

BOROUGH COUNCIL
MINUTES –FEBRUARY 7, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, February 7, 2011. The Meeting was called to order at 7:45 p.m. by Mayor Vahalla. The Invocation given by Councilmember Rasmussen was followed by the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News and Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

Present were Councilmembers Cammarano, Manley, Muldoon, Rasmussen, Rubin, and Wallace.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Murphy, and Borough Clerk Harris.

On a motion by Council President Cammarano and seconded by Councilwoman Rubin, with all in favor with Council entered into closed session.

On a motion by Council President Cammarano and seconded by Councilwoman Rubin, with all in favor the agenda session was opened.

Council President Cammarano stated that R2011-44 has been added to the new business consent agenda and that there had been a change to the CAP Bank ordinance due for introduction at tonight's meeting. Council President Cammarano asked for clarification from Borough Administrator Boerth.

Borough Administrator Boerth explained that the percentage was to be changed from 2.5 to 2.0 and that this does not affect the other numbers put forth in the ordinance.

Mayor Vahalla questioned the Borough Attorney as to if this was a substantial change to the ordinance.

Borough Attorney Murphy interjected that it was not a substantial change to the ordinance.

Councilwoman Rubin felt that it would be pertinent to gather some information from the 2010 Decennial Census. She would like to see what the demographics of the Borough are now in comparison to previous years before any decisions are made.

Council President Cammarano was in agreement with Councilwoman Rubin. He felt that it would be beneficial to know solid information on who are the residents in Metuchen before any budgetary decisions are made and that he may have some information regarding the census in a straightforward medium.

Councilwoman Rubin volunteered to gather the information, with the assistance of Council President Cammarano, regarding the census and discuss at an upcoming meeting

Councilman Muldoon asked if any of the numbers from the census had been released.

Borough Administrator Boerth stated that the gross population number had been released by the newspaper but that no other data had been released as of yet.

Councilman Wallace asked what the population of Metuchen was.

Borough Administrator Boerth stated that the population of Metuchen was approximately 13,500.

Mayor Vahalla stated that the proclamation that was scheduled for tonight has been rescheduled to February 22 meeting due to other school obligations for the students receiving the proclamation. Mayor Vahalla also urged all residents to attend the February 22 meeting so that a discussion can ensue as to how the Borough can improve its snow removal procedures.

On a motion by Council President Cammarano and seconded by Councilwoman Rubin, with all in

favor the agenda session was hereby closed.

PUBLIC COMMENT

The Mayor opened the meeting to the public for anyone wishing to comment.

Beatrice Moskowitz (279 Middlesex Avenue) commented on a bill that was moving through Congress which proposed to eliminate the Public Access Channel. The Cable TV Commission went to Trenton to discuss the bill and had been notified that amendments had been made to the bill which addressed many of the concerns the commission had regarding the proposed bill. The commission was afforded the opportunity to ask questions but as soon as specific questions were asked they were interrupted by the Chairperson because the bill was not in their possession. The commission left with at least the knowledge that the major concerns within the bill had been addressed. Station Manager Rich Desimone and Stephanie Gibbons have submitted their own recommendations for the proposed bill along with the New Jersey League of Municipalities. Ms. Moskowitz requested that any information that is received regarding this issue if it could be forwarded to her so that the interests of the public can continue to be monitored.

Hearing no one else wishing to speak the Mayor closed the first public comment portion of the meeting.

APPROVAL OF MINUTES

On a motion by Council President and seconded by Councilwoman Rubin, with all in favor the meeting minutes of January 18, 2011 have been accepted and approved.

COUNCIL REPORTS

EMERGENCY MEDICAL SERVICES

Council President Cammarano spoke about the high quality of EMS services received during the two winter storms sustained by the Borough. The second storm was very difficult due to the intense nature of the storm at hand. Council President Cammarano commended both the police department and EMS on a job well done.

OFFICE OF EMERGENCY MANAGEMENT

Council President Cammarano also discussed the receipt of additional \$7,000.00 the Office of Emergency Management received in regards to the March storm that tore through the Borough. The total amount received from FEMA totaled \$61,000.00. Council President Cammarano also stated that the Borough would file to receive additional funds from FEMA for the December blizzard.

The reverse 9-1-1 system training will begin late February and the system should be up and running shortly after that.

Council President Cammarano reiterated a message from the Chief of Police regarding resident break-ins that have been occurring in Metuchen. The Chief of Police is requesting extra diligence on the part of the residents to notify the police of any suspicious activities occurring within the borough.

Council President Cammarano mentioned the New Jersey League of Municipalities Magazine featured the Metuchen Police Department's Baseball Card Program in its recent edition.

YOUTH SERVICES

Councilman Wallace stated that he did not attend the Metuchen Youth Services meeting due to a scheduling conflict with the new date of the commissions meeting.

POLICE AUXILIARY

Councilman Wallace did not attend the Police Auxiliary meeting due to any injury he had received the day prior to the meeting. He did speak to the organization on the phone and was informed that there are two new members that will be attending the Police Academy in March.

