

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
March 3, 2014
7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, March 3, 2014.

The Meeting was called to order at 7:30 p.m. by Mayor Vahalla and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. The Mayor advised that adequate notice was provided by an annual notice sent to the Home News Tribune and the Star Ledger and is posted in the Borough Clerk's office and posted in Borough Hall according to law.

The Invocation was given by Councilwoman Inserro and was followed by the Pledge of Allegiance.

Present were Councilmembers Wallace, Rasmussen, Inserro, Grayzel, Cammarano and Mayor Vahalla. Council President Muldoon was absent. Councilman Cammarano will be Acting Council President for the meeting.

Also present were William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Borough Clerk Katie Cirulli.

Agenda Session

Councilman Cammarano made a motion to open the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the Agenda Session was opened.

Councilman Cammarano asked that R2014-61 be pulled from the agenda

Councilwoman Inserro stated that there have been many discussions on social media on the state of Metuchen's Downtown. A letter and survey has been put distributed to all Council Members taken by people of Metuchen. She would like to put a discussion item on the agenda for the next meeting to discuss the Downtown business issues. There was a discussion and the Council decided to put the discussion on the agenda.

Councilwoman Inserro asked the Borough Administrator for feedback on the snow removal process and what is the budget impact since the beginning of the year. Mr. Boerth gave a rundown of on-going pothole repair and the status of the budget and DPW status on snow removal. A discussion ensued.

Councilman Cammarano made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the Agenda Session was closed.

Public Comment

Mayor Vahalla opened the Public Comment Session to any resident who wishes to speak.

Beatrice Moskowitz, 279 Middlesex Avenue, Metuchen spoke about snow removal on the sidewalks and roadways and asked about potential options that may be available to the Borough.

Seeing no one else wishing to speak, Mayor Vahalla closed Public Comment.

Ordinance – Public Hearing

Councilman Cammarano asked the Borough Clerk to present the affidavit of Publication.

Borough Clerk presented the affidavit of publication stating that said Ordinance has been published one time in the Home News Tribune according to Law on February 14, 2014.

Councilman Cammarano moved that the affidavit of publication be received and filed. Councilwoman Rasmussen seconded, with all favor, the affidavit of publication has been accepted.

The Borough Clerk read Ordinance 2014-1 by title.

Ordinance 2014-1 An Ordinance Creating the Borough of
Metuchen Accessibility Committee

Mayor Vahalla opened the Public Hearing on Ordinance 2014-13. Seeing no one wishing to speak, Mayor Vahalla closed the Public Hearing session.

Councilman Cammarano made a motion that Ordinance 2014-1 be passed on second reading and published according to law, second by Councilwoman Rasmussen.

Mayor Vahalla asked for a roll call vote.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO	X				MULDOON				X
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	CAMMARANO			SECOND			RASMUSSEN		
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

Ordinance 2014-1 passed on second reading and published according to law, 5-0.

Communications Consent Agenda, Items 1 and 2

Councilman Cammarano moved Communications Consent Agenda, Items 4 and 5, second by Councilwoman Rasmussen, with all in favor, motion passed, 6-0.

4. Receive and Accept Metuchen TV and Technology Committee Minutes Of Thursday October 25, 2013 and December 5, 2013
5. Receive and Accept Historic Preservation Committee Minutes of November 12, 2013

Reports of Councilmembers

Councilman Wallace

- Has no report at this time.

Councilwoman Rasmussen

Development Commission

- Will be meeting on Wednesday and will continue with their Business Inventory project.

Shade Tree Commission

- Discussed home owners' and Tree of Life spring planting requests.
- Arbor Day is April 25, 2014.
- They continue to work with the Zoning Officer on the tree removal/ tree trimming permit.
- Shade Tree Commission will be moving their meetings to the second Wednesday of the month starting with the April meeting.
- Councilwoman Rasmussen asked if the Shade Tree Ordinance can be revised to reflect the current rules and regulations that govern the Commission.

Environmental Commission

- The Commission met and a member will be attending a seminar on March 22, 2015 through Rutgers' Cooperative Extension on "How to Set Up a Rain Barrel at Your Home" in order to save rainwater.
- Councilwoman Rasmussen attended the breakfast/fundraiser for Breaking the Chain. It was a very successful fundraiser.
- She reminded residents to keep recycling.

Chamber of Commerce

- Please support our local businesses by shopping in town and also purchases Chamber gift certificates that can be spent at businesses in Metuchen.
- Family memberships are now available for \$75.00 per family. The fee includes a \$20.00 Chamber gift certificate.

Councilwoman Inzerro

- Flyers will be available on the Metuchen/Edison and Woodbridge websites about an open house on Tuesday, March 18th at the Senior Center between the hours of 5 and 7:30 PM about the Middlesex Greenway project. This is open to all age groups.

Board of Health

- Did not meet last month but are scheduled to have a meeting next month.

Metuchen Municipal Alliance

- Meeting was cancelled last night. The next scheduled meeting is March 13th.

Senior Citizen

- Parkinson Support Group is meeting on March 19th at 1PM at the Senior Center.

- On March 19th the High School is inviting Senior Citizens for a special dinner and dress rehearsal at 5:30 PM of the High School production "Gypsy". Sign-up begins tomorrow and ends on Friday, March 14th.
- The free tax prep is still available if qualified on Tuesdays and Thursdays at the Senior Center.

Councilman Grayzel

TV and Tech Committee

- Met and discussed their last minute plans for negotiations with Cablevision.

Arts Council

- They discussed their plans for the year in terms of music, art and the performing arts.

Councilman Cammarano

- Has no report at this time.

Reports of Officers

Denis Murphy, Esq.

- Has no report at this time.

Bill Boerth, Administrator

- Has no report at this time.

Report of the Mayor

- Councilwoman Rasmussen and Mayor attended a ribbon cutting on Sunday for La Gateaux Bakery. It was a nice event.
- The Arts Council will be holding the first day of decorating the tiles for the mural on Saturday. It starts at 10 AM.
- DOT will begin working on Bridge Street and the Police will be shutting the road down for the repairs on a few days. DOT will be resurfacing the roadway in the spring. The Engineer applied for a grant for resurfacing the entire Bridge Street.
- Last week there was a meeting with the potential developers of the Pearl Street Parking Lot. They will be coming before the Planning Board with their plans.
- There was a meeting with the Renaissance Developers for the Metuchen I District. They are looking to move forward.
- Due to the snow storm all State basketball games had been cancelled. The Metuchen Girls Basketball team will be playing at home tomorrow night at 7 PM at the High School. The Boys Basketball team will be playing at 7 PM at Middlesex. Cassie Smith has the potential to break the school record for the most points scored. Mayor asked that residents come out to support either team tomorrow night.
- Council President Muldoon and Mayor met with Mr. Boerth and Police Department to work on Pedestrian Safety. They meet at least once a month. There are many new Pedestrian Safety items that are being put into place. They are working with the County for repairs to street crossing on the County roadways.

Councilwoman Rasmussen stated that on Saturday at 2 PM residents can come to the Library to meet the new Librarian.

New Business Consent Agenda R2014-51 through R2014-60 and R2014-62 through R2014-64

Councilman Cammarano made a motion to approve New Business Consent Agenda, R2014-51 through R2014-60 and R2014-62 through R64, second by Councilwoman Inserro, with all in favor, motion passes, 5-0.

RESOLUTION 2014-51

RESOLUTION REFUNDING MASSAGE THERAPIST APPLICATION FEE

WHEREAS, Ms. Sandra Cabrera submitted a fee of \$58.00 for a 2014 Massage Therapist License; and

WHEREAS, Ms. Sandra Cabrera has withdrawn her application from consideration; and

WHEREAS, the Borough Clerk has requested that the application fees be refunded to Ms. Sandra Cabrera,

NOW, THEREFORE, BE IT RESOLVED, that Ms. Sandra Cabrera, 40 Reider Road, Edison, NJ 08817, be refunded \$58.00 from anticipated revenues.

RESOLUTION 2014-52

**RESOLUTION AUTHORIZING BOND REDUCTION FOR SPEX SAMPLE PREP BLOCK 46
LOTS 57 AND 58-35 AND 55-65 LIBERTY STREET**

WHEREAS, Spex Sample Prep has requested a *partial* release of the performance bond for various site improvements for Block46, Lots 57 and 58-35 and 55-65 Liberty Street; and

WHEREAS, the Borough Engineer in a letter dated February 19, 2014 has agreed to a *partial* reduction as the improvements which has been performed have been completed in an acceptable manner; and

WHEREAS, the Borough Engineer recommends the partial release of the bond, in the amount of \$46, 867.20(posted all in cash) reduced from the posted amounts for a new performance bond figure of \$14,060.16; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release \$32,807.04 of the performance bond monies, to Spex Sample Prep, 203 Norcross Avenue, Metuchen, NJ, 08840.

