

**BOROUGH OF METUCHEN**  
**COUNCIL MINUTES – JANUARY 23, 2014**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Thursday, January 23, 2014. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilman Cammarano and was followed by the Pledge of Allegiance. The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

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

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

**AGENDA SESSION**

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

There were no items discussed during the agenda session.

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

**DOG PARK COMMITTEE DEMONSTRATION**

Background on the formation of the Dog park Committee was reviewed. The Committee began with ideas presented by two girl scouts Lily Hoover and Abbey Brooks. Mayor Vahalla formed a Dog Park Committee based on the wish of Abbey Brooks and Lily Hoover who had circulated a petition to ascertain interest from the residents to bring a Dog Park to Metuchen. The Committee was formed with the primary objective of finding a location suitable for a Dog Park. Some of the suggestions for location of the park included Trail Head Park and Oakland Park, Kentnor Park, the area around the Municipal Pool and two locations at Roosevelt Park. After careful consideration the committee agreed to seek County approval for the Park off of Oakland Avenue (Roosevelt Park) in the vicinity of the County Maintenance facility near the parking lot.

**APPROVAL OF MINUTES**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Borough Council Meeting Minutes of February 19, March 4, March 18, April 1, April 15, May 6, May 20 and June 17, 2013 were approved.

**OPEN TO PUBLIC**

Mayor Vahalla opened the meeting to the public for comment.

Dan Spiegel(1 Mark Circle) questioned Resolution no.2014-39 which appoints a Conflict Attorney for the Borough of Metuchen.

Mayor Vahalla stated that the Borough Attorney, Denis Murphy has a conflict of interest if the Borough Council wishes to discuss any matters pertaining to the School Board. A discussion ensued as to the intentions of the Council to move the date of the School Board Election.

Rose DeFreis(312 Middlesex Avenue) discussed her concern regarding the possibility of the movement of the School Board election from April to November to coincide with the General Election.

A discussion ensued regarding the reasoning for the discussion to move the School Board election.

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

**COMMUNICATIONS CONSENT AGENDA**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Items #5-11 were approved.

5. Receive and Accept TV and Technology Minutes Of July 25, 2013.
6. Receive and Accept Traffic and Transportation Committee Minutes of June 12, September 11, October 9 and November 20, 2013.
7. Receive and Approve Chamber of Commerce Calendar of Events.
8. Receive and Approve Chamber of Commerce date change for County Fair From October 4 to October 11 2014.
9. Receive and Accept Planning Board Minutes Of December 6 and December 20, 2012.
10. Receive and Accept Zoning Board Minutes of December 13, 2012, January 10, 2013, February 14, 2013 and April 11, 2013.
11. Receive and Accept Historic Preservation Committee Minutes of November 12, 2013.

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

Councilwoman Inserro asked to be excused from the dais at 8:15pm and returned at 8:19pm.

### **COUNCIL REPORTS**

Council President Muldoon stated that the Parking Authority, Woodmont Properties and the American Legion have come to an agreement as to the location of the new American Legion building. The building will be located on Halsey Street. Council President Muldoon also stated that the first Pedestrian Safety talk presented by Sergeant Arthur Flaherty will be held on January 31 at the Metuchen Senior Citizens Center at 11:00am. The Metuchen Police Department will also be conducting a 13 week Citizen's Academy for Metuchen residents. Council President Muldoon discussed that Local History Day was Saturday February 8<sup>th</sup> at the Metuchen Public Library.

### **RECREATION**

Councilman Wallace discussed the Daddy Daughter Dance.

### **DEVELOPMENT**

Councilwoman Rasmussen stated that the Development Commission did not meet in January.

### **ENVIRONMENTAL COMMITTEE**

Councilwoman Rasmussen stated that the Environmental Commission will be reviewing any maintenance concerns that may need to be addressed at the parks in Metuchen.

### **MUNICIPAL ALLIANCE/YOUTH SERVICES**

Councilwoman Inserro stated that the Youth Service Board met and reorganized earlier in the month and the new drug prevention focus will be on Heroine.