CHAMBER OF COMMERCE

Councilwoman Rubin commented that the Borough approved the Chamber of Commerce's yearly events at tonight's meeting. The Chamber will be hosting its 58th installation reception and wards ceremony at the Pines Manor in Edison on Saturday March 19 from 6:00 to 8:30pm. The ceremony will include the installation of the new Chamber of Commerce members and honoring the Citizen of the Year, Organization of the Year and Distinguished Member of the Year. Metuchen Chief of

Police James Keane will be honored as the Citizen of the Year, YMCA of Metuchen, Edison, Woodbridge and South Amboy as the Organization of the Year and Richard Topping of Topping the Web will be receiving the Distinguished Member award. The price to attend the festivities is \$65.00 per person which includes food and an open bar.

The Chamber has facilitated the expansion of vendors participating in the farmers market located in the Pearl Street Parking Lot. The farmers market will remain in the parking lot but move closer to Main Street. The additional vendors will provide a wider selection of foods to sample and purchase. The main purpose of this expansion is to attract people to the downtown area.

SHADE TREE COMMISSION

Councilwoman Rasmussen stated that the Shade Tree Commission will be meeting on February 15.

DEVELOPMENTAL COMMISSION

Councilwoman Rasmussen stated the Development Commission rescheduled their meeting for tomorrow night due to the inclement weather that the borough has been receiving.

ENVIRONMENTAL COMMISSION

Councilwoman Rasmussen discussed the Environmental Commissions last meeting. The commission is awaiting an appointment from the Planning Board to its roster.

Mayor Vahalla interjected that the Planning Board meeting had been cancelled so he could not confirm the appointment at this time.

The Commission also spoke about possibly doing a ribbon cutting for the Greenway in conjunction with Earth Day.

Councilwoman Rasmussen spoke about the Silver certification which is an environmental certification for reducing the carbon footprint created by your town and to increase recycling. There are only four certifications given a year.

The commission also spoke about the possibility of Metuchen having access to the CIC property in Edison because it had received Green Acres funding.

Mayor Vahalla stated that he would contact Edison to verify this information.

It was discussed that the Metuchen Environmental Commission would be interested in working on a joint dog park with Edison.

CULTURAL ARTS COMMISSION

Councilman Muldoon stated that the Cultural Arts Commission met and Henry Chang and Beth West were both elected to the chairman and co-chairman position for another year. The commission's next event will be Sat February 12 which will be a screening of Catfish at the Forum Theater at 8pm with a question and answer period to follow with the director of the film. The tickets for this event are \$12.

Councilman Muldoon also discussed the formation of the 501C for the Cultural Arts Commission. The commission is in search of an attorney who would be willing to support their efforts by providing the legal expertise in filing the proper documentation.

Mayor Vahalla offered to help locate an attorney that would be willing to help the commission. Mayor Vahalla discussed the possibility of having students artwork posted in the rotunda for the public's viewing pleasure. Councilman Muldoon mentioned that he would notify Amy Brooks who handles the scheduling of the artwork to be viewed in the rotunda.

Councilwoman Rasmussen commented on the under usage of the Forum Theater. She urged residents to take advantage of the frugal admission and refreshment rates. The Forum Theater will be hosting a U2 cover band and also Susan Vega will be making an appearance in the future.

POOL COMMISSION

Councilman Muldoon commented that the Pool Commission is meeting upstairs and discussing improving the menu selections and service at the snack bar.

Also the Aquatics Instructor and Head Swim Team Coach resigned her position. The commission is currently seeing people interested in that position. Please contact Diana Yashinski at the Borough or Councilman Muldoon if you are interested. That information will be forwarded to the Pool Manager.

The Pool Commission is also preparing their bid specification for the card scanning system to be implemented.

HISTORICAL PRESERVATION COMMITTEE

The committee wishes to remind the public that Local History Day is February 13 from 1 to 4 at the Metuchen Library. The event is being put on by the Metuchen-Edison Historical Society.

The next meeting of the Historical Preservation Committee is tomorrow night, February 8 at 7:30pm.

PARKING AUTHORITY

Councilman Muldoon stated that the survey of the Pearl Street Parking Lot has been completed. The authority is waiting for the Environmental Study to be received and then the RFP for the redevelopment of the site can be released.

The Parking Authority's next meeting is next Tuesday February 15.

LIBRARY BOARD

Councilman Manley stated that the Library Board meets tomorrow night.

Councilman Manley stated that the filing fee for the 501C is \$750. This fee does not include the legal and accounting fees involved with this venture.

Councilman Wallace asked Councilman Manley if the TV and Technology Commission had been notified of the relocation of certain channels.

Councilman Manley stated that as channels are converted from analog to digital they are relocated in groups. Councilman Manley suggested that Councilman Wallace contact Cablevision.

REPORT FROM BOROUGH ATTORNEY

The Borough Attorney had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Administrator Bill Boerth announced that the long term Construction and Fire Sub-Code Official will be resigning effective February 15 and that the Borough is looking to fill those positions with people that are currently employed at the borough.

Borough Administrator Boerth discussed the situation of the snow removal budget. The Borough is at approximately 35% of the 2010 budget for overtime regarding snow removal and has utilized approximately 200 tons of salt. The Borough is currently receiving a better rate on salt than the previous year. The figures show that barring huge amounts of additional snow the monetary portion for salt is within our budgetary allotment.

