

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
March 17, 2014
7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, March 17, 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 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 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 Rasmussen, Inzerro, Grayzel, and Council President Muldoon. Councilmembers Wallace and Cammarano were absent.

Also present were Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, 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.

With no action taken, Council President Muldoon made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the Agenda Session was closed.

Downtown Metuchen Discussion

Mayor Vahalla opened the discussion on Downtown Metuchen with a few comments. He stated that over the last six years they have simplified the process for opening a business by reducing time and costs to make an application. He gave details of all the potential and active developments slated for the Downtown Metuchen area.

Councilman Wallace arrived at 7:35 PM.

Mayor Vahalla turned the discussion over to Council President Muldoon.

Council President Muldoon stated that the goal is to produce a better, thriving Downtown Metuchen.

Councilman Cammarano arrived at 7:42 PM.

He continued the discussion stating that with all the developments to be built in the Downtown area the time is now to move forward with ways to help the Downtown Main Street area continue to thrive now and in the future. He feels that the following four immediate goals will help with viability for the area: 1)

Reduce the number of vacant stores; 2) Proactively attract and promote new businesses; 3) Improve the variety of businesses; and 4) ways to attract more shoppers and visitors to Downtown Metuchen. He discussed ways to achieve these goals. He feels that the next step is to hire a "Downtown Business Consultant" who can perform a needs assessment of Downtown Metuchen and make specific recommendations toward improving Main Street.

Councilman Cammarano stated that the Governing Body needs to determine what type of involvement it will have in the process.

Mayor Vahalla opened the Public Comment Session to anyone wishing to speak.

Sharon Goldman, 184 Highland Avenue, Metuchen moved to Metuchen because of the Downtown and its walkability. She stated that there is a Facebook page which has a few hundred residents that have posted issues of Metuchen, it is a place where residents can ask questions and have discussions.

Steve Epstein, 310 E. Chestnut, Metuchen gave his background on the committees he is active on, his involvement with the Chamber, his business and life in Metuchen. He spoke about the reality of small business retail and the reasons that small businesses in Metuchen close shop.

Sharon Taylor, 109 Maple Ave, Metuchen thanked the Council for having this discussion. She stated that this discussion has been ongoing for at least 16 years. She tries to shop Downtown and hopes that the Borough gives consideration to more affordable stores and not high-end stores which she would have no interest of shopping in. The stores need to be what the people want and be able to afford to shop at.

Carissa Sessito, 154 Middlesex Avenue, Metuchen believes that many businesses do close after one or two years due to the cost of the rent but realizes that the assessment will have to prove that. She suggested the concept of putting a vacancy tax on landlords that have empty stores over a period of time and maybe that would help inspire them to find a tenant.

Mayor Vahalla asked the Borough Attorney to address the vacancy tax. Mr. Murphy stated that at this time there is no legislature that addresses this and doesn't believe that there is anything that allows a vacancy tax in New Jersey. There was a discussion about a vacancy tax and would like some additional research.

Tyreen Rueter, 16 Durham Avenue, Metuchen thanked the Council for adding this topic to the agenda. She stated that Metuchen has great potential for a viable future that makes it a special place to live and shop.

Jason Delia, 51 Talmadge Avenue, Metuchen stated that when the Council put this topic on the agenda, the Facebook group was given an opportunity to come tonight to voice their concerns, questions and/or opinions to the Council. There was a poll for the Facebook members if they wanted to participate; he sent the results to the Mayor and Council. He would like the Council to address the questions that come up.

Denis Murphy responded that this Facebook group needs to be careful on how they respond and address the Council as a whole in because of the laws regulating the Open Public Meetings Act. The Council will need to determine how to address any questions that are proposed through Facebook.

Sheri-Rose Rubin, 114 Spring Street, Metuchen stated that as a past member of Council and very involved with the Borough she is aware that this issue of Downtown Metuchen is very complex. She

reminded the Council that the past Council spent some time researching to hire a Marketing Director for the Borough. She feels that it is important that one person has the job of marketing Metuchen.

