

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
June 23 2014
6:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 23, 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, the Star Ledger and is posted in Borough Hall and filed in the Clerk's office.

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

Present were Councilmembers Wallace, Rasmussen, Inserro, Grayzel, Cammarano and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, David Blank, Borough Attorney and Borough Clerk Katie Cirulli.

Agenda Session

Council President Muldoon made a motion to open the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the agenda session was opened.

Councilwoman Rasmussen reported that some of the tables and benches at Park at Center Street are in very bad shape. She has requested the Administrator to look into this and see if something can be done to repair the tables and benches. Mayor Vahalla said that they will have the DPW look into this.

Councilwoman Inserro asked that the Liquor Licenses be pulled off the consent agenda and be moved to be discussed. All are in agreement.

Council President Muldoon made a motion to approve the resolution to go into Closed Session to discuss litigation and personnel matters, second by Councilwoman Rasmussen.

Borough Clerk read the Resolution.

CLOSED SESSION RESOLUTION

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF MATTERS OF LITIGATION AND PERSONNEL.

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: matters of litigation and personnel matters;

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing matters of litigation and personnel; and

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

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

Mayor Vahalla asked that they not go into Closed Session at this moment but to go after the Parking Authority presentation and Complete Streets report. All were in favor.

Council President Muldoon made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the Agenda Session was closed.

Council President Muldoon asked if any Councilmember has an issue with the Complete Streets Report being presented before the Parking Authority. All were in favor.

Mayor Vahalla asked Chris Cosenza, Borough Zoning Officer, to present the report that was generated by the Planner, Engineer and Mr. Cosenza. Mr. Cosenza stated that their report is in response to the Resolution for Complete Streets that was passed in 2013, dealing with section 7, paragraph 3. This report is for the actions that have been taken by the Borough of Metuchen in the last six months. The Mayor, Administrator, Police, Planner, Engineer and Mr. Cosenza met to discuss actions taken and make recommendations on how to move forward. Mr. Cosenza went over the report and recommendations. He explained that he broke the report down into four classifications. The classifications include "The Master Plan Goals and Objectives", "Actions Taken by the Zoning Officer", "Actions taken by the Planning and Zoning Board of Adjustments", "Public Safety", and "Residential Sidewalk".

Councilwoman Inzerro asked if people are being sent to the DOT Implementation Sessions that are happening over the summer. Administrator Boerth stated that he is working on sending someone.

After further discussion between the Councilmembers and Mr. Cosenza, Council President Muldoon thanked Mr. Cosenza for coming in and going over the report. There are many great recommendations and actions are being taken to operationalize Complete Streets.

Mayor Vahalla stated that DaVita Dialysis came before the Planning Board and part of the approval process was that a sidewalk has to be installed around the sides of the property. Mr. Cosenza stated that there are other developments that have sidewalks also being addressed. There is also a grant application that has been sent for "Safe Routes to School" for some of the area noted in the report.

Mayor Vahalla opened the Parking Authority presentation of their "Parking Management Plan".

Len Roseman, Chairperson of the Parking Authority, stated that the Parking Authority closed on the property on Inn Place. He feels that it will add significant parking to their inventory. He thanked Jim Graziano, his partners and staff for their diligence on making this transaction happen.

Mr. Roseman stated that the first purpose of the Parking Authority is to make sure that the Borough policies are enforced.

They hired Tom Brown, a consultant from Nelson/Nygaard Consulting Associates; a New York City-based transportation-planning firm was hired by the Parking Authority to create a parking-management plan. He study the Borough of Metuchen parking needs and determined what is working and what isn't working about the parking.

Tom Brown went over reasons to do a parking-management plan and how all the pieces need to work together now and in the future. He reviewed the 2009 study on parking, the number of parking spaces, fees, multi-modal assets that is available in Metuchen and future developments slated to be constructed. He presented the findings of the report and recommendations on how to make the parking more functional in the future as well as pedestrian safety and way-finding signage. He went over the key elements of the report. Mr. Brown explained the steps that need to be implemented in order to follow through with the recommendations of the report.

A discussion ensued between the Councilmembers and Mr. Brown on different parking fees and fines within the downtown area for the parking areas that are more convenient than other parking areas. Mr. Brown stated that the report outlines the different ways to accommodate employer/employee parking fees and what parking areas should be made available to them. The idea is to leave the main downtown parking areas for commuters and the public who want to shop downtown.

The discussion also included the upgrade of the current parking meters. As outlined in the report, it would benefit the Borough to upgrade to meters that are credit card and pay-by-phone friendly. One of the benefits of moving forward with pay by phone is that the meters do not have to be replaced. Stickers would be placed on the current meters with the information of how to pay by phone. There is the concern that if the employees start using the pay by phone system, they would just keep their cars in the same spot and just keep paying for the day. Mr. Brown stated that there is a feature that can be implemented on the system that would prevent that situation from happening.

