

BOROUGH COUNCIL
MINUTES – MAY 16, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday May 16, 2011. The Meeting was called to order at 7:32pm by Mayor Vahalla. The invocation given by Councilman Wallace and was followed by the Pledge of Allegiance.

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

Present were Councilmembers Lease, Muldoon, Rubin, Rasmussen and Wallace and Council President Cammarano.

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

AGENDA SESSION

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

Mayor Vahalla added a discussion with the Borough Planner Jim Constantine regarding Ordinance No. 2011-8.

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

DISCUSSION – ORDINANCE NO. 2011-8

Borough Planner Constantine explained that the ordinance in question will affect the B1 Central Business District, the D1 Downtown Development District and the B3 Office Business District. Prior to 25 years ago apartment buildings, including ground floor apartments and retail were permitted anywhere in the B1, D1 and B3 zones. At that time the Borough wanted to focus on providing a full service Main Street so retail on the ground floor was removed from the B3 office districts and D1 Downtown Development District but maintained it on Main Street in the B1 District. At that same time offices were precluded from Main Street. The newly proposed Ordinance will attempt to maintain retail on Main Street in the B1 District but also attempt to extend that to some of the surrounding streets in the D1 District in an effort to link Main Street with Lake Avenue. This ordinance will not allow ground floor apartments on Main and New Street which will in effect focus retail in that area. The current Zoning Ordinance allows for upper floor apartment use in all districts at this time. Borough Planner Constantine stated that downtown living has become more desirable and sustainable in the recent years. This ordinance will help to fill vacancies in the Borough because it will allow ground floor apartments in most districts and will promote transit usage. Borough Planner Constantine stated that some of the highest valued properties in Metuchen are located in the downtown area. The proposed ordinance will also allow for a sidewalk standard to be implemented.

Councilwoman Rasmussen asked if a time limit would be imposed to see if the changes made are birthing a healthy downtown area.

Borough Planner Constantine stated that a time limit was not included in the proposed ordinance.

Borough Attorney Murphy stated that the Council has the power to rescind an ordinance that is not creating the result in which the Council sought.

Council President Cammarano asked what caused the shift in ideology regarding transit village area which has always been to have retail on the first floor and apartments above.

Borough Planner Constantine stated that idea is being adjusted all over the United States because the realization is that there is more retail space than could possibly be filled even if there was no recession.

Council President Cammarano asked if there would be any parking issues created by the proposed Ordinance change.

Borough Planner Constantine stated that this may alleviate some parking issues because you will have less patrons parking on the street to enter the local businesses.

Councilman Wallace questioned as to why doctor's and lawyer's offices were not allowed on Main Street.

Borough Planner Constantine stated that issue could be discussed further.

Councilwoman Rubin stated that the increase in residents by adding ground floor apartments will bring those residents into the downtown businesses to potentially shop and eat. Councilwoman Rubin also stated that apartment style living usually brings a younger demographic into the area who enjoy eating out and the more vibrant night life the downtown area offers.

Borough Planner Constantine stated that this ordinance could also benefit "empty nesters" by possibly allowing a prewar downtown apartment which is not over retail space.

Councilman Muldoon stated that the proposed ordinance changes will allow potential purchasers to either utilize the ground floor space as more apartments or retail space hence making the property more profitable.

Councilwoman Rasmussen asked if the definition of apartment referred to rentals only.

Borough Planner Constantine stated that the term "apartment" meant condominiums or rentals.

Council President Cammarano stated that the proposed ordinance has not even been introduced and that the Council would like to have a second meeting to discuss the ordinance further.

PUBLIC COMMENT ON DISCUSSION ITEM - ORDINANCE 2011-8

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

Eric Berger (376 Middlesex Avenue) stated that he feels that this Ordinance is a great opportunity for the owners in areas surrounding the downtown area.

Councilwoman Rubin asked Mr. Berger if he sees a demand for apartments.

Mr. Berger stated that he owns 35 apartments which are all rented.

Raymond Ditamso (150 Main Street) stated that the B2 district is never addressed in any improvements to the Business district. He went on to state that Metuchen is not business friendly and that should be addressed in order to maintain a successful downtown area.

Sherri Tomasco (77 Orchard Avenue) stated that providing more apartments would increase the negative impact on the single family homes that are trying to sell in Metuchen.

Councilwoman Rubin asked as to why the statement was made that Metuchen is not business friendly. She went on to state that there needs to be some concrete evidence so that issue can be addressed.

