

BOROUGH OF METUCHEN
COUNCIL MINUTES JUNE 17, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 17, 2013. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilman Wallace 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, 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.

Councilman Cammarano asked that item number 22 R2013-127 be removed from the consent agenda for a separate vote.

Council President Muldoon requested that a committee be formed to review the Complete Streets Policy to work with the Traffic and Transportation Committee to compose a Complete Streets Resolution for the Borough. Mayor Vahalla named Council President Muldoon, Councilman Wallace and Councilwoman Inserro to that committee.

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

HISTORICAL PRESERVATION SCAVENGER HUNT

Council President Muldoon named the winners of the annual scavenger hunt.

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.

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 Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

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 Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

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 Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

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 Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council
President Muldoon**

Nays: None

Abstentions: None

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.

COUNCIL REPORTS

HISTORIC PRESERVATION

Council President Muldoon discussed the grant the Historic Preservation Commission is applying for regarding Middlesex Avenue and Woodwild Park area.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Commission is in the process of creating a permit application for residents who need to have a tree removed from their property.

YOUTH SERVICE

Councilwoman Rasmussen stated that the Committee's focus for the grant they are applying for will be heroine.

BOARD OF HEALTH

Councilwoman Rasmussen stated that the Borough had an incidence of rabies discovered in an abandoned kitten.

SENIOR CITIZEN

Councilwoman Inzerro stated that the Senior Center received a donation to make some improvements to the Senior Center.

ARTS

Councilman Grayzel discussed the upcoming concert schedule provided through the Arts Council

LIBRARY

Councilman Cammarano stated that the Library will be reopening with a portion of the renovations finished at that location. Work will continue to occur through the summer until the projects completion in September.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy discussed the Resolutions renewing Liquor Licenses for business in Metuchen.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

REPORT OF MAYOR

Mayor Vahalla stated that the Metuchen Savings Bank will be hosting a free shredding event on June 22, 2013.

Mayor Vahalla discussed the Fire Department Report. The Fire Department responded to 14 alarms, 120 hours at alarms or emergencies, 334 hours of drills, trainings and meetings as well as the cadets providing 59 volunteer hours.

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 discussed the events and meetings he will be attending this month.

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 15 through 21 and 23 through 33, encompassing resolutions R2013-120 through R2013-126 and R2013-128 through 2013-138 were approved.

RESOLUTION NO. 2013-120

RESOLUTION APPOINTING FIREFIGHTER – FLOECK

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that **Brian Floeck Jr.** 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, **Brian Floeck Jr.** be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

Dated: June 17, 2013

RESOLUTION NO. 2013-121

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2013 to June 30, 2014, be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-012-009	CGC Café LLC T/A Novita 25 New Street	\$2,200
	<u>PLENARY RETAIL DISTRIBUTION</u>	
1210-44-003-002	Great Atlantic and Pacific Tea Co.Inc. Debtor in Possession 45 Pearl Street	\$1,431
1210-44-007-006	Sunny & Shivani. T/A Metuchen Liquor and Delicatessen 422 Main Street	\$1,431
State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL DISTRIBUTION</u>	
1210-44-011-009	Abrol, Inc. T/A Wine Chateau 85 Central Avenue	\$1,431
	<u>CLUBS</u>	
1210-31-014-001	American Legion Fugle Hummer Post 65 Lake and Holly Street Post Office Box 365	\$ 150
1210-31-017-002	Metuchen Elks #1914 87 Middlesex Avenue	\$ 150

Dated: June 17, 2013

RESOLUTION NO. 2013-122
**RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES FOR HHP
 ENTERPRISES LLC WITH STIPULATIONS**

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

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

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

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

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2013 to June 30, 2014 due to past repeated disturbances and nuisances; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2013 to June 30, 2014 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-008-008	HHP Enterprises LLC T/A Hailey's Harp & Pub 400 Main Street	\$2,200

Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the within permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2014.
2. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
3. No service shall be made in the outdoor area after 10:00 P.M. on weekdays, 11:00 P.M. on Friday and Saturday.
4. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
5. Service in the outside area shall be limited to seated customers. No standing service shall be permitted.

