

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
October 20, 2014
6:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 20, 2014.

The Meeting was called to order at 6:30 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. Said notice was sent on October 16, 2014 to the Home News Tribune stating that the meeting time of the Mayor and Council's October 20, 2014 meeting has been changed to 6:30 p.m. at Borough Hall and is posted on the bulletin board in Borough Hall and filed in the Borough Clerk's office."

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

Present were Councilmembers Rasmussen, Inerro, Grayzel, Cammarano and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Sharon Hollis, Acting Borough Clerk. Councilman Wallace was absent.

Agenda Session:

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

With no items for the Agenda Session Councilman Cammarano moved to close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the agenda session was closed.

Council President motioned that a Resolution be passed to excuse the absences of Councilman Wallace due to an illness, seconded by Councilwoman Rasmussen, with all in favor, the motion passed.

Denis Murphy reminded the Council that the Vacancy Law states that the time frame for absences from Council meetings is eight consecutive week period.

Resolution Authorizing a Closed Executive Session

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor for Authorizing a Closed Executive Session was approved.

RESOLUTION

*Borough of Metuchen
County of Middlesex
State of New Jersey*

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, New Jersey, that the public shall be excluded from the portion of the meeting to be held on October 20, 2014 at the Borough Hall at which the following subject matter will be discussed:

PERSONNEL MATTERS

BE IT FURTHER RESOLVED, that the discussion to be held by the Mayor and Council on such subject matter shall be disclosed to the public at the resolution of the respective matters.

Re-Enter Public Session

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Council re-enter Public Session 7:37 PM.

Open To Public

Mayor Vahalla opened the meeting to the public for comment.

Councilman Grayzel asked if there is a snow removal piece of equipment for the sidewalks as has been discussed.

Borough Administrator Boerth stated that Director Fred Hall, Superintendent Kanaszka and mechanics have been researching equipment. There are still questions as to whether the equipment will be appropriate and there will be a demonstration in the near future. As he had stated at the budget meeting, the necessary funds will have to be transferred. The Transfer Resolution is scheduled to be on the November 10th Council meeting. Delivering time for the equipment is four to six weeks.

Councilman Grayzel asked about the Appropriate Authority Ordinance. He had circulated the information about two months ago to Council. He asked when there will be a discussion about it.

Mayor Vahalla said that it can be put on the November 10th meeting for discussion. Councilman Grayzel agreed that would be appropriate.

Mayor Vahalla asked that the Borough's Labor Counsel be present to speak to the Council.

Councilman Grayzel, Mayor Vahalla and Council President Muldoon would like to issue a formal invitation to the Representative of the Family Arts Council to make a short presentation at the next meeting about their organization and winter program.

Councilman Grayzel also asked if a date could be set to have the Municipal Auditor come in and present the Borough Audit for the past year. Mayor Vahalla said that it is the Council's job to review the Audit and recommendations but if Councilman Grayzel would like the Auditor to come in to go over it, that it would be fine.

The Borough Council decided to have the Auditor to come in for the next meeting on November 10th.

Councilwoman Inerro had questions on two items on the Consent Agenda. There is a request for resident parking from residents of Carson Ave. She realizes that this will probably not be the only request. Instead of taking one at a time, she wonders if the Parking Authority or Police Department should look at similar streets that are outside the zone where people are not supposed to park. Mayor Vahalla stated that in the past the Police have done reports to find out who lives on those streets and which cars belong to commuters. The Police give the reports to Council to determine if changes should be adopted.

The Police are already looking at this request and will have a report after a seven day study.

Councilwoman Inerro asked if Resolution 2014-204 for the Grant Application for Over-Height Detectors Project be discussed when the Council gets to the Resolutions.

Council President Muldoon motioned close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the motion passed.

Discussion on the Non-Smoking Policy in Public Buildings and Parks

Mayor Vahalla clarified that all public buildings are already non-smoking.

Council President Muldoon suggested moving the Proclamation to this time before any discussion on the policy takes place.

Mayor Vahalla agreed.

Proclamation and Resolutions

Council President Muldoon read and presented the Proclamation honoring November as Pancreatic Cancer Month.

PROCLAMATION RECOGNIZING “NOVEMBER AS PANCREATIC CANCER AWARENESS” MONTH

WHEREAS, in 2014 an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020.

WHEREAS, pancreatic cancer 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 generally 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 1220 deaths will occur in New Jersey in 2014;

WHEREAS, the Recalcitrant Cancer Research Act was signed into law in 2013, which calls on the National Cancer Institute to develop a scientific framework, 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 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 Metuchen support 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 Metuchen are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Metuchen designate the month of November 2014 as “Pancreatic Cancer Awareness Month” in Metuchen.

Discussion on the Non-Smoking Policy in Public Buildings and Parks

There was a discussion about designating specific smoking areas and distances allowed from any of the public buildings and how to enforce penalties and what fines to impose. The Council would like changes made to the Ordinance to reflect a 50’ smoking distance from the Library, Borough Hall, EMS and Senior Citizen Building and determine a designated smoking area for the Fire House and Public Works Building based on recommendations from the Fire Chief, Public Works Director and Administrator. The smoking ban will include all recreational property in its entirety. The Ordinance needs to cover all forms of tobacco use. The title of the Ordinance needs to be changed from “Smoking” to “Smoking and Other Tobacco Products”.