MAYOR'S REPORT

Mayor Vahalla stated that he was in receipt of a letter awarding \$200,000 in municipal aid to the Borough from New Jersey Department of Transportation to help fund improvements to Linden Avenue. The borough is still waiting to hear about the other grant applications that have been submitted.

The Mayor stated that in the last month the Metuchen Fire Department responded to over 28 alarms. 397 fire alarms hours were logged along with 16 hours of drills training and meetings and cadets and advisors volunteered for 56 hours.

Mayor Vahalla stated that the borough was in receipt of a draft agreement from JFK regarding daytime emergency medical services. The Borough Attorney and Borough Administrator will be reviewing the agreement.

Council President Cammarano asked if traffic calming for Linden Avenue could be addressed with some of the monies received regarding that street. Council President Cammarano would like to see the installation of speed humps for that street.

Mayor Vahalla asked Borough Administrator Boerth to notify the Borough Engineer to research the possibility of speed hump installation at this location.

Borough Administrator Boerth mentioned that he would do that but the borough did not receive all of the money required to implement the submitted plan for that location.

Councilman President Cammarano mentioned that the meeting rooms in Borough Hall are being over-booked and he asked that all liaisons review their boards and commissions meeting dates on the website and notify the Borough Clerk of any changes as to minimize over-booking of rooms within the borough.

Councilwoman Rubin discussed R2011-46 which authorizes the bid award for “Flashing Pedestrian Crosswalks & Signage Improvements on Main Street.” Councilwoman Rubin mentioned that the new crosswalk will also contain audio and visual notification for the impaired population that utilizes the crosswalk. These items are not requirements as of yet by the ADA but Metuchen has chose to implement those items for the safety of everyone utilizing the crosswalk

NEW BUSINESS/CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Resolutions 2011-38 through 2011-44 have been approved.

RESOLUTION NO.2011-38

Resolution – Refund of Sidewalk Escrow Fee #10-015 S

WHEREAS, Julie Breeze posted \$320.00 for sidewalk escrow fees,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Julie Breeze,

NOW, THEREFORE, BE IT RESOLVED, that Julie Breeze be refunded \$320.00 from the Sidewalk Inspection Escrow account.

RESOLUTION NO. 2011-39

WHEREAS, the Mayor and Borough Council of the Borough of Metuchen have received notification that an appointment must be made to the Housing & Community Development Committee for 2011; and,

WHEREAS, the residents of Metuchen have benefited from the funding made available by this program.

NOW, THEREFORE, BE IT RESOLVED that Beatrice Moskowitz be appointed the Metuchen HCD Committee representative for the calendar year 2011.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Middlesex County Housing and Community Development Agency.

RESOLUTION NO.2011-40

Resolution – Refund of 2010 and 2011 Taxes

WHEREAS, the following have made overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
TD Bank	206/1	3 Amboy Ave	3,217.22	No longer service loan	2010/4th qtr
TD Bank	206/9	3 Amboy Ave	951.08	No longer service loan	2010/4th qtr
Michael Geschlecht	117/63	505 Middlesex Ave	250.00	County Tax Board granted disabled deduction for 2010	2010/4th qtr
Hugh Fabian	192/17	62 Amboy Ave	27.20	Overpayment	2011/1 st qtr

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owners or agents be refunded property taxes as described in the amount of \$4,445.50.

RESOLUTION 2011-41

RESOLUTION TO CANCEL AND REFUND 2010 AND 2009 ADDED AND OMITTED 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 2010 and 2009 for added and omitted assessments as follows, and

WHEREAS, the reduction in taxes will be first applied to any 2010 delinquent tax balances and the balance refunded, and

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 2010 and 2009 added assessment tax billings on the following properties due to the successful County Tax Appeals

including amendments, in the amount of \$12,776.24 resulting in \$7,101.51 in refunds and \$5,674.73 in taxes applied.

Block/Lot/Qual	Address	Assessment Reduction	Tax Reduction	Reduction Applied to	Reduction Type	Application of Tax Overpayment	Refund of Tax Overpayment
10/47	189 Norris	2,200	104.98	2010/4 th qtr	2009 Omitted/Added		104.98
10/47	189 Norris	3,300	163.22	2010/4 th qtr	2010 Added		163.22
120/5	170 Hillside Ave	25,100	1,197.77	2010/4 th qtr	2009 Added	1,197.77	
120/5	170 Hillside Ave	102,825	5,085.73	2010/4 th qtr	2010 Added	4,476.96	608.77
120/9	61 Hillside Ave	566	27.01	2010/4 th qtr	2009 Added		27.01
120/9	61 Hillside Ave	3,400	27.01	2010/4 th qtr	2009 Added		168.16
96/13	117 Oak Ave	5,000	247.30	2010/4 th qtr	2010 Added		247.30
124.2/43	152 Hillside Ave	50,867	124.2/43	2010/4 th qtr	2010 Added		2,515.88
126/71	77 Lexington Drive	40,000	1,978.40	2010/4 th qtr	2010 Added		1,978.40
126/71	77 Lexington	6,667	318.15	2010/4 th qtr	2009 Added		318.15
143.1/1.1	166 High Street	6,400	316.54	2010/4 th qtr	2010 Added		316.54
143.1/1.1	166 High Street	1,067	316.54	2010/4 th qtr	2009 Added		50.92
172/29	47 Blair Ave	12,175	602.18	2010/4 th qtr	2010 Added		602.18

RESOLUTION NO. 2011-42

WHEREAS, the Contract for the 2010 NJDOT Improvements to Orchard Avenue and University Avenue-CDBG Ramps and Sidewalk Improvements and 2010 Capital Roadway Improvement Program has been approved in a contract between the Mayor and Council and S Brothers, Inc.; and

WHEREAS, the net increase to the Borough for Change Order #1 and final is **\$47,596.14**;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1.