Mayor Vahalla thanked Mr. Brown for the informative report and his time in explaining it.

Mr. Roseman stated that the Parking Authority does intend to initiate some of the recommendations of the report. They have already arranged with a company to provide service through the smartphone for some of their lots and are in discussions as to how far they will carry the program. At the moment they aren't pursuing credit card meters because it is an expensive venture but it may still be beneficial. They are looking into it more. They are working on improving the signage as well as the alley way and making customer parking more available.

John Defoe, from the Parking Authority, wanted it to be known that for the last 30 years there has been a discounted rate for employees to park in the Metuchen Authority Parking lots. He stated that the employers/employees aren't utilizing this discount because there is no enforcement of the ordinance and they are getting away with parking in the wrong areas.

Open To Public

Mayor Vahalla opened the meeting to the public for comment on either the Parking Authority Report or on any other item on the agenda.

Eric Floeck, 65 Christol Street, Metuchen – is coming before the Council about the situation at 62 Christol Street. The house in at the point of unlivable and the front of the house is no longer visible because of the condition of the yard. This situation has been going on for years. Mr. Fleck has spoken to

the Zoning Officer but nothing has ever worked. This is affecting him and other neighbors on the street. He wants something to be done to rectify the conditions at the house.

Mayor Vahalla asked Mr. Cosenza as to the status of the house at 62 Christol Street. Mr. Cosenza stated that he has been aware of the property since 2011 and the house and property is in a constant state of disrepair. This has been an issue since 1996. Mr. Cosenza has issued 10 summonses and will be issuing the 11th summon next week for violations. To date he has levied up to \$6,000.00 against the property. Currently there is a tax lien holder and the term is coming due but it is yet to be seen if the holder will foreclose on the property or not. The owner's son has pleaded guilty to the charges but hasn't followed through with repairs and there has been no court action against the owner. The problem that Mr. Cosenza has been up against is that the owner of the property is unable to understand what is going on and has been dealing with the son who has agreed to take full responsibility of the property. Council President Muldoon asked that something is done to rectify the problem.

Borough Administrator Boerth has contacted the Borough Attorney to look at the current ordinance to determine if there is anything else that can be done. Unfortunately the existing ordinance does not give the Borough anything more than what has been done. The one avenue that is available is to amend the ordinance and he will refer that to the Borough Attorney to speak on that.

David Blank, Esq. stated that they are looking at the ordinance to see how to make it firmer so that when this situation happens, especially with residential property that the process is done the correct way.

Mayor Vahalla asked Mr. Boerth to check with the Health Inspector to find out if they have inspected the property lately.

Council President Muldoon asked the Attorney to expedite the update on the ordinance so that action can be taken soon. Mayor Vahalla stated that they will also work on getting the Fire Safety Officer out to the property for an inspection.

Darlene Burton, 68 Christol Street, Metuchen – stated that she has written letters to the entire township and still nothing has been done against this property. There are rats that run across her property every day and they are coming from 62 Christol Street. She can give the Council all the letters that she has written since the 90s. Mayor Vahalla asked if she would forward those letters because he has never seen them.

Kevin Critchley, 53 Christol Street, Metuchen – stated that the EMT has taken the owner out of the house a number of times within the last two years and they have to put on HAZMAT suits to go into the house. He has been in contact with Mr. Cosenza a number of times. Mr. Critchley asked the Councilmembers to drive by the house and take a look at it.

Councilwoman Inzerro stated that this is the first time that she is hearing about the rats and the use of HAZMAT suits and as the Liaison to the Board of Health, she would like a report from the Fire Prevention Official, Zoning Officer and any other health officials for updates on all housing situations every month within the Borough. Mayor Vahalla asked that the place to start is with the Zoning Officer with all the summonses that have been issued.

Kathy Stager, 68 Glen Court Ave, Edison – thanked the Council for reviewing the Complete Street Policy and coming up with recommendations. She stated that if people are the facilities to make it safe to walk and bike and places to lock up their bikes, people will come into town.

Seeing no one else wishing to speak, Mayor Vahalla closed the public comment period.

