

BOROUGH OF METUCHEN
COUNCIL MINUTES JULY 15, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, July 15, 2013. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilwoman Rasmussen 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 Wallace, Rasmussen, Inserro, Grayzel and Council President Muldoon. Absent was Councilmember Cammarano.

Also present were Mayor Vahalla, Borough Administrator Boerth, Substitute Borough Attorney Blank, 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.

Councilwoman Inserro asked that item numbers 14 and 15, R2013-139 and 140 be removed from the consent agenda for discussion and a separate vote.

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

RESOLUTIONS HONORING

Councilman Wallace read the Proclamations Honoring Joseph Accomondo and Rohinton Cama.

WHEREAS, Police Auxiliary Corporal Joseph Accomondo has retired after 24 years of dedicated service to the Borough of Metuchen; and

WHEREAS, Auxiliary Police Corporal Joseph Accomondo has faithfully served the Great Borough of Metuchen and its residents as an Auxiliary Police Officer since 1988; and

WHEREAS, Corporal Accomondo's years of service as an Auxiliary Police Officer included countless hours of volunteer time in which he supported our Police Department in its efforts to keep our community and its residents safe from harm, maintained key Police Department equipment, maintained order and safety through crowd control at innumerable town events, facilitated commerce and trade in our business district, and protected the order, dignity and solemnity of our religious, wedding, funeral and other ceremonies through effective traffic direction and control, and

WHEREAS, Corporal Accomondo's service as an Auxiliary Police Officer has brought comfort and calm to our community in times of strife, and has supported all other emergency services in Metuchen in their efforts to aid those in need, both emergent and dire, and

WHEREAS, Corporal Accomondo through his selfless and tireless devotion to our Borough, continues

to serve as an inspiration to past and present members of our Auxiliary Police Department, our Police Department, the Metuchen EMS Squad, the Metuchen Fire Department, our Borough Government and Administration, countless community volunteers, residents, and individuals in our Borough, and

WHEREAS, it is altogether fitting and proper that we formally express our enduring gratitude and admiration for the contributions Joseph Accomodo has made to our Borough,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council offer their best wishes for a long and healthy retirement to Corporal Joseph Accomodo on behalf of all the residents of Metuchen; and

NOW, THEREFORE ALSO, BE IT RESOLVED AND MADE KNOWN TO ALL that the Mayor and Council of the Great Borough of Metuchen, on behalf of ourselves individually and on behalf of all Metuchen residents, hereby declare, affirm and memorialize our enduring gratitude to Corporal Joseph Accomodo for his selfless dedication to our community and to the Metuchen Auxiliary Police.

Dated: July 15, 2013

WHEREAS, Police Auxiliary Lieutenant Rohinton Cama has retired after 37 years of dedicated service to the Borough of Metuchen; and

WHEREAS, Auxiliary Police Lieutenant Rohinton Cama has faithfully served the Great Borough of Metuchen and its residents as an Auxiliary Police Officer since 1976; and

WHEREAS, Lieutenant Cama's years of service as an Auxiliary Police Officer included countless hours of volunteer time in which he supported our Police Department in its efforts to keep our community and its residents safe from harm, maintained key Police Department equipment, maintained order and safety through crowd control at innumerable town events, facilitated commerce and trade in our business district, and protected the order, dignity and solemnity of our religious, wedding, funeral and other ceremonies through effective traffic direction and control, and

WHEREAS, Lieutenant Cama's service as an Auxiliary Police Officer has brought comfort and calm to our community in times of strife, and has supported all other emergency services in Metuchen in their efforts to aid those in need, both emergent and dire, and

WHEREAS, Lieutenant Rohinton Cama, through his selfless and tireless devotion to our Borough, continues to serve as an inspiration to past and present members of our Auxiliary Police Department, our Police Department, the Metuchen EMS Squad, the Metuchen Fire Department, our Borough Government and Administration, countless community volunteers, residents, and individuals in our Borough, and

WHEREAS, it is altogether fitting and proper that we formally express our enduring gratitude and admiration for the contributions Lieutenant Rohinton Cama has made to our Borough,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council offer their best wishes for a long and healthy retirement to Lieutenant Rohinton Cama on behalf of all the residents of Metuchen

NOW, THEREFORE ALSO, BE IT RESOLVED AND MADE KNOWN TO ALL that the Mayor and Council of the Great Borough of Metuchen, on behalf of ourselves individually and on behalf of all Metuchen residents, hereby declare, affirm and memorialize our enduring gratitude to Lieutenant Rohinton Cama for his selfless dedication to our community and to the Metuchen Auxiliary Police.