### **ARTS COUNCIL**

Councilman Grayzel discussed information regarding the upcoming art show at Saint Luke's Parish in conjunction with the church's 150 anniversary celebration.

### **LIBRARY**

Councilman Cammarano stated that the Library met and created new Library building usage regulations and hours of operation.

### **POOL**

Councilman Cammarano stated that the Pool Commission met and discussed the improvements for the pool for the upcoming season.

### **APPOINTMENTS**

On a motion by Council President Muldoon, seconded by Councilman Cammarano, with all in favor the following appointment was approved.

Pool Commission      Term Expires

Todd Schaper          1/1/16

### **REPORT OF BOROUGH ATTORNEY**

Borough Attorney Murphy had no report.

### **REPORT OF BOROUGH ADMINISTRATOR**

Borough Administrator Boerth had no report.

### **MAYOR'S REPORT**

Mayor Vahalla stated that the Fire department responded to a fire on Amboy Avenue on December 17. Mayor Vahalla reminded all residents that if an emergency situation is undergoing to please immediately call the Police Department so that emergency personnel can be dispatched as quickly as possible to deal with the situation. Mayor Vahalla also commended the Public Works Department for their efforts in cleaning up the last snow storm. Mayor Vahalla then stated that the Borough is in the process of refinancing the Bonds in place for the Borough Hall building. The offering received will save the tax payers of Metuchen \$615,000.00. Mayor Vahalla also discussed the numerous meetings he and Council President Muldoon have had with the Chief of Police and the Borough Administrator regarding pedestrian safety. Mayor Vahalla then promoted the Mud Making Magic Project that the Arts Council is sponsoring. The project entails covering the tennis shed with individually hand decorated tiles in Oakland Park.

### **CONSENT AGENDA**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda item numbers 12 through 22 encompassing resolutions R2014-33 through R2014-43 were approved.

### **RESOLUTION NO 2014-33**

### **RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AFFORDABLE HOUSING/COAH COMPLIANCE SERVICES**

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$3,000; and,

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

**WHEREAS**, *Frank Piazza of the firm Piazza and Associates* has completed and submitted a Business Entity Disclosure Certification which certifies that *Frank Piazza of the firm Piazza and Associates* has not made any reportable contributions to the Borough of Metuchen, municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to the Borough of Metuchen or Middlesex County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties in excess of the thresholds specified in borough ordinance within one calendar year immediately preceding the date of the contract or agreement, and that the contract will prohibit *Frank Piazza of the firm Piazza and Associates* from making any reportable contributions through the term of the contract; and

**WHEREAS**, Frank Piazza will be providing the services of Affordable Housing/COAH Compliance Services; and

**WHEREAS**, the maximum amount of the contract is \$5,000.00 and funds will be available in the 2014 Budget as evidenced by the Chief Financial Officer's Certification; and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with *Frank Piazza of the firm Piazza and Associates, 216 Rockingham Row, Princeton Forrestal Village, Princeton, NJ 08540* in amount not to exceed \$5,000.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 19:44A-20.5* and the Local Public Contracts Law because the contract is for a professional service in the amount not to exceed \$5,000.

3. A notice of this action shall be printed once in The Home News Tribune.

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Dated: January 23, 2014

**RESOLUTION NO. 2014-34**

**RESOLUTION AUTHORIZING REFUND OF FEES- SWEENEY**

**WHEREAS**, Mr. Robert Sweeney submitted an Open Public Records Act Fee of \$22.86; and

**WHEREAS**, the actual cost of the Open Public Records Request was \$22.66; and

**WHEREAS**, the Borough Clerk has requested that the additional \$.20 be refunded to Mr. Robert Sweeney,

**NOW, THEREFORE, BE IT RESOLVED**, that Mr. Robert Sweeney be refunded \$.20 from unanticipated revenues.

Dated: January 23, 2014

**RESOLUTION NO.2014-35**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-029**

**GREENTREE CONTRACTING CO. – 30 HILLSIDE AVENUE**

**WHEREAS**, GreenTree Contracting Co. posted \$48.00 for sidewalk escrow fees at 30 Hillside Avenue; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to GreenTree Contracting Co.,

**NOW, THEREFORE, BE IT RESOLVED**, that GreenTree Contracting Co. be refunded \$48.00 from the Sidewalk Inspection Escrow account.

