

**BOROUGH OF METUCHEN
COUNCIL MINUTES DECEMBER 2, 2013**

A Regular Meeting of the Borough Council of the Borough of Metuchen was held in the Council Chambers of Borough Hall on Monday December 2, 2013. The meeting was called to order at 7:30pm by Mayor Vahalla. The invocation was given by Councilwoman Rasmussen 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 Wallace, Rasmussen, Inserro, Grayzel, Cammarano and Council President Muldoon.

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

AGENDA SESSION

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

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

SALARY COMMISSION REPORTS

Mayor Vahalla requested that a formal committee review and report on the stipends paid to the Borough Council. The committee discussed the current payment in place received by the Mayor and Council of \$1,200.00 per year for Council members and \$2,000.00 per year for the Mayor. The stipend dollar amount received by the Mayor and Council has not been reviewed in over 39 years. Their reports stated that they researched many area towns in NJ to ascertain some statistics regarding this matter. The committee members stated that after careful consideration the Salary/Stipend Committee made a bipartisan objective recommendation to advise the Council that the stipends in Metuchen are significantly lower than those of corresponding communities. Ms. Rubin more formally stated that the committee unanimously recommended the stipend be increased to an amount that is more in line with similarly situated communities. The committee agrees that the Mayor's stipend should be raised to \$4,800 and Councilmembers should increase to \$2,400. Mayor Vahalla thanked the committee for the work they put into this matter as did Council President Muldoon and Councilman Wallace. Councilwoman Inserro requested that the report be posted on the Borough website.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Tom Rockefeller(36 Linden Avenue) expressed his concerns regarding pedestrian safety in the Borough in light of the recent incident involving Mr. Lui who was struck at the crosswalk at Christol Street and Grove Avenue.

Mayor Vahalla stated that both he and Council President Muldoon spoke with the Police Chief, Police Captain and Borough Administrator Boerth about a course of action to improve pedestrian safety in Metuchen.

Councilman Cammarano mentioned trying to do pedestrian safety programs and driver education programs.

Sean Massey(93 Highland Avenue) asked if the Borough developed a comprehensive plan that addresses all aspects of the situation on hand.

Mayor Vahalla stated that the Council will work with the Engineer, Planner and Borough Administrator to improve pedestrian safety in the Borough.

Councilman Grayzel asked Mr. Massey if he knew of any nonprofit group, think tanks, governments or other entities that have worked on these plans or have generated concepts we can look at.

Mr. Massey stated Keep Middlesex Moving is a great starting point and he stated he could assemble some information .

Councilwoman Rasmussen would like to have messages posted on social media and public service announcements run on MeTV.

Karen Alexander(1Lawrence Street) stated that in addition they should also focus on sending notifications to the Senior Center, the YMCA and houses of worships with aging congregations. Hearing no one else wishing to speak Mayor Vahalla closed the public comment portion of the meeting.

ORDINANCES-PUBLIC HEARING

ORDINANCE 2013-7

Borough Clerk Harris presented the affidavit of publication, SAID ORDINANCE HAS BEEN PUBLISHED ONE TIME IN THE HOME NEWS TRIBUNE ACCORDING TO LAW ON NOVEMBER 16, 2013.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the affidavit was received and filed.

Borough Clerk Harris read the ordinance by title only

Ordinance 2013-7- AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE BOROUGH OF METUCHEN (D-1).

Ordinance No. 2013-7

An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen.

"STATEMENT OF PURPOSE: An Ordinance permitting Planned Unit Commercial Development in the D-1 zone, which will allow commercial and residential development to occur subject to revised height limitations on specified tracts fronting on Pearl and New Streets and proximate to the Train Station, in conjunction with the development of a Public Plaza and a parking structure"

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that the Land Development Code of the Borough of Metuchen be amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:

§110-80C - Permitted Conditional Uses

(5) Planned Unit Commercial Development, pursuant to Article 19 of this Chapter

§110-91F - Planned Unit Commercial Development (PUCD) in D-1 District

(1) Findings: In accordance with the New Jersey Municipal Land Use Law (MLUL), Section 40:55D-45, the following facts and conclusions shall be determined by the Planning Board before any PUCD is approved:

- (a) That the proposed development conforms to the standards set forth herein to the extent they apply, or to the regulations governing development in the D 1 zone generally. The Planning Board shall be guided by the standards set forth in

N.J.S.A. 40:55D-65(c). The regulations set forth herein are departures from the regulations otherwise applicable to the subject property and other properties in the D 1 Zone.

