

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
December 1, 2014
7:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, December 1, 2014.

The Meeting was called to order at 7:30 p.m. by Mayor Vahalla and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. 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 is posted in the Municipal Building and filed in the Borough Clerk's office within seven days of the annual Organization meeting of this body.

The Invocation given by Councilwoman Rasmussen and was followed by the Pledge of Allegiance.

Mayor Vahalla invited Council-elect Reed Leibfried to join the Borough Council at the dais.

Present were Councilmembers Rasmussen, Grayzel, Cammarano and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Susan Jackson, Borough Clerk. Councilmembers Inserro and Wallace were absent.

Agenda Session:

Council President Muldoon moved to open the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor the agenda session was opened.

Council President Muldoon stated that Acting Chief Dave Irizarry has named Corp. Ken Bauer to the Traffic Safety position effective today, December 1, 2014. Corp. Bauer has had prior experience as a Traffic Safety Officer and some of his duties will include traffic enforcement, pedestrian safety details, pedestrian and traffic safety training, performing traffic studies and doing monthly accident reports. He will also be the liaison to County Traffic Officers Unit, liaison to the State Department of Transportation and liaison to Metuchen's Traffic and Transportation Committee and doing monthly DMV check points.

Councilman Cammarano asked the status of the snow removal equipment for sidewalks. Bill Boerth stated that the purchase of the equipment has been made. The purchase was under the bid threshold and did not have to come before the Council for approval. The estimated time of delivery is sometime at the end of December or early January.

Councilman Cammarano asked if there were any updates on the fence on the Little League Field. It has been a year since this had been raised. There was a discussion and the Council is waiting for the presentation of the capital budget. They would like this to be finalized so that the fence will be in place for the opening of Little League season next year.

With no items for the Agenda Session Council President Muldoon moved to close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the agenda session was closed.

Regular Meeting

Council President Muldoon moved to approve the Council Executive minutes of October 20, 2014, October 27, 2014 and November 10, 2014, seconded by Councilwoman Rasmussen, with all in favor, the minutes were approved.

Denis Murphy, Esq. stated that after his review the Executive minutes of October 20, 2014 and October 27, 2014 have been revised. New revised draft copies were provided to the Council tonight for their review.

Council President Muldoon moved to approve the revised Council Executive minutes of October 20, 2014, October 27, 2014 and November 10, 2014, seconded by Councilwoman Rasmussen, with all in favor, the revised Council Executive minutes were approved.

Council President Muldoon moved to deny the expanded hours for serving alcohol on December 24, 2014 for the Brown Stone, seconded by Councilwoman Rasmussen.

There was a discussion about the denial. Councilman Cammarano stated based on the recommendations of the Police Department and that this is not the first time that there have been problems with the Brown Stone he believes that it would be best to deny the request.

With all in favor to deny, the motion carried. The Brown Stone will be notified of the Council's decision.

Public Comment

Mayor Vahalla opened the meeting to the public for questions or comments.

Elliot Jarman, 20 Rose Street, Metuchen, NJ stated that he noticed that the flags and posts put up on Essex and Rose Street. He is coming before the Council to speak about a dangerous situation on Memorial Parkway and Rose Street. He is proposing to the Council to make Rose Street one way out to Middlesex Avenue. He stated that two cars cannot pass safely on Rose Street because of parking on the street.

Mayor Vahalla will be attending the next Traffic and Transportation meeting and will bring it up to them and he will also pass along the request to the new acting Chief and Traffic Safety Officer.

Mr. Jarman would like to see the one way going out toward New Durham Avenue. There was further discussion about the flow of the traffic on Rose Street.

Mr. Jarman asked if more decoys can be put up on Essex Avenue. Mayor Vahalla stated that there is a program underway for all of Route 27 from New Brunswick to Woodbridge for decoys which the Borough has received \$4,000.00 overtime for Metuchen Police to add additional decoys.

Naomi Stahl, 5 Dobson Road, East Brunswick, New Jersey, is from Rutgers Tobacco-Free for Healthy New Jersey and stated that free signs can be provided if Ordinance 2014-07 if passed tonight. She can provide any amount that is needed. The Council asked that she leaves her business card and the Administrator and DPW will get in touch with her.

Hearing no one else, Mayor Vahalla closed the Public Comment session.

