved to the October 7th meeting.

**COMMUNICATION CONSENT AGENDA**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the New Business Consent Agenda item lettered A as well as the addition of the Block Party Request for Dorian Road during the Agenda Session were approved.

A. Receive Parking Authority Minutes of July 16, 2013.

**REPORTS OF OFFICIALS**

Council President Muldoon reported the Office of Emergency Management Committee met on September 10th and are rolling out the use of a new police and public safety program called NIXEL. Council President Muldoon is urging residents to subscribe via the Borough website. The system will provide subscribers with emergency alerts.

**HISTORIC PRESERVATION**

Council President Muldoon stated that the Historic Preservation Committee and discussed the new grant for the 2013-2014 that the Commission received from the Middlesex County Cultural and Heritage Commission.

**RECREATION**

Councilman Wallace stated that the Recreation Commission sponsored pumpkin carving event on Saturday and the Halloween Parade and trick or treating on the 29<sup>th</sup> are still scheduled to occur as planned.

**MUNICIPAL ALLIANCE/YOUTH SERVICE**

Councilwoman Rasmussen reported the annual Recovery Month Event will be held on September 26th at 7:30pm in Borough Hall.

Councilwoman Rasmussen also stated that in October there will be a presentation on the Overdose Awareness Program to the clergy of Metuchen.

**CHAMBER OF COMMERCE**

Councilwoman Inerro reported that the Metuchen Chamber of Commerce will not be holding its annual Scarecrows on Main this year and that registration for the Country Fair ends Friday September 20th.

**SENIOR CITIZENS**

Councilwoman Inerro stated that the Senior Citizens Commission will be hosting a Parkinson's Disease support group meeting started by a Metuchen resident and all those interested should contact the Senior Citizens Center.

**ARTS**

Councilman Grayzel announced the upcoming concert and calendar of events for the Arts Council.

**REPORT OF THE BOROUGH ATTORNEY**

Borough Attorney Murphy had no report.

**REPORT OF BOROUGH ADMINISTRATOR**

Borough Administrator Boerth reported that the Borough is applying for three grants. The first grant is through the New Jersey Department of Transportation to resurface Bridge Street from New Durham Avenue to Route 27. The second grant is a New Jersey Transit Village grant for Main Street improvements from Route 27 to Amboy Avenue which will be for the reconstruction of all the sidewalks on that section to meet current Borough standards. The final grant is a Safe Streets to Transit grant that would encompass sidewalk construction on New Durham Avenue from Michael Drive to Middlesex Avenue and Middlesex Avenue from New Durham Avenue to the Greenway.

**REPORT OF THE MAYOR**

Mayor Vahalla reported that he is still looking for volunteers to help develop the dog park. Mayor Vahalla stated that the Metuchen Fire Department this week responded to a gasoline spill where it used foam and the UTV to move Hazmat technicians around the site as well as responding to two fires, one on South Main and another on Central Avenue.

**NEW BUSINESS CONSENT AGENDA**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the New Business Consent Agenda items lettered A through I encompassing resolutions numbered 2013-170 –R2013-178 were approved.

**RESOLUTION NO.2013-170**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-019**

**61 CLIVE STREET**

**WHEREAS**, Edward Kenney posted \$581.00 for curb, apron and sidewalk escrow fees at 61 Clive Street; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Edward Kenney,

**NOW, THEREFORE, BE IT RESOLVED**, that Edward Kenney be refunded \$581.00 from the Sidewalk Inspection Escrow account.

Dated: September 16, 2013

**RESOLUTION NO. 2013-171**

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 206**

**HIGHLAND AVENUE-MATTCO PLUMBING AND HEATING, LLC. #13-024**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing and Heating as the required Performance Guarantees for Street Opening #13-024-206 HIGHLAND AVENUE; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, Mattco Plumbing and Heating, PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Dated: September 16, 2013

**RESOLUTION NO. 2013-172**  
**RESOLUTION AUTHORIZING BID AWARD FOR JERSEY AVENUE PUMPING  
STATION IMPROVEMENTS-ALLIED CONSTRUCTION GROUP**

**WHEREAS**, bids were received by the Borough Administrator on September 11, 2013 for **Jersey Avenue Pumping Station Improvements** for the Borough of Metuchen; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds will be available in the amount of \$181,400.00 and said funds are available in the out of Capital Ordinances as evidenced by the Chief Financial Officer's certification,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for **Jersey Avenue Pumping Station Improvements** be and the same is hereby awarded to Allied Construction Group, 499 Washington Road, Parlin, NJ, 08859.