Ms. Tomasco (77 Orchard Avenue) addressed Councilwoman Rubins question. She stated that when potential purchasers are calling the Borough for information as to what is permitted on the site in question they are getting conflicting answers.

Councilwoman Rasmussen stated that the Borough needs to know what the specific issues are in order to correct them.

Mayor Vahalla stated that there has been a meeting between commercial and retail property owners to begin to understand what some of the obstacles are in filling vacancies within the Borough. Mayor Vahalla went on to state that he would like the Planning Board and Development Commission to review the proposed ordinance prior to the first meeting in June. There will be a second discussion period in which the Borough Planner will attend at the first meeting in June. The adoption for this ordinance will then be discussed at the June 20 meeting. Hearing no one else wishing to speak on this item the Mayor closed the public comment portion on said item.

Council President Cammarano changed the order of the agenda to move the proclamation prior to the next discussion item.

PROCLAMATION

Mayor Vahalla presented a proclamation for “Unity in the Community” to the residents of Metuchen.

WHEREAS, the Borough of Metuchen has always embodied the spirit of community; and

WHEREAS, the community of Metuchen is comprised of residents of various cultures, races, ethnicities and religious beliefs; and

WHEREAS, Metuchen residents represent different cultures, races, ethnicities and religions forming a community of compassion, spirit and purpose; and

WHEREAS, Metuchen houses 17 varied religious institutions weaving a fabric together of multicultural diversity, energy and unity dedicating all of us to the principals of human rights and equal justice for all; and

NOW I, Thomas M. Vahalla, Mayor of Metuchen, County of Middlesex, State of New Jersey do proclaim that Metuchen as a community of individuals will always strive to overcome Prejudice and Inhumanity through Education, Tolerance and Love of Community

BE IT FURTHER RESOLVED that on June 16th residents of the Borough will participate in a walk celebrating and demonstrating the strength of the community in its unity.

Dated: May 16, 2011

APPROVAL OF MINUTES

On a motion by Council President Cammarano second by Councilman Lease, with all in favor the Council minutes of March 21 were approved.

Council President Cammarano changed the order of the agenda to have the public comment occur before the other discussion items.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment.

Juan Hildago and John Mindler (Board of Directors for Metuchen Square Homeowners Association) discussed an issue that occurred in the latter part of 2010. The County did curb cutting and concrete work on Central Avenue along side of Metuchen Square. Seven squares of concrete and two sections of curbing were replaced to allow for handicap access. Mr. Mindler stated that while the work was being completed the contractor destroyed the underground irrigation system located at Metuchen Square.

Borough Administrator Boerth stated that the County hired Defino Contracting to perform work on the County right of way. The Borough has contacted both the County and the engineering firm of T&M Associates to get the situation rectified. The County has in turn contacted the contractor to address the issue. Mr. Boerth reiterated that the project in question is a County project done by County contractors on the County right of way and that the Borough has no jurisdiction over County projects.

Councilman Muldoon asked if this issue could be escalated further at the County level.

Mayor Vahalla stated that he would attempt to contact the Freeholder Director, Christopher Rafano, to attempt to have this issue investigated further.

Borough Attorney Murphy reiterated that the Borough can not draw on the contractor's bond because the project is not with the Borough. Borough Attorney Murphy also stated that the contractor most likely posted performance and maintenance bonds, held by the County, associated with this project.

Robert James (238 Rose Street) commented on the bond ordinance. Mr. James stated that approximately five years ago the Borough began bonding for items that may not be considered Capital purchases such as the purchase of police vehicles. Mr. James would like to see the Council put the projects that they wish to bond for to a referendum vote.

Mayor Vahalla clarified that the police vehicle is in the operating budget and the SUV is in the Capital budget which is allowed by law.

Mr. James stated that just because it was allowed does not mean that the Borough should do it and accumulate more debt.

Mayor Vahalla asked how necessary items like paving roads should be paid for especially with the new two percent spending cap. Should the tax payers assume the immediate responsibility and pay for the entire project in one year or spread it out over many years.

Mr. James feels that paving of roads should be planned and accounted for in the same year's budget not financed through a bond.

Council President Cammarano stated that the Capital budget was discussed extensively at prior meetings. Council President Cammarano also stated that the Capital budget and the Operational budget are reviewed and balanced out every year and that hard decisions were made as to what the Borough could afford to buy and if those items were necessary.

Raymond DiTomaso(150 Main Street) commented on issues with NJ's Tavern. Mr. DiTomaso stated that the Borough is not enforcing the restrictions placed on that establishment's liquor license.

Council President Cammarano stated that he believed that some of those restrictions were removed in previous years because the bar had a period of time with no infractions or incidences at their location.

