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**BOROUGH COUNCIL  
MINUTES – FEBRUARY 19, 2008**

**REGULAR MEETING**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Tuesday, February 19, 2008. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla, followed by the Invocation given by Councilmember Waldron and the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News and 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 Cammarano, Dyas, Morrison, Waldron and Weber.  
Councilmember Dacey arrived at 8:00 p.m.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Frizell, COAH Coordinator Shirley Bishop and Borough Clerk Lacina.

**APPROVAL OF THE MINUTES**

On a motion made by Council President Dyas, seconded by Councilmember Weber, the Regular Minutes of February 4, 2008 were approved.

**ORDINANCE NO. 2008-3**

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2008-3.

Council President Dyas made motion to receive and file the Affidavit, which was seconded by Councilmember Cammarano, with all in favor.

The Clerk read the Ordinance by title:

**Ordinance No. 2008-3            AN ORDINANCE AMENDING CHAPTER 78 ENTITLED  
"CONSTRUCTION CODES, UNIFORM", ARTICLE 78-2  
ENTITLED "SCHEDULE OF FEES", OF THE CODE OF  
THE BOROUGH OF METUCHEN.**

(This entire Ordinance can be found in Ordinance Book #2)

The Mayor opened the public hearing on this Ordinance.

Councilmember Morrison requested an explanation of why the increase was being done for public edification.

Mr. Boerth noted that the Planning and Building Department is fully funded through collected fees. The construction department operates under the supervision of the Department of Community Affairs (DCA). Mr. Boerth noted the permit fees must be sufficient to run the department and if the fees are not high enough to support the department the Department of Community Affairs will tell the Borough to increase the fees.

Mr. Boerth stated the fees have not been raised for nine years and the Department is now at the point where the fees need to be raised to cover expenses. The proposed fees were recommended by the Construction Official in consultation with all of the sub code officials. Mr. Boerth noted the increases in the fees vary depending on the time required for both plan review and inspection based upon the evaluation by construction department personnel. Mr. Boerth stated the Department is anticipating increased inspection with the pending Renaissance and Cryans projects. The fees are comparable to Highland Park, Edison, South River, Carteret, etc.

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Council President Dyas questioned what the average percentage of increase was.

Mr. Boerth stated that there was no straight percentage increase and the increase was determined by the permit and amount of time expended on review and inspection of the project.

Councilmember Cammarano noted that the increase would be felt by the residents because a project rarely consists of one permit.

Mr. Boerth stated the department has certain statutory deadlines according to DCA and has shown great consideration to the residents by not raising the permit fees for nine years. However, Mr. Boerth stated the Department is obliged to cover its costs and the time has come to increase the fees.

Mayor Vahalla opened the comment to the public.

Hearing no public comment, the Mayor closed the public portion.

On a motion made by Council President Dyas, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

**Roll Call Vote:**

AYES - Councilmembers Cammarano, Morrison, Waldron, Weber and Council President Dyas.

NAYS - None.

ABSENT - Councilmember Dacey

**PRESENTATION BY SHIRLEY BISHOP –COAH COORDINATOR**

Ms. Bishop noted that since the Borough had submitted its petition for Third Round Certification, COAH has voted to revise its third round regulations changing the affordable housing requirements.

Ms. Bishop noted the new ratios are 1 affordable unit for every 5 new units and 1 affordable unit for every 16 jobs (previous ratios were at 1 affordable unit for every 9 units and 1 affordable unit for every 25 jobs). Ms. Bishop noted that the Borough must amend their petition and the new growth share figure for Metuchen is 84. Ms. Bishop stated that with calculations of anticipated credits from various projects within the Borough can come up with 70 units, falling short of 14.

Ms. Bishop noted that the amended petition will be due on November 14, 2008 and the COAH rules will be promulgated on June 2, 2008. Ms. Bishop stated the Borough needed to have a vacant land/non-residential space inventory completed.

