

BOROUGH OF METUCHEN COUNCIL MINUTES

April 18, 2016

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 18, 2016.

The Meeting was called to order at 7:30 p.m. by Mayor Cammarano.

Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on January 4, 2016, posted in Borough Hall and on file 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 Inserro, Leibfried, Muldoon, Rasmussen, Wallace, Council President Grayzel and Mayor Cammarano. Also present were Jennifer Maier, Borough Administrator, Denis Murphy, Esq. and Susan Jackson, Borough Clerk.

Agenda Session

Council President Grayzel made a motion to open the Agenda Session, second by Councilman Leibfried, with all in favor, motion carried, 6-0.

Denis Murphy, Esq., discussed Ordinance 2016-10 and stated that the version that is being presented tonight needs to be amended to include a change in Section 2-C. The changes being made are for clarification purposes. The wording that is to be added is ... "*multi-family rental properties with four (4) or more units*". He recommends this change be made and move the amended version when introducing the Ordinance.

Council President Grayzel asked that the presentation for 2016-17 insurance rates be moved to following the vote on the Communication Consent Agenda. All are in favor.

Councilman Muldoon made an announcement about the inaugural celebration of the Metuchen Hall of Fame. The Hall of Fame recipients were announced in the fall and the reception is scheduled for Sunday, May 22nd from 2 to 5 PM at the Grand Centurion in Clark, NJ. The information can be found on the Metuchen High School website.

Mayor Cammarano is adding R2016-101 and R2016-102 to the Consent Agenda. Ms. Maier spoke on the specifics for each resolution in regards to the CDBG grants and the need to have the resolutions approved. All are in favor of adding the resolutions to the Consent Agenda.

Mayor Cammarano stated that he will be appointing Susan Barbara Fowler to the Board of Health as an Alternate member.

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

Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor, motion carried, 6-0.

Proclamation Presentation

Councilwoman Rasmussen presented the proclamation for National Volunteer Month 2016.

Regular Meeting

Council President Grayzel made a motion to approve the Borough Council minutes of April 4, 2016, Councilman Leibfried second the motion, with all in favor, motion carried, 6-0.

Public Comment

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

Daniel Lebar, 581 Middlesex Avenue, Middlesex spoke about the environmental concerns with plastic bags and the recycling of specific items such as Styrofoam peanuts and packaging.

Ms. Maier stated that she already spoke with the company in Springfield and Metuchen will be using their services to recycle peanut size and electronic size packing materials. They will not accept any containers that touched food. Residents will have to bring it to the location which is still to be determined.

Mr. Lebar addressed grass clippings and his suggestions of where to send the collection of grass clippings.

Ms. Maier stated that Metuchen did an educational session that showed how to mulch yard clippings and leave them in place to act as a lawn fertilizer. The hope is that the residents will be willing to do mulching verses mandating it. This past weekend there was a composting workshop where 55 residents signed up for a composter. There are a total of 500 free composters to be given to Metuchen residents who are interested in one. The event was filmed and will be broadcasted on MeTV.

Mr. Lebar attended the New Jersey Transportation Planning Authority and announced that on April 25th from 1 to 3 PM the NJTPA will be sponsoring a marketing seminar in Newark.

Elliot Jarman, 20 Rose Street, Metuchen asked about split rail fence that used to run along Essex and Kentnor. It has been missing and has created dangerous walking conditions at the gully. Also, there are no signs on Essex at the intersection before Rose Street informing tractor trailers that they are prohibited. Mr. Jarman also asked if there is any further consideration about making Memorial Parkway a one-way.

Mayor Cammarano responded that the Police Department, Emergency Departments and Traffic and Safety Commission will not make Memorial Parkway one-way.

Nancy Jessen, 48 Graham Avenue, Metuchen, voiced her objection to the Special Improvement District Ordinance.

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

Communications Consent Agenda – Items A - C

Council President Grayzel made a motion to move Communication Consent Agenda, Items A-C, Councilwoman Rasmussen second the motion, with all in favor, motion carried, 6-0

- A. Receive and Accept Shade Tree Commission Meeting Minutes of November 11, 2015, January 13, 2016 and February 2, 2016
- B. Receive and Accept Historic Preservation Commission Meeting Minutes of January 12, 2016, February 9, 2016 and March 8, 2016
- C. Receive and Accept Recreation Meeting Minutes of March 8, 2016

Presentation

Ms. Maier asked Paul Savina from Insurance Design Administrators (IDA) to come forward and present the latest proposal for insurance. Also present is Michael Atkinson from Fairview to discuss the Stop Loss portion, if needed.

Mr. Savina went over the fee structure for the current year proposal. There was a brief question and answer period between the Council Members and Mr. Savina.

Mr. Atkinson went over the fee structure for Stop Loss. There was a brief question and answer period between the Councilmembers and Mr. Atkinson.

Reports of Councilmembers

Mayor Cammarano opened Reports of Councilmembers.

Council President Grayzel –

- he explained the process for the ordinance introduction.

Councilwoman Inserro –

- The Metuchen Municipal Alliance hosted a great magic show on Friday night. She thanked all those involved in making the evening a success.
- If you are on Facebook, like the Senior Center and you will be able to view pictures from the recital on Friday that Metuchen High School students put on for the Seniors
- The next Board of Health meeting will be the first week of May.

Councilman Leibfried –

- The Pool Commission is meeting tonight.
- Pool Registration has begun and he would like to remind all to make sure to register before the deadline before the fees go up.
- The Pool Commission is still researching a new pool deck for the baby pool area as well as a new playground for the pool.
- The Library Board of Trustees met last Tuesday. The Library participated in the 2nd New Jersey Maker's Day on March 19th which offered various STEM Activities. Over 75 people participated in the event.
- This past Saturday, Codedojo was held. It allowed participants to practice coding and other technology based skills. It was well attended and he gave special thanks to the residents that served as mentors.

Councilwoman Rasmussen asked Councilman Leibfried about a sign that is missing from its post at the pool. Councilman Leibfried asked if Ms. Maier or DPW could check it out.

Councilman Muldoon –

- Saturday night, Councilmembers Rasmussen, Wallace and Muldoon attended the Fire Chief's dinner to recognize the members of the Metuchen Volunteer Fire Department.
- Next Monday in Council Chambers, the Historic Preservation Commission will be hosting a meeting to discuss and talk about the proposed Woodwild Park/Middlesex Avenue Historic District. Letters were sent to all property owners within the proposed district so that they may attend to hear what the Historic District is all about. Any resident who is not within the Historic District but would like to hear the presentation are welcomed to attend. The meeting time is 7:00 PM.

Councilwoman Rasmussen –

- The Shade Tree Commission will be celebrating Arbor Day this Friday at Metuchen High School from about 2:45 PM to 4 PM. The plan is to plant two trees in the Outdoor Student Learning Area.
- The Environmental Commission, along with the Green Team and Shade Tree Commissions, hosted a Composting Event at the Old School House. It was a great success. They also brought the issue of grass clippings into the event.
- The Chamber of Commerce will be holding the 24th Annual Gold Outing on May 2nd.
- May 4th is the first night for Cruise Nights and will run through September. Check out the event schedule on the Chamber website.

Councilman Wallace – has no report at this time.