- (b) That any proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space shall be adequate;
 - (c) That provision through the physical design of any proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment shall be adequate;
 - (d) That any proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
 - (e) In the case of any proposed development which contemplates construction over a period of years, the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development shall be adequate.
- (2) The following are the conditional use standards:
- (a) The minimum tract area shall be four acres, including any new street.
 - (b) The tract shall have frontage on New Street and Pearl Street.
 - (c) The tract shall be within 200 yards of the Metuchen Train Station building (northbound side).
 - (d) A common open space or public open space in the form of a Public Plaza shall be provided in the approximate location as shown on the Regulating Plan.
- (3) The following are permitted uses within any PUCD:
- (a) Permitted Principal Uses within a PUCD:
 - [1] Common open space or public open space in the form of a Public Plaza.
 - [2] Retail shops and stores.
 - [3] Business and Personal Service businesses.
 - [4] Hotels.
 - [5] Offices.
 - [6] Banks and other financial institutions, except drive-in banks.
 - [7] Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
 - [8] Apartments.
 - [9] Townhouses.
 - [10] Work-live units.
 - [11] Nursery schools and day-care centers.
 - [12] Dry cleaning establishment where no dry-cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.
 - [13] Parking structures.
 - [14] Borough-operated public facilities.

[15] Grocery stores with a gross floor area not exceeding 15,000 square feet.

(b) Permitted Accessory Uses within a PUCD:

[1] Driveways, parking lots, loading areas and multilevel parking facilities.

[2] Outdoor display and sales area associated with permitted retail shops and stores.

[3] Outdoor dining areas in cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.

[4] Plazas, courtyards, kiosks, outdoor art exhibit space, water features, permanent or temporary installations of public art, walkways and alleys and other similar type of public and semipublic open spaces.

[5] Trash enclosures, compactors and dumpsters.

[6] Walls, fences, hedges and other landscape elements.

[7] Utility boxes.

[8] Other uses deemed to be permitted accessory uses.

(4) Prohibited Uses within a PUCD shall include:

(a) Pharmacies and drug stores.

(5) The following are design standards for any PUCD:

(a) The minimum size of the required common open space or public open space in the form of a Public Plaza shall be 0.5 acre (21,780 square feet). For the purposes of this Section, the calculation for the area of the Public Plaza shall be based upon measuring the perimeter curb line of the block on which such is located. Public sidewalks may count toward the calculation of the area of the Public Plaza.

(b) Maximum building coverage for primary and accessory structures, including parking structures, shall not exceed 70% of the tract. For the purposes of this Section, the calculation of tract area shall include all Lots, the Public Plaza and any new streets.

(c) Buildings shall not contain a dwelling unit or hotel room in that portion of the ground floor fronting the Public Plaza. Common spaces within buildings, such as lobbies, may occupy that portion of the ground floor fronting upon New Street and/or the Public Plaza.

(d) Parking for non-residential uses shall be 1 space 1000 square feet of area, excluding storage areas. There shall be no customer parking requirement for all business uses, except for hotel uses which will be subject to 110-154. Parking for residential uses shall be subject to the Residential Site Improvement Standards NJAC 5:21. The Planning Board shall entertain reductions in the required number of both non-residential and residential parking spaces if the applicant can demonstrate through expert testimony and technical documents that the proposed application would so warrant, as a result of its mixed-use nature,

parking demands of specific users, proximity to transit options, specific housing demographics, a parking management plan or other similar reasons.

