

BOROUGH OF METUCHEN
COUNCIL MINUTES –MARCH 4, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, March 4, 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 and Council President Muldoon.

Absent was Councilman Cammarano

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 everyone present in favor the agenda session was opened.

Council President Muldoon requested that R2013-61 be removed from the Consent Agenda for a separate vote. Mayor Vahalla stated that no Developers Agreement was required so that Resolution will be removed from the agenda.

Borough Attorney Murphy explained item #14, R2013-68 and item #13, R2013-67.

A discussion ensued regarding the progress between the American Legion and the Parking Authority negotiations for their new building as well as the additional funds the Parking Authority collected last year.

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

OPEN TO PUBLIC

Mayor Vahalla opened the meeting to the public for comment.

Hearing no one wishing to comment the Mayor closed the public comment section of the agenda.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the Communications Consent Agenda, Item #'s 4-6 were approved.

4. Approve and Accept Parking Authority Meeting Minutes for February 19, 2013.

5. Approve and Accept Planning Board Meeting Minutes for June 7, 2012 and July 19, 2012.

6. Approve Middlesex County Mosquito Extermination Commission Helistop Landing Request

COUNCIL REPORTS

Council President Muldoon discussed the Historic Preservation Committees receipt of a grant regarding Woodwild Park.

TRAFFIC AND TRANSPORTATION

Councilman Wallace discussed the Town Talks meeting.

ENVIRONMETAL

Councilwoman Rasmussen spoke about the presentation the County will be having regarding the Greenway Extension on March 11, at 1:30pm.

SHADE TREE

Councilwoman Rasmussen stated that the Shade Tree Spring planting will consist of 13 trees and 7 alternate possibilities depending on the RFP results. Councilwoman Rasmussen also stated that any new projects coming before the Planning Board will be reviewed by the Shade Tree Commission for the placement of trees at those locations. The tree inventory is also being updated by the Commission.

CHAMBER OF COMMERCE

Councilwoman Inserro stated that the Chambers Dinner and Installation of new members will be on March 16th and April 20th is the Townwide Garage Sale.

BOARD OF HEALTH

Councilwoman Inserro stated that the next Board of Health meeting is April 17th where the adoption of a Heat Ordinance will be addressed.

SENIOR CITIZENS

Councilwoman Inserro stated that Bob Collins has resigned and that a replacement is being sought.

TV AND TECHNOLOGY

Councilman Grayzel stated that review of the Cable Franchise Agreement has begun.

ARTS COUNCIL

Councilman Grayzel discussed the events of the upcoming year for the Arts Council

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

MAYOR’S REPORT

Mayor Vahalla stated that he and Council President Muldoon attended a meeting of the Middlesex County Planning Board regarding the Borough’s Open Space application for the Plaza Town Center Green. The Middlesex County Planning Board was in favor of the Borough’s application and is being forwarded to the Board of Chosen Freeholders for consideration.

Mayor Vahalla discussed the training sessions that he attended offered by the Fire Department.

Mayor Vahalla discussed the Asian Fusion Restaurant ribbon cutting ceremony.

CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Inzerro, with everyone present in favor the New Business Consent Agenda item numbers 8 through 14 encompassing resolutions R2013-62 through R2013-68 were approved.

RESOLUTION NO.2012-62
RESOLUTION AUTHORIZING AMENDMENT TO TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2013, effective March 4, 2013:

Administrative & Executive	OE	15,000.00
Tax Assessment	OE	3,000.00
METV	OE	3,000.00
Group Insurance		200,000.00
Fire	OE	5,000.00
Fire Hydrant Service		5,000.00
Streets & Roads	OE	10,000.00
Buildings & Grounds	OE	4,000.00
Senior Center	OE	200.00
Forestry	OE	2,100.00
Municipal Court	OE	1,200.00
PERS		310,760.00
PFRS		564,040.00
	TOTAL	1,123,300.00

RESOLUTION NO.2013-63
RESOLUTION AUTHORIZING APPROPRIATION RESERVE TRANSFERS

WHEREAS, there are unexpended balances in various 2012 appropriation reserve accounts not required for the balance of 2012; and

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

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

APPROPRIATION		TRANSFER IN	TRANSFER OUT
LEGAL OE	OE	17,000.00	
METV	SW	250.00	
ZONING	SW	850.00	
FIRE HYDRANT SERVICE		2,200.00	
STREETS & ROADS	SW	6,050.00	
BUILDINGS & GROUNDS	SW	1,600.00	
GARBAGE & TRASH	SW	8,202.00	
SENIOR CENTER	SW	930.00	
PARKS & PLAYGROUNDS	SW	1,760.00	
PARKS & PLAYGROUNDS	OE	50.00	
STREET LIGHTING		13,200.00	
TELEPHONE		3,330.00	
UTILITIES			20,422.00
FINANCIAL ADMINISTRATION	SW		12,000.00
FINANCIAL ADMINISTRATION	OE		3,000.00
ELECTIONS	OE		5,000.00
PLANNING	OE		5,000.00
POLICE	SW		5,000.00
POLICE	OE		5,000.00
	TOTALS	55,422.00	55,422.00