RESOLUTION NO. 2011-43

WHEREAS, bids were received by the Borough Engineer on November 10, 2010 for the **Flashing Pedestrian Crosswalks & Signage Improvements on Main Street** for the Borough of Metuchen; and

WHEREAS, the Borough Council has rejected all bids due to challenge received regarding the said bids; and

WHEREAS, bids were received a second time by the Borough Engineer on January 27, 2011 for the **Flashing Pedestrian Crosswalks & Signage Improvements on Main Street** for the Borough of Metuchen; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$75,715.00 as evidenced by the Finance Officer's certification,

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 **Flashing Pedestrian**

Crosswalks & Signage Improvements on Main Street be and the same is hereby awarded to T.R. Weniger, Inc., PO Box 775, Green Brook, NJ .

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:

- 1 T.R. Weniger, Inc., Green Brook, NJ
2. Jads Construction Co., South River, NJ
3. Al Neto Contractors, Bridgewater, NJ

be returned upon the receipt of a fully executed contract and other required documents.

RESOLUTION 2011-44

RESOLUTION AUTHORIZING THE ENTRY INTO THE AGREEMENT BETWEEN METUCHEN ASSOCIATES, L.L.C. AND THE BOROUGH OF METUCHEN

WHEREAS, Metuchen Associates, L.L.C. is the owner of a residential facility known as the Lincoln Avenue Senior Citizens Residence in the Borough of Metuchen;

WHEREAS, Metuchen Associates, L.L.C. and the Borough of Metuchen have entered into a series of Agreements, wherein the Borough agreed to accept "payment in lieu of taxes", and to grant a real estate tax abatement, the most recent Agreement dated August 16, 2010;

WHEREAS, pursuant to the Agreements, Metuchen Associates, L.L.C. is required to make payments in lieu of taxes to the Borough of Metuchen;

WHEREAS, Metuchen Associates, L.L.C. has claimed that it made overpayments to the Borough under the terms of the Agreements back to 2007; and

WHEREAS, after meeting and negotiations between Metuchen Associates, L.L.C. and the Borough regarding the overpayments made, the parties have agreed to enter into an Agreement giving a credit to Metuchen Associates, L.L.C. for the overpayment made in the calendar year 2010 in the amount of \$32,731.00 along with a waiver and release from Metuchen Associates, L.L.C. for any claim of overpayments made in 2007, 2008, and 2009 totaling \$229,344.00;

WHEREAS, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to enter into an Agreement with Metuchen Associates, L.L.C. reflecting the negotiations and in the form attached hereto and incorporated herein;

NOW THEREFORE BE IT RESOLVED that the Borough of Metuchen hereby authorizes the entry into an Agreement with Metuchen Associates, L.L.C. providing a credit to Metuchen Associates, L.L.C. for the overpayment made in the calendar year 2010 in the amount of \$32,731.00 along with a waiver and release from Metuchen Associates, L.L.C. for any claim of overpayments made in 2007, 2008, and 2009 totaling \$229,344.00;

BE IT FURTHER RESOLVED that the Mayor of the Borough of Metuchen is hereby authorized to execute the Agreement between Metuchen Associates, L.L.C. and the Borough of Metuchen in the form attached hereto and that Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Agreement attached hereto.

BILL RESOLUTION

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor the bill resolution in the amount of 2,408,089.15 was approved.

APPOINTMENTS

Mayor Vahalla appointed Beatrice Moskowitz and himself to the Housing and Community Development Committee for a term to expire on December 31, 2011. The HCD Board will meet Wednesday February 9 at 6pm in Borough Hall.

Councilman Muldoon asked what the HCD Committee is.

Mayor Vahalla stated that the Committee is involved with the County regarding CDBG monies.

Mayor Vahalla stated that he is pulling the appointment to the Senior Citizens Commission.

