

**BOROUGH OF METUCHEN
COUNCIL MINUTES OCTOBER 7, 2013**

A Regular Meeting of the Borough Of Metuchen was held in the Council Chambers of Borough Hall on Monday October 7, 2013. The meeting was called to order at 7:30pm by Mayor Vahalla. The invocation was given by Councilman Rasmussen followed by the Pledge of Allegiance. The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

Present were Councilmembers Wallace, Rasmussen, Inserro, Grayzel, Cammarano and Council President Muldoon.

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

AGENDA SESSION

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

Mayor Vahalla stated that there was a late addition to the Communication Consent agenda, Item C for a Block Party on Home Street and a new addition to top the New Business Consent agenda, Item Y 2013-202, a Resolution for the Police Department to apply for a grant.

Council President Muldoon informed the Council that this evening they will be receiving a draft of the Complete Street resolution and policy.

Councilwoman Rasmussen asked if the Shade Tree Commission could have a non-voting secretary appointed.

Mayor Vahalla asked for a name to be provided to him for an appointment at the next Council meeting.

Councilwoman Inserro asked if the surveys on the Pedestrian Flag Pilot Program could be made available at the Senior Citizens Center, Senior apartments and on the Borough website.

Mayor Vahalla agreed.

Councilwoman Inserro stated that she would make sure this was accomplished.

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

THE METUCHEN RESCUE SQUAD-CAR-TRUCK-MOTORCYCLE PRESENTATION

The sponsors of the event spoke about the benefit that was held in August and presented the First Aid Squad with a check for \$1,000.00.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Grace Shackney(110 Columbia Avenu) spoke about the process in place regarding the appointments to boards and committees.

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

ORDINANCES-PUBLIC HEARING

Council President Muldoon moved to rescind and reject the first reading of Ordinance 2013-13, seconded by Councilwoman Rasmussen.

ROLL CALL VOTE

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

Nays:

Borough Attorney Murphy stated just to clarify that this ordinance has been rejected and has no effect or standing.

RESOLUTION NO.2013-168

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor Resolution 2013-168 rejection from the Consent Agenda was approved. NO VOTE WILL BE TAKEN ON SAID RESOLUTION

RESOLUTION NO. 2013-168
RESOLUTION SETTING MINIMUM BID AMOUNTS
FOR THE SALE OF BOROUGH OWNED LAND

WHEREAS, the Borough of Metuchen obtained title interest by way of foreclosure of certain real property located at Block 33, Lots 1 and 2 and Block 33, Lots 23.01, 24.01 and 25.01 as shown on the tax map of the Borough of Metuchen; and

WHEREAS, said property is not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property by open public sale at auction to the highest bidder pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, the Borough of Metuchen has determined that it to be in the best interest of the Borough to auction off and sell the real property as two separate distinct Properties of land consisting of the following: (1) Block 33, Lots 1 and 2 and (2) Block 33, Lots 23.01, 24.01 and 25.01.

WHEREAS, by way of Ordinance No. 2013-13, the Borough of Metuchen authorized the public sale at auction of the above Borough owned property not needed for public use; and

WHEREAS, the Mayor and Council of the Borough of Metuchen deems it in the best interest of the Borough to set a minimum bid on the sale of the two (2) properties at the following

(1) Block 33, Lots 1 and 2 - \$_____

(2) Block 33, Lots 23.01, 24.01 and 25.01 - \$_____.

WHEREAS, the Mayor and Council of the Borough of Metuchen also deems it in the best interest of the Borough to delegate to the Borough Administrators the authority to set the date and time for the public sale at auction for the two (2) properties in order to properly advertise as well as set any further conditions of sale not inconsistent with those set forth in Ordinance No. 2013-13 or herein;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that it hereby sets the minimum bid for the sale at public auction as follows:

(1) Block 33, Lots 1 and 2 - \$_____

(2) Block 33, Lots 23.01, 24.01 and 25.01 - \$_____.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that it hereby establishes the following conditions of sale of the Properties:

1. The property shall be auctioned and sold as two separate and distinct Properties and in two separate transactions consisting of the following:
 - (a) Block 33, Lots 1 and 2; and
 - (b) Block 33, Lots 23.01, 24.01 and 25.01

The auction and bids therefore shall only be accepted on subsection (a) and/or (b) above. Bidders will not be permitted to bid separately on the individual lots mentioned above.

