

**MEETING MINUTES  
BOROUGH OF METUCHEN  
COUNCIL MINUTES  
December 15, 2014  
6:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, December 15, 2014.

The Meeting was called to order at 6:30 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.

Notice of this meeting was published on Friday, December 12, 2014 in the Home News Tribune stating that the Special Meeting of the Mayor and Borough Council would be held on December 15, 2014 at 6:30pm in Borough Hall and by posting said notice on the bulletin board in Borough Hall and filing the same with the Borough Clerk.

The Invocation given by Council President Muldoon and was followed by the Pledge of Allegiance.

Present were Councilmembers Cammarano, Inzerro, Grayzel, Rasmussen and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Susan Jackson, Borough Clerk. Councilman Wallace was 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 asked that Item D from the Communication Consent Agenda be moved to the Agenda session for acceptance, all were in favor.

He made a motion to receive and accept the letter of resignation from Police Officer Joseph Wenskoski, seconded by Councilwoman Rasmussen, with all in favor, the letter of resignation was accepted.

Council President Muldoon moved Resolution 2014-239, Resolution Authorizing an Executive Session, seconded by Councilwoman Rasmussen, with all in favor, Resolution 2014-239 was approved.

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				

R2014-239 approved, 5-0

**RESOLUTION 2014-239**

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

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS, INTERVIEWING A CANDIDATE FOR THE POSITION OF BOROUGH ADMINISTRATOR AND MATTERS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE**

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss personnel matters, interviewing a candidate for the position of Borough Administrator and matters of attorney-client privilege.

**NOW THEREFORE BE IT RESOLVED** that the Council of the Borough of Metuchen hereby approves to go into executive session in accordance with the provisions of the Open Public Meetings Act, Chapter 231 of the Public Laws of 1975, for the purpose of discussing personnel matters, interviewing a candidate for the position of Borough Administrator and matters of attorney-client privilege; and

**BE IT FURTHER RESOLVED** that the matters discussed in closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be filed with the Clerk of the Borough of Metuchen.

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.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Borough Council reconvened in open session at 7:37 PM.

Council President Muldoon, made a motion to approve R2014-240, seconded by Councilwoman Rasmussen, with all in favor, R2014-240, Appointing Police Officer Scott was approved

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				

R2014-240 was approve, 5-0

**RESOLUTION 2014-240**

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

**RESOLUTION TO APPOINT PATROLMAN TO THE POLICE DEPARTMENT-SCOTT**

**BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that **Matthew R. Scott** be and is hereby appointed as a Police Officer of the Police Department of the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law at the starting rate of Patrolman with said appointment being effective December 18, 2014.

Denis Murphy, Esq. swore Matthew R. Scott in as a Metuchen Police Officer.

Mayor Vahalla and Acting Chief Irizarry both welcomed Matthew to the Metuchen Police Department.

Council President Muldoon announced that this was the last council meeting for Councilman Pete Cammarano who has served on the Council for seven years. He thanked Pete for his leadership and outstanding services to the people of Metuchen. Also it is the last Council meeting for Bill Boerth, Borough Administrator who will be retiring. He thanked Bill for his dedication and professionalism and wishes him all the best in the future.

Council President Muldoon motioned to close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, Agenda Session was closed.

**Public Comment**

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

Elliot Jarman, 20 Rose Street, Metuchen, NJ wanted to clarify his request of making Memorial Parkway a one-way street.

Mayor Vahalla stated that he has already brought the request to the Police Department and the Traffic Safety Officer. They are in the progress of looking at the streets in question.

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

### **Regular Meeting**

Council President Muldoon moved to approve the Council minutes of September 15, 2014, and December 1, 2014, seconded by Councilwoman Rasmussen, with all in favor, the minutes were approved.

### **Proclamation and Resolutions**

### **Ordinances – Public Hearing**

### **Communications Consent Agenda**

Council President Muldoon motioned to approve items A through C, seconded by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items A through C were approved.

- A. Receive and Accept Report of the Chief Financial Officer – Award of the Bonds
- B. Receive and Accept Planning Board Meeting Minutes of January 16, 2014
- C. Receive and Accept Traffic & Transportation Committee Minutes of November 12, 2014
- D. Receive and Accept Letter of Resignation of Police Officer Joseph Wenskoski

### **Other Communications**

### **Reports of Councilmembers**

Council President Muldoon had no reports.