Proclamation and Resolutions

Ordinances – Public Hearing

Ordinance 2014-07

An Ordinance Creating Chapter 158 of The Code of the Borough of Metuchen Entitled, "Smoking" and to Prohibit Smoking in Public Places

Susan Jackson, Borough Clerk, presented the affidavit of publication stating that said Ordinance has been published one time in the Home News Tribune according to Law on November 18, 2014.

Council President Muldoon moved that the affidavit of publication be received and filed. Councilwoman Rasmussen seconded, with all favor, the affidavit of publication has been accepted.

Borough Clerk Jackson read the Ordinance by title.

Mayor Vahalla opened the Public Hearing on Ordinance 2014-13. Hearing no one, Mayor Vahalla closed the Public Hearing session.

Council President Muldoon stated that since Councilwoman Inerro isn't at the meeting, he would speak on her behalf. She wants to voice her support for passing this Ordinance and appreciates the spirit of compromise and collaboration that Council and others have put into this Ordinance.

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, Ordinance 2014-07 was passed on first reading and is to be published according to law, seconded by Councilwoman Rasmussen.

Mayor Vahalla asked for a Roll Call Vote:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO	X				MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO				X	WALLACE				X
MOTION	MULDOON				SECOND		RASMUSSEN		
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

Ordinance 2014-7 passed, 4-0

ORDINANCE 2014-07

*Metuchen Borough
County of Middlesex
State of New Jersey*

AN ORDINANCE CREATING CHAPTER 158 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED, “SMOKING” AND TO PROHIBIT SMOKING IN PUBLIC PLACES

WHEREAS, medical studies have revealed that the inhalation of secondhand smoke by children is harmful to their health and that children exposed to secondhand smoke have an increases risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities and lowered level lung function during childhood; and

WHEREAS, medical studies have revealed that secondhand smoke is particular hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, Board of Health of the Borough of Metuchen has reviewed, among other things, the issue of smoking in public parks, recreational facilities and on property owned and /or leased by the Borough and has recommended to the Mayor and Council of the Borough of Metuchen to enact an Ordinance regulating the same; and

WHEREAS, the Mayor and Borough Council recognize the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Mayor and Borough Council has determined that the public interest is especially implicated in preventing the youth of Metuchen from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Mayor and Borough Council also find that the appearance of parks and recreation areas can be enhanced and the limited resources of the Borough's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that the Code of the Borough of Metuchen, Chapter 158 "Smoking" shall be and is hereby created and shall state as follows:

Chapter 158

SMOKING

SECTION I

§ 158-1. Definitions.

As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields, publicly owned or leased by the Borough of Metuchen and all property owned or leased by the Borough of Metuchen upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

MUNICIPAL BUILDINGS shall include all structures owned, leased, rented and/or operated by the Borough of Metuchen and/or occupied by Borough employees and used for official business of the Borough of Metuchen.

SMOKING -- The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§158-2. Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a fifty (50) foot radius of the entrances of all Municipal Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and in locations to provide adequate notice to the public that smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine. The within prohibition contained in this subsection shall not apply to a designated "Smoking Area" located at the Department of Public

Works Building (44 Jersey Avenue) and the Volunteer Fire Department Building (583 Middlesex Avenue). The “Designated Smoking Area” at the above municipal buildings shall be determined and designated by the Borough Administrator after consultation with the Chief of the Fire Department and the Director of the Department of Public Works. “Designated Smoking Area” signs shall be clearly, sufficiently and conspicuously posted in all areas exempt from this subsection.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Metuchen and all property owned or leased by the Borough of Metuchen upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking shall be prohibited in any vehicle registered to the Borough of Metuchen.

§158-3. Enforcement.

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Metuchen.

§158-4. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough of Metuchen’s policies and procedures.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

Communications Consent Agenda

On a motion from Council President Muldoon to approve items A through F of the Communications Consent Agenda, seconded by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items A through F were approved.

- A. Receive and Accept Zoning Board of Adjustment Meeting Minutes of March 13, 2014
- B. Receive and Accept Zoning Board of Adjustment Meeting Minutes of April 10, 2014
- C. Receive and Accept Zoning Board of Adjustment Meeting Minutes of May 8, 2014

- D. Receive and Accept Metuchen Parking Authority Meeting Minutes and Income Statement of November 17, 2014
- E. Receive and Approve Jingle Run Walk for Arthritis for December 7, 2013
- F. Request from Recreation Commission for Fireworks Display on December 31, 2013.
(Permission from Parking Authority is needed.)

Other Communications

Reports of Councilmembers

Council President Muldoon – wanted to recognize and thank the DPW, Chamber of Commerce, the Metuchen Garden Club and many of the Downtown Merchants for doing a great job with the Holiday decorations.