2. The sale of the Properties, as designated in (a) and (b) of section 1, shall be conducted by open public sale at auction to the highest bidder after advertisement thereof in a

newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property, and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

3. The sale of the Properties is subject to acceptance and approval of bids by way of further Resolution of the Council of the Borough of Metuchen.
4. The Council of the Borough of Metuchen hereby reserves the right to withdraw this offer to sell, or upon completion of the bidding, to accept or reject any or all bids for said property despite whether the minimum bid is met or to waive any informality in relation thereto.
5. The successful bidder shall abide by appropriate zoning, subdivision, health and building regulations and codes or obtain variance relief from same and stipulates that the sale alone will not be used as grounds to support any variance from the Regulations.
6. The sale of the Properties shall not be construed as an approval to develop, construct, build or use the Property. The purchaser of the Property shall be subject to obtaining all necessary governmental approvals for the same. Moreover, the sale of the Property shall not be subject to the aforementioned approvals.
7. Purchasers of the Property shall merge the properties conveyed as designated in (a) and (b) of Section 1 above, to create one tax lot for each Property.
8. The conveyance of title shall be by quitclaim deed, and the sale shall be subject to easements and restrictions of record, if any; such facts as an accurate survey and inspection of the premises may reveal municipal and all other governmental laws, ordinances and regulation. The Property shall be sold in its "as is" condition.
9. The Borough does not warrant or certify title to the Property and in no event shall the Borough of Metuchen be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Borough. It shall be the obligation of the bidders to examine title to said Properties.

10. The auction amount of the bids shall commence at a sum equal or greater to the minimum bid set forth herein and shall be increased in increments of \$100.00 or higher.
11. Potential Bidders are advised:
 - A. To conduct all necessary title searches prior to the date of sale.
 - B. That the descriptions of the Properties are intended as a general guide only and may not be accurate. **NO REPRESENTATION OF ANY KIND ARE MADE BY THE BOROUGH AS TO THE CONDITIONS OF THE PROPERTIES, SAID PROPERTIES ARE BEING SOLD IN THEIR PRESENT CONSIDITIONS "AS IS".**
 - C. Bidder shall deposit cash, check or money order in the amount of not less than 10% of the bid price at the time of the closing of the auction. In the event that the highest bidder at auction fails to deposit 10% of the bid price at the time of the auction, the Borough may re-auction the Property at the same sale.
 - D. Acceptance of the bids at the auction shall constitute a binding offer to purchase the property subject only to the approval and acceptance of the Council of the Borough of Metuchen. In the event that the Council approves the sale of the Property and the successful bidder fails to pay the balance of the purchase price or fails to close on the property within sixty (60) days from the date of the auction, the successful bidder shall forfeit the deposit to the Borough.
 - E. The submission of the bid at the public auction shall be deemed as an agreement to comply with the terms and conditions as provided in Ordinance 2013-13 and herein.
 - F. Successful bidders shall pay at the time of closing:
 - i. The balance of the purchase price.
 - ii. All costs incurred by the Borough of Metuchen associated with the sale and transfer of the aforementioned Property, including but not limited to the Borough's Attorney's fees and costs associated with the auction, sale and transfer of the aforementioned Property, the costs of publication of the within Ordinance, costs of the publication of the Notice of Sale and any other fees reasonably related to the transfer of the Property.
 - iii. Prorated real estate taxes for the balance of the current year as of the date of the closing.
12. The property will be sold subject to 2013 taxes, pro-rated from the date of delivery of the Deed.
13. The Purchaser of the Property shall be responsible for all costs incurred by the Borough of Metuchen associated with the sale and transfer of the aforementioned Property, including but not limited to the Borough's Attorney's fees and costs associated with the auction, sale and transfer of the aforementioned Property, the costs of publication of the within Ordinance, costs of the publication of the Notice of Sale and any other fees reasonably related to the transfer of the Property.
14. To the extent applicable and in the event that it is subsequently determined that the Properties are less than the minimum size required for development under the municipal zoning ordinances, any successful bid shall be subject to prior refusal to purchase such land of the owner or owners of any real property contiguous to such substandard property on the same conditions and sale as set forth herein.

