

**MEETING MINUTES  
BOROUGH OF METUCHEN  
COUNCIL MINUTES  
September 15, 2014  
7:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, September 15, 2014.

The Meeting was called to order at 7:30 p.m. by Mayor Vahalla and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and is posted in the Borough Clerk's office.

The Invocation was given by Mayor Vahalla and was followed by the Pledge of Allegiance.

Present were Councilmembers Rasmussen, Inserro, Grayzel, Cammarano and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Borough Clerk Katie Cirulli. Councilman Wallace was absent.

**Agenda Session**

Council President Muldoon moved to open the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the agenda session was opened.

Councilwoman Inserro stated that R2014-171, Authorizing Metuchen Alliance Grant with the County for \$12,900.00 is on the consent agenda and the Alliance Coordinator asked that each member be given a magnet with the website on it for addiction and recovery resources because this month is Drug Addiction Recovery Month.

Councilwoman Inserro asked if there was any update from the Borough Engineer on Amtrak/bridge situation. Mayor Vahalla responded that the Engineer hasn't heard from the County as of yet and is looking to apply for DOT funds to do the notification sign.

Denis Murphy, Esq. stated that the Council has requested an Executive Session to discuss matters concerning Personnel and Attorney-Client Privilege. He has prepared the Resolution if the Council so chooses to take action upon it.

With no other items for the Agenda Session Council President moved to close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the agenda session was closed.

Denis Murphy, Esq. read the Resolution.

Resolution Authorizing Executive Session for the Purpose of Discussions Relating to the Matters  
Pertaining to Personnel and Matters Concerning Attorney-Client Privileges

*Metuchen Borough  
County of Middlesex*

*State of New Jersey*

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF  
DISCUSSION OF PENDING PERSONNEL MATTERS**

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Metuchen to conduct an executive session closed to the public in order to discuss:

Pending Personnel Matters and  
Attorney-Client Privilege Matters;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Borough of Metuchen hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., for the purpose of discussing matters of Pending Personnel and Attorney-Client Privilege Matters; and

**BE IT FURTHER RESOLVED** that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Council President Muldoon moved to adopt the Resolution to Authorize an Executive Session, Councilwoman Rasmussen seconded, with all in favor, the Resolution was passed.

**Re-Enter Public Session**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Borough Council reconvened in open session.

**Open To Public**

Mayor Vahalla opened the meeting to the public for comment.

Dan LaBarr, 581 Middlesex Avenue, Metuchen spoke about the over-sized trucks wedging under the Amtrak/New Jersey Transit overpass and spoke about the different options that the Transportation Committee has discussed.

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

**Proclamation & Resolution**

**Ordinance – Public Hearing**

A. Ordinance 2014-13

**AN ORDINANCE AMENDING CHAPTER 140,  
ENTITLED “PROPERTY MAINTENANCE” OF  
THE CODE OF THE BOROUGH OF METUCHEN.**

Denis Murphy, Esq. stated that the Council has requested him to take a look at Senate Bill 1229 on whether he would recommend some of the permitted actions be put into this Ordinance vs. separately. He

has recommended that the actions be kept separate at this point in time and to move forward with the Ordinance as it has been presented tonight. He recommends that at some point in the future to have a separate chapter or subsection relating to registration as well as the maintenance on vacant and abandoned properties. He will provide ordinances relating to these areas to the Council.

Municipal Clerk Katie Cirulli presented the affidavit of publication stating that said Ordinance has been published one time in the Home News Tribune according to Law on September 6, 2014.

Council President Muldoon moved that the affidavit of publication be received and filed. Councilwoman Rasmussen seconded, with all favor, the affidavit of publication has been accepted.

Municipal Clerk Cirulli read the Ordinance by title.

Mayor Vahalla opened the Public Hearing on Ordinance 2014-13.

Daniel LaBarr, 581 Middlesex Avenue, Metuchen asked if there has been any other changes made to the Ordinance since late August. The response was that there were no changes from the first reading of the Ordinance. Mr. LaBarr has concerns with the ordinances and how it will be imposed.

Hearing no one else wishing to comment Mayor Vahalla closed this public hearing portion of the meeting.