The third Annual Hometown Holiday Guide has been put together with all the events that are taking place throughout the Holiday season. It is on the Borough webpage for anyone to access.

This weekend is the tree lighting is on Friday night, the High School will be putting on their play this weekend. On Saturday the event, “Eat, Drink and Buy Art” is being held at Metuchen’s first “Pop-Up” store at 457B Main Street. The event is from 6 PM to 10 PM. Sunday there is the Jingle Bell 5K Run and the annual Holiday House Tour.

Parking Authority will be selecting a vendor to be working with the Parking Authority to develop signage and map to better direct people to available parking in the downtown area. They are also working on finalizing the interim parking plan which will be used to find alternative commuter parking options for when construction begins on the Hill Street Lot which is expected to be in early spring 2015. There will be a communication effort to inform commuters to where they can park during the construction.

Councilwoman Rasmussen asked Council President Muldoon if there has been any discussion about lining the parking spaces.

Council President stated that there has been discussion at the last Parking Authority meeting. There isn’t a time or schedule yet but it is on the radar to repaint the lines.

Councilwoman Rasmussen - stated that on December 5th is the Christmas Tree Lighting at 7:00 PM at the Old School House sponsored by the Chamber of Commerce. On December 9th the Chamber of Commerce is having the Holiday Installation Reception and Awards Dinner.

Small Business Saturday was well attended and there is still time to purchase unique gifts from the business or a gift certificate can be purchased from the Chamber of Commerce.

The Forum Theater will be opening a new original play on December 4th with a special performance on New Year’s called “Mismatched.Com”. People can go to the website Forumstheaterarts.org for information on tickets.

The Fall Tree Planting will be next week and the date will be determined by the weather and the contractor’s schedule.

Councilwoman Rasmussen wants to remind everyone to please continue to recycle.

Councilman Grayzel - reported that the Family Arts of Metuchen is beginning its Snowflake Series of Children’s Concerts on Sunday, January 18th with performance by Dan Alderman and the Fuzzy Lemons on February 22nd. Both will be performing at the Old Franklin Schoolhouse at 4:00 PM. Tickets are \$4.00 and can be purchased at the door.

The Metuchen Arts Council is sponsoring a Children’s Concert of Peter and the Wolf, performed by the NJ Symphony Orchestra on February 1st at 4:00 PM at St. Luke’s Church. Admission is \$10.00 for adults and children are free. To reserve tickets call Nancy Goldberg at (732) 322-6512.

The Mud Making Magic was a tremendous success. The four year project will create four ceramic murals. Phase 2 will take place starting March 22, 2015. The price is \$25.00 per tile. Contact Nancy Goldberg to sign up at ngoldber@metuchen.com or call (732) 322-6512.

The event “East, Drink and Buy Art” will be held on Saturday, December 6th from 6 PM to 10 PM at 457B Main Street.

TV Technology and Advisory Committee will have public hearing on January 20, 2015 at 7:00 PM in Borough Council Chamber to allow the public to comment on the proposed renewal of the application of Cablevision with Metuchen Borough. A copy of the application is on file with the Borough Clerk and is available for examination between 9 AM to 4 PM.

Accessibility Commission has been addressing concerns expressed by the Disability Community. They have an engineering study being conducted by the Borough Engineer for accessibility at the Metuchen playgrounds and have been speaking with the Parking Authority about the lack of suitable handicapped parking spaces downtown.

Councilman Grayzel spoke about the Municipal Bond sale on December 4th. He also spoke about a comprehensive study that had been completed last month about consolidation. The report is titled, “Size May Not be the Issue – An Analysis of the Cost of Local Government and Municipal Size in NJ”. If anyone is interested in reading the report, they can go to <http://blousteinlocal.rutgersedu/size-study>.

Mayor Vahalla asked that the report information be posted to the Borough’s website.

Councilman Cammarano attended the Middlesex County Library Association Awards Reception at the Pines Manor. The Friends of the Library were among the honorees this year for all their service and contributions that they have provided here in Metuchen. He encourages all the residents of Metuchen to access the website and utilize the Library.

The Pool Commission continues to evaluate the responses of the survey on what people like and dislike about the pool and they are looking at options for evenings based on the survey.