Dated: June 17, 2013

RESOLUTION NO. 2012-123

RESOLUTION AUTHORIZING LIQUOR LICENSE RENEWAL FOR SK & SK INC. T/A BROWNSTONE BAR AND GRILL WITH THE SPECIAL CONDITIONS

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

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

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

WHEREAS, while at this stage, no legally valid objections have been made as to why these applications should not be approved, the Borough has received and reviewed complaints relating to the operation of the establishment; and

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following license for the period July 1, 2013 to June 30, 2014 due to complaints and concerns of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption Licenses for the period July 1, 2013 to June 30, 2014 be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-010-005	Sk & Sk Inc.. T/A Brownstone Bar and Grill 932 Middlesex Avenue	\$2,200

Special Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2014.
2. Any music live or recorded shall cease in the outdoor area at 10:00 p.m., seven days a week. After 10:00 p.m., the Applicant shall keep the doors shut in order to ensure compliance with the Borough's concerns related to the outdoor area's use.
3. All of the prior conditions of approval for the use of the outdoor area shall be strictly complied with.
4. The speakers utilized for live or recorded music for the outdoor area shall be re-positioned to face highway 287.

Dated: June 17, 2013

RESOLUTION NO. 2013-124
RESOLUTION AUTHORIZING RENEWAL OF POCKET LIQUOR LICENSE-
MERCADO GRILL

WHEREAS, the following applicant for Plenary Retail Consumption has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2013 to June 30, 2014, be and the same are hereby granted to said applicants.

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-33-009-008	MERCADO GRILL (In pocket)	\$2,200

Dated: June 17, 2013

RESOLUTION NO. 2013-125

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSE-METUCHEN INN

WHEREAS, an application for renewal of Plenary Retail Consumption Liquor License #1210-32-002-003 was submitted by Metuchen Inn A Corp, T/A Metuchen Inn, 424 Middlesex Avenue and received by the Borough of Metuchen; and

WHEREAS, except as stated below, the applicant for renewal of the Plenary Retail Consumption license has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law for renewal of the license; and

WHEREAS, on or about April 16, 2013, the Director of the Division of Alcoholic Beverage Control (hereinafter "ABC") issued an Order of Suspension of Plenary Retail Consumption Liquor License #1210-32-002-003 to commence June 1, 2013, which was later amended by an Amended Order of Suspension to commence on August 1, 2013; and

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

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

WHEREAS, no legally valid objections have been made as to why the application should not be approved subject to the Order of the Director of the ABC,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made, the following application for renewal of the Plenary Retail Consumption License for the period July 1, 2013 to June 30, 2014, be and the same is hereby granted:

State License No.	Licensee & Licensed Premises	Fee Paid
	<u>PLENARY RETAIL CONSUMPTION</u>	
1210-32-002-003	Metuchen Inn A Corp, T/A Metuchen Inn 424 Middlesex Avenue	\$2,200

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that the within renewal shall not be construed as having any effect whatsoever upon and is subject to the Amended Order of Suspension entered by the Director of the ABC suspending this license commencing August 1, 2013 through November 13, 2013 which remains unless further amended.

RESOLUTION NO. 2013-126

RESOLUTION AUTHORIZING APPOINTMENT OF TAX ASSESSOR

BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that Anand P. Verma, be and is hereby appointed as the Tax Assessor for the Borough of Metuchen, for a term to commence July 1, 2013 and ending June 30, 2017.