Reports of Officers

Denis Murphy, Esq. –

- Mr. Murphy has a few more revisions that need to be made to Ordinance 2016-10.
- In Section 2B – delete and add the following *...remove two and add one ex-officio...*
- In Section 2B:1 – add *“District Owner” shall be defined as an owner of real estate within the District. A “District Owner” may or may not operate a business within the District in order to be considered a “District Owner.”*
- In Section 2B:2 – add *“District Business” shall be defined as a person, corporation or other business entity operating a business within the District. A “District Business” may or may not own real estate within the District in order to be considered a “District Business.”*
- In Section 2B – add the *number 7* before one board member of the Metuchen Parking Authority...
- In Section 2B– remove *“The two (2) non-voting members shall consist of: (1) the Metuchen Borough Administrator; and (2) the Executive Director of the Corporation”* and add *“In addition, to the thirteen (13) voting members, the Administrator of the Borough of Metuchen or his/her designee, shall be an ex-officio member of the Board with all powers and authority of a regular Board member, however, shall not be entitled to vote on matters.”*

- In Section 6D – remove “(i) 3.2% of 2017 real estate taxes; (ii) 3.8% of 2018 real estate taxes; (iii) 4.4% of 2019 taxes; and (iv) 5% of 2020 and each subsequent year real estate taxes” and add “determined by the approved budget.”
- In Section 8B – remove “following” add ...transfers “of \$150,000”. Remove “Metuchen Parking Authority” and add “Borough”. Remove “\$150,000”. Remove “(ii) \$150,000 to contribute to funding the 2017 expenses; (iii) \$125,000 to contribute to funding the 2018 expenses; (iv) \$100,000 to contribute to funding the 2019 expenses; and (v) \$75,000 per annum to contribute to funding the 2020 and subsequent years’ expenses.”
- In Section 8 – add the letter “C” to ...In yeas subsequent...
- In Section 8 – add “D” *The budget shall be submitted with a report that explains how the budget contributes to the goals and objectives for the SID. The budget shall be reasonably itemized as follows: 1. All projected revenues and proposed expenditures. 2. Each source of revenue shall be separately designated for the fiscal year and 3. A five year projection of the goals and a strategy for the implementation of these goals of the Corporation (the “Strategic Plan”) for the district.*
- In Section 8 – rename item “D as E” and “E as F”
- In Section 13 – add after passage...and publication as required by law.”

Jennifer Maier, Administrator –

- Any Metuchen Residents interested in a free composter, they can email her at jmaier@metuchen.com. Residents can go onto the Middlesex County Solid Waste website to look at the different composters available.
- The Blinking Crosswalk parts for the Main Street/Pennsylvania Ave. have been shipped and should be in by the end of next week.
- The Borough is continuing to work with property owners with the Vacant/Abandoned properties.
- Work on the 2015 Roadway Program – Carlton is being worked on and then they will be moving over to Bridge Street and then after that moving to put in the sidewalks on New Durham Road.

Report of Mayor –

- The budget is expected to be introduced at the next meeting. Materials will be provided to the Councilmembers over the next few days.
- Budget Hearings will be held with the Department Heads on the Budget during May.

New Business – Resolutions 2016-94 through 2016-99, R2016-101and R2016-102

Council President Grayzel moved New Business Consent Agenda – Resolutions 2016-94 through R2016-99, R2016-101 and R2016-102 for approval, second by Councilwoman Rasmussen, with all in favor, motion carried, 6-0

RESOLUTION 2016-94

*Borough of Metuchen
County of Middlesex
State of Metuchen*

RESOLUTION OPPOSING THE PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Company (“Pilgrim”) is proposing to build a new bi-directional pipeline through the Borough of Metuchen that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil extracted from North Dakota’s Bakken shale through the process of hydraulic fracturing, or fracking, an extreme method of oil and gas extraction that depletes and despoils clean water resources, creates toxic air emissions and radioactive waste, and contributes to the climate change crisis by releasing large quantities of methane gas into the atmosphere; and

WHEREAS, in February the *Wall Street Journal* compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive.¹ Bringing this fuel into our community endangers our families, property, and environment; and

WHEREAS, the Pilgrim pipeline raises significant safety concerns for the Borough of Metuchen, as well as potential harm to municipal and county infrastructure, and likely negative impact upon future development in the community; and

WHEREAS, the Borough of Metuchen Council is concerned that heavy construction equipment will also be in close proximity to homes and foundations due to the constraints of available workspace. Temporary workspace usage will also severely impact the existing soil reducing water absorption and may increase future flooding possibilities; and

WHEREAS, the Borough of Metuchen Council is concerned about the hazard the project may create due to the nature and volume of the highly flammable oil flowing through the pipeline, and its proposed route, which crosses through residential neighborhoods. These communities will be in the “impact radius” should an explosion and or spill occur; and

WHEREAS, according to Public Employees for Environmental Responsibility, the Pipeline and Hazardous Materials Administration (PHMSA) only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, the potential for a pipeline explosion could harm hundreds of people, we express grave concerns about this project negatively affecting the health, safety, and welfare of our citizens; and

WHEREAS, the Council’s responsibility is to provide a safe environment for its residents, and this pipeline raises serious safety concerns as described above; and

WHEREAS, the proposed project may result in a loss of tax revenue for the Borough of Metuchen based on right-of-way agreements with Pilgrim Pipeline and a decline in the property values of homes along and adjacent to the new pipeline and surrounding neighborhoods as a direct result of the project; and

WHEREAS, the New Jersey Legislature recognized the significance of the New Jersey Highlands region and afforded special protection to the region and its resources in 2004 with the passage of the New Jersey Highlands Water Protection and Planning Act. The Act created the Highlands Water Protection and Planning Council and the Highlands Regional Master Plan to ensure resource based planning would be used in the Highlands to combat sprawl and the depletion of water quality and quantity as the region provides drinking water to 5.4 million state residents; and

¹ <http://online.wsj.com/news/articles/SB10001424052702304834704579401353579548592>

WHEREAS, the federal government acknowledged the exceptional value of Highlands resources and the urgent need for their preservation in 2004 when Congress passed the Highlands Conservation Act which "recognize[s] the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States."; and

WHEREAS, many township residents depend on ground water and public community water systems for water supply, and septic systems for waste disposal and this project will impact groundwater quality and quantity and the septic fields of residents along and adjacent to the right of way; and

WHEREAS, the wise stewardship of our natural resources involves protection of the Borough of Metuchen water supplies and water and other natural resources for generations to come; and

WHEREAS, protection of the Borough of Metuchen's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact.

NOW THEREFORE, be it resolved by the Metuchen Borough Council of the Borough of Metuchen, in the County of Middlesex, the following recitals are incorporated as of April 18, 2016

1. The Council opposes the proposed Pilgrim Pipeline.
2. The Council calls for a moratorium on any and all planning, proposal, surveying, or construction of the Pilgrim pipeline through (Community Name).
3. Because this project will traverse and negatively impact numerous significant natural areas and the resources of the municipality and the Highlands region, the Council requests a full environmental review, including a Highlands Act review, be conducted by the DEP to assess the myriad environmental consequences of the project.
4. The Council seeks the cooperation of other similarly located and affected townships, asking that all nearby affected townships adopt a similar resolution.
5. The Council adopts, and call upon similarly situated municipalities to adopt a resolution authorizing each Township to join together to enter their appearance in any proceeding before the New Jersey Department of Environmental Protection, New Jersey Board of Public Utilities, and any other regulatory authority, so that by their strength of numbers they may successfully oppose the Pilgrim Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to protect the public health and safety.
6. The Council directs the municipal clerk to forward copies of this resolution to the following:

NJ Governor Chris Christie
State Senator Peter J. Barnes, III
State Assemblywoman Nancy Pinkin
State Assemblyman Patrick Diegnan
New Jersey Highlands Executive Director Margaret Nordstrom and Councilmembers
Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618

All Middlesex County Municipal Councils
Middlesex County Freeholders

RESOLUTION 2016-95

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-89 – 30 CLINTON PLACE – WATER & DRAIN MANAGEMENT**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Water & Drain Management as the required Performance Guarantees for Street Opening Bond #2015-89 – 30 Clinton Place; 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: Water& Drain Management, 98 Davidsons Mill Road, North Brunswick, New Jersey 08902 as recommended by the Director of Public Works.

