

BOROUGH OF METUCHEN COUNCIL MINUTES
February 2, 2015
6:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, February 2, 2015.

Adequate notice of this meeting has been given in accordance with The Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Annual notice was published in the Home News Tribune on January 8, 2015 and meeting time change for the February 2, 2015 council meeting was published on January 23, 2015, and sent to the Star Ledger for information. Notices have been posted in Borough Hall. All requirements of the "Open Public Meetings Act" have been satisfied.

The Invocation was given by Monsignor Robert J. Zamorski – St. Frances of Assisi Cathedral and was followed by the Pledge of Allegiance.

Present were Councilmembers Inserro, Leibfried, Muldoon, Rasmussen, Wallace, Council President Grayzel and Mayor Vahalla. Also present were Jennifer Maier, Borough Administrator, Denis Murphy, Borough Attorney and Susan Jackson, Borough Clerk.

Proclamation Honoring:

Retiring Chief of Police Rob Rentenberg

WHEREAS, Rob Rentenberg, graduated from the Middlesex County Police Academy on June 7, 1990; and

WHEREAS, Rob Rentenberg joined the Metuchen Police Department on January 12, 1990 being assigned to the Patrol Division; and

WHEREAS, Rob Rentenberg was assigned to the Detective Bureau in August 1996 where he was responsible for many investigations including Internal Affairs; and

WHEREAS, Rob Rentenberg earned the rank of Sergeant in May 2001 and served in the Patrol Division; and

WHEREAS, in February 2003, Rob Rentenberg was assigned as the Detective Sergeant and was responsible for overseeing all functions of the Detective Bureau as well as Internal Affairs; and

WHEREAS, in 2003, Rob Rentenberg began the Metuchen Police Academy and dedicated countless hours to its success for eleven years; and

WHEREAS, on April 1, 2005, Rob Rentenberg was promoted to the rank of Captain of Operations; and

WHEREAS, Rob Rentenberg attended and graduated from the 235th session of the FBI National Academy in Quantico, Virginia in 2011; and

WHEREAS, on April 4, 2011, Rob Rentenberg was promoted to Chief of Police; and

WHEREAS, after 25 plus years of service to the Borough of Metuchen and its residents, Rob Rentenberg will be retiring effective February 1, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Borough Council of Metuchen and the residents of the Borough of Metuchen do hereby jointly recognize and further commend Rob Rentenberg for his tireless and dedicated service to the community; your efforts have enriched us greatly.

BE IT FURTHER RESOLVED that the Mayor, Borough Council, and the Police Department, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation and offer their best wishes of good health, happiness and success in the years ahead.

Agenda Session

Council President Grayzel made a motion to change the order for Police promotions to R2015-47 first, R2015-46 second and R2015-45 third, second by Councilwoman Rasmussen, with all in favor, the order was changed.

R2015-47 Resolution Appointing Metuchen Borough Lieutenant of Patrol

Denis Murphy, Esq., Borough Attorney administered the Oath of Office for Lieutenant of Patrol to Jean Pierre Therrian.

RESOLUTION 2015-47

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

PROMOTION OF LIEUTENANT OF PATROL

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *Jean-Pierre Therrien*, be and he is hereby promoted to Lieutenant of Patrol in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective February 2, 2015.

R2015-46 Resolution Appointing Metuchen Borough Police Captain of Operations

Denis Murphy, Esq., Borough Attorney administered the Oath of Office for Promotion of Captain of Operations to Michael Kilker.

RESOLUTION 2015-46

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

RESOLUTION AUTHORIZING PROMOTION OF CAPTAIN OF OPERATION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that *Michael*

Kilker, be and he is hereby promoted to Captain of Operation in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective February 2, 2015

R2015-45 Resolution Appointing Metuchen Borough Chief of Police

Denis Murphy, Esq., Borough Attorney administered the Oath of Office for Chief of Police to David Irizarry.

RESOLUTION 2015-45

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

PROMOTION OF CHIEF OF POLICE

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that **David Irizarry**, be and he is hereby promoted to Chief of Police in the Metuchen Police Department for the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law and said appointment being effective February 2, 2015

Resolution 2015-57

Council President Grayzel made a motion to approve R2015-57 and adjourn the public portion of the meeting to go into Executive Session, second by Councilwoman Rasmussen, with all in favor; the Council went into Executive Session.