Councilwoman Rasmussen reported that the fireworks will be held on New Year's Eve. She would like to invite everyone to come out before the fireworks and participate in activities that are happening around town. Check the website has information.

Councilwoman Inzerro reported that the Metuchen Municipal Alliance met last week and discussed the grant process for the next County funding cycle. A subcommittee has been formed consisting of herself, Kathy Liss and working with Jody Kopack, Municipal Alliance Coordinator to get the paperwork and priorities in order. The application is due to the County on January 23, 2015. A Fundraising Committee has been formed and they will be discussing ways to boost revenue for the Alliance. The Alliance had a year-end dinner to thank all the members who have given their support and help while on the committee.

She thanked Pete Cammarano for his years of service and for his support and guidance to her over the last two years that she has been on Council.

There is no report on the Board of Health and the Senior Citizen Committee cancelled their meeting this month.

She also thanked the Borough Administrator for his many years of service.

Councilman Grayzel also thanked Councilman Cammarano for his many years of service. He wanted to remind the families of Metuchen that the Family Arts of Metuchen will begin its Snowflake Series Children's Concert on Sunday, January 18<sup>th</sup> at the Old Franklin Schoolhouse at 4:00 PM. Tickets can be purchased for \$4.00 at the door.

There will be a special event at St. Luke's Church on February 1, 2014 sponsored by the Metuchen Arts Council. It will feature a Children's concert of Peter and the Wolf performed by New Jersey Symphony Orchestra. Admission is \$10.00 for adults and children are free. Tickets can be purchased from Nancy Goldberg at (732) 322-6512.

Traffic and Transportation met last week. Mayor Vahalla and Traffic Safety Officer Ken Bauer attended.

Councilman Cammarano thanked all the Councilmembers for their kind words and spoke about his experiences while being on the Council. He thanked Bill for his years of service to the Borough and Council.

### **Reports of Officers**

Denis Murphy, Esq. has no reports

Bill Boerth reported that the "no-smoking" signs have arrived and the stickers are being made and when the Borough receives them, the signs will be installed.

### **Report of Mayor**

Mayor Vahalla thanked Councilman Cammarano and Bill Boerth for their years of service to the Borough.

He gave the Fire Department report.

On December 4, 2014, the Planning Board adopted the resolution for Wholefoods. The estimated time for opening is 2016.

The Fireworks and the ball drop will be on December 31, 2014. He wished all the residents of Metuchen a happy holiday season.

Councilwoman Rasmussen thanked Bill for all his help this past year.

### **New Business Resolution Agenda**

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions 2014-241 through 2014-258, seconded by Councilwoman Rasmussen, with all in favor, New Business Consent Agenda was approved.

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

Consent Agenda approved, 5-0

**RESOLUTION NO. 2014-241**

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

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the Local Public Contracts Law at N.J.S.A. 40A:11-4.1 et seq., provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and or services; and

**WHEREAS**, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking and weighing of criteria as well as cost; and

**WHEREAS**, the Borough wishes to initiate competitive contracting for EMS services; and

**WHEREAS**, N.J.S.A.:11-4-3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 is desired to be contracted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Borough of Metuchen that the appropriate borough officials are hereby authorized to initiate competitive contracting for the aforesaid project in conformance with N.J.S.A. 40A:11-4.1 et seq.

**RESOLUTION 2014-242**

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

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$2,777.49, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,777.49.

**BE IT FURTHER RESOLVED**, that the like sum of \$2,777.49 is hereby appropriated under the caption Body Armor Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Division of Criminal Justice in the amount of \$2,777.49.

**RESOLUTION 2014-243**

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

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION NJS 40A:4-87 – PEDESTRIAN SAFETY GRANT**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$4,000.00, which is now available from the State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant in the amount of \$4,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Law and Traffic Safety for a Pedestrian Safety Grant in the amount of \$4,000.00.

#### **RESOLUTION 2014-244**

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

#### **RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – US DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP GRANT**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$6,586.80, which is now available from the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership in the amount of \$6,586.80.