Council President Muldoon moved that Ordinance 2014-13 be passed on second reading and be published according to the law. Councilwoman Rasmussen seconded.

Mayor Vahalla asked for a Roll Call Vote:

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

Ordinance 2014-13 passed, 6-0

Ordinance 2014-13

**AN ORDINANCE AMENDING CHAPTER 140, ENTITLED “PROPERTY MAINTENANCE”  
OF THE CODE OF THE BOROUGH OF METUCHEN**

**CHAPTER 140  
PROPERTY MAINTENANCE**

**Article 1  
Commercial and Industrial Maintenance**

**§ 140-1 Title, findings and purpose.**

- A. Title. This article shall be known as the "Commercial and Industrial Maintenance Code of the Borough of Metuchen" and is referred to in this article in the short form as "this code."
- B. Findings and declaration of policy. It is hereby found and declared that the lack of maintenance of real property leads to progressive deterioration and loss of property values. It is further found and declared that by reason of lack of maintenance and progressive deterioration, the conditions of certain premises have further effect of creating blighting conditions and initiating slums and that, if the same is not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and neighborhood and property values thereby maintained, the desirability and amenities of premises and neighborhood enhances and the public health, safety and welfare protected and fostered.
- C. Purpose. The purpose of this code is to protect and promote the public health, safety and welfare by establishing minimum standards for the maintenance, appearance and conditions of commercial and industrial premises in the Borough, to fix responsibilities and duties upon owners, operators and occupants, to authorize and establish procedures for the inspection of commercial and industrial premises, to fix penalties for the violations of this code to permit the Borough to make necessary repairs and assert a lien on such premises and to provide for the right of access to permit repairs when necessary. This code is hereby declared to be protective, preventative, remedial and necessary for the public interest, and it is intended that this code be liberally construed to effectuate the purpose as stated herein.

**§ 140-2 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

COMMERCIAL OR INDUSTRIAL PREMISES - A lot, plot, parcel or tract of land, vacant or occupied, including the building or structures thereon, on any part of which commercial or industrial activity of any kind may take place in the Borough of Metuchen. For purposes of this code, this activity is defined as all commercial and industrial uses permitted or allowed by prior nonconforming uses, including but not limited to retail sales, professional activities, office uses, personal services, warehouse, research and manufacturing. Any apartments or other residences above or within a commercial or industrial structure shall be included within the scope and coverage of this code.

EXTERIOR OF PREMISES - The exterior facades or external portions of a building and the remainder of the lot or property outside of any building erected thereon which is exposed to view from a public right-of-way and/or an adjacent or nearby property.

INFESTATION - The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard as certified by the Borough Health Officer.

**NUISANCE**

- A. Any physical condition or use of any premises regarded as a nuisance at common law or as provided by the laws of the State of New Jersey or other ordinances of the Borough of Metuchen.

- B. Any attractive nuisance which may prove detrimental to the health or safety of children whether located in a building or on a lot, including but not limited to the following: excavations and other earthworks, shafts or structurally unsound fences or structures.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Any premises which has unsanitary sewerage or plumbing facilities.
- E. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings or whatever creates an unreasonable hazard through odor or noise so as to deprive adjacent owners of the quiet enjoyment of their property.
- F. Any premises which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb or nearby property.
- G. Any premises which is unsanitary or which is littered with accumulated rubbish or garbage or which has an uncontrolled growth of weeds.

OCCUPANT - A person in actual possession of any commercial or industrial premises or any part thereof.

OPERATOR - A person who has charge, care or control of commercial or industrial premises, or any part thereof, whether with or without the consent of the owner.

OWNER - Any person who, alone or jointly with others, has legal or equitable title to any commercial or industrial premises, with or without accompanying actual possession, or has charge, care or control of any commercial or industrial premises as owner or as fiduciary, including but not limited to an executor, executrix, administrator, administratrix, trustee, receiver or guardian of an estate, or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee, subletting or reassigning any part or all of a commercial or industrial premises, shall be deemed to have joint responsibility as if he or she were an owner over the portion of the premises sublet or assigned.

WORKMANLIKE - Maintenance or repair work that has been performed in a reasonably skillful manner.

