

BOROUGH OF METUCHEN COUNCIL MINUTES
November 2, 2015
6:00 PM

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

The Meeting was called to order at 6:00 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 Monday, October 26, 2015 stating that the Borough Council meeting will be held on November 2, 2015 at 6:00 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 Council President Grayzel and followed by the Pledge of Allegiance.

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

Executive Session

Council President Grayzel made a motion to move R2015-284, Resolution Authorizing an Executive Session which excludes the Public to discuss Personnel Matters and Possible Property Negotiations/Acquisition, Second by Councilman Muldoon, with all in favor, motion carries, 3-0

RESOLUTION 2015-284

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

**AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC TO DISCUSS
PERSONNEL AND POSSIBLE PROPERTY NEGOTIATIONS/ACQUISITION**

BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into Executive Session on November 2, 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 and

Possible Property Negotiations/Acquisition

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.

Councilwoman Inzerro arrived at 6:14 pm and Councilman Leibfried arrived at 6:25 pm.

Council President Grayzel made a motion to close the executive session and reconvene to the open session of the meeting at 8:03pm, second by Councilman Muldoon, with all in favor, motion carries, 5-0

Agenda Session

Council President Grayzel made a motion to open the Agenda Session, second by Councilman Leibfried, with all in favor, motion carries, 5-0.

With no actions taken Mayor Vahalla asked for a motion to close the agenda session.

Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Inzerro, with all in favor, motion carries, 5-0.

Regular Meeting

Council Minute Approval

Council President Grayzel made a motion to approve the Regular Borough Council minutes of October 19, 2015, second by Councilman Leibfried, with all in favor and one abstention from Councilman Muldoon, minutes were approved, 4-0, 1 abstention.

Public Comment

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

Daniel Lebar, 581 Middlesex Avenue, Metuchen, spoke on reoccurring issues. He thanked Tom Herits, Borough Engineer, Fred Hall, Public Works Director and the other officials who remediated the sidewalk issue alongside the Woodmont Property on Lake Avenue.

He had a question in regards to the closed session dealing with the Fire House target property. He is advocating that the Borough hire a licensed architect from this point forward.

He is questioning why it is so difficult for businesses to get permits for tables and chairs inside business establishments vs. outside the establishment. He stated that the ordinance allows businesses to put chairs and tables outside without any stipulations. But when they want to put chairs and tables inside they have to put in the application.

Mr. Lebar asked for clarification on R2015-304 for the tax refund for Renaissance (Whole Foods). He asked why they were getting a refund of taxes for their approvals from 2009.

Mayor Vahalla responded that Renaissance came in and altered their entire plan of 2009. Therefore they were required to come back before the Planning Board with their new plan for new approvals. They received the approvals in 2014. This refund is not connected to the approval from 2009.

Ms. Maier also pointed out that this is a tax appeal refund ordered by the County Court judge. It is a requirement to refund taxes when court ordered.

Mayor Vahalla also addressed Mr. Lebar's suggestion to hire a licensed architect. The Borough has asked Ms. Maier, who also sits on the Task Force, to also serve as the architect as she is a certified licensed architect and isn't receiving any additional pay for her expertise. The only salary she is receiving is her salary as Borough Administrator. The Task Force has already gone and visited various other Fire Houses in the area.

Ms. Maier addressed the requirements of exterior and interior seating for businesses in the downtown. There are fire codes that need to be addressed for interior seating vs. outside seating. All the codes and permitting are under the Building Department.

Michael Geschlecht, 505 Middlesex Avenue, Metuchen asked why the residents living around the Fire House weren't notified about the numerous meetings and the hearings pertaining to the Fire House.

Ms. Maier addressed his questioned. The notification of property owners within a 200' radius is only required for planning or zoning applications. This is nowhere near that point. The Task Force's mission was to determine whether a new fire house is needed.

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

Communications Consent Agenda – Items A –C

Council President Grayzel made a motion to move Communication Consent Agenda, Items A through C.

Councilman Leibfried asked if there are any other events scheduled for June 19, 2016. The Chamber of Commerce is scheduling their Street Fair for the same day but is willing to look at a different weekend to hold it. They will be putting in their event schedule for the Council's approval next month.