Dated: January 23, 2014

**RESOLUTION NO.2014-36**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-035**

**EDWARD JOYCE – 24 BOUNTY STREET**

**WHEREAS**, Edward Joyce posted \$64.00 for sidewalk escrow fees at 24 Bounty Street; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Edward Joyce,

**NOW, THEREFORE, BE IT RESOLVED**, that Edward Joyce be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: January 23, 2014

**RESOLUTION NO.2014-37**  
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-034**  
**CARLOS LANDAURE – 387 MIDDLESEX AVENUE**

**WHEREAS**, Carlos Landaure posted \$477.00 for sidewalk escrow fees at 387 Middlesex Avenue; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Carlos Landaure,

**NOW, THEREFORE, BE IT RESOLVED**, that Carlos Landaure be refunded \$477.00 from the Sidewalk Inspection Escrow account.

Dated: January 23, 2014

**RESOLUTION NO.2014-38**  
**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-024**  
**LAPORTA BUILDERS, INC. – 67 DURHAM AVENUE**

**WHEREAS**, LaPorta Builders, Inc. posted \$540.00 for curb, apron and sidewalk escrow fees at 67 Durham Avenue; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to LaPorta Builders, Inc.,

**NOW, THEREFORE, BE IT RESOLVED**, that LaPorta Builders, Inc. be refunded \$540.00 from the Sidewalk Inspection Escrow account.

Dated: January 23, 2014

**RESOLUTION NO. 2014-39**  
**RESOLUTION AMENDING RESOLUTION 2014-31 TO INCLUDE THE PROVISION**  
**OF SERVICES OF CONFLICT ATTORNEY FOR THE BOROUGH OF METUCHEN**  
**BY BRUCE SAMUELS AND THE FIRM OF FRIZELL AND SAMUELS**

**WHEREAS**, the Borough of Metuchen has a need to acquire the services of a Conflict Attorney; and

**WHEREAS**, by way of Resolution 2014-31, the Mayor and Council of the Borough of Metuchen authorized the award of contract to Bruce Samuels and the firm of Frizell and Samuels in the amount not to exceed \$15,000.00 for the provision of services as Tax Appeal attorney for the Borough of Metuchen; and

**WHEREAS**, the Mayor and Council has determined that it is in the best interest of the Borough to appoint Bruce Samuels and the firm of Frizell and Samuels to serve as Conflict Attorney for the Borough of Metuchen under the same contract amount not to exceed \$15,000.00 contained in Resolution 2014-31.

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

1. The Mayor and Borough of Clerk are hereby authorized and directed to take any and all necessary actions including but not limited to executing an agreement and/or amendment to an agreement with Bruce Samuels of the firm Frizell and Samuels, 450 Main Street, Metuchen, NJ 08840 to include both the provision of Tax Appeal Attorney and Conflict Attorney services to the Borough of Metuchen at a total cost not exceed \$15,000.00.

Dated: January 23, 2014

**RESOLUTION NO.2014-40**  
**RESOLUTION TO REDUCE 2010 AND 2011 TAXES-STATE TAX APPEAL**

**WHEREAS**, successful State Tax Court Appeal judgments were awarded to TD Bank for Block 134, Lot 58, 362 Amboy Avenue, Block 134, Lot 57, 253 Lake Avenue and for Block 134, Lot 47, 275 Lake Avenue for 2010 and 2011,

**WHEREAS**, the land 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 \$7,843.36 and \$8,155.76 for 2011,

**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 and 2011 taxes on the parcels shown in the chart in the amount of \$15,999.12 due to the successful State Tax Court Appeals for the years 2010 and 2011, including amendments, and refund the resulting tax overpayment in the amount of 15,999.12.

