

BOROUGH OF METUCHEN COUNCIL AGENDA
REGULAR MEETING MAY 16, 2016 AT 7:30 PM

Announcement of Meeting, Invocation, Pledge of Allegiance, and Roll Call.

AGENDA SESSION

PUBLIC COMMENT

COMMUNICATIONS CONSENT AGENDA – ITEM A - G

- A. Receive and Accept Block Party/Street Closing for Annual Metuchen Little League Picnic – June 18, 2016 (Rain Date: June 25, 2016) from 6AM to 4 PM
- B. Receive and Accept Block Party/Street Closing for Bounty Street – Sunday, May 29, 2016 from 9 AM to 9 PM
- C. Receive and Accept Block Party/Street Closing for The Reformed Church of Metuchen from the corner of Lake Avenue and Franklyn Place – Sunday, June 12, 2016 from 9AM to 2PM
- D. Receive and Accept Block Party/Street Closing for Charles Street – Saturday June 11, 2016 from 12PM to 8PM
- E. Receive and Accept Metuchen Pool Commission Meeting Minutes of January 11, 2016, February 22, 2016 and March 14, 2016
- F. Receive and Accept Metuchen Shade Tree Commission Meeting Minutes of March 1, 2016 and April 5, 2016
- G. Receive and Accept Metuchen Recreation Commission Meeting Minutes of April 12, 2016

REGULAR MEETING

Approve Council Meeting Minutes of April 18, 2016 and May 2, 2016

OTHER COMMUNICATIONS

REPORTS OF COUNCILMEMBERS

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS CONSENT AGENDA – R2016-115 through R2016-123

- R2016-115 Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)
- R2016-116 Resolution for Conducting Annual Budget Examination
- R2016-117 Resolution Authorizing Cancellation of Portion of Balance of Capital Improvement Balance
- R2016-118 Resolution Authorizing Cancellation of Portion of 2015 Emergency Appropriations
- R2016-119 Resolution Authorizing Release of On-Site Improvement Surety and Cash Performance Bond Guarantee – First Presbyterian Church – 270 Woodbridge Avenue – Block 164, Lots 49, 49.01-49.03
- R2016-120 Resolution Amending R2016-106 an Agreement between Electronic Recyclers International, Inc. and the Borough of Metuchen for the Recycling of Certain Consumer Electronics
- R2016-121 Resolution Authorizing Temporary Appointment of Acting Fire Inspector/Fire Sub-code Official
- R2016-122 Resolution Authorizing an Agreement between the Borough of Metuchen and the Parking Authority of the Borough of Metuchen to Construct a Multi-Story 750 Space Parking Structure on the Pearl Street Parking Lot
- R2016-123 Resolution Appointing Metuchen Borough Court Administrator

BUDGET INTRODUCTION

- R20156-124 Municipal Budget for the Borough of Metuchen, County of Middlesex, for the Fiscal Year 2016

OTHER NEW BUSINESS – R2016-125

- R2016-125 Resolution Authorizing the Payment of the Bill List in the amount of \$

APPOINTMENTS

Metuchen Arts Council – Maureen Muenster – Term: 12/31/2018 (Mayor’s recommendation with Council’s Consent)

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

ADJOURNMENT

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

RESOLUTION 2016-115

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

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Metuchen in the County of Middlesex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$419,837.39 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor & Council of the Borough of Metuchen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 419,837.39, and that the CY 2016 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

R2016-115
 May 16, 2016

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on May 16, 2016.

Susan D. Jackson, RMC
 Borough Clerk

RESOLUTION NO. 2016-116

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

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Metuchen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

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Susan D. Jackson, RMC
Borough Clerk

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Date: May 16, 2016

By _____
Chief Financial Officer

RESOLUTION 2016-117

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

RESOLUTION AUTHORIZING CANCELLATION OF PORTION OF BALANCE OF CAPITAL IMPROVEMENT BALANCE

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Capital Surplus, and unused debt authorizations may be cancelled;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, in the County of Middlesex, that the following unexpended and dedicated balance of the General Capital Appropriation be cancelled:

Ordinance No.	Date Authorized	Project Description	Funded Amount Cancelled
02-01, 04-11	2/19/02	Construction of Municipal Building	200.000.00