15. Neither the minimum bids set forth herein nor the ultimate purchase prices for the Properties shall be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
16. In the event that the successful bidder fails to close on the Property, the Borough may turn to sell the Property to the next to highest bidder/s in the order of highest to lowest bids without the necessity of a second auction. However, in no event shall the sale amount be lower than the minimum bid set forth herein.
17. Notwithstanding Section 15, successful bidders, who fail to close title on the Properties as set forth herein, shall forfeit to the Borough of Metuchen any and all money deposited with the Borough if they fail to close title as set forth herein.
18. Successful Bidders may not withdrawal their offers to purchase the Properties until such time the Mayor and Council have had the opportunity to review and determine whether to accept or reject the offer to purchase the Properties. The Borough Council's determination to accept or approve the offers to purchase shall constitute a binding agreement of sale.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that it hereby delegates to the Borough Administrators the authority to set the date and time for the public sale at auction for the two (2) properties to be advertised public pursuant to law as well as to set any further conditions of sale not inconsistent with those set forth in Ordinance No. 2013-13 or herein;

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that it hereby designates and delegates to the Mayor, Borough Administrators and all other Borough employees and officials the authority to conduct and effectuate the public sale at auction of the Properties and

ORDINANCE 2013-14

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-14- Said ordinance has been published one time in the Home News Tribune in accordance to law on September 23, 2013.

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 to read the ordinance by title only- **ORDINANCE 2013-14 REFUNDING BOND ORDINANCE OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PORTION OF THE BOROUGH'S OUTSTANDING GENERAL IMPROVEMENT BONDS OF 2004 DATED DECEMBER 1, 2004, APPROPRIATING NOT TO EXCEED \$12,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,000,000 REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COST THEREOF**

Mayor Vahalla opened the meeting to the public for comment.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor Ordinance 2013-14 be passed on second reading and published according to law was approved.

ROLL CALL VOTE

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

NAYS:

COMMUNICATIONS CONSENT AGENDA

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

- A. Receive and Accept TV and Technology Committee Minutes of May 30, 2013.
- B. Receive and Approve Block Party Request for Milton Street on Sunday October 18, 2013.
- C. Receive and Approve Block Party Request For Home Street On Saturday October 12, 2013.
- D. Receive Parking Authority Minutes for August 20, 2013.

BEST PRACTICE INVENTORY

Borough Administrator Boerth reported on the Best Practice Inventory which is required yearly by the state. Councilman Cammarano added that there is room for growth however there are areas where things were done adequately but can still be approved upon.

REPORTS OF OFFICIALS

Council President Muldoon stated that the Parking Authority is engaged in creating a parking management plan for the Borough.

Councilman Wallace stated that this is Fire Prevention week and the open house at the Fire House is Friday night.

SHADE TREE

Councilwoman Rasmussen reported the Shade Tree Commission was awarded honorable mention at the Metuchen Country Fair for the second year in a row.

MUNICIPAL ALLIANCE/YOUTH SERVICE

Councilwoman Rasmussen stated that Saturday October 26th is Medicine Take Back Day from 10:00am-2:00pm, location will be forth coming. Councilwoman Rasmussen stated that the Youth Service Board is sponsoring a Treasure Hunt Event as a fundraiser for its many programs it offers. The event will take place on October 12th, 19th and 26th from 9:00am-2:00pm in the Pearl Street parking lot.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission had a positive response to the petition for the extension of the Greenway at the Country Fair.

BOARD OF HEALTH

Councilwoman Inserro reported the Board of Health will be meeting on October 16th to discuss the proposed dog park as well as health requirements that might come into play for the possibility of a dog park.

CHAMBER OF COMMERCE

Councilwoman Inserro stated that the Farmer's market will be extended to November 23rd.

CABLE TV AND TECHNOLOGY

Councilman Grayzel reported the Borough Cable and TV Technology Commission was at the fair conducting a public survey on METV, The Borough Website and the Metuchen Government Facebook page. Councilman Grayzel also stated that the Borough Administrator is currently reviewing a recommended social media policy drafted by the commission

ARTS

Councilman Grayzel stated that this Sunday is the Arts Council's Gallery Walk.

LIBRARY

Councilman Cammarano reported the Library Board will meet tomorrow and continue with the selection of the new librarian.

REPORT OF THE BOROUGH ADMINISTRATOR

Borough Administrator Boerth had no report.

REPORT OF THE BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF THE MAYOR

Mayor Vahalla stated that at the next Council meeting the Girl Scouts will be attending to discuss the progression of a Dog Park Committee and Dog Park in Metuchen.