ORDINANCE INTRODUCTION

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Ordinance No. 2011-1 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin Ordinance No. 2011-1 was passed on first reading, published according to law and a public hearing date set for February 22, 2011

ROLL CALL VOTE:

AYES: Wallace, Muldoon, Manley, Rubin, Rasmussen, Cammarano

NAYS: None

ABSTENTIONS: None

ORDINANCE NO. 2011-1

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

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

Section 1. Section **53-1** of Chapter 53, **Alcoholic Beverages**, of the Code of the Borough of Metuchen, is hereby amended to change the annual license fees to read as follows:

53-1. License Fees

	<u>FROM</u>	<u>TO</u>
A. Plenary retail consumption:	\$1,939	\$2200
B. Plenary retail distribution:	\$1,193	\$1431
C. Club License:	No Change to remain \$150	

Section 2. Section **120-7** of Chapter 120, **Massage and Somatic Therapy**, of the Code of the Borough of Metuchen, is hereby amended to change the Permit fees to read as follows:

120-7. Permit Fees

	<u>FROM</u>	<u>TO</u>
Therapist	\$50.—	\$58
Establishment	\$100.—	\$115

Section 3. Section **130-7** of Chapter 130, **Peddling and Soliciting**, of the Code of the Borough of Metuchen, is hereby amended to change the Application fees to read as follows:

130-7. Application Fees

Annual application fees for door-to-door soliciting in the Borough shall be as follows:

	<u>FROM</u>	<u>TO</u>
Each Solicitor	\$100.—	\$115

Section 4. Section **175-11** and section **175-12** of Chapter 175, **Taxicabs**, of the Code of the Borough of Metuchen, is hereby amended to change the permit fees to read as follows:

Fee Schedule

Application Fee

	<u>FROM</u>	<u>TO</u>
175-11. Owner's fees		
Taxicab	\$150	\$177
Taxicab fleet	\$1,500	\$1725
175-12. Drivers' license fees.		
Taxi Driver	\$30	\$35

Section 5. Section **110-14** of Chapter 110, **Land Development**, of the Code of the Borough of Metuchen, is hereby amended to change the application fees to read as follows:

Fee Schedule	Application Fee	
	<u>FROM</u>	<u>TO</u>
Subdivision		
Minor subdivision	\$150.00	
Preliminary major subdivision	\$200.00	
Final major subdivision	\$150.00	
Informal presentation (one appearance only)	\$100.00	
Concept for plat review		
Minor subdivision	\$ 75	
Major subdivision	\$150	
Site Plans		
Minor site plan	\$125	\$150
Preliminary site plan	\$250	

Fee Schedule	Application Fee	
	<u>FROM</u>	<u>TO</u>
Site Plans(cont.)		
Final site plan	\$150	
PURD	\$750	
Informal Presentation (one appearance only)	\$100	
Concept plan for review		
Minor site plan	\$100	
Major site plan	\$200	
Zoning Permit	\$ 50	
<u>ADD</u>		
<u>Alterations and Additions</u>	\$50	\$75
<u>New Dwelling Unit</u>	\$50	\$75
<u>Change of Use</u>	\$50	\$75 (<3000SF)
		\$100(>3000SF)
<u>Signs</u>	\$50	\$50 (<10SF)
		\$75 (>10SF)
<u>Design Waivers</u>	\$0	\$50

Section 6. Section 169-3 of Chapter 169, **Swimming Pool** s, of the Code of the Borough of Metuchen, is hereby amended to add/change the following fees to read as follows:

RESIDENT MEMBERSHIPS
Prior to April 15
NEW MEMBERS

MEMBERS FEES

		<u>FROM</u>	<u>TO</u>
(1) Resident Family. ; (equivalent membership: one)	\$280		\$290
(2) Resident Family Plus.	\$370		\$380
(3) Resident Individual.	\$150		\$155
(4) Resident Senior.	\$45		\$50

Resident Rates (after April 15):

(1) Resident Family. (equivalent membership: one);	\$340		\$350
(2) Resident Family PLUS.	\$430		\$440
(3) Resident Individual.	\$160		\$165
(4) Senior	\$45		\$50

Non Resident Rates:

		MEMBERS FEES
(1) Nonresident family.	\$455	\$475
(2) Nonresident Family PLUS.	\$545	\$565
(3) Nonresident Individual	\$240	\$250
(4) Nonresident senior.	\$140	\$150

Section 7. Section 78-2 of Chapter 78, Construction Codes, Uniform

s, of the Code of the Borough of Metuchen, is hereby amended to add/change the following fees to read as follows:

A. Building subcode fees. The building subcode fees shall be as follows:

(1) Plan Review Fees (N.J.A.C. 5:23-4.18)

(a) The fee for a construction permit shall be as follows, and shall be paid before issuance of the construction permit:

<u>mandated</u>	DCA training fees:	<u>FROM</u>	<u>TO</u> <u>State</u>
ft.	In accordance with N.J.A.C. 5:23-4.19(b)	\$.00265 x cubic ft.	.00334 x cubic
	For alterations without volume	\$.00135 x 1,000	.00170 x 1000

(b) Twenty percent to be paid for plan review and prototype plans is not refundable.

(2) Variation fees.

(a) N.J.A.C. 5:23-2.10 application for variation for:

- | | | |
|-----|-----------------------------|----------|
| [1] | Class I structure: | \$500.00 |
| [2] | Class II and III structure: | \$120.00 |

(b) Reapplication for both classes: \$ 65.00

(3) Construction fees:

(a) New construction:

[1] Basic Volume multiplied by 0.020: cubic feet x 0.020

DELETE [2] Over 100,000 cubic feet: cubic feet x 0.015.