**BE IT FURTHER RESOLVED**, that the like sum of \$6586.80 is hereby appropriated under the caption Federal Bulletproof Vest Partnership Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership in the amount of \$6,586.80

**RESOLUTION NO 2014-245**

*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 Certificate on the following property:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
11-00011	148/3	88 Graham Ave	ProCapital I LLC

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

**RESOLUTION 2014-246**

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

**RESOLUTION AUTHORIZING TO REDUCE AND REFUND 2010 TAXES  
AND TO REDUCE 2011, 2012 AND 2014 TAXES**

**WHEREAS**, successful State Tax Court Appeal judgments were awarded to District at Metuchen LLC for Block 110, Lot 34 3 Central Avenue, Block 110, Lot 38 5 Central Avenue, Block 110, Lot 39 21 Central Avenue, Block 110, Lot 2 645 Middlesex Avenue and Block 111, Lot 2 349 Lake Avenue,

**WHEREAS**, the improvements assessed value for these parcels changed as shown in the chart below,

**WHEREAS**, the reduction in taxes for the above referenced parcels for 2010 is \$51,245.50, \$63,588.05 for 2011, \$64,817.72 for 2012 and \$8,224.01 for 2014,

BLOCK	LOT	ASSESSMENT REDUCTION	2010	2011	2012	2014
110	34	37,000		1,902.91		
110	34	37,000			1,940.65	
110	34	600				33.01
110	38	41,600		2,139.49		
110	38	41,600			2,181.92	
110	38	24,500				1,347.75

110	39	121,100		6,228.17		
110	39	121,100			6,351.70	
110	39	54,100				2,976.04
110	2	946,700	46,823.78			
110	2	946,700		48,688.78		
110	2	946,700			49,654.42	
110	2	23,700				1,303.74
111	2	89,400	4,421.72			
111	2	90,000		4,628.70		
111	2	89,400			4,689.03	
111	2	46,600				2,563.47

**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 2010, 2011, 2012 and 2014 taxes on the parcels shown in the chart in the amount of \$187,875.28 due to the successful State Tax Court Appeals for the years 2010, 2011, 2012 and 2014, including amendments, refund the resulting 2010 tax overpayment in the amount of \$51,245.50 and apply \$136,629.78 forward as credits as a result of 2011, 2012 and 2014 tax overpayments, as stipulated by the tax court judgment.

**RESOLUTION 2014-247**

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

**RESOLUTION AUTHORIZING TO REDUCE AND REFUND 2011, 2012, 2013 AND 2014 TAXES**

**WHEREAS**, successful State Tax Court Appeal judgments were awarded to 205 Liberty LLC for Block 37.2, Lot 4, 205 Liberty Street,

**WHEREAS**, the improvements assessed value for these parcels changed as shown in the chart below,

**WHEREAS**, the reduction in taxes for the above referenced parcels for 2011 is \$7,323.63, \$7,468.88 for 2012, \$7,673.74 for 2013 and \$7,833.42 for 2014,

BLOCK	LOT	ASSESSMENT REDUCTION	2011	2012	2013	2014
37.2	4	142,400	7,323.63			
37.2	4	142,400		7,468.88		
37.2	4	142,400			7,673.94	
37.2	4	142,400				7,833.42

**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 2011, 2012, 2013 and 2014

taxes on the parcels shown in the chart in the amount of \$30,299.87 due to the successful State Tax Court Appeals for the years 2011, 2012, 2013 and 2014, including amendments, and refund the resulting tax overpayment in the amount of \$30,299.87.

**RESOLUTION 2014-248**

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

**RESOLUTION TO REDUCE AND REFUND 2012, 2013 AND 2014 TAXES**

**WHEREAS**, successful State Tax Court Appeal judgments were awarded to Suburban Square LLC for Block 83, Lot 2, 85 Central Avenue,

**WHEREAS**, the improvements assessed value for these parcels changed as shown in the chart below,

**WHEREAS**, the reduction in taxes for the above referenced parcels for 2012 is \$6,628.11, \$4,656.10 for 2013, and \$9,883.10 for 2014,

BLOCK	LOT	ASSESSMENT REDUCTION	2012	2013	2014
83	2	126,370	6,628.11		
83	2	86,400		4,656.10	
83	2	179,660			9,883.10

**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, 2013 and 2014 taxes on the parcels shown in the chart in the amount of \$21,167.31 due to the successful State Tax Court Appeals for the years 2012, 2013 and 2014, including amendments, and refund the resulting tax overpayment in the amount of \$21,167.31.

