

**MEETING MINUTES  
BOROUGH OF METUCHEN  
COUNCIL MINUTES  
September 2, 2014  
7:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, September 2, 2014.

The Meeting was called to order at 7:34 p.m. by Mayor Vahalla and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and is posted in the Borough Clerk's office.

The Invocation was given by Council President Muldoon 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, Denis Murphy, Borough Attorney and Borough Clerk Katie Cirulli.

**Agenda Session**

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

Councilman Cammarano sent copies of some historical background for the Appropriate Authority Ordinance. He asked that everyone take a look at it so that at some point in the future there can be a discussion as to whether any action should be taken on the Ordinance.

Councilman Grayzel asked that the Mayor and Council authorize the Cable TV Advisory to look at and evaluate the contract with the Webmaster agreement which expires in February.

Mayor Vahalla suggested that instead of looking over the contract it would be better if the Advisory Committee looks at and gives suggestions as to what can be improved, if there is something missing or needs to be added with the site. The contract itself is negotiated by the Administrator.

Councilman Grayzel would like to have the Committee look at the contract to see if there are provisions to make changes to the website. He stated that any recommendations that the Advisory Committee gives are all subject to the approval of the Borough Council.

Councilman Cammarano stated that with technology always changing it is never a bad idea to have someone else looking at the website to suggest improvements, see if there are missing items and the potential of saving money.

Councilwoman Inserro is in favor of having the Advisory Committee take a look at the website. She believes that the website hasn't been looked at in a while, has outdated information and needs to be refreshed and the functionality could be improved.

Mayor Vahalla wants to make sure that the Advisory Committee isn't going to go out and solicit proposals.

After a discussion, the Council decided that it would be in the best interest to let the Advisory Committee look at the website and come back with suggestions for improvements to the site.

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

### **Discussion**

Mayor Vahalla opened the discussion for a generator for the Public Library. He turned over all the information provided by the Library to the OEM Director.

Joseph Miciak, 239L Amboy Avenue, Metuchen, spoke about the importance of having someplace for people to go to in the event of disaster. He spoke about the comfort of being in a familiar location such as the library but currently the Library isn't equipped to handle the disaster and if a generator is to be purchased for the municipality, the Library should be the location to receive the generator.

There was a discussion by the Borough Council and they agreed that the Library is not the best location for a generator if grant money is obtained.

Mayor Vahalla asked Ms. LaStella to give her update on the Mud Magic Mural Project.

Linda Vonderschmidt-LaStella, Amboy Avenue, Metuchen, reported on the progress of the tiles for the Mud Magic Mural Project. She stated that she believes that the time frame of completion will be later in October instead of earlier as anticipated. Ms. LaStella has been in touch with DPW about the installation of the tiles.

Council President moved to accept the Borough Council Minutes from January 7, 2014 and January 23, 2014, seconded by Councilwoman Rasmussen, with all in favor, the meeting minutes of January 7<sup>th</sup> and 23, 2014 were accepted.

### **Open To Public**

Mayor Vahalla opened the meeting to the public for comment.

Chris Crane, 46 Ross Avenue, Metuchen, spoke about the zoning application he made. He is formally withdrawing his application. He thanked the Council Members and personnel for their diligence in helping him with the application.

Denis Murphy explained the procedure that if there is no motion to approve the ordinance it would just die and not move forward.

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

### **Public Hearing**

**Ordinance 2014-03**

**Ordinance Amending the Land Development  
Ordinances of the Borough of Metuchen by**

### **Rezoning Certain Premises.**

Council President Muldoon stated that Ordinance 2014-03 has been withdrawn by the applicant.

Mayor Vahalla asked if there is a motion to approve Ordinance 2014-03.

Mayor Vahalla stated that hearing no motion on Ordinance 2014-03, the Ordinance is voided.

### **Ordinance 2014-13**

### **An Ordinance Amending Chapter 140, Entitled “Property Maintenance” of the Code of the Borough Of Metuchen**

Mayor Vahalla opened the discussion on Ordinance 2014-13.

Council President stated that there was a delay in the publication for the hearing on Ordinance 2014-13, so the public hearing has been rescheduled for September 15, 2014.

Mayor Vahalla stated that the Legislature has passed a “Maintenance Code” with stronger wording and it may be a benefit to the Borough to not adopt this ordinance or maybe change the wording of the Ordinance. He has asked the Borough Attorney to look at the information and report back to the Council. He asked if the Council is ok with waiting for Denis Murphy’s feedback.

There was a discussion about the potential choices of how to move forward with the Ordinance. The Borough Council will still have the Public Hearing on September 15<sup>th</sup> with advice from Denis Murphy as to whether to amend, adopt or do a separate chapter for Ordinance 2014-13.

### **Proclamation & Resolution**

### **Ordinance – Public Hearing**

### **Communications Consent Agenda**

Council President Muldoon made a motion to receive and accept Items 8A through 8E, seconded by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items 8A through 8E has been received and accepted.