ADD

[2]Footing and Foundation partial release: cubic feet x 0.030

(b) Alterations, repairs or renovations **for all Residential uses:** \$ 20 x 1,000 or a minimum of \$50

ADD
\$500

Exception: Residential Structures damaged by fire: \$10 x 1,000 not to exceed

All commercial use groups: \$25 x 1,000 or minimum of \$150

(4) Certificate of occupancy fees.

Type	Fee
Certificate of occupancy	\$28 or 10% of construction fee

ADD

Temporary Certificate of Occupancy \$30

Exception: There shall be no fee for the first issuance of the TCO provided the certificate of occupancy fee is paid at that time

Continued use of occupancy:

Residential R4 & R5	\$100
All other use groups	\$250
Change of use of occupancy, all uses	\$150

(5) Flat fees.

Type	Fee
Antenna:	
12 feet in height or 2 feet in diameter	\$ 46
Over 12 feet in height or over 2 feet in diameter	\$ 60
Towers 50 feet and over require local approval	\$ 200
Asbestos removal, administrative fee for educational and public buildings subject to the provisions of subchapter 8 plus Certificate of Occupancy	\$ 70 \$ 28
Demolition:	<u>FROM</u> <u>TO</u>
All residential structures	\$ 250 \$500
Garages, decks, pools, utility sheds	\$ 50
All commercial structures	\$ 30 per 1,000 or minimum fee of \$ 750
Fence:	
Residential R5 (1 & 2 family dwellings)	\$ 30 \$50
All other use groups	\$ 20 per 1,000 or minimum fee

	of \$100
Pool:	
Private, above ground	\$ 30
Private, in-ground	\$ 120
Public	\$ 200
Roofing and siding:	
All Use Groups	\$ 20 per 1,000 Contract required
Shed	\$ 30
Sign	\$ 2.50 per square foot for all or minimum fee of \$50
Tent, temporary structure:	
Less than 250 square feet	\$ 30
250 square feet and over	\$ 90
Fireplace	\$ 50

- (6) Elevator devices (N.J.A.C. 5:23-12.4). New elevator and elevator test shall be performed by a State SubCode Department of Community Affairs (D.C.A.) Inspector by approved resolution and in accordance with N.J.A.C. 5:23.12.

ADD (7) Minimum fee for the building subcode shall be \$50

B. Electric subcode fee schedule.

- (1) Fees for all buildings and structures for all Use Groups except Residential houses and accessory buildings shall be as follows:

- (a) Electrical fixtures. Electrical fixtures shall include but not be limited to wall switches, lighting outlets, convenience receptacles, fluorescent fixtures and similar items.

Number of Fixtures	Fee
1 through 20	\$ 80
21 through 50 additional	\$ 80
Each additional 25 over 50, add	\$ 50

- (b) Special Electrical Devices. Special electrical devices shall include but shall not be limited to motors, generators, transformers, central heating, cooking and air-conditioning equipment, electrical signs and protective system devices.

[1] One through five:	\$ 80
[2] For each additional device, add:	\$ 25

- (c) Electrical heaters.

[1] Under 5 kilowatts:	\$ 65
[2] Each additional unit, add:	\$ 25

- (2) Fees for buildings and structures in Residential Use Group and accessory buildings shall be:

ADD

- (a) Electrical fixtures. Electrical fixtures shall include but not be limited to wall switches, lighting outlets, convenience receptacles, fluorescent fixtures, **alarm devices, protective system devices** and similar items.

Number of Fixtures	Fee	TO
	<u>FROM</u>	
1 through 5	\$ 60	
6 through 25, an additional	\$ 40	
26 through 50, an additional	\$ 50	
Each additional 25 fixtures, an additional	\$ 50	

(b) Electrical heaters:

[1] Under 5 kilowatts:	\$ 35	\$50
[2] Each additional unit, add:	\$ 15	\$25

(c) Special devices. Special electrical devices shall include but shall not be limited to motors, generators, transformers, central heating, cooking and air conditioning equipment, electrical signs and protective system devices.

[1] One through five:	\$ 50	\$75
[2] For each additional, add:	\$ 15	\$25

(3) Service panel or subpanel: one meter.

Service	Fee	TO
	<u>FROM</u>	
Up to 100 amperes	\$ 50	\$75
101 to 200 amperes capacity in all use groups	\$ 75	\$100
Each service panel or bank meters:		
Greater than 200 amperes and less than or equal to 1,000 amperes	\$ 150	\$200
Over 1,000 amperes	\$ 500	\$600
Each additional meter	\$ 20	\$25

(4) Pools:

(a) Above ground:	\$ 50	\$100
(b) In-ground:	\$ 125	\$150

(5) Motors or electrical devices:

Horsepower	Fee	TO
	<u>FROM</u>	
Greater than 1 to 10	\$ 20	\$40
11 to 50	\$ 75	\$100
51 to 100	\$ 125	\$150
Greater than 100	\$ 475	\$500

(6) Transformers and generators:

Kilowatts	Fee	TO
	<u>FROM</u>	
Greater than 1 to 10	\$ 25	\$50
11 to 45	\$ 65	\$80
46 to 112.5	\$ 125	\$150
Greater than 112.5	\$ 475	\$500

