

BOROUGH COUNCIL
MINUTES –JUNE 20, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday June 20, 2011. The Meeting was called to order at 7p.m. by Mayor Vahalla.

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 Lease, Muldoon, Rubin, Rasmussen, Wallace and Council President Cammarano.

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

CLOSED SESSION

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the Council entered into closed session.

CLOSED SESSION RESOLUTION

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING CANDIDATES FOR THE POSSIBLE EMPLOYMENT AND OR APPOINTMENT TO THE POLICE DEPARTMENT, PENDING LITIGATION AND OR MATTERS OF ATTORNEY CLIENT PRIVILEGE

WHEREAS, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to interview candidates for possible employment and or appointment to the Police Department in the Borough of Metuchen; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss pending litigation and or matters of attorney client privilege

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of interviewing candidates for the possible employment and or appointment to the Police Department in the Borough of Metuchen and to discuss pending litigation and or matters of attorney client privilege; and

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Dated: June 20, 2011

RE-ENTER PUBLIC SESSION

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor Council re-entered public session.

The invocation given by Councilwoman Rubin was followed by the Pledge of Allegiance.

ORDINANCE 2011-8

On a motion by Councilman Lease, second by Council President Cammarano, with all in favor Ordinance 2011-8 was removed from the agenda. If the Council so chooses to bring this item before the governing body at a later date it will be re-introduced at that time.

ROLL CALL:

AYES: Councilpersons Wallace, Rubin, Rasmussen, Muldoon, Lease and Council President Cammarano

NAYS:

ABSTENTIONS:

AGENDA SESSION

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

Council President Cammarano stated that a Resolution clarifying the appointment of the Police Chief will be added to the agenda and read orally. The item will be Resolution No. 2011-146.

Council President Cammarano also removed Resolution No. 2011-142 and 2011-143 from the consent agenda.

Councilwoman Rubin stated that many children with life threatening allergies have been enrolling in the summer recreation program offered through the Borough. In an effort to alleviate the possibility of an emergency situation the Borough will be adopting a policy allowing a designated person to administer life saving medication (Epi Pen) to affected individuals. Going further the paperwork for registering children for summer recreation programs will be amended to gather the required information regarding children with life threatening allergies. A waiver will need to be signed off on by the parent of the affected child.

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the agenda session was closed.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment.

Allison Inerro (194 Woodbridge Avenue) discussed the prevalence of severe food allergies amongst young children. A demonstration was given on how to administer the "Epi Pen" to an individual that is exhibiting signs of distress. Ms. Inerro asked if the required doctor's orders stating the necessity of the drug given to the school at the beginning of the school year could just be duplicated and used for that purpose.

Mayor Vahalla stated that the duplication would be fine.

Ms. Inerro asked if this information could be shared with the Borough recreation programs i.e. soccer and football.

Councilwoman Rubin stated that the forms could be revised to include to year round recreation programs offered in Metuchen.

Hearing no one else wishing to speak Mayor Valhalla closed the public comment portion of the meeting.

ORDINANCE – PUBLIC HEARING

Borough Clerk Harris provided the affidavit of publication for Ordinance number 2011-9.

On a motion by Council President Cammarano, second by Councilwoman Rasmussen, with all in favor the affidavit of publication was received.

Borough Clerk Harris read Ordinance number 2011-9 by title only.

Mayor Vahalla opened the meeting to public comment on Ordinance 2011-9 only.

Hearing no one wishing to speak Mayor Vahalla closed the public comment portion on said ordinance.

On a motion by Council President Cammarano second by Councilman Lease that Ordinance 2011-9 be approved and published according to law.

ROLL CALL:

AYES: Councilpersons Wallace, Rubin, Rasmussen, Muldoon, Lease and Council President Cammarano

NAYS:

ABSTENTIONS:

ORDINANCE 2011-9

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2011-7
FINALLY ADOPTED MAY 16, 2011 BY THE BOROUGH OF
METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE
IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE**

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Section 3(a) of bond ordinance number 2011-7 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted May 16, 2011 and entitled "BOND ORDINANCE APPROPRIATING \$1,970,100 AND AUTHORIZING \$944,760 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" (the "Original Ordinance") which provided for various improvements is hereby amended (A) to include "loader/backhoe" in the list of equipment included in clause (i) thereof and (B) to add a new clause (vii) to read as follows: "(vii) the construction of the Pearl Street parking structure".