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-118

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

**RESOLUTION AUTHORIZING CANCELLATION OF PORTION OF 2015
EMERGENCY APPROPRIATIONS**

WHEREAS, Resolution 2015-234 was passed on September 8, 2015, authorizing Emergency Appropriations in the amount of \$350,000.00 and there remain unspent funds that will no longer be needed; and

WHEREAS, it is necessary to formally cancel said balances that will no longer be needed,

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, in the County of Middlesex, that \$200,000 be cancelled from the previously authorized emergency appropriations.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-119

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

RESOLUTION AUTHORIZING RELEASE OF ON-SITE IMPROVEMENT SURETY AND CASH PERFORMANCE BOND GUARANTEE – FIRST PRESBYTERIAN CHURCH – 270 WOODBRIDGE AVENUE – BLOCK 164, LOTS 49, 49.01-49.03

WHEREAS, First Presbyterian Church, has requested a release of their surety and cash portion performance bond in a letter dated June 10, 2015 for on-site improvements on Block 164, Lots 49, 49.01-49.03 located at 270 Woodbridge Avenue, Metuchen; and

WHEREAS, the Borough Engineer in a letter dated November 25, 2015 and a memo from the Zoning Officer dated November 18, 2015 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 recommends the full release of the Surety Performance Guarantee Bond in the amount of \$18,568.71 which had been posted on August 1, 2014; and

WHEREAS, Maser Consulting, P.A. and the Borough of Metuchen Zoning Officer recommends the full release of the 10% cash portion Performance Guarantee Bond in the amount of \$2,063.19 which had been posted on August 1, 2014; and

WHEREAS, the Project Engineer recommends the full release of the performance guarantee in the amount of \$18,568.71 (surety bond) and \$2,063.19 (cash) upon posting of a 2 year maintenance bond in the amount of \$2,578.99 and a Maintenance Inspection fees in the amount of \$500.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Borough Clerk is hereby authorized and directed to release said Surety Performance Bond in the amount of \$18,569.00 and 10% cash portion in the amount of \$2,063.19, as recommended and directed by the Borough Engineer and Zoning Official to First Presbyterian Church, 270 Woodbridge Avenue, Metuchen, New Jersey, 08840 upon final approval of the Borough Administrator and Legal Counsel.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-120

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

RESOLUTION AMENDING R2016-106 AN AGREEMENT BETWEEN ELECTRONIC RECYCLERS INTERNATIONAL, INC. AND THE BOROUGH OF METUCHEN FOR THE RECYCLING OF CERTAIN CONSUMER ELECTRONICS

WHEREAS, Electronic Recyclers International, Inc. is proactive in addressed environmental issues such as the proper recycling of consumer electronics; and

WHEREAS, effective January 1, 2011 recycling of certain consumer electronics is mandatory in the State of New Jersey; and

WHEREAS, the location of said container will greatly foster the implementation of the recycling programs of the Municipality.

NOW, THEREFORE, BE IT RESOLVED that Electronic Recyclers International, Inc. and the Borough of Metuchen are hereby directed to enter into an agreement concerning the recycling of certain consumer electronics in accordance with the attached contract.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-121

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

**RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF
ACTING FIRE INSPECTOR/FIRE SUBCODE OFFICIAL**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that Robert Latherow (License #003017) is hereby appointed as the Acting Fire Inspector/Fire Sub-code Official for the Borough of Metuchen, effective May 20, 2016 until July 5, 2016 due to illness of the Borough's Fire Inspector/Fire Sub-code Official, Ray Colandrea (License #003372); and

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-122

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

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE PARKING AUTHORITY OF THE BOROUGH OF METUCHEN TO CONSTRUCT A MULTI-STORY 750 SPACE PARKING STRUCTURE ON THE PEARL STREET PARKING LOT

WHEREAS, by way of Resolution 2009-110, the Borough of Metuchen authorized the submission and execution of a Grant Agreement with the New Jersey Department of Transportation for the Pearl Street Parking Structure Transit Village Project; and

WHEREAS, by letter dated February 23, 2010, the State of New Jersey Department of Transportation forwarded the Borough of Metuchen a fully executed grant agreement in the amount of \$750,000.00 for the construction of the Pearl Street Parking Structure; and