Dated: June 17, 2013

RESOLUTION NO.2013-128

**RESOLUTION AUTHORIZING THE RENEWAL OF ALL
OF THE BOROUGH'S \$1,714,830 BOND ANTICIPATION**

**NOTES, SERIES 2012B DATED JUNE 27, 2012 AND
PROVIDING FOR OTHER DETAILS OF SAID ISSUE.**

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the "Borough") has heretofore issued its Bond Anticipation Notes, Series 2012B dated June 27, 2012 in the aggregate principal amount of \$1,714,830 (the "Prior Notes"); and

WHEREAS, the Prior Notes mature on June 26, 2013 and it is desirable to renew the Prior Notes in the amount permitted by and pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law"); now, therefore,

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

SECTION 1. That the Prior Notes shall be renewed in an aggregate principal amount of \$1,714,830 and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. Upon renewal, the Prior Notes shall be entitled "Bond Anticipation Notes, Series 2013B" (the "Notes").

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

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

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

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

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

SECTION 7. That the Notes will be "deemed designated" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). The Chief Financial Officer of the Borough is hereby authorized and directed to satisfy

any reporting requirements made necessary by any Federal rules and regulations with respect to such deemed designation of the Notes.

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

SECTION 9. That this resolution shall take effect immediately.

RESOLUTION NO.2013-129
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-005
KATHLEEN MENDEZ – 38 WILLOW ROAD

WHEREAS, Kathleen Mendez posted \$176.00 for sidewalk escrow fees at 38 Willow Road; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Kathleen Mendez,

NOW, THEREFORE, BE IT RESOLVED, that Kathleen Mendez be refunded \$176.00 from the Sidewalk Inspection Escrow account.

Dated: June 17, 2013

RESOLUTION NO.2013-130
REFUND OF OTHER FEES & PERMITS – ELECTRICAL, FIRE & PLUMBING #13-0253
MEYER & DEPEW

WHEREAS, Meyer & Depew, 309 Lafayette Avenue, P.O. Box 257, Kenilworth, NJ 07033 made payment on April 16, 2013 in the amount of \$300.00 for an Electrical, Fire & Plumbing Permit fee for work to be done at 254 Newman Street; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, pursuant to Ordinance #2011-1 a 20% plan review fee shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund Meyer & Depew, 309 Lafayette Avenue, P.O. Box 257, Kenilworth, NJ 07033, in the amount of \$240.00 for the Electrical, Fire & Plumbing Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance No. 2011-1.

Dated: June 17, 2013

RESOLUTION NO. 2013-131
RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO.2013-76
PURCHASE FROM MIDDLESEX REGIONAL EDUCATIONAL SERVICES
COMMISSION FOR REGULAR UNLEADED AND DIESEL FUEL

WHEREAS, there exists a need to purchase **regular unleaded and diesel gasoline** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Middlesex Regional Educational Services Commission #11/12-32 pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 20, 2012 through October 20, 2013; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is amended to increase by \$80, 000 for a total not to exceed \$160,000 and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification of which \$160,000 is certified from the 2013 budget; and

WHEREAS, the Middlesex Regional Educational Services Commission shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Rachles Michele Oil Company, 116 Kuller Road, Clifton, NJ 07011.**

Dated: June 17, 2013

RESOLUTION NO. 2013-132

**RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO.2013-32-
STATE CONTRACT PURCHASE OF TIRES**

WHEREAS, there exists a need to purchase tires for the Borough of Metuchen , in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-82528 and; and

WHEREAS, the final maximum amount of the purchase of tires for the Borough of Metuchen is \$30,000 and

WHEREAS, an additional authorization of 20,000 is granted and funds will be available in the 2013 budget as evidenced by the Chief Financial Officer's Certification, of which a total of \$30,000 is certified from the 2013 budget; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817**

RESOLUTION NO.2013-133

Resolution – Refund of 2011 Taxes

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Sarwin & Miran	37.1/8	51 Dolores Drive	\$1,515.35	Overpayment	2011/2 nd qtr

Chandi					
Sarwin & Miran Chandi	37.1/8	51 Dolores Drive	\$1,912.97	Overpayment	2011/3 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 \$3,428.32.