Mr. Frizell asked Ms. Bishop if the Ordinance introduced by the Governing Body at the last meeting amending Development Fees and Growth Share Figure would have to wait until June to be adopted.

Ms. Bishop confirmed that the Borough could not make any changes to their COAH rules until the laws were officially promulgated in June.

Councilmember Weber questioned what the Borough's options were to make up the 14 units needed to fulfill the obligation. Councilmember Weber noted that Ms. Bishop had suggested group homes.

Councilmember Waldron also furthered the questioned asking if group homes or working with the District at Metuchen would be the only option to address the necessary units.

Ms. Bishop stated that the Borough would need to submit a petition with a full plan and suggested working with the developer at the District at Metuchen to have "family rentals" or explore group homes for which a credit would be give for each bedroom.

Mr. Frizell also advised that the current certified vacant land adjustment is 79 units and is used as a

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credit against past obligation. Mr. Frizell cautioned that if that vacant land is developed, the credit is lost and has to be made up on the past obligation.

Ms. Bishop stated the petition should be finalized by late summer and must be adopted at the very latest, the first meeting in November.

Councilmember Dacey questioned how non-residential development factored into the affordable obligation and what the Borough's options were

Ms. Bishop stated that COAH formulated that 1 affordable unit was due for every 16 jobs created. Ms. Bishop suggested the Borough have the developer purchase a market rate unit and pay it down to affordable rates or purchase a group home. Ms. Bishop cautioned against taking payment "in lieu of" as the burden of providing the unit then shifts to the Borough.

Ms. Bishop also noted that from here on in the COAH obligation becomes a very flexible number and is subject to change as the Borough growth share is monitored every year. The obligation is subject to increase/decrease depending on Certificates of Occupancy.

**RESOLUTIONS HONORING RETIRED FIREFIGHTERS JOSEPH O'BRIEN AND ROSS MUNDY**

**WHEREAS**, Firefighter Joseph O'Brien has retired after having served twenty five with the Eagle Hook and Ladder Company of the Metuchen Fire Department; and

**WHEREAS**, Firefighter Joseph O'Brien, through his service, has improved and enhanced the Bureau's ability to protect lives and property,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that Joseph O'Brien is hereby recognized and commended for his dedicated service to the Borough of Metuchen, and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Council join with the citizens of Metuchen and the past and present members of the Metuchen Fire Department in wishing Joseph O'Brien the best in his retirement from active service.

Dated: February 19, 2008

**WHEREAS**, Firefighter Ross Mundy has retired after having served twenty five with the Eagle Hook and Ladder Company of the Metuchen Fire Department; and

**WHEREAS**, Firefighter Ross Mundy, through his service, has improved and enhanced the Bureau's ability to protect lives and property,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that Ross Mundy is hereby recognized and commended for his dedicated service to the Borough of Metuchen, and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Council join with the citizens of Metuchen and the past and present members of the Metuchen Fire Department in wishing Ross Mundy the best in his retirement from active service.

Dated: February 19, 2008

Mayor Vahalla noted the above resolution would be presented to the firefighters at the Chief's Dinner on March 1, 2008.

**COMMUNICATIONS**

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**CONSENT AGENDA**

6. Letter from the Metuchen Chamber of Commerce requesting permission to change venue for Cruise Nights – receive and discuss.

Mayor Vahalla noted that a special meeting has been set for Monday February 25<sup>th</sup> between the Chamber of Commerce, Police Department and himself to review the request. Mayor Vahalla noted the Police Chief had some reservations about closing that portion of the street and the matter needs to be further discussed.

On a motion made by Council President Dyas, seconded by Councilmember Weber, with all in favor, Item No. 6 was received.

**OTHER COMMUNICATIONS**

None.

**REPORTS OF THE COUNCILMEMBERS**

Council President Dyas had no report.

Councilmember Weber noted the Parking Authority is working on their budget and is hoping to increase their annual contribution. Overnight parking privileges are also being discussed on the current Parking Authority agenda.

Councilmember Waldron had no report.