### **Other Communications**

### **Reports of Councilmembers**

Council President Muldoon reported that the Parking Authority and Historic Preservation Committee will be meeting this month. On September 9<sup>th</sup>, the Mayor and he will be meeting with the Police Chief, Police Captain and Borough Administrator on the Pedestrian Safety meetings. School is back in session and he implored all drivers and all cyclists to be extra careful and be on the lookout for all children walking.

Councilman Wallace had no report at this time.

Councilwoman Rasmussen had no formal report but just wants to remind residents to recycle.

Councilwoman Inserro reported that on Sunday, October 26<sup>th</sup>, the Metuchen Senior Inc. will be hosting their 21<sup>st</sup> annual fundraiser at Metuchen High School at 1:00 PM. Tickets will be \$25.00. The Metuchen High School Students will be helping out and if anyone else would like to volunteer let her know. She wanted to follow up on the discussion on the generator stating that the seniors have expressed their desire in having a generator installed at the Senior Center.

Councilman Grayzel wanted to remind the public that on Sunday, October 5<sup>th</sup> at 5:00 PM, the Arts Council will be sponsoring the Art Galleries of Metuchen. It is a gallery walk and features six galleries.

Councilman Cammarano reported that it was a great summer at the pool. The pool will remain open until September 7<sup>th</sup>.

**Reports of Officers**

Denis Murphy, Esq. had no reports.

Bill Boerth had no reports.

**Report of Mayor**

Mayor Vahalla reported that on September 18<sup>th</sup> and 22<sup>nd</sup>, the Planning Board was scheduled to hear the Wholefoods application. The applicant is not ready to be heard so the meeting has been rescheduled for October 2<sup>nd</sup> and October 16<sup>th</sup>. It may not be available on MeTV due to planned vacation time of the MeTV staff.

He reminded everyone that on September 21<sup>st</sup> the dedication of the Fire Truck is from 1 PM to 4 PM. He hopes all will come out to the dedication.

On September 13<sup>th</sup> Principal Peragallo and Mayor Vahalla will be doing the ALS challenge before the football game.

**New Business Consent Agenda**

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions 2014-162 through 2014-170, seconded by Councilwoman Rasmussen, with all in favor, Resolutions 2014-162 through 2014-170 were approved.

| COUNCILMEMBER      | YE      | NO | NV         | AB     | COUNCILMEMBER | YE             | N         | N | A |
|--------------------|---------|----|------------|--------|---------------|----------------|-----------|---|---|
| R                  | S       |    |            |        | R             | S              | O         | V | B |
| 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 2014-162**

**RESOLUTION AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY  
RETAIL CONSUMPTION LIQUOR LICENSE #1210-33-009-008 MERCADO GRILL, LLC TO  
WOODMONT METUCHEN, LLC**

**WHEREAS**, an application has been filed for a Person-To-Person Transfer of Plenary Retail Consumption License 1210-33-009-008, hereto issued to Mercado Grill, LLC for an undetermined location (inactive pocket license); and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of Metuchen does hereby approve, effective as of the date of this resolution, the transfer of the aforesaid Plenary Retail Consumption License to Woodmont Metuchen, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Woodmont Metuchen, LLC effective as of the date of this resolution."

**RESOLUTION 2014-163**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$22,236.90, which is now available from the State of New Jersey Solid Waste Administration for Clean Communities Grant in the amount of \$22,236.90.

**BE IT FURTHER RESOLVED**, that the like sum of \$22,236.90 is hereby appropriated under the caption Clean Communities Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Solid Waste Administration in the amount of \$22,236.90.

**RESOLUTION 2014-164**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$5,000.00, which is now available from the State of New Jersey Department of Law and Traffic Safety for a Distracted Driving Grant in the amount of \$5,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$5,000.00 is hereby appropriated under the caption State of New Jersey Department of Law and Traffic Safety for a Distracted Driving Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Law and Traffic Safety for a Distracted Driving Grant in the amount of \$5,000.00.

**RESOLUTION 2014-165**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$3,000.00, which is now available from the State of New Jersey Department of Environmental Protection, New Jersey State Forestry Services in the amount of \$3,000.00 with the provision of a match in the amount of \$3,000.00, and.

**BE IT FURTHER RESOLVED**, that the like sum of \$3,000.00 is hereby appropriated under the caption Green Communities Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Environmental Protection, New Jersey State Forestry Services in the amount of \$3,000.00.

**RESOLUTION 2014-166**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2014 in the sum of \$827.12, which is now available from the State of New Jersey Administrative Office of the Courts for a Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund Grant in the amount of \$827.12.

**BE IT FURTHER RESOLVED**, that the like sum of \$827.12 is hereby appropriated under the caption Alcohol Education, Rehabilitation and Enforcement Fund Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Administrative Office of the Courts for a Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund Grant in the amount of \$827.12.

**RESOLUTION 2014-167**

**RESOLUTION AUTHORIZING REFUND OF 2014 TAXES**

**WHEREAS**, the following has made an overpayment of taxes,

| Name   | Block/Lot | Address                 | Amount     |                                  | Year                     |
|--|-----------|-------------------------|------------|----------------------------------|--------------------------|
| Dovenmuehle for<br>Grace Martinelli &<br>Niles Chura | 107/16    | 300 Middlesex<br>Avenue | \$1,444.25 | Overpayment<br>by<br>Dovenmuehle | 2014/2 <sup>nd</sup> qtr |

**NOW, THEREFORE, BE IT RESOLVED**, that the above listed property owner or Agent be refunded property taxes as described in the amount of \$1,444.25.

**RESOLUTION 2014-168**

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-022  
48 VOORHEES PLACE**

**WHEREAS**, Chongyoul Kim posted \$178.00 for curb and apron escrow fees at 48 Voorhees Place; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Chongyoul Kim,

**NOW, THEREFORE, BE IT RESOLVED**, that Chongyoul Kim be refunded \$178.00 from the Sidewalk Inspection Escrow account.

**RESOLUTION 2014-169**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO REVIEW AND IF ACCEPTABLE APPROVE THE TWA TREATMENT WORKS APPLICATION FOR WOODMONT METUCHEN, LLC FOR THE PEARL STREET DEVELOPMENT PROJECT LOCATED AT BLOCK 115, LOT 36 AND BLOCK 111.01, LOTS 30, 31, 32, 33 AND EXECUTE THE NJDEP STATEMENTS OF CONSENT FORM WQM-003 ON BEHALF OF THE BOROUGH OF METUCHEN**

**WHEREAS**, Woodmont Metuchen, LLC has submitted for approval the execution of a "Statements of Consent" form to the Borough of Metuchen for its TWA Application to the Department of Environmental Protection; and

**WHEREAS**, the governing body of the Borough of Metuchen has reviewed the request and has agreed to have the Borough Engineer review Woodmont Metuchen, LLC's TWA Application and if acceptable to approve and execute the "Statements of Consent" on behalf of the Borough of Metuchen;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Metuchen, County of Middlesex that it hereby authorizes and directs the Borough Engineer to review and if acceptable approve the TWA Application by Woodmont Metuchen, LLC for the property known as Block 115, Lot 36 and Block 111.01, Lots 30, 31, 32, 33 and the attached "Statements of Consent" form, items A-1 and B for the TWA Application by Woodmont Metuchen, LLC; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council that it hereby authorizes the Borough Engineer, upon his approval of Woodmont Metuchen, LLC's complete TWA Application, to execute the NJDEP Statements of Consent Form WQM-003, items A-1 and B, on behalf of the Borough of Metuchen governing body.

**RESOLUTION 2014-170**

**RESOLUTION TO CANCEL AND REFUND 2014 TAXES**

**WHEREAS**, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2014 as follows, and

**WHEREAS**, the reduction in taxes can be applied to the open tax balance due for 2014, and

**WHEREAS**, the reduction in taxes has caused an overpayment of taxes for the parcel identified below,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2014 tax billings on the following

properties due to the successful County Tax Appeals including amendments, in the amount of \$47,831.18, and overpayments as a result of a tax appeal be refunded in the amount of \$6,465.52.

| Block/Lot/Qual | Address             | Assessment Reduction | Total Tax Reduction | Reduction to 2014 Levy | Refund          |
|----------------|---------------------|----------------------|---------------------|------------------------|-----------------|
| 4.2/20         | 25 Buchanan Road    | 15,000               | 825.15              | 825.15                 |                 |
| 112/5          | 599 Middlesex Ave   | 57,500               | 3,163.08            | 3,163.08               |                 |
| 113/53         | 45 Pearl Street     | 32,300               | 1,776.82            | 1,776.82               |                 |
| 125.1/41.7     | 279 Middlesex Ave   | 11,400               | 627.11              | 627.11                 |                 |
| 130.1/39       | 284-286 High Street | 7,300                | 401.57              | 401.57                 |                 |
| 197/52.01 C002 | 199C Amboy Ave      | 177,300              | 9,753.27            | 9,753.27               |                 |
| 197/52.01 C003 | 199B Amboy Ave      | 177,300              | 9,753.27            | 9,753.27               |                 |
| 197/52.01 C011 | 195B Amboy Ave      | 177,300              | 9,753.27            | 9,753.27               |                 |
| 197/61 C0206   | 239F Amboy Ave      | 20,100               | 1,105.70            | 1,105.70               |                 |
| 197/61 C0501   | 241A Amboy Ave      | 101,700              | 5,594.52            | 2,167.78               | 3,426.74        |
| 197/61 C0502   | 241B Amboy Ave      | 92,300               | 5,077.42            | 2,038.64               | 3,038.78        |
|                | <b>TOTALS</b>       |                      | <b>47,831.18</b>    | <b>41,365.66</b>       | <b>6,465.52</b> |

**Other New Business**

**Bill Resolution**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Bill Resolution in the amount of **\$304,169.46** was approved.

**Appointments** – None

**Ordinances – Introduction** - None

**Public Comment**

Mayor Vahalla opened the meeting to the public for comment.

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

**Adjournment**

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

Respectfully Submitted

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Susan D. Jackson,  
Metuchen Borough Clerk