Dated: March 4, 2013

RESOLUTION NO. 2013-64
**RESOLUTION APPROVING 2013-2014 COMMUNITY DEVELOPMENT BLOCK
GRANT PROJECT**

WHEREAS, the Metuchen Community Development Advisory Committee met and made a recommendation for the use of the 2013-2014 Community Development Block grants funds to provide for the salaries of the Senior Citizen shuttle bus drivers, Senior Citizen programs and sidewalk and handicap ramp improvements in the Borough of Metuchen,

WHEREAS, the needs identified by the Metuchen Community Development Advisory Committee concerning the above referenced improvements and services are applicable to the designated target neighborhood and throughout the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that on the basis of input from the Metuchen Community Development Advisory Committee and the input from the public hearing, the Borough Administrator is hereby authorized to prepare an application to be submitted for the utilization of the 2013-2014 Community Development Block Grant to provide for the salaries Senior Citizen shuttle bus drivers, Senior Citizen programs and sidewalk and handicap ramp improvements in the designated target areas and throughout the Borough of Metuchen.

Dated: March 4, 2013

RESOLUTION NO. 2013-65

**RESOLUTION APPOINTING MIDDLESEX COUNTY TRANSPORTATION
COORDINATING COMMITTEE MEMBER AND ALTERNATE MEMBER- DANIELLE
MCMAHAN AND BRIAN TOBIN**

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen have received notification that an appointment and alternate appointment must be made to the Middlesex County Transportation Coordinating Committee for 2013; and,

NOW, THEREFORE, BE IT RESOLVED that Danielle McMahan be appointed as the designee to the Middlesex County Transportation Coordinating Committee for the calendar year 2013; and

BE IT FURTHER RESOLVED that Brian Tobin be appointed as an alternate designee to the Middlesex County Transportation Coordinating Committee for the calendar year 2013; and

BE IT FURTHER RESOLVED that certified copy of this resolution be forwarded to the Middlesex County Transportation Coordinating Committee.

Dated: March 4, 2013

RESOLUTION NO.2013-66

RESOLUTION AUTHORIZING REFUND of 2013 TAXES

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Dragoslav/Mirjana Novkovic	96/2	141 Oak Ave	\$3,563.98	Overpayment	2013/1 st 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 \$3,563.98.

Dated: March 4, 2013

RESOLUTION NO. 2013-67

**RESOLUTION EXPANDING THE HOURS FOR SALE OF ALCOHOL ON SUNDAY,
MARCH 17, 2103 – ST. PATRICK’S DAY.**

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 2:00 a.m. and 12:00 noon on Sunday

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 March 17, 2013 from 12:00 p.m. to 10:30 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 Sunday, March 17, 2013 from 12:00 p.m. to 10:30 a.m.

BE IT FURTHER RESOLVED by the Council that the within expansion of hours of sale for March 17, 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

RESOLUTION NO. 2013-68

**RESOLUTION AUTHORIZING RENEWAL OF A LIQUOR LICENSE FOR SPING, INC,
T/A NJ’S TAVERN AND RESTAURANT WITH THE RESTRICTIONS CONTAINED IN
THE THIRD AMENDED CONSENT ORDER**

WHEREAS, Notices of Charges were filed against Sping, Inc. which resulted in various Consent Orders entered between Sping, Inc. and the Division of Alcoholic Beverage Control; and

WHEREAS, by a Second Amended Consent Order dated October 28, 2011, Sping, Inc. agreed to, inter alia, transfer the license to a bona fide third party by June 30, 2012, otherwise the license would be suspended indefinitely; and

WHEREAS, Sping, Inc. failed to comply with the Second Amended Consent Order to transfer the license within the time required and pursuant to the terms of the Second Amended Order this license has been suspended indefinitely since July 1, 2012; and

WHEREAS, on September 7, 2012, the Director of the Division of Alcoholic Beverage Control (“Director”) entered a Third Amended Order relating to Sping, Inc. and its license, in part, ordering that the license must be transferred to a bona fide third party no later than June 30, 2013, or the license will lapse and cease to exist; and

WHEREAS, pursuant to the Third Amended Order, Sping, Inc. was permitted to a immediately file a renewal application with the Borough of Metuchen and to seek further relief of a Special Ruling from the Division pursuant to *N.J.S.A.* 33:1-12.18 before the license could be renewed; and

WHEREAS, on or about October 1, 2012, Sping, Inc. filed a full twelve (12) page application with the Borough of Metuchen; and

WHEREAS, on October 12, 2012, the Director entered a Special Ruling granting relief pursuant to *N.J.S.A.* 33:1-12.18 for the 2012 license term wherein the Director found that the Borough of Metuchen may consider renewal of the license for the 2012-2013 term and in light of the fact that the application was to be considered an application for a “new” license, the licensee was required to advertise in accordance with *N.J.A.C.* 13:2-2.5 within forty five (45) days of the date of the Special Ruling or the Special Ruling was null and void; and

WHEREAS, by order dated December 19, 2012, the Director extended the publication deadline from November 26, 2012 to no later than February 4, 2013; and

WHEREAS, by letter dated, January 14, 2013, counsel for Sping, Inc. has supplied the Borough with an Affidavit of Publication on January 2nd and 9th, 2013 in the Home News Tribune; and

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

WHEREAS, on or about June 7, 2012 an application for a transfer of the license was filed with the Borough; and

WHEREAS, during the course of its investigation of the transfer of the license, the Police Department became aware of facts which called into question the validity of the transfer application and the matter was immediately referred to the Division of Alcoholic Beverage Control, who, in turn, has requested a meeting of all of the parties to discuss the issues which arose; and

WHEREAS, at this point in time, no objections have been made as to why the application to renew should not be approved under the conditions set forth in the Third Amended Order, including but not limited to the license is to remain suspended indefinitely until the license has been transferred to a bona fide third party but no later than June 30, 2013;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to and subject to the conditions of the Third Amended Order the following Application for renewal for Plenary Retail Consumption of Sping, Inc., t/a NJ's Tavern and Restaurant, 154 Main Street, Metuchen, NJ, State License No. 1210-33-006-004 for the period July 1, 2012 to June 30, 2013 be and the same is hereby granted; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that the within renewal is subject to the Third Amended Order entered by the Director suspending this license indefinitely until such time as the license is transferred to a bona fide third party and approved by the Borough and the Division of Alcoholic Beverage Control, which remains in full effect. Hence, although the license is renewed it remains suspended indefinitely. Moreover, if the license is not transferred to a bona fide third party by June 30, 2013, the Director of the Division of Alcoholic Beverage Control has ordered that the license will lapse and cease to exist,

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that the within renewal shall not be construed as a waiver of any rights or actions the Borough may take relating to the license or licensee, nor shall it be construed as an approval to transfer the license.
Dated: March 1, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with everyone present in favor the Bill Resolution in the amount of **\$589,113.54** was approved.

APPOINTMENTS

Danielle McMahon-Middlesex County Traffic and Transportation Committee
Brian Tobin-Alternate- Middlesex County Traffic and Transportation Committee

ORDINANCE-INTRODUCTION

On a motion by Council President Muldoon, seconded by Councilman Wallace, with everyone present in favor Ordinance No. 2013-3 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance No. 2013-3 was passed on first reading, published according to law and a public hearing date set for March 18, 2013

ROLL CALL VOTE:

AYES: Grayzel, Inzerro, Rasmussen, Wallace, and Council President Muldoon

NAYS: None
ABSTENTIONS: None
ABSENT: Councilman Cammarano

ORDINANCE NO. 2013-3

AN ORDINANCE AMENDING § 185-23, ENTITLED “MULTIWAY STOP INTERSECTIONS”

WHEREAS, pursuant to N.J.S.A. 39:4-140, § 185-23 of the Code of the Borough of Metuchen designates certain streets and intersections within the Borough as “Multiway Stop Intersections: and

WHEREAS, the Police Department of the Borough of Metuchen have reviewed and recommended adding the intersection of Memorial Parkway and Rose Street to § 185-23 of the Code; and

WHEREAS, the Borough of Metuchen has deemed it in the best interest of the citizens of Metuchen to amend § 185-23, entitled “Multiway Stop Intersections” adding three stop signs located at the intersection of Memorial Parkway and Rose Street, specifically (1) Eastbound on Memorial Parkway at Rose Street; (2) Westbound on Memorial Parkway at Rose Street and (3) Northbound on Rose Street at Memorial Parkway;

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that § 185-23 be amended to include the following intersection and stop signs:

Intersection

Memorial Parkway and Rose Street

Stop Signs On

Eastbound on Memorial Parkway at Rose Street;

Westbound on Memorial Parkway at Rose Street

Northbound on Rose Street at Memorial Parkway

BE IT FURTHER ORDAINED that the remaining sections and provisions of § 185-23 not mentioned herein shall remain in full force and effect; and

BE IT FURTHER ORDAINED that every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared invalid or unconstitutional it shall not affect the remaining parts of this ordinance; and

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law.

Dated: March 4, 2013

PUBLIC COMMENT

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

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

ADJOURNMENT

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, everyone present in favor the meeting was adjourned at 8:14 pm.

Respectfully Submitted:

Kathryn Cirulli
Municipal Clerk