**§ 140-3 Compliance with code; liability.**

- A. Compliance with code.
  - (1) Minimum standards. This code establishes minimum standards for the maintenance of the exterior of all premises and structures, which are used or may be used as commercial and industrial premises, in the Borough of Metuchen, including those occupied and used before the adoption of this code, and does not replace or lessen standards otherwise established for the construction, repair, alteration or use of the commercial or industrial buildings or premises contained therein. Where there is mixed occupancy with commercial and other uses on the same premises, all such uses shall be regulated by and subject to the provisions of this code.
  - (2) Interpretation. Where the provisions of this code impose a higher standard than is set forth in any other ordinance of the Borough of Metuchen or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this code impose a lesser standard than other ordinances of the Borough of Metuchen or laws of the State of New Jersey, then the more rigorous standard contained in such ordinances or law

shall prevail. This code should not be interpreted or construed to replace or effect any and all other codes and ordinances of the Borough and the powers and remedies authorized thereunder, including but not limited to Chapter 67, entitled "Unsafe Buildings".

- (3) Responsibility. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or operate premises which do not comply with the requirements of this article.
- (4) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be in full compliance with all of the provisions and requirements of this Chapter. Vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a nuisance to exist or adversely affect the public health or safety.

B. Liability.

- (1) Owners and operators shall have all the duties and responsibilities prescribed in this code, and no owner or operator shall be relieved from any duty or responsibility, or be entitled to defend against any charge of violation, by reason of the fact that the occupant is also responsible and in violation thereof.
- (2) Occupants shall have such duties and responsibilities as are prescribed for them in the § 140-4, and shall not be relieved of any duty and responsibility or be entitled to defend against any charge of violation by reason of the fact that the owner or operator is also responsible and in violation thereof.

**§ 140-4 Regulations of premises.**

- A. Exterior to be kept free of all nuisances. The exterior of structures and premises shall be kept free of nuisances, unsanitary conditions and any other hazards to the health or safety of occupants, pedestrians and other persons entering the premises. All exterior features of structures and premises shall be maintained in a good and workmanlike condition and state of repair. Any nuisance, unsanitary condition, lack of maintenance or other hazard shall be promptly removed and/or abated by the owner and/or operator and/or occupant to keep the premises free of hazards, including but not limited to the following:
- (1) Refuse. Brush, weeds, stumps, roots, obnoxious growths, broken glass, filth, garbage, trash, litter, rubbish and debris of any description.
  - (2) Natural growth. Brush, weeds, ragweed, stumps, roots and obnoxious growth; dead and dying trees and limbs or other natural growth which due to lack of maintenance or through rotting or deteriorating conditions or storm damage constitute a hazard or nuisance to persons or property in the vicinity. Trees and landscaping shall be kept pruned and trimmed, where appropriate, to prevent such conditions.
  - (3) Decorative features. All cornices, wall facings, bas reliefs or similar decorative and architectural details, including overhanging features of buildings and similar decorative features of site improvements, shall be maintained in good and workmanlike repair. They shall be properly anchored and kept in a safe and attractive condition.
  - (4) Ground surface hazards or unsanitary conditions. Holes, excavations, earthworks, breaks, projections, obstructions, broken or missing pavement, ice, uncleaned snow and excretion of pets and other animals. All holes and excavations shall be filled and repaired, walks and steps repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions. It shall be the responsibility of owners, occupants and operators to take reasonable steps to discover and remove any such hazards or unsanitary conditions which may exist on their premises.