The Council asked the Administrator to reach out to the Public Works Director and Fire Chief to get their recommendations.

Public Comment

Mayor Vahalla opened the meeting to the public for comment.

Naomi Stall, works for Rutgers for “Tobacco Free for Healthy New Jersey”. She is there to let the Council know that they help educate and facilitate the passage of the Ordinance. They have signs that they give for free to help with enforcement of the Ordinance and act as self-enforcers. The Borough can get as many signs as they want without a cost to the Borough. When the Ordinance is passed, the organization will order stickers that state the Ordinance number and any other language that the Borough would want and stick it on the signs. She stated that signs for the designated areas should be able to be provided. They provide serves through Rutgers where people who would like to quit can get information and counseling. With 262 Municipalities that have passed a Smoke-free Ordinance, there haven’t been any issues with the employees complaining.

Rob Donnan, Metuchen Fire Chief, he has concerns about the impact of the Ordinance on the firefighters who do smoke and how they will react. He does believe that there needs to be an area provided to the firefighters who volunteer their time and smoke. The Council has asked the Fire Chief to make a recommendation of a designated area at the Fire House.

Hearing no else Mayor Vahalla closed the Public Comments.

Mayor Vahalla stated that the Borough Attorney and Councilman Cammarano, liaison to the Pool Commission, has to meet with the Pool Commission on a legal matter for the pool and are leaving the meeting at 8:53 p.m.

Denis Murphy, Esq. gave a brief update on the possible donation of the Fire Truck and whether or not it will be permissible to donate to an association which the end result would be the Fire Truck being donated to someplace in the Dominica Republic. He has been working with a member of the organization and has spoken to him a few days ago and will be getting back to the person on Tuesday. Denis intends on having a report back to the Council by the next meeting.

Communications Consent Agenda

On a motion from Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Items A through F were approved.

- A. Receive and Approve Block Party Request for Lynn Circle on October 25, 2014 (*rain date November 1, 2014*).
- B. Receive and Accept Accessibility Committee Meeting Minutes of July 24, 2014.
- C. Receive and Accept TV/Technology Committee Meeting Minutes of July 24, 2014.
- D. Receive and Accept Zoning Board Meeting Minutes of October 10, 2013, November 14, 2013, December 12, 2013, January 9, 2014.
- E. Receive and Accept Zoning Board Annual Report for 2013.
- F. Receive and refer to the Police Department a request for Resident Parking on Carson Avenue.

Other Communications

Reports of Councilmembers

Council President Muldoon reported the Office of Emergency Management met last week and had representatives from the Police Department, Police Auxiliary, EMS, Public Schools, Fire Department and few others that are involved in any aspects of Emergency management. There

were updates presented on emergency preparations, information on Ebola preparation from CDC, and winter storm preparations. Metuchen in emergency doesn't have any official shelter, but do have shelter capability in Metuchen for temporary shelter for short term but would look to the County for any long term facilities.

He gave an update from the Historic Preservation Committee that they have submitted a request to the State in June/July for eligibility of the proposed Woodwild Park, Middlesex Ave. Historic District. They have received a response from the State Historic Preservation Office in July that based on the review of the documentation submitted that the Woodwild Park, Middlesex Ave. Historic District is eligible to be listed on the New Jersey and National Register of Historic Places. The next step for the Committee is to finalize the actual boundaries of the District and hold public meetings with the residents and at some point submit an official application to the State.

Councilwoman Rasmussen reported that the Shade Tree Commission met last week and met with their Community Forestry Consultant who will be helping to update the Community Forestry Plan. They discussed some of the issues that he saw with the trees when they walked around the Borough. They will be meeting with him again and finalizing ideas and other items for the update.

As liaison to the Environmental Commission that there Public Question #2 on the November election ballot. It is a constitutional amendment dedicating State funds for open space, farm lands and historic preservation and changing existing dedication for water programs, underground storage tanks and hazardous site cleanups.

Councilwoman Inserro reported that the Metuchen Seniors, Inc., the fundraising arm of the Senior Citizens Commission, will hold their annual luncheon on Sunday at noon at the High School. She thanked the many volunteers and High School Principal for all the hard work to pull this event off.

The Board of Health will not meet until January.

Councilman Grayzel has nothing to report.

Reports of Officers

Borough Administrator Boerth has nothing to report.

Report of Mayor

Mayor Vahalla gave the September Fire Department report. Last Sunday, Mayor attended the St. Luke's celebration of 150th anniversary and it was a great day. On this Saturday the Centenary Methodist Church will be celebrating their 150th anniversary and he will be attending. The Fair was a great day for Metuchen.

New Business Consent Agenda

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions 2014-196 through 2014-203 and 2014-205 through 2014-207, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda items were approved.