Ed Calandrea, 5 Juniper Street, Metuchen asked if it would be beneficially to put together a subcommittee to do much of the research before going out and spending a lot of money on a consultant and with all the speculation as to why businesses leave Metuchen has there ever been an interview with the business owners that left. Council President Muldoon responded to Mr. Calandrea's question on forming a subcommittee. Mrs. Taylor came forward and stated that there has been a number of meetings in the past with residents and Borough Officials in regards to doing research on the needs for businesses.

Steve Epstein spoke that the Chamber is willing to meet with any business that puts an application into the Planning Board and along with a panel of residents and Chamber members listen to the proposed business and give feedback to the owner.

Len Roseman, Chairman of the Parking Authority, spoke on how nice it is to hear everyone who has spoken tonight. He believes that having a group of citizens form a subcommittee is a great idea and would be very beneficial.

Beatrice Moskowitz, 279 Middlesex Avenue, Metuchen questioned about industrial business in the Borough and what do they do to keep businesses in the Industrial Park.

Sharon Goldman stated that a Development Committee already exists and is made up of 10 residents. The Committee has discussed many of these issues but it doesn't seem that their findings are being communicated to the Council. She also asked that if there was some way to respond to the questions presented to Council tonight from the Facebook group in an open forum it would be greatly appreciated.

Grace Shackney, 110 Columbia Avenue, Metuchen thanked the Borough Council for putting this subject on the agenda for discussion.

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

Communications Consent Agenda, Items A through I

Council President Muldoon moved Communications Consent Agenda, Items A through I, second by Councilwoman Rasmussen, with all in favor, motion passed, 6-0.

- A. Receive and Accept Metuchen Municipal Pool Commission Minutes for January 13, 2014 and February 10, 2014.
- B. Receive and Accept Traffic and Transportation Minutes of January 15, 2014 and February 12, 2014.
- C. Receive and Accept Shade Tree Minutes of January 28, 2014.
- D. Receive and Accept Letter of Resignation From George Fromm-Shade Tree Commission.
- E. Receive and Approve Middlesex County Mosquito Extermination Commission use of the St. Joseph's High School Helicopter landing site.
- F. Receive and Accept Metuchen Public Library Minutes Of December 12, 2013.
- G. Receive and Accept Historical Preservation Minutes Of January 14, 2014 and February 25, 2014.
- H. Receive and Accept Metuchen Municipal Alliance Minutes For February 27, 2014.
- I. Receive and Accept TV/Technology Committee Minutes Of January 30, 2014.

Reports of Councilmembers

Council President Muldoon

- The Parking Authority meets tomorrow night at 7:30 PM at the Parking Authority Building. The Authority is finalizing a Parking Authority Management Plan. They are looking to have the Consultant come to a Council meeting, possibly on April 5th, to present the report and recommendations.
- Historic Preservation Committee continues to work with the Historic Preservation Consultant on the next phase of Middlesex Avenue and Wildwood Park Historic Districts. She is preparing a preliminary non-bonding application to put these Districts on the State National Historic Registry of Historical Places. They are also finalizing an informative brochure of the goals and activities of the Historic Preservation Committee.
- The fourth annual Historic Preservation Scavenger Hunt is scheduled during the month of May. Details will be forthcoming.

Councilman Wallace

- Recreation Commission met and assigned fields for all the different sport clubs during this time of year.
- Traffic and Transportation met and continues to talk about the different issue on pedestrian safety. The new flags have arrived and just have to be installed at the appropriate intersections.

Councilwoman Rasmussen

- Development Commission met and continues to work on the Business Inventory. They are compiling information from the businesses and will be putting it into an information booklet. They would like to have feedback from the Mayor when it is completed and then offer it to any group, taskforce and/or consultant that the Borough hires to help with the research of what is needed for Downtown.
- The Development Commission submitted their year-end report to the Borough to summarize all their activities.
- Chamber of Commerce has their Annual Garage Sale scheduled for April 26th. Please check the website to sign up. The Golf Outing is May 5th.
- She discussed the Mentoring Program that the Chamber is willing to offer to new businesses. They are offering a free year membership to new businesses. She also would like to encourage all residents of Metuchen to join as family members of the Chamber.
- The Chamber would like to attend the Parking Authority meeting to keep up with the Parking Plan to help keep the businesses and residents aware of any changes to the parking.
- Shade Tree Commission will be receiving 500 trees through the NJ Tree Recovery Campaign for distribution on April 19th at the Senior Center from 10 AM to 2 PM to any resident who are interesting in planting the trees. More information will be forthcoming.