Dated: July 15, 2013

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Joseph Miciak() asked for the Borough's help to locate a wounded veteran that had posed for pictures in Memorial Park so that she could be asked to be the Grand Marshal in the Memorial Day Parade.

Walter Zwjawin(218 Center St) also requested that the Borough attempt to contact the wounded veteran from the picture the Wounded Warrior Project who put out the brochures.

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

ORDINANCES-PUBLIC HEARING

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-7 **An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen.**

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

Borough Clerk Harris read Ordinance 2013-7 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-7 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Absent: Councilperson Cammarano

Motion Carried.

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.

Borough Clerk Harris presented the affidavit of publication regarding 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**

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

Borough Clerk Harris read Ordinance 2013-9 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-9 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Absent: Councilperson Cammarano

Motion Carried.

**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.

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-10
On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.
Borough Clerk Harris read Ordinance 2013-10 by title only.
Mayor Vahalla opened the meeting to public comment on said Ordinance only.
Hearing no one wishing to speak, Mayor Vahalla closed the meeting to public comment.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-10 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Absent: Councilperson Cammarano

Motion Carried.

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.

Borough Clerk Harris presented the affidavit of publication regarding 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.**

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

Borough Clerk Harris read Ordinance 2013-11 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-11 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Absent: Councilperson Cammarano

Motion Carried.

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.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Item#'s 9 and 10 were approved.

9. Receive and Approve Circus, Fairs And Carnival Application For New Hope Baptist Church on Saturday June 22, 2013.
10. Receive and Accept Parking Authority Minutes For April 16, 2013.

REPORT OF CHIEF FINANCIAL OFFICER

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Chief Financial Officers Report-Award of Notes was accepted.

COUNCIL REPORTS

Council President Muldoon discussed the progress in completing a Complete Streets Policy. Council President Muldoon would like to ascertain comments from Borough Officials before finalizing the report.

Councilman Grayzel asked for clarification of what a Complete Streets Policy does for new construction and or existing construction in the Borough.

Council President Muldoon stated that the resolution will show the Borough's support for a Complete Street Policy throughout the Borough. The resolution will then lead to policy creation as far as design standards and implementation of that policy.

Councilwoman Inzerro stated that she would like to have the best utilization of the entire roadway for all modes of transportation.

Mayor Vahalla expressed concern as to the cost of implementation of new and additional design standards to have complete streets.

Council President Muldoon stated that there can be stipulations in the resolution that disallows the improvements if they increase costs by more than 20% of the original project cost. Councilwoman Inerro stated that she views this issue as a public safety issue that needs to be addressed throughout the Borough.

YOUTH SERVICE

Councilwoman Rasmussen stated that National Night Out is on Tuesday August 6th from 6 to 8:30pm in the Friendly's Parking Lot and adjacent parking lots. Councilwoman Rasmussen stated additional events that the Youth Service Board will be sponsoring.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission is continuing the Tree of Life program. Information regarding this program can be obtained from contacting Councilwoman Rasmussen through her email address at drasmussen@metuchen.com.

SENIOR CITIZEN

Councilwoman Inerro stated that the Senior Center held its annual Ice Cream Social sponsored by Metuchen Seniors Inc.

CHAMBER OF COMMERCE

Councilwoman Inerro stated that the Chamber of Commerce will be holding its rescheduled Cruise Night this Wednesday.

ARTS

Councilman Grayzel discussed the art displayed in the "Rotunda Gallery". Councilman Grayzel also stated that the Arts Council will be sponsoring a Family Movie Night on July 17. The movies will be Cinderella and King Kong. Councilman Grayzel then discussed the upcoming outdoor concert schedule provided through the Arts Council.