NEW BUSINESS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the New Business Consent Agenda items B through Y, encompassing resolutions R2013-179 through R2013-202 were approved.

RESOLUTION NO. 2013-179

APPOINTMENT OF FIRE FIGHTER – OLIVA

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

Dated: October 7, 2013

RESOLUTION NO.2013-183

A RESOLUTION AMENDING RESOLUTION R2013-104 “A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANGEMENT (WQM) PLAN AMENDMENT ENTITLED: MIDDLESEX COUNTY FUTURE WASTEWATER SERVICE AREA MAP”

WHEREAS, the Borough of Metuchen desires for the orderly development of wastewater facilities within the Lower Raritan-Middlesex County WQM area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 7, 2013 for a Proposed Amendment to the Lower Raritan-Middlesex County Water Quality Management Plan entitled: Middlesex County Future Wastewater Service Area Map has been prepared by the Middlesex County Office of Planning Division of Comprehensive Planning and the Environment;

NOW, THEREFORE, BE IT RESOLVED on this 7th day of October, 2013, by the governing body of the Borough of Metuchen that:

1. The Borough of Metuchen has previously expressed a concern to the County with regard to the draft Sewer Service Area (SSA) map and the proposed removal of sewer servicing from a small portion of what is commonly known as “The Gulton Tract”, located at 212 Durham Avenue. This approximate two-acre area contains portions of an existing paved parking lot and a previously-disturbed field located at the end of Gulton Street. Over the past several years, the Borough has been exploring redevelopment scenarios for this property which will leverage the implementation of the Middlesex Greenway Extension Plan including major new public access to the Dismal Swamp. An amendment to the SSA map that would retain sewer servicing for that portion of this property containing an existing parking lot and a previously-disturbed field not constrained by wetlands will create a greater likelihood that an implementable redevelopment scenario can be achieved including the public benefit of enhanced community access to the Dismal Swamp;
2. The Borough of Metuchen hereby consents to the amendment entitled Middlesex County Future Wastewater Service Area Map and publicly noticed on October 7, 2013, prepared by the Middlesex County Office of Planning Division of Comprehensive Planning and the Environment with the above noted concerns for the purpose of its incorporation into the applicable WQM plan(s);
3. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4 and the Middlesex County Office of Planning Division of Comprehensive Planning and the Environment.

Dated: October 7, 2013

RESOLUTION NO. 2013-184

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 21 COAN PLACE-MATTCO PLUMBING AND HEATING, LLC #13-061

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by **Mattco Plumbing and Heating, LLC** as the required Performance Guarantees for Street Opening #13-061-13-061-21 Coan Place; 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, **Mattco Plumbing and Heating, LLC, PO Box 288, Metuchen, NJ,08840**, as recommended by the Director of Public Works.

Dated: October 7, 2013

RESOLUTION NO. 2013-185

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 24 DESSER PLACE-MATTCO PLUMBING AND HEATING, LLC #13-063

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by **Mattco Plumbing and Heating, LLC** as the required Performance Guarantees for Street Opening #13-063-24 Desser Place; 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, **Mattco Plumbing and Heating, LLC, PO Box 288, Metuchen, NJ,08840**, as recommended by the Director of Public Works.

Dated: October 7, 2013

RESOLUTION NO. 2013-186

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 14 POPLAR STREET-KL SERVICES, LLC. #13-039

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by **KL Services, LLC.**, as the required Performance Guarantees for Street Opening **#13-039-14 Poplar Street**; 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, **KL Services, LLC., 222 Wilson Road, Somerset, NJ 08873**, as recommended by the Director of Public Works.

Dated: October 7, 2013

RESOLUTION NO. 2013-187

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 52 MARTIN STREET-KL SERVICES, LLC. #13-040

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by **KL Services, LLC.**, as the required Performance Guarantees for Street Opening **#13-040-52 Martin Street**; 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, **KL Services, LLC., 222 Wilson Road, Somerset, NJ 08873**, as recommended by the Director of Public Works.

Dated: October 7, 2013

RESOLUTION NO. 2013-188

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING 73 CHARLES STREET-KL SERVICES, LLC. #13-041

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by **KL Services, LLC.**, as the required Performance Guarantees for Street Opening #**13-040-73 Charles Street**; 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, **KL Services, LLC., 222 Wilson Road, Somerset, NJ 08873**, as recommended by the Director of Public Works.