- (e) Business and service uses included within a Mixed-Use Neighborhood shall be designed to be integrated with and/or complement Main Street and other existing commercial areas within the B-1 and D-1 Districts. Integration of business and service uses shall be accomplished by proximity of location, site orientation, scale and massing along the streetscape, architectural style, color, materials and details, pedestrian circulation linkages, vehicular circulation and parking, lighting, landscaping and street furniture.
- (f) Off-tract improvements may be required of the developer as part of an overall development integration plan, including but not limited to vehicular and pedestrian circulation elements and linkages and storm water management systems.
- (g) Sidewalks and walkways that link all uses with one another and with business areas within the tract and with Main Street and other commercial areas shall be integrated into the development plan.
- (h) In addition to the Public Plaza, open space areas may include courtyards, alleys, plazas, or similar type improvements. Such open spaces may be public, semi-public, or private if entirely enclosed within a building.
- (i) The Public Plaza, sidewalks, walkways and open space areas shall incorporate pedestrian amenities, such as gathering/sitting areas, benches, shade trees, landscaping, accent lighting and other street furniture.
- (j) Frontages along Lake Avenue, New Street, Pearl Street and the Public Plaza shall include Main Street style street lamps at intervals of spacing consistent with the existing street lamps on Main Street.
- (k) Buildings and parking structures shall be set back a minimum of 15 feet from the edge of curb of the existing or proposed street upon which such building fronts except on Pearl Street where buildings no taller than two stories may have a reduced set back of 10 feet. Buildings with a height of four stories or greater shall be set back 20 feet. Arcades supporting upper floor terraces and verandas shall be allowed to project within the setback up to 12 feet. Steps leading to a first floor, balconies, awnings and landscape planters shall be allowed to project within the right-of-way.
- (l) Buildings shall be located to front towards and relate to a public street, both functionally and visually. In locations where on-street parking does not exist, the entry to a use or building may be placed in a location other than facing the street at the discretion of the Planning Board.
- (m) Any surface parking lot shall be designed as a parking plaza. A parking plaza shall be spatially enclosed by buildings and designed with an emphasis on visual

and functional pedestrian elements such as colored textured paving, pedestrian-scale lighting, shade trees, landscaping and rich streetscape treatments and details.

- (n) Building Height within a PUCD shall be generally located as shown in the Regulating Plan (refer to Planned Unit Commercial Development Regulating Plan, Subsection F(5)(r) hereof).

- [1] Maximum height of principal buildings or structures shall be as follows:

- [a] On Parcel A, maximum building height shall not exceed three stories and 35 feet.

- [b] On Parcel B, maximum building height shall not exceed four stories and 50 feet.

- [c] On Parcel C, maximum building height shall not exceed five stories and 65 feet. For the purposes of this section, the levels of a parking structure shall not count as stories and the height of any parking structure shall be governed by height in feet.

- [2] For the purposes of this section, height shall be measured from finished grade.

- [3] Building elements and appurtenances such as chimneys, spires, cupolas, belfries, towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC systems, and roof access stairwells may exceed the height requirements by up to 25 feet.

- (o) The predominant building material for buildings facing New Street, the Public Plaza, and Lake Avenue shall be brick in traditional colors consistent and complementary with that found on Main Street.

- (p) Any building fronting the Public Plaza shall be designed using classical proportions with a consistent uniform façade treatment employing an articulated rhythm of bays and windows. These bays or sections shall be a minimum of 20 feet wide and a maximum of 36 feet wide. The ground floors of buildings shall have articulated entries and large storefront-type windows.

- (q) Buildings shall have a defined base, ground floor, belt course and cap which are designed to draw the eye of pedestrians to the lower portions of the buildings. Any building four (4) stories or taller and parking structures greater than forty (40) feet in height shall be designed using some combination of massing, scale, roof type, cornice, projections, recesses, materials, colors and other architectural treatments to minimize the visual impact of the height of such building.

- (r) Regulating Plan.

SECTION 2. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

Mayor Vahalla opened the meeting for public comment.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-7 was passed on second reading and published according to law.