**RESOLUTION 2014-249**

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

**RESOLUTION TO REDUCE AND REFUND 2013 TAXES**

**WHEREAS**, a successful State Tax Court Appeal judgment was awarded to Block 72, Lot 33, 740 Middlesex Avenue for 2013,

**WHEREAS**, the assessed value for this parcel changed for 2013 by a reduction in the assessed value of \$93,000.00,

**WHEREAS**, the reduction in taxes for the above referenced Block and Lot for 2013 is \$5,011.77,

**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 2013 taxes on Block 72, Lot 33 in the amount of \$5,011.77 due to the successful State Tax Court Appeal for the year 2013, including amendments, and refund the resulting tax overpayment in the amount of \$5,011.77 as stipulated by the tax court judgment.

**RESOLUTION 2014-250**

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

**RESOLUTION TO REDUCE AND REFUND 2014 TAXES**

**WHEREAS**, a successful State Tax Court Appeal judgment was awarded to Block 36, Lot 3, 99 Middlesex Avenue for 2014,

**WHEREAS**, the assessed value for this parcel changed for 2014 by a reduction in the assessed value of \$90,600,

**WHEREAS**, the reduction in taxes for the above referenced Block and Lot for 2014 is \$4,983.91,

**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 2014 taxes on Block 36, Lot 3 in the amount of \$4,983.91 due to the successful State Tax Court Appeal for the year 2014, including amendments, and refund the resulting tax overpayment in the amount of \$4,983.91.

**RESOLUTION NO. 2014-251**

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

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND FOR FOX AND  
FOXX DEVELOPMENT, LLC.-BLOCK 172 LOT 61 & 62-18 JONESDALE AVENUE**

**WHEREAS**, Fox and Foxx Development, LLC., has requested a refund of the performance bond for site improvements on Block 172 Lot 61 & 62, 18 Jonesdale Avenue; and

**WHEREAS**, the Borough Engineer in a letter dated August 20, 2014 and a memo from the Zoning Officer dated August 20, 2014 has reported that the contract has been completed in an

acceptable manner; and

**WHEREAS**, Maser Consulting, P.A. and the Borough of Metuchen Zoning Officer recommended the full release of the performance guarantee in the amount of \$3,000.00 (posted in cash) and that no maintenance bond is required; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer and Borough Clerk are hereby authorized and directed to release said performance bond in the amount of \$3,000.00 as directed by the Borough Engineer and Zoning Official to Fox and Foxx Development, LLC., 940 Amboy Avenue., Suite 101, Edison, NJ 08837.

**RESOLUTION 2014-252**

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

**RESOLUTION AUTHORIZING THE AGREEMENT WITH DAVITA HEALTHCARE PARTNERS, INC. RELATING TO THE PROPOSED DEVELOPMENT IN LIEU OF A FORMAL DEVELOPER'S AGREEMENT**

**WHEREAS**, DaVita Healthcare Partners, Inc. made an application with the consent of the owner, MacPherson Realty, LLC, to the Planning Board of the Borough of Metuchen for preliminary and initial site plan approval with "C" variances and waivers/exceptions for Block 111, Lots 4 and 5 as shown on the official Tax Map of the Borough of Metuchen and more commonly known as 319 Lake Avenue (N.J. Route 27), in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

**WHEREAS**, the Planning Board held a public hearing on said application on June 19, 2014, after the compliance with the notice, service and publication requirements of N.J.S.A. 40:55D-12; and

**WHEREAS**, the above described application was granted subject to certain conditions and requirements and memorialized by Resolution dated July 17, 2014. The aforesaid Resolution of Approval is annexed hereto and made part hereof; and

**WHEREAS**, approvals of the Planning Board were subject to, among other things, DaVita Healthcare Partners, Inc. entering into a Developer's Agreement with the Borough of Metuchen or by way of correspondence of the Borough Attorney that a Developer's Agreement was not required; and

**WHEREAS**, the approvals of the Planning Board were also subject to, among other things, DaVita Healthcare Partners, Inc.'s compliance with the off-tract roadway improvements contribution requirements of § 110-61, and the contribution amount were to be determined in "the required developer's agreement" as is set forth in Paragraph K(7) of the Resolution; and