Councilwoman Inserro

- Metuchen Youth Services Board met last week. They are in a transitional phase right now looking for a replacement for long time member Irene Morris-Nann will be stepping down.
- Information will be coming out on the upcoming Magic Show fundraiser.
- Senior had a fun St. Patrick's Day luncheon event on Friday.
- Board of Health is scheduled to meet next month.
- Tomorrow at 5:00 to 7:30 PM at the Senior Center is the open house for Middlesex Greenway Access Project.

Councilman Grayzel

- The Arts Council brings more people from town and outside of town to all the events that happen within the Borough.

- There is a new event called Family Arts of Metuchen, which is a group of residents that offer young children the opportunity to get together at the Old Franklin Schoolhouse to enjoy music, drama and dance. The final concert will take place on March 23rd at 4:00 PM at the Old Franklin Schoolhouse. Tickets will be on sale at the door on Sunday for \$3.00 per person.
- The Community Mural Project has been a huge success.
- TV and Technical Advisory Committee will have a special meeting on March 24th with a representative from Cablevision to discuss the Cablevision Franchise Renewal Agreement.

Councilman Cammarano

- Pool Committee met last week and it is time to start registering for the pool. There will be some improvements made to the pool, including new flooring in the bathrooms and breezeway entrance.
- Library Board met last week and is pleased to announce that they received a grant for \$50,000. They are continuing with children and adult programs. Check the website for more information. The Library improvements are continuing and are close to being finalized. There is discussion to incorporate into the Arts Council to help promote artwork, etc.
- EMS meets later this week.

Reports of Officers

Denis Murphy, Esq.

- Has no report at this time.

Bill Boerth, Administrator

- Cliffwood High Street Road project will be restarting soon. The milling should be starting in the next week or two and the total project is anticipated to be finished by the end of April.
- He is waiting on a quote to remove the sludge from the Jersey Avenue Pump Station and once that is received will get the work done and then the valve work can be completed.
- Resolution 2014-61 allows for an additional option for all Borough employees to be able to defer part of their earnings prior to taxes into a number of different investment opportunities. There is no cost to the Borough and it is completely optional for the employees.

Report of the Mayor

- Gave the Fire Report for the month of February.
- He offered his congratulations to the Girls Basketball team. They are the Central Jersey Group I Champions and Cassie Smith who broke the school record of 2,064 points. The girls and coaches will be asked to come to the next meeting to receive recognition.
- On Saturday, Mayor attended the Fireman's Dinner which honored the Metuchen Fire Chief Rob Donnan and Councilman Wallace.
- The Shredding Event will be Saturday, April 12th to the Edgar School from 9:00 AM to noon or until the truck is filled. Residents are allowed up to five boxes or 100 lbs.

New Business Consent Agenda R2014-71 through R2014-80

Council President Muldoon made a motion to approve New Business Consent Agenda, R2014-61, R2014-65 through R2014-70, second by Councilwoman Rasmussen, with all in favor, motion passes, 6-0.

RESOLUTION 2014-61

RESOLUTION ADOPTING A PROTOTYPICAL DEFERRED COMPENSATION PLAN AND AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT

WHEREAS, the Borough of Metuchen desires to attract and retain qualified employees; and

WHEREAS, the Borough wishes to allow accrual of tax benefits to eligible employees through participation in a Deferred Compensation Plan as established pursuant to Section 457 of the Federal Internal Revenue Code, and

WHEREAS, the Borough of Metuchen has adopted and has an existing Deferred Compensation Plan with ICMA Retirement Corporation which has been approved by the New Jersey Department of Community Affairs; and

WHEREAS, the implementation of an additional Deferred Compensation Plan will serve the interests of the local governmental unit by enabling it to provide enhanced retirement security to its eligible employees and provide their employees with further options, and