Mayor Vahalla stated that he will have the new Chief of Police look into this matter.

Council President Cammarano stated that the Police Department investigates all local liquor licenses establishments prior to the renewal of their licenses. Council President Cammarano went on to state that the bar was fined and forced to close by the Borough Council previously and then the ruling was overturned by a higher judge in Trenton.

Mr. DiTomaso stated that the owner of NJ's leaves at 6pm and does not know what occurs after she is gone. Mr. Detomaso stated that he has called for many issues that have occurred at the bar and has seen no punishment imposed.

Council President Cammarano stated that he would like to re-listen to the minutes of the last renewal for NJ's Tavern before he comments on this issue further. Council President Cammarano stated that he would like to obtain the number of calls against every liquor license in town prior to renewing licenses each year.

Mr. Detomaso asked if the stipulations are present on the current renewal if they will be enforced.

Mayor Vahalla stated that if they are still in affect he will ask the Police Department to make sure that they are enforced and if they are not then license renewals occur in June and that Mr. DiTomaso should come and address his concerns then.

Mr. Detomaso then commented on the lack of involvement that the Chamber of Commerce has with local business.

Sherry Tamasco (77 Orchard Avenue) asked if there was a police report made every time an officer responds to a call at any establishment and who then enforces the restrictions and imposes fines.

Mayor Vahalla stated that a report is made every time an officer responds to a call and the police then issue a summons which is heard before the Municipal Court.

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

DISCUSSION SINGLE STREAM RECYCLING

Borough Administrator Boerth stated that the Borough is looking to go to a Single Stream Recycling Program. The program will combine the Borough's paper, cardboard, tin cans, glass and plastics for pickup. Borough Administrator Boerth stated that this recycling plan will be a convenience to the residents of Metuchen because they will now be able to have their recyclables and garbage picked up all on the same day once a week. Borough Administrator Boerth also stated that this proposal will allow the Borough to utilize less manpower to pick up garbage and other items and create a savings on gas to operate the vehicles. Councilwoman Rasmussen asked if there was any downside to the implementation of this new garbage collection and recycling method.

Borough Administrator Boerth stated that there is a loss of some revenue because single stream recycling does not have the same marketability in terms of price as sorted commodities but there will be a savings in both manpower and gas to operate the vehicles that are utilized to pick up these items. Borough Administrator Boerth continued to explain that the markets vary and it is hard to predict what a single commodity will bring at any given time.

Mayor Vahalla stated that he feels that the Borough should move ahead with the proposed changes to the garbage and recycling procedures minus the collection of grass. The issue of the grass disposal can be addressed at another time. Mayor Vahalla stated that he feels more people will recycle because the procedure will become easier with these changes.

Borough Administrator Boerth stated that in the future the Borough will be saving additional monies by instituting this program.

Councilwoman Rasmussen asked if the Environmental Commission could perform a study to discover how other municipalities are disposing of their yard waste.

Mayor Vahalla stated that not only should the survey be done but the public should also be educated on what can be done with grass clippings i.e. mulching mowers.

Council President Cammarano asked how long it would take to implement the new program.

Borough Administrator Boerth stated that the new system can be implemented as soon as the bond ordinance is passed and the garbage truck chassis can be manufactured. The implementation probably will not occur before January 1, 2012.

Councilwoman Rubin asked if this new program would affect local businesses.

Borough Administrator Boerth stated that each situation was different and that unless there was a specific question on a specific business then that question could not be answered accurately. Mr. Boerth also stated that if we are currently collecting recyclables and garbage from that business then the Borough will continue to collect from that business.

Council President Cammarano stated that this is a good example of how Borough Administrator Boerth and Department of Public Works Director, Fred Hall reviewed how the Borough operates and came up with an idea that is more convenient for the resident and cost effective for the Borough.

Mayor Vahalla asked Borough Clerk Harris to poll the Council.

ROLL CALL:

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

NAYS:

ABSTENTIONS:

Mayor Vahalla stated that even though he does not get a vote he is also in favor of the improvements.

ORDINANCES -PUBLIC HEARING

Borough Clerk Harris provided the affidavit of publication for Ordinance number 2011-6.

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

Borough Clerk Harris read Ordinance number 2011-6 by title only.

Mayor Vahalla opened the meeting to public comment on Ordinance 2011-6 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 Councilwoman Rasmussen Ordinance 2011-6 be approved and published according to law.