TV AND TECHNOLOGY

Councilman Grayzel stated that Mr. James Graziano spoke at the meeting regarding the history and creation of the Borough Facebook Page. Councilman Grayzel also stated that the Committee is creating a Social Media Policy and are in the process of ascertaining comments from Mr. James Graziano, Office of Emergency Management Director.

REPORT OF BOROUGH ATTORNEY

Borough Attorney had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

REPORT OF MAYOR

Mayor Vahalla stated that he and the Fire Chief testified in front of a Senate committee on Bill S2851 which allows UTV's to be used on Borough roads for official duties of the Borough.

Mayor Vahalla stated that the Borough received a donation which consisted of four paintings of various sites throughout the Borough and that a place to display them would need to be discussed.

Mayor Vahalla discussed the Fire Department Report. The Fire Department responded to 24 alarms, 125 hours at alarms or emergencies, 262 hours of drills, trainings and meetings as well as the cadets providing 14 volunteer hours.

NEW BUSINESS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda item number 16 through 19 encompassing resolutions R2013-141 through R2013-144 were approved.

RESOLUTION NO. 2013-141

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 133 HARVARD AVENUE-BURLEW MECHANICAL LLC. #13-046

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Burlew Mechanical LLC., as the required Performance Guarantees for Street Opening #13-046-133 HARVARD AVENUE; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, Burlew Mechanical LLC, 484 South Pine Street, South Amboy, NJ 08879, as recommended by the Director of Public Works.

Dated: July 15, 2013

RESOLUTION NO. 2013-142

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 2 LYNN CIRCLE-BURLEW MECHANICAL LLC. #13-011

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Burlew Mechanical LLC as the required Performance Guarantees for Street Opening #13-011-2 LYNN CIRCLE; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, Burlew Mechanical LLC, 484 South Pine Street, South Amboy, NJ 08879, as recommended by the Director of Public Works.

Dated: July 15, 2013

RESOLUTION NO. 2013-143

RESOLUTION APPOINTING OF FIREFIGHTER – GERHARD

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Ryan P. Gerhard** has been elected to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Ryan P. Gerhard be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: July 15, 2013

RESOLUTION NO 2013-144

RESOLUTION AUTHORIZING LIEN REDEMPTIONS

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>
12-00003	80/2	525 New Durham Road	US Bank for Phoenix

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

July 15, 2013

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda items numbered 14 and 15 R2013-139 and R2013-140 were approved.

RESOLUTION NO.2013-139

RESOLUTION CREATING THE BOROUGH OF METUCHEN COUNCIL FINANCE REVIEW COMMITTEE

WHEREAS, pursuant to N.J.S.A. 40A:60-7 (d) the Council of the Borough of Metuchen may create advisory councils or committees to the Borough to serve such purposes as it deems appropriate; and

WHEREAS, the Borough Council deems it in the best interest of the Borough to formulate an advisory committee to assist, review and report to the Borough Council with the overall finances of the Borough of Metuchen.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that there is hereby established a Council Finance Review Committee as follows:

Membership:

The Council Finance Review Committee shall be composed of two (2) council members of the Borough, one of which shall be designated as the Chairperson, who shall be annually appointed by the Mayor. The Chairperson shall preside over all of the meetings and set the agenda and topics of discussion therefore.

Meetings:

The Council Finance Review Committee shall meet, at least, quarterly with the Borough Administrator and Chief Financial Officer to review, discuss and report to the entire Council on the financial affairs of the Borough. The Council Finance Review Committee may meet with other Borough officers and/or officials on matters directly related to the financial affairs of the Borough as it deems appropriate upon notice and approval of the Borough Administrator, the Mayor or a majority vote of the Council. The Committee, to the maximum possible extent, shall meet with Borough officers, officials and employees during normal business hours or at another mutually convenient date and time. The Committee shall provide notice of its meetings to the Mayor and Council. The Mayor and/or the Borough Administrator is permitted, but not

required, to attend all of the meetings of the Committee, except that the Borough Administrator is required to attend the quarterly meetings set forth above.