**WHEREAS**, the Borough Attorney reviewed the Planning Board's Resolution of Approval dated July 17, 2014, the Memorandum from Looney Ricks Kiss ("LRK") dated June 16, 2014, and the letter dated June 17, 2013 and the two (2) letters dated August 13, 2014 from Maser Consulting ("Maser") to the Metuchen Planning Board and determined that a formal developer's agreement for the within project did not appear to be necessary at that time, except for the conditions contained in K(7) of the Resolution, and that all of the conditions and requirements of the approval could be monitored and enforced by the Borough throughout the course of the Project; and

**WHEREAS**, in an effort to alleviate the necessity of the negotiating, drafting and obtaining approval of a formal developer's agreement as well as to expedite the process, the Borough Attorney communicated with the Borough Engineer and obtained the estimated costs of the contribution requirements of DaVita set forth in paragraph K(7) of the Resolution, which was forwarded to counsel for DaVita Healthcare Partners, Inc. and agreed to by DaVita Healthcare Partners, Inc., a copy of the correspondence from the Borough Attorney to the DaVita Healthcare

which was returned as agreeable is annexed hereto and all of the terms herewith are incorporated herein (referred to hereinafter as "Letter Agreement"); and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to authorize and accept the Letter Agreement attached hereto and the terms set forth therein, including but not limited to the contribution requirements of the off-tract roadway improvements, in lieu of a more formal Developer's Agreement with DaVita Healthcare Partners, Inc.;

**NOW THEREFORE BE IT RESOLVED** that the Borough of Metuchen hereby accepts, adopts and authorizes the contents of the Letter Agreement attached hereto in lieu of a more formal Developer's Agreement with DaVita Healthcare Partners, Inc.; and

**BE IT FURTHER RESOLVED** that the attached Letter Agreement and DaVita's execution of the same shall not be construed to alleviate the DaVita Healthcare Partners, Inc.'s necessity to abide by all of the conditions and requirements in the Memorandum and correspondence from the Borough Planner and Engineer and those set forth specifically in the Resolution of Approval; and

**BE IT FURTHER RESOLVED** that the Mayor, Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Resolution and correspondence attached hereto.

**RESOLUTION 2014-253**

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

**RESOLUTION TO CANCEL 2014 BUDGET BALANCES**

**WHEREAS**, the following Current Fund budget appropriation balances remain unexpended;

Interest on Bonds 4,470.70

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Metuchen that the above listed unexpended balance of \$4,470.70 of the Current Fund be canceled.

**RESOLUTION 2014-254**

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

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
NJS 40A:4-87 – 2013 MUNICIPAL ALLIANCES EXTENSION GRANT**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$6,628.50, which is now available from Governor's Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse for a 2013 Municipal Alliance Extension Grant for alcoholism and drug abuse prevention in the amount of \$6,628.50.

**BE IT FURTHER RESOLVED**, that the like sum of \$6,628.50 is hereby appropriated under the caption Municipal Alliance for a 2013 Municipal Alliance Extension Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from Governor's Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse for a 2013 Municipal Alliance Extension Grant in the amount of \$6,628.50.

**RESOLUTION 2014-255**

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

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

**WHEREAS**, there are unexpended balances in various 2014 appropriation accounts not required for the balance of 2014; 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:

<b>Appropriation</b>	<b>From</b>	<b>To</b>
Legal		5,000.00
Streets & Roads OE		6,000.00
FICA		2,400.00
Administration & Executive S&W		32,000.00
Financial Administration S&W		1,900.00
Elections		200.00
Fire Hydrant Service		3,900.00
Streets & Roads S&W		15,000.00
Buildings & Grounds S&W		4,100.00
Sewers S&W		4,600.00
Forestry S&W		7,100.00
Senior Citizen Center S&W		400.00
Parks & Playgrounds S&W		4,700.00
METV S&W		2,000.00
Mayor & Council S&W	11,000.00	
Clerk S&W	1,000.00	
Garbage & Trash S&W	10,000.00	
Recycling OE	5,000.00	
Senior Citizen Bus S&W	2,000.00	
Street Lighting	10,000.00	
Administrative & Executive OE	5,000.00	
Utilities	6,700.00	
Tax Assessment OE	2,000.00	
Planning Board OE	2,000.00	
Police S&W	34,600.00	
	89,300.00	89,300.00