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

Consent Agenda approved, 5-0

RESOLUTION 2014-196

RESOLUTION – REFUND ESCROW BALANCE

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

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

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

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
12-951 E	922.50	Karen Army 10 Sidney Place

RESOLUTION 2014-197

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-023
52 SHARON COURT**

WHEREAS, LoChiatto Paving Masonry Co. posted \$30.00 for sidewalk escrow fees at 52 Sharon Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to LoChiatto Paving Masonry Co.,

NOW, THEREFORE, BE IT RESOLVED, that LoChiatto Paving Masonry Co. be refunded \$30.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-198

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-026
137-139 AMBOY AVENUE**

WHEREAS, Gerald Yaros posted \$640.00 for sidewalk escrow fees at 137-139 Amboy Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Gerald Yaros,

NOW, THEREFORE, BE IT RESOLVED, that Gerald Yaros be refunded \$640.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-199

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-028
19 BOUNTY STREET**

WHEREAS, Charles Chang posted \$60.00 for sidewalk escrow fees at 19 Bounty Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Charles Chang,

NOW, THEREFORE, BE IT RESOLVED, that Charles Chang be refunded \$60.00

from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-200

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-032
20 SHARON COURT**

WHEREAS, Lochiatto Paving Masonry Co. posted \$220.00 for apron and sidewalk escrow fees at 20 Sharon Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Lochiatto Paving Masonry Co.,

NOW, THEREFORE, BE IT RESOLVED, that Lochiatto Paving Masonry Co. be refunded \$220.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-201

RESOLUTION TO APPROVE A SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CLIVE STREET IMPROVEMENTS PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Clive Street Improvements-00195 to the New Jersey Department of Transportation on behalf of Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2014-202

RESOLUTION TO APPROVE A SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DOWNTOWN MAIN STREET STREETSCAPE IMPROVEMENTS PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2015-Downtown Main Street Streetscape Imp-00009 to the New Jersey Department of Transportation on behalf of Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2014-203

RESOLUTION TO APPROVE A SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DURHAM AVENUE IMPROVEMENTS PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Durham Avenue Improvements-00490 to the New Jersey Department of Transportation on behalf of Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2014-205

RESOLUTION TO REDUCE AND REFUND 2012 AND 2013 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 36, Lot 3, 99 Middlesex Avenue for 2012 and 2013,

WHEREAS, the assessed value for this parcel changed for 2012 by a reduction in the assessed value of \$109,600 and the assessed value for this parcel changed for 2013 by a reduction in the assessed value of \$99,300,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$5,748.52 and \$5,351.28 for 2013,

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 and 2013 taxes on Block 36, Lot 3 in the amount of \$11,099.80 due to the successful State Tax Court Appeal for the years 2012 and 2013, including amendments, and refund the resulting tax overpayment in the amount of \$11,099.80.

RESOLUTION 2014-206

RESOLUTION TO REDUCE AND REFUND 2013 TAXES

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 112, Lot 5, 599 Middlesex Avenue for 2013,

WHEREAS, the assessed value for this parcel changed for 2013 by a reduction in the assessed value of \$27,500,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2013 is \$1,481.98,

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 2013 taxes on Block 112, Lot 5 in the amount of \$1,481.98 due to the successful State Tax Court Appeal for the year 2013, including amendments, and refund the resulting tax overpayment in the amount of \$1,481.98.

RESOLUTION 2014-207

WHEREAS, the Jersey Avenue Pumping Station Improvements project has been approved in a contract between the Mayor and Council and Allied Construction Group, Inc.; and

WHEREAS, on October 2, 2014 Maser Engineering submitted a letter to the Borough approving Change Order #1 for a net decrease to the Borough of **\$8,286.97**; and

WHEREAS, the net decrease to the Borough for Change Order #1 is **\$8,286.97**;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1.

Council President Muldoon moved New Business Consent Agenda Resolution 2014-204 for approval, seconded by Councilwoman Rasmussen.

Mayor Vahalla opened up the discussion on Resolution 2014-204.

Councilwoman Inserro asked if this project is for the New Jersey Transit Bridge on Main Street and if this is the same system used on the Parsonage Road. Mayor Vahalla stated that this is a similar system and the grant is being written based on research done on other systems in other municipalities. Hopefully Metuchen will be able to get money through the grant to upgrade the system.

Mayor Vahalla asked for a vote on approval of Resolution 2014-204.

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

Resolution 2014-204 was approved, 5-0

RESOLUTION 2014-204

RESOLUTION TO APPROVE A SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OVER-HEIGHT DETECTORS PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2015-Over-Height Detectors-00037 to the New Jersey Department of Transportation on behalf of Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Other New Business

Bill Resolution

On a motion by Council President Muldoon to approve the Bill Resolution for the amount of \$377,982.09, seconded by Councilwoman Rasmussen, with all in favor, the Bill Resolution was approved.

Appointments

Mayor Vahalla made the appointment of Sharon Muenster, to the Accessibility Committee. The term isn't listed as it will coincide with her term on the Senior Citizen Committee.

Ordinances – Introduction - None

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.

Respectfully Submitted:

Sharon Hollis,
Acting Municipal Clerk