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inserro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

ORDINANCE 2013-9

Borough Clerk Harris presented the affidavit of publication, SAID ORDINANCE HAS BEEN PUBLISHED ONE TIME IN THE HOME NEWS TRIBUNE ACCORDING TO LAW ON NOVEMBER 14, 2013.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the affidavit was received and filed.

Borough Clerk Harris read the ordinance by title- Ordinance 2013-9- BOND ORDINANCE APPROPRIATING \$854,064 AND AUTHORIZING \$552,550 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.

BOROUGH OF METUCHEN

BOND ORDINANCE #2013-9

BOND ORDINANCE APPROPRIATING \$854,064 AND AUTHORIZING \$552,550 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 \$854,064, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$32,450 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 \$275,000, and (iii) a Community Development Block Grant from Middlesex County in the amount of \$26,514 (items (ii) and (iii) are collectively referred to as the "Grant").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$854,064 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 \$552,550 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 \$552,550 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 fire apparatus with equipment; (ii) improvements to sewers; and (iii) overlay, drainage improvement and reconstruction of High Street and Cliffwood Place 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 \$552,550.

(c) The estimated cost of said purposes is \$854,064 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$854,064 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 11.02 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 \$552,550, 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 \$80,000 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 \$552,550. 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.

Mayor Vahalla opened the meeting for public comment.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, Ordinance 2013-9 was passed on second reading and published according to law.

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inserro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

ORDINANCE 2013-10

Borough Clerk Harris presented the affidavit of publication, SAID ORDINANCE HAS BEEN PUBLISHED ONE TIME IN THE HOME NEWS TRIBUNE ACCORDING TO LAW ON NOVEMBER 14, 2013.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the affidavit was received and filed.

Borough Clerk Harris read the ordinance by title- Ordinance 2013-10- BOND ORDINANCE AMENDING BOND ORDINANCE NO. 2007-3 TO INCLUDE AN ADDITIONAL PURPOSE.

ORDINANCE 2013-10

BOND ORDINANCE FURTHER AMENDING BOND ORDINANCE 2007-3

**FINALLY ADOPTED APRIL 16, 2007 BY THE BOROUGH OF
METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY, IN ORDER TO PROVIDE FOR A FURTHER 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. The list of purposes contained in Section 3 of Bond Ordinance 2007-3 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted April 16, 2007, and entitled "BOND ORDINANCE APPROPRIATING \$1,677,100 AND AUTHORIZING \$1,377,500 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 "Ordinance") is hereby further amended to include a new clause (xii) to read as follows: "(xii) pump station repairs."

Section 2. All other details of the 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.

Mayor Vahalla opened the meeting for public comment.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-10 was passed on second reading and published according to law.

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inerro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

ORDINANCE 2013-11

Borough Clerk Harris presented the affidavit of publication, SAID ORDINANCE HAS BEEN PUBLISHED ONE TIME IN THE HOME NEWS TRIBUNE ACCORDING TO LAW ON NOVEMBER 14, 2013.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the affidavit was received and filed.

Borough Clerk Harris read the ordinance by title- Ordinance 2013-11- BOND ORDINANCE AMENDING BOND ORDINANCE NO. 2008-7 TO INCLUDE ADDITIONAL PURPOSE.

ORDINANCE 2013-11

**BOND ORDINANCE AMENDING BOND ORDINANCE 2008-7 FINALLY
ADOPTED APRIL 21, 2008 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. The list of purposes contained in Section 3 of Bond Ordinance 2008-7 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted April 21, 2008, and entitled "BOND ORDINANCE APPROPRIATING \$1,312,500 AND AUTHORIZING \$1,014,125 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 "Ordinance") is hereby amended to include a new clause (ix) to read as follows: "(ix) pump station repairs."

Section 2. All other details of the 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.

Mayor Vahalla opened the meeting for public comment.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-11 was passed on second reading and published according to law.