- (5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
  - (6) Sources of infestation. The presence of insects, rodents, vermin or other pests on the premises shall constitute a health hazard as certified by the Borough Health Officer.
  - (7) Signs. All signs, markings, printed matter and pictures or illustrations contained on the exterior of the premises permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good and workmanlike repair and kept in a neat and clean condition.
- B. Landscaping. Lawns, other ground cover, hedges and shrubs shall be kept trimmed and maintained from becoming overgrown.
- C. Premises to be kept in good repair. All sides of the exterior of every structure or accessory structure, including fences and store facades, shall be maintained in good repair. All structural surfaces shall be kept clean and neatly painted where necessary for preservation and appearance, free of excessive peeling paint and maintained free of safety hazards, such as broken windows, loose and falling shingles and crumbling and falling stone or brick. Owners, operators and occupants shall not be liable for recurring acts of vandalism involving graffiti so long as they take reasonable efforts to remove the graffiti within two weeks of its discovery by them or within seven days of notice provided to them by borough officials. The premises shall further be subject to the following regulations:
- (1) Signs and billboards. All permanent signs and billboards exposed to public view, permitted by ordinance or other regulations or as a lawful nonconforming use shall be maintained in good and workmanlike repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good and workmanlike repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
  - (2) Windows exposed to public view. All windows exposed to public view shall be unbroken. No windows shall remain boarded up except for a temporary period awaiting the replacement of broken glass.
  - (3) Awnings or marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in a workmanlike manner as to not constitute a nuisance or safety hazard. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material, such as paint or other protective treatment. In the event any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event any such awning or marquee is made of cloth, canvas, vinyl, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good and clean condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee or its accompanying structural members on streets, sidewalks or other parts of the public domain.
  - (4) Temporary scaffolding or equipment. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond the period reasonably necessary to complete the purpose for which such equipment was brought to the premises.
  - (5) Construction, repair or alteration delays in completion. Any construction, repair or alteration work on a structure or premises, including site work, shall take place in a timely manner without delays or complete stoppage so as to constitute a prolonged hazardous or unsightly

- condition. If such work shall be delayed or stopped for a prolonged period, the exterior of an affected structure or premise shall be returned to a safe and presentable condition that complies with all other sections of this article and all other applicable ordinances and codes.
- (6) Store fronts. All store fronts shall be maintained in good and workmanlike repair, and all surfaces thereof shall be kept clean and neatly painted when necessary for the purposes of preservation and appearance.
- D. Removal of garbage and refuse. The owner, operator and occupant shall have the duty and responsibility of removing refuse and garbage stored outdoors as often as required, but at least once per week.
- E. Maintenance of sidewalks. Every day that the premises is open for business, the occupant and/or operator shall be responsible for removing litter from the sidewalk or other pedestrian areas, if any, in front of the occupant's commercial premises. The area shall be swept as often as necessary to maintain it free of litter, spillage, snow, ice and other debris. The owner, operator and occupant shall also have the duty and responsibility to provide sufficient trash cans for the premises which shall be located and/or screened in order to maintain the attractive appearance of the commercial premises.

#### **§ 140-5 Inspections.**

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, Health Officer, Zoning Officer, Police Department or any other official charged with the duty of enforcing regulations governing any aspect or conduct of the activity on the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours of the business occupying said premises, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

#### **§ 140-6 Correction of violation; abatement by municipal officers.**

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, invitees, adjoining property owners or the general public, unless abated without delay, the Construction Code Official, Health Officer, Zoning Officer or Police Department may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the operator, owner or occupant to correct said condition, the Police Department, Construction Code Official, Zoning Officer or Health Officer shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in Section I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer or Health Officer shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the main

entrance door of the building, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.

- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed 30 days, to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Construction Code Official, Zoning Officer or Health Officer in ten (10) days after service unless a hearing is requested pursuant to these provisions.
- E. Request for hearing. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten (10) day period in person or by certified mail on the Construction Code Official, Zoning Officer or Health Officer. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Construction Code Official, Zoning Officer or Health Officer, upon receipt of the request for hearing, shall, within thirty (30) days therefrom and upon five (5) days notice to the parties so requesting, conduct a hearing.
- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer or Health Officer shall hear all parties and his or her final determination shall be made within ten (10) days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer or Health Officer may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer, or Health Officer, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-6A.
- H. In addition to the issuance of Summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the Certification of the Health Officer, Fire Official and/or the Borough Engineer and after the approval of the Borough Administrator and Mayor and Council, the Construction Code Official, Zoning Officer or Health Officer may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth garage, trash, debris as permitted by N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.
- I. In the event that the immediate abatement is necessary pursuant to Section A hereof, or that brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or destroyed pursuant to Section H herein, the officer of the municipality seeking such removal and the Borough Administrator shall obtain and certify the costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of Resolution the removal and/or destruction and to direct the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such property or lands and shall be added to and become part of the taxes next to be assessed and levied upon such

property or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner, operator and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner, operator and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