1. Section I, Group I is hereby amended by deleting the existing minimum and maximum ranges and titles and replacing them with the following:

The hourly range of compensation for the public works positions hereinafter named shall be as follows, all payable in bi-weekly installments except as otherwise provided for:

| <u>POSITION</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|------------------------------|-----------------------|-----------------------|
| Pump Operator | \$27.40 | 28.61 |
| Maintenance Repairman | 27.20 | 28.39 |
| Master Mechanic | 26.98 | 28.17 |
| Heavy Equipment Operator | 26.98 | 28.17 |
| Head Forestry | 26.56 | 28.16 |
| Assistant Equipment Operator | 26.05 | 27.20 |
| Forestry | 26.05 | 27.20 |
| Assistant Mechanic | 26.05 | 27.20 |
| Assistant Pump Operator | 26.05 | 27.20 |
| Parks Worker | 26.05 | 27.20 |
| Drivers | 25.21 | 26.32 |
| Custodians | 24.86 | 25.97 |
| Laborer | 24.47 | 25.56 |

The base rate of compensation of each employee as determined by the collective bargaining agreement shall be within the respective hourly rate as set forth in this Ordinance.

Additional compensation by way of holiday pay, longevity, overtime, sick days, personal days, insurance benefits and other matter related thereto are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2014.

Ordinance 2014-9

Council President Muldoon opened the public hearing on Ordinance 2014-9. He asked for affirmation of affidavit of publication.

Borough Clerk read the affidavit of publication.

Said Ordinance has been published one time in the Home News Tribune according to law on June 12, 2014.

Council President Muldoon made a motion to receive and file the Affidavit of Publication, seconded by Councilwoman Rasmussen; with all in favor, the Affidavit of Publication was received and filed according to law.

Council President Muldoon asked the Borough Clerk to read the Ordinance by title.

Ordinance 2014-9

Bond Ordinance Appropriating \$734,129 and Authorizing \$342,000 Bonds or Notes of the Borough for Various Improvements and Purposes Authorized to be Undertaken by the Borough of Metuchen, in the County of Middlesex, New Jersey.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

Sean Massey, 93 Highland Ave, Metuchen – He questioned how the Complete Streets policy gets applied to these projects.

Mayor Vahalla stated that these projects are on the recommendation of the Borough Engineer and only portions of the specified roadways are being done. The determination on what work gets done is based on the amount of money that is available and the areas that are in need of repair.

Mr. Boerth stated that he maintains a list of streets that are in need of repair and the DPW supervisor does the same. Each year they sit down and look at their lists and make recommendations on which street are most in need of repair. He then goes to the Borough Engineer for estimates for the streets that are determined the most in need of repair that year. They look at the capital funding as well as apply for DOT funding

Councilwoman Rasmussen stated that the Environmental Commission is applying for certification for Sustainable Jersey. If they get the certification, they will be able to also apply for funding to work on the Complete Streets policies.

Seeing no one else wishing to speak, Mayor Vahalla closed the meeting to public comment.

Council President Muldoon made a motion to approve Ordinance 2014-09 on second reading and published according to law, second 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 2014-06 passed on final hearing and is to be published according to law, 5-1

BOROUGH OF METUCHEN
BOND ORDINANCE 2014-9

BOND ORDINANCE APPROPRIATING \$734,129 AND AUTHORIZING \$342,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively

concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$734,129, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$18,000 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes, (ii) a grant from the New Jersey Department of Transportation totaling the amount of \$200,000, (iii) a grant from the New Jersey Department of Transportation Safe Streets totaling the amount of \$140,000, and (iv) a Community Development Block Grant from Middlesex County in the amount of \$34,129 (items (ii), (iii) and (iv) are collectively referred to as the "Grant").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$734,129 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$342,000 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$342,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) Library ADA building improvements; (ii) improvements to sewers; (iii) overlay, drainage improvement and reconstruction of Bridge Street and curb/sidewalk repair of various streets, including without limitation, Middlesex Avenue, Carlton Road, Norris Avenue, Division Street and Oakland Avenue; (iv) sidewalk construction on New Durham Road and Middlesex Avenue; and (v) the installation of pedestrian crossing lights at various intersections in the Borough, including without limitation, Main Street and Brunswick Avenue, Main Street and High Street, Central Avenue and Liberty Street, Middlesex Avenue and Oak Avenue, and Grove Avenue and Christol Street/Norris Avenue, including all materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$342,000.

(c) The estimated cost of said purposes is \$734,129 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$734,129 over the estimated maximum amount of bonds or notes to be issued therefor and the Grant is the amount of the down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 13.9 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$342,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$70,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the Grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$342,000. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Muldoon made a motion to take a two minute recess, second by Councilman Cammarano, with all in favor, motion passed.

Council President Muldoon made a motion to reopen the Council meeting, second by Councilwoman Rasmussen, with all in favor, the meeting was reopened.

Council President Muldoon made a motion to go into closed session for personnel and litigation matters, second by Councilwoman Rasmussen, with all in favor, Council went into closed session

Council President Muldoon made a motion to reopen the Regular session of Metuchen Borough Council meeting, second by Councilwoman Rasmussen, with all in favor, the Council meeting resumed.