Section 2. All other details of the Original Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law

COMMUNICATIONS – CONSENT AGENDA

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the communications consent agenda items number 6-12 were approved.

6. Report of the Chief Financial Officer as to Award of Notes.

7. Receive and Accept Minutes of Development Commission For May 4, 2011.

8. Receive and Accept Minutes of Historic Preservation Committee For May 24, 2011.
9. Receive and Accept Minutes of Parking Authority For April 19, 2011.
10. Receive and Accept Traffic and Transportation Advisory Committee Minutes For April 2011.
11. Receive and Approve Block Party Request by Bob James for Rose Street between Newman and Whitman on July 16, 2011.
12. Receive and Approve Senior Center Building Usage for Jingle Bell Run/Walk for Arthritis Foundation on Sunday December 4, 2011.

REPORTS

POLICE

Council President Cammarano stated the Police Department wants all residents to be aware that school will be ending this weekend so more children will be out enjoying the summer. The Police Department wants you to be more cautious especially around parks and recreational areas.

EMS

Council President Cammarano stated that the EMS devotes countless hours to the events in Metuchen and should be commended for the volunteer efforts.

AUXILLARY POLICE

Councilman Wallace stated that the Auxiliary Police also put in countless hours of volunteer work at the many events sponsored by the Borough.

MUNICIPAL ALLIANCE/YOUTH SERVICE BOARD

Councilman Wallace stated the Metuchen Youth Services Board will be used by the State as the model for that type of board.

RECREATION

Councilman Wallace stated that the Epi Pen issue was discussed and that Councilwoman Rubin deserved accolades for her work on creating the new Borough policy regarding that issue.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that long time employee of the Chamber of Commerce, Caroline Woodruff has resigned and will be greatly missed. Councilwoman Rubin also stated that the Farmers Market began last weekend and 750 people visited the market. Councilwoman Rubin thanked the Parking Authority and the Department of Public Works for helping to make the event a success. Councilwoman Rubin went on to state that there has been some confusion regarding the parking policy in the Pearl Street Parking Lot on the weekends. The Pearl Street Parking Lot does still offer free parking on Saturdays and Sundays. Councilwoman Rubin requested that the Parking Authority look into painting the free parking sign and/or trim the trees and bushes around the sign.

SENIOR CITIZENS

Councilwoman Rubin thanked the Senior Citizens Commission for all of the help they provided for the Unity in the Community Walk, the Fuce 5K Run and the Farmers Market.

Councilwoman Rubin stated that the Senior Citizens Commission has a very eventful summer planned.

PLANNING BOARD

Councilwoman Rubin stated that 414 Main Street (old Wild Rice Restaurant) has been purchased and the first floor has been approved for a Kumon Learning Center.

ENVIRONMENTAL

Councilwoman Rasmussen stated the Environmental Commission met with representatives from Food and Water Watch. The organization is looking to have the Council endorse a resolution in favor of “fracking” which is the process of removing gas from shale rock. Councilwoman Rasmussen also stated that the Commission spoke about improving the access to the Dismal Swamp area.

DEVELOPMENT

Councilwoman Rasmussen stated the Development Commission will meet next month.

PARKING AUTHORITY

Councilman Muldoon stated that the requests for expressions of interest on the development of the parking lot were sent to the developers that showed an interest in the RFP for the proposed site. A meeting was held on Tuesday regarding the expressions of interest in which 15 developers attended. Final submissions are due on July 19. Councilman Muldoon also stated that the signage in Metuchen needs to be improved being that we are a transit village.

POOL

Councilman Muldoon stated the pool will be opening 7 days a week starting this upcoming week. Councilman Muldoon also stated that the Pool page will launch this week and can be accessed from the Borough’s website.

HISTORIC PRESERVATION

Councilman Muldoon stated that the Historic Preservation Committee has a presentation regarding the idea of the potential for a historic district in Metuchen on Middlesex Avenue near “WoodWild Park area prepared by Denis Bertland and Associates who is a Historical Preservation Consultant.

CULTURAL ARTS

Councilman Muldoon stated that this Friday is the finale of another successful June Bug Arts Festival.