Dated: October 7, 2013

RESOLUTION NO.2013-189

REFUND OF OTHER FEES & PERMITS – ELECTRICAL, PLUMBING & FIRE PERMIT #13-0634-QUALITY AIR SPECIALISTS

WHEREAS, Quality Air Specialists, 104 Snyder Road, South Plainfield, NJ, 07080, made payment on August 13, 2013 in the amount of \$345.00 for an Electrical, Plumbing & Fire Permit fee for work to be performed at 118 Rutgers Street; and

WHEREAS, the Contractor submitted the furnace permit in error to Metuchen since the homeowner had already moved to Scotch Plains, NJ; 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 Quality Air Specialists, 104 Snyder Road, South Plainfield, NJ, 07080, in the amount of \$276.00 for the Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance No. 2011-1.

Dated: October 7, 2013

RESOLUTION NO.2013-190

REFUND OF OTHER FEES & PERMITS – ELECTRICAL PERMIT #13-0715 UNITED WATERPROOFING

WHEREAS, United Waterproofing, 199 W. Chrystal Street, Dover, NJ, 07801, made payment on September 16, 2013 in the amount of \$60.00 for an Electrical Permit fee for work to be performed at 626 Main Street; and

WHEREAS, the electrical permit was not required because there was a outlet existing for the installation of the sump pump; 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 United Waterproofing, 199 W. Chrystal Street, Dover, NJ, 07801, in the amount of \$48.00 for the Electrical Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance No. 2011-1.

Dated: October 7, 2013

RESOLUTION NO.2013-191
RESOLUTION TO REDUCE 2012 TAXES

WHEREAS, a State Tax Court Appeal judgment was awarded to Block 197, Lot 61 C0208, 239H Amboy Avenue for 2012,

WHEREAS, the assessed value for this parcel was reduced for 2012 by \$19,400.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$1,017.53 for 2012, with \$0.60 of statutory interest payable,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2012 taxes on Block 197, Lot 61 C0208 in the amount of \$1,017.53 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$1,017.53 plus \$0.60 statutory interest.

Dated: October 7, 2013

RESOLUTION 2013-192
RESOLUTION TO REDUCE 2012 TAXES

WHEREAS, a State Tax Court Appeal judgment was awarded to Block 197, Lot 61 C0408, 241H Amboy Avenue for 2012,

WHEREAS, the assessed value for this parcel was reduced for 2012 by \$11,800.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$618.91 for 2012 with \$0.36 of statutory interest payable,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2012 taxes on Block 197, Lot 61 C0408 in the amount of \$618.91 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$618.91 plus \$0.36 of statutory interest.

Dated: October 7, 2013

RESOLUTION NO.2013-193
RESOLUTION TO REDUCE 2012 TAXES

WHEREAS, a State Tax Court Appeal judgment was awarded to Block 214, Lot 64, 4 Sheffield Place for 2012,

WHEREAS, the assessed value for this parcel was reduced for 2012 by \$17,830.00,

WHEREAS, the reduction in taxes for the above referenced Block and Lot for 2012 is \$935.18 for 2012,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2012 taxes on Block 214, Lot 64 in the amount of \$935.18 due to the successful State Tax Court Appeal for the year 2012, including amendments, and refund the resulting tax overpayment in the amount of \$935.18.

October 7, 2013

RESOLUTION NO. 2013-194
RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amount indicated, the following escrow balances to the depositors, as the project has been determined to be closed:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
09-8691 E	277.00	Wine Chateau 85 Central Avenue
12-042 E	1,180.85	Bikash Shrestha 24 Robins Place

Dated: October 7, 2013

RESOLUTION NO.2013-195
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-027
DECOTEMPS CONSTRUCTION COMPANY – 8 NORCROSS AVENUE

WHEREAS, Decotemps Construction Company, posted \$185.00 for curb and apron escrow fees at 8 Norcross Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Decotemps Construction Company,

NOW, THEREFORE, BE IT RESOLVED, that Decotemps Construction Company be refunded \$185.00 from the Sidewalk Inspection Escrow account.