RESOLUTION 2016-96

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-90 – 29 HICKORY STREET – KL SERVICES, LLC**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by KL Services as the required Performance Guarantees for Street Opening Bond #2015-90 – 29 Hickory 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: KL Services, 222 Wilson Road, Somerset, New Jersey 08873 as recommended by the Director of Public Works.

RESOLUTION 2016-97

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-001
35 LINDEN AVENUE**

WHEREAS, Robert Wiley posted \$338.00 for apron and sidewalk escrow fees at 35 Linden Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Robert Wiley,

NOW, THEREFORE, BE IT RESOLVED, that Robert Wiley be refunded \$338.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2016-98

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

**RESOLUTION AUTHORIZING APPOINTMENT OF OFFICE OF EMERGENCY
MANAGEMENT DEPUTY COORDINATOR**

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen has a need to appoint an Emergency Management Deputy Coordinator for the Borough of Metuchen for a term ending December 31, 2018; and

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the Angelo Donato be appointed as Office of Emergency Management Deputy Coordinator for the Borough of Metuchen, commencing immediately.

BE IT FURTHER RESOLVED said appointment shall expire December 31, 2018.

RESOLUTION 2016-99

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

**RESOLUTION APPROVING HEALTH INSURANCE THIRD PARTY
ADMINISTRATOR AND NETWORK**

WHEREAS, the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which shall renew effective on **May 1, 2016**; and

WHEREAS, this self-insurance program shall require a renewal of Insurance Design Administrators as the Third Party Administrator and the renewal of Qualcare as the Insurance Network for in-state members and Fairview Insurance Agency Associates, Inc. as Stop Loss Administrators and Symetra as Reinsurer; and

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

RESOLUTION 2016-101

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

RESOLUTION AUTHORIZING BID AWARD FOR 2013 AND 2015 CDBG ADA IMPROVEMENTS AT THE METUCHEN LIBRARY TO LoCHIATTO PAVING AND MASONRY, INC

WHEREAS, quotes were received by the Borough Administrator for the 2013 and 2015 CDBG ADA Improvements at Metuchen Library for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Administrator on said quotes; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$39,970.50,

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 2013 and 2015 CDBG ADA Improvements at Metuchen Library be and the same is hereby awarded to LoChiatto Paving and Masonry, Inc, 9 Orchid Court, Edison, New Jersey 08820.

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

RESOLUTION 2016-102

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

RESOLUTION AUTHORIZING AWARD FOR 2015 CDBG ADA IMPROVEMENTS AT THE METUCHEN BOROUGH HALL TO EASTERN DOOR SERVICE

WHEREAS, quotes were received by the Borough Administrator for the 2015 CDBG ADA Improvements at Metuchen Borough Hall for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Administrator on said quotes; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$8,823.35,

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 CDBG ADA Improvements at Metuchen Borough Hall be and the same is hereby awarded to Eastern Door Service, 70 Cathy Lane, Burlington Township, New Jersey 08016.

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

Other New Business

Council President Grayzel made a motion to approve R2016-100; authorizing the Payment of the Bill List in the amount of \$400,022.71, second by Councilwoman Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2016-100

*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 **\$400,022.71**

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.

Appointment

Mayor Cammarano recommended Susan Barbara Fowler to the Board of Health as an Alternate member with a term expiring 12/31/2018. Councilwoman Inserro made a motion to confirm the appointment, second by Councilman Leibfried, with all in favor, motion carried, 6-0

Ordinance – Introduction

Ordinance 2016-10

Council President Grayzel moved Ordinance 2016-10 as amended to be introduced and be taken up on first reading, second by Councilwoman Inserro, with all in favor, motion carried, 6-0.

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

Borough Clerk read the Ordinance by title only:

Ordinance 2016-10

Ordinance Creating a Special Improvement District
within the Borough of Metuchen

Council President Grayzel moved Ordinance 2016-10 as amended be passed on first reading, be published according to law and a public hearing be set down for Monday, May 2, 2016, second by Councilman Leibfried.

Mayor Cammarano asked for a roll call vote.

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

Ordinance 2016-10 was passed on first reading and be published according to law, 6-0.

ORDINANCE 2016-10

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

**ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN THE
BOROUGH OF METUCHEN**

WHEREAS, an advisory committee (the "Committee") was duly formed to investigate the feasibility and structure of a special improvement district ("SID") and to meet with the members of the public and owners and occupants of the property included in the proposed district and furnish their recommendations or comments; and

WHEREAS, the Committee has, since early April of 2015, intensively studied the efficacy of a SID, met with other municipal SIDs and conferred with stakeholders; and

WHEREAS, the Committee had several small group meetings with real estate owners and businesses to solicit input in the Fourth Quarter of 2015; and

WHEREAS, the Committee has presented its findings to the public at meetings on January 19 and January 26, 2016, and to property owners in the proposed district on February 24, 2016; and

WHEREAS, the Committee made a presentation to the Metuchen Borough Council (the "Council") on March 21, 2016 at which it presented detailed findings and recommendations (the "Report"); and

WHEREAS, the Committee has found that Metuchen would benefit from the creation of a SID in four (4) substantial respects, to wit:

1. Beautification, Cleanliness, Maintenance and Design Standards
2. Integration of new development with existing business district
3. Marketing, Advertising, Public Relations and Events
4. Business Recruitment and Retention; and

WHEREAS, the Committee has recommended the creation of a SID, the limits of

which are described by lot and block on Exhibit A attached, and the designation of a District Management Corporation.

NOW THEREFORE, BE IT ORDAINED by the Council of Metuchen Borough, in the County of Middlesex, State of New Jersey, pursuant to N.J.S.A. 40:56-65 et seq., as follows:

Section 1. Findings

Pursuant to N.J.S.A. 40:56-68b the Council makes the following findings with respect to the area described in attached Exhibit A (“District”):

- A. The Area, will benefit from being designated as a special improvement district;
- B. A district management corporation will provide administrative and other services to benefit the businesses, employees, residents and consumers should the Area be declared a SID pursuant to N.J.S.A. 40:56-65 et seq. (the “Act”);
- C. That a special assessment shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the district management corporation to effectuate the purposes of the Act and to exercise the powers given to it by this ordinance; and
- D. That it is in the best interests of the Borough of Metuchen (the “Borough”) and the public to create a SID and to designate a district management corporation.

Section 2. Creation of a Special Improvement District

Pursuant to the Act, a SID is hereby created and designated within the Borough.

- A. The goals of the SID are as follows:
 - (1) Beautification, Cleanliness, Maintenance and Design Standards
 - (2) Marketing, Advertising, Public Relations and Events
 - (3) Business Recruitment and Retention;
 - (4) Coordination of downtown activities and clearinghouse for information; and
 - (5) Integration of new developments with existing business district.
- B. Except as noted in subsection C of this section, the SID shall consist of the properties designed and listed on Schedule B by tax block and lot numbers and by street addresses. The District shall be subject to special assessments on all affected properties within the District, which assessment shall be imposed by the Borough for the purposes authorized by the Act.
- C. All commercial properties, multi-family rental properties with four (4) or more units and mixed use properties within the District are deemed included in the assessing and taxing provisions of this ordinance and are expressly subject to assessment and payment of taxes for SID purposes, including properties making payments in lieu of taxes. Specifically exempted from such assessment and payment are all properties which are only improved with less than

four (4) residential units and no commercial space, plus properties otherwise exempt from the payment of taxes on real property.