ROLL CALL:

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

NAYS:

ABSTENTIONS:

ORDINANCE NO. 2011-6

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO ADD AND AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen, as follows:

Section 1. Section **87-20** of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change the permit fees to read as follows:

§ 87-20 – Fees Established.

Recreational Programs

	<u>FROM</u>	<u>TO</u>
Summer Field Hockey	\$95	\$100
Multi Media Workshops		\$120/ 1 week- \$225/2 weeks
Track Camp	\$100	\$110
Bulldog Baseball Camp		\$150
Bulldog T-Ball Camp		\$90
Kiddie Sports Camp (Flag Football/T-Ball)		\$65
Junior Sports Camps (Baseball/Basketball/ Flag Football)		\$170
Turf Field Rental (No Lights) Non Commercial		\$60 per day
Turf Field Rental (No Lights) Commercial		\$100 per day

Section 2 Section **87-2** of Chapter 87, **Fees, Article 2 – License Fees and Expiration Dates**, of the Code of the Borough of Metuchen, is hereby amended to add the permit fees to read as follows:

87-2 - Schedule

	<u>FEE</u>
Retail food establishment re-inspection	\$50
Retail food establishment initial plan review	\$75

Fees are payable to the Middlesex County Public Health Department within ten (10) business days of the re-inspection or plan review.

Failure to pay the fee within ten (10) working days will result in a court summons with fines as follows:

	<u>FEE</u>
First Penalty:	\$100
Second Penalty	\$200
Third and Subsequent Penalties	\$400

Section 3. Effective Date

This ordinance shall become effective upon publication after final adoption.

Borough Clerk Harris provided the affidavit of publication for Ordinance number 2011-7.

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

Borough Clerk Harris read Ordinance number 2011-7 by title only.

Mayor Vahalla opened the meeting to public comment on Ordinance 2011-7 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 Ordinance 2011-7 be approved and published according to law.

ROLL CALL:

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

NAYS:

ABSTENTIONS:

BOND ORDINANCE #2011-7

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

BE IT ORDAINED BY 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. The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$1,970,100, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$47,240 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes, (ii) a grant from the New Jersey Department of Transportation totaling the amount of \$200,000, (iii) a Community Development Block Grant from Middlesex County in the amount of \$28,100 and (iv) a grant from the New Jersey Department of Transportation in the amount of \$750,000 (items (ii), (iii) and (iv) are collectively referred to as the "Grant").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,970,100 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$944,760 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$944,760 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) the acquisition of a public works garbage truck, dump truck, pickup with plow; (ii) the acquisition of equipment for the Fire Department, including, but not limited to, rescue tools and radio communication equipment; (iii) the acquisition and replacement of various audio/video equipment; (iv) the acquisition of a police SUV and equipment;

(v) improvements to sewers; and (vi) overlay, drainage improvement and reconstruction of the following streets: Linden Avenue, Factory Street, Adam Street and Sharon Court and curb/sidewalk repair, including all materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$944,760.

(c) The estimated cost of said purposes is \$1,970,100 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$1,970,100 over the estimated maximum amount of bonds or notes to be issued therefor and the Grant is the amount of the down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 12.74 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$944,760, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$89,978 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the Grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$944,760. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

Section 9. 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, seconded by Councilwoman Rubin with all in favor the communications consent agenda items numbers 8-15 were approved.

8. Receive and Accept of Resignation Letter From Lauren Rabinowits – Shade Tree Commission.
9. Receive and Approve Block Party Request by Robert Harrison for Bounty Street on Sunday May 29 With a Rain Date of Monday May 30, 2011.
10. Receive and Accept of TV and Technology Advisory Committee Minutes of March 31, 2011.
11. Receive and Accept of Parking Authority Minutes of March 15, 2011.
12. Receive and Approve Picnic Request on Sunday June 12 for Metuchen Reform Church.
13. Receive and Approve Request to use the Senior Center for the Fuce 5K on June 18, 2011.
14. Receive and Approve Block Party Request by Joe Nesi for Linden Avenue on Sunday May 22, 2011.
15. Receive and Accept Historic Preservation Committee Minutes of March 30, 2011.

COUNCIL REPORTS

POLICE DEPARTMENT

Council President Cammarano stated that the Police Department wants all residents to be more aware of pedestrians and children at play and to abide by the speed limits throughout the town.

RECREATION

The Recreation Commission began circulating its flyers regarding the summer camp programs being offered. Councilman Wallace stated that some of the programs have already reached capacity and have been closed.

PLANNING BOARD

Councilwoman Rubin stated that the Planning Board will be meeting this Thursday at 7:30 at Borough Hall.