LIBRARY

Councilman Lease stated that the Library is offering an extensive calendar of events for the youth of Metuchen.

BOROUGH ATTORNEY

Borough Attorney Murphy stated that the ongoing discussion with Amtrak not to close the portion of Central Avenue behind the old Blockbuster building has been finalized in the Borough's favor. Amtrak has agreed not to close that portion of Central Avenue.

MAYOR'S REPORT

Mayor Vahalla stated that the Unity in Community Walk was a success. Approximately 50 to 70 people participated in the event.

Mayor Vahalla stated that he had received a letter from the Department of Transportation that the intersection of Route 287 and Route 27 has been moved up near the top of the priority list to be addressed and corrected.

Mayor Vahalla stated that the Reverse 911 System was utilized this weekend notifying residents of the Fuce 5K Run and the bear sighting.

Councilwoman Rubin stated that she had received a letter from a resident expressing his disapproval on the procedure to have roads closed in the Borough when multiple events are occurring on the same day.

Council President Cammarano stated that this is an issue that needs to be addressed.

Mayor Vahalla stated that he would like the Police and the Auxiliary Police have a say in those discussions because they are heavily impacted by street closures.

NEW BUSINESS/CONSENT AGENDA

On a motion by Council President Cammarano, second by Councilman Lease, with all in favor the consent agenda encompassing resolutions R2011-134 through R2011-141 and 2011-144 through 146 were approved.

Borough Clerk Harris read resolution No. 2011-146 into the record as follows:

RESOLUTION NO. 2011-146

RESOLUTION CLARIFYING THE APPOINTMENT OF THE CHIEF OF POLICE

WHEREAS, the Mayor and Council of the Borough of Metuchen wish to clarify Resolution 2011-92 appointing *Robin Scott Rentenberg* Chief of Police of the Borough of Metuchen to reflect the fact that *Robin Scott Rentenberg's* appointment to Chief of Police was a promotion to said position

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *Robin Scott Rentenberg*, be and he is hereby promoted as Chief of Police for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment and promotion remaining effective April 4, 2011.

Dated: June 20, 2011

RESOLUTION NO. 2011-134

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLE

WHEREAS, there exists a need for vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #T2753 and A-78762; and

WHEREAS, the maximum amount of the purchase of a 2012 Ford Explorer in the Borough of Metuchen is \$23,245.00 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Warnock Fleet Sales, 175 Route 10 East, East Hanover, NJ 07936

Dated: June 20, 2011

RESOLUTION NO. 2011-135

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-004 – DENNIS O’CONNOR – 13 VAN BUREN AVENUE

WHEREAS, Dennis O’Connor posted \$248.00 for apron and sidewalk escrow fees at 13 Van Buren Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Dennis O’Connor,

NOW, THEREFORE, BE IT RESOLVED, that Dennis O’Connor be refunded \$248.00 from the Sidewalk Inspection Escrow account.

Dated: June 20, 2011

RESOLUTION NO. 2011-136

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-008 – KEVIN BRENNEMAN – 114 COLUMBIA AVENUE

WHEREAS, Kevin Brenneman posted \$193.00 for curb, apron and sidewalk escrow fees at 114 Columbia Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Kevin Brenneman,

NOW, THEREFORE, BE IT RESOLVED, that Kevin Brenneman be refunded \$193.00 from the Sidewalk Inspection Escrow account.

Dated: June 20, 2011

RESOLUTION NO. 2011-137

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-007 – MILLER EDUCATIONAL SALES & CONSULTING, LLC – 9 BROCKTON COURT

WHEREAS, Miller Educational Sales & Consulting, LLC posted \$176.00 for apron and sidewalk escrow fees at 9 Brockton Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Miller Educational Sales & Consulting, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Miller Educational Sales & Consulting, LLC be refunded \$176.00 from the Sidewalk Inspection Escrow account.

Dated: June 20, 2011

RESOLUTION NO. 2011-138

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-005 – STEVE ROQUE –
60 ROSE STREET**

WHEREAS, Steve Roque posted \$590.00 for curb, apron and sidewalk escrow fees at 60 Rose Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Steve Roque,

NOW, THEREFORE, BE IT RESOLVED, that Steve Roque be refunded \$590.00 from the Sidewalk Inspection Escrow account.