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inserro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

COMMUNICATIONS CONSENT AGENDA

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

- A. Receive and Accept Arts Council Minutes of June 25, 2012, April 22, 2013, June 24, 2013, July 29, 2013 and August 26, 2013
- B. Receive and Approve Chamber of Commerce Request To Hold 2014 Street Fair on Sunday, June 1, 2014.
- C. Receive and Accept TV & Technology Committee Minutes of February 28, 2013, March 28, 2013, April 25, 2013, June 27, 2013 and July 25, 2013.
- D. Receive and Accept Parking Authority Minutes of October 15, 2013.
- E. Receive and Accept Historical Preservation Committee minutes of January 8, 2013, March 19, 2013 April 9, 2013, May 14, 2013 and October 8, 2013.

REPORTS OF OFFICIALS

Council President Muldoon stated that the Pearl Street Lot Project Developer, Woodmont Properties has been in discussion with the American Legion regarding acquisition of the parking lot and their building. They hope to have those negotiations finalized sometime this month.

AUXILIARY POLICE

Councilman Wallace thanked the Auxiliary Police for their efforts throughout town at the local events and parades.

RECREATION

Councilman Wallace commended the Recreation Commission for running the holiday parade and having hot chocolate ready at the end.

CHAMBER OF COMMERCE

Councilwoman Inserro reported the Chamber of Commerce sponsored the 60th Annual Winter Festival Parade and the tree lighting is on Friday night at the Old Franklin Schoolhouse at 7:00pm.

Councilwoman Inserro also stated that on December 10, 2013 the Chamber will be holding their annual holiday dinner at 5:30pm at Luocas Resturant.

SENIORS CITIZENS

Councilwoman Inserro stated that the Senior Citizens Commission is having their annual dinner on December 11, 2013 and Metuchen Seniors, Ins. will be having theirs on December 13, 2013.

BOARD OF HEALTH

Councilwoman Inserro stated that at the next Board of Health meeting they will have the second reading to change the Heating Ordinance regarding rental properties.

LIBRARY

Councilman Cammarano reported that a new Library Director has been chosen and she will be introduced at the December 16, 2013 meeting.

REPORT OF THE BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTOR

Borough Administrator Boerth had no report.

REPORT OF THE MAYOR

The Mayor Vahalla stated that the Holiday Tree Lighting Ceremony is on Friday at 7:00pm.

Mayor Vahalla also stated that he has spoken to the Borough Engineer who is working with the Acting County Engineer regarding the Main Street railroad bridge crossing and the many bridge strike incidents at that location. The Borough Engineer has reported on the possibility of potential signage that would possibly alleviate the bridge strikes at the location.

NEW BUSINESS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the New Business Consent Agenda items A through J were approved.

RESOLUTION NO. 2013-220

RESOLUTION ESTABLISHING AND ADOPTING A SOCIAL MEDIA POLICY FOR THE BOROUGH OF METUCHEN

WHEREAS, the role of technology is constantly expanding and now includes social media communication tools that facilitate interactive information sharing and collaboration in local government;

WHEREAS, in order to address the way residents communicate and obtain information online, the Borough of Metuchen may consider the use of social media tools to provide public information in a rapid fashion to reach a broader audience; and

WHEREAS, the Borough supports the use of social media technology to enhance communication, collaboration and provision of information to its residents; and

WHEREAS, the official Borough of Metuchen website, www.metuchen.org, remains the primary and predominant public source for in-depth information, forms, documents or online services; and

WHEREAS, the Borough has an overriding interest and expectation in deciding what is “spoken” on behalf of the Borough on social media sites; and

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes and adopts a Social Media Policy in the form attached hereto.

BE IT FURTHER RESOLVED, that this resolution and its attachment shall remain on file in the Clerk's office.

Dated: December 2, 2013

RESOLUTION NO.2013-221
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-033
LOCHIATTO PAVING MASONRY CO. – 57 BOUNTY STREET

WHEREAS, Lochiatto Paving Masonry Co. posted \$521.00 for apron and sidewalk escrow fees at 57 Bounty Street; and

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

NOW, THEREFORE, BE IT RESOLVED, that Lochiatto Paving Masonry Co. be refunded \$521.00 from the Sidewalk Inspection Escrow account.