SENIOR CITIZEN

Councilwoman Rubin stated that the Senior Commission will meet in June.

CHAMBER OF COMMERCE

Councilwoman Rubin stated that the Cruise Nights began May 4 and will continue every first Wednesday of the month through September. The Memorial Day Parade is scheduled to occur on May 30 at 10:00am. The Spring Street Fair will be June 5 along Main and New Street . The annual golf outing will occur on June 6 at the Metuchen Golf Club. The June Bug will begin Friday June 3 and will continue every Friday through the month of June from 6 to 10 pm. The Farmers Market will begin on Saturday June 18. Councilwoman Rubin also stated that she wished to express her disagreement with the prior comments made regarding the Chamber of Commerce and their activity within the community. The Chamber provides many activities, events and projects to help insure the successfulness of businesses in Metuchen.

Mayor Vahalla stated that a table for the Borough Council will be placed at the June Bug event in front of the Wells Fargo Bank and that all Councilmembers are invited to participate.

Council President Cammarano stated that the table would be an informational one. It would provide literature on Borough events.

DEVELOPMENT

Councilwoman Rasmussen stated the Development Commission met on May 4 and is currently putting together 2 or 3 templates of the Metuchen brochure. Also Mr. Rabinowitz is compiling information with the help of the Zoning Officer to put out a Metuchen Business Brochure which will detail the process on how to start a business in Metuchen.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission met on May 9th.

Councilwoman Rasmussen stated that Arbor Day was celebrated with the Campbell School 4th graders by planting a River Birch tree which had been donated by Home Depot. Councilwoman Rasmussen also stated that a discussion was had as to where to plant the Space Tree the Borough won.

HISTORIC PRESERVATION

Councilman Muldoon stated that the Historic Preservation Committee's Historical Scavenger Hunt in the downtown area is underway and those submissions are due by May 23.

CULTURAL ARTS COUNCIL

Councilman Muldoon stated that their still seats available for the bus trip to the Magic Gardens in Philadelphia on May 22. Councilman Muldoon also stated that a free play will be shown at the Library named "About Family" on June 2.

POOL

Councilman Muldoon stated that the Pool will be opening weekends starting Memorial Day.

CABLE COMMISSION

Councilman Lease stated that wireless access will be provided at Borough Hall and will be available to the local business on Main Street free of charge.

REPORT OF BOROUGH ATTORNEY

The Borough Attorney had no report.

REPORT OF BOROUGH ADMINISTRATOR

The Borough Administrator had no report.

MAYOR’S REPORT

Mayor Vahalla stated that the Fire Department responded to 14 alarms, 292 hours for alarms and emergencies, 281 hours of drills trainings and meetings and cadets and advisors volunteered for 29 hours of work.

Mayor Vahalla stated that on June 16 at 6pm the Unity in the Community Walk will be held.

Mayor Vahalla stated that he attended an awards seminar where Elizabeth Becker, a Metuchen High School student, received the Gold Award which is the highest award a Cadette Girl Scout can achieve. Ms. Becker developed a safety program which was presented to the youth in Metuchen through the Recreation Department. Ms. Becker’s program is still being utilized by the Recreation Department to continue to educate the youth of Metuchen on various safety issues.

CONSENT AGENDA

On a motion by Council President Cammarano second by Councilman Lease, with all in favor the items encompassed in the consent agenda were approved.

RESOLUTION NO. 2011-106

ESTABLISHING BANK SIGNATORIES FOR THE MUNICIPAL COURT

WHEREAS, Revised Statute NJSA 40:3-25 provides that moneys held in any separate fund, i.e., General Account, Capital Fund, Trust Account and all Escrow Accounts, shall be treated as moneys held in trust and shall not be diverted to any other purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex and State of New Jersey that the TD Bank Court General and Court Bail Account , and that the custodian shall be Rebecca Cuthbert, Chief Financial Officer. All disbursements for these accounts shall be made by checks signed by:

Judge Gary Price
Anne M. Tucker
Barbara D. Stone

Dated: May 16, 2011

RESOLUTION NO.2011-107

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-002 – JANICE CHASE –
60 JONESDALE AVENUE**

WHEREAS, Janice Chase posted \$128.00 for curb, apron and sidewalk escrow fees at 60 Jonesdale Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Janice Chase,

NOW, THEREFORE, BE IT RESOLVED, that Janice Chase be refunded \$128.00

from the Sidewalk Inspection Escrow account.
Dated: May 16, 2011

RESOLUTION NO.2011-108
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-001 – WALDRON – 23
FRANKLYN PLACE**

WHEREAS, William Waldron posted \$572.00 for curb, apron and sidewalk escrow fees at 23 Franklyn Place; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to William Waldron,

NOW, THEREFORE, BE IT RESOLVED, that William Waldron be refunded \$572.00 from the Sidewalk Inspection Escrow account.

