

BOROUGH OF METCHEN
COUNCIL MINUTES
March 7, 2011

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, March 7, 2011. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilwoman Rubin 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, Rasmussen, Rubin, and Wallace.
Absent were Councilmember Muldoon.

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

APPOINTMENT OF COUNCIL MEMBER

Mayor Vahalla opened the meeting for nominations of a Council member to fill the unexpired term of Councilman Manley.

On a motion by Councilman Wallace and seconded by Councilwoman Rubin, Mr. Stanley Lease was offered for consideration to fill the unexpired term of Councilman Manley.

On a motion by Councilwoman Rubin and seconded by Councilwoman Rasmussen, with all in favor nominations to fill the unexpired term of Councilman Manley were closed.

All members present of Council approved the nomination of Mr. Stanley Lease to fill the unexpired term of Councilman Manley.

Newly appointed Councilman Lease's oath of office was administered by Judge Plechner.

Newly appointed Councilman Lease thanked the Council for the opportunity to serve the residents of Metuchen and then joined Council on the dais.

APPOINTMENT OF POLICE OFFICER

Borough Attorney Murphy administered the oath of office to newly appointed Police Officer Mr. Robert Ring.

Council President Cammarano pinned Officer Ring's badge to his lapel.

Police Captain Rentenberg congratulated Officer Ring on his appointment and wished him a safe and happy career with the Borough of Metuchen Police Department.

Mayor Vahalla wished Officer Ring luck and looked forward to working with him on behalf of himself, the Council, Borough Administrator and the Borough Attorney.

DISCUSSION ON YOUTH SERVICES GRANT

Ms. Irene Morris Nann, Ms. Beatrice Moskowitz and Officer David Liantonio discussed the particulars of the Drug Free Communities Support Grant. Ms. Nann stated that the grant was a five year grant for up one hundred twenty five thousand dollars (\$125,000.00) per year with a one

hundred percent (100%) in kind match.

Officer Liantonio discussed the possible things that could be used to meet the one hundred percent (100%) in kind match. Such things as volunteer hours, State grants, postage, office space and staff salaries can be used to meet the in kind match requirements. Officer Liantonio also stated that he was awaiting a response regarding whether or not the Substance Abuse Counselors salary at the high school could be utilized as part of the in kind calculations.

Mayor Vahalla stated that the Borough would only seek the same amount of funding that they could match with in kind funding.

Mayor Vahalla asked who would benefit from this grant.

Officer Liantonio stated that it was a community grant so any schools, public and private, located in Metuchen would benefit from the programs provided with the proposed grant funds.

Ms. Moskowitz added that the goal with this grant money is to have something related to substance abuse every month.

Mayor Vahalla thanked the individuals for their effort and hard work.

AGENDA 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 the introduction of the Borough's budget will be next week. The Police and Fire Department will be attending the meeting to discuss their budgets and answer any questions that may arise.

Council President Cammarano also stated that due to recent issues regarding the scheduling of events occurring within the Borough an ordinance will be re-introduced which will outline the procedure for approval of events.

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

APPROVAL OF MINUTES

On a motion by Council President Cammarano and seconded by Councilwoman Rubin, with all in favor, the minutes of February 22, 2011 were approved.

PUBLIC COMMENTS

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

Hearing no one wishing to comment, the Mayor closed the public comment portion of the meeting.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor the Communications Consent Agenda was approved.

COUNCIL REPORTS

Mayor Vahalla appointed Councilman Lease to the committees formerly held by Councilman Manley.

Council President Cammarano requested that a resolution be presented at the next meeting to recognize the years of service both Police Chief Keane and Detective Anthony Carro gave to the Borough of Metuchen.

Mayor Vahalla stated that he felt that it was important to recognize both the Detective and the Chief of Police for their years of service. The Mayor also stated that the Chamber is hosting its 58th Annual Recognition and Awards Dinner on March 19 at the Pines Manor in Edison. The Chief of Police will be receiving the Citizen of the Year award that evening.

Council President Cammarano stated that arrests were made in cases involving breaking and entering within the Borough. He also reiterated that any suspicious activity should be brought to the attention of the Police Department.

OFFICE OF EMERGENCY MANAGEMENT

Council President Cammarano stated that the Reverse 911 system will be up and running in the coming weeks and that a link has been added to the Borough website to add alternate numbers to the system. This will allow the resident to be notified of emergencies on multiple numbers.

EMERGENCY MEDICAL SERVICES

Council President Cammarano stated that the Metuchen EMS is still seeking additional members to help serve the residents of the Borough of Metuchen.