Reports of Officers

Denis Murphy, Esq. has no reports

Bill Boerth has no reports

Report of Mayor

Mayor Vahalla reported that the Holiday Parade was yesterday and thanked all the groups that participated. It was a great day for the Borough. He reminded everyone that the Tree Lighting will be on December 5th at 7:00 PM and the Planning Board will hear Wholefood’s application on December 4th at 6:30 PM.

New Business Resolution Agenda

New Business Consent Agenda

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions 2014-224 through 2014-238, seconded by Councilwoman Rasmussen.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO	X				MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO				X	WALLACE				X
MOTION	MULDOON				SECOND	RASMUSSEN			
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

Consent Agenda approved, 5-0

RESOLUTION 2014-224

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION TO GRANT EXEMPTION FOR DISABLED VETERAN
AND TO REFUND 2014 TAXES**

WHEREAS, the Tax Assessor of the Borough of Metuchen has been provided sufficient proof that the owner of the property known as 27 Kelly Street, Block 154.6, Lot 71, in the Borough of Metuchen is owned by a 100% Permanently & Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs dated October 2, 2014, and

WHEREAS, the property owner Neil DeRiggi, being determined to be totally and permanently disabled by the Department of Veteran Affairs applied to the Borough of Metuchen for the tax exemption on November 6, 2014, for Block 154.6, Lot 71,

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 2014 4th quarter taxes, prorated for the period of exemption in the amount of \$1,401.56.

RESOLUTION 2014-225

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-013S
83 UPLAND AVENUE**

WHEREAS, Joseph Migacz posted \$160.00 for apron escrow fees at 83 Upland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Joseph Migacz,

NOW, THEREFORE, BE IT RESOLVED, that Joseph Migacz be refunded \$160.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-226

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-025S
15 CONNOR AVENUE**

WHEREAS, Mark Goldstein posted \$64.00 for sidewalk escrow fees at 15 Connor Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Mark Goldstein,

NOW, THEREFORE, BE IT RESOLVED, that Mark Goldstein be refunded \$64.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-227

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-035S
82 ESSEX AVENUE**

WHEREAS, Quality Contractors, LLC posted \$400.00 for apron and sidewalk escrow fees at 82 Essex Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Quality Contractors, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Quality Contractors, LLC be refunded \$400.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-228

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-038S
56 HOME STREET**

WHEREAS, PT Home Improvements LLC posted \$50.00 for sidewalk escrow fees at 56 Home Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to PT Home Improvements LLC,

NOW, THEREFORE, BE IT RESOLVED, that PT Home Improvements LLC be refunded \$50.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-229

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-039S
42 VOORHEES PLACE**

WHEREAS, Fox & Foxx Development LLC posted \$690.00 for curb, apron and sidewalk escrow fees at 42 Voorhees Place; and

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

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development LLC be refunded \$690.00 from the Sidewalk Inspection Escrow account.

RESOLUTION NO 2014-230

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE LIENS

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>
14-00002	108/15	19 Stoneham Place	Anthony Malinowski
14-00003	130.1/47.1	Middlesex Ave	Romany Investments LLC

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

RESOLUTION NO. 2014-231

*Metuchen Borough
County of Middlesex
State of New Jersey*

RESOLUTION AMENDING RESOLUTION 2014-59 AUTHORIZING 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 NJSA 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 20, 2013 through October 20, 2015; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is not to exceed \$224,000 and funds will be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification of which \$224,000 is certified from the 2014 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 **National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103.**

RESOLUTION NO. 2014-232

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCES

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.

WHEREAS, escrow accounts marked with an asterisk (*) are interest bearing accounts, with interest included in the amount for refund.

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:

RESOLUTION NO. 2014-233

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING CHANGE ORDER #1 CONTRACT REDUCTION FOR
FISCHER CONTRACTING, INC. - IMPROVEMENTS TO HIGH STREET AND
CLIFFWOOD PLACE**

WHEREAS, the High Street and Cliffwood Place Improvements project has been approved in a contract between the Mayor and Council and Fischer Contracting, Inc.; and

WHEREAS, on October 15, 2014 Maser Engineering submitted a letter to the Borough approving Change Order #1 for a net decrease to the Borough of **\$65,750.08**; and

WHEREAS, the net decrease to the Borough for Change Order #1 is **\$65,780.08**;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1.