Dated June 20, 2011

RESOLUTION NO. 2011-139

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #10-023 – THOMAS BISH –
51 KEMPSON PLACE**

WHEREAS, Thomas Bish posted \$149.00 for curb, apron and sidewalk escrow fees at 51 Kempson Place; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Thomas Bish,

NOW, THEREFORE, BE IT RESOLVED, that Thomas Bish be refunded \$149.00 from the Sidewalk Inspection Escrow account.

Dated: June 20, 2011

RESOLUTION NO. 2011-140

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE
VEHICLE**

WHEREAS, there exists a need for vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #T2776 and A-79009; and

WHEREAS, the maximum amount of the purchase of a 2012 Dodge Charger in the Borough of Metuchen is 22,109.69 and funds will be available in the 2011 budget as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

Dated: June 20, 2011

RESOLUTION NO. 2011-141

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

WHEREAS, the proper application and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2011 to June 30, 2012, be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-32-002-003	Metuchen Inn A Corp, T/A Metuchen Inn 424 Middlesex Avenue	\$2,200
1210-33-012-009	CGC Café LLC T/A Novita 25 New Street	\$2,200
	<u>PLENARY RETAIL DISTRIBUTION</u>	
1210-44-003-001	Great Atlantic and Pacific Tea Co. T/A A & P Warehouse Liquors 45 Pearl Street	\$1,431
1210-44-007-006	Sunny & Shivani. T/A Metuchen Liquor and Delicatessen 422 Main Street	\$1,431

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL DISTRIBUTION</u>	
1210-44-011-006	Abrol, Inc. T/A Wine Chateau 85 Central Avenue	\$1,431
	<u>CLUBS</u>	
1210-31-014-001	American Legion Fugle Hummer Post 65 Lake and Holly Street Post Office Box 365	\$ 150
1210-31-017-002	Metuchen Elks #1914 87 Middlesex Avenue	\$ 150

Dated: June 20, 2011

RESOLUTION NO. 2011-144

RESOLUTION AUTHORIZING BID AWARD FOR 2011 CDBG CAPITAL RAMP AND CONCRETE IMPROVEMENTS TO P.A. CONTRACTORS INC.

WHEREAS, bids were received by the Borough Engineer on May 26, 2011 for the **2011 CDBG Capital Ramp and Concrete Improvements** for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Engineer on said bids; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$34, 379.33 as evidenced by the Finance 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 **2011 CDBG Capital Ramp and Concrete Improvements** be and the same is hereby awarded to P.A. Contractors, Inc.105 Davis Avenue, Kearney, NJ 07032 .

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 bidder and the next lowest bidders:

1. P.A.. Contractors, Inc., Kearny, NJ
2. MNC General Contracting, Old Bridge, NJ
3. JAK Construction t/a Diamond Construction , Brick, NJ

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

Dated: June 20, 2011

RESOLUTION NO. 2011- 145

RESOLUTION – REFUND ESCROW BALANCE – FRANKLIN SQUARE DEVELOPERS

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

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are 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 projects are complete and can be closed, and that no further billing from the professionals for these projects 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 balances to the depositors, as the project has been determined to be closed:

<i>ESCROW ACCOUNT</i>	<i>AMOUNT</i>	<i>DEPOSITOR</i>
97-401 E	638.75	Franklin Square Developers Middlesex Avenue
97-401 I	1,039.37	Franklin Square Developers Middlesex Avenue

Dated: June 20, 2011

RESOLUTION NO. 2011-146

RESOLUTION CLARIFYING THE APPOINTMENT OF THE CHIEF OF POLICE

WHEREAS, the Mayor and Council of the Borough of Metuchen wish to clarify Resolution 2011-92 appointing **Robin Scott Rentenberg** Chief of Police of the Borough of Metuchen to reflect the fact that **Robin Scott Rentenberg's** appointment to Chief of Police was a promotion to said position

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that **Robin Scott Rentenberg**, be and he is hereby promoted as Chief of Police for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment and promotion remaining effective April 4, 2011.

Dated: June 20, 2011

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Cammarano motioned with a second by Councilman Lease to approve R2011-142 with the stipulations as stated in the resolution.