CABLE TV AND TECHNOLOGY

Council President Cammarano attended the committees last meeting in Mr. Manley's absence. The committee discussed the upcoming RFP for the borough website.

POLICE AUXILLARY

Councilman Wallace stated that the Police Auxiliary had two members began the Police Academy last week and will be graduating in June.

Councilwoman Rubin thanked Rich DeSimone and Stephanie Gibbons, from METV, for the work they have done for Ms. Gibbons 5th grade class. The children are looking forward to watching themselves on local TV.

CHAMBER OF COMMERCE

Councilwoman Rubin also stated that the 58th Annual Recognition and Awards Dinner will be held on March 19 at the Pines Manor in Edison. The deadline to purchase tickets has been extended. Tickets may be purchase through the Chamber office or by downloading the form from the Chambers website.

The Chamber has also opened registration for the 15th Annual Spring Street Fair on June 5th. Registrations will be taken through the Chamber website or the Chamber office. This event will be held rain or shine.

SENIOR CITIZENS

The Senior Citizens Commission will be holding its meeting this Wednesday at 5pm.

PLANNING BOARD

Councilwoman Rubin stated that the Planning Board met last week and will be meeting again next week.

DEVELOPMENT

Councilwoman Rasmussen discussed the progress the commission had been making regarding the revision of the Borough brochure. The information will be placed on the Borough website and will be linked to the Chamber of Commerce website.

The Commission also discussed the Open House event which they would like to occur in May because it is National Open House month.

Councilwoman Rasmussen also discussed possibly having the signage requirements for local businesses be more visual rather than trying to decipher the written code. She went on to state that some towns have pictures to visually explain their sign requirements.

The Commission also discussed having a Taste of Metuchen day in which local restaurants would showcase their food.

Mayor Vahalla asked if the event could be tied in with the June Bug event.

Councilwoman Rasmussen stated that it was discussed to attempt to have this event tied in with another happening in Metuchen.

REPORT FROM BOROUGH ADMINISTRATOR

Borough Administrator Boerth stated that the contractor for the Pedestrian Crosswalk on Penn Avenue has been given permission to begin work. The project with weather permitting should begin by the end of the month. Main Street will need to be closed intermittently in order to proceed with the renovations to the crosswalk.

Councilwoman Rubin clarified that this project does not include the repair of the sidewalk on Main Street except for the area adjacent to the area of the crosswalk.

REPORT FROM BOROUGH ATTORNEY

The Borough Attorney Murphy discussed the issues surrounding the Charles Field project. Borough Administrator Boerth, Borough Engineer Elliot and Borough Attorney Murphy are attempting to mediate the situation and a report will be given at the next meeting as to the progress regarding said project.

MAYORS REPORT

FIRE DEPARTMENT

Mayor Vahalla stated that the Fire Department volunteered 278 hours in fire alarms and emergencies, 171 hours in drills trainings and meetings and the cadets and advisors volunteered 38 hours in the month of February.

Mayor Vahalla restated that the Chamber of Commerce dinner will be held on March 19 at the Pines Manor in Edison.

Mayor Vahalla also announced the Borough's budget will be introduced at the March 21 meeting where the Police and Fire Department will present their budget and answer any questions

concerning it. The meeting will begin at 6:30pm.

Mayor Vahalla stated that an updated proposal was received from JFK medical services and is currently being reviewed by the Borough Attorney and Borough Administrator.

Council President Cammarano asked if the questions raised at the last meeting regarding the minor site plan division brought before the Borough by Mr. Miciak.

Mayor Vahalla stated that the amount charged regarding this issue by the Borough was \$1,863.92 between the months of February through October 2010. There is a balance in the resident's escrow account which will be refunded to him.

NEW BUSINESS/CONSENT AGENDA

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with one abstention on Resolution 2011-62 by Councilman Wallace, Resolutions 2011-59 through 2011-67 had been approved.

RESOLUTION NO. 2011-59

WHEREAS, Metuchen 1 LLC, C/O The Maven Group has requested a *third partial* release of the performance bond for Metuchen Sportsplex of Block 71, Lot 37.02; and

WHEREAS, the Borough Engineer in a letter dated September 3, 2009 set the original Performance Bond amount at \$1,113,474.72, surety guarantee in the amount of \$1,002,127.25, \$111,347.47 in cash guarantee amount and an inspection fee amount of \$46,394.78; and

WHEREAS, the Borough Engineer in a letter dated September 17, 2010 had agreed to a *partial* reduction in the amount of \$348,629.40 from the performance guarantee, \$313,766.46 from surety and \$34,862.94 from the cash portion amounts for a new performance bond in the amount of \$764,845.32, \$688,360.79 in surety amount and \$76,484.53 in cash amount as the improvements which has been performed have been completed in an acceptable manner; and