Dated: October 7, 2013

RESOLUTION NO.2013-196
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-026
IRV BRECHNER – 10 BROCKTON COURT

WHEREAS, Irv Brechner, posted \$32.00 for sidewalk escrow fees at 10 Brockton Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Irv Brechner,

NOW, THEREFORE, BE IT RESOLVED, that Irv Brechner be refunded \$32.00 from the Sidewalk Inspection Escrow account.

Dated: October 7, 2013

RESOLUTION NO.2013-197
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-028
LOCHIATTO PAVING MASONRY CO. – 73 STONEHAM PLACE

WHEREAS, Lochiatto Paving Masonry Co. posted \$91.00 for curb and sidewalk escrow fees at 73 Stoneham Place; and

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

NOW, THEREFORE, BE IT RESOLVED, that Lochiatto Paving Masonry Co. be refunded \$91.00 from the Sidewalk Inspection Escrow account.

Dated: October 7, 2013

RESOLUTION NO.2013-198
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-013
ROSEANNE RUSSO – 11 ELM COURT

WHEREAS, Roseanne Russo posted \$142.00 for curb and sidewalk escrow fees at 11 Elm Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Roseanne Russo,

NOW, THEREFORE, BE IT RESOLVED, that Roseanne Russo be refunded \$142.00 From the Sidewalk Inspection Escrow account.

Dated: October 7, 2013

RESOLUTION NO.2013-199
RESOLUTION AUTHORIZING REFUND OF 2013 TAXES

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Jo Ann & Michael Orlando	90/8	31 William Street	\$598.43	Overpayment	2013/3 rd qtr

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

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$598.43.

Dated: October 7, 2013

RESOLUTION NO.2013-200
RESOLUTION TO GRANT EXEMPTION FOR DISABLED VETERAN
AND TO REFUND 2013 TAXES

WHEREAS, the Tax Assessor of the Borough of Metuchen has been provided sufficient proof that the owner of the property known as 126 Hollywood Avenue, Block 224, Lot 56, in the Borough of Metuchen is owned by the widow of a 100% Permanently & Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs dated August 9, 2013, and

WHEREAS, the property owner's widow Patricia Kaminski has provided the documentation that her deceased spouse Michael has been determined to be totally and permanently disabled by the Department of Veteran Affairs,

WHEREAS, Patricia Kaminski has applied to the Borough of Metuchen for the tax exemption on August 30, 2013 for the property she purchased on July 10, 2013, for Block 224, Lot 56,

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Chief Financial Officer/Tax Collector is hereby authorized to refund the homeowner the monies already paid for the 2013 from the date of purchase forward, in the amount of \$1,845.02, and to cancel the remaining 2014 taxes as levied.

Dated: October 7, 2013

RESOLUTION NO 2013-201
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>
12-00005	112/13.1	19 Center Street	Hope Associates

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

Dated: October 7, 2013

RESOLUTION NO.2013-202
PREVENTION (OJJDP) ENFORCING THE UNDERAGE DRINKING LAWS STATE BLOCK GRANT PROGRAM; RESOLUTION APPROVING PARTICIPATION AND ACCEPTING AWARD FROM THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, the Borough of Metuchen Police Department wishes to apply to ABC and accept funds in the sum of \$3,248.33 in connection with a project entitled Cops in Shops Grant; for the period of November 15, 2013 to August 30, 2014.

WHEREAS, the Borough of Metuchen Police Department has reviewed said application and finds approval thereof to be in the best interests of the municipality/county; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and Borough of Metuchen Police Department for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen (1) that as a matter of public policy the Borough of Metuchen Police Department wishes to participate with the State of New Jersey (ABC) to the greatest extent possible; (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality/county; and (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

CERTIFICATION OF RECORDING OFFICER

This is to certify that the foregoing Resolution is a true and correct copy of a Resolution finally adopted at the meeting of the Borough Council of Metuchen held on the 7th day of October, 2013, and duly recorded in my office; that all requirements of law pertaining to the conduct of

said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

DATED this 7th day of October, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of \$3,440,774.57 was approved.

APPOINTMENTS

Mayor Vahalla appointed Patrick Lobdell to the Traffic and Transportation committee.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the appointment of Patrick Lobdell was confirmed.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Angela Seilski(68 Forrest Street) stated she appreciated everyone's support, including thanking the police, fire, rescue and DPW in regards to the Country Fair.

Linda Lastella(242 Amboy Avenue) commented on the gallery walk which encompass 4 permanent galleries in Metuchen.

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

ADJOURNMENT

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