Powers, Duties and Responsibilities:

The Council Finance Review Committee may:

- A. Assist the Borough Council in the oversight of the financial affairs of the Borough.
- B. Review and report on any financial issues at the request of the Mayor and/or by vote by a majority of the Council.
- C. Make recommendations to the Mayor and Council and other Borough departments with respect to any matters relating to the finances of the Borough of Metuchen.
- D. Meet with the Borough Administrator and Chief Financial Officer prior to the introduction of the annual budget.
- E. Review budget proposals and capital requests from Department Heads.
- F. Periodically review the status of debt of the Borough of Metuchen and make recommendations to the Council relating to the same.
- G. Meet with Bond Counsel, Legal Counsel, Special Legal Counsel and/or the Auditor when necessary, however such meeting shall be upon prior notice and approval by the Borough Administrator, Mayor or the majority of the entire Council.
- H. Meet with the Borough Auditor and Bond Counsel to discuss the Borough's overall plan relating to debt, however, such meeting shall be upon prior notice to and upon the approval of the Borough Administrator, Mayor or the majority of the entire Council.
- I. Meet with Borough Auditor to review and discuss the Borough's annual audit and report to Council relating to the same. However, such meeting shall be upon prior notice to and upon the approval of the Borough Administrator, Mayor or the majority of the entire Council.
- J. Requests reports from the Borough Auditor, Bond Counsel, Legal Counsel, Special Legal Counsel, relating to the fiscal matters or financial obligations of the Borough. However, such requests shall be upon prior notice to and upon the approval of the Borough Administrator, Mayor or the majority of the entire Council.
- K. Review and report to the Council on the performance of revenue and expenses during the budget year.
- L. Make recommendations for the control of expenses and to assist the Council in controlling increases in property taxes.
- M. Recommend to the Mayor and Council the adoption of legislation designed to strengthen the fiscal and financial position of the Borough and to promote the efficient use of the Borough's fiscal and financial resources.
- N. Requests reports from the Borough Administrator and/or the Chief Financial Officer relating to the fiscal matters or financial obligations of the Borough.
- O. Undertake such additional duties and responsibilities as directed by the Mayor or Council.
- P. The Council Finance Review Committee shall be advisory in nature, neither it, nor its members, have the authority to contract, bind or act on behalf of the Borough of Metuchen. Its sole function is to assist the Mayor, Council and Administration of the Borough of Metuchen in the fiscal affairs of the Borough.

BE IT FURTHER RESOLVED, that the establishment of the within Council Finance Review Committee shall not be construed to usurp the authority of, or relieve, the Borough

Administrator, Chief Financial Officer, Tax Collector, Tax Assessor, Borough Treasurer of any power, duty, obligation and/or function designated by law and/or prior Ordinances.

RESOLUTION NO.2013-140

**RESOLUTION RATIFYING AFSCME LOCAL 3440 2011-2013 COLLECTIVE
BARGAINING AGREEMENT**

WHEREAS, the Borough Administrator representing the Governing Body of the Borough of Metuchen, County of Middlesex, State of New Jersey, has negotiated with the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440 for the union's collective bargaining agreement for the period of January 1, 2011 through December 31, 2013; and

WHEREAS, a memorandum of agreement was signed between representatives of the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440 and the Borough of Metuchen; and

WHEREAS, the terms of the memorandum have been ratified by the membership of the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440; and

WHEREAS, the Governing Body of the Borough of Metuchen has reviewed same and is desirous of ratifying said memorandum of agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the terms and conditions of the memorandum of agreement are hereby adopted;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and the same are hereby authorized to execute a contract incorporating the terms of the memorandum of agreement with the Metuchen American Federation of State, County and Municipal Employees, Local No. 3440.

Dated: July 15, 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 **\$878,085.90** was approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to the public for comment.

Tyreen Rueter (16 Durham Ave) stated that on this Saturday the 100 year Anniversary of Lincoln Highway(RT 27). The celebration includes a caravan that will travel the road coming through Metuchen.

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

ADJOURNMENT

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

Respectfully Submitted:

Kathryn Harris
Municipal Clerk