**§ 140-7 Violations and penalties.**

Any person who shall violate any of the provisions of this article or any order promulgated hereunder shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article 1, and each violation of any of the provisions of this article and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

**Article 2**  
**Residential Property Maintenance**

**§ 140-8 Title, findings and purpose.**

- A. Title. This article shall be known as the "Residential Property Maintenance Code of the Borough of Metuchen," sometimes referred to in this article as "this code."
- B. Findings and declaration of policy. It is hereby found and declared that the lack of maintenance of real property leads to progressive deterioration and loss of property values. It is further found and declared that by reason of lack of maintenance and progressive deterioration, the condition of certain premises has further effect of creating blighting conditions and initiating slums and that, if the same is not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and neighborhood and property values thereby maintained, the desirability and amenities of premises and neighborhood enhances and the public health, safety and welfare protected and fostered.
- C. Purpose. The purpose of this code is to provide for a maintenance code similar in content and with the parallel objectives to the Commercial and Industrial Maintenance Code as set forth in Article 1 of this chapter already adopted by the Borough in 1988. Its objectives are to prescribe the minimum standards for the maintenance, appearance and conditions of one- and two-family dwellings within the Borough, to establish procedures for the inspection of these residential dwellings, to fix penalties for the violation of this code and to prescribe the manner by which repairs may be made by the Borough when necessary. This code is hereby declared to be protective, preventative, remedial and necessary in the public interest, and this code should be liberally construed to effectuate the purposes stated herein.

**§ 140-9 Definitions.**

- A. To the extent not inconsistent with the express terms or definitions herein, the terms already defined in the Commercial and Industrial Maintenance Code shall have the same meaning in this code, except that the word "residential" shall be understood to replace the words "commercial" or "industrial" as contained in that code.
- B. As used in this article, the following terms shall have the meanings indicated:

**ABANDONED OR UNUSED VEHICLES** - Automobiles or other motorized forms of vehicular transportation stored in the exterior property areas of a residential premises without current registration or license plates or undriven for more than 30 days as a result of being in a condition rendering the vehicle inoperable on the public highways without extensive repairs or replacement of parts. These vehicles, as defined herein, shall be considered to be litter, as defined and prohibited both under this code and in Chapter 118, Littering, of the Code of the Borough of Metuchen.

**DWELLING, ONE-FAMILY**- A structure containing one dwelling unit with one or more persons living as a single, nonprofit, nontransient housekeeping unit, as distinguished from individuals or groups occupying a hotel, club, boardinghouse or other facility on a temporary basis. The family shall be deemed to include necessary servants where the servants share the common housekeeping facilities as the family they serve.

**DWELLING, TWO-FAMILY** - A detached or semi-detached structure where the individual family units are entirely separated by vertical walls or horizontal floors, unpierced except for common access to the outside or in a common basement.

**DWELLING, MULTIFAMILY** - A structure or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

**DWELLING UNIT** - A single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EXTERIOR PROPERTY AREAS** - The open space on the premises and on adjoining property under the control of the owners or occupants of such premises.

**MAINTENANCE** - Acts of repair or other acts to prevent a decline in the condition of structures, exterior premises and exterior property areas such that the condition shall not fall below the standards established by this code, other applicable ordinances of the Borough or other obligations established or imposed by law.

**PREMISES** - A lot, plot or parcel of land, including the buildings or structures thereon.

**RESIDENTIAL PREMISES** - A one- or two-family dwelling.

**UNSAFE STRUCTURE** - Any structure or building that is in a state of dilapidation, deterioration or decay; any structure that is open, vacant or abandoned and in danger of collapse or failure or causing danger to anyone on or near the premises; any structure previously damaged by fire or other casualty to the extent as not to provide shelter where there has been a cessation of normal reconstruction or rehabilitation for more than six months.