Communications Consent Agenda

Council President Muldoon made a motion to receive and accept Items A through F, second by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items A through F has been received and accepted.

- A. Receive and Accept Historic Preservation Committee Minutes of May 13, 2014.
- B. Receive and Approve Block Party Request for Charles Street on Saturday, June 28, 2014, rain-date Sunday June 24, 2014.

- C. Receive and Approve Block Party Request for Lexington Drive on Saturday, September 6, 2014, Rain-Date Sunday September 7, 2014.
- D. Receive and Approve Block Party Request for Upland Avenue on Sunday, September 7, 2014, Rain-Date Monday September 8, 2014.
- E. Receive and Accept Environmental Commission Minutes of March 2014.
- F. Receive and Accept Parking Authority Minutes of April 15, 2014.

Other Communications

Reports of Councilmembers

Council President Muldoon has no report at this time.

Councilman Wallace reported has no report at this time.

Councilwoman Rasmussen –

- Shade Tree Commission distributed 77 trees at the Farmers' Market on Saturday. The Shade Tree Commission will not be meeting in July and will resume meetings in August.
- The Environmental Commission submitted an application for Sustainable New Jersey and should hear what actions have been taken in July. The Environmental Commission will be cancelling their meeting in July and will resume in August.
- With the BBQ season upon us, she would like to remind the residents to recycle their beverage containers, especially at block parties.
- The Chamber had their golf tournament and it was a great success.
- The Junebug was a great event shared by the Chamber, the Arts Council and citizens. The event was covered by News12 last Friday, interviewing the Mayor and various business owners and sampling foods at various restaurants in town.
- The Spring Fair was well attended. There were many crafters, service businesses and various food vendors which made the day a great success.
- The Development Commission met and discussed the Downtown to see what can be done with Main Street and asked if the Borough is going to get a consultant to come in a discuss the Downtown, that the Development Commission be the core group to interface with the consultant along with any additional people the Mayor would like to add.

Councilwoman Inzerro –

- The Board of Health is scheduled to meet on July 23rd and she will bring the issues to them of the housing complaints.
- The Senior Citizen Inc. would like everyone to hold the date of October 26th for the fund raising luncheon at Metuchen High School
- The Municipal Alliance met with a trainer from the National Council of Drug and Alcohol Abuse in order to get ready for the coming year.
- The Planner is working on the Middlesex Greenways grant project for Metuchen, Edison and Woodbridge. The Edison Greenways group held a final meeting and suggested a series of action steps for Municipalities in the County to improve the Greenways. That final report should be out by the end of the summer. Councilwoman Inzerro thanked everyone that came out and filled out the survey for the Greenway.

Councilman Grayzel –

- He reminded the public of the summer concert series brought about through the generosity of Metuchen Savings Bank. It will begin on consecutive Thursdays at the Metuchen Senior Center parking lot at 7:30 PM. The concerts are free of charge.

Councilman Cammarano – has not report at this time.

Councilman Wallace stated that the house on Center Street has been torn down and the lot has been graded.

Reports of Officers

Denis Murphy, Borough Attorney, has no reports

Bill Boerth, Administrator, has no reports

Report of Mayor

Mayor Vahalla –

- Friday was a great night for the Junebug event
- This Friday is the last Junebug for the year so come out an enjoy the festivities
- At the Planning Board met last Thursday. DaVita Dialysis received approvals with sidewalk and parking lot improvements.
- Safe Routes to School grant is almost done and the Engineer will be filing that. They have received letters of support from various groups within the Borough and the Freeholders.

New Business Consent Agenda

Council President Muldoon moved to approve the New Business Consent Agenda Items A-H, M-S and U-W (Resolutions R2014-109 through R2014-116, R2014-121 through R2014-127 and R2014-129 through R2014-131), seconded by Councilwoman Rasmussen, with all in favor, Resolutions R2014-109-R2014-116, R2014-121-R2014-127 and R2014-129-R2014-131 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 | | | |

Consent Agenda approved, 6-0

RESOLUTION 2014-109

RESOLUTION AUTHORIZING REFUND 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.

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 |
|-----------------------|---------------|--|
| 10-901 E | 814.00 | First Presbyterian Church 270 Woodbridge Avenue |
| 10-901 I | 651.00 | First Presbyterian Church 270 Woodbridge Avenue |
| 14-1021 E | 765.10 | Total Renal Care Inc. 319 Lake Avenue |

RESOLUTION 2014-110

**REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #14-0211
THE NEHER GROUP, INC.**

WHEREAS, The Neher Group, Inc., 1239 Revere Drive, Chalfont, PA 18914, made payment on March 18, 2014 in the amount of \$56.00 for a Building Permit fee for work to be performed at 39 Woodbridge Avenue, Unit #30; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, the DCA (*State*) fees of \$4.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2011-1 a 20% plan review fee of \$10.40 shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund The Neher Group, Inc., 1239 Revere Drive, Chalfont, PA 18914, in the amount of \$41.60 for the Building Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance No. 2011-1.