RESOLUTION 2015-57

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

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POLICE NEGOTIATIONS

WHEREAS, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss the following subject:

Negotiations Relating to Metuchen Police Contract

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing the following subject: negotiation relating to Metuchen Police Contract.

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

Council President made a motion to reconvene to the Public meeting at 7:52 PM. second by Councilwoman Rasmussen, with all in favor; the Public meeting was reopened.

Regular Meeting

Council President made a motion to approve the Council minutes of July 21, 2014 and January 20, 2015, second by Councilwoman Rasmussen, with all in favor; minutes were approved.

Mayor Vahalla opened the discussion on Payment in Lieu of Sidewalks and Payment in Lieu of Parking. Mayor Vahalla invited Jim Constantine, Borough Planner and Chris Cosenza forward and asked if any of the Councilmembers had any questions that they would like to ask.

Councilman Muldoon asked for clarification on what parking areas are being referred to in the title "Parking in the Downtown Area" and wonders if it needs to be more clearly defined. Mr. Constantine referred to page two of the Ordinance to clarify which zoning districts are being referred to for parking.

Councilman Muldoon would like the Parking Authority Commissioners to take a look at the Ordinance and give their feedback since they are the Authority that will be in charge of implementing the Ordinance.

Mayor Vahalla asked Parking Authority Chairman Len Roseman if he would respond to Councilman Muldoon's request.

Mr. Roseman spoke of the Authority's role in regards to the Ordinance. He stated that the Parking Authority had a Parking Study performed and they adopted that study. This Ordinance has taken the suggestions from the Study and incorporated them.

The conversation continued as to the actual role of the Parking Authority and the role of who controls the money and its use. As to the Parking Authority reviewing the Ordinance, he would hope that the Planning Board would invite the Authority to their meeting when they review the Ordinance. The Planning Board has up to 35 days to review the Ordinance and send a memo to Council stating whether this Ordinance conforms to the Master Plan. The Planning Board has already amended the Master Plan with the Parking Authority's study.

Further discussion ensued as to the use of the money and how the amount was determined for the payment in lieu of parking. Mr. Constantine stated that the Parking Authority charged him with doing research and he found that this amount is parallel to other municipalities that are similar to Metuchen and already have the PILOP program in place. The use of money was discussed and it is spelled out in the Ordinance. A dedicated trust fund can be created for the sole use of this money.

Councilwoman Inserro asked for clarification on the residential parking standards and how it fits into the Downtown parking. Mr. Constantine explained what Residential Site Improvement Standards (RSIS) means as to the parking for mixed use parking in a Downtown area and that the Board needs to be aware of the standards if the relief is put into effect. She also would like to know what the process would be for any improvement to be made since the Authority is the one in control of the parking areas. Ms. Maier stated that there would be an agreement with the Parking Authority but the Borough would be the lead agency undertaking the actions on the Authority's behalf.

With no other questions on PILOP, Mayor Vahalla asked Mr. Cosenza to speak on PILOS again. Mr. Cosenza stated that the Ordinance reflects the changes made to allow the Zoning Office, the Technical Review Board or the Council to accept the request of PILOS. There were minor changes to the

Ordinance as to the requirement of sidewalks in order to reflect some flexibility on waiving some of the requirements as it relates to smaller construction jobs. The concept is the same as the PILOP program.

A discussion ensued as to the use of the money for Metuchen Borough as the need arises throughout the Borough.

Mayor Vahalla opened the discussion on the Planning Board to undertake a preliminary investigation to determine whether the area known as Block 71, Lot 37.01 is in need of redevelopment. Mayor Vahalla asked Bob Renaud, Planning/Zoning Board Attorney to come forward to speak on this subject. Mr. Constantine spoke first on the area that is in need of redevelopment and the process that needs to be taken.

Mr. Constantine explained why it is beneficial for the Borough Council to consider R2015-48 and what it will allow the Borough to accomplish with the redevelopment of the vacant land in question. He went over past history the 1983 Master Plan and the use of the property in question.

Mr. Renaud stated that he has done a great number of redevelopment plans and projects in other municipalities. He explained why it is beneficial to the Borough to move forward with a redevelopment zone area plan. Mr. Renaud then went on to explain the process starting with the resolution requesting the Planning Board to undertake an investigation as to whether the area delineated as an area in the need of redevelopment. He then explained the following steps in the process: the Planning Board would do the investigation, hold public meetings according to law; forward their recommendations to the Governing Body and if the Governing Body believes that the area is in need of redevelopment based on a list of criteria, then a Redevelopment Plan is prepared by either the Council or the Planning Board then the council must adopt the Redevelopment Plan by Ordinance which means a public hearing. He explained that a Redevelopment Plan allows the Council to have more control over the development of the redevelopment area.