Dated: December 2, 2013

RESOLUTION NO. 2013-222
RESOLUTION AUTHORIZING THE INTERLOCAL AGREEMENT WITH
MIDDLESEX COUNTY FOR PUBLIC HEALTH SERVICES

WHEREAS, the County has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 et seq., to provide an array of public health services; and

WHEREAS, the Borough of Metuchen is desirous of contracting with the County for by the County to the Municipality health services of a technical and professional nature as more furnishing health services of a technical and professional nature as more fully set forth below:

1. The County shall provide properly licensed personnel within the territorial jurisdiction of the Borough of Metuchen, to carry out the following public health activities"
 - a. ADMINISTRATION
 - b. HEALTH EDUCATION
 - c. COUNTY ENVIRONMENTAL HEALTH ACT(CEHA)
ENVIRONMENTAL PROGRAMS
 - d. PUBLIC HEALTH NURSING
 - e. PUBLIC HEALTH INSPECTION
 - f. EPIDEMIOLOGY AND BIOTERRORISM
2. All of the above mentioned activities shall be provided in accordance with the Public Health Practise Standards of Performance for Local Boards of Health in New Jersey (revised) as set forth in N.J.A.C. Title 8 Chapter 52.
3. In addition to the above public health services, the County will continue to provide specialized grant services.
4. The term of this contract shall be for two (2) years commencing on January 1, 2014 and terminating December 31, 2015, unless terminated earlier as provided for hereinafter.
5. The base cost for the provision of the aforesaid health services shall be as follows:
2014 - \$48,986.19
2015- \$49,965.92

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the County of Middlesex for the provision of public health services as outlined in the said agreement.

RESOLUTION NO.2013-223
RESOLUTION AUTHORIZING BUDGET TRANSFERS

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

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

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

Appropriation	From	To
Elections OE	5,000.00	
Collection of Taxes OE	2,000.00	
Buildings & Grounds OE	10,000.00	
Planning OE	3,000.00	
Financial Administration OE		2,000.00
Tax Assessment OE		2,100.00
Streets & Roads OE		7,500.00
Police OE		2,000.00
Parks & Playgrounds OE		3,900.00
Municipal Court OE		2,500.00
	20,000.00	20,000.00

Dated: December 2, 2013

RESOLUTION NO. 2013-224
RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Shah, Syed M Mumtaz & Shaheen Kausar	153/4 C212G	153 Newman Street	\$355.98	Overpayment	2013/3 rd qtr

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$355.98.

Dated: December 2, 2013

RESOLUTION NO.2013-225
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
 APPROPRIATION**
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of

any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2013 in the sum of \$3,439.41, which is now available from the State of New Jersey Division Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$3,439.41.

BE IT FURTHER RESOLVED, that the like sum of \$3,439.41 is hereby appropriated under the caption Cops in Shops Supplemental Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$3,439.41.

Dated: December 2, 2013

RESOLUTION NO.2013-226
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2013 in the sum of \$4,400.00, which is now available from the State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant in the amount of \$4,400.00. The incentive grant period is 8/16/13 through 9/2/13.

BE IT FURTHER RESOLVED, that the like sum of \$4,400.00 is hereby appropriated under the caption State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Department of Law and Traffic Safety for a Drive Sober or Get Pulled Over Grant in the amount of \$4,400.00.

Dated: December 2, 2013

RESOLUTION NO.2013-227
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2013 in the sum of \$16,977.25, which is now available from the State of New Jersey Department of Environmental Protection Recycling Tonnage Grant in the amount of \$16,977.25.

BE IT FURTHER RESOLVED, that the like sum of \$16,977.25 is hereby appropriated under the caption Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Department of Environmental Protection in the amount of \$16,977.25.