NOTE: All motors, except those in plug-in appliances, shall be counted, including

control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

	<u>FROM</u>	<u>TO</u>
(7) Water boiler or furnace:	\$ 50	
(8) Radon:	\$ 40	\$50
(9) Minimum electrical subcode fee for all use groups:	\$ 75	

C. Plumbing fee schedule.

Type	R5		All Other Use Groups
	<u>FROM</u>	<u>TO</u>	
Fixtures	\$12	\$15	\$ 25
Drinking fountain	\$12	\$15	\$ 25
Bath tub	\$12	\$15	\$ 25
Dishwasher	\$12	\$15	\$ 25
Washing machine	\$12	\$15	\$ 25
Hose bibs	\$12	\$15	\$ 25
Water closet	\$12	\$15	\$ 25
Urinal or bidet	\$12	\$15	\$ 25
Lavatory	\$12	\$15	\$ 25
Floor drain	\$12	\$15	\$ 25
Shower	\$12	\$15	\$ 25
Sink	\$12	\$15	\$ 25
Minimum fee	\$50		\$ 75

REMOVE

Water Heater

Type	R5	All Other Use Groups
Fuel-oil piping	\$ 50	\$ 75
Gas piping	\$ 50	\$ 75
Steam boiler	\$ 50	\$ 75
Hot water boiler	\$ 50	\$ 75
Warm air heating unit	\$ 50	\$ 75
Grease trap	\$ 50	\$ 75
Interceptor/seperator	\$ 50	\$ 75
Water connection	\$ 50	\$ 75
Sewer connection	\$ 50	\$ 75
Water cooled air conditioner	\$ 50	\$ 75
Backflow preventer	\$ 50	\$ 75
Sewer pump	\$ 50	\$ 75
ADD Sump Pump	\$ 50	\$ 75
Oil separator	\$ 50	\$ 75
Sewer backflow valve	\$ 50	\$ 75
Sewer ejector	\$ 50	\$ 75
Lawn sprinkler	\$ 50	

ADD

	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
Water Heater	\$12	\$50	\$25	\$75
Air Conditioning System	\$0	\$50	\$0	\$75
Water Filter /Softner	\$0	\$50	\$0	\$75
Back flow Preventer yearly	\$0	\$75	\$0	\$75

Test/certification

D. Fire subcode fee schedule.

(1) Tanks	Fee
Installation, abandonment, removal:	
Up to 1,000 gallons	\$ 65
1,001 to 2,000 gallons	\$ 150

Over 2,001 gallons	\$ 250
Tank monitoring systems	\$ 50

(2) Sprinklers.

Heads	Fee
1 to 20	\$ 90
21 to 100	\$ 150
101 to 200	\$ 250
201 to 400	\$ 620
401 to 1,000	\$ 850
Over 1,000	\$1,200
Standpipes – each	\$ 150
Fire Pump	\$ 150

(3) Fire alarm systems-Automatic and Manual Systems for all Residential Uses:

Smoke Detectors – 110V/battery back up	Fee
1-3	\$ 35
4-10	\$ 50
Over 10	\$ 75
Alarm System	\$ 75

Carbon Monoxide Detectors Shall Be Included in Smoke Detector Count.

All Other Use Groups

Modify existing system:	Fee
1-5 Devices	\$ 50
Over 5 additional devices in lots of 10	\$ 30
Devices shall include smoke detectors, heat detectors, Manual pull stations, bells, horns, strobes and other Peripheral devices not itemized in this section.	
Install new system:	Fee
Automatic/Manual alarm system up to 10,000 square feet	\$ 150
Addition per 10,000 square feet	\$ 75
Central station alarm	\$ 50
Duct smoke detector	\$ 20
Flame or beam detector	\$ 50

(4) Pre-engineered systems.

	Fee
Foam extinguishing system	\$ 75
Carbon dioxide extinguishing system	\$ 75
Dry chemical extinguishing system	\$ 75
Wet chemical extinguishing system	\$ 75
Range hood extinguishing system	\$ 75

(5) Exhaust systems.

	Fee
Kitchen Hood System	\$ 75
Vapor/Gas Exhaust System	\$ 100
Smoke Control System	\$ 100

(6) Gas and oil-fired appliances.

Fee

	<u>FROM</u>	<u>TO</u>
Commercial	\$ 50	
New residential	\$ 50	
Replacement residential	\$ 25	\$35
Gas fired fireplace	\$ 50	
Stoves	\$ 50	
Chimney Liner	\$ 35	
Gas Logs	\$ 35	
Chimney New or Replacement	\$ 35	
 (7) Wood-burning appliances.		
	Fee	
Fireplaces	\$ 50	
Stoves	\$ 50	
 (8) Minimum fees for miscellaneous required permits not itemized above:		
	Fee	
	<u>FROM</u>	<u>TO</u>
Residential	\$ 35	\$50
Commercial	\$ 50	\$75
 (9) Emergency Generator System		
	\$ 50	
 (10) Elevator Recall		
	\$ 50	
 (11) Automatic Smoke/Fire Control Doors or Shutters Security locking devices integrated with alarm system		
	\$ 50	
 (12) Gasoline/Gaseous/Service Stations		
Dispensers-Per Unit	\$ 30	
Vapor Recovery Systems	\$ 50	
Canopies	\$ 50	
 (13) Replace Occupancy Notice Certificate		
	\$ 25	

ADD:

E. Special Inspection Request on off-duty hours

(all Subcodes) \$250

Section 8. Section **93.7** and **Section 93.10** of Chapter 93, Fire Prevention of the Code of the Borough of Metuchen is hereby amended to read as follows;

93.7 Any person, firm or corporation that is in violation shall be subject to a penalty. The penalty for knowingly failing to register shall be up to \$500. Unpaid penalties can be subject to the issuance of a summons to appear in Municipal Court in the Borough of Metuchen.