Section 3. Creation of Business Improvement District

There is hereby created and designated with the Borough of Metuchen a Special Business Improvement Zone that shall be described as the same area as the SID Area established by this Ordinance. The Corporation, as hereinafter defined, shall NOT have the power of eminent domain.

Section 4. Composition of District Management Corporation

- A. General Powers.** The business and affairs of the District Management Corporation shall be managed by a Board of Trustees which may exercise all powers of the Corporation and perform all lawful acts for a corporation pursuant to the laws of the state of New Jersey governing “not for profit” corporations.
- B. Number, Selection and Tenure of Trustees.** The Corporation shall be governed by a Board of Trustees consisting of thirteen (13) voting members and one (1) ex-officio non-voting member. The thirteen (13) voting members shall consist of:
- (1) four (4) representatives of District Owners. “District Owner” shall be defined as an owner of real estate within the District. A “District Owner” may or may not operate a business within the District in order to be considered a “District Owner”;
 - (2) four (4) representatives of District Businesses. “District Business” shall be defined as a person, corporation or other business entity operating a business within the District. A “District Business” may or may not own real estate within the District in order to be considered a “District Business”;
 - (3) one member of the Borough Council of Metuchen appointed by the Mayor with the advice and consent of the Borough Council,
 - (4) one member of the Metuchen Area Chamber of Commerce Board of Directors to be appointed by and serves at the pleasure of the Metuchen Area Chamber of Commerce Board of Directors;
 - (5) one Metuchen resident who does not own commercial real estate and/or operate a business in the District and who is not on the Borough Council nor employed by the Borough;
 - (6) one member of the Metuchen Arts Council to be appointed by and serves at the pleasure of the Metuchen Arts Council; and
 - (7) one board member of the Metuchen Parking Authority to be appointed by and serves at the pleasure of the Metuchen Parking Authority.

In addition, to the thirteen (13) voting members, the Administrator of the Borough of Metuchen or his/her designee, shall be an ex-officio member of the Board with all powers and authority of a regular Board member, however, shall not be entitled to vote on matters.

In the event that any category(ies) of a voting Board member cannot be filled for any reason whatsoever, the District Management Corporation shall set forth in its bylaws, the terms and methods to fill all seats on the Board of Trustees.

C. Terms and Appointment of Board of Trustees. The District Management Corporation shall provide for, in its bylaws, the terms and appointment or election of the four (4) District Owners, (4) District Businesses and the Metuchen resident voting members of the Board of Trustees

The initial appointments and terms thereof to the Board of Trustees shall be as set forth in Exhibit C hereto. It shall not necessary for the initial composition of the Board of Trustees to be in full compliance with Section 4(B) above. However, after the initial appointments and expiration of terms, the composition of the Board shall be comprised as set forth in Section 4(B) above.

Section 5. Designation of a District Management Corporation

Metuchen Downtown Alliance, a NJ Non-Profit Corporation is hereby designated as the District Management Corporation as defined in N.J.S.A. 40:56-66c (the "Corporation"). The Corporation shall have all powers necessary and requisite to effectuate its purposes, including, but not limited to, the power to:

- (1) Adopt and amend bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;
- (2) Employ such persons as may be required, and fix and pay their compensation from funds available to the Corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grants, loans, or donation of property or money, however any application for a grant requiring matching funds or loan from the Borough of Metuchen or from the Metuchen Parking Authority, including but not limited to those set forth in N.J.S.A. 40:56-71.3, et seq., must be approved by the Mayor and Council of the Borough of Metuchen;
- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the Corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its own obligations;
- (6) Borrow money from private lenders and from governmental entities, but only as may be specifically approved by the Council in a plan and budget pursuant to N.J.S.A. 56:65-80 and 84;

- (7) Fund the improvement of the exterior appearance of properties in the district through grants or loans;
- (8) Fund the rehabilitation of properties in the District;
- (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
- (10) Enforce the conditions of any loan, grant, sale or lease made by the Corporation;
- (11) Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
- (12) Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including, but not limited to, litter cleanup and control, landscaping, recreational and rest area facilities and artistic endeavors;
- (13) Publicize the District and the businesses included within the District boundaries;
- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
- (15) Organize special events in the District;
- (16) Provide special parking arrangements for the District, on a temporary basis and with the approval of the Metuchen Parking Authority. Properties operated by the Metuchen Parking authority are exempt from all regulatory authority of the Corporation; and/or
- (17) Provide temporary decorative lighting in the District.

Section 6. Assessments

- A. All of the monies collected by assessment pursuant to this ordinance shall be spent solely to benefit the District consistent with the goals and objectives set forth herein.
- B. The Borough shall transfer assessed payments to the Corporation, quarterly on the fifteenth day of February, May, August and November, as collected.
- C. Failure of any property owner to pay annual assessments shall be treated in the same manner as a failure to pay property taxes, as provided for in Title 54 of the New Jersey Statutes.
- D. The SID assessment shall be a percentage of the quarterly real estate taxes due on each District block and lot calculated as follows: as determined by the approved budget.. There shall be no 2016 SID assessments.

Section 7. Municipal Services

The municipal services currently provided to the District and paid for through the general fund of the Borough shall continue to be provided by the Borough, and the cost of such services shall not be transferred to the budget of the Corporation. Notwithstanding the foregoing, such services may, in whole or in part, be provided by the Corporation at municipal expense, in which event the services shall be detailed in a plan of coordination which shall be developed by the Corporation in consultation with the Council and approved annually by the Corporation and the Council. The plan of coordination shall specify how the services are to be provided and how the cost thereof shall be reimbursed.

Section 8. Annual Budget Hearing and Assessments

The initial and subsequent annual budgets shall be established as provided for in this section.

- A. The fiscal year of the Corporation shall be January 1 to December 31.
- B. The 2016 estimate of initial operating expenses of the Corporation required by N.J.S.A. 40:56-80 is set forth on Exhibit B. The Council hereby approves of the transfers of \$150,000 from the Borough to the Corporation to fund the 2016 expenses
- C. In years subsequent to 2016, the Corporation shall submit its annual budget for approval no later than September 1 of the year preceding the year for which budget approval is sought. In all subsequent years the budget shall be processed and adopted by the Council in accordance with procedures set forth in N.J.S.A. 40:56-84 and concurrently with the procedures established in N.J.S.A. 40:56-80 respecting annual estimates of cost and the preparation of the assessment roll.
- D. The budget shall be submitted with a report that explains how the budget contributes to the goals and objectives for the SID. The budget shall be reasonably itemized as follows:
 1. All projected revenues and proposed expenditures.
 2. Each source of revenue shall be separately designated for the fiscal year
 3. A five year projection of the goals and a strategy for the implementation of these goals of the Corporation (the "Strategic Plan") for the district.
- E. The Borough and Corporation shall strictly follow the procedures set forth in N.J.S.A. 56-80 and 84 with respect to the adoption of budgets, amendments thereof and the issuance of the assessment roll, including public advertising, public hearing and adoption by resolution.
- F. The Corporation shall be responsible to refund the share of any refund, resulting from a tax appeal and attributable to an assessment made pursuant to this Ordinance.

Section 9. Annual Audit of the Corporation

The Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Council together with an annual financial statement, and for that purpose the Corporation shall employ a certified public accountant of New Jersey. The annual audit shall be prepared in accordance with accepted accounting standards for nonprofit corporations and completed and filed with

the Council within four months after the close of the fiscal year of the Corporation. A certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of the filing of the audit with the Council. Copies of forms CRI-200, CRI-200R and IRS 990, as necessary, shall be filed with the Council no later than six months after the closing of the Corporation's fiscal year-end.