RESOLUTION 2014-53

**RESOLUTION APPROVING 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT
PROJECT**

WHEREAS, the Metuchen Community Development Advisory Committee met and made a recommendation for the use of the 2014-2015 Community Development Block grants funds to provide for the salaries of the Senior Citizen shuttle bus drivers, Senior Citizen programs and handicap improvements to the library in the Borough of Metuchen,

WHEREAS, the needs identified by the Metuchen Community Development Advisory Committee concerning the above referenced improvements and services are applicable to the designated target neighborhood and throughout the Borough; and

WHEREAS, an implemented increase or decrease in funding will be associated with handicap improvements to the library;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that on the basis of input from the Metuchen Community Development Advisory Committee and the input from the public hearing, the Borough Administrator is hereby authorized to prepare an application to be submitted for the utilization of the 2014-2015 Community Development Block Grant to provide for the salaries Senior Citizen shuttle bus drivers, Senior Citizen programs and handicap improvements to the library in the designated target areas and throughout the Borough of Metuchen.

RESOLUTION 2014-54

REFUND OF OTHER FEES & PERMITS – BUILDING, ELECTRICAL, AND PLUMBING #13-0873

WHEREAS, Robert Flaherty, 118 Spear Street, Metuchen, NJ 08840 made payment on November 7, 2013 in the amount of \$328.00 for a Building, Electrical and Plumbing Permit fee for accessibility work to be done at 118 Spear Street; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, Mr. Flaherty submitted a letter on January 21, 2014 from his doctor recommending his home be made handicapped accessible; and

WHEREAS, pursuant to Ordinance #97-11 permit fees are waived for persons having disabilities; and

WHEREAS, the New Jersey Department of Community Affairs fees of \$18.00 are non-refundable; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund Robert Flaherty, 118 Spear Street, Metuchen, NJ 08840, in the amount of \$310.00 for the Building, Electrical, and Plumbing Permit fee which is minus the New Jersey Department of Community Affairs fee which is non-refundable.

RESOLUTION 2014-55

**REFUND OF OTHER FEES & PERMITS – ELECTRICAL, FIRE & PLUMBING #13-0983
A.J. PERRI INC.**

WHEREAS, A.J. Perri Inc., 1138 Pine Brook Road, Tinton Falls, NJ 07724 made payment on December 27, 2013 in the amount of \$259.00 for an Electrical, Fire & Plumbing Permit fee for work to be done at 258 Willow Road; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, the New Jersey Department of Community Affairs fees of \$14.00 are non-refundable;

and

WHEREAS, pursuant to Ordinance #2011-1 a 20% plan review fee of \$49.00 shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund A.J. Perri Inc., 1138 Pine Brook Road, Tinton Falls, NJ 07724, in the amount of \$196.00 for the Electrical, Fire & Plumbing Permit fee which is minus the new Jersey Department of Community Affairs fee which is non-refundable and the 20% for plan review fee that is non- refundable per Ordinance No. 2011-1.

RESOLUTION 2014-56

RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, DIVISION OF SOLID WASTE MANAGEMENT AND THE BOROUGH OF METUCHEN FOR THE RECYCLING OF CAPTURED CFC'S

WHEREAS, Middlesex County is proactive in addressing environmental issues such as the depletion of the ozone layer; and

WHEREAS, chlorofluorocarbons CFC's are one of the manmade chemicals that are known to cause ozone depletion; and

WHEREAS, Middlesex County is seeking to provide a financial incentive that will assist municipalities in properly capturing CFC's from residentially discarded appliances that they collect curbside or at their dropoff centers; and

WHEREAS, Middlesex County and the Borough of Metuchen is seeking to provide a financial incentive that will assist municipalities in properly recycling the consumer electronics that they collect curbside or at their drop-off centers; and

WHEREAS, the County and Municipality are authorized to enter into this Agreement pursuant to N.J.S.A. 40A:11-5(2);

NOW, THEREFORE, BE IT RESOLVED that Middlesex County and the Borough of Metuchen are hereby directed to enter into an agreement concerning the capturing of CFC's from residentially discarded appliances in accordance with the attached contract.