BLOCK	LOT	ASSESSMENT	2010	2011
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		REDUCTION		
134	58	28,400.00	1,404.66	1,460.61
134	57	3,380.00	167.17	173.83
134	47	126,800.00	6,271.53	6,521.32
			7,843.36	8,155.76

Dated: January 23, 2014

**RESOLUTION NO. 2014-41**  
**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND-23**  
**ELECTRIC STREET-AJ PERRI, INC. #13-001**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by AJ PERRI Inc. as the required Performance Guarantees for Street Opening #13-001-23 Electric 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, AJ PERRI Inc., 1138 Pinebrook Road, Tinton Falls, NJ 07724, as recommended by the Director of Public Works.

Dated: January 23, 2014

**RESOLUTION NO. 2014-42**  
**REFUNDING STREET OPENING BOND-203 HIGHLAND AVENUE-MANDELL**  
**PLUMBING-#12-034**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mandell Plumbing and Heating as the required Performance Guarantees for Street Opening #12-034 (2012)-203 Highland Avenue; 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, Michael Mandell Plumbing and Heating Inc., 17 Oliver Street, Metuchen, NJ 08840 as recommended by the Director of Public Works.

Dated: January 21, 2014

**RESOLUTION 2014-43**  
**RESOLUTION RE-APPOINTING KATHRYN CIRULLI TO SERVE AS MUNICIPAL**  
**CLERK FOR THE BOROUGH OF METUCHEN**

**WHEREAS**, in accordance with N.J.S.A. 40A:9-133.1 the Borough Council of the Borough of Metuchen requires the appointment of a Municipal Clerk; and

**WHEREAS**, on December 26, 2010 the Borough Council of the Borough of Metuchen appointed Kathryn P. Harris (Cirulli) to serve as the Municipal Clerk of the Borough of Metuchen for a term to expire on December 26, 2013; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Metuchen deem it in the best interest of the Borough of Metuchen to reappoint Kathryn Cirulli as the Municipal Clerk of the Borough of Metuchen with a term to expire on December 26, 2016

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Metuchen that Kathryn Cirulli is hereby reappointed as the Municipal Clerk of the Borough of Metuchen.

Dated: January 23, 2014

**ORDINANCE INTRODUCTION**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2014-1 was taken up on first reading.

Borough Clerk Cirulli read the ordinance by title.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance No. 2014-1 was passed on first reading, published according to law and a public hearing date set for February 3, 2014

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

**ORDINANCE NO. 2014-1**

**AN ORDINANCE CREATING THE BOROUGH OF METUCHEN ACCESSIBILITY COMMITTEE**

**WHEREAS**, pursuant to N.J.S.A. 40A:60-7 (d) the Council of the Borough of Metuchen may create advisory councils/committees to the Borough to serve such purposes as it deems appropriate; and

**WHEREAS**, in 1990 the U.S. Congress passed the Americans with Disabilities Act (“ADA”) in order to, among other things, assure equality of opportunity, full participation, independent living, and economic self sufficiency for individuals with disabilities; and

**WHEREAS**, through an extensive regulatory framework, the ADA, among other things, prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications; and

**WHEREAS**, Borough of Metuchen has remained compliant with the ADA, and

**WHEREAS**, the purpose of the creation of the Accessibility Committee is not to usurp or interfere with the ADA Compliance Officer, his duties and responsibilities but to enhance the public awareness, promote accessibility and to assess the needs of individuals with disabilities within the Borough of Metuchen; and

**WHEREAS**, the Borough Council deems it in the best interest of the Borough to formulate an Advisory Committee to assist the Borough in assessing and meeting the accessibility needs of the residents and visitors of the Borough of Metuchen who have disabilities and to encourage the full participation of individuals with disabilities in all community activities.