**RESOLUTION 2014-256**

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

**RESOLUTION AUTHORIZING CANCELLATION OF 2009, 2010, 2011, 2012 AND 2013 TAX OVERPAYMENTS**

WHEREAS, the following parcels have overpayment of taxes,

Block/Lot	Address	Amount	Year
153.1/4 C204F	210 Newman Street	\$1,076.58	2009/3 <sup>rd</sup> qtr
54/7	27 Martin Street	\$2,161.42	2010/4 <sup>th</sup> qtr
68/7	79 Hampton Street	\$1,777.57	2010/2 <sup>nd</sup> qtr
93.1/9.2	149 E Chestnut Ave	\$3,503.11	2010/3 <sup>rd</sup> qtr
119/84	56 Pleasant Place	\$2,415.53	2010/3 <sup>rd</sup> qtr
131/4.1 C011B	40-11 Prospect Street	\$760.36	2010/4 <sup>th</sup> qtr
143/15.2	14 Cliffwood Place	\$3,347.56	2010/2 <sup>nd</sup> qtr
157/55.2	106 Lake Ave	\$2,289.36	2010/2 <sup>nd</sup> qtr
178/10	48 Delaware Ave	\$1,814.90	2010/4 <sup>th</sup> qtr
181/58	29 Beechwood Ave	\$2,059.21	2010/4 <sup>th</sup> qtr
210/19	29 Charles Street	\$1,517.10	2010/3 <sup>rd</sup> qtr
211.1/8.2	57 Charles Street	\$1,437.21	2010/4 <sup>th</sup> qtr
214/71	188 Lodi Ave	\$2,752.25	2010/1 <sup>st</sup> qtr
29/1.0501 C002	2 Ayers Court	\$2,828.54	2011/4 <sup>th</sup> qtr
44/91	19 Van Buren Ave	\$2,081.19	2011/4 <sup>th</sup> qtr
62/45	20 Windy Hill Road	\$2,116.89	2011/2 <sup>nd</sup> qtr
108/19	24 Revere Court	\$3,548.76	2011/1 <sup>st</sup> qtr
124/12	53 Huxley Road	\$3,045.50	2011/1 <sup>st</sup> qtr
126.8/2	559 Wakefield Drive	\$3,055.96	2011/1 <sup>st</sup> qtr
131.1/6 C502	165-502 Essex Ave	\$1,352.34	2011/4 <sup>th</sup> qtr
144/35	268 Lake Ave	\$2,334.16	2011/3 <sup>rd</sup> qtr
153/4 C213A	145 Newman Street	\$1,132.64	2011/1 <sup>st</sup> qtr
153/4 C213B	143 Newman Street	\$1,024.50	2011/4 <sup>th</sup> qtr
199/16	11 Coan Place	\$1,945.02	2011/1 <sup>st</sup> qtr
37.3/10	19 Douglas Drive	\$1,891.34	2012/1 <sup>st</sup> qtr
51.2/11	100 Princeton Street	\$1,387.33	2012/4 <sup>th</sup> qtr
82.01/8	19 Central Square Park	\$1,957.15	2012/3 <sup>rd</sup> qtr
85/76.02 C076	17 Franklin School Way	\$2,406.10	2012/4 <sup>th</sup> qtr
126.3/101	96 Beacon Hill Drive	\$3,126.95	2012/1 <sup>st</sup> qtr
131/4.1 C009B	40-9 Prospect Street	\$784.31	2012/1 <sup>st</sup> qtr
153/4 C107L	231 Newman Street	\$901.17	2012/1 <sup>st</sup> qtr
154/34	65 Division Street	\$1,759.83	2012/1 <sup>st</sup> qtr
155/5	5 Burr Drive	\$2,527.20	2012/4 <sup>th</sup> qtr
157/47	88 Lake Ave	\$2,427.50	2012/1 <sup>st</sup> qtr
170/36	198 Woodbridge Ave	\$23.92	2012/3 <sup>rd</sup> qtr
179/54	72 Upland Ave	\$2,812.82	2012/4 <sup>th</sup> qtr
189/26	62 Peltier Ave	\$2,020.74	2012/4 <sup>th</sup> qtr
199/38	25 Coan Place	\$2,341.35	2012/1 <sup>st</sup> qtr
212/55	79 Myrtle Ave	\$2,143.35	2012/1 <sup>st</sup> qtr
4.3/3	19 Dorian Road	\$2,368.12	2013/1 <sup>st</sup> qtr
12/57	27 Aldrich Ave	\$3,388.27	2013/2 <sup>nd</sup> qtr
26/13	400 Waltham Ave	\$2,416.64	2013/1 <sup>st</sup> qtr
44.2/27	35 Forrest Street	\$2,031.13	2013/1 <sup>st</sup> qtr