Dated: June 17, 2013

RESOLUTION NO. 2013-134

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
12-00011	191/18	50 Carson Avenue	Paul & Sandra Sandbeck
11-00016	191/18	50 Carson Avenue	Paul & Sandra Sandbeck
11-00008	130.1/10	25 Prospect Street	Halina Malinowski
10-00009	210/13.2	15 James Place	FNA Jersey Lien Services LLC

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

Dated: June 17, 2013

RESOLUTION NO. 2013-135

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2013, and the Borough of Metuchen Tax Collector will be unable to mail the Borough's 2013 tax bills on a timely basis,

WHEREAS, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY on the 17th of June, 2013, as follows:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2013 taxes. The Tax Collector shall proceed on June 18th, 2013 and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2013 is hereby set at \$52,019,167.92.
3. In accordance with law the third installment of 2013 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Dated: June 17, 2013

RESOLUTION NO.2013-136
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 2012 in the sum of \$20,196.13, which is now available from the State of New Jersey Solid Waste Administration for Clean Communities Grant in the amount of \$20,196.13.

BE IT FURTHER RESOLVED, that the like sum of \$20,196.13 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Solid Waste Administration in the amount of \$20,196.13.

Dated: June 17, 2013

RESOLUTION NO.2013-137
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 \$9,520.00, which is now available from the New Jersey Department of Law and Public Safety Division of State Police for Emergency Management Performance Grant in the amount of \$9,520.00, with the provision of a match in the amount of \$9,520.00, and

BE IT FURTHER RESOLVED, that the like sum of \$9,520.00 is hereby appropriated under the caption New Jersey Department of Law and Public Safety Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Department of Law and Public Safety Division of State Police for Emergency Management Performance Grant in the amount of \$9,520.00.

Dated: June 17, 2013

RESOLUTION NO. 2013-138

CRANFORD CO-OP PURCHASE-ONE (1) 2013 DODGE CHARGER PPV POLICE CAR

WHEREAS, there exists a need to purchase one (1) 2013 Dodge Charger-PPV Police Car for the Police Department in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Cranford Co-Op, of wish the Borough if Metuchen is a member thereof, Contract 12-01 Item #8; and

WHEREAS, the maximum amount of the purchase of (1) 2013 Dodge Charger-PPV Police Car for the Borough of Metuchen is \$22,535.00 and funds are available in the 2013 Budget as evidenced by the Chief Financial Officer's Certification, of which is \$22,535.00 is certified from 2013 Buget; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to **Beyer Chrysler Jeep Dodge Ram, 200 Riverdale Ave, Morristown, NJ.**

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 item number 22, R2013-127 was approved.

RESOLUTION NO. 2013-127

RESOLUTION EXPANDING THE HOURS FOR SALE OF ALCOHOL ON THURSDAY, JULY 4, 2013 –4th OF JULY.

WHEREAS, pursuant to § 53-4 of the Code of the Borough of Metuchen, entitled “Hours of Sale” a liquor licensee is not permitted to sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverages, or suffer consumption of any alcoholic beverages upon the licensed premises between the hours of 1:00 a.m. and 7:00 a.m. on any weekday; and

WHEREAS, the Council of the Borough of Metuchen has received a request from a plenary consumption licensee to expand the “hours of sale” to commence on July 4, 2013 from 1:00 a.m. to 2:00 a.m.; and

WHEREAS, after consultation with the Police Department of the Borough of Metuchen, the Borough Council has determined to grant such request in an uniform fashion to all Plenary Retail Consumption and Club licensees in the Borough.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby expands the “hours of sale” contained in § 53-4 on Thursday, July 4, 2013 from 1:00 a.m. to 2:00 a.m.

BE IT FURTHER RESOLVED by the Council that the within expansion of hours of sale for July 4, 2013 shall be limited solely to the inside of the licensed premises and shall not be for the sale or consumption of alcoholic beverage outside or in an outdoor dining areas during the expanded hours.

BE IT FURTHER RESOLVED that the within resolution shall have no effect whatsoever on the hours of sale of the Plenary Retail distribution licensees within the Borough.

Dated: January 29, 2014

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of **\$3,490,187.70** 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) is being celebrated which 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 Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the meeting was adjourned at 8:40 pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk