

BOROUGH OF METUCHEN COUNCIL MINUTES

April 7, 2015

6:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 7, 2015.

The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. Adequate notice of this meeting has been given in accordance with the open public meeting act, pursuant to public law 1975, chapter 231. Said notice was published in the Home News Tribune on January 8, 2015, and posted in Borough Hall. Notice was sent to the Home News Tribune on **WEDNESDAY, APRIL 2, 2015** Stating that the Borough Council meeting will be held on **APRIL 7, 2015 AT 6:30PM** in Borough Hall and said notice has been posted on the Borough Hall bulletin board and filed with the Borough Clerk. All requirements of the "Open Public Meetings Act" were satisfied.

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

Present were Councilmembers Inserro, Muldoon, Rasmussen, Wallace and Council President Grayzel. Councilman Leibfried and Mayor Vahalla were absent. Also present were Jennifer Maier, Borough Administrator, Rich Angowski, Acting Borough Attorney and Susan Jackson, Borough Clerk.

Resolution Authorizing Closed Session

R2015-79

Resolution Authorizing an Executive Session for the Purpose of Police Negotiations

Councilwoman Rasmussen made a motion to go into Closed Session for purpose to discuss Police Negotiations, second by Councilman Muldoon, with all in favor, motion passed, 5-0.

Councilwoman Rasmussen made a motion to reconvene to Public Session of the meeting at 7:35 PM, second by Councilman Muldoon, with all in favor, motion passed, 5-0.

Regular Meeting

Councilwoman Rasmussen made a motion to approve the Council minutes of April 7, 2014, April 21, 2014, and March 16, 2015, second by Councilman Muldoon, with all in favor of the April 7, 2014, April 21, 2014, and March 16, 2015 minutes; the minutes were approved, 5-0 .

Update on Main Street NJ

Councilwoman Inserro gave a synopsis on the meeting held on March 25, 2015 on Main Street NJ. There were about 60 business owners and residents who came out to hear Jef Buehler.

Grass Clipping Continuation Notice

Council President Grayzel stated that due to the short notice and the response from residents, grass clipping collection will continue for this year only and that this program will be revisited for the 2016 year.

Agenda Session

Councilman Muldoon made a motion to open the Agenda Session, second by Councilwoman Rasmussen, with all in favor; the Agenda Session was opened, 5-0.

Council President Grayzel asked that the agenda be amended with the addition of R2015-93 – Resolution Awarding Bid for 2015 Municipal Pool Maintenance Contract as a Consent Agenda item. He explained that due to the timing of the pool opening, the resolution needs to be approved. There was only one bid presented for pool maintenance.

Councilwoman Rasmussen made a motion to amend the agenda, second by Councilman Muldoon, with all in favor, the motion passed, 5-0.

With no other items, Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor; the Agenda Session was closed.

Public Comment

Council President Grayzel opened Public Comment to any members of the public wishing to speak.

Seeing no one wishing to speak, Council President Grayzel closed the Public Comment.

Ordinance – Public Hearing

Council President Grayzel asked for the presentation of Affidavit of Publication for Ordinance 2015-06.

Borough Clerk presented the affidavit of publication stating that said Ordinance has been published one time in the Home News Tribune according to Law on March 19, 2015.

Council President Grayzel moved that the affidavit of publication be received and filed, second by Councilwoman Rasmussen, with all favor, the affidavit of publication has been accepted.

The Borough Clerk read Ordinance 2015-06 by title.

Ordinance 2015-06

An Ordinance Amending the Code of the Borough
of Metuchen, Chapter 185, Vehicles and Traffic,
Section 22, Stop Intersections

Council President Grayzel opened the Public Hearing on Ordinance 2015-06.

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

Council President Grayzel made a motion to pass Ordinance 2015-06 on second reading and published according to law, second by Councilwoman Rasmussen.

Council President Grayzel asked for a roll call vote.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	GRAYZEL				SECOND		RASMUSSEN		
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

Ordinance 2015-06 has passed on second reading and is to be published according to law, 5-0

ORDINANCE 2015-06

*BOROUGH OF METUCHEN
 COUNTY OF MIDDLESEX
 STATE OF NEW JERSEY*

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 185, VEHICLES AND TRAFFIC, SECTION 22, STOP INTERSECTIONS

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, that:

SECTION 1. Section 185-22 is hereby supplemented, amended and revised to reflect:

Edith Avenue and Connor Avenue; Stop sign shall be installed on Edith Avenue

SECTION 2. In accordance with N.J.S.A. 39:4-197(1)e., the Borough Engineer has certified (attached hereto and made a part thereof) the following information regarding the Edith Avenue and Connor Avenue intersections: (e) Regulating the passage or stopping of traffic at certain congested street corners or other designated points, including the establishment of multi-way stop controls”

SECTION 3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to effect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication according to law.

Communications Consent Agenda – Items A through G

Councilman Muldoon made a motion to receive and accept Communications Consent Agenda Items A through G, second by Councilwoman Rasmussen, with all in favor, the motion passed, 5-0

- A. Receive and Accept Accessibility Committee, February 25, 2015.

- B. Receive and Accept Metuchen Historic Preservation Commission Meeting Minutes of February 10, 2015
- C. Receive and Accept Metuchen Shade Tree Commission Meeting Minutes of August 13, 2014, September 10, 2014, October 8, 2014, January 14, 2015 and February 11, 2015
- D. Receive and Accept Metuchen Environmental Commission Meeting Minutes of May 21, 2014, August 20, 2014, September 17, 2014, October 22, 2014, November 19, 2014 and February 18, 2015
- E. Receive and Accept Metuchen Development Commission Meeting Minutes of February 12, 2014, March 2, 2014, January 7, 2015, February 11, 2015 and March 4, 2015
- F. Receive and Accept Metuchen Pool Commission Meeting Minutes of February 9, 2015
- G. Receive and Accept Letter of Resignation – Beth Strom – Environmental Commission

Reports of Councilmembers

Council President Grayzel opened Reports of Councilmembers.

Councilwoman Inzerro –

Senior Citizen Committee

- Senior Citizens Committee will meet tomorrow night
- Senior Citizens will host a Spring Fling on Friday, May 1st at noon. Reservations for Metuchen residents will begin Tuesday, April 14th. The cost is \$5.00 per person

Metuchen Municipal Alliance

- Metuchen Municipal Alliance meets Thursday night
- Metuchen Municipal Alliance will be holding a fundraiser. Information can be obtained at the “To Be Continued” Bookstore.

Board of Health

- The Board of Health will meet next month

Library Board

- The “Makers” at the Library opened on March 21st. It was well attended and was absolutely amazing. Check the website for workshops on the Library webpage.

Councilman Muldoon –

Police Department

- The Police Chief would like the public to be aware that April is National Distracted Driver Month and the Police will be increasing enforcement during the month. Police continue to increase enforcement for Pedestrian Safety including the use of decoys in the crosswalks.
- Narcam is now carried by all members of the Police Officers on Patrol.
- Police Chief is also reminding people that with the weather warming up it is advisable that people who are using the Greenway and park pathways to go out in pairs for safety. The Police Bike Patrols will also be starting up on patrol with the warmer weather.

Parking Authority

- Councilman Muldoon has had conversations with the Director of the Parking Authority Commission regarding the update on Pearl Street Parking Project. Construction on the Lot will begin sometime this summer, possibly as early as June. The interim parking plan is being finalized by the Parking Authority and Nexus. Once the plan is finalized, a communication plan will be put into place for all commuters, residents, businesses and employees.

Historic Preservation Commission

- Will hold the 6th Annual Scavenger Hunt during the month of May 2015. Information and copies of the entry form will be available on the Borough website and distributed through the schools. There will be awards for different age groups. The awarding of the prizes is scheduled for the June 15th Council meeting.
- A public information booklet is being produced for the public about why Metuchen is called “the Brainy Borough” and is in conjunction of almost 100 year anniversary of the Battle of the Brainy Boroughs. It is anticipated being done sometime during the summer.
- The National Register Nomination of Metuchen’s Historic Districts for Middlesex Avenue and Wildwood Park is an on-going project. The Committee will be coming to a future Council meeting to present their findings and information.

Metuchen Pool

- The application to sign up for pool membership is available on the webpage and register soon before the price goes up on April 20th.
- The Pool Commission is employing for the summer and applications are available with Diana.
- Snack Bar bid is currently underway.

Councilwoman Rasmussen –

Chamber of Commerce

- Upcoming events Chamber events are: the Borough-wide Garage Sale on April 25th. You can still register with the Chamber to participate. If you sign up for a Chamber Family Membership for \$75.00, the Garage Sale participation fee is waived.

Shade Tree Commission

- On April 11th, the Commission will be hosting the “tree giveaway” at the Senior Center from 9:00 AM to 1 PM.
- At 1 PM at the Senior Center, a representative from Rutgers University will be speaking on recycling grass clippings and mulching. If any residents are already mulching grass clippings please post on the Facebook page what they like or dislike about it.

Development Commission

- Is working on a program called “Who Lives Downtown?” They will be sponsoring a Saturday morning session on exploring dwelling types, life-style experiences and the types of households who actually live in Metuchen’s Downtown apartments and residents. Until a date is set, a short survey has been provided to residents who live in the Downtown area.
- The Ordinance that was just passed tonight will help relieve concerns for the families that live in that neighborhood with their children having to cross the intersection.

Councilman Wallace –

- No report at this time

Council President Grayzel –

TV/Technology Commission

- At the request of the Business Administrator the Commission has been reviewing proposals from firms to manage the Borough website. After many discussions, the Commission agrees with the recommendation that the firm Zoomo Software should be given a contract for the next budget year.

Reports of Professionals and Administrator

Rich Angowski, Esq. –

- No report at this time

Jennifer Maier, Administrator –

- Worked on getting Grant Applications out during the last two weeks.

New Business – Consent Agenda –R2015-80 through R2015-91 and R2015-93

Council President Grayzel moved New Business Consent Agenda Resolutions R2015-80 through R2015-91 and R2015-93 for approval, seconded by Councilwoman Rasmussen, with all in favor, R2015-80 through R2015-91 and R2015-93 were approved.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE				X
MOTION	GRAYZEL			SECOND			RASMUSSEN		
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

RESOLUTION 2015-80

*Borough of Metuchen
 County of Middlesex
 State of New Jersey*

RESOLUTION AMENDING 2015 TEMPORARY BUDGET

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 2015, effective April 7, 2015:

ADMINISTRATIVE AND EXECUTIVE	S&W	55,000
ADMINISTRATIVE AND EXECUTIVE	OE	20,000
CLERK	S&W	13,000
FINANCIAL ADMINISTRATION	S&W	43,000
FINANCIAL ADMINISTRATION	OE	10,000
ASSESSMENT OF TAXES	S&W	15,000
LEGAL SERVICES	OE	10,000
PUBLIC WORKS ADMINISTRATION	S&W	60,000
PUBLIC BUILDINGS & GROUNDS	S&W	29,000
PUBLIC BUILDINGS & GROUNDS	OE	18,000
PLANNING BOARD	S&W	1,500
BOARD OF ADJUSTMENT	S&W	13,500
GROUP INSURANCE	OE	315,000
FIRE DEPARTMENT	S&W	3,000
FIRE DEPARTMENT	OE	20,000
FIRE HYDRANT SERVICE		71,400
POLICE DEPARTMENT	S&W	750,000
POLICE DEPARTMENT	OE	10,000
UNIFORM FIRE SAFETY ACT	OE	6,000
ROAD REPAIRS & MAINTENANCE	S&W	90,000
ROAD REPAIRS & MAINTENANCE	OE	40,000
UTILITIES & BULK PURCHASES		150,000
SEWER SYSTEM	S&W	30,000
SEWER SYSTEM	OE	10,000
GARBAGE & TRASH REMOVAL	S&W	114,000
GARBAGE & TRASH REMOVAL	OE	19,000

RECYCLING	S&W	3,000
RECYCLING	OE	8,000
SOLID WASTE DISPOSAL		78,000
FORESTRY	S&W	31,000
FORESTRY	OE	2,000
BOARD OF HEALTH	S&W	4,000
BOARD OF HEALTH	OE	100.00
PARKS & PLAYGROUNDS	S&W	28,000
PARKS & PLAYGROUNDS	OE	3,000
COUNTY OF MIDDLESEX JOINT INSURANCE FUND		150,000
RECREATION	S&W	18,000
RECREATION	OE	3,000
SENIOR CITIZEN CENTER	S&W	10,000
METV	S&W	17,000
METV	OE	8,000
CONSTRUCTION CODE	S&W	40,000
FICA		60,000
PERS		348,362
PFRS		570,170
MUNICIPAL COURT	S&W	28,000
MUNICIPAL COURT	OE	3,000
SEWERAGE DISPOSAL		250,000
OFFICE OF EMERGENCY MGMT	S&W	1,400
OFFICE OF EMERGENCY MGMT	OE	1,000
LIBRARY CONSORTIUM		7,000
INTERLOCAL-HEALTH SERVICE		13,000
DCRP		2,000
BOND INTEREST		30,000
TOTAL		3,633,432
Prepared 4-2-15		

RESOLUTION 2015-81

*Borough of Metuchen
 County of Middlesex
 State of New Jersey*

RESOLUTION OF SUPPORT NO PASSING ZONE – ROUTE 27, BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX

WHEREAS, The New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 27 in the Borough of Metuchen; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 27 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along NJ route 27;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, in the State of New Jersey, that it supports the use of a “No Passing Zone” on Rought 27 in the Borough of Metuchen as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

RESOLUTION 2015-82

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION APPROVING HEALTH INSURANCE THIRD PARTY ADMINISTRATOR AND NETWORK

WHEREAS, the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which shall renew effective on **May 1, 2015**; and

WHEREAS, this self-insurance program shall require a renewal of Insurance Design Administrators as the Third Party Administrator and the renewal of Qualcare as the Insurance Network for in-state members and US Fire Insurance Co. as Reinsurer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby authorize the appointment of the above stated for all currently existing medical and dental programs offered for Borough employees and retirees.

RESOLUTION 2015-83

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING PERMISSION TO ENCROACH THE BOROUGH OF METUCHEN'S RIGHT OF WAY ON CENTRAL AVENUE FOR PURPOSES OF INSTALLING A WINDOW AWNING AND MERCHANDISE DISPLAY.

WHEREAS, the District at Metuchen, LLC and the District at Metuchen II, LLC are the Developers of property located at Block 110, Lots, 2, 3, 30.01, 30.02, 30.03, 30.04, 31, 33.03, 34, 35, 36, 37, 38, 39 and a portion of Lot 42, Block 11, Lots 2 and 3, Block 83, Lots 24, 26, and 27, and Block 83.01, Lots 34 and 35 shown on the Official Tax Map of the Borough of Metuchen, located in the area of Middlesex Avenue, Lake Avenue and Central Avenue ("the Property"); and

WHEREAS, by way of Resolution dated January 15, 2015, the Metuchen Planning Board granted the Developers preliminary site plan for conditional use approval, preliminary and final major site plan approval, a "C" variance, waivers/exceptions, and concept approval subject to various conditions of approval; and

WHEREAS, the Developers' plans submitted to the Planning Board showed an encroachment in the Borough of Metuchen's public right of way relating to the proposed location of a window awning and merchandise display (approximately 500 square feet along Central Avenue); and

WHEREAS, the Planning Board's Resolution of Approval dated January 15, 2015, conditioned the approval on the governing body of the Borough of Metuchen providing permission to locate the window awning and merchandise display as shown on the plans and in the public right of way; and

WHEREAS, by letter dated February 12, 2015, the Developers, through their legal counsel, have requested permission of the Mayor and Council to encroach upon the Borough right of way for purposes of the location of the window awning and merchandise display; and

WHEREAS, the Borough Planner and Engineer have advised that there is no engineering or planning reason why permission should not be granted for the requested encroachments with general restrictions regarding the same.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. A right and license be and hereby is granted to the District at Metuchen, LLC and the District at Metuchen II, LLC, or its assignees, to encroach upon the Borough of Metuchen's right of way at the locations as shown on the drawings and plans submitted by the Developers to the Planning Board, which is generally described by legal counsel for the Developers with the February 12, 2015 correspondence which is attached hereto and incorporated herewith, subject however, to any further revised plans submitted and the final approval of the Borough Planner and Engineer along with the following conditions:
 - (a) This license shall, at all times, inure to the benefit and be binding upon the Borough and the District at Metuchen, LLC and the District at Metuchen II, LLC and all subsequent owners of the Property and all parties claiming by, through or under them, shall run with the land, and shall be for the benefit of and limitations upon all future owners of the Property; provided, however, that the rights, duties, and obligations, of each owner as set forth herein shall cease with the termination of its ownership of the Property, or portion thereof, except for the duties and obligations arising during the period of its ownership.
 - (b) The said right and license shall be revocable at any time by Resolution of the governing body of the Borough.
 - (c) In the event that said right and license is terminated, the owner shall remove said encroachment within thirty (30) days after notice of said termination is served upon it, and restore the public right of way to its former condition. Upon the owner's failure to do so, the Borough may remove said encroachment and charge the cost thereof to the owner.
 - (d) The Developers and all subsequent owners shall comply with all other applicable laws, ordinances and regulations of the State of New Jersey, County of Middlesex and the Borough of Metuchen in connection therewith.
 - (e) The right and license is conditioned on the execution of a written license agreement by the District at Metuchen, LLC and the District at Metuchen II, LLC, and/or its assignees, including but not limited to subsequent owners, containing the precise terms of said license, including but not limited to, an agreement to indemnify and hold the

Borough of Metuchen harmless against liability for any and all claims for damage to property or injury to persons arising out of or resulting from the issuance of said license and Developers' and/or Owners installation of the window awning and merchandise display and the Developers' and/or Owner's use of the property;

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, Borough Counsel, Borough Planner, Borough Engineer and Municipal Clerk, are hereby authorized to prepare and execute any documents that may be necessary in connection with the above noted right and license, including but not limited to a License Agreement.

BE IT FURTHER RESOLVED that a duly executed copy of this resolution be filed in the office of the Municipal Clerk.

RESOLUTION 2015-84

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR
BOROUGH COAH HOUSING CONSULTANT**

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$3,000.00; and,

WHEREAS, the anticipated term of this contract is *the calendar* year 2015; and

WHEREAS, Shirley M. Bishop of the firm of Shirley M. Bishop, P.P., LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Shirley M. Bishop of the firm of Shirley M. Bishop, P.P., LLC 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 Shirley M. Bishop of the firm of Shirley M. Bishop, P.P., LLC from making any reportable contributions through the term of the contract; and

WHEREAS, Shirley M. Bishop will be providing consultant services for the third round of COAH Compliance; and

WHEREAS, the maximum amount of the contract shall not exceed **\$25,000** and funds shall be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of Shirley M. Bishop, P.P., LLC, 100 Overlook Center, Floor 2, Princeton, NJ 07938.

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.

RESOLUTION 2015-85

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR DELLANOS
ZEPPOLE CON**

WHEREAS, Dellanos Zeppole, has requested a refund of the performance bond for the Municipal Pool Concession services; and

WHEREAS, the Borough Administrator has reported that the contract has been completed in an acceptable manner and new operators will be providing service for the Municipal Pool Concession; and

WHEREAS, the Borough Administrator has recommended the full release of the performance guarantee in the amount of \$2608.33 (posted in cash) provided all payments and outstanding fees have been resolved; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer and Borough Clerk are hereby authorized and directed to release said performance bond, after payment of any outstanding fees due by Dellanos Zeppole as directed by the Borough Administrator to Dellanos Zeppole, 45 Long Hill Road, Long Valley, NJ 07853.

RESOLUTION 2015-86

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #14-017
36 ORCHARD STREET**

WHEREAS, Suburban Development LLC posted \$640.00 for curb, apron and sidewalk escrow fees at 36 Orchard Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Suburban Development LLC,

NOW, THEREFORE, BE IT RESOLVED, that Suburban Development LLC be refunded \$640.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-87

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE PURCHASE OF TIRES THROUGH STATE CONTRACT

WHEREAS, there exists a need to purchase tires for the Borough of Metuchen , in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #82527 and #82528 and Index # M8000 13-R-22770; and

WHEREAS, said contract is in effect from September 5, 2012 through March 31, 2016; and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is \$10,000.00 and funds will be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification, of which \$10,000.00 is certified from the 2015 temporary budget, subject to adjustment to the amount of award at time of budget adoption; 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 **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817.**

RESOLUTION 2015-88

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING PURCHASE FROM MIDDLESEX REGIONAL
EDUCATIONAL SERVICES COMMISSION FOR REGULAR UNLEADED AND DIESEL
FUEL**

WHEREAS, there exists a need to purchase **regular unleaded and diesel gasoline** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Middlesex Regional Educational Services Commission #11/12-32 pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 20, 2013 through October 20, 2015; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is \$50,000 and funds will be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification of which \$50,000 is certified from the 2015 temporary budget, subject to adjustment to the amount of award at time of budget adoption; and

WHEREAS, the Middlesex Regional Educational Services Commission shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

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 **National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103.**

RESOLUTION 2015-89

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING PROCESS AND SUBMISSION OF FOLLOWING 2015 GRANTS
– ANJEC OPEN SPACE STEWARDSHIP GRANTS FOR ENVIRONMENTAL COMMISSIONS,
NJTPA PLANNING FOR EMERGING CENTERS PROGRAM, LOCAL BICYCLE/PEDESTRIAN
ASSISTANCE AND RECREATIONAL TRAILS PROGRAM**

WHEREAS, the Borough of Metuchen, County of Middlesex, State of New Jersey desires to further the public interest by obtaining the following grants from the State of New Jersey;

ANJEC Open Space Stewardship Grants for Environmental Commissions

NJTPA Planning for Emerging Centers Program

Local Bicycle/Pedestrian Assistance

Recreational Trails Program

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

- 1) The Borough of Metuchen does hereby authorize Jennifer Maier, Metuchen Borough Administrator, to prepare and submit the grant applications and if awarded, to execute all grant agreements of the following grants: ANJEC Open Space Stewardship Grants for Environmental Commissions; NJTPA Planning for Emerging Centers Program; Local Bicycle/Pedestrian Assistance and Recreational Trails Program

RESOLUTION 2015-90

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A
PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE AREA KNOWN AS
BLOCK 37, LOTS 5.5, 7.2, 15.1, 16.2, 16.3, 17.1, 17.2, 212 DURHAM AVENUE IS IN NEED OF
REDEVELOPMENT.**

WHEREAS, N.J.S.A. 40A:12A-1, et seq., the Local Redevelopment and Housing Law (LRHL), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

WHEREAS, by L.2013, c. 159, the LRHL was amended to provide for an Area in Need of Redevelopment (“Redevelopment Area”) to be delineated as a Non-Condensation Redevelopment Area (NCRA) where the use of eminent domain is not to be authorized by the municipality; and

WHEREAS, the LRHL provides a procedure for the investigation of whether a delineated area is an area in need of redevelopment; and

WHEREAS, the Governing Body of the Borough of Metuchen deems it advisable to investigate whether the area commonly known as 212 Durham Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey, known and designated as Block 37, Lots 5.5, 7.2, 15.1, 16.2, 16.3, 17.1, 17.2 as shown on the official Tax Map of the Borough of Metuchen, is an area in need of redevelopment as an NCRA, in accordance with N.J.S.A. 40A:12A-1, *et seq.*;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Planning Board of the Borough of Metuchen be and is hereby authorized to undertake a preliminary investigation to determine whether the area in the Borough of Metuchen, known and designated as Block 37, Lots 5.5, 7.2, 15.1, 16.2, 16.3, 17.1, 17.2 as shown on the official Tax Map of the Borough of Metuchen, is an Area in Need of Redevelopment to be so delineated according to the criteria set forth in N.J.S.A. 40A:12A-1, *et seq.*, as amended; and

BE IT FURTHER RESOLVED that use of eminent domain is not to be authorized by the municipality and that if so delineated, the delineated area shall be deemed a Non-Condensation Redevelopment Area (NCRA) in accordance with L. 2013, c. 159; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized to undertake said investigation in accordance with N.J.S.A. 40A:12A-1, *et seq.*, and is hereby directed that the notice of hearing shall specifically state that a redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

RESOLUTION 2015-91

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING REFUND OF 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 is 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
11-938 E	479.87	Ravi Verma 91 Liberty Street
12-965 E	69.18	New Durham Hampton 566 New Durham Road
12-965 I	618.50	New Durham Hampton 566 New Durham Road
13-981 E	685.43	Fox & Foxx Development LLC 177 Center Street
13-1002 I	200.50	Fox & Foxx Development LLC 14 Sylvan Avenue
13-1012 E	137.46	Criterion Real Estate, LLC 103 Van Buren Avenue
14-1033 E	1349.66	Suburban Development LLC 392 Amboy Avenue
14-1040 E	554.00	Fox & Foxx Development LLC 57 Blair Avenue

RESOLUTION 2015-93

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AWARDING BID FOR 2015 MUNICIPAL POOL MAINTENANCE CONTRACT

WHEREAS, bids were received by the Borough Administrator on April 7, 2015 for the 2015 Municipal Pool Maintenance for the Borough of Metuchen; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$22,320.05 as evidenced by the Finance Officer's certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the 2015 Municipal Pool Maintenance be and the same is hereby awarded to most responsive bidder, **Aquatic Service, Inc., 170 Burlington Avenue, Spotswood, NJ 08884.**

BE IT FURTHER RESOLVED, that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for the same.

Other New Business

Council President Grayzel made a motion to approve R2015-92; authorizing the Payment of the Bill List in the amount of \$548,332.81 second by Councilwoman Rasmussen, with all in favor, R2015-92 was approved.

RESOLUTION 2015-92

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn and all bills be paid totaling **\$548,332.81**

Appointment

Council President Grayzel moved the nominations and appointments of:

Donna Jamison (term 12/31/2017) to Metuchen Municipal Alliance
Carol Volkland (term to 12/31/2017) to Metuchen Municipal Alliance
Danielle McMahan (term to 12/31/17) to Metuchen Municipal Alliance
John Sharpe (term to 12/31/2017) to Metuchen Arts Council
Alyson Dutemple (unexpired term to 12/31/16) to Environmental Commission

second by Councilwoman Rasmussen, with all in favor, the motion passed, 5-0.

Public Session

Council President Grayzel opened Public Session to anyone wishing to speak.

Seeing no one wishing to speak, Council President Grayzel closed the Public Session.

Adjournment

Councilwoman Inzerro made a motion to adjourn the meeting, seconded by Councilwoman Rasmussen, with all in favor; the meeting was adjourned at 8:07 PM.

Borough Council Meeting
April 7, 2015

Respectfully Submitted,

Susan D. Jackson,
Metuchen Borough Clerk