RESOLUTION NO. 2011-142

RESOLUTION AUTHORIZING LIQUOR LICENSE RENEWAL FOR SPING, INC, T/A NJ'S TAVERN AND RESTURANT WITH STIPULATIONS

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

WHEREAS, the proper application and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2011 to June 30, 2012 due to past repeated disturbances and nuisances; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2011 to June 30, 2012 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-006-004	Sping, Inc. T/A NJ's Tavern and Restaurant 154 Main Street	\$2,200

Subject to the following terms and conditions:

- employ a security guard at the door to check identification, as well as maintain order who is not a family member or friend of the family.
- keep door closed while open for business.
- keep side door as “an alarmed fire exit only” in an attempt to eliminate underage drinking in rear area or bar.
- bartender must re-check identification prior to serving alcoholic beverages.
- must have a working video system available to authorities to review possible criminal activity.
- each patron is only allowed to purchase one drink at a time – they cannot purchase a drink for another person.

Dated: June 20, 2011

Mayor Vahalla opened the meeting to public comment on this item only.

Brenda Lewis (26 East Walnut Street) spoke on behalf of Nancy Huff (owner of NJ's Tavern). Ms. Lewis expressed Ms. Huff's dissatisfaction with the restrictions placed on her liquor license approximately 5 years ago, in particular the stipulation that requires that the front door remain closed. Ms. Huffs cleans in the morning before patrons come in and would like to keep the door open to ventilate that area to help dissipate the cleaning solution fumes. Ms. Lewis went on to state that there have been no reports made regarding the noise level at the bar which is the main reason why the front door needed to remain closed. There has been

allegations that rats have been noticed at the business. Ms. Lewis stated that the business is exterminated regularly. Ms. Lewis stated that to her knowledge there have been no other reports made by the Police Department regarding any other violations by the business other than the front door being open during business hours.

Raymond DiTomaso (150 Main Street) stated that the business owner leaves early in the evening and therefore is not aware of what goes on after she leaves. Mr. DiTomaso stated that he has called when both the back and front doors have been left opened numerous times. Mr. DiTomaso stated that underage people go in and out both the side and back door of the business frequently. Mr. DiTomaso went on to state that he lives directly across from the bar and sees these violations occur regularly including the public indecency. Councilman Muldoon stated that violations need to be reported to the Police Department. Council President Cammarano reiterated Councilman Muldoon's sentiment.

Mr. DiTomaso continued by stating that the exterminator is not exterminating at the garbage cans. The business should be required to have garbage receptacles with lids and maintain the trash in those receptacles. Mr. DiTomaso also stated that he contacted the Police Department on Friday night regarding the noise coming from the bar at 2am.

Borough Attorney Murphy explained the difference between liquor license laws and code enforcement issues. The renewal process and any imposed fines and/or suspensions of a liquor license are subject to appeal to the Alcohol and Beverage Control Board. Borough Attorney Murphy stated that no written objections, only verbal objections, have been received by the Borough regarding the renewal of this liquor license. Borough Attorney Murphy continued to explain that after hearing any objections the Council may still approve the license but the objector has 30 days to file an appeal to the ABC Board.

Mayor Vahalla asked Chief Rentenberg to give a report on any complaints regarding NJ's Tavern.

Chief Rentenberg stated that since January 2011 there have been 8 complaints received regarding NJ's Tavern. 7 of which were about the doors being left opened and one for a noise issue.

Council President Cammarano asked if a summons was issued regarding the noise complaint.

Chief Rentenberg stated that the noise stopped prior to the arrival of the Police Officer.

Council President Cammarano asked if summonses could be issued if the Officer did not view or hear the disturbance.

Chief Rentenberg stated that the office would have to see or hear the disturbance to issue a summons. The complaint could also file a complaint with the Court Office in the Borough.

Ms. Lewis stated that there is no reason for these restrictions to continue.

Council President Cammarano stated that to have 7 incidences in 6 months is a basic disregard to the Council's stipulations placed on the liquor license. Council President Cammarano stated that the way to have the restrictions removed is to comply with all of them.