RESOLUTION 2014-111

RESOLUTION APPOINTING MUNICIPAL PROSECUTOR-SICA

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Michael T. Sica, Esq. be appointed as the Municipal Prosecutor for the Borough of Metuchen effective June 23, 2014 with a term to expire December 31, 2014.

RESOLUTION 2014-112

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-005

THOMAS BLACK – 140 OAK AVENUE

WHEREAS, Thomas Black posted \$128.00 for sidewalk escrow fees at 140 Oak Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Thomas Black,

NOW, THEREFORE, BE IT RESOLVED, that Thomas Black be refunded \$128.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-113

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-011
FOX AND FOXX DEVELOPMENT, LLC-47 HICKORY STREET**

WHEREAS, Fox & Foxx Development, LLC posted \$508.00 for curb, apron and sidewalk escrow fees at 47 Hickory Street; 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 \$508.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-114

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-009
FOX & FOXX DEVELOPMENT, LLC – 164 MAPLE AVENUE**

WHEREAS, Fox & Foxx Development, LLC posted \$697.00 for curb, apron and sidewalk escrow fees at 164 Maple Avenue; 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 \$697.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-115

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-010
49 CARLTON ROAD**

WHEREAS, Douglas Risler posted \$40.00 for sidewalk escrow fees at 49 Carlton Road; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Douglas Risler,

NOW, THEREFORE, BE IT RESOLVED, that Douglas Risler be refunded \$40.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-116

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-007
81 RECTOR STREET**

WHEREAS, Nancy Zerbe posted \$208.00 for apron and sidewalk escrow fees at 81 Rector Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Nancy Zerbe,

NOW, THEREFORE, BE IT RESOLVED, that Nancy Zerbe be refunded \$208.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-121

**RESOLUTION AUTHORIZING ADDENDUM TO AGREEMENT FOR THE COOPERATIVE
MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES
UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME
INVESTMENT PARTNERSHIP FUNDS**

WHEREAS, on July 15, 1993 the County of Middlesex and the Borough of Metuchen entered an agreement for the cooperative means of conducting certain community development activities utilizing Community Development Block Grant (CDBG) funds and HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development for the federal fiscal years 1994, 1995 and 1996; and

WHEREAS, these Cooperative Agreements have been renewed by the County and the Municipality every three years, including the most recent renewal in 2011 covering federal fiscal years 2012, 2013 and 2014; and

WHEREAS, the Cooperative Agreements for federal fiscal years 2015, 2016 and 2017 must be amended to include a provision required in the Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2014.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties do mutually agree that the Cooperative Agreement between the County and Municipality originally dated July 15, 1993 and now to be renewed for federal fiscal years 2015, 2016 AND 2017 be amended as follows:

1. The new paragraph #26 be added stating:
 26. The County or municipality may not sell, trade, or otherwise transfer all of any portion of such funds to another such metropolitan city, urban county, unit of general local government, of Indian tribe, or insular area that directly or indirectly receives CBDG funds or any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title 1 of the Act.
2. All other terms and conditions of the Agreement originally dated July 15, 1993 and renewed every three years shall remain the same.

NOW, THEREFORE, BE IT ALSO RESOLVED that the Borough Council of

the Borough of Metuchen hereby agrees and approves the above and attached changes to the Cooperative Agreement and gives the Mayor the authority to sign said agreement

RESOLUTION 2014-122

RESOLUTION AUTHORIZING REPURPOSING OF COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS

WHEREAS, there are funds remaining in the Community Development Block Grant allocations distributed through Middlesex County to the Borough of Metuchen in the area of Curb Cut Project (34,129.00); and,

WHEREAS, there is a need to make various improvements to the Metuchen Public Library to improve ADA accessibility.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that \$34,129.00 be moved from the Curb Cut Improvement account to a Library ADA Building Improvements Account.