WHEREAS, the Borough Engineer in a letter dated October 27, 2010 had agreed to a *second partial* reduction in the amount of \$248,026.24 from the performance guarantee, \$223,223.62 from surety and \$2,802.62 from the cash portion amounts for a new performance bond in the amount of \$516,819.08, \$465,137.17 in surety amount and \$51,681.91 in cash amount as the improvements which has been performed have been completed in an acceptable manner; and

WHEREAS, the Borough Engineer in a letter dated February 22, 2011 has agreed to a *third partial* reduction as the improvements which has been performed have been completed in an acceptable manner; and

WHEREAS, the Borough Engineer recommends the *third partial* release of the bond, in the amount of \$94,190.54 performance guarantee amount, \$84,771.49 surety amount and \$9,419.05 in cash amount reduced from the posted amounts for a new performance bond figure of \$422,628.54, \$380,365.68 in surety and \$42,262.86 in cash portion amount; and

WHEREAS, *N.J.S.A. 40:55D-53.1* provides for the accumulation of interest on escrow deposits in excess of \$5,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Project Engineer to Metuchen 1 LLC., C/O The Maven Group, LLC, 7801 Norfolk Avenue, Suite 200, Bethesda, MD 20814, upon payment of the any outstanding fees.

RESOLUTION NO. 2011-60

REFUND OF OTHER FEES & PERMITS

WHEREAS, Marc Levine of 63 Rose Street made payment on December 23, 2009 in the amount of \$50.00 for a Fire Permit fee in conjunction with another permit(# 09-0817) and then paid again for same Fire Permit fee on October 15, 2010 in the amount of \$50.00; and

WHEREAS, the homeowner inadvertently paid twice for same said inspection; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to refund to Marc Levine, 63 Rose Street, Metuchen, NJ 08440 the Fire Permit fee in the amount of \$50.00.

RESOLUTION NO. 2011-61

REFUND OF SIDEWALK ESCROW FEE #10-017S

WHEREAS, Gold Medal Plumbing, Heating, Cooling, Electric, Inc. posted \$32.00 for sidewalk escrow fees; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Gold Medal Plumbing, Heating, Cooling, Electric, Inc.,

NOW, THEREFORE, BE IT RESOLVED, that Gold Medal Plumbing, Heating, Cooling, Electric, Inc. be refunded \$32.00 from the Sidewalk Inspection Escrow account.

RESOLUTION NO. 2011-62

FIRE APPARATUS SERVICE AND REPAIR BID AWARD

WHEREAS, bids were received by the Borough Administrator on February 16, 2011 for the **Fire Apparatus Service And Repair** for the Borough of Metuchen; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the amount of \$22, 250.00 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 **Fire Apparatus Service And Repair** be and the same is hereby awarded to Fire and Safety Services, 200 Ryan Street, South Plainfield, NJ 07080 .

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. Fire and Safety Services, 200 Ryan Street, South Plainfield, NJ 07080

2. Campbell Supply Company, LLC., PO Box 266, Edison, NJ 08818

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

RESOLUTION NO. 2011-63

RESOLUTION ESTABLISHING BANK SIGNATORIES

WHEREAS, Revised Statute NJSA 40:3-25 provides that moneys held in any separate fund, i.e., General Account, Capital Fund, Trust Account and all Escrow Accounts, shall be treated as moneys held in trust and shall not be diverted to any other purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex and State of New Jersey that the TD Bank Court General and Court Bail Account , and that the custodian shall be Rebecca Cuthbert, Chief Financial Officer. All disbursements for these accounts shall be made by checks signed by:

Judge Gary Price

Barbara Stone

NOW THEREFORE BE IT FURTHER RESOLVED that all disbursements from the Election account shall be made by checks signed by:

Kathryn Harris, Municipal Clerk

RESOLUTION NO. 2011-64

PERMISSION TO PARTICIPATE IN DRUG FREE COMMUNITIES GRANT PROGRAM

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the New Jersey Department of Health and Human Services for the **DRUG FREE COMMUNITIES SUPPORT** Grant,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, county of Middlesex, that:

- 1) The Borough of Metuchen is hereby authorized to participate in the **DRUG FREE COMMUNITIES SUPPORT** Grant; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen in cooperation with the Department of Health and Human Services.