Reverend James Nevius (15 East Walnut) stated that the happenings at NJ's Tavern terrorizes the Borough residents. Mr. Nevius stated that he could collaborate the complaints regarding the noise problems and parking issues the bar causes. Patrons of the bar utilize the property located at 9 East Walnut Street for parking when it is not zoned for that. Mr. Nevius went on to state that a few years ago he came to the Council with over 100 signatures from residents protesting NJ's Bar regarding an incident in which gun shots were fired in the vicinity of the bar. Mr. Nevius stated that he would lead the attempts to have the bar closed and is urging the Council not to renew the bars license at all.

Councilman Muldoon asked if there has been an improvement over the last few years.

Mr. Nevius stated that there has not been.

Mr. DiTomaso stated that keeping the restrictions in place was important.

Sherry Tamasco (77 Orchard Drive) asked if the garbage cans can be placed out with lids on them.

Ms. Lewis stated that it has been 5 years and the bar has been penalized for a long enough time period. Ms. Lewis also stated that if the Council wished they can maintain certain restrictions but that the open door limitation needs to be removed.

Mayor Vahalla asked Chief Rentenberg for clarification on the shooting incident that occurred at that location.

Chief of Police Rentenberg stated that there was one incident where gunshots were fired in the front of the establishment where one round penetrated the upstairs of the business in question.

Mr. DiTomaso stated that the door provision is the constant violation by the establishment. He also stated that there is no way to verify if the cameras are working and he knows that there is no security guard stationed at the door to check identifications of patrons upon entering the bar.

Council President Cammarano stated that the bar is inspected both annually and periodically and has been in compliance at those inspections.

Hearing no one else wishing to speak Mayor Valhalla closed the public comment portion of the meeting. On a motion by Council President Cammarano, second by Councilman Lease Ordinance 2011-5 was passed on first reading published according to law and a public hearing date set for April 26.

On a motion by Council President Cammarano, second by Councilman Lease, R2011-142 was approved with stipulations listed in the body of the resolution.

ROLL CALL:

AYES: Councilpersons Wallace, Rubin, Rasmussen, Muldoon, Lease and Council President Cammarano

NAYS:

ABSTENTIONS:

On a motion by Council President Cammarano motioned with a second by Councilman Lease to approve R2011-143 with the stipulations as stated in the resolution and amendment to said stipulations as to the date from December 31, 2011 to June 30, 2012 to coincide with the license renewal period.

RESOLUTION NO. 2011-143

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES FOR HHP ENTERPRISES LLC WITH STIPULATIONS

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

WHEREAS, the proper application and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2011 to June 30, 2012 due to past repeated disturbances and nuisances; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2011 to June 30, 2012 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	

1210-33-008-008

HHP Enterprises LLC
T/A Hailey's Harp & Pub
400 Main Street

\$2,200

Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the within permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2012.
2. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
3. No service shall be made in the outdoor area after 10:00 P.M. on weekdays, 11:00 P.M. on Friday and Saturday.
4. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
5. Service in the outside area shall be limited to seated customers. No standing service shall be permitted.

Dated: June 20, 2011

Mayor Vahalla opened the meeting to public comment on this item only.

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

On a motion by Council President Cammarano motioned with a second by Councilman Lease to approve R2011-143 with the stipulations as stated in the resolution and amendment to said stipulations as to the date from December 31, 2011 to June 30, 2012 to coincide with the license renewal period.

ROLL CALL:

AYES: Councilpersons Wallace, Rubin, Rasmussen, Muldoon, Lease and Council President Cammarano

NAYS:

ABSTENTIONS:

Council President Cammarano asked that all the liquor license establishments sweep up the front of their properties to ensure a clean inviting environment.

BILL LIST

On a motion by Council President Cammarano, second by Councilman Lease with all in favor the bill resolution in the amount of \$1,727,349. was approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any items on the agenda.

Chris Flynn (Hailey's Harp and Pub) stated that the debris is now being swept up every day on front of his business. Mr. Flynn stated that he wanted to be a good corporate citizen.

Bob James (238 Rose Street) discussed the Borough's upcoming bond payments.

Council President Cammarano stated that this conversation should be addressed with the Chief Financial Officer and the Borough Administrator but that this issue is constantly being monitored.

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

ADJOURMENT

On a motion by Council President Cammarano, second by Councilwoman Rasmussen with all in favor the meeting was adjourned at 10:35 pm.