RESOLUTION 2014-123

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR BLOCK 164 LOT 49.01, 49.02 AND 49.03-270 WOODBRIDGE AVENUE-FIRST PRESBYTERIAN CHURCH

WHEREAS, the First Presbyterian Church has requested a refund of the performance bond for various improvements on B164 L49. 49.01, 49.02 and 49.03-270 Woodbridge Avenue; and

WHEREAS, the First Presbyterian Church has received approval to phase the construction of Block 164 L49, 49.01, 49.02 and 49.03; and

WHEREAS, the Project Engineer has reported that the Phase 1 contract has been completed in an acceptable manner; and

WHEREAS, the Project Engineer recommends the full release of the performance guarantee for Phase 1 in the amount of \$33,016.00(posted in the form of surety bond) and \$3,668.40 (posted in cash) pending the payment of any necessary outstanding escrow fee; and

WHEREAS, as per a letter from Birdsall Services Group dated April 30, 2014 stipulates that no Maintenance bond will be required for Phase 1 improvements; and

WHEREAS, the First Presbyterian Church has received approval to post the required Phase 11 performance guarantees at the commencement of Phase 11 improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to The First Presbyterian Church, 270 Woodbridge Avenue, Metuchen, NJ 08840 in the amount of \$33,016.00 (posted in the form of surety bond) and \$3,668.40 upon payment of any outstanding fees.

RESOLUTION 2014-124

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-008
24 RENNINGER ROAD**

WHEREAS, Geeta Nishit Shah posted \$288.00 for sidewalk escrow fees at 24 Renninger Road;
and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to
Geeta Nishit Shah,

NOW, THEREFORE, BE IT RESOLVED, that Geeta Nishit Shah be refunded
\$288.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2014-125

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 56 ROSE STREET-
#14-024**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was
posted by AAA All Service, Inc., as the required Performance Guarantees for Street Opening #14-024-56
Rose 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,
AAA All Service Inc., T/A Kens Plumbing, Aaron Sewer, Casper Heating, 1606 Route 27, Edison, NJ 08817
as recommended by the Director of Public Works.

RESOLUTION 2014-126

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 57 BEACON HILL
DRIVE- #13-032**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was
posted by AAA All Service, Inc., as the required Performance Guarantees for Street Opening #13-032-57
Beacon Hill Drive; 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,
AAA All Service Inc., 1606 Route 27, Edison, NJ 08817 as recommended by the Director of Public Works.

RESOLUTION 2014-127

RESOLUTION EXPANDING THE HOURS FOR SALE OF ALCOHOL ON MONDAY, MAY 26, 2014 (MEMORIAL DAY); FRIDAY, JULY 4, 2014 (INDEPENDENCE DAY) AND MONDAY, SEPTEMBER 1, 2014 (LABOR DAY).

WHEREAS, pursuant to § 53-4 of the Code of the Borough of Metuchen, entitled “Hours of Sale” a liquor licensee is not permitted to sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverages, or suffer consumption of any alcoholic beverages upon the licensed premises between the hours of 1:00 a.m. and 7:00 a.m., Monday through Friday;

WHEREAS, the Council of the Borough of Metuchen has received a request from a plenary consumption licensee to expand the “hours of sale” for May 26, 2014 (Memorial Day); July 4, 2014 (Independence Day) and September 1, 2014 (Labor Day) limiting the prohibition of sale from 1:00 a.m. to 7:00 a.m. to 2:00 a.m. to 7:00 a.m.;

WHEREAS, the Borough Council has determined to grant such request in an uniform fashion to all Plenary Retail Consumption and Club licensees in the Borough; and

WHEREAS, the Borough Council approved the request for the expansion of hours of sale for May 26, 2014 (Memorial Day) by way of an oral motion and vote at its Council meeting on May 19, 2014;

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby expands the “hours of sale” contained in § 53-4 for Friday, July 4, 2014 (Independence Day) and Monday, September 1, 2014 (Labor Day) limiting the prohibited hours of sale from 1:00 a.m. to 7:00 a.m. to 2:00 a.m. to 7:00 a.m. on July 4, 2014 and September 1, 2014

BE IT FURTHER RESOLVED by the Council that it hereby memorializes its approval for the expansion of the “hours of sale” contained in § 53-4 for Monday, May 26, 2014 (Memorial Day) limiting the prohibited hours of sale from 1:00 a.m. to 7:00 a.m. to 2:00 a.m. to 7:00 a.m.

BE IT FURTHER RESOLVED by the Council that the within expansion of the hours of sale shall be limited solely to the inside of the licensed premises and shall not be for the sale or consumption of alcoholic beverage outside or in an outdoor dining areas during the expanded hours.

BE IT FURTHER RESOLVED that the within resolution shall have no effect whatsoever on the hours of sale of the Plenary Retail distribution licensees within the Borough;

BE IT FURTHER RESOLVED that the Borough Council reserves the right to revoke the permission for extended hours of sale granted herein for any reason whatsoever.