Replace Section 93.10 to read as follows:

93.10 Registration Fees

The following non-life hazard uses shall register with the Bureau of Fire Prevention and pay an annual registration fee, according to the following schedule:

- | | | |
|----|---|--|
| A. | (1) Mercantile/Retail/Banking | \$50 for the first 2,000 Sq. Ft \$5 for each additional 1,000 or fraction thereof. |
| | (2) Factories, Assembly Plants,
Wood and metal Shops | \$75 for the first 1,000 Sq. Ft. \$10 for each additional 1,000 or fraction thereof. |
| | (3) Warehouse, Storage (No Assembly
Manufacturing or Retailing | \$50 for the first 3,000Sq. Ft. \$5 for each additional 1,000 or fraction thereof. |

- (4) Business/Office \$50 for the first 2,000 Sq. Ft. \$5 for each Additional 1,000 or fraction thereof.
- (5) Multiple Dwellings (three or more Dwelling units) \$50 for the first 4 dwelling units \$10 for each additional 4 units or fraction thereof.
- (6) Other Use: \$50 Minimum Inspection Fee
- B. Residential (one or two family houses): Annual registration fee is \$40 per rental unit.
- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.
- D. Uses required to register with the State as life hazard uses shall not be required to register under this section.
- E. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.

Section 9. 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 the permit fees to read as follows:

§ 87-20 – Fees Established.

<u>Program</u>	<u>Fee</u>	
Programs:	FROM	TO
Bulldog Soccer	\$120	\$130
Travel Discount	\$100	\$120
Kids Cooking Class	\$65	\$70
Summer Tennis Lessons session	\$35 for ½ session	\$40 for ½ hr.
session	\$50 for 1 hr. session	\$55 for 1 hr.
session	\$75 for 2 hr. session	\$80 for 2 hr.
Flag Football	\$100	\$110
Late Fee	\$20	\$20
Fall Field Hockey	\$40	\$45
Winter Basketball	\$25	\$35
Basketball Camp	\$99	\$105
Chess Programs		
Lessons	\$0	\$15 per lesson
Camp	\$180	\$200
Vacation Sports Camps		
2 Day	\$0	\$75
4 Day	\$0	\$175
Music Camp	\$300	\$295 \$20 early bird Discount
Indoor Hockey	\$55	\$60
Lacross Camp	\$119	\$109
Men's Softball	\$300	\$325
Golf Camp	\$119	\$119
Art Classes	\$55	\$60
Sports Squirts	\$99	\$79
Multi Sports Camp		
½ Day	\$169	\$169
Afternoon (3 hrs)	\$0	\$139

Full Day	\$189	\$199
Theater Camp	\$145	\$150
Baseball Camp/T-ball Camp		
5 day 1 hr per day	\$0	\$79
4 day 2 hrs per day	\$0	\$175
Science Camps		
Mad Science	\$105	\$110
Sciensational Workshops	\$130	\$140
Pony Share Camp		
Mini Clinic	\$170	\$175
Full Clinic	\$200	\$205
Special Events		
Daddy-Daughter Dance	\$50 per couple	\$65 per couple
Additional Child	\$20	\$30
Halloween Poster Painting	\$6.50	\$7
Pumpkin Float	\$8.50	\$9
Family Fishing 'N Fun	\$1	\$2
Country Fair Booth	\$.50 (one try)	\$1 (two tries)

Section 10. Section 87-22 of Chapter 87, Article 14

All tax redemption calculations requests must be made in writing.

Tax redemption calculation \$50 for each request after 2nd request made by any party entitled to redeem a tax sale certificate

\$50 for any request by a lien holder on a certificate that they own, with the requirement that the lien holder specify the date used in calculation

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Ordinance No. 2011-2 was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin Ordinance No. 2011-2 was passed on first reading, published according to law and a public hearing date set for February 22, 2011

ROLL CALL VOTE:

AYES: Wallace, Muldoon, Manley, Rubin, Rasmussen, Cammarano

NAYS: None

ABSTENTIONS: None

ORDINANCE NO. 2011-2

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriation, 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 the CY 2011 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 \$ 345,869.10 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 and 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 2011 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and the N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$ 345,869.10 and that the CY 2011 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance; and

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

BE IT FURTHER ORDAINED that a certified copy of the 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.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to the public. Hearing none the Mayor closed the meeting to the public.

Councilman Manley stated that it was his intention to resign from his position of Councilman effective after the conclusion of the February 22, 2011 council meeting.

On a motion by Councilman Manley, second by Council President Cammarano and all in favor the meeting was adjourned at 8:55.

Respectfully submitted:

Kathryn Harris