Section 10. Annual Report

The Corporation shall, within thirty (30) days after the close of each fiscal year, prepare an annual report of its activities for the preceding fiscal year to be submitted to the Borough Mayor and Council.

Section 11. Municipal Powers Retained

Notwithstanding the creation of the District and the designation of the Corporation, the Borough and Council shall retain police powers relating to the District. The Council may at any time hereafter by ordinance amend this Ordinance.

Section 12. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or application of this Ordinance and to that end the provisions of this Ordinance are severable.

Section 13. Effective Date

This ordinance shall take effect upon passage and publication as required by law.

ATTACHMENTS

- Exhibit A - District designation
- Exhibit B - Estimate of 2016 expenses
- Exhibit C - Initial Board of Trustees

**EXHIBIT A
DISTRICT DESIGNATION**

Borough Council Meeting
April 18, 2016

Metuchen Downtown Alliance				2015						
Block	Lot	Location	CLS	Owner	Assessment	2015 Tax	2017 Fee	2018 Fee	2019 Fee	2020 Fee
71	37.01	700 Middlesex Avenue	4A	Metuchen III LLC	\$940,000	\$53,035	\$1,697	\$2,015	\$2,334	\$2,652
71	37.02	215 Durham Avenue	4A	Metuchen I LLC	\$2,672,000	\$150,754	\$4,824	\$5,729	\$6,633	\$7,538
83	1.01	85 Central Avenue	4A	Suburban Square LLC	\$1,080,000	\$60,934	\$1,950	\$2,315	\$2,681	\$3,047
83	10	83 Central Avenue	4A	Mary E. Heim	\$187,000	\$10,551	\$338	\$401	\$464	\$528
83	18	640 Middlesex Avenue	4A	Zacharias Moros	\$556,000	\$31,370	\$1,004	\$1,192	\$1,380	\$1,568
83	22	652 Middlesex Avenue	4A	Gregory Kabinak	\$160,400	\$9,050	\$290	\$344	\$398	\$452
83	24.01	656-660 Middlesex Avenue	4A	District At Metuchen II, LLC	\$700,000	\$39,494	\$1,264	\$1,501	\$1,738	\$1,975
90	18.01	568-584 Middlesex Avenue	4A	Costello Ruman Funeral Home, Inc.	\$1,440,000	\$81,245	\$2,600	\$3,087	\$3,575	\$4,062
91	1.03	515 Main Street	4A	Bell Atlantic	\$705,000	\$39,776	\$1,773	\$1,511	\$1,750	\$1,989
91	1.1	495 Main Street	4A	495 Main Associates	\$533,100	\$30,078	\$962	\$1,143	\$1,323	\$1,504
91	1.2	499-505 Main Street	4A	499 Main Street Partners LLC	\$555,000	\$31,313	\$1,002	\$1,190	\$1,378	\$1,566
91	2	532 Middlesex Avenue	4A	Gill Petroleum Inc.	\$313,000	\$17,659	\$565	\$671	\$777	\$883
91	9	542 Middlesex Avenue	4A	540 Middlesex Avenue LLC	\$320,000	\$18,054	\$578	\$686	\$794	\$903
91	11	544 Middlesex Avenue	4A	Cairo Prop 2 LLC	\$530,000	\$29,903	\$957	\$1,136	\$1,316	\$1,495
91	17.01	552-566 Middlesex Avenue	4A	RIC Metuchen, LLC	\$297,000	\$16,757	\$536	\$637	\$737	\$838
91	18.05	William Street	4A	Costello Ruman Funeral Home, Inc.	\$97,000	\$5,473	\$175	\$208	\$241	\$274
110	39.01	Middlesex Avenue	4A	District At Metuchery/Bluestone	\$3,000,000	\$169,260	\$5,416	\$6,432	\$7,447	\$8,463
111	2.01	349 Lake Avenue	4A	District At Metuchery/Bluestone	\$725,000	\$40,905	\$1,309	\$1,554	\$1,800	\$2,045
111	4	319 Lake Avenue	4A	MacPherson Realty LLC	\$1,310,000	\$73,910	\$2,365	\$2,809	\$3,252	\$3,696
112	1.03	346 Lake Avenue	4A	Jojo Auto LLC	\$470,000	\$26,517	\$849	\$1,008	\$1,167	\$1,326
112	5	599 Middlesex Avenue	4A	Pearl Street Associates	\$422,000	\$23,809	\$762	\$905	\$1,048	\$1,190
112	10	338-342 Lake Avenue	4A	Jayde LLC	\$47,300	\$2,669	\$85	\$101	\$117	\$133
112	12	338-342 Lake Avenue	4A	Jayde LLC	\$430,000	\$24,261	\$776	\$922	\$1,067	\$1,213
112	13.1	19 Center Street	4A	Anastasi, Anastos & Anastadiou	\$80,000	\$4,514	\$144	\$172	\$199	\$226
112	16	330 Lake Avenue	4A	330 Lake Avenue LLC	\$312,000	\$17,603	\$563	\$669	\$775	\$880
113	1.2	561 Middlesex Avenue	4A	Mary Rossy	\$396,000	\$22,342	\$715	\$849	\$983	\$1,117
113	2	69 Pearl Street	4A	Boaz Rogan	\$258,000	\$14,556	\$466	\$553	\$640	\$728
113	4	67 Pearl Street	4A	Carmel V Fitzhenry	\$480,000	\$27,082	\$867	\$1,029	\$1,192	\$1,354
113	8	61 Pearl Street	4A	JNDE LLC	\$200,800	\$11,329	\$363	\$431	\$498	\$566
113	31.01	12 Center Street	4A	Metuchen Sister's LLP	\$412,000	\$23,245	\$744	\$883	\$1,023	\$1,162