**BE IT FURTHER RESOLVED**, that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for the same.

**BE IT FURTHER RESOLVED** that the certified check or bid bond of the successful bidders

1. Allied Construction Group, 499 Washington Road, Parlin, NJ, 08859
2. Coppola Services, Inc., 28 Executive Parkway, Ringwood, NJ, 07456
3. Vortex Construction, 403 Stonetown Road, Ringwood, NJ 07456
4. Joseph Jingoli & Son, Inc., 100 Lenox Drive, Suite 100, Lawrenceville, NJ, 08648

be returned upon the receipt of a fully executed contract and other required documents.

Dated: September 16, 2013

**RESOLUTION NO.2013-173**  
**RESOLUTION AUTHORIZING TO INCREASE, CANCEL AND REFUND 2013  
TAXES-COUNTY TAX BOARD ADJUSTMENT**

**WHEREAS**, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2013 as follows, and

**WHEREAS**, the reduction in taxes can be applied to the open tax balance due for 2013, and

**WHEREAS**, the reduction in taxes has caused an overpayment of taxes for the parcel identified below,

**WHEREAS**, one parcel had an increase in assessment as identified below,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to increase the 2013 tax billing for one parcel in the amount of \$4,747.71 and reduce the 2013 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$21,234.29, and overpayments as a result of a tax appeal be refunded in the amount of \$134.78.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2013 Levy	Refund
154.3/19.1	79 Lake Ave	4,300	231.73	231.73	
45/15	63 Sylvan Ave	68,200	3,675.30	3,675.30	
214/64	4 Sheffield Place	17,830	960.86	960.86	
97/4	214 Christol Street	17,300	932.30	932.30	

185/37	49 Vorhees Place	10,600	571.23	571.23	
198/35	3 Rowland Place	46,100	2,484.33	2,484.33	
3/45.14	14 Hofer Court	36,800	1,983.15	1,983.15	
96/5	131 Oak Ave	39,600	2,134.04	2,134.04	
181/69	8 Stonegate Drive	20,100	1,083.19	1,083.19	
195/31.1	48 McCoy Ave	8,400	452.68	452.68	
126.7/12	469 Wakefield Drive	14,700	792.18	792.18	
179/38	65 Spear Street	10,200	549.68	549.68	
51.7/42	134 University Ave	15,400	829.91	829.91	
4.2/22	41 Buchanan Road	84,500	4,553.71	4,418.93	134.78
	<b>TOTALS</b>		<b>21,234.29</b>	<b>21,099.51</b>	<b>134.78</b>
Block/Lot/Qual	Address	Assessment Increase	Total Tax Increase	Increase to 2013 Levy	
96/30	241 E Chestnut Ave	4,747.71	4,747.71	4,747.71	

Dated: September 16, 2013

**RESOLUTION NO.2013-174**  
**RESOLUTION AUTHORIZING REDUCTION OF 2012 TAXES-STATE TAX COURT APPEAL JUDGEMENT**

**WHEREAS**, a State Tax Court Appeal judgment was awarded to Block 174, Lot 5, 61 Grove Avenue for 2012,

**WHEREAS**, the assessed value for this parcel was reduced for 2012 by \$4,300.00,

**WHEREAS**, the reduction in taxes for the above referenced Block and Lot for 2012 is \$225.54 for 2012, with .01 of statutory interest payable,

**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 174, Lot 5 in the amount of \$225.54 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$225.54 plus .01 statutory interest.

Dated September 16, 2013

**RESOLUTION NO.2013-175**  
**RESOLUTION AUTHORIZING REDUCTION OF 2010, 2011, 2012 TAXES-STATE TAX COURT APPEALS JUDGEMENT**

**WHEREAS**, a successful State Tax Court Appeal judgment was awarded to Block 145, Lot 95, 756 Middlesex Avenue for 2010 forward granting that the parcel is exempt from property taxes,

**WHEREAS**, the assessed value for this parcel changed for 2010 by a reduction in the assessed value of \$443,600,

**WHEREAS**, the reduction in taxes for the above referenced Block and Lot is as follow

Year	Assessed Value	State Tax Court Reduction	Tax Rate	Levy Reduction
------	----------------	---------------------------	----------	----------------

2010	443,600	443,600	4.946	21,940.46
2011	443,600	443,600	5.143	22,814.35
2012	443,600	443,600	5.245	23,266.82
				<b>68,021.63</b>

**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 2011, 2011 and 2012 taxes on Block 145, Lot 95 in the amount of \$68,021.63 due to the successful State Tax Court Appeal for the year 2010 forward, including amendments. One-half of the refund is to be paid within 60 days of the entry of Judgment and the other half of the refund is to be paid in the first quarter of 2014 as stipulated by the tax court judgment.

Dated: September 16, 2013

**RESOLUTION NO.2013-176**

**RESOLUTION REQUESTING APPROVAL OF SPECIAL ITEMS OF REVENUE AND APPROPRIATION  
NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2013 in the sum of \$4,000.00, which is now available from the State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant in the amount of \$4,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant in the amount of \$4,000.00.

Dated: September 16, 2013

**RESOLUTION 2013-177**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of

any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2013 in the sum of \$4,400.00, which is now available from the State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant in the amount of \$4,400.00. The incentive grant period is 8/16/13 through 9/2/13.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,400.00 is hereby appropriated under the caption State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant in the amount of \$4,400.00.

Dated: September 16, 2013

**RESOLUTION NO.2013-178**  
**RESOLUTION AUTHORIZING REFUND OF 2013 TAXES**

**WHEREAS**, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Thomas & Sarah Mullins	193/1	65 McCoy Avenue	\$3,156.18	Overpayment	2013/1 <sup>st</sup> qtr
Suburban Square LLC	82/1.1	103 Central Avenue	\$4,216.60	Overpayment	2013/3 <sup>rd</sup> qtr
Suburban Square LLC	83/1	Central Avenue	\$474.34	Overpayment	2013/3 <sup>rd</sup> qtr
Suburban Square LLC	83/2	85 Central Avenue	\$17,037.78	Overpayment	2013/3 <sup>rd</sup> 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 \$24,884.90.

Dated: September 16, 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 \$537,873.65 was approved.

**APPOINTMENTS**

Mayor Vahalla made the appointment of Michelle Dellaventura to the Traffic and Transportation Committee.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the appointment of Michelle Dellaventura to the Traffic and Transportation committee was confirmed.

## **ORDINANCE-INTRODUCTION**

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, with all in favor Ordinance 2013-14 was taken up on first reading.

The Borough Clerk read the Ordinance by title only. ORDINANCE 2013-14-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 IMPROVEMENTS 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 FROM THE BOROUGH FOR FINANCING THE COST THEREFOR.

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, Ordinance 2013-14 was passed on first reading published according to law and a public hearing date set for October 7, 2013.

## **ORDINANCE NO.2013-14**

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

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

**Section 1.** Pursuant to N.J.S.A. 40A:2-1 *et seq.* and 40A:2-51 *et seq.* of the Local Bond Law of the State of New Jersey (the "State"), the Borough of Metuchen, in the County of Middlesex, New Jersey (the "Borough"), is hereby authorized to refund a portion of its outstanding General Improvement Bonds of 2004 dated December 1, 2004, maturing in the years 2016 through 2020, inclusive, in the amount of \$10,950,000 (the "Prior Bonds to be Refunded") and originally issued in the aggregate principal amount of \$13,842,000 (the "Prior Bonds").

**Section 2.** In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds of the Borough are hereby authorized to be issued, at one time or from time to time in one or more series, in the aggregate principal amount of not to exceed \$12,000,000 pursuant to N.J.S.A. 40A:2-51 *et seq.* of the Local Bond Law of the State.

**Section 3.** An aggregate amount not to exceed \$180,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b), including, without limitation, underwriter's discount, original issue discount, if any, and all legal, accounting, printing and fiduciary expenses, has been included in the aggregate principal amount of refunding bonds authorized herein.

**Section 4.** The purpose of the refunding is to reduce the annual debt service expenses of the Borough.

**Section 5.** The Borough hereby acknowledges and agrees that, in accordance with N.J.S.A. 40:2-10, a supplemental debt statement will be prepared as of the date of this refunding bond ordinance by the Chief Financial Officer of the Borough, giving effect to the proposed authorization of the refunding bonds of the Borough authorized hereby in the aggregate amount not to exceed \$1,050,000, which amount represents the amount of the refunding debt in excess of the debt to be refunded, and that the supplemental debt statement has been filed in the Office of the Clerk of the Borough prior to the passage on first reading of this refunding bond ordinance. The Borough hereby directs the Borough Clerk to have the supplemental debt statement filed in the Office of the Division of Local Government Services in the Department of Community Affairs prior to final adoption of this refunding bond ordinance.

**Section 6.** This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law of the State.  
Dated September 16, 2013

**ROLL CALL**

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

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

**PUBLIC COMMENT**

Mayor Vahalla opened the meeting to the public for comment.

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

**ADJOURNMENT**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the meeting was adjourned.