RESOLUTION 2014-129

RESOLUTION AMENDING RESOLUTION 2014-90 AUTHORIZING THE BID AWARD FOR THE METUCHEN MUNICIPAL POOL SNACK BAR CONCESSION AND LEASE AGREEMENT CORRECTING THE VENDOR’S LEGAL NAME.

WHEREAS, on April 28, 2014, by way of Resolution No. 2014-90, the Council of the Borough of Metuchen awarded, “Dellano’s Food (Fred Dellano) 45 Longhill Road, Long Valley, NJ” the

Metuchen Municipal Pool Snack Bar Concession and Lease Agreement with the Borough of Metuchen;
and

WHEREAS, the legal name of the vendor is “Dellano’s Zeppole”, not “Dellano’s Food (Fred Dellano)”

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby amends Resolution No. 2014-90 replacing the vendor’s name “Dellano’s Food (Fred Dellano)” with “Delano Zeppole t/a Dellano’s Food”;

BE IT FURTHER RESOLVED by the Council that the remainder of Resolution

RESOLUTION 2014-130

RESOLUTION AUTHORIZING THE PREPARATION AND EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT TO THE COUNTY OF MIDDLESEX FOR THE REPLACEMENT OF CULVERT 1-C-124 LOCATED ON ORCHARD AVENUE

WHEREAS, the Borough of Metuchen is the owner of property located at Block 213, Lot 68 located on Orchard Avenue in the Borough of Metuchen, County of Middlesex;

WHEREAS, by way of correspondence dated March 24, 2014, the County of Middlesex Department of Business Development and Education requested the Borough of Metuchen dedicate a Temporary Construction Easement containing nine hundred eighty three (983) square feet (.002 acres) to the County of Middlesex for the purposes of replacing a Culvert 1-C-124 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Council of the Borough of Metuchen deems it in the best interest of the Borough to grant a Temporary Construction Easement to the County of Middlesex for the purposes of the replacement of Culvert 1-C-124.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the preparation and execution of a Temporary Construction Easement to be located on Orchard Avenue, Block 213, Lot 68, to the County of Middlesex for purposes of the replacement of Culvert 1-C-124 in a form acceptable to the Borough Counsel, Engineer, Administrator and Mayor; and

BE IT FURTHER RESOLVED by the Council that all Borough officials and employees are hereby authorized to take all actions necessary to effectuate the within

RESOLUTION 2014-131

RESOL UTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLE

WHEREAS, there exists a need for vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A82925; and

WHEREAS, the maximum amount of the purchase of a 2014 Ford Police Interceptor in the Borough of Metuchen is \$23,898.00 and funds will be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification; 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 and forward a Purchase Order to Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

Council President Muldoon stated that the following Resolutions had been pulled for discussion – R2014-117 through R2014-120 and R2014-128, authorizing the approval of liquor licenses.

Councilwoman Inserro asked if there was anything more that they needed to know about the liquor licenses before they are approved, specifically the one for Metuchen Inn, which had some code violations. The Borough Clerk stated that before the licenses can be approved, the Fire Official, Health Official and Chief of Police must sign off and give her the OK, which has been received.

Councilman Cammarano stated that the Resolutions for The Brown Stone and Hally’s Pub will carry the same restrictions as it has in the past.

Council President Muldoon made a motion to approve R2014-117 through R2014-120 and R2014-128, second by Councilwoman Rasmussen, with all in favor, R2014-117-R2014-120 and R2014-128 were 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 | | | | |

R2014-117-R2014-120 and R2014-128 were approved, 6-0

RESOLUTION 2014-117

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES FOR HHP ENTERPRISES LLC WITH STIPULATIONS

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following licenses for the period July 1, 2014 to June 30, 2015 due to past repeated disturbances and nuisances; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption License for the period July 1, 2014 to June 30, 2015 be and the same are hereby granted to said applicant.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--|---|-----------------|
| <u>PLENARY RETAIL CONSUMPTION</u> | | |
| 1210-33-008-008 | HHP Enterprises LLC T/A Hailey's Harp & Pub 400 Main Street | \$2,200 |

Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the within permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2015.
2. The 36" rail separating the licensed area from the public sidewalk shall be maintained at all times to prevent passage. Access to the outdoor licensed area shall be solely from within the licensed establishment.
3. No service shall be made in the outdoor area after 10:00 P.M. on weekdays, 11:00 P.M. on Friday and Saturday.
4. Tables shall be a maximum of 36" in diameter, or 36" square, and shall be no higher than 30".
5. Service in the outside area shall be limited to seated customers. No standing service shall be permitted.