Dated: May 16, 2011

RESOLUTION NO.2011-109
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #11-006 – ANGEL ORTIZ –
29 BRUNSWICK AVENUE**

WHEREAS, Angel Ortiz posted \$230.00 for apron and sidewalk escrow fees at 29 Brunswick Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Angel Ortiz,

NOW, THEREFORE, BE IT RESOLVED, that Angel Ortiz be refunded \$230.00 from the Sidewalk Inspection Escrow account.

Dated: May 16, 2011

RESOLUTION 2011-110
RESOLUTION CERTIFYING THE 2011-2012 BOARD OF EDUCATION BUDGET

WHEREAS, the 2011-2012 school budget for the school district Borough of Metuchen was approved by the voters of the school districts on April 27, 2011 as follows

General Fund	\$29,819,545.00
Debt Service	2,455,048.00
Total Approved	\$32,274,593.00

WHEREAS, the balance to be raised for the school district taxes on account of the 2010-2011 school tax levy is \$15,860,807.50

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that the school district tax levy for the calendar year 2011 be established as follows:

January 1, 2011 to June 30, 2011 (balance of 2010-2011 levy)	\$15,860,807.50
July 1, 2011 to December 31, 2011 (one-half of 2011-2012 levy)	\$16,137,296.50
Amount to be raised for school district taxes in 2011	\$31,998,104

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Middlesex County Board of Taxation.

Dated: May 16, 2011

RESOLUTION NO. 2011-111

**RESOLUTION AUTHORIZING THE RENEWAL OF A PORTION OF THE
BOROUGH'S \$6,516,125 BOND ANTICIPATION NOTES, DATED MAY
27, 2010, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE.**

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the "Borough") has heretofore issued its Bond Anticipation Notes dated May 27, 2010 in the aggregate principal amount of \$6,516,125 (the "Prior Notes"); and

WHEREAS, the Prior Notes mature on May 26, 2011 and it is desirable to renew the portion of the Prior Notes permitted by and pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law"); and

WHEREAS, the Borough intends that the portion of the Prior Notes to be renewed will be treated as "Qualified Tax-exempt Obligations" within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended; now, therefore,

BE IT RESOLVED by the BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, in the County of Middlesex, New Jersey as follows:

SECTION 1. That the Prior Notes shall be renewed as one issue and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The Prior Notes shall upon renewal be entitled "Bond Anticipation Notes, Series 2011A"(the "Notes").

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer of the Borough and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer of the Borough be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer of the Borough be and she hereby is authorized to take all actions necessary to sell the Notes at public or private sale in such amount as she may determine at not less than par and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to the date of delivery thereof and payment therefor.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Chief Financial Officer of the Borough be and she hereby is authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. That the Notes will be “deemed designated” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). The Chief Financial Officer of the Borough is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such deemed designation of the Notes.

SECTION 8. That the Mayor of the Borough, the Chief Financial Officer of the Borough and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 9. That the Chief Financial Officer of the Borough be and she hereby is directed to pay the portion of the Prior Notes requirement to be paid by the Local Bond Law in the amount of \$256,900 from the General Improvement Fund.

SECTION 10. That this resolution shall take effect immediately.

RESOLUTION NO. 2011-112

RESOLUTION APPROVING PLACE TO PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE NO. 1210-44-011-007 – WINE CHATEAU–

WHEREAS, application has been made by Abrol Inc, LLC., for a place-to-place transfer of Plenary Retail Distribution License #1210-44-011-007, T/A Wine Chateau, for premises located at 160 Durham Avenue, Metuchen, NJ 08840, now to be located at 85 Central Avenue, Metuchen, New Jersey 08840; and

WHEREAS, public notice of this transfer has been published in The Home News Tribune, Freehold, New Jersey; and

WHEREAS, no legally valid written objections have been received concerning said transfer; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the application of Abrol Inc., located at 160 Durham Avenue, Metuchen, NJ 08840 for a place-to-place transfer of Plenary Retail Distribution License #1210-44-011-007, T/A Wine Chateau for premises now to be located at 85 Central Avenue is hereby granted, effective immediately:

Dated: May 16, 2011

RESOLUTION NO 2011-113

RESOLUTION ACCEPTING LIEN REDEMPTION FOR BLOCK 217 LOT 35

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
09-00008	217/35	48 Hickory Street	Park Finance

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel this lien from the municipal records.