RESOLUTION NO.2011-65

RESOLUTION TO AMEND THE TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2011, effective March 7, 2011:

Clerk	OE	500.00
Fire	OE	20,000.00
Public Works	OE	200.00
Insurance		100,000.00
	TOTAL	120,700.00

RESOLUTION NO. 2011-66

RESOLUTION ACCEPTING RESIGNATION OF POLICE DETECTIVE ANTHONY CARRO

WHEREAS, the Borough Council of the Borough of Metuchen has received the resignation of Police Detective Anthony Carro from the Metuchen Police Department, effective March 1, 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the resignation of Police Detective Anthony Carro from the Police Department, effective March 1, 2011 is hereby accepted.

RESOLUTION NO. 2011-67

RESOLUTION ACCEPTING RESIGNATION OF CHIEF OF POLICE JAMES KEANE

WHEREAS, the Borough Council of the Borough of Metuchen has received the resignation of Police Chief James T. Keane from the Metuchen Police Department, effective April 1, 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the resignation of Police Chief James T. Keane from the Police Department, effective April 1, 2011 is hereby accepted.

OTHER NEW BUSINESS

BILL RESOLUTION

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor the Bill Resolution in the amount of \$970,047.36 had been approved.

INTRODUCTION OF ORDINANCE

Council President Cammarano stated that a decision needed to be made regarding the registration deadline and late fee penalty in section 93.7 of the ordinance. Council President Cammarano suggested that the deadline be established as June 1st with a \$10.00 late fee because it fee is per unit multiplied by the number of months the registration is late.

Mayor Vahalla opened the suggested changes to the ordinance for discussion

Borough Attorney Murphy discussed the changes to the ordinance.

Councilwoman Rasmussen asked why the Fire Official would report to the Borough Administrator rather than the Chief of the Fire Department.

Mayor Vahalla explained that the Borough Administrator is a full time position so he is available at all times while the Fire Chief is a part time volunteer position.

Councilwoman Rubin asked how resident would be notified of the new requirements.

Mayor Vahalla stated that it will be sent out with the next tax billing or next mailing to all residents in Metuchen and it will also be posted on the Borough website. Registration of this document will occur with the Borough Clerks office.

Councilwoman Rasmussen questioned as to why section 93.5 letter E regarding the appointment of legal counsel had been removed.

Borough Administrator Boerth explained that it was an unnecessary section because it is redundant.

Councilman Lease asked if this affects all landlords in the Borough.

Borough Attorney Murphy stated that it did.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Ordinance 2011-3 be introduced and taken up on first reading.

Borough Clerk Harris read the ordinance by title only.

On a motion by Council President Cammarano, seconded by Councilwoman Rubin with all in favor Ordinance 2011-3 was passed on first reading, published according to law and public hearing set for March 21, 2011.

Roll Call:

AYES: Councilpersons Rasmussen, Rubin and Council President Cammarano

NAYS: None

ABSTENTIONS: Councilpersons Lease and Wallace

ORDINANCE NO. 2011-3

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN,
CHAPTER 93, ENTITLED FIRE PREVENTION.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen as follows: Chapter 93 of the Code of the Borough of Metuchen is hereby amended to read as follows:

**Chapter 93
FIRE PREVENTION**

§ 93-1. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Metuchen.

§ 93-2. Agency designation.

The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the Municipal Fire Department of the Borough of Metuchen. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

§ 93-3. Duties.

- A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Metuchen other than premises owned or operated by the federal government, interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Code.

§ 93-4. Organization.

The local enforcing agency established by § 93-2 of this chapter shall be a part of the Municipal Fire Department of the Borough of Metuchen and shall be under the direct supervision and control of a Fire Official who shall report to the Borough Administrator.

§ 93-5. Appointments; qualifications; term of office; removal.

- A. Fire Official. The Fire Official shall be certified by the state and appointed by the Mayor in consultation with the Chief of the Fire Department.
- B. Term of office. The Fire Official shall serve for a term concurrent with the term of the Fire Chief with each term being for two years.
- C. Inspectors. Inspectors in the local enforcing agency shall be appointed by the Mayor in consultation with the Fire Official. All life-hazard-use inspectors shall be certified by the state.

D. Removal from office. The Fire Official and inspectors of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

§ 93-6. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency (or agencies) shall have the right to appeal to the Board of Appeals of the County of Middlesex.

§ 93-7. Penalties. [Amended 6-21-2004 by Ord. No. 2004-10]

Any person, firm or corporation that is in violation shall be subject to a penalty. The penalty for the failure to register or failing to notify the Fire Official of a change in occupancy 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.

All annual registration set forth herein, except those registrations which are triggered by the sale or change of occupancy, must occur by June 1st. A late fee penalty shall be assessed in the amount of \$10.00 per unit multiplied by the number of months the registration is overdue.

§ 93-8. Life hazard uses.