**§ 140-10 Compliance with code; liability**

A. Compliance with code.

- (1) Minimum standards. This code establishes minimum standards for the maintenance of the exterior of all residential premises and structures in the Borough of Metuchen, including those occupied and used before the adoption of this code. It is designed as a maintenance code for preexisting structures and premises and does not replace or lessen standards otherwise established for the construction, repair, alteration or continued use of these buildings and premises. This code does not apply to those multifamily structures or boarding houses separately regulated by state statute.
- (2) Interpretation. Where the provisions of this code impose a higher standard than is set forth in any other ordinance of the Borough of Metuchen or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this code impose a lesser standard than other ordinances of the Borough of Metuchen or laws of the State of New Jersey, then the more rigorous standard contained in such ordinances or law shall prevail. This code should not be interpreted or construed to replace or effect any and all other codes and ordinances of the Borough and the powers and remedies authorized thereunder, including but not limited to Chapter 67, entitled "Unsafe Buildings".
- (3) Responsibility. The owner and/or occupant of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner or occupant or let to another for occupancy premises which do not comply with the following requirements of this article.
- (4) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be in full compliance with all the provisions and requirements of this Chapter. Vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a nuisance to exist or adversely affect the public health or safety.

B. Liability.

- (1) Owners shall have all the duties and responsibilities prescribed in this code, and no owner shall be relieved from any duty or responsibility, or be entitled to defend against any charge of violation, by reason of the fact that the occupant is also responsible and in violation thereof.
- (2) Occupants shall have such duties and responsibilities as are prescribed for them in the § 140-11, and shall not be relieved of any duty and responsibility or be entitled to defend against any charge of violation by reason of the fact that the owner or operator is also responsible and in violation thereof.

**§ 140-11 Regulation of premises.**

- A. The exterior of the premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and any other hazards to the health and safety of occupants, pedestrians and other persons entering the premises or residing in or occupying nearby properties to the same extent as stated in Article 1 of this chapter. All exterior features of structures and premises shall be maintained in a good and workmanlike condition and state of repair. Any nuisance, unsanitary condition, lack of maintenance or other hazard shall be promptly removed and/or abated by the owner and/or occupant to keep the premises free of hazards, including but not limited to the following:
- (1) Refuse. Brush, weeds, stumps, roots, obnoxious growths, broken glass, filth, garbage, trash, litter, rubbish and debris of any description.
  - (2) Natural growth. Brush, weeds, ragweed, stumps, roots and obnoxious growth; dead and dying trees and limbs or other natural growth which through lack of maintenance, rotting or deteriorating conditions or storm damage constitute a hazard or nuisance to persons or

- property in the vicinity. Trees and landscaping shall be kept pruned and trimmed, where appropriate, to prevent such conditions.
- (3) Decorative features. All cornices, wall facings, bas reliefs or similar decorative and architectural details, including overhanging features of buildings and similar decorative features of site improvements, shall be maintained in good and workmanlike repair. They shall be properly anchored and kept in a safe and attractive condition.
  - (4) Ground surface hazards or unsanitary conditions. Holes, excavations, earthworks, breaks, projections, obstructions, broken or missing pavement, ice, uncleaned snow and excretion of pets and other animals. All holes and excavations shall be filled and repaired, walks and steps repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions. It shall be the responsibility of owners and operators to take reasonable steps to discover and remove any such hazards or unsanitary conditions which may exist on their premises.
  - (5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
  - (6) Sources of infestation. The presence of insects, rodents, vermin or other pests on the premises shall constitute a health hazard as certified by the Borough Health Officer.
- B. Landscaping. Lawns, other ground cover, hedges and shrubs shall be kept trimmed and maintained from becoming overgrown.
- C. Premises to be kept in good repair. All sides of the exterior of every structure or accessory structure, including fences and store facades, shall be maintained in good repair. All structural surfaces shall be kept clean and neatly painted where necessary for preservation and appearance, free of excessive peeling paint and maintained free of safety hazards, such as broken windows, loose and falling shingles and crumbling and falling stone or brick. Owners and occupants shall not be liable for recurring acts of vandalism involving graffiti so long as they take reasonable efforts to remove the graffiti within two weeks of its discovery by them or within seven days of notice provided to them by borough officials. The premises shall further be subject to the following regulations:
- D. Windows exposed to public view. All windows exposed to public view shall be unbroken. No windows shall remain boarded up except for a temporary period awaiting the replacement of broken glass.
- E. Temporary scaffolding or equipment. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond the period reasonably necessary to complete the purpose for which such equipment was brought to the premises.
- F. Construction, repair or alteration delays in completion. Any construction, repair or alteration work on a structure or premises, including site work, shall take place in a timely manner without delays or complete stoppage so as to constitute a prolonged hazardous or unsightly condition. If such work shall be delayed or stopped for a prolonged period, the exterior of an affected structure or premise shall be returned to a safe and presentable condition that complies with all other sections of this article and all other applicable ordinances and codes. Any reconstruction, repair or alteration work commenced on a residential premises, whether caused by previous fire, other casualty or permitted structural expansion shall proceed in a timely manner without delay so as to avoid a prolonged hazardous, unsightly condition or unsafe structure to the owners of the neighboring properties. Should such work be delayed or halted for more than sixty (60) days or if the time for completion extends beyond six months from commencement, the exterior of the