Dated: May 16, 2011

RESOLUTION NO.2011-114

RESOLUTION TO AMEND 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 2011, effective May 16, 2011:

Insurance		100,000.00
Police	S & W	400,000.00
Fire	S & W	3,000.00
Streets & Roads	OE	5,000.00
Solid Waste Collection	S & W	30,000.00
Buildings & Grounds	OE	10,000.00
County Health Services		12,000.00
Solid Waste Disposal		225,000.00
	TOTAL	785,000.00

Dated: May 16, 2011

RESOLUTION NO. 2011-115

RESOLUTION AUTHORIZING SUBMISSION OF YOUTH SERVICE

BOARD/MUNICIPAL ALLIANCE AGREEMENT FOR 2011 TO MIDDLESEX COUNTY

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 2011 in the amount of **\$13,257.00** ; 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: May 16, 2011

RESOLUTION NO.2011-116

RESOLUTION APPOINTING ZONING/CODE OFFICIAL

BE IT RESOLVED, BY THE Borough Council of the Borough of Metuchen that Chris S. Cosenza, be and is hereby appointed as the Zoning/Code Official for the Borough of Metuchen; and

BE IT FURTHER RESOLVED that said appointment shall commence on May 17, 2011.

Dated: May 16, 2011

RESOLUTION NO. 2011-117

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the Middlesex County Department of Human Services Municipal Alliance Program for the **Municipal Alliance Program Mini Grant**,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, county of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the **Municipal Alliance Program Grant**; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with the Department of Human Services.

Dated: May 16, 2011

BILL RESOLUTION

On a motion by Council President Cammarano, second by Councilwoman Rasmussen , with all in favor the bill resolution in the amount of \$467,321.71 was approved.

APPOINTMENTS

Mayor Vahalla appointed Linnae Bulun to the Shade Tree Commission with a term to expire January 1, 2016.

Mayor Vahalla appointed George Ludwig to the Recreation Commission with a term to expire January 1, 2016.

ORDINANCE – INTRODUCTION

On a motion by Council President Cammarano, second by Councilman Muldoon with all in favor Ordinance 2011-8 was taken up on first reading.

The Borough Clerk read the Ordinance by title only.

On a motion by Council President Cammarano, second by Councilman Muldoon Ordinance 2011-8 was passed on first reading published according to law and a public hearing date set for June 20.

ROLL CALL

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

NAYS:

ABSTENTIONS:

ORDINANCE 2011-8

AN ORDINANCE AMENDING § 110-75 ENTITLED, “B-1 CENTRAL BUSINESS DISTRICT”, § 110-77, ENTITLED “B-3 OFFICE BUSINESS DISTRICT”, § 110-80, ENTITLED, “D-1 DOWNTOWN DEVELOPMENT DISTRICT” AND § 110-147, ENTITLED, “DESIGN STANDARDS” OF CHAPTER 110 OF THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF METUCHEN

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that § 110-75 entitled, “B-1 Central Business District”, § 110-77, entitled “B-3 Office Business District”, §

110-80, entitled, "D-1 Downtown Development District" and § 110-147, Entitled, "Design Standards" shall be amended to read as follows

§ 110-75 B-1 Central Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-1 Central Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores.
- (2) Personal service businesses.
- (3) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants. [Amended 3-17-2003 by Ord. No. 2003-4]
- (4) Banks and other financial institutions, except drive-in banks.
- (5) Offices, except located on the ground floor of a building fronting on Main Street.
- (6) Nursery schools and day-care centers.
- (7) Apartments, except located on the ground floor of a building fronting on New Street or Main Street.
- (8) Borough-operated public facilities. [Added 12-7-1992 by Ord. No. 92-37]
- (9) Massage and somatic therapy establishments. [Added 6-7-1999 by Ord. No. 99-10]

B. Permitted accessory uses:

- (1) Driveways, parking lots, loading areas and multilevel parking facilities, except where such is located to have ingress and/or egress on Route 27 (Middlesex Avenue) and the same can be provided from another street or municipal parking lot abutting the site.
- (2) Plazas, courtyards, alleys and other similar type public and semipublic spaces.
- (3) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses:

- (1) Dry-cleaning establishments, pursuant to § 110-87B.
- (2) Inns and hotels, pursuant to § 110-87C.
- (3) Religious affiliated office or counseling center, pursuant to § 110-87D.
- (4) Two-family detached dwellings, pursuant to § 110-87E.