Councilmember Morrison noted the Cable TV Advisory Board held the reorganization meeting and selected Beatrice Moskowitz as their chair.

Councilmember Morrison noted that the Cultural Arts Commission would be holding 2 installments of their Coffee House Series at the BIL on March 7<sup>th</sup> and April 4<sup>th</sup>.

Councilmember Morrison noted the Cultural Arts Commission in conjunction with the Chamber of Commerce will sponsor the June Bug Arts Festival. The festival will be held on Friday evenings through June starting June 9<sup>th</sup> and will feature walking tours, studio tours and exhibits.

Councilmember Dacey stated the Municipal Pool is accepting early bird applications. The deadline for the early bird has been extended until April 15<sup>th</sup> and copies of the application will be sent to the residents in the Crit.

Councilmember Cammarano noted the Development Commission in conjunction with the Recreation Commission held two special meetings for the residents to hear proposals on two indoor recreation facilities projects. The developers received positive feedback on the project from the residents.

Mayor Vahalla stated that he would like to set up additional meeting between the developers and the neighborhoods themselves before any applications go to the Planning Board.

**REPORTS OF OFFICERS**

Mr. Frizell had no report.

**REPORT OF THE BOROUGH ADMINISTRATOR**

Mr. Boerth noted the Borough had received a letter noting the CDBG funding would be down 4% or \$81,000 from the previous year and also reminded the municipalities that applications for service contracts are limited to 15% of the funding. Mr. Boerth noted that the Borough would be applying as follows for the CDBG allocation: \$20,000 for Senior Citizen Center programming; \$20,000 for the Senior Citizen bus driver and \$22,100 for handicap ramp and sidewalk improvements.

**REPORT OF THE MAYOR**

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Mayor Vahalla appointed Joanne Falkenstein to the Development Commission. The Mayor noted that the Commission still has one other opening and the remainder of the applications will be reviewed to fill that position.

Mayor Vahalla also noted that the Borough would be meeting with representatives from the New Jersey department of Transportation in regards to the Lake Avenue Bridge and Greenway on February 21<sup>st</sup>.

The Mayor then noted the Fire Department volunteered 188 hours to alarms and calls and 93 hours to training and drills during the month of January 2008.

**COMMENTS FROM THE PUBLIC**

The Mayor opened the meeting to public comment.

Hearing no comment, the Mayor closed the public portion.

**NEW BUSINESS**  
**CONSENT AGENDA**

**RESOLUTION NO. 2008-47**

**WHEREAS**, 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

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcohol and Drug Abuse through the County of Middlesex

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

- 1) The Borough of Metuchen does hereby authorize submission of an application for the Metuchen Municipal Alliance grant for calendar year **2008**; and
- 2) The Borough of Metuchen acknowledges the terms and conditions for the administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Dated: February 19, 2008

**RESOLUTION NO. 2008-48**

**WHEREAS**, the County of Middlesex adopted an Emergency Response Cost Recovery Ordinance No. 97-1143, on May 15, 1997, pursuant to the County Environmental Health Act N.J.S.A.3a:2-21 et seq., and the Spill Compensation and Control Act N.J.S.A. 58:10-23.11, et seq.; and

**WHEREAS**, said Ordinance was approved by the Commissioner of the Department of Environmental Protection on July 10, 1997; and

**WHEREAS**, said Ordinance provides that the Middlesex County Department of Public

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Health shall be the lead agency for Emergency HAZMAT response and cost recovery purposes; and

**WHEREAS**, it is necessary to establish a procedure and protocol for emergency response action and the recovery of costs incurred by the County of Middlesex and/or local municipality in an emergency hazardous material incident; and

**WHEREAS**, said Ordinance allows municipalities to enter into an inter-local service agreement with the County for purposes of coordinating response and cost recovery efforts in the County; and

**WHEREAS**, the Borough of Metuchen in desirous of contracting with the County for the furnishing of environmental health services of the technical and professional nature by the County to the Borough of Metuchen; and

**WHEREAS**, the parties herein are authorized to enter into said agreement for said services pursuant to N.J.S.A. 40:8a-1, et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, that the Mayor and Borough Clerk are hereby authorized and directed to enter into an Interlocal Service Agreement providing for the recovery of costs incurred by Metuchen in an emergency hazardous material incident.