113	37.01	22 Center Street	4A	Pearl Street Associates	\$137,000	\$7,730	\$247	\$294	\$340	\$386
113	39	587 Middlesex Avenue	4A	ME Dorf	\$96,000	\$5,416	\$173	\$206	\$238	\$271
113	43	581 Middlesex Avenue	4A	Daniel LeBar	\$153,600	\$8,666	\$277	\$329	\$381	\$433
113	45	577 Middlesex Avenue	4A	Berger & Associates II, LLC	\$104,300	\$5,885	\$188	\$224	\$259	\$294
113	50	567-569 Middlesex Avenue	4A	Double Diamond Real Estate LLC	\$256,200	\$14,455	\$463	\$549	\$636	\$723
113	53	45 Pearl Street	4A	Martha T Cole	\$800,000	\$45,136	\$1,444	\$1,715	\$1,986	\$2,257
113	54	Center Street	4A	Martha T Cole	\$350,000	\$19,747	\$632	\$750	\$869	\$987
114	1	475 Main Street	4A	JPM Chase	\$946,000	\$53,373	\$1,708	\$2,028	\$2,348	\$2,669
114	6	4658-467 Main Street	4A	Albert Hong	\$335,000	\$18,901	\$605	\$718	\$832	\$945
114	9.5	463 Main Street	4A	Berger & Associates I, LLC	\$334,000	\$18,844	\$603	\$716	\$829	\$942
114	11	457-459 Main Street	4A	DAG Holdings LLC	\$602,000	\$33,965	\$1,087	\$1,291	\$1,494	\$1,698
114	15.5	445-455 Main Street	4A	CGN Associates	\$487,000	\$27,477	\$879	\$1,044	\$1,209	\$1,374
114	17.5	439-443 Main Street	4A	Mongelli LLC	\$460,000	\$25,953	\$831	\$986	\$1,142	\$1,298
114	21	431-437 Main Street	4A	Lee Management	\$915,000	\$51,624	\$1,652	\$1,962	\$2,271	\$2,581
114	24	427-429 Main Street	4A	Metuchen Savings Bank	\$525,000	\$29,621	\$948	\$1,126	\$1,303	\$1,481
114	26	425 Main Street	4A	Metuchen Savings Bank	\$286,000	\$16,136	\$516	\$613	\$710	\$807
114	26.4	54-56 Pearl Street	4A	Metuchen Savings Bank	\$1,045,000	\$58,959	\$1,887	\$2,240	\$2,594	\$2,948
114	47	551 Middlesex Avenue	4A	Tilbor Realty	\$600,000	\$33,852	\$1,083	\$1,286	\$1,489	\$1,693
114	52	545 Middlesex Avenue	4A	Tilbor Realty	\$450,000	\$25,389	\$812	\$965	\$1,117	\$1,269
114	56	10-24 New Street	4A	Vicarious LLC	\$770,000	\$43,443	\$1,390	\$1,651	\$1,912	\$2,172
114	66	Pearl Street	4A	Metuchen Savings Bank	\$123,000	\$6,940	\$222	\$264	\$305	\$347
115	36.01	New Street	4A	Woodmont Metuchen LLC	\$2,200,000	\$124,124	\$3,972	\$4,717	\$5,461	\$6,206
116	3.2	419 Main Street	4A	Nassau Development II, L.P.	\$1,060,000	\$59,805	\$1,914	\$2,273	\$2,631	\$2,990
116	3.3	25 New Street	4A	Anton & Nikolina Realty	\$360,200	\$20,322	\$650	\$772	\$894	\$1,016
116	6	413-415 Main Street	4A	Nassa Development II, L.P.	\$452,000	\$25,502	\$816	\$969	\$1,122	\$1,275
116	8	411 Main Street	4A	Boys Realty LLC	\$275,000	\$15,516	\$496	\$590	\$683	\$776
116	10	407 Main Street	4A	First Fidelity Bank Corp	\$1,110,000	\$62,626	\$2,004	\$2,380	\$2,756	\$3,131
116	14	401-403 Main Street	4A	Nassau Development, L.P.	\$587,000	\$33,119	\$1,060	\$1,259	\$1,457	\$1,656
116	18	399 Main Street	4A	Northeast Realty LLC	\$141,000	\$7,955	\$255	\$302	\$350	\$398
116	20	397 Main Street	4A	P&L Investment Co	\$173,000	\$9,761	\$312	\$371	\$429	\$488
116	25	383-389 Main Street/10 Pearl	4A	Salomone, Jerry	\$542,000	\$30,580	\$979	\$1,162	\$1,346	\$1,529
116	29.2	395 Main Street	4A	P&L Investment Co	\$218,000	\$12,300	\$394	\$467	\$541	\$615
116	31	12 Pearl Street	4A	P&L Investment Co	\$155,000	\$8,745	\$280	\$332	\$385	\$437
116	34	16 Pearl Street	4A	RIC Metuchen, LLC	\$835,000	\$47,111	\$1,508	\$1,790	\$2,073	\$2,356
117	50	Highland Avenue	4A	Highland Main Acquisition, LLC	\$90,000	\$5,078	\$162	\$193	\$223	\$254
117	52	13-15 Highland Avenue	4A	13-15 Highland Avenue LLC	\$250,000	\$14,105	\$451	\$536	\$621	\$705
117	54.01	470 Main Street	4A	Highland Main Acquisition, LLC	\$700,000	\$39,494	\$1,264	\$1,501	\$1,738	\$1,975
117	57.1	472-474 Main Street	4A	Stanley & June Lease	\$220,000	\$12,412	\$397	\$472	\$546	\$621
117	59	476 Main Street	4A	Datar Realty, LLC	\$292,000	\$16,475	\$527	\$626	\$725	\$824
117	61	507 Middlesex Avenue	4A	Datar Realty, LLC	\$175,100	\$9,879	\$316	\$375	\$435	\$494
118	23	422 Main Street	4A	AJW Andrew LLC	\$257,000	\$14,500	\$464	\$551	\$638	\$725
118	24	426 Main Street	4A	Giomar Properties LLC	\$250,000	\$14,105	\$451	\$536	\$621	\$705
118	25	428 Main Street	4A	Giomar Properties LLC	\$125,000	\$7,053	\$226	\$268	\$310	\$353