WHEREAS, pursuant to *N.J.S.A. 40:11A-1, et seq*, the Borough of Metuchen created a Parking Authority of the Borough of Metuchen which is vested with all of the powers and duties prescribed by such law, including but not limited to, the construction, provision and/or the operation of off street parking project within the Borough of Metuchen; and

WHEREAS, the Parking Authority of the Borough of Metuchen was the owner of the property known as Block 115, Lot 16 and commonly referred to as the Pearl Street Parking Lot; and

WHEREAS, the Borough Council in November, 2010 rezoned the Pearl Street parking lot to permit a parking structure, mixed use residential and commercial development and a public square; and

WHEREAS, the Parking Authority determined that the construction of a parking structure, mixed use development and the construction of a public square would benefit the Borough of Metuchen and the Parking Authority; and

WHEREAS, the Parking Authority invited Expressions of Interest and sought proposals from qualified developers and parking operators to develop the Pearl Street Parking lot, including but not limited to the construction of a Parking Garage; and

WHEREAS, after independent evaluations of the proposals received, by way of Resolution 2012-31, the Parking Authority entered into a Memorandum of Understanding with Woodmont Properties, LLC and Nexus Parking Systems, LLC for the Project; and

WHEREAS, by way of Resolution 2013-18, the Parking Authority authorized the execution of a Purchase and Sales Agreement with Woodmont Metuchen, LLC for a portion of the property owned by the Parking Authority and for, *inter alia*, the purpose of developing an integrated project that would include residential units, retail/commercial space and a public plaza; and

WHEREAS, on or about June 18, 2013, the Parking Authority entered into a Purchase and Sale Agreement with Woodmont Metuchen, for a portion of the property owned by the Parking Authority and for, *inter alia*, the purpose of developing an integrated project that would include residential units, retail/commercial space and a public plaza; and

WHEREAS, by way of Resolution 2013-17, the Parking Authority authorized the execution of a ground lease with Pearl Street Parking Facility, LLC for the property owned by the Parking Authority and for, *inter alia*, the construction, finance, maintenance and management of a parking garage; and

WHEREAS, on or about June 18, 2013, the Parking Authority and Pearl Street Parking Facility, LLC entered into the Agreement for, *inter alia*, the construction of a parking garage structure; and

WHEREAS, as part of said Project, Woodmont Metuchen, LLC and Pearl Street Parking Facility, LLC, applied to the Metuchen Planning Board for Preliminary and Final Major subdivision, preliminary and final site plan approval and conditional use approval with waivers/exceptions for the construction of the Pearl Street Parking Structure; and

WHEREAS, by way of Resolution 2015-200 of the Borough of Metuchen and pursuant to the Planning Board's Resolution of Approval the Borough of Metuchen entered into a Developer's Agreement with Pearl Street Parking Facility, LLC for construction of the Project; and

WHEREAS, the terms and conditions of the grant agreement between the Borough of Metuchen and the New Jersey Department of Transportation require the Borough of Metuchen to authorize an award of contract to, and agreement for, the construction of the parking structure with the Parking Authority of the Borough of Metuchen.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes an agreement for the construction of a multi-storied, 750 space, parking structure with the Metuchen Parking Authority; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that it hereby delegates the construction of the parking structure and the oversight thereof

including any oversight and action required as a recipient of the aforementioned NJDOT Grant to the Metuchen Parking Authority; and

BE IT FURTHER RESOLVED, Council of the Borough of Metuchen hereby directs and authorizes all Borough officers, employees and agents to effectuate the within Resolution; and

BE IT FURTHER RESOLVED, the Council of the Borough of Metuchen, hereby directs and authorizes the Borough Clerk to forward a copy of the within Resolution to the New Jersey Department of Transportation.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-123

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

**RESOLUTION APPOINTING METUCHEN BOROUGH COURT
ADMINISTRATOR**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that Wahjira Williams-Fisher, be and is hereby appointed as the Court Administrator for the Borough of Metuchen; and

BE IT FURTHER RESOLVED that said appointment shall commence on May 9, 2016.

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

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-125

*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 \$

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.

Rebecca Cuthbert, CFO

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

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Borough Clerk