

BOROUGH OF METUCHEN COUNCIL MINUTES
June 15, 2015
5:00 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 15, 2015.

The Meeting was called to order at 5:00 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. Annual notice was published in the Home News Tribune on January 8, 2015, and posted in Borough Hall.

Notice was sent on Wednesday, June 10, 2015 stating that the Borough Council Meeting will be held on June 15, 2015 at 5:00 PM in Borough Hall. Said notice has been sent to the local newspapers and has been posted on the Borough Hall Bulletin Board and filed in the Clerk's Office. All requirements of the "Open Public Meetings Act" have been satisfied.

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

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

Resolution Authorizing Closed Session

R2015-138

Authorizing an Executive Session Which Excludes
the Public

Council President Grayzel made a motion to go into Closed Session for purpose to discuss Personnel, second by Councilwoman Rasmussen, with all in favor, motion passed, 4-0.

RESOLUTION 2015-138

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

AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into Executive Session on June 1, 2015 at 6:30 PM preceding the general meeting in Borough Hall located at 500 Main St., Metuchen that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Personnel

Stated as precisely as presently possible the matter discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Denis Murphy, Esq. arrived at 5:30 PM. Councilwoman Inserro arrived at 6:30 PM and Councilman Leibfried arrived at 6:35 PM.

Council President Grayzel made a motion to reconvene the Public meeting at 7:21 PM, second by Councilwoman Rasmussen, with all in favor, the motion passes, 6-0

R2015-139 Resolution Authorizing Promotion of Sergeant

Council President Grayzel made a motion to authorize the promotion of Wayne Karalevich to Sergeant of the Metuchen Police Department, second by Councilwoman Rasmussen, with all in favor, the motion carries, 6-0.

RESOLUTION 2015-139

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

RESOLUTION AUTHORIZING PROMOTION TO SERGEANT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that **Wayne Kavalevich**, be and he is hereby promoted to Sergeant 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 July 1, 2015.

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, 6-0.

With no items for discussion, Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor; the Agenda Session was closed, 6-0.

Regular Meeting

Mayor Vahalla asked Robert Renaud, Esq. and James Constantine to present the Planning Board Report for "Area in Need of Redevelopment Investigation for the Oakite Site/Block 71/Lot 37.01" known as 700 Middlesex Avenue.

Mr. Renaud stated that the report was presented at the Planning Board meeting on June 4th by Mr. Constantine, a public hearing was held and the Planning Board adopted a resolution which has been presented to the members of the Borough Council finding to area to be an area in need of development. If the Mayor and Council make a determination to move forward with the Planning Board findings, a resolution has been prepared for their approval. This approval will instruct the Planning Board and the

Planner to move forward with a Redevelopment Plan for the Oakite Site. Mr. Renaud explained the legal process that a Redevelopment Plan would need in order to be implemented. There was a discussion as to the roll of the Borough Council in the process.

Mr. Constantine went over the Oakite Site/Block 71/Lot 37.01 known as 700 Middlesex Avenue and the findings of the investigation report for the determination of Redevelopment. There was further discussion between the Council Members and Mr. Constantine.

The next step is to accept the Resolution and send it back to the Planning Board for preparation of a Redevelopment Plan. An updated Resolution has been presented to the Councilmembers tonight which incorporates the criteria and report findings prepared by Mr. Constantine.

Borough Council Minutes

Council President Grayzel made a motion to approve the Regular Borough Council minutes of June 1, 2015 with the Executive Minutes of May 18 and June 1, 2015 held to a future meeting, second by Councilwoman Rasmussen, with all in favor, the June 1, 2015 Minutes were approved, 6-0.

Mayor Vahalla asked Mr. Murphy to discuss the Ordinance “Regulating Vacant and Abandoned Properties and Storefronts in the Borough of Metuchen”.

Mr. Murphy explained the request of the Borough Council to draft an Ordinance in regards to vacant properties in Metuchen. He explained how he determined this current draft Ordinance and that it pertains to both commercial and residential properties. He went over how the owners will be required to register their vacant properties and the criteria of fees waivers. Mr. Murphy questioned whether the Borough Council would like to adjust the time frame of the requirements to register the vacant properties

A discussion ensued. The Borough Council made the determination to name the Zoning Officer as the Enforcement Officer and the Administrator as the Administrative Officer to determine whether the guidelines of the Ordinance are being followed.

The Council asked Mr. Murphy to change the effective date of the Ordinance to be immediate and after two (2) months of a vacancy, the owner must register within the following 30 days. The fee amount will be prorated for this year for all registrations and beginning January 1 of each year all registrations must be filed.

There was a continued discussion on the Ordinance and if any verbiage is needed to determine the criteria to determine a waiver of fees.

Budget Introduction

Council President Grayzel made a motion to move R2015-122 be introduced and taken up on first reading, second by Councilwoman Inserro, with all in favor, the motion carries, 6-0.

Council President Grayzel asked that the Resolution be read by title only.

R2015-122

Municipal Budget for the Borough of Metuchen, County of Middlesex, for the Fiscal Year 2015

Council President Grayzel made a motion that R2015-122 be passed on first reading, published according to law and a public hearing be set for July 20, 2015, second by Councilwoman Inserro.

Mayor Vahalla asked for a Roll Call vote:

Roll Call: Inserro, Leibfried, Muldoon, Rasmussen, Wallace, and Grayzel voted yes.

Mayor Vahalla asked Jennifer Maier to make the Budget Presentation for Council and public.

Ms. Maier stated that the total appropriations for the 2015 Municipal Budget are \$18,398,141.00. The amount that needs to be raised by taxation is \$11,100,026.00. It is a 5.33% increase over 2014 and on the average assessed value of \$191,368.00 the estimated local increase of 5 tax points equates to a \$95.68 increase for the year. Ms. Maier showed a presentation slide of the breakdown of where the taxes are spent throughout the year. She asked the Department heads from the following department to present their requested budget: Public Works Department Police Department, Library and Fire Department.

Fred Hall, DPW Director, presented his budget to the Council and public. He went over the costs of grass clippings, snow removal, salt maintenance, tonnage, salary and wages, and other expenses. He went over grants that DPW receive and the capital needs for the Department. There was a discussion with Council on the Capital Budget needs for DPW.

Police Chief Irizarry, presented his budget. He went over the staffing of the Department and the 2014 stats. He went over the grants that the Department receives throughout the year. He went over the expense of the Department and the Capital needs. A discussion with the Council ensued about the number of new Police cars needed and the status of the current SUV cars of the fleet.

Susanna Chan, Library Director, presented her budget to the Council and public. She is asking for the minimum amount for the 2015 budget. The trustees decided to remain closed on Sundays but will utilize the building for programs on those days. She went over the circulation. The number of people that have been to the Library is up to roughly 8,000 people because of the increase in the programs offered. They are on Facebook and have a new updated website. There are a few facility upgrades that are needed for people with Disabilities such as sidewalk improvements and more Handicap parking spaces.

Fire Chief Donnan went over the number of calls that the Fire Department responded to in 2014 and the hours of volunteer man hours used in responding training, public events, maintenance of equipment and facilities. He explained the fire hydrants and the associated costs. He also spoke about the serious issues that the Fire Department is facing with the decrease of volunteerism and the potential direction of having to have paid Firemen. He presented the budget and the Capital needs to replace two SUV's.

Public Comment

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

Dan Lebar, 581 Middlesex Avenue, Metuchen brought up an issue a resident has about the signs prohibiting certain weight restrictions for truck traffic on Eggert. He believes that this can be corrected with putting up signs at strategic points to inform trucks over a certain weight of the restrictions on Eggert. There is also an issue with drainage of rainwater in the area of Eggert and Amboy Avenue. There is a series of manhole covers that are not sealed correctly and create an issue as cars pass over them. He went on about parking for the American Legion during the construction of Pearl Street Parking lot.

Justin Hopkins, co-owner of Bill's Ineffable Automotive Rehabilitation, has relocated to 12 Pearl Street, Metuchen. He wanted to express his gratitude of support from the Council and from the Building and

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that the Code of the Borough of Metuchen be amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen, specifically §110-4, entitled, “Definitions” is hereby amended as follows:

RENAME:

RETAIL BUSINESS to **RETAIL SHOP AND STORE**

ADD:

POP-UP BUSINESS - Also known as “temporary retail”, “flash retailing”, “pop-up store” or “pop-up shop”, a retail shop and store or a personal service business that is permitted pursuant to Article 17 of this Chapter and is intended to be open to the public for a period no greater than 30 calendar days after it is opened to the public.

SECTION 2. Chapter 110 of the Code of the Borough of Metuchen is hereby amended by deleting and repealing §110-7, entitled, “Exemptions” and replacing with the following:

§ 110-7. Exemption from Site Plan Review.

- A. Applications which involve minor alterations to the site, inclusive of the addition or removal of parking areas no greater than two (2) parking spaces or 500 square feet, to one (1) or more of the building elevations, structural changes, inclusive of awnings, canopies, and dormers to buildings without adding additional usable floor area for which parking is required under the provisions of §110-154, or the construction of an accessory structure consisting of no greater than 100 square feet in floor area may be exempt from obtaining site plan approval at the determination of the Zoning Officer. The Zoning Officer may issue a zoning permit after consultation with the Chairperson of the Planning Board and after the application has been reviewed by the Borough Planner and Borough Engineer to verify and confirm that no variances are required and that the site improvements and/or façade changes conform to applicable Borough design standards.
- B. An applicant may request an exemption upon application for a zoning permit by submitting four (4) copies of an Application for Development, a statement setting forth reasons for the exemption and providing sufficient plan information as determined by the Zoning Officer to verify that an exemption may be granted.
- C. Pop-up businesses shall be exempt from obtaining site plan approval.

SECTION 3. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:

§ 110-14. Fees.

Every application for development and informal request for reviews by the Borough Engineer, Board Planner and Board Attorney as to zone change or other questions regarding the implementation, enforcement or application of this Chapter shall not be acted upon unless and until:

- A. Accompanied by cash, check or money order made payable to the “Borough of Metuchen” for the application and escrow fees prescribed below; and

- B. The party seeking the application for development or informal request executes an agreement to pay for services to be rendered by the Board professionals or the Borough Attorney.

Fee Schedule

<u>Application for Development Type</u> <u>Fee Account</u>	<u>Application Charge/Fee</u>	<u>Escrow</u>
Subdivisions		
Minor subdivision	\$200 150	\$2,000 1,000
Preliminary major subdivision	\$300 250	\$3,000 1,500
Final major subdivision	\$200 150	\$2,000 1,000
Informal presentation (1 appearance only)	\$50 400	\$500
Concept plat for review		
Minor subdivision	\$50 75	\$500 1,000
Major subdivision	\$100 150	\$1,000 1,500
Upon approval of minor or major final subdivision - \$500 per new lot created for amendment of Borough Tax Map		
Site plans		
Minor site plan	\$25 400	\$250
Change of use	\$50 150	\$500
Preliminary site plan	\$300 250	\$3,000 1,500
Final site plan	\$200 150	\$2,000 1,000
Informal presentation (1 appearance only)	\$50 400	\$500
Concept plat for review		
Minor site plan	\$25 400	\$250 1,000
Major site plan	\$500 200	\$500 1,000
PURD and PUCD	\$750	\$1,500 per acre or part thereof plus \$50 per dwelling unit
Technical assistance, <u>design review and completeness review</u> at Technical Review Committee		
Residential uses	\$25 50	\$250
Non-residential uses	\$50 400	\$500
Variances		
Appeals (N.J.S.A. 40:55D-70a)	\$75 400	\$750 500
Interpretation (N.J.S.A. 40:55D-70b)	\$75 400	\$750 500
Bulk (N.J.S.A. 40:55D-70c)		
First variance for principal structures	\$75 400	\$750 500
First variance for accessory structures	\$50	\$500 250
Each additional variance	\$25 50	\$250
Use (N.J.S.A. 40:55D-70d)		
<u>d(1) or d(2) variances</u>	\$200	\$2,000
<u>d(3) variance</u>	\$150	\$1,500
<u>d(4), d(5) or d(6) variances</u>	\$100	\$1,000
Permits (N.J.S.A. 40:55D-34 and 40:55D-35)	\$75 400	\$750 1,000
Miscellaneous requests for reviews, meetings or consultations	Hourly rates as set forth on an annual	As required by applicable

involving planning, engineer or other professional review, including request for zoning changes	basis by the approving authority's retained professional, which are available in the Borough Clerk's office	Board and/or professional
Certified list of property owners	\$0.25 per name or \$10, whichever is greater	None
Copy of minutes/transcripts of decisions	\$1 per page for first copy, plus \$0.25 per page for each additional copy or as required by transcription service	As required by transcription service
Legal reviews		
Guaranty review		
Review of performance guaranty by Borough Attorney	\$150 per review	None
Review of maintenance guaranty by Borough Attorney	\$150 per review	None
Preparation of Developer's Agreement by Borough Attorney	\$400 minimum per agreement, plus \$125 per hour after first 3 hours	As required by Borough Attorney
Miscellaneous reviews: master deed, certificate of incorporation, bylaws, unit deeds, etc.	\$150 per review	None
Appeal of any determination by Borough Official to applicable Board	\$50 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Special meeting	\$750 per meeting, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Continuation of a hearing	\$250 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional

Zoning Permits Applications

Application Fee

Escrow Fee

Principal Structures

New Principal Structures (inclusive of all other improvements associated with its construction)

\$250~~450~~

\$500*

Additions and Alterations

Greater than 1,000 square feet

\$100

Greater than 500, up to 1,000 square feet

\$75~~100~~

500 square feet or less

\$50~~75~~

Porches and decks

\$50

Greater than 250 square feet

\$25

250 square feet or less

\$10

Stoops, landings and steps

\$10

Accessory Structures

Retaining walls four (4) feet or greater in height and in-ground swimming pools

\$50

\$250*

Detached garages, sheds, driveways, fences, walls, aboveground swimming pools, air-conditioning units, generators, and any other structure deemed to be accessory structures greater than 100 square feet	\$50
Retaining walls less than four (4) feet in height, parking lots, driveways, sport courts, fences, walls, sheds and patios greater than 100 square feet, above-ground swimming pools, roof-top solar panels, A/C condenser units, generators, tanks and any other structure deemed to be accessory structures 100 square feet or less	\$25
Sheds <u>and patios</u> 100 square feet or less, patios and <u>private</u> walkways	\$1025
Construction trailers, construction fences and any other Structure deemed to be temporary structures	\$10
Home Occupation	\$25
Change of Occupancy or Use	
Greater than 3,000 square feet	\$75400
Between Greater than 500, up to and 3,000 square feet	\$5075
Greater than 250500, up to 500 square feet or less	\$2550
<u>250 square feet or less</u>	<u>\$10</u>
<u>Pop-up Business</u>	<u>\$10</u>
<u>Alterations to Façade</u>	<u>\$25</u>
<u>Signage</u>	
Primary Business Sign	\$2550
<u>Primary Window Sign</u>	<u>\$10</u>
<u>Outdoor displays of retail merchandise & sidewalk cafes</u>	<u>\$0</u>
Zoning permit with e Exemption from site plan review	\$250
<u>Other Zoning Permits</u>	<u>\$25</u>

* Escrow Accounts for new ~~principal structures~~single- and two-family dwellings, retaining walls four (4) feet or greater in height and in-ground swimming pools are for engineering plan review and inspections only.

SECTION 4. Chapter 110 of the Code of the Borough of Metuchen is hereby amended by deleting and repealing §110-48, entitled, “Applicability” and replacing with the following:

§ 110-48. Applicability.

This article is applicable in appropriate cases where minor development is proposed and does not qualify for an exemption from site plan requirements in accordance with Article 2 of this Chapter, as determined

by the Zoning Officer. No public notice is required for such application. Approvals, if granted, shall be granted by resolution of the Board having jurisdiction. Minor site plan approval shall be required for development involving any of the following:

- A. A change of use of a structure, building or land, to a residential use, nursery school, day-care center, an eating or drinking establishment with greater than 50 seats and any light industrial use, that are permitted pursuant to Article 17 of this Chapter.
- B. A change of occupancy or use of a structure, building or land that requires more parking than was required for the previous use pursuant to §110-154 of this Chapter and which parking is not provided on the site. Uses may obtain up to two (2) parking spaces from the Metuchen Parking Authority, for residential or employee use only, in order to meet the parking requirement, provided that such uses are located within one quarter (1/4) of a mile of a municipal or public parking facility.
- C. The construction of nonresidential accessory structures, exclusive of A/C condenser units, generators and tanks that are permitted pursuant to Article 23 of this Chapter, consisting of greater than 100 square feet in area and no greater than 250 square feet in floor area.
- D. The expansion of a driveway or parking lot greater than two (2) parking spaces or 500 square feet in area and no greater than four (4) parking spaces or 1,000 square feet in area.
- E. Minor amendments to an existing site plan or minor subdivision plat that does not result in a substantial alteration of any aspect of the existing approval.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that the within Ordinance and amendments made herein shall become effective immediately upon publication following final adoption and pursuant to law.

Communications Consent Agenda – Items A – Item B

Council President Grayzel made a motion to move Communication Consent Agenda, Items A through B, second by Councilwoman Rasmussen, with all in favor, motion carries, 6-0

- A. Receive and Accept Shade Tree Commission Meeting Minutes of March 11, 2015 and April 8, 2015.
- B. Receive and Accept Block Party/Street Closing –Willow Road between House Numbers 65 and 77.

Reports of Councilmembers

Mayor Vahalla opened Reports of Councilmembers.

Council President Grayzel –

Traffic and Transportation Commission

- Met recently and upon advise of Council and careful consideration, the Traffic and Transportation Commission will be sponsoring a public hearing to take place on October 14, 2015 at a location to be determined for lowering the speed limit on Grove Avenue. At that time members of the community will be making presentations and afterwards the Traffic and Transportation

Commission will prepare a report to be presented to the Borough Council. The Council can make a determination on whether or not to make a recommendation under New Jersey law to lower the speed limit to 25 mph.

Councilwoman Inzerro –

Metuchen Municipal Alliance

- Some of the members of Metuchen Municipal Alliance attended the 13th Annual Middlesex County Prevention Education Summit.
- Next week on Wednesday, June 24th, there will be a presentation at 7 PM at the Library about prescription and over-the-counter drug abuse.

Senior Citizen Commission

- The Fund Raiser Arm, The Metuchen Seniors Inc, has set Sunday, November 1st at 1 PM for their Annual Luncheon at the Metuchen High School.

Main Street

- Councilman Muldoon and she met with members of Metuchen Main Street Stakeholder Team for the day and had organized themselves into three working groups. They have set off on the process to start this organization working on the areas of Best Practices, Organization and Funding and the expectation is that they will be meeting over the next couple of weeks and then reporting back in July.

Councilman Leibfried –

The Municipal Pool is now open. The hours are Saturdays 10-8 and Sundays 11-8. On-line registration is still available on the website 24/7. Please feel free to reserve the picnic area for birthday parties.

Library

- There are multiple events during the month of June. Please check the website. There is a list of recommended websites that will help enhance the use of electronic resources available at the Library.

He thanked all Department Heads that were involved in setting up for the Fuce 5K Race on Sunday. Their involvement before and during the event is greatly appreciated.

He thanked Council President Grayzel for moving forward and getting a public hearing scheduled for the residents on Grove Street to discuss the potential speed reduction.

He also thanked Councilmembers Muldoon and Inzerro for all their leadership and hard work on getting the Main Street Organization organized. He also thanked the many residents that came out to participate in the Stakeholders groups.

Councilman Muldoon –

- Has no report at this time.

Councilwoman Rasmussen –

- The Farmers' Market started this past Saturday and it had a great start. The Shade Tree Commission had a table there and they gave away 15 trees. There are still more trees to give away and she hopes that people will come to the Farmers' Market and take some trees home with them.
- Spring Fair was yesterday and many people attended and participated in the event.

Councilman Wallace –

- No report at this time.

Reports of Professionals and Administrator

Denis Murphy, Esq. –

- No report at this time.

Jennifer Maier, Administrator –

- She will give a full report at the next Council meeting.

Report of Mayor

Mayor Vahalla

- On Sunday, he attended the Elks Student of the Year/Student of the Month Awards. The students that received awards were Ciara Sellers, Sarah Michaliszyn, Daniel Flaherty and Michael Lapczynski. He congratulates them and their parents again.
- Two weeks ago, Mayor attended the Project 360, which is a State-wide project talking about the history of New Jersey. There was a focus on the Metuchen history and he was able to speak about a little on the history. He really appreciates all the work the students and staff did from Metuchen High School putting this together. He thanked the Library for all their work in hosting the event. It was well attended.
- The Fire Department provided a seminar at the Home Depot on Route 1 which dealt with crisis like Sandy. Mayor has received many accolades from the manager about having the Fire Department there and their work with the public.

New Business – Consent Agenda – R2015-123 through R2015-136

Council President Grayzel made a motion to remove R2015-147 from the Consent Agenda, move to amend it with the following addition of the second paragraph: “*WHEREAS, by resolution dated March 12, 2015, the Planning Board authorized James Constantine, Board Planner, of Looney Rick Kiss to review the designated criteria and prepare a report to the Planning Board as to whether the area commonly known as 700 Middlesex Avenue, in the Borough of Metuchen, County of Middlesex and 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 a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and*” based on the recommendations of the Planning Board Attorney and adopt R2015-147 as amended, second by Councilwoman Rasmussen, with all in favor, motion carries, 6-0.

RESOLUTION 2015-147

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

RESOLUTION AUTHORIZING OAKITE PROPERTY REDEVELOPMENT PLAN, BLOCK 71, LOT 37.01, 700 MIDDLESEX AVENUE

WHEREAS, by Resolution No. 2015-48, adopted March 2, 2015, the Borough Council of the Borough of Metuchen authorized the Planning Board of the Borough of Metuchen to undertake a preliminary investigation to determine whether the area in the Borough of Metuchen, known and designated as Block 71, Lot 37.01, on the Tax Map of the Borough of Metuchen, commonly known as 700 Middlesex Avenue, is an area in need of redevelopment and a noncondemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, by resolution dated March 12, 2015, the Planning Board authorized James Constantine, Board Planner, of Looney Rick Kiss to review the designated criteria and prepare a report to the Planning Board as to whether the area commonly known as 700 Middlesex Avenue, in the Borough of Metuchen, County of Middlesex and 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 a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, the said Planner prepared a report entitled "Area in Need of Redevelopment Investigation for the Oakite Site/Block 71/Lot 37.01" prepared by LRK, Inc., dated May 14, 2015; and

WHEREAS, the Planning Board received and reviewed the said report and conducted a public hearing on June 4, 2015, in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, after completing its hearing on this matter, the Planning Board recommended, by resolution adopted June 4, 2015, that the aforementioned area be determined by the Borough Council to be a redevelopment area, in accordance with said report; and

WHEREAS, the Borough Council of the Borough of Metuchen has determined, based on the foregoing, that the delineated area is an area in need of redevelopment as a noncondemnation redevelopment area;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that, pursuant to N.J.S.A. 40A:12A-1 *et seq.*, the area known and designated as Block 71, Lot 37.01, on the Tax Map of the Borough of Metuchen, commonly known as 700 Middlesex Avenue, be and same is hereby determined to be a noncondemnation area in need of redevelopment; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to, forthwith, transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review, in accordance with N.J.S.A. 40A: 12A-6(b)(5)(c) and that this resolution shall take effect 30 days after submission unless sooner approved by the Commissioner, in which case it shall take effect upon approval, or unless disapproved by the Commissioner, in which case it shall not be effective; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to serve all record owners of property located within the delineated area, and to those whose names are listed on the tax assessor's records, and upon each person who filed a written objection, if any, within 10 days of the date of this resolution; and

BE IT FURTHER RESOLVED that upon the effectiveness of this resolution, the Planning Board of the Borough of Metuchen be and is hereby authorized and directed to prepare a proposed redevelopment plan for the aforementioned designated noncondemnation redevelopment area; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized and directed to transmit the proposed plan, after completion, to the Borough Council for adoption of the proposed plan, by ordinance; and

BE IT FURTHER RESOLVED that on receipt of the proposed plan, the Borough Council may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership, and shall record in its minutes the reasons for each amendment or revision.

Council President Grayzel moved New Business Consent Agenda Resolutions R2015-140 through R2015-146 and R2015-148 for approval, seconded by Councilwoman Rasmussen, with all in favor, motion carries, 6-0.

RESOLUTION 2015-140

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

RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE NEGOTIATION AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND P.B.A. LOCAL #60

WHEREAS, The Borough Of Metuchen is in need of a new Collective Negotiations Agreement with the Borough of Metuchen and PBA Local #60; and

WHEREAS, The Police Negotiation Committee, representing Mayor and Council, and PBA Local #60 have negotiated a new agreement; and

WHEREAS, a copy of the Borough's Final Offer to PBA Local #60, which outlined the enhancements to the new Collective Negotiations Agreement, has been reviewed by Mayor and Council, and

WHEREAS, PBA Local #60 has ratified said Final Offer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Borough of Metuchen, in the County of Middlesex, in the State of New Jersey as follows:

1. The Borough's Final Offer to PBA Local #60, as ratified by PBA Local #60, is hereby approved and that Mayor Vahalla is hereby authorized to execute on behalf of the Borough of Metuchen a new Collective Negotiations Agreement incorporating the terms of the ratified Final Offer.

RESOLUTION 2015-141

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

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND FOR FOX AND FOXX DEVELOPMENT, LLC. - BLOCK 154.01 LOT 44 – 14 SYLVAN AVENUE

WHEREAS, Fox and Foxx Development, LLC., has requested a refund of the performance bond for

site improvements on Block 154.01 Lot 44, 14 Sylvan Avenue; and

WHEREAS, the Borough Engineer in a letter dated February 14 , 2014 and a memo from the Zoning Officer dated May 22, 2014 has reported that the contract has been completed in an acceptable manner; and

WHEREAS, Maser Consulting, P.A. and the Borough of Metuchen Zoning Officer recommended the full release of the performance guarantee in the amount of \$3,000.00 (posted in cash) and that no maintenance bond is required; 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 in the amount of \$3,000.00 as directed by the Borough Engineer and Zoning Official to Fox and Foxx Development, LLC., 940 Amboy Avenue., Suite 101, Edison, NJ 08837.

RESOLUTION 2015-142

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

**RESOLUTION AUTHORIZING RELEASE OF SURETY PERFORMANCE BOND – FOX AND
FOXX DEVELOPMENT LLC – BLOCK 56, LOTS 47-51 –
54 MARTIN STREET**

WHEREAS, Fox and Foxx Development LLC., has requested a refund of the surety performance bond for site improvements on Block 56, Lots 47-51 located at 54 Martin Street; and

WHEREAS, the Borough Engineer in a letter dated June 9, 2014 and a memo from the Zoning Officer dated June 13, 2014 has reported that the contract has been completed in an acceptable manner; and

WHEREAS, Maser Consulting, P.A. and the Borough of Metuchen Zoning Officer recommended the full release of the Surety Performance Guarantee in the amount of \$10,065.60 has been posted on March 7, 2013; 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 Bonds in the amount of \$10,065.60 as recommended and directed by the Borough Engineer and Zoning Official to Fox and Foxx Development LLC, 940 Amboy Avenue, Edison, NJ 08837 upon final approval of the Borough Administrator and Legal Counsel.

RESOLUTION 2015-143

*Borough of Metuchen
County of Middlesex
State of Metuchen*

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS

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 June 15, 2015:

Administrative & Executive	S & W	10,000.00
Administrative & Executive	OE	20,000.00
Mayor & Council	S & W	1000.00
Mayor & Council	OE	500.00
Clerk	S & W	10,000.00
Clerk	OE	200.00
Elections	OE	5,000.00
Financial Administration	S & W	20,000.00
Financial Administration	OE	4,000.00
Collection of Taxes	OE	2,000.00
Assessment of Taxes	S & W	10,000.00
Assessment of Taxes	OE	2,000.00
METV	S & W	15,000.00
Planning	S & W	3,000.00
Planning	OE	1,000.00
Zoning	S & W	10,000.00
Zoning	OE	1,000.00
Group Insurance		100,000.00
Police	S & W	500,000.00
Police	OE	20,000.00
Auxiliary Police	OE	1,000.00
Emergency Management	S & W	2,000.00
Uniform Fire Safety	S & W	7,000.00
Fire	S & W	2,000.00
Fire	OE	20,000.00
Fire Hydrant Service		50,000.00
Public Works Administration	S & W	50,000.00
Streets & Roads	S & W	50,000.00
Streets & Roads	OE	20,000.00
Solid Waste Collection		50,000.00
Buildings & Grounds	OE	20,000.00
Sewers	S & W	20,000.00
Sewers	OE	20,000.00
Garbage & Trash	S & W	30,000.00
Recycling	S & W	1,000.00
Forestry	S & W	20,000.00
Board of Health	S & W	2,000.00
Senior Center	S & W	10,000.00
Senior Center	OE	5,000.00
Recreation	S & W	10,000.00
Recreation	OE	4,000.00
Parks & Playgrounds	S & W	20,000.00
Parks & Playgrounds	OE	3,000.00
Library		100,000.00
Edison Animal Control		10,000.00