Borough Council Meeting
 April 18, 2016

118	26	430-438 Main Street	4A	430-438 Main Street LLC	\$490,000	\$27,646	\$885	\$1,051	\$1,216	\$1,382
118	29.01	442 Main Street	4A	Metuchen Savings & Loan Association	\$840,000	\$47,393	\$1,517	\$1,801	\$2,085	\$2,370
118	33.01	450-460 Main Street	4A	Main Street Metuchen Ltd.	\$848,000	\$47,844	\$1,531	\$1,818	\$2,105	\$2,392
118	40.02	20 Highland Avenue	4A	Cydana LLC	\$720,000	\$40,622	\$1,300	\$1,544	\$1,787	\$2,031
118	40.03	Highland Avenue	4A	Main Street Metuchen Ltd.	\$244,400	\$13,789	\$441	\$524	\$607	\$689
121	1	5 Station Place	4A	Sung Bong Oh	\$157,000	\$8,858	\$283	\$337	\$390	\$443
121	3	9 Pennsylvania Avenue	4A	Judy P Lee	\$199,000	\$11,228	\$359	\$427	\$494	\$561
121	5.1	396 Main Street	4A	Oliver Street Holdings LLC	\$255,000	\$14,387	\$460	\$547	\$633	\$719
121	6	398 Main Street	4A	Jos. C & Anne Piazza	\$225,000	\$12,695	\$406	\$482	\$559	\$635
121	7	400 Main Street	4A	Nassau Development III, L.P.	\$353,000	\$19,916	\$637	\$757	\$876	\$996
121	8	406 Main Street	4A	406 Associates LLC	\$567,000	\$31,990	\$1,024	\$1,216	\$1,408	\$1,600
121	8.1	402 Main Street	4A	Nassau Development III, L.P.	\$309,000	\$17,434	\$558	\$662	\$767	\$872
121	9	410 Main Street	4A	Phoenix 410 Main Street LLC	\$308,000	\$17,377	\$556	\$660	\$765	\$869
121	10	412 Main Street	4A	Omega Management LLC	\$361,000	\$20,368	\$652	\$774	\$896	\$1,018
121	13	414 Main Street	4A	Voree LLC	\$282,000	\$15,910	\$509	\$605	\$700	\$796
121	14	416 Main Street	4A	ETC-416 Main LLC	\$211,000	\$11,905	\$381	\$452	\$524	\$595
121	15	418 Main Street	4A	418 Main LLC	\$232,000	\$13,089	\$419	\$497	\$576	\$654
121	16	420 Main Street	4A	Main Hill Station LLC	\$157,000	\$8,858	\$283	\$337	\$390	\$443
121	17	31 Station Place	4A	Main Hill Station LLC	\$292,500	\$16,503	\$528	\$627	\$726	\$825
122	1	10 Station Place	4A	Thomas & Sara Sharlow	\$876,000	\$49,424	\$1,582	\$1,878	\$2,175	\$2,471
122	13	20 Hillside Avenue	4A	Hillside Ave Associates LLC	\$178,000	\$10,043	\$321	\$382	\$442	\$502
122	14	22-24 Hillside Avenue	4A	Hillside Ave Associates LLC	\$221,000	\$12,469	\$399	\$474	\$549	\$623
122	15.2	30 Hillside Avenue	4A	Hillside Ave Associates LLC	\$260,000	\$14,669	\$469	\$557	\$645	\$733
145	2	355 Main Street	4A	Arnolt Bros. Inc.	\$257,000	\$14,500	\$464	\$551	\$638	\$725
145	6	349 Main Street	4A	Arjess Corp	\$280,000	\$15,798	\$506	\$600	\$695	\$790
145	9	343 Main Street	4A	Martin Jessen & Nancy Arndry	\$223,600	\$12,616	\$404	\$479	\$555	\$631
145	18.2	325-329 Main Street	4A	Victorian Restoration Rentals, Inc.	\$436,000	\$24,599	\$787	\$935	\$1,082	\$1,230
145	21	323 Main Street	4A	Victorian Restoration Rentals, Inc.	\$146,000	\$8,237	\$264	\$313	\$362	\$412
145	23	315 Main Street	4A	Victorian Restoration Rentals, Inc.	\$194,000	\$10,945	\$350	\$416	\$482	\$547
145	27	280 Amboy Avenue	4A	Victorian Restoration Rentals, Inc.	\$321,000	\$18,111	\$580	\$688	\$797	\$906
146	9	331 Amboy Avenue	4A	Carm Stakel Associates	\$171,600	\$9,682	\$310	\$368	\$426	\$484
146	13	339 Amboy Avenue	4A	Carm Stakel Associates	\$243,400	\$13,733	\$439	\$522	\$604	\$687
146	17	359 Amboy Avenue	4A	Carm Stakel Associates	\$490,000	\$27,646	\$885	\$1,051	\$1,216	\$1,382
148	4	303 Amboy Avenue	4A	Fred Sbrilli	\$196,600	\$11,092	\$355	\$422	\$488	\$555
148	6	Amboy Avenue	4A	HDM Realty LLC	\$68,300	\$3,853	\$123	\$146	\$170	\$193
148	8	Amboy Avenue	4A	HDM Realty LLC	\$94,600	\$5,337	\$171	\$203	\$235	\$267
148	10.2	287 Amboy Avenue	4A	Alfred & Eleanor Peskoe	\$359,900	\$20,306	\$650	\$772	\$893	\$1,015
148	14	289 Amboy Avenue	4A	K&W Realty LLC	\$420,000	\$23,696	\$758	\$900	\$1,043	\$1,185
148	17	287 Main Street	4A	K&W Realty LLC	\$109,000	\$6,150	\$197	\$234	\$271	\$307
148	19	283 Main Street	4A	K&W Realty LLC	\$250,000	\$14,105	\$451	\$536	\$621	\$705
182	1	344 Main Street	4A	HSW Properties LLC	\$618,000	\$34,868	\$1,116	\$1,325	\$1,534	\$1,743
183.1	1	326 Main Street	4A	HDM Realty LLC	\$415,500	\$23,443	\$750	\$891	\$1,031	\$1,172
183.1	83	334 Main Street	4A	Hay Properties, LLC	\$517,000	\$29,169	\$933	\$1,108	\$1,283	\$1,458
183.2	1	314 & 316 Main Street	4A	Marloe Ent., Inc.	\$375,600	\$21,191	\$678	\$805	\$932	\$1,060
183.2	5.1	260-264 Amboy Avenue	4A	Roentgen Metuchen LLC	\$1,114,000	\$62,852	\$2,011	\$2,388	\$2,765	\$3,143
183.2	5.2	304 Main Street	4A	SGS and Dhind Inc.	\$164,700	\$9,292	\$297	\$353	\$409	\$465
183.2	18.2	240 Amboy Avenue	4A	Howard Qiu LLC	\$243,200	\$13,721	\$439	\$521	\$604	\$686
197	1	272 Main Street	4A	E&G Realty Inc.	\$249,400	\$14,071	\$450	\$535	\$619	\$704
197	10	276 Main Street	4A	E&G Realty Inc.	\$556,000	\$31,370	\$1,004	\$1,192	\$1,380	\$1,568
197	15.1	275 Amboy Avenue	4A	275 Amboy Ave Realty LLC	\$170,000	\$9,591	\$307	\$364	\$422	\$480
197	15.2	267 Amboy Avenue	4A	E&G Realty Inc.	\$593,800	\$33,502	\$1,072	\$1,273	\$1,474	\$1,675
197	20.1	265 Amboy Avenue	4A	E&G Realty Inc.	\$100,200	\$5,653	\$181	\$215	\$249	\$283
197	20.2	243 Amboy Avenue	4A	Sam & Perla Van Chama	\$214,000	\$12,074	\$386	\$459	\$531	\$604
				Total	\$58,049,300		\$104,805	\$124,455	\$144,106	\$163,757

Note: All calculations based upon 2015 assessments/tax rate. Actual fees for 2017 - 2020 shall be based upon assessments/tax rates for each year

EXHIBIT B

ESTIMATE OF 2016 EXPENSES (PARTIAL YEAR)

Personnel/Administration	\$ 75,000
Maintenance/Cleaning	\$ 7,500
Recruitment/Marketing Materials	\$ 3,750
Holiday Decorations	\$ 2,250
Plantings/Greenery	\$ 3,750
Capital Items	\$ 40,500
Total	\$150,000

Personnel/Administration includes staffing, office rental, utilities, administrative supplies, accounting/bookkeeping professionals, etc.

Capital Items includes both improvements to the District as well as initial expenses of setting up office such as furniture, computers, phones, etc.

EXHIBIT C

INITIAL BOARD OF TRUSTEES

<u>NAME</u>	<u>TERM ENDS</u>	<u>Category</u>
Eric Berger	December 31, 2018	District Owner
Margaret Inglese	December 31, 2018	District Owner
Ruchir Mewawala	December 31, 2018	District Business
Chris Flynn	December 31, 2018	District Business
Barry Montalto	December 31, 2016	District Business
Deborah Zupan	December 31, 2016	District Business
Grace Shackney	December 31, 2017	Metuchen Arts Council
Allison Inserro	December 31, 2016	Borough Council
Jay Muldoon	December 31, 2016	Borough Council
Nelson Li	December 31, 2016	Resident
Bobbie Theivakumaran	December 31, 2016	Resident
Jan Margolis	December 31, 2016	Chamber of Commerce
Chris Crane	December 31, 2016	Chamber of Commerce
Joe Cascio	December 31, 2016	Chamber of Commerce
Dottie Winhold	December 31, 2016	Chamber of Commerce

Ordinance 2016-11

Council President Grayzel moved Ordinance 2016-11 to be introduced and be taken up on first reading, second by Councilwoman Rasmussen, with all in favor, motion carried, 6-0.

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

Borough Clerk read the Ordinance by title only:

Ordinance 2016-11

An Ordinance to Amend the Code of the Borough of
Metuchen, Various Chapters, Certain Application,
License and Permit Fees

Council President Grayzel moved Ordinance 2016-11 be passed on first reading, be published according to law and a public hearing be set down for Monday, May 2, 2016, second by Councilwoman Rasmussen.

Mayor Cammarano asked for a roll call vote.

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

Ordinance 2016-11 was passed on first reading and be published according to law, 6-0

ORDINANCE 2016-11

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

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS
CHAPTERS, CERTAIN APPLICATION, LICENSE AND PERMIT FEES.**

BE IT ORDAINED by the Borough Council of the Borough of Metuchen, as follows:

Section 1.

Section **87-20** of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change/delete the permit fees to read as follows:

§ 87-20 – Fees Established.