44/27	35 Forrest Street	\$2,031.13	2013/2 <sup>nd</sup> qtr
51.3/40	429 Midland Ave	\$723.05	2013/3 <sup>rd</sup> qtr
51.5/31	215 University Ave	\$1,290.27	2013/1 <sup>st</sup> qtr
51.10/4	200 Harvard Ave	\$10.00	2013/2 <sup>nd</sup> qtr
60/58	16 Durham Ave	\$1,892.13	2013/2 <sup>nd</sup> qtr
61/13.1	19 Bloomfield Drive	\$1,758.01	2013/4 <sup>th</sup> qtr
85/42.02 C042	64 Central Ave	\$2,413.78	2013/4 <sup>th</sup> qtr
93/101	47 Victory Court	\$927.31	2013/3 <sup>rd</sup> qtr
93/101	47 Victory Court	\$1,180.37	2013/4 <sup>th</sup> qtr
97/55	176 Christol Street	\$3,248.13	2013/3 <sup>rd</sup> qtr
97/61	138 Christol Street	\$2,872.95	2013/1 <sup>st</sup> qtr
153/2 C107B	251 Newman Street	\$395.23	2013/3 <sup>rd</sup> qtr
153/4 C212G	153 Newman Street	\$355.98	2013/3 <sup>rd</sup> qtr
153.1/6 C105C	256 Newman Street	\$1,365.02	2013/1 <sup>st</sup> qtr
174/13	51 Grove Ave	\$1,903.12	2013/4 <sup>th</sup> qtr
195/29 C2-7	7 Irongate	\$2,391.46	2013/3 <sup>rd</sup> qtr
197/52.01 C004	199A Amboy Ave	\$77.73	2013/4 <sup>th</sup> qtr
199/7	127 Amboy Ave	\$1,271.92	2013/1 <sup>st</sup> qtr
212/69.01	39 Myrtle Ave	\$3,376.47	2013/1 <sup>st</sup> qtr
215/6.3	32 Myrtle Ave	\$612.00	2013/3 <sup>rd</sup> qtr

NOW, THEREFORE, BE IT RESOLVED, that the above listed tax overpayment balances by canceled, in the amount of \$120,188.94.

**RESOLUTION 2014-257**

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

**RESOLUTION – CANCEL GRANT RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, The Borough of Metuchen Current Fund is carrying the following reserve and receivable balances;

Grants Receivable:	
2004 Statewide Livable Communities	4,793.21
2011 Cultural Arts	500.00
2011 Cops in Shops	200.00
2012 NJ Dept Law Aggressive Driver	1,550.00
2012 Middlesex County Quality Life-Bicycle Safety	9.83
2014 Municipal Alliance	909.04
Grants Appropriated:	
Middlesex County Mug Shot Camera	3,640.00
2011 Municipal Alliance	1,899.06

2012 Middlesex County Quality Life-Bicycle Safety	9.83
2014 Municipal Alliance	146.00

**WHEREAS**, it is the recommendation of the Borough Auditors to cancel the reserve and receivable balances to fund balance,

**NOW, THEREFORE, BE IT RESOLVED** that the reserve and receivables be canceled and closed to fund balance – Current Account.

**RESOLUTION NO. 2014-258**

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

**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.

**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:

<b>ESCROW ACCOUNT</b>	<b>AMOUNT</b>	<b>DEPOSITOR</b>
02-587 I *	277.47	LaPorta Builders, Inc. Main Street/Metuchen Estates
10-889 E	443.44	Ana Rocci 92 Central Avenue
11-915 I	306.25	Sai Management 162 Main Street
11-917 I	1,469.50	Fox & Foxx Development LLC

		3 Sylvan Avenue
11-9241 I	3,626.25	Robert Howarth 12 Center Street
13-973 I	81.25	Fox & Foxx Development LLC 13 Juniper Street

**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 **\$3,300,460.71** 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 Councilman Cammarano, with all in favor, the meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Susan D. Jackson,  
Metuchen Borough Clerk