WHEREAS, there is no cost to the local government unit to adopt and implement an additional Deferred Compensation Plan, and

WHEREAS, request for proposals for a Deferred Compensation Plan and Service Agreement was prepared and made available to VALIC Financial Advisors, Inc.; The Hartford; Lincoln National Life Insurance Co; MetLife Resources; Prudential Insurance Company; AXA Equitable; and Nationwide Retirement Solutions Inc., and

WHEREAS, responding vendors to the request for proposals were VALIC Financial Advisors; Lincoln National Life Insurance Co; MetLife Resources; AXA Equitable; and Nationwide Retirement Solutions Inc., and

WHEREAS, the Borough Administrator and Chief Financial Officer have reviewed all of the proposals submitted from the responding companies and both recommend that MetLife Resources be selected as the successful vendor for its implementation of its Metlife 457 Plan, specifically, Plan Document No.: 62-PD-MetLife-032106 and Service Agreement No.: 62-SA-MetLife-032106 because they have been providing 457 plans to municipalities since 1978 to a large number of municipal entities some of which are in Middlesex County and they provide a large number of investment opportunities and are a well-recognized provider of insurance and other financial services, and

WHEREAS, there has been no collusion, or evidence or appearance of collusion, between any local official and any representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen hereby adopts an additional Deferred Compensation Plan provided by MetLife Resources, specifically Metlife 457 Plan, Plan Document No.: 62-PD-MetLife-032106 and Service Agreement No.: 62-SA-MetLife-032106; and

BE IT FURTHER RESOLVED, the Borough Administrator is authorized to execute a Service Agreement for the Metlife 457 Plan, Plan Document No.: 62-PD-MetLife-032106 and Service Agreement

No.: 62-SA-MetLife-032106 with MetLife Resources and to prepare and execute and submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval, and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Metuchen is adopting an additional Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has previously been obtained from the federal Internal Revenue Service except for provisions added by reasons of the Small Business Job Protection Act of 1996(United States Public Law No.104-188); the Economic Growth and Tax Relief Reconciliation Act of 2001(United States Public Law No.107-16); and 401(a)(9) of the Internal Revenue Code and all such provisions in the Internal Revenue Code Section 457. The use of the ruling is for guidance only and acknowledges that for Internal Revenue purposes, the Ruling of another employer is not to be considered precedent; and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby designated as the Local Plan Administrator of the Plan

RESOLUTION 2014-65

RESOLUTION APPOINTING MIDDLESEX COUNTY TRANSPORTATION COORDINATING COMMITTEE MEMBER BRIAN TOBIN

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen have received notification that an appointment must be made to the Middlesex County Transportation Coordinating Committee for 2014; and,

NOW, THEREFORE, BE IT RESOLVED that Brian Tobin be appointed as the designee to the Middlesex County Transportation Coordinating Committee for the calendar year 2014; and

BE IT FURTHER RESOLVED that certified copy of this resolution be forwarded to the Middlesex County Transportation Coordinating Committee.

RESOLUTION 2014-66

RESOLUTION AUTHORIZING TAX ASSESSOR AND TAX APPEAL ATTORNEY TO FILE COUNTERCLAIMS AND/OR DIRECT CLAIMS AND PETITIONS OF APPEAL

WHEREAS, it is anticipated that certain taxpayers of the Borough of Metuchen will file tax appeals disputing their assessed valuation for the year 2014; and

WHEREAS, the Tax Assessor is of the opinion that certain properties, in some cases, are under assessed and that the assessed value of said properties should be increased and not decreased; and

WHEREAS, the law permits a Municipality to counterclaim against the property owner to seek an increase in the assessed value and also to file direct appeals (Petitions and Complaints) with the County Board of Taxation and or the Tax Court of New Jersey to seek an increase in the assessed value; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Tax Assessor, Anand Verma and the Tax Appeal Attorney of the Borough of Metuchen, Bruce Samuels, Esq., are authorized and directed to take whatever steps necessary and appropriate to file counterclaims and or direct claims and petitions against the property in question seeking to raise the assessed

value of said properties to the value which the Tax Assessor deems to more properly reflect the value of said property for the tax year 2014.