RESOLUTION 2014-57

RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, DIVISION OF SOLID WASTE MANAGEMENT AND THE BOROUGH OF METUCHEN FOR THE RECYCLING OF USED TIRES

WHEREAS, Middlesex County will enter into an agreement with an approved tire recycler/hauler to provide containers for the collection of used tires; and

WHEREAS, Middlesex County and the Borough of Metuchen are desirous of locating a container at the following location: 44 Jersey Avenue; and

WHEREAS, the location of said container will greatly foster the implementation of the recycling

programs of the County and the Municipality; and

WHEREAS, the County and Municipality are authorized to enter into this Agreement pursuant to N.J.S.A. 40A:11-5(2);

NOW, THEREFORE, BE IT RESOLVED that Middlesex County and the Borough of Metuchen are hereby directed to enter into an agreement concerning the recycling of used tires in accordance with the attached contract.

RESOLUTION 2014-58

RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, DIVISION OF SOLID WASTE MANAGEMENT AND THE BOROUGH OF METUCHEN FOR THE RECYCLING OF CERTAIN CONSUMER ELECTRONICS

WHEREAS, Middlesex County is proactive in addressed environmental issues such as the proper recycling of consumer electronics; and

WHEREAS, effective January 1, 2011 recycling of certain consumer electronics is mandatory in the State of New Jersey; and

WHEREAS, the location of said container will greatly foster the implementation of the recycling programs of the County and the Municipality; and

WHEREAS, the County and Municipality are authorized to enter into this Agreement pursuant to N.J.S.A. 40A:11-5(2);

NOW, THEREFORE, BE IT RESOLVED that Middlesex County and the Borough of Metuchen are hereby directed to enter into an agreement concerning the recycling of certain consumer electronics in accordance with the attached contract.

RESOLUTION 2014-59

RESOLUTION AMENDING RESOLUTION NO.2014-29 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, 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 amended to increase by \$50,000 for a total not to exceed \$100,000 and funds will be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification of which \$100,000 is certified from the 2014 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 **National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103.**

RESOLUTION 2014-60

RESOLUTION APPROVING SUBMISSION OF THE 2013 TONNAGE REPORT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Borough of Metuchen endorses the submission of the recycling tonnage grant application for the year **2013** to the New Jersey Department of Environmental Protection and Energy and designates Fred Hall to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2014-62

RESOLUTION AMENDING THE TEMPORARY BUDGET

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

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2014, effective March 3, 2014:

Administrative & Executive	OE	15,000.00
Mayor & Council	OE	200.00
Public Works Administration	OE	500.00
Emergency Management	OE	1,000.00
Streets & Roads	OE	21,000.00
Municipal Clerk	OE	500.00
Fire Department	OE	6,000.00
Forestry	OE	2,000.00
Board of Health	OE	100.00
Senior Center	OE	500.00
Library Consortium		3,000.00
Tax Appeals		10,000.00
Gasoline & Diesel		45,000.00
	TOTAL	104,800.00

RESOLUTION 2014-63

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are unexpended balances in various 2013 appropriation reserve accounts not required for the balance of 2013; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be approved:

APPROPRIATION		TRANSFER IN	TRANSFER OUT
LEGAL	OE	12,200.00	
UTILITIES		12,000.00	
GASOLINE & DIESEL			21,000.00
TAX ASSESSMENT	SW		3,200.00
	TOTALS	24,200.00	24,200.00

Resolution 2014-64

Refund of 2014 Taxes

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Wells Fargo for Weijun He & Lin Gong	12/52	178 Mason Drive	\$185.92	Overpayment	2014/1st 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 \$185.92.

Other New Business

Councilman Cammarano made a motion to approve the Bill Resolution in the amount of **\$6,224,508.01**, second by Councilwoman Rasmussen, with all in favor, the Bill Resolution was passed, 5-0.

Appointments

Mayor Vahalla made a nomination to appoint the following people: Sharon Burke to the Environmental Commission, Hussain Ali-Khan to the Development Commission and Scott Derector to the Traffic and Transportation Committee.

Councilman Cammarano made a motion to approve the Mayor's nominations, second by Councilman Grayzel, with all in favor, the motion passed, 5-0.

Public Comment

Mayor Vahalla opened the meeting to the public for comment.

Hussain Ali Khan, 15 Ohio Avenue, Metuchen thanked Councilwoman Rasmussen for putting him up for the appointment to the Development Commission. He is very excited with working with the Commission.

Seeing no one else wishing to comment Mayor Vahalla closed the public comment.

Councilman Cammarano mentioned that the Men's Club of the BIL will be hosting a Bubble Hockey Tournament for men on March 29th.

Adjournment

On a motion by Councilman Cammarano, second by Councilman Rasmussen, with all in favor, the meeting was adjourned at 8:12 PM.

Respectfully Submitted

Susan D. Jackson,

Borough Council Meeting
March 3, 2014

Metuchen Borough Clerk