RESOLUTION 2014-118

RESOLUTION AUTHORIZING RENEWAL OF POCKET LIQUOR LICENSE-MERCADO GRILL

WHEREAS, the following applicant for Plenary Retail Consumption has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen,

that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption License for the period July 1, 2014 to June 30, 2015, be and the same are hereby granted to said applicant.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--------------------------|--|-----------------|
| | <u>PLENARY RETAIL CONSUMPTION</u> | |
| 1210-33-009-008 | MERCADO GRILL (In pocket) | \$2,200 |

RESOLUTION 2014-119

RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2014 to June 30, 2015, be and the same are hereby granted to said applicants.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--------------------------|--|-----------------|
| | <u>PLENARY RETAIL CONSUMPTION</u> | |
| 1210-33-012-010 | CGC Café LLC T/A Novita 25 New Street | \$2,200 |
| 1210-32-002-003 | Metuchen Inn A Corp, T/A Metuchen Inn 424 Middlesex Avenue | \$2,200 |
| | <u>PLENARY RETAIL DISTRIBUTION</u> | |
| 1210-44-003-002 | Great Atlantic and Pacific Tea Co.Inc. 45 Pearl Street | \$1,431 |
| 1210-44-007-007 | Sunny & Shivani T/A Metuchen Liquor and Delicatessen 431 Main Street | \$1,431 |

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--------------------------|---|-----------------|
|--------------------------|---|-----------------|

| | | |
|-----------------|---|---------|
| 1210-44-011-009 | <u>PLENARY RETAIL DISTRIBUTION</u> Abrol, Inc. T/A Wine Chateau 85 Central Avenue | \$1,431 |
|-----------------|---|---------|

| | | |
|-----------------|--|--------|
| 1210-31-014-001 | <u>CLUBS</u> American Legion Fugle Hummer Post 65 Corner of Lake and Holly Street Post Office Box 365 | \$ 150 |
|-----------------|--|--------|

| | | |
|-----------------|--|--------|
| 1210-31-017-002 | Metuchen Elks #1914 87 Middlesex Avenue | \$ 150 |
|-----------------|--|--------|

RESOLUTION 2014-120

RESOLUTION AUTHORIZING LIQUOR LICENSE RENEWAL FOR SK & SK INC. T/A BROWN STONE BAR AND GRILL WITH STIPULATIONS

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

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

WHEREAS, while at this stage, no legally valid objections have been made as to why these applications should not be approved, the Borough has received and reviewed complaints relating to the operation of the establishment; and

WHEREAS, the Borough of Metuchen has chosen to impose special conditions on the following license for the period July 1, 2014 to June 30, 2015 due to past repeated disturbances and nuisances;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption License for the period July 1, 2014 to June 30, 2015 be and the same are hereby granted to said applicant.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--------------------------|---|-----------------|
| 1210-33-010-006 | <u>PLENARY RETAIL CONSUMPTION</u> Sk & Sk Inc. T/A Brown Stone Bar and Grill 932 Middlesex Avenue | \$2,200 |

Special Conditions:

1. Unless the Council adopts a Resolution to permit a subsequent or permanent amendment to the License; the permission to use the outdoor area for service/consumption of alcohol shall expire on June 30, 2015.

2. Any music live or recorded shall cease in the outdoor area at 10:00 p.m., seven days a week. After 10:00 p.m., the Applicant shall keep the doors shut in order to ensure compliance with the Borough's concerns related to the outdoor area's use.
3. All of the prior conditions of approval for the use of the outdoor area shall be strictly complied with.
4. The speakers utilized for live or recorded music for the outdoor area shall be re-positioned to face highway 287.

RESOLUTION 2014-128

RESOLUTION AUTHORIZING RENEWAL OF POCKET LIQUOR LICENSE-AJ LIQUORS LLC.

WHEREAS, the following applicant for Plenary Retail Consumption has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

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

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption License for the period July 1, 2014 to June 30, 2015, be and the same are hereby granted to said applicant.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|--|-------------------------------|----------|
| <u>PLENARY RETAIL CONSUMPTION</u> | | |
| 1210-33-006-006 | AJ Liquors LLC (In pocket) | \$2,200 |

Other New Business

Bill Resolution

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, with all in favor, the Bill Resolution in the amount of **\$3,531,347.82** 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 | | | | |

Bill Resolution was approved, 6-0

Appointments

Borough Council Meeting
June 23, 2014

Council President Muldoon made a motion to appoint Rebecca Boucher to the Accessibility Committee, second by Councilwoman Rasmussen, with all in favor, the appointment is approved.

Ordinances – Introduction - none

Public Comment

Mayor Vahalla opened the meeting to the public for comment.

Seeing no one wishing to comment Mayor Vahalla closed the public comment.

Adjournment

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the meeting was adjourned at 9:56 PM.

Respectfully Submitted

Susan D. Jackson,
Metuchen Borough Clerk