RESOLUTION 2014-67

RESOLUTION – REFUND ESCROW BALANCE

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

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
12-963 E	825.00	LePore Realty, LLC 267 Central Avenue
13-994 E	499.50	Craig Morano 98 Spring Street
13-998 E	318.20	Nassau Development VII, LLC 160 Durham Avenue

RESOLUTION 2014-68

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2014, effective March 17, 2014:

Legal	OE	19,000.00
Interest on Notes	OE	59,000.00
Interest on Bonds	OE	56,000.00
Mayor & Council	OE	800.00
METV	OE	2,000.00
Emergency Management	OE	1,000.00
Fire Department	OE	12,000.00
Uniform Fire Safety	SW	5,000.00
Forestry	SW	10,000.00
Utilities		20,000.00
Administrative & Executive	OE	7,000.00

	TOTAL	191,800.00
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RESOLUTION 2014-69

RESOLUTION AUTHORIZING RESERVE TRANSFERS

WHEREAS, there are unexpended balances in various 2013 appropriation reserve accounts not required for the balance of 2013; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be approved:

APPROPRIATION		TRANSFER IN	TRANSFER OUT
LEGAL	OE	100.00	
ZONING	SW	650.00	
ZONING	OE	200.00	
FINANCIAL ADMINISTRATION	SW	300.00	
EMERGENCY MANAGEMENT	SW	1,400.00	
SEWERS	SW	1,650.00	
SENIOR CENTER	SW	490.00	
GARBAGE & TRASH	SW		1,650.00
EMERGENCY MANAGEMENT	OE		1,400.00
ELECTIONS	OE		300.00
TAX ASSESSMENT	SW		1,440.00
	TOTALS	4,790.00	4,790.00

RESOLUTION 2014-70

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AFFORDABLE HOUSING/COAH MATTERS ATTORNEY

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Attorney for Affordable Housing/COAH issues as a contract without competitive bidding (non fair and open) pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$5,000; and,

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

WHEREAS, *David Frizell of the firm Frizell and Samuels* has completed and submitted a Business Entity Disclosure Certification which certifies that *David Frizell of the firm Frizell and Samuels* 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 *David Frizell of the firm Frizell and Samuels* from making any reportable contributions through the term of the contract; and

WHEREAS, the maximum amount of the contract is \$3,000.00 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 *David Frizell of the firm Frizell and Samuels, 450 Main Street, Metuchen, NJ 08840*.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *<N.J.S.A. 19:44A-20.4* of the Local Public Contracts Law because the contract is for a service performed by person(s) authorized by law to practice a recognized profession that is regulated by law.

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.

Other New Business

Council President Muldoon made a motion to approve the Bill Resolution in the amount of \$**406,511.25**, second by Councilwoman Rasmussen, with all in favor, the Bill Resolution was passed, 6-0.

Appointments

Mayor Vahalla made a nomination to appoint the following people to the Accessibility Committee

Accessibility Committee	Term To Expire
Ronald Grayzel-Council Liaison	1/1/15
Staci Gil	1/1/16
Sara Weisblum	1/1/16
Michael Geschlechy	1/1/15
David Kallman	1/1/15
Sheri-Rose Rubin	1/1/17
Wesley Brooks-ALTERNATE	
Joel Lumauig-ALTERNATE	
Therese Jaffe- ALTERNATE	
Rena Kallman-ALTERNATE	

Council President Muldoon made a motion to approve the nomination, second by Councilman Grayzel, with all in favor, the motion passed, 6-0.

Public Comment

Mayor Vahalla opened the meeting to the public for comment.

David Greenberg, 38 Clarendon Court, Metuchen asked if there is any thought to providing a play set at the pool. Councilman Cammarano stated that it has been discussed many times and there are some issues with the type of equipment that must be purchased according to playground specifications for public pools.

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

Adjournment

On a motion by Council President Muldoon, seconded by Councilman Wallace, with all in favor, the meeting was adjourned at 9:18 PM.

Respectfully Submitted

Susan D. Jackson,
Metuchen Borough Clerk