Councilman Leibfried second the motion, with all in favor, motion carries, 5-0

- A. Receive and Accept 2016 Request For Fuce 5K – June 19, 2016 from 6 am – 12 Noon.
- B. Receive and Accept Recreation Meeting Minutes – September 8, 2015
- C. Receive and Accept Accessibility Committee Meeting Minutes – August 26, 2015 and September 30, 2015

Reports of Councilmembers

Mayor Vahalla opened Reports of Councilmembers.

Council President Grayzel –

Finance Committee met last week. They went over the expenditures on the budget lines and the remaining balances in each line. They also reviewed the audit.

Technology & Cable Committee met last week with the webmaster Zumu. They went over the design of the website, different traffic flows and potential discussions with changes and modifications to the website which the committee will recommend to the Governing Body and Mayor.

Accessibility Committee met. They discussed issues with handicapped parking downtown. The Parking Authority has hired an engineer that is investigating the issues. There will be a joint meeting with the Parking Authority in January to discuss the issue.

The Arts Council met. They discussed next year's programs, including the Super Bowl Winter concert for children, Garden Tour and the continuation of the mural project at Oakland Field.

Councilman Wallace and Council President Grayzel will be attending the Traffic & Transportation meeting in November to further deliberate the information from the public hearing on the speed reduction on Grove Avenue to 25 mph.

Councilwoman Inzerro –

On Sunday, November 1, 2015, the Metuchen Seniors Inc, the fundraising arm for the Metuchen Senior Center, hosted a nice luncheon at Metuchen High School. She thanked the High School Principal and all the student volunteers. The seniors were very pleased with the event.

The Senior Center will be closed tomorrow for Election Day and also on November 11th for Veteran's Day. Check the Borough website for some interesting programs for the month of November.

The Board of Health met a few weeks ago and met the new County Health Inspector.

Municipal Alliance meets on November 12th.

Councilman Leibfried – Has no report at this time.

Councilman Muldoon –

At the last meeting the Councilmembers received a copy of the Historic Preservation's book "Metuchen, The Brainy Borough". On Sunday, November 8th at the Library at 2:00 pm there is going to be a Historic Preservation double header where the Historic Preservation Committee will be giving a presentation about the creation of the Brainy Borough book. It was done to commemorate the 100 year anniversary of Metuchen winning the title of 'Brainy Borough'. Then the Metuchen/Edison Historical Society will hold a presentation afterwards. The books will be available, free of charge, at the event and afterwards at the Library.

Councilman Wallace – Has no report at this time.

Reports of Officers

Denis Murphy, Esq. – No report at this time.

Jennifer Maier, Administrator –

The NJ Transportation Planning Association came in with a member from the County Planning Office and they want to help Metuchen to improve Main Street from Middlesex Avenue to Walnut. This would not be a Streetscape project but for pedestrian/vehicle/bicycle/safety and handicap accessibility.

The winner from the Country Fair was awarded the composter this past weekend.

There will be a kick-off meeting for a grant that was received for technical assistance from the National Park Service. The grant is to look at the Trail Head Park for a potential pedestrian bridge over Middlesex Avenue, an extension of the Middlesex Green Way and potential Kayak Trail that would go through the current Gulton Property and into the Boy Scout Park. Metuchen, Edison and South Plainfield will be meeting to discuss that project.

We finally received approval to paint the Main Street Railroad Trellis. Ms. Maier thanked Nora for all her hard work in making this happen. She will be letting everyone know the parameters of how the process is to proceed. There was a discussion with the Councilmembers about the next steps in making the painting happen. This will be a community effort to make it happen through fundraising and donations.

Report of Mayor

A number of the Council attended the American Legion ribbon cutting ceremony on Sunday. It was a great event. Mayor wished the American Legion many years of use in the new building. There is a great facility for anyone interested in renting the American Legion for an event. There is plenty of parking on the Halsey Street lot.

On Sunday, the Metuchen Senior Inc. held their annual luncheon. He thanked all the Metuchen Senior Inc. members and Commission members for the day. He thanked Bruce Peragallo, Metuchen High School Principal, and all the volunteers who worked the event. It was a very nice affair.

Metuchen also received the grant through CDBG for ADA accessibility at the entrance doors at Borough Hall and accessibility improvements of the walkways at the Library.

New Business – Resolutions 2015-285 through 2015-307

Council President Grayzel moved New Business Consent Agenda – Resolutions 2015-285 through 2015-307 for approval, seconded by Councilman Muldoon.

Mayor Vahalla asked for a voice vote and with all in favor, motion carries, 5-0.

RESOLUTION2015-285

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

RESOLUTION APPROVING 2014 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year **2014** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:56, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-24 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2015-286

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

**RESOLUTION APPROVING THE 2014 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND
AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL
GOVERNMENT SERVICES**

WHEREAS, the Borough of Metuchen is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2014; and

WHEREAS, the Borough is required to submit a Corrective Action Plan to the Division of Local government Services as part of the annual audit process, and to file a copy of said plan with the Borough Clerk; and

WHEREAS, the Borough Council has received the 2014 Annual Audit – Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey:

1. That the 2014 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.
2. That the proper Borough officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy in the Borough Clerk's Office.

RESOLUTION 2015-287

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

RESOLUTION AUTHORIZING BID AWARD FOR 2015 ROAD PROJECTS

WHEREAS, bids were received by the Borough Administrator and Borough Engineer on August 12, 2015 for the 2015 NJDOT Road Program for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Engineer on said bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds will be available in the amount of \$782,367.75, and funds are available in various Ordinances as evidenced by the Chief Financial Officer's Certification, of which \$728,367.75 is various Ordinances.

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 NJDOT Road Program be and the same is hereby awarded to most responsive bidder, DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, New Jersey, 07735 and that award of contract is conditioned on approval from the New Jersey Department of Transportation.

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

BE IT FURTHER RESOLVED THAT, the certified check or bid bond of the successful bidder and the next lowest bidders be returned upon the receipt of a fully executed contract and other required documents to:

1. DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, New Jersey, 07735
2. Top Line Construction, 22 Fifth Street, Somerville, NJ 08876
3. Black Rock Industries, 1316 Englishtown Road, Old Bridge, NJ 08857

RESOLUTION 2015-288

*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 Certificate on the following property:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
14-00001	48.4/2.02 C-5A	160 Liberty Street Unit 5B	Romany Investments LLC

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

RESOLUTION 2015-289

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #14-002
102 HARVARD AVENUE**

WHEREAS, Linda Lam posted \$306.00 for curb, apron and sidewalk escrow fees at 102 Harvard Avenue, and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Linda Lam,

NOW, THEREFORE, BE IT RESOLVED, that Linda Lam be refunded \$306.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-290

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-016
9 HOUSTON STREET**

WHEREAS, Daisy Virgil posted \$48.00 for sidewalk escrow fees at 9 Houston Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Daisy Virgil,

NOW, THEREFORE, BE IT RESOLVED, that Daisy Virgil be refunded \$48.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-291

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-017
627 MAIN STREET**

WHEREAS, Manuel Rodrigues posted \$80.00 for sidewalk escrow fees at 627 Main Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Manuel Rodrigues,

NOW, THEREFORE, BE IT RESOLVED, that Manuel Rodrigues be refunded \$80.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-292

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-018
217 MIDLAND AVENUE**

WHEREAS, Dianne Tappen-Bolton posted \$128.00 for sidewalk escrow fees at 217 Midland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Dianne Tappen-Bolton,

NOW, THEREFORE, BE IT RESOLVED, that Dianne Tappen-Bolton be refunded \$128.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-293

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-020
139 HAZELWOOD AVENUE**

WHEREAS, Christine Conant posted \$48.00 for sidewalk escrow fees at 139 Hazelwood Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Christine Conant,

NOW, THEREFORE, BE IT RESOLVED, that Christine Conant be refunded \$48.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-294

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-023
379 MIDDLESEX AVENUE**

WHEREAS, LoChiatto Paving & Masonry Co. posted \$392.00 for apron escrow fees at 379 Middlesex Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to LoChiatto Paving & Masonry Co.,

NOW, THEREFORE, BE IT RESOLVED, that LoChiatto Paving & Masonry Co. be refunded \$392.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-295

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-026
19 HOME STREET**

WHEREAS, John DeRosa posted \$48.00 for sidewalk escrow fees at 19 Home Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to John DeRosa,

NOW, THEREFORE, BE IT RESOLVED, that John DeRosa be refunded \$48.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-296

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

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-030

57 MAIN STREET

WHEREAS, NJ Finest Home Improvements, LLC posted \$390.00 for apron and sidewalk escrow fees at 57 Main Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to NJ Finest Home Improvements, LLC,

NOW, THEREFORE, BE IT RESOLVED, that NJ Finest Home Improvements, LLC be refunded \$390.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-297

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-032
77 MAPLE AVENUE**

WHEREAS, FMF Construction Inc. posted \$64.00 for sidewalk escrow fees at 77 Maple Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to FMF Construction Inc.,

NOW, THEREFORE, BE IT RESOLVED, that FMF Construction Inc. be refunded \$64.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-298

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-034
43 BARNSTABLE STREET**

WHEREAS, Advanced Home Remodeling, Inc. posted \$147.50 for curb escrow fees at 43 Barnstable Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Advanced Home Remodeling, Inc.,

NOW, THEREFORE, BE IT RESOLVED, that Advanced Home Remodeling, Inc. be refunded \$147.50 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-299

*Borough of Metuchen
County of Middlesex*

State of New Jersey

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-036
307 CENTRAL AVENUE**

WHEREAS, Vera Switras posted \$326.00 for curb, apron and sidewalk escrow fees at 307 Central Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Vera Switras,

NOW, THEREFORE, BE IT RESOLVED, that Vera Switras be refunded \$326.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2015-300

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

RESOLUTION APPOINTING FIREFIGHTER – PAUL JEAN

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that Paul Jean has been approved to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **Paul Jean** be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

RESOLUTION 2015-301

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

RESOLUTION APPOINTING FIREFIGHTER – DAVID SAHIB

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that David Sahib has been approved to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **David Sahib** be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

RESOLUTION 2015-302

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

**RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND
EXECUTION A GRANT CONTRACT WITH ROBERT WOOD JOHNSON FOUNDATION FOR
NJHI 2016: BUILDING A CULTURE OF HEALTH IN NEW JERSEY - COMMUNITIES
MOVING TO ACTION, ROUND 2**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to submit an grant application identified as NJHI 2016: Building A Culture of Health in New Jersey – Communities Moving to Action, Round 2 to the Robert Wood Johnson Foundation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2015-303

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

**RESOLUTION AUTHORIZING REFUND OF TAXI OWNER & DRIVER APPLICATION
FEES- AZ MASOOD TAXI & LIMO, LLC**

WHEREAS, Mr. Tahir Masood submitted applications for Taxicab Owner License and Driver and paid by check #1134 in the amount of \$240.00; and

WHEREAS, there are already the allowable number of taxi medallions as per Borough's Ordinance 175-11 and AZ Masood Taxi & Limo, LLC has been denied the required licenses; and

WHEREAS, the Borough Clerk has requested that the total amount of \$240.00 be refunded to AZ Masood Taxi & Limo, LLC,

NOW, THEREFORE, BE IT RESOLVED, that AZ Masood Taxi & Limo, LLC, 25 Henry Street, Edison, New Jersey 08820 be refunded \$240.00 from Taxi Licensing revenues.

RESOLUTION 2015-304

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

RESOLUTION AUTHORIZING REDUCTION OF 2015 TAXES

WHEREAS, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2015 as follows; and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2015.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2015 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$7,097.63.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2015 Levy
111/2	349 Lake Ave	46,600	2,629.17	2,629.17
110/39	21 Central Ave	54,100	3,052.32	3,052.32
110/38	5 Central Ave	24,500	1,382.29	1,382.29
110/34	3 Central Ave	600	33.85	33.85
TOTALS			7,097.63	7,097.63

RESOLUTION2015-305

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

RESOLUTION APPROVING THE PARKING AUTHORITY’S REQUEST FOR THE EXPENDITURE OF FUNDS FROM THE PARKING AUTHORITY’S CAPITAL IMPROVEMENT ACCOUNT FOR THE INN PLACE IMPROVEMENT PROJECT

WHEREAS, the Borough of Metuchen and the Parking Authority have previously entered into agreements in 1966, 1989, 1994, 2005 and in 2015 relating to annual payments made by the Authority to the Borough in lieu of taxes as authorized by *N.J.S.A. 40A:11A-19* (“PILOT Agreement”) and

WHEREAS, pursuant to the PILOT Agreement approved by the Borough Council on August 17, 2015, the proceeds of the sale of the Pearl Street Parking lot shall be available to the Parking Authority to maintains its contributions to the Borough and the remaining funds to be held in a Capital Improvement Account kept by the Parking Authority; and

WHEREAS, the PILOT Agreement also provides that the Parking Authority’s expenditure of funds from the Capital Improvement account requires the approval of the Borough Council; and

WHEREAS, by way of correspondence dated October 21, 2015, the Chairman of the Parking Authority requested the Council’s approval for the expenditures of funds from the Parking Authority’s Capital Improvement Account for the Inn Place Improvement Project in an estimated amount of \$200,000.00; and

WHEREAS, the Mayor and Borough Council deem it in the best interest of the Borough of Metuchen to grant the Parking Authority approval for the expenditure of funds from the Parking Authority’s Capital Improvement Account for the Inn Place Improvement Project which will provide fifty (50) parking spaces and support residential development and the needs of business.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby approve the Parking Authority's expenditure of funds from the Parking Authority's Capital Improvements for the Inn Place Improvement Project in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the Borough and Parking Authority officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution,

RESOLUTION 2015-306

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

RESOLUTION WITHHOLDING CONSENT TO THE PROPOSED WASTEWATER MANAGEMENT PLAN (WMP) ENTITLED "LOWER RARITAN/MIDDLESEX COUNTY WASTEWATER MANAGEMENT PLAN"

WHEREAS, the Borough of Metuchen desires for the orderly development of wastewater facilities within the Lower Raritan-Middlesex County Wastewater Management Plan (WMP) area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WMP; and

WHEREAS, the NJDEP has established the WMP amendment procedure as the method of incorporating unplanned facilities into a WMP; and

WHEREAS, the Borough of Metuchen has received notice of a proposed amendment to the Lower Raritan/Middlesex County Wastewater Management Plan as more fully set forth in the public notice dated October 8, 2015 by the Office of WRM Coordination/Department of Environmental Protection of the State of New Jersey amending Metuchen's Sewer Service Area to include portions of Block 37/Lots 5.12, 5.22, 16.02, 16.03, 17.01, 17.02, 20; Block 37.01/Lot 16; Block 38/Lot 1; Block 39/Lot 40; and

WHEREAS, a public hearing will be held by Middlesex County on the proposed WMP amendment on November 24, 2015 at 5:30 p.m. in the Middlesex County Administration Building, New Brunswick, New Jersey; and

WHEREAS, the governing body of the Borough of Metuchen desires to withhold its consent to the proposed plan amendment.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Metuchen that the said governing body hereby objects to and withholds its consent from the proposed amendment to the WMP; and

BE IT FURTHER RESOLVED that the Borough of Metuchen notes that on October 19, 2015, the Borough of Metuchen received a memorandum from the environmental consulting firm TRC regarding proposed work to be conducted under a remedial action work plan for properties known and designated as Block 37, Lots 5.12, 5.22, 14, 15.01, 16.03, 17.02, and 20 on the tax map of the Borough of

Metuchen, which memorandum includes a description of the areas to be remediated as well as figures depicting the environmental constraints on these properties; and

BE IT FURTHER RESOLVED that whereas this report indicates that the entirety of Block 37, Lots 17.02, 5.22, 16.03 is wooded and consists of freshwater wetlands and their associated 50 ft. transition areas, and portions of Lots 20 and 5.12 which consist of freshwater wetlands and 50 ft. transition areas, and which delineation was confirmed through the issuance of a Letter of Interpretation by the NJDEP (NJDEP File No. 1210-13-0001.1, Activity No. FWW130001), which, in accordance with *N.J.A.C. 7:15-24(b)4*, are not to be included in Sewer Service Areas as they are mapped freshwater wetlands; and

BE IT FURTHER RESOLVED that Block 37/Lots 5.12, 5.22, 16.02, 16.03, 17.01, 17.02, and 20 are either completely or partially in the 100 year flood hazard area (ZONE AE; Special Flood Hazard Areas Subject to inundation by the 1% annual chance flood), in which no net filling is allowed under the current NJDEP Flood Hazard Area Control Act Rules and or in the 500 year flood hazard area (ZONE X) and the EPA 208 Plan prohibits construction of sewers in flood zones; and

BE IT FURTHER RESOLVED that Block 37.01/Lot 16 and Block 39/Lot 40 are currently residential lots with single family dwellings which have existing sanitary sewer service; Block 38/Lot 1 is currently a vacant lot owned by the Borough of Metuchen and is intended to remain vacant without sewer service; and Block 37/Lot 20 is a satellite dish location which does not have a need for sanitary service; and

BE IT FURTHER RESOLVED that for the foregoing reasons the governing body of the Borough of Metuchen objects to properties known and designated as Block 37, Lots 5.22, 16.03, 17.02, 20; Block 38/Lot 1; and portions of Block 37, Lots 5.12, 16.02, 17.01 on the tax map on the Borough of Metuchen, being included in the proposed WMP because they do not need sewer, are mapped freshwater wetlands and/or are located in flood zones; and The Borough of Metuchen also notes that 37.01/Lot 16; Block 39/Lot 40 already receive sewer service and therefore should not have to be added to the WMP; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to immediately forward a certified copy of this Resolution to the NJDEP and to the County of Middlesex Department of Wastewater Management.

RESOLUTION 2015-307

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

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF EDISON AND MIDDLESEX COUNTY FOR THE CREATION AND MANAGEMENT OF AN OFF-LEASH DOG AREA AT THE WHITMAN AVENUE PARK IN EDISON

WHEREAS, the Borough of Metuchen (the “Borough”) is a municipal corporation of the State of New Jersey authorized under the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.* (“Shared Services Act”) to enter into an agreement with other local units to provide jointly (or through the agency of one of them on behalf of the other) any service which such entity may legally perform for itself; and

WHEREAS, the Borough, the Township of Edison (“Township”) and Middlesex County (“County” and, together with the Township and Borough, the “Parties”) desire to create an off-lease dog area for use by local residents at the existing Whitman Avenue Park located at 125 Whitman Avenue (Block 199.A, Lot 31.B1) in Edison (“Project”); and

WHEREAS, in the spirit of mutual cooperation, the Township, Borough and County desire to share the cost for the Project and its ongoing operation, for the purpose of promoting efficiency in government and reducing each Party’s respective expense for such asset in benefit of their respective constituents; and

WHEREAS, in furtherance, the Parties desire to enter a Shared Services Agreement (“Agreement,” in the form attached hereto as *Exhibit A*) pursuant to the Shared Services Act with respect to the construction of the Project and the sharing of its cost and operation; and

WHEREAS, the Municipal Council of the Borough of Metuchen (“Municipal Council”) seeks to hereby authorize the Borough’s entering and execution of the Agreement.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Borough of Metuchen, in the County of Middlesex, New Jersey, as follows:

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. The Mayor or his designee is hereby authorized to execute the Agreement in the form as attached hereto as *Exhibit A*, subject to such additions, deletions, modifications or amendments deemed necessary in consultation with counsel that do not substantially alter the rights and responsibilities of the parties, and to take all other necessary and appropriate action to effectuate said agreement.
3. A copy of this Resolution and the executed Agreement shall be maintained on file with the Borough Clerk.
4. This Resolution shall take effect immediately.

Other New Business

Council President Grayzel made a motion to approve R2015-308; authorizing the Payment of the Bill List in the amount of \$210,453.09 second by Councilman Leibfried, with all in favor, motion carries, 5-0.

RESOLUTION 2015-308

*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 **\$210,453.09**

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.

Daniel Lebar, 581 Middlesex Avenue, Metuchen asked for clarification on R2015-305, Parking Authority drawdown for the purchase of property on Inn Place. Is that drawdown the total amount to purchase the entire property to replace the parking spaces? Mayor Vahalla stated that these are for 50 additional spaces at Inn Place.

Mr. Lebar asked about the Ordinance on the limited time for parking on certain streets. Is this adding additional streets to the ordinance? Ms. Maier addressed the reason of adding the additional street to the Ordinance. This is to help alleviate commuter parking on residential streets around the train station. With the commuters parking all day on the streets it is making it difficult for the homeowners to be able to park in front of their homes.

Mr. Lebar spoke with Mr. Cosenza about the two projects where he is developing spreadsheets of Victoria Street. Mr. Lebar wants to know what the status is and would it help to bring in a student intern. Ms. Maier responded to Mr. Lebar that the student interns will be coming back in during the summer to help out but not during the school year.

Michael Geschlect, 505 Middlesex Avenue, Metuchen would like to suggest that when the trellis is painted that Metuchen's colors are used. He stated that they are a very specific color of white and blue. Councilman Muldoon addressed Mr. Geschlect's suggestion.

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

Adjournment

Council President Grayzel made a motion to adjourn the meeting, seconded by Councilman Leibfried, with all in favor; the meeting was adjourned at 8:45 PM.

Respectfully Submitted,

Susan D. Jackson, RMC
Metuchen Borough Clerk