<u>Program</u>	Fee	
Programs:	FROM	TO
Flag Football	\$110.00	\$165.00
Lacrosse Camp (Additional Hours)	\$109.00	\$185.00
Sport Squirts	\$ 79.00	\$105.00
Multi Sports Camp:		
Half-Day	\$169.00	\$185.00
Afternoon	\$139.00	\$135.00
Full Day	\$199.00	\$215.00
Lego Flix/Animation/Film Making Flix/Action/Minecraft		
Half Day	\$150.00	\$155.00
Full Day (Combination of two of above)		\$290.00
Halloween Poster Painting	\$ 7.00	\$ 8.00
Pumpkin Float	\$ 9.00	\$ 10.00

ADD:

Program	Fee
Bricks4Kidz Camp:	
Minecraft	\$140.00
Galaxy	\$140.00
Computer Science	\$160.00
Bull Dog Soccer Travel Discount	\$120.00
Flag Football Camp	\$150.00
Philadelphia Bus Trip	\$ 73.00
Foundation Tennis	
3.5 Hours	\$205.00
1 Hour	\$120.00
USSI Tennis	\$125.00 Weekly
USSI Soccer	\$185.00 Weekly
Parent & Me/Total Sport Squirts/T-ball Squirts/ T-ball Senior Squirts 8-Week Program	\$159.00
Yoga/Art	\$100.00
Indoor Soccer	\$10
Bowling Program	\$80(10 week session) \$94(12 week session)
Christmas Story Bus Trips	\$50
1 st Play Tennis	\$190
Parent and Me Tennis Squirts	\$90.00
1 st Play Basketball	\$175.00
Mural Project Clay Tiles	\$25.00

DELETE:

Program	Fee
Flag Football Late Fee	\$20.00

Ordinance 2016-12

Council President Grayzel moved Ordinance 2016-12 to be introduced and be taken up on first reading, second by Councilwoman Rasmussen, with all in favor, motion carried, 6-0.

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

Borough Clerk read the Ordinance by title only:

Ordinance 2016-12	Ordinance Amending Chapters 10 and 29 of the Code of the Borough of Metuchen, Entitled, “Commissions and Committees” and “Officers and Employees”
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Council President Grayzel moved Ordinance 2016-12 be passed on first reading, be published according to law and a public hearing be set down for Monday, May 2, 2016, second by Councilwoman Rasmussen.

Mayor Cammarano asked for a roll call vote.

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

Ordinance 2016-12 was passed on first reading and be published according to law, 6-

ORDINANCE 2016-12

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

ORDINANCE AMENDING CHAPTERS 10 AND 29 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, “COMMISSIONS AND COMMITTEES” AND “OFFICERS AND EMPLOYEES”

WHEREAS, the Borough of Metuchen created a Recreation Commission consisting of seven members, all of whom have been appointed to serve terms for the period of five years; and

WHEREAS, the creation of the Recreation Commission was not codified in the Code of the Borough of Metuchen; and

WHEREAS, pursuant to *N.J.S.A. 40:12-1.1*, the Mayor and Council of the Borough of Metuchen wish to add two (2) positions of alternate members to the Recreation Commission.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby supplements Chapters 10 and 29 of the Code of the Borough of Metuchen, entitled, “Commissions and Committees” and “Officers and Employees” to include the following:

**CHAPTER 10
Commissions and Committees**

**Article 12
Recreation Commission**

§ 10-41 Establishment; composition.

The Recreation Commission heretofore created is continued with the functions, powers and duties prescribed by general law and the provisions of *N.J.S.A. 40:12-1, et seq.* The Commission shall consist of seven (7) members appointed by the Mayor. All members of the Commission, including the alternates set forth below, shall be residents of the Borough of Metuchen. Members of the Commission shall receive no compensation for their services.

§ 10-42 Term and Vacancies

Members of the Recreation Commission shall serve for a term of five (5) years and shall serve until their respective successors are appointed and shall qualify. Vacancies shall be filled for the member’s unexpired term only.

§ 10-43 Alternate Members

- A. In addition to the seven (7) members provided above, there shall also be two (2) alternate members to be appointed by the Mayor. At the time of appointment. 4S Alternate members shall be designated as “Alternate No. 1” and “Alternate No. 2.” Alternate members shall serve for a term of five (5) years. However, the initial appointment shall be for a term of four (4) years for “Alternate No. 1” and five (5) years for “Alternate No. 2.” A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

- B. No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.
- C. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the board of recreation commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

CHAPTER 29 Officers and Employees

Article 3 Recreation Director

§ 29-10 Recreation Director

The position of Recreation Director heretofore created is continued. The Recreation Director shall be the administrative head of the Recreation Department and shall report to the Borough Administrator. The Recreation Director shall be appointed by the Mayor upon the advice and consent of the Council in consultation with the Recreation Commission.

§ 29-11 Duties and Responsibilities

The Recreation Director shall, under the supervision and control of the Borough Administrator, to the extent not prohibited by law, have the following duties and responsibilities:

- A. Prepare and submit annual department budget, subject to the approval of the Mayor and Council;
- B. Plan, organize, manage and administer all recreation and cultural arts programs and supervise their implementation, in coordination with the Borough Administrator, the Recreation Commission and Arts Council.
- C. Assess and plan for future needs, maintaining records, preparing reports.
- D. Plan and organize special events throughout the year and coordinate special events with other departments to secure necessary assistance.
- E. Supervise and direct the activities and use of public recreational facilities.
- F. Plan and develop recreational programs, approve activities, plans and procedures prepared by staff members, evaluate the adequacy of existing facilities for recreation and recommend methods to secure needed replacements, alterations and additions.
- G. Administer and operate municipal playgrounds, playfields and facilities for indoor and outdoor sports, athletics and recreational programs and activities for children and adults.
- H. Supervise, select, assign, and train part-time recreational personnel.
- I. Monitor the Department's expenditures to ensure compliance with budgetary constraints.
- J. Perform all other related recreation related tasks, set forth in the Borough's job description, and as may be requested, delegated or required by the Borough Administrator, Recreation Commission and/or Arts Council.
- K. Attend monthly meetings of the Recreation Commission and Arts Council.

- L. At each regular meeting of the Recreation Commission and Arts Council, report to the Commission/Council the status of recreation and cultural arts programming and park facilities and such other matters as the Commission/Council may request;

BE IT FURTHER ORDAINED that the within Ordinance shall not affect the current terms and membership of the existing Recreation Commission; and

BE IT FURTHER ORDAINED that if any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency; and

BE IT FURTHER ORDAINED that his Ordinance shall take effect upon final passage and publication according to law.

Public Session

Mayor Cammarano opened Public Session to anyone wishing to speak on new items only.

Daniel Lebar, 581 Middlesex Avenue, Metuchen questioned the composition of Ordinance 2016-12 and he had questions on Ordinance 2016-10.

Council President Grayzel addressed how and why Ordinance 2016-10 was put together. .

Mayor Cammarano stated that these questions can be addressed during the Public Hearing at the next meeting.

Councilwoman Inzerro and Councilman Muldoon responded to Mr. Lebar's questions on Ordinance 2016-10.

Nancy Zerbe, 81 Rector Street, Metuchen supports the passage of Ordinance 2016-10. She works for the Historic Preservation Office at the State level and set up the NJ Main Street Program. She is happy that Metuchen will be able to benefit from this program with the establishment of the SID. She also clarified that the Historic Preservation Commission meeting is at 7:30 PM not 7:00 PM.

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

Adjournment

Council President Grayzel made a motion to adjourn the meeting, second by Councilman Leibfried, with all in favor; the meeting was adjourned at 9:02 PM, 6-0.

Respectfully Submitted,

Susan D. Jackson, RMC
Metuchen Borough Clerk