RESOLUTION 2014-234

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AMENDING RESOLUTION 2014-22- AWARD OF CONTRACT FOR
BOROUGH LABOR RELATIONS ATTORNEY**

WHEREAS, the Borough of Metuchen has a need to acquire the services of an Attorney for Borough Labor Relations Attorney as a contract without competitive bidding (non-fair and open) pursuant to the provisions of *<N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2014; and,

WHEREAS, the original agreement stipulated that the maximum amount of the contract shall not exceed \$15,000 and funds shall be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification; and,

WHEREAS, the Borough deemed it necessary to dedicate an additional \$10,000 for continued services; and,

WHEREAS, the new maximum amount of the contract shall not exceed \$25,000 and funds shall be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Chief Financial Officer is hereby authorized and directed to amend the agreement with Apruzzese, McDermott, Mastro and Murphy, 25 Independence Boulevard, Liberty Corner, NJ 07938.

RESOLUTION 2014-235

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AMENDING RESOLUTION 2014-31- AWARD OF CONTRACT FOR
TAX APPEAL ATTORNEY**

WHEREAS, the Borough of Metuchen has a need to acquire the services of an Attorney for Tax Appeal Attorney as a contract without competitive bidding (non-fair and open) pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2014; and,

WHEREAS, the original agreement stipulated that the maximum amount of the contract shall not exceed \$15,000 and funds shall be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification; and,

WHEREAS, the Borough deemed it necessary to dedicate an additional \$5,000 for continued services; and,

WHEREAS, the new maximum amount of the contract shall not exceed \$20,000 and funds shall be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. 1. The Chief Financial Officer is hereby authorized and directed to amend the agreement with ***Bruce Samuels of the firm Frizell and Samuels, 450 Main Street, Metuchen, NJ 08840.***

Resolution 2014-236

*Borough of Metuchen
County of Middlesex
State of New Jersey*

REFUND OF 2014 TAXES

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Columbia Bank	MRNA		315.56	Overpayment	Batch check had parcel from another municipality
John Anello/Frances Skwarka	174/29.2	11 Grove Ave	1998.69	Overpayment	2014/3 rd qtr

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$2,314.25.

RESOLUTION 2014-237

RESOLUTION – REFUND ESCROW BALANCE

*Borough of Metuchen
County of Middlesex
State of New Jersey*

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.

WHEREAS, escrow accounts marked with an asterisk (*) are interest bearing accounts, with interest included in the amount for refund.

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
08-8041 E *	159.70	Clifford Kuhn, Jr., Atty. 932 Middlesex Avenue
09-869 I *	10,345.96	Suburban Square LLC 85 Central Avenue
12-967 E *	608.41	Suburban Square, LLC 85/95 Central Avenue
00-504 E *		American Properties Development
00-504 I *		American Properties Development

RESOLUTION NO. 2014-238

*Borough of Metuchen
County of Middlesex
State of New Jersey*

STATE CONTRACT PURCHASE FOR FIRE TURNOUT GEAR AND ACCESSORIES

WHEREAS, there exists a need to purchase TurnOut Gear and Accessories for the Fire Department in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-80948 through Total Fire Group with purchase order made out to SAFE-T; and

WHEREAS, the maximum amount of the purchase of TurnOut Gear and Accessories for the Borough of Metuchen is \$20,684.51 and funds are available in the prior and or prior years Capital Ordinance(s) as evidenced by the Chief Financial Officer's Certification, of which \$20,684.51 is certified from prior year and or years Capital Funds; 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 a purchase through Total Fire Group and forward a Purchase Order to **SAFE-T, 23 Hamburg Turnpike, Suite A, Riverdale, New Jersey, 07457**, working in connection with Total Fire Group.

RESOLUTION NO. 2014-239

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING INTERNATIONAL FIREWORKS TO HAVE A
FIREWORKS DISPLAY**

WHEREAS, the Borough of Metuchen Recreation Department is desirous of putting on a public display of fireworks on December 31, 2014 and January 1, 2015; and

WHEREAS, the New Jersey State Fire Code Chapter 31 – Fireworks requires Municipal Governing Body approval for such public displays; and

WHEREAS, a certificate of insurance will need to be posted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that International Fireworks is hereby permitted to put on a public display of fireworks in the Pearl Street Parking lot on December 31, 2014 and January 1, 2015.

Other New Business

On a motion by Councilman Cammarano to approve the Bill resolution, seconded by Councilwoman Rasmussen, with all in favor, the Bill Resolution in the amount of **\$1,236,070.45** was approved.

Appointments

Ordinances – Introduction

Public Comment

Mayor Vahalla opened the meeting to the public for comment.

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

Adjournment

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

Respectfully Submitted,

Susan D. Jackson,
Metuchen Borough Clerk