**NOW THEREFORE BE IT ORDAINED** that, Article 10, Sections 10-35 through 10-37 of the Code of the Borough of Metuchen shall be created to read as follows:

**ARTICLE X ACCESSIBILITY COMMITTEE**

**§ 10-35 Establishment; Composition**

There is hereby established an Accessibility Committee which shall be made up of a total of seven (7) members. It shall be composed of five (5) citizens of the Borough who shall serve without compensation, plus a member of the Borough Council, to be appointed by the Mayor, who shall serve as liaison from year to year, and a member of the Senior Citizen Commission who shall be annually appointed by the Senior Citizen Commission to serve as a member. In addition, to the seven (7) aforementioned members, the Borough shall also request that the Metuchen Chamber of Commerce annually appoint a Member of the Chamber of Commerce to act as a liaison to the Accessibility Committee.

Members of the Committee shall be representative of the community and shall include, to the extent feasible, individuals having experience in living with a disability or caring for a person who has a disability. All five (5) citizen members shall serve, on a staggered basis, for a term of three (3) years. Initial appointments of the members shall be as follows: one (1) member for three (3) years, two (2) members for two (2) years, and two (2) member for one (1) year, thereafter, each appointed member shall serve a three (3) year term.

**§ 10-36 Appointment; selection of Chairperson; vacancies.**

All five (5) citizen members shall be nominated by the Mayor and confirmed with the advice and consent of the Borough Council. The Borough Council liaison shall be designated every year at the annual reorganization meeting of the Borough by the Mayor. All members shall serve until their successors are duly appointed and qualified. The members of the Accessibility Committee shall designate one of its citizen members as Chairperson and that individual shall serve until the first day of January next following that election and until his or her successor shall be appointed and qualified. Vacancies occurring other than by the expiration of the term shall be filled in the manner prescribed therein, but only for the balance of the unexpired term.

**§ 10-37 Powers and duties.**

The Accessibility Committee shall have the following powers and duties:

A. To establish, amend and supplement its own bylaws to govern its structure, operations and activities to the extent not inconsistent with this article or any other local, state or federal regulation or law.

B. To make recommendations to the Mayor and Council of the Borough of Metuchen in order for the Mayor and Council to address issues with other Borough agencies,

including the Metuchen Chamber of Commerce, with respect to any matters relating to the accessibility of public accommodation for the disabled in the Borough of Metuchen.

C. Make recommendations to the Mayor and Council in order for the Mayor and Council to address with all other boards, commissions and agencies with respect to programs to assist individuals with disabilities.

E. To coordinate through the Administrator cooperation with other commissions and departments of the Borough of Metuchen to promote accessible activities and programs.

F. To identify needs of individuals with disabilities within the Borough of Metuchen.

G. To confer, as a body, with any county state, federal or private agencies involved in programs for individuals with disabilities for the purpose of acquiring information about available services and programs for individuals with disabilities in the Borough of Metuchen.

H. To aid the Borough of Metuchen, where necessary, in assisting individuals with disabilities in the Borough of Metuchen where help is sought in connection with issues related to disability and the accessibility of places and programs.

I. To make an annual report of its activities to the Mayor and Borough Council and at such other time as the Mayor or Borough Council shall request.

L. The Accessibility Committee shall be advisory in nature, it nor its members have the authority to contract, bind or act on behalf of the Borough of Metuchen. Its sole function is to assist the Mayor, Council and Administration of the Borough of Metuchen in assessing the accessibility of matters in the Borough of Metuchen to the disabled.

**BE IT FURTHER ORDAINED** that the within ordinance shall become effective upon final passage and publication as provided by law.

#### **PUBLIC COMMENT**

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

Rose DeFreis(312 Middlesex Avenue) asked what the Accessibility Committee was.

Mayor Vahalla explained that the committee was formed to address any areas that could be improved to make it more accessible for handicapped people.

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:

Kathryn Cirulli  
Municipal Clerk