A discussion ensued by the Council to understand what the process will mean, how it will benefit the Borough, how a PILOT works, the potential to hire a professional to work for the Municipality during negotiations with builders and who would be qualified from the Planning Board to do the investigation of the area in question.

Mr. Renaud explained how the payment in lieu of taxes (PILOT) works and wanted the Council to understand that the improvement to the property is what is exempt in the PILOT program. He also said that it would be a benefit for the Borough to hire a professional to work for them in negotiations and explained why it would benefit to Borough to do so. He stated that the Borough Planner is the one who normally is charged to perform the investigation based on the list of criteria and presents his recommendations to the Planning Board for their review.

Mayor Vahalla asked Jennifer Maier, Borough Administrator to speak on her experience with redevelopment.

Ms. Maier spoke about the value of having a redevelopment plan and the benefits it affords the Municipality.

After a continued discussion, Mayor Vahalla opened up the discussion to the public.

Len Roseman, 40 Miller Drive, Metuchen – stated that the amount due to the School District is what it is no matter how much taxes are raised. He wants to make sure that if the Council sets up the trust fund for PILOPs that it should also include traffic safety.

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

Mayor Vahalla asked if the Council is ready to proceed with Resolution 2015-48. Council President Grayzel asked if a consensus of the Council could be taken on whether they would like to proceed at this time or wait until they have a better understanding of what is being asked of them.

Councilwoman Inserro and Councilman Leibfried would like to wait.

Council President Grayzel asked if it would be possible to have a second resolution to hire a consultant to take the Borough forward in the process.

Mayor Vahalla does agree that a consultant should be hired but not in conjunction with this resolution. All this resolution is doing is to start the process of the investigation and doesn't bind the Borough to anything. It will take time for the Planning Board to come back with a recommendation.

Council President Grayzel asked to carry the resolution and table it to allow the Councilmembers to reflect on the information that has been presented to them.

Council President Grayzel made a motion to table R2015-48 to another Council meeting, second by Councilman Leibfried, with all in favor, R2015-48 was tabled.

R2015-48 Resolution Authorizing the Planning Board To Undertake A Preliminary Investigation To Determine Whether The Area Known As Block 71, Lot 37.01 Is In Need Of Redevelopment

RESOLUTION 2015-48

*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 71, LOT 37.01 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 700 Middlesex Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey, known and designated as Block 71, Lot 37.01 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 71, Lot 37.01 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.

Public Comment

Mayor Vahalla opened Public Comment to any members of the public wishing to speak.

Beatrice Moskowitz, 279 Middlesex Ave, Metuchen – questioned why the Council isn't moving forward on the Resolution to allow the Planning Board to do the study.

The Council responded that they would like to do a little more research to understand what they are asking the Planning Board to do before they make a decision to move forward. Jennifer Maier has offered to bring in people who are very knowledgeable in the area of redevelopment to talk with the Councilmembers so that they will have a better understanding of the process. The Councilmembers are willing to meet with them.

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

Ordinance – Public Hearing - None

Agenda Session

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

Mayor Vahalla stated that Councilman Leibfried spoke to him about the driveway located next to the “Bagels for You” and the dangerous situation that it creates for cars pulling out of the driveway. Mayor Vahalla talked about the issues that have arisen in the past with the driveway and the measures that were taken previously. Mayor has asked the Administrator and Attorney to look into the issues of the driveway.

With nothing else, Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor; the Agenda Session was closed.

Communication Consent Agenda – Items A

Council President Grayzel made a motion to receive and accept the Consent Agenda Item A, second by Councilwoman Rasmussen, with all in favor, Consent Agenda Items were received and accepted.

A. Receive and Accept 2015 Request For Fuce 5K – June 14, 2015 from 6 AM – 12 Noon.

Reports of Councilmembers

Mayor Vahalla opened Reports of Councilmembers at this time.

Council President Grayzel – has no report at this time.

Councilwoman Inserro –

- Tax assistance for Senior Citizens who qualify will begin tomorrow at the Senior Center and continues through April 9th. Appointments are available Tuesdays and Thursdays at 9:00, 10:00 and 11:00 AM. For those that qualify please call (732) 632-8524.
- There will be a Valentine’s Healthy Heart Party at the Senior Center sponsored by Sunrise Senior Living from 10:30 AM to noon on Friday, February 13. Call the Senior Center to sign up.
- Metuchen Municipal Alliance would like to inform the public that there is a Girl Scout in town, Heather Jones, made a documentary for a Girl Scout project on Opiate Addiction. The documentary will be shown next Sunday, February 8th from 5:00 to 6:30 PM at the Reformed Church of Metuchen, 150 Lake Ave. There is a snow day of February 22nd. The film is appropriate for Middle School age and up.

Councilman Leibfried –

- The Pool Commission will be meeting Monday, February 9th at Borough Hall at 7:30 PM
- The Library Board of Trust will be meeting Tuesday, February 10th at the Library at 7:00 PM

Councilman Muldoon – has no report at this time.

Councilwoman Rasmussen – has no report at this time.

Councilman Wallace – has no report at this time.

Reports of Professionals and Administrator

Denis Murphy, Esq. has no report at this time

Jennifer Maier, Administrator reported that she provided a 6 page report on various items to Mayor and Councilmembers for their review and any feedback they may have.

Report of the Mayor

- The Fire House Task force met and took a tour of the Fire House. Mayor is urging all the Councilmembers that have never had the tour to contact the Fire Chief so that they can understand the reasons for what is being done at this time.
- On Wednesday, February 4th, Mayor will be working with Cablevision filming a spot on Cablevision called “Our Town Metuchen”. He has Tyreen Reuter, Rev. Dr. Ronald Beringer and Bruce Peragallo. They will be filming ½ day, going to various sites in town and see all that Metuchen has to offer.

New Business – Consent Agenda – Resolutions R2015-49 through R2015-57

Council President Grayzel moved Consent Agenda Resolutions R2015-49 through R2015-56 for approval, seconded by Councilwoman Rasmussen, with all in favor, Resolutions R2015-49 through R2015-56 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 2015-49

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

RESOLUTION APPOINTING MUNICIPAL PROSECUTOR- DAVID RODRIGUEZ SPEVACK

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that David Rodriguez Spevack be appointed as the Municipal Prosecutor for the Borough of Metuchen with a term to expire December 31, 2015.

RESOLUTION 2015-50

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

RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE LIENS

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

Cert #	Block/Lot	Address	Lienholder
11-00004	91/17.01	552-566 Main Street	Garden State Tax Liens LLC

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel this lien from the municipal record.

RESOLUTION 2015-51

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

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF OFFICE SUPPLIES –
STAPLES BUSINESS**

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

WHEREAS, this can be purchased through State Contract #77249 and M0052-11R21547; and

WHEREAS, said contract is in effect until April 27, 2015; and

WHEREAS, the maximum amount of the purchase of office supplies for the Borough of Metuchen is **\$3,000.00** and funds will be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification of which **\$3,000.00** 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 Staples Business, PO Box 415256, Boston, MA 02241-5256.

RESOLUTION 2015-52

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

**RESOLUTION AUTHORIZING METUCHEN POLICE DEPARTMENT THE AUTHORITY TO
PREPARE AND SUBMIT ANNUAL REPETITIVE GRANTS**

WHEREAS, the Borough of Metuchen Police Department desires to participate in annual repetitive grant programs by submitting applications for any and all Safety Enforcement Grants.

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

- 1) The Borough of Metuchen Police Officer David Liantonio is hereby authorized to prepare and submit any and all annual repetitive grant program applications on behalf of the Borough of Metuchen; and
- 2) The Borough Council does not need to receive and approve any annual repetitive grant programs being submitted by the Metuchen Police Department; and
- 3) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on

behalf of the Borough of Metuchen in cooperation with the offices of each grant.

RESOLUTION 2015-53

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

RESOLUTION AUTHORIZING PROCESS AND SUBMISSION OF ALL YOUTH SERVICE BOARD/MUNICIPAL ALLIANCE GRANTS FOR 2015

WHEREAS, the Borough of Metuchen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council recognizes that there is a process for submission of all Youth Service Board/Municipal Alliance grants.

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 Officer David Liantonio to help prepare all Youth Service Board/Municipal Alliance grant applications for calendar year 2015; and
- 2) The Borough Council must acknowledge and approve the terms and conditions of all Youth Service Board/Municipal Alliance grants and the Mayor or his/her designee shall sign all Youth Service Board/Municipal Alliance grants before submission of all Youth Service Board/Municipal Alliance grant applications.

RESOLUTION 2015-54

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

RESOLUTION AUTHORIZING THE SALE/DISPOSITION OF THE 1970 MACK FIRE TRUCK NO LONGER NEEDED FOR PUBLIC PURPOSES TO MCMULLEN TOWNSHIP, ALABAMA

WHEREAS, the Borough of Metuchen is the record owner of a 1970 Mack Fire Engine, VIN # CF608F101104 (“Fire Truck”); and

WHEREAS, the Chief of the Borough of Metuchen Volunteer Fire Department advised that the 1970 Fire Truck has been decommissioned, is no longer in service, no longer complies with the operational or safety standards adhered to by Fire Departments in the State of New Jersey and has no resale value; and

WHEREAS, the Borough of Metuchen has determined that the 1970 Fire Truck is no longer needed for public purposes due to its age and condition and is of no practical use or value to the Borough; and

WHEREAS, N.J.S.A. 40A:11-36(2) provides that such personal property may be sold or disposed of to another governmental unit in the United States by private sale; and

WHEREAS, the Fire Chief of McMullen Township Fire Rescue Department has been in contact with the Borough of Metuchen and has expressed its need of a fire truck for its newly formed McMullen Township Fire Rescue Department; and

WHEREAS, in exchange for transfer of title to the Fire Truck, McMullen Township, Alabama agrees to assume all costs associated with the transportation from the Borough of Metuchen to McMullen Township, Alabama including any insurance, title, registration, fees, tariffs or unforeseen costs associated with this transfer; and

WHEREAS, McMullen Township, Alabama has also agreed to accept the Fire Truck in an “AS IS” condition and to indemnify and hold harmless the Borough of Metuchen for all costs and damages resulting from the donation, use and repair of the Fire Truck; and

WHEREAS, the Borough of Metuchen is committed to the replacement of fire apparatus and recognizes that there are many communities less fortunate.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby declares that the 1970 Mack Fire Engine, VIN # CF608F101104 is no longer needed for public purposes and authorizes its transfer/donation to McMullen Township, Alabama in exchange for McMullen Township’s assumption of all costs associated with the transportation of the Fire Truck from the Borough of Metuchen to McMullen Township, Alabama including any insurance, title, registration, fees, tariffs or unforeseen costs associated with this transfer/donation; and

BE IT FURTHER RESOLVED that this Resolution shall be effective upon the Borough of Metuchen’s receipt from the McMullen Township, a Resolution authorizing the acceptance of the Fire Truck and all of the terms and conditions contained herein, including but not limited to an executed Indemnification and Hold Harmless Agreement acceptable in form to Borough legal counsel and the Borough Administrator;

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

RESOLUTION 2015-55

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

**RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY
AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Metuchen strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Metuchen is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Governing Body of Metuchen has determined that Metuchen should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Governing Body of Metuchen, County of Middlesex, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

RESOLUTION 2015-56

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

RESOLUTION AUTHORIZING A LICENSE PERMITTING A MINOR ENCROACHMENT IN THE BOROUGH OF METUCHEN'S RIGHT OF WAY FOR PURPOSES OF THE LOCATION OF PARKING, CANNONS AND THE ERECTION OF A FLAGPOLE

WHEREAS, the Metuchen Parking Authority is the current owner of the property located at Block 145, Lot 13.03 and made an application to the Borough of Metuchen Planning Board for, *inter alia*, preliminary and final major site plan approval relating to the property located at Block 145, Lot 13.03, Calvin Place and Wernik Place ("the Property"); and

WHEREAS, the proposal before the Planning Board was for a one story 4,204 square feet building for the American Legion which will be re-locating from its current location at Lake Avenue in Metuchen; and

WHEREAS, by way of Resolution dated August 21, 2014, the Metuchen Planning Board granted the Parking Authority preliminary and final major site plan approval with "C" variances and exceptions/waivers subject to various conditions of approval; and

WHEREAS, the Parking Authority's site plans submitted showed a minor encroachment in the Borough of Metuchen's public right of way of the proposed location of parking (approximately 7 to 10 feet along Calvin Place and 17 feet along Wernik Place); and

WHEREAS, the Planning Board's Resolution of Approval dated August 21, 2014, conditioned the approval on the governing body providing permission to locate the parking as shown on the plans and in the public right of way; and

WHEREAS, the Parking Authority also proposed locations of the erection of a flagpole and the location of two (2) cannons within the proposed landscaped island at the intersection of Calvin and Wernik Place which may also encroach on the Borough's public right of way; and

WHEREAS, the Planning Board's Resolution of Approval permitted the Parking Authority to re-locate two (2) cannons and the erection of a flagpole at the subject premises without further application to the Planning Board, however the location shall be subject to the final approval of the Board Engineer and Planner and to the extent they are located in the public right of way, the governing body of the Borough of Metuchen; and

WHEREAS, the Parking Authority has requested permission of the Mayor and Council to encroach upon the Borough right of way for purposes of the location parking and to the extent applicable the erection of a flagpole and the location of the two cannons at the property located at Block 145, Lot 13.03; 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. A right and license be and hereby is granted to the Metuchen Parking Authority, or its assignees, to encroach upon the Borough of Metuchen right of way at the above noted locations as shown on the drawings and plans prepared by Jarmel Kizel Architects and Engineers, Inc. submitted to the Borough for approval dated June 24, 2014, last revised September 10, 2014, subject however, to any further revisions 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 Parking Authority 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) The right and license is conditioned on the execution of a written license agreement by the Metuchen Parking Authority, 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 owner's use of the property;

Council President Grayzel made a motion that Ordinance 2015-02 has been taken up on first reading, published according to law and a public hearing to be set for February 17, 2015, second by Councilwoman Rasmussen.

Mayor Vahalla 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 2015-02 has passed on introduction, 6-0

Council President Grayzel made a motion to introduce Ordinance 2015-03 and taken up on first reading, second by Councilwoman Rasmussen, with all in favor; the motion passes.

Council President Grayzel asked the Borough Clerk to read Ordinance 2015-03 by title only.

Borough Clerk read Ordinance 2015-03 by title only.

2015-03

An Ordinance Amending the Land Development Ordinances of the Borough of Metuchen, Specifically, Chapter 110, Sections 112.7, Entitled “Design and Landscape Provisions”, Section 147, Entitled, “Design Standards” and Section 149, Entitled, “Private Walkways”

Council President Grayzel made a motion that Ordinance 2015-03 has been taken up on first reading, published according to law and a public hearing to be set for February 17, 2015 second by Councilwoman Rasmussen.

Mayor Vahalla 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 2015-03 has passed on introduction, 6-0

Council President Grayzel made a motion to introduce Ordinance 2015-04 and taken up on first reading, second by Councilwoman Rasmussen, with all in favor; the motion passes.

Council President Grayzel asked the Borough Clerk to read Ordinance 2015-04 by title only.

Borough Clerk read Ordinance 2015-04 by title only.

2015-04 An Ordinance Adding a New Section to the Land Development Ordinance of the Borough of Metuchen, Chapter 110, Section 110-154 Parking Regulations “Parking in the Downtown Area”

Council President Grayzel made a motion that Ordinance 2015-04 has been taken up on first reading, publish according to law and a public hearing to be set for February 17, 2015, second by Councilwoman Rasmussen.

Mayor Vahalla 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 2015-04 has passed on introduction, 6-0

Council President Grayzel made a motion to introduce Ordinance 2015-05 and taken up on first reading, second by Councilwoman Rasmussen, with all in favor; the motion passes.

Council President Grayzel asked the Borough Clerk to read Ordinance 2015-05 by title only.

Borough Clerk read Ordinance 2015-05 by title only.

2015-05 An Ordinance Amending the Code of the Borough of Metuchen, Chapter 185, Vehicles and Traffic, Section 23, Multiway Stop Intersections

Council President Grayzel made a motion that Ordinance 2015-05 has been taken up on first reading, publish according to law and a public hearing to be set for February 17, 2015, second by Councilwoman Rasmussen.

Mayor Vahalla 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 2015-05 passed on introduction, 6-0

Public Session

Borough Council Meeting
February 2, 2014

Mayor Vahalla opened to Public Session ro anyone wishing to speak.

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

Adjournment

On a motion by Councilwoman Rasmussen, seconded by Council Leibfried, with all in favor, the meeting was adjourned at 9:36 PM.

Respectfully Submitted,

Susan D. Jackson,
Metuchen Borough Clerk