**BE IT FURTHER RESOLVED** that the Borough Administrator and the Emergency Management Coordinator be assigned to play the lead role and back-up role respectively to coordinate the filing of an Incident report Forms and billing process.

Dated: February 19, 2008

**RESOLUTION NO. 2008-49**

**CREATING A PLAN ENDORSEMENT CITIZENS' ADVISORY COMMITTEE**

**WHEREAS**, the Mayor and Council of **the Borough of Metuchen** desire to obtain Plan Endorsement from the State Planning Commission; and

**WHEREAS**, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

**WHEREAS**, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas;

**WHEREAS**, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

**WHEREAS**, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

**WHEREAS**, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

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**WHEREAS**, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

**WHEREAS**, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

**WHEREAS**, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

**WHEREAS**, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

**NOW THEREFORE BE IT RESOLVED** that the Mayor of **the Borough of Metuchen** hereby approves and adopts the following:

**The Borough of Metuchen** establishes a Plan Endorsement *Citizens'* Advisory Committee consisting of between 5 and 10 members as follows:

1. Councilmember Richard Dyas, Member of the Governing Body
2. Eric Erickson, Class IV Member of the Planning Board
3. Eric Wong, Representative of local board, commission or committee
4. John Araneo
5. Karen Alexander
6. Dan Topping
7. Patrick Lobdell

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

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The Citizens' Advisory Committee shall also report to the Governing Body at least biannually on the status of plan endorsement; and

The Citizen Advisor& Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of: Guiding the plan endorsement process for the municipality;

Increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

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Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

**THEREFORE BE IT FURTHER RESOLVED** that the Clerk of **the Borough of Metuchen** shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

Dated: February 19, 2008

**RESOLUTION NO. 2008-50**

**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 2008, effective February 19, 2008:

MAYOR & COUNCIL	OE	2,000
TAX ASSESSMENT	OE	2,000
PUBLIC WORKS	OE	1,000
METV	OE	5,000
GROUP INSURANCE	OE	300,000
OTHER INSURANCE	OE	3,000
POLICE DEPARTMENT	OE	10,000
UTILITIES & BULK PURCHASES		20,000
BOND PRINCIPAL		435,000
BOND INTEREST		616,898
NOTE PRINCIPAL		87,700
NOTE INTEREST		179,546
LANDFILL/SOLID WASTE		50,000
LEGAL	OE	30,000
	<b>TOTAL</b>	<b>1,742,144</b>

Dated: February 19, 2008

Mayor Vahalla noted for Councilmember Waldron's question that the Municipal Alliance grant was started under Governor Keane and funded through "Deter Funds" being monies taken in from curt fines that are directed toward anti-drug and anti-alcohol programs. The Mayor noted the funds are processed through the County and the Borough must agree to a 25% match which is accomplished through the fundraising arm of the Youth Service Board(YSB/MAC). The YSB/MAC holds their annual Magic Show and solicits funds through phone calls to make up the 25% match.

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On a motion made by Council President Dyas, seconded by Councilmember Dacey, with all in favor, the above Resolutions No. 2008-47 through No. 2008-50 were adopted.

**OTHER NEW BUSINESS**

**BILL RESOLUTION**

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Metuchen that the proper warrants be drawn and all bills paid totaling \$2,655,679.86.

Dated: February 19, 2008

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

/s/ Rebecca Cuthbert, CFO

On a motion made by Council President Dyas, seconded by Councilmember Waldron, with all in favor, this Resolution was adopted.

**COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY**

The Mayor opened the public hearing.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Dyas, seconded by Councilmember Weber, the meeting was adjourned at 8:35 p.m.

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BOZENA LACINA, RMC  
Municipal Clerk