

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
June 9 2014
6:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 9, 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 was provided by an annual notice sent to the Home News Tribune and the Star Ledger and is posted in the Borough Clerk's office and notice of this meeting was given on June 5, 2014 for a special meeting of the Mayor and Council for June 9, 2015 and has been filed in the Clerk's office and posted in Borough Hall according to law.

The Invocation was given by Councilwoman Rasmussen 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.

Council President Muldoon opened the agenda session speaking about the Capital Ordinance for road improvements. He asked the Borough Administrator, with Complete Streets policy being passed in October, what the process is for determining what roads are in need of repair. He doesn't think the Complete Street policy is incorporated because nothing on this ordinance looks different from past ordinances.

Mr. Boerth, Borough Administrator, explained which streets are being targeted for repair and the scope of work for each street. He explained what repairs are considered based on Complete Street checklist. The amount of work is also determined by availability of funds.

A discussion continued on roadways that are in need of repair and the requirements of Complete Streets and Bond law.

At this time, no Department Head has taken any of the training courses provided by Complete Streets and it was recommended that they attend by the Councilmembers.

Council President Muldoon's issue is that he doesn't believe that the Complete Street policy is being implemented fully and it would be a benefit to the Borough especially since the policy has been approved by the Council. He also stated that there are free classes offered to Borough staff and he feels that the Borough Department Heads should be going to understand how the policy should be used to benefit the

Borough. Councilman Cammarano added that anyone who is involved with the selection should attend the courses offered.

Councilman Cammarano suggested that when the DPW Director comes in to discuss the trees, maybe he could also discuss the process for street selection. Mayor Vahalla suggested that both the DPW Director and Borough Engineer should come in to discuss the process since they are both involved. Councilman Cammarano feels that there has been no set procedure year to year and it would help all the Councilmembers to understand the process of selection.

Councilman Cammarano asked what is being done with the fence at Oakland Avenue Park. It is unclear in the resolution as to exactly what is being installed. Mr. Boerth stated that the fence will be 20' high with no netting attached and about 100' of fencing installed. There was a discussion about the netting and the Council would like the Engineer look at the possibility of the net being utilized since the Borough already owns the netting.

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

Regular Meeting

Council President Muldoon made a motion to approve Council Meeting Minutes of September 3, 2013, September 16, 2013, October 7, 2013, October 21, 2013 Special Meeting of October 28, 2013, November 12, 2013, December 2, 2013 and December 16, 2013, second by Councilwoman Rasmussen, with all in favor, all minutes were approved.

Mayor Vahalla opened the Public Session to any member of the public that wish to speak.

Seeing no one wishing to speak, Mayor Vahalla closed Public Session.

Ordinance 2014-8 – Public Hearing

Council President Muldoon opened the public hearing on Ordinance 2014-8. 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 and stated that the Planning Board reviewed the Ordinance and sent a memo stating that the Ordinance is in compliance with the Master Plan.

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 2014-8

An Ordinance Amending the Land
Development Ordinances of the Borough of
Metuchen.

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

Seeing no one wishing to speak, Mayor Vahalla closed the Public Comment.

Council President Muldoon made a motion to approve Ordinance 2014-08 on second reading and publish 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 2014-08 passed on final hearing and is to be published according to law, 6-0

ORDINANCE NO. 2014 – 8

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF METUCHEN

WHEREAS, by way of Ordinance No. 2013-7, the Borough Council of the Borough of Metuchen, enacted an Ordinance Amending the Land Development Ordinances permitting Planned Unit Commercial Development in the D-1 zone, which allowed commercial and residential development to occur subject to the height limitations on specified tracts fronting on Pearl and New Streets and proximate to the Train Station, in conjunction with the development of a Public Plaza and a parking structure, and

WHEREAS the Ordinance No. 2013-7 amendment contained an Exhibit of the Regulating Plan which is specifically referenced, among other places, in §110-91F (5)(r); and

WHEREAS, it is necessary for the Regulating Plan exhibit to incorporate a small portion of Northeast Corridor railway right-of-way in Parcel C which will allow for a more efficient location of the proposed parking structure, and where this same land area is utilized by the Metuchen Parking Authority, and

WHEREAS this amendment of the Regulating Plan will also reflect other minor adjustments of the other parcel lines within the Regulating Plan,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that the Land Development Code of the Borough of Metuchen and Ordinance No. 2013-7 be and is hereby amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:

§110-91F (5) (r) Regulating Plan shall be consistent with the attached exhibit (The Regulating Plan Exhibit shall be replaced with the Regulating Plan attached hereto).

SECTION 2. The remaining sections of Ordinance No. 2013-7 shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

Communications Consent Agenda

New Business Consent Agenda

Council President Muldoon moved to approve the New Business Consent Agenda R2014-108 to be approved, second by Councilwoman Rasmussen, with all in favor, R2014-108 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 -108

RESOLUTION APPROVING THE ACCEPTANCE OF A GIFT OF THE INSTALLATION OF A FENCE AT FADER FIELD IN THE BOROUGH OF METUCHEN AND AUTHORIZING THE ENTRY INTO AND EXECUTION OF AN ACCESS, RIGHT OF ENTRY, INNDEMNIFICATION AND HOLD HARMLESS AGREEMENT FOR THE CONSTRUCTION OF THE FENCE.

WHEREAS, pursuant to N.J.S.A. 40A:5-29, Timothy Romond, a resident of the Borough of Metuchen, offered to provide to the Borough of Metuchen a gift to the Borough of Metuchen in the amount of the costs of the installation of a fence located at Fader Field which is owned by the Borough of Metuchen and to be performed by Precision Fence; and

WHEREAS, N.J.S.A. 40A:5-29, requires the Municipal Council to accept and approve the receipt of a gift to the Borough for those purposes; and

WHEREAS, Precision Fence submitted a proposal to install the fence located at Fader Field for the amount of eight thousand dollars (\$8,000.00) ('Proposal'); and

WHEREAS, the Borough and Mr. Romond have reviewed and approved the contents and costs of the proposal; and

WHEREAS, the Municipal Council of the Borough of Metuchen determines that it is in the best interest of the residents of the Borough to accept the gift of the installation of the fence to be located at Fader Field to be performed by Precision Fence.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Metuchen that the Borough and its appropriate officials/employees are authorized to accept a gift in the full amount of the proposal submitted by Precision Fence for the installation of a fence to be located at Fader Field in the Borough of Metuchen from Timothy Romond; 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.

Borough Council Meeting
June 9, 2014

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 6:52 PM.

Respectfully Submitted

Susan D. Jackson,
Metuchen Borough Clerk