Dated: December 2, 2013

RESOLUTION NO.2013-228

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-037
FOX & FOXX DEVELOPMENT, LLC – 18 JONESDALE AVENUE**

WHEREAS, Fox & Foxx Development, LLC posted \$600.50 for curb, apron and sidewalk escrow fees at 18 Jonesdale Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$600.50 from the Sidewalk Inspection Escrow account.

Dated: December 2, 2013

RESOLUTION NO.2013-229

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-039
FOX & FOXX DEVELOPMENT, LLC – 200 WEST CHESTNUT AVENUE**

WHEREAS, Fox & Foxx Development, LLC posted \$421.00 for curb, apron and sidewalk escrow fees at 200 West Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$421.00 from the Sidewalk Inspection Escrow account.

Dated: December 2, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of \$3,231,237.31 was approved.

ORDINANCE-INTRODUCTION

O2013-15

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-15. AN ORDINANCE AMENDING AND SUPPLEMENTING

ORDINANCE NO. 92-25 ESTABLISHING SALARY RANGES was taken up on first reading. Borough Clerk Harris read the ordinance by title. On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-15 was passed on first reading, published according to law and a public hearing date set for December 16, 2013.

BOROUGH OF METUCHEN
ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 92-25 ESTABLISHING SALARY RANGES.

[STATEMENT OF PURPOSE: TO AMEND WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES]

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen that Ordinance No. 92-25 as amended and supplemented be further amended as follows:

1. Section I, Group II is hereby amended by deleting the existing maximum ranges and replacing them with the following:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Registrar	\$3,000	\$12,000
Deputy Registrar	\$1,000	\$6,000
School Crossing Guards	\$10.00	\$16.00

2. Section I, Group V is hereby amended by deleting the existing maximum ranges and replacing with the following:

<u>RANGE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>POSITION</u>
19	\$30,000	\$52,000	Administrative Secretary
21	\$32,000	\$63,000	Administrative Officer
25	\$43,000	\$74,000	Borough Clerk, Court Administrator
29	\$48,000	\$84,000	Recreation Director, Tax Assessor, Senior Citizen Director
30	\$50,000	\$88,000	Public Works Supervisor
33	\$53,000	\$110,000	Lieutenant/DPW Supt.
35	\$58,000	\$116,000	Police Captain, Chief Financial Officer/Tax Collector, Public Works Director
36	\$63,000	\$121,000	Borough Engineer
38	\$68,000	\$128,000	Chief of Police
40	\$73,000	\$135,000	Borough Administrator

3. Additional compensation by way of holiday pay, longevity, overtime, sick days, personal days, insurance benefits for full time employees not covered in collective bargaining agreements are fully set forth in the Personnel Resolution and amendments thereto previously adopted by the Borough Council and are hereby incorporated in this Ordinance.

4. Section 6 - No officer or employee shall be paid at a base rate which is above the maximum rate for any salary range in any of the aforementioned groups. Unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective

employee who possesses qualifications that are greater than the minimum qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same group.

5. If any portion of this ordinance is in conflict with any portion of a collective bargaining agreement, then the collective bargaining agreement shall take precedence.

6. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

7. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2013.

Dated: December 2, 2013

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inserro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

ORDINANCE 2013-16

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance 2013-16 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-16 was passed on first reading, published according to law and a public hearing date set for December 16, 2013.

ORDINANCE NO. 2013-16

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, 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.

<u>Program</u>	Fee	
Programs:	FROM	TO
Fall Field Hockey	\$45	\$55
Winter Basketball	\$35	\$50
Winter Basketball Late Fee		\$20
ADD:		
Program	Fee	
Indoor Soccer	\$10	
Bowling Program	\$80(10 week session)	
	\$94(12 week session)	
Christmas Story Bus Trips	\$50	

1 st Play Tennis	\$190
Parent and Me Tennis Squirts	\$90
1 st Play Basketball	\$175
Mural Project Clay Tiles	\$25

ROLL CALL VOTE:

AYES: Councilman Cammarano, Councilman Grayzel, Councilwoman Inerro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: NONE

ABSTENTIONS: NONE

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

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

ADJOURNMENT

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the meeting was adjourned.