Library Consortium		4,000.00
Utilities		60,000.00
Gasoline & Diesel		50,000.00
Social Security		50,000.00
Municipal Court	S & W	20,000.00
Municipal Court	OE	3,000.00
	TOTAL	1,448,700.00
Pool	S & W	30,000.00
Pool	OE	60,000.00
	TOTAL	90,000.00

RESOLUTION 2015-144

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
 #14-045, 30 KELLY STREET, LA PORTA BUILDERS, INC.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by La Porta Builders, Inc. as the required Performance Guarantees for Street Opening Bond #14-045, 30 Kelly Street; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, La Porta Builders, Inc., 14 Laureldale Avenue, Metuchen, New Jersey 08840 as recommended by the Director of Public Works.

RESOLUTION 2015-145

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

RESOLUTION RECOGNIZING COMPANION ANIMALS IN THE COMMUNITY PLEDGE

WHEREAS, recognizing that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets; and

WHEREAS, understanding that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners; and

WHEREAS, legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issues(s); and

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey; and

WHEREAS, New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries; and

WHEREAS, State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services; and

WHEREAS, the New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws; and

WHEREAS, New Jersey mandates training requirements for Animal Control Officers and Animal Cruelty Investigators; and

WHEREAS, New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities; and

WHEREAS, approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3,000 per month; and

WHEREAS, free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces; and

WHEREAS, stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

WHEREAS, it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

WHEREAS, all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. Current vaccination against rabies is a prerequisite to licensure; and

WHEREAS, all municipalities are required to canvass their residents to locate unlicensed dogs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, resolve to take the following steps with regard to our municipal responsibilities with the intent of making Metuchen a truly sustainable community; and

BE IT FURTHER RESOLVED, it is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

1. Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours;
2. The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate;
3. The New Jersey Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;
4. The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

The Municipality pledges to:

1. Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.
2. Work to improve the enforcement of animal cruelty statutes.
3. Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
4. Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
5. Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
6. Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
7. Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

RESOLUTION 2015-146

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

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLE

WHEREAS, there exists a need for vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A88728 and T-2776; and

WHEREAS, the maximum amount of the purchase of a 2016 Ford Police Interceptor Utility, All Wheel Drive in the Borough of Metuchen is \$24,356.20 and funds will be available in the 2011-7 Capital Ordinance as evidenced by the Chief Financial Officer's Certification; 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 Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

RESOLUTION 2015-148

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

RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE LIEN

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

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
12-00001	46/1	25 Liberty Street	MTAG Custodian for Alterna Fund I

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

Other New Business

Council President Grayzel made a motion to approve R2015-148; authorizing the Payment of the Bill List in the amount of **\$3,,105,495.65**, second by Councilwoman Rasmussen, with all in favor, motion carries, 6-0.

RESOLUTION 2015-149

*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 **\$3,105,495.65**

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Appointments

Mayor Vahalla made the following recommendations for appointments:

Jon Horowitz – TV & Technology	Term - 12/31/2015
Robin Brown – Accessibility	Term - 12/31/2017
Tyler Kandel – Zoning Board of Adjustment – Alt. II	Term – 12/31/2015

Council President Grayzel made a motion to accept and approve the three appointments, second by Councilwoman Rasmussen, with all in favor, motion carries, 6-0.

Public Session

Mayor Vahalla opened Public Session to anyone wishing to speak.

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

Adjournment

Council President Grayzel made a motion to adjourn the meeting, seconded by Councilwoman Rasmussen, with all in favor; the meeting was adjourned at 9:25 PM.

Respectfully Submitted,

Susan D. Jackson, RMC/CMR
Metuchen Borough Clerk