§ 110-77 B-3 Office Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Offices.
- (4) Banks and other financial institutions, except drive-in banks.
- (5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants. [Amended 3-17-2003 by Ord. No. 2003-4]
- (6) Funeral homes and mortuaries.
- (7) Nursery schools and day-care centers.
- (8) Social halls, clubs, lodges and places of public assembly.
- (9) Apartments. [Added 9-17-2001 by Ord. No. 2001-14; amended 3-17-2003 by Ord. No. 2003-4]
- (10) Borough-operated public facilities. [Added 12-7-1992 by Ord. No. 92-37]

(11) Affordable senior housing. [Added 11-21-2005 by Ord. No. 2005-23]

B. Permitted accessory uses: [Amended 6-16-2003 by Ord. No. 2003-8]

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses. [Amended 12-2-2002 by Ord. No. 2002-18; 6-16-2003 by Ord. No. 2003-8]

(1) Any conditional uses permitted in the B-2 zone.

(2) Drive-in banking facilities pursuant to § 110-87J, on the condition that the property fronts on Central Avenue, Middlesex Avenue between Central Avenue and the Lehigh Valley Railroad, right-of-way (abandoned) or the westerly side of Lake Avenue.

§ 110-80 D-1 Downtown Development District

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

A. Permitted principal uses:

(1) Retail shops and stores, provided that they are located fronting on new or Pearl Streets.

(2) Personal service businesses.

(3) Offices.

(4) Banks and other financial institutions, except drive-in banks.

(5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants. [Amended 3-17-2003 by Ord. No. 2003-4]

(6) Apartments, except located fronting on New Street.

(7) Nursery schools and day-care centers.

(8) Borough-operated public facilities. [Added 12-7-1992 by Ord. No. 92-37]

(9) Affordable senior housing. [Added 11-21-2005 by Ord. No. 2005-23]

B. Permitted accessory uses:

(1) Driveways, parking lots, loading areas and multilevel parking facilities, except where such is located to have ingress and/or egress on Route 27 (Middlesex or Lake Avenues) and the same can be provided from another street or municipal parking lot abutting the site.

(2) Other uses deemed to be permitted accessory uses.

(3) Plazas, courtyards, alleys and other similar type public and semipublic open spaces.

C. Permitted conditional uses:

(1) Planned unit residential development, pursuant to Article 19 of this chapter.

(2) Dry-cleaning establishments, pursuant to § 110-87B.

(3) Inns and hotels, pursuant to § 110-87C.

(4) Mixed-use neighborhoods, pursuant to § 110-87Y. [Added 7-16-2007 by Ord. No. 2007-4]

§ 110-147 D-1 Downtown Development District

The following standards shall be used to prepare and review any development plan that involves the construction of a new public sidewalk or private walkway or repair of an existing public sidewalk or private walkway:

A. Lot access. All lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient

movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Borough.

B. Construction and repair specifications. All sidewalks and walkways shall meet the construction specifications as set forth in applicable Borough ordinances or as approved by the Borough Engineer. This shall also apply to recommendations by the Borough Engineer regarding the maintenance, repair or upgrading of existing sidewalks located in that portion of the public right-of-way that directly abuts the tract to be developed.

C. Materials. The Board may waive the paving material specifications required by Subsection B above, if the applicant can demonstrate, in addition to the requirements of § 110-126, that the substitute paving material(s) will be architecturally compatible with the style, materials, colors and details of buildings and other structures on the site and adjacent properties and will create a more attractive development generally. In no instance, however, shall a sidewalk located in a public right-of-way be permitted to be constructed of asphalt.

D. In the B-1 and D-1 Districts, the material used for sidewalks shall be white concrete constructed in approximately 10 foot sections. The sidewalk sections shall be separated by a band of 4" x 8" red clay brick spaced at approximately ten feet, eight inches (10' - 8") on center. The brick band shall be perpendicular to the curb with bricks laid parallel with the curb. The concrete shall be scored into four (4) smaller symmetric areas. Sidewalk improvements along the right-of-way of any property shall be constructed to match improvements on adjacent portions of the right-of-way that meet this design standard. A plan shall be submitted to and approved by the Borough Zoning Officer prior to the issuance of a permit for construction. Construction permit shall be obtained from Middlesex County Road Department for property located on a County Road and by the Borough Zoning Officer for property located on a municipal road.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to public comment on any item.

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

ADJOURNMENT

On a motion by Council President Cammarano, second by Councilman Wallace with all in favor the meeting was adjourned at 10:00pm.