The local enforcing agency established by § 93-2 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 93-9. Non-life-hazard uses. [Amended 6-21-2004 by Ord. No. 2004-10]

Each residential unit in the Borough of Metuchen, including owner occupied single family units, shall have a smoke detector and carbon monoxide detector on each level, and a fire extinguisher in the kitchen or within 10 feet thereof. Inspections of single family units shall be scheduled for each change of occupancy. Fees shall be charged in accordance with this Chapter.

All residential units within the Borough shall be inspected and charged a fee upon sale or change of tenant.

§ 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 | \$50 for the first 3,000 Sq.Ft.\$5 for Manufacturing or Retailing 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.

§ 93-11. Inspections

The Fire Official shall periodically inspect all uses registered hereunder once every two years. If more than one inspection is required in any year, due to a change in occupancy, the owner shall pay for each additional inspection an amount equal to the annual registration fee.

§ 93-12. Change of Occupancy

The owner of any premises that is registered hereunder shall notify the Fire Official in writing of each change of occupancy. At the time thereof or prior to the change of occupancy, the owner of any premises that is registered hereunder shall re-register with the Bureau of Fire Prevention and pay the annual registration fee.

§ 93-13. Additional Required Inspection and Fees.

In addition to the inspections and fees required pursuant to the Uniform Safety Act and the regulations of the Department of Community Affairs the following additional inspections and fees shall be required.

- A. The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by state regulation and are currently as follows:

Type	Fee
1	\$42.00
2	\$166.00
3	\$331.00
4	\$497.00

- B. The cost for the issuance of a Certificate of Fire Code Status shall be \$35.
- C. The in-lieu-of-inspection application fee for a certificate of smoke detector (no substitution allowed for smoke detectors) and carbon monoxide alarm compliance (one on every level) (CSDCMAC), as required by N.J.A.C. 5:70-2.3, and portable fire extinguisher requirements in accordance with the New Jersey Law §1 of P.L. 1991, c. 92 (C.52:27D-198.1) (located within 10 feet of kitchen area), shall be based upon the amount of time remaining before the change of occupant is expected, as follows: **[Amended 11-20-2006 by Ord. No. 2006-21]**
 - (1) Requests for CSDCMAC received more than 10 business days prior to the change of occupant: \$35.
 - (2) Requests for CSDCMAC received four to 10 business days prior to the change of occupant: \$70.
 - (3) Requests for CSDCMAC received fewer than four business days prior to the change of occupant: \$125.
 - (4) Reinspection fee: \$25 each time.

§ 93-14. Prohibitions.

- A. Storage of explosives and blasting agents is hereby prohibited throughout the entire Borough of Metuchen.
- B. Storage of flammable liquids in outside aboveground tanks is hereby prohibited except where permitted by Chapter 110, Land Development, of the Code of the Borough of Metuchen. The construction, installation and maintenance of said tanks shall conform to the requirements of this Code and the Uniform Construction Code.

C. Bulk plants for flammable or combustible liquids are hereby prohibited throughout the entire Borough of Metuchen.

§ 93-15. Construction. [Added 11-20-2006 by Ord. No. 2006-21]

- A. All buildings open to the public, new or existing construction shall have portable fire extinguishers installed in accordance with NFPA 10. All buildings shall have illuminated exit signs and emergency lighting installed in accordance with the Uniform Fire Code (permit from Building Department required for exit signs and emergency lighting).
- B. All new construction that requires a water sprinkler system or standpipe system shall be installed according to the New Jersey Uniform Construction Code and maintained according to NFPA 25. All Fire Department connections shall be five-inch storz.

§ 93-16. Effect of chapter.

Nothing in this chapter shall be construed to permit any construction or use which is prohibited by Chapter 110, Land Development, of this Code or other ordinances of the Borough.

§ 93-17. Fire areas and fire lanes saved from repeal.

Nothing herein contained shall be considered to repeal any previously established fire area or fire lane which shall continue to remain in full force and effect.

§ 93-18. Validity; conflicts with state law.

The invalidity of any section or provision of this chapter or of the Fire Prevention Code adopted by this chapter shall not invalidate other sections or provisions thereof. Any provisions of this chapter or the Fire Prevention Code adopted by this chapter which conflict with any state law or regulation shall have no effect, and such state law or regulation shall prevail in respect to the interpretation and enforcement of this chapter and the Code adopted herein.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Hearing no one wishing to speak the Mayor closed the public comment portion.

ADJOURNMENT

On a motion by Council President Cammarano, seconded by Councilman Lease with all in favor the meeting was adjourned at 8:31PM.

Respectfully Submitted:

Kathryn Harris, RMC