affected structure or premises shall be returned forthwith to a safe and presentable condition that complies with the maintenance provisions of this article and all other applicable ordinances and codes.

- G. Removal of garbage and refuse. The owner and occupant shall have the duty and responsibility of securing and removing refuse and garbage stored outdoors as often as required, but at least once per week.
- H. Maintenance of sidewalks. The owner and occupant shall be responsible for removing litter from the sidewalk or other pedestrian areas, if any, in front of the occupant's premises. The area shall be swept as often as necessary to maintain it free of litter, spillage, snow, ice and other debris. The owner and occupant shall also have the duty and responsibility to provide sufficient trash cans for the premises which shall be located and/or screened in order to maintain the attractive appearance of the premises.
- I. No abandoned or unused vehicles shall be stored anywhere in the exterior property areas of a residential premises.

**§ 140-12 Inspections.**

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, Health Officer, Zoning Officer, Police Department or any other official charged with the duty of enforcing regulations governing the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

**§ 140-13 Correction of violation; abatement by municipal officers.**

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, adjoining property owners and/or the general public unless abated without delay, the Construction Code Official, Health Officer, Zoning Officer or Police Department may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the owner or occupant to correct said condition, the Police Department, Construction Code Official, Zoning Officer or Health Officer shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in Section I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer or Health Officer shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the entrance door of the dwelling, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.

- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed thirty (30) days, to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Construction Code Official, Zoning Officer or Health Officer in ten (10) days after service unless a hearing is requested pursuant to these provisions.
- E. Request for hearing. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten (10) day period in person or by certified mail on the Construction Code Official, Zoning Officer or Health Officer. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Construction Code Official, Zoning Officer or Health Officer, upon receipt of the request for hearing, shall, within thirty (30) days therefrom and upon five (5) days notice to the parties so requesting, conduct a hearing.
- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer or Health Officer shall hear all parties and his or her final determination shall be made within ten (10) days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer or Health Officer may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer or Health Officer, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-6A.
- H. In addition to the issuance of Summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the Certification of the Health Officer, Fire Official and/or the Borough Engineer and after the approval of the Borough Administrator and Mayor and Council, the Construction Code Official, Zoning Officer or Health Officer may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth garage, trash, debris as permitted in N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.
- I. In the event that the immediate abatement is necessary pursuant to Section A hereof, or that overgrown brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or destroyed pursuant to Section H herein, the officer of the municipality seeking such removal and the Borough Administrator shall obtain and certify the proposed costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of Resolution the removal and/or destruction and to direct the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such a dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses

to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

#### **§ 140-14      Violations and penalties.**

Any person who shall violate any of the provisions of this article or any order promulgated hereunder shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article 1, and each violation of any of the provisions of this article and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

#### **Communications Consent Agenda**

On a motion from Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items A through H be received and accepted.

- A.      Receive and Approve Block Party Request For Home Street on October 11, 2014.
- B.      Receive and Approve Block Party Request For William Street on September 27, 2014.
- C.      Receive and Accept Letter of Resignation of Municipal Clerk.

#### **Other Communications**

#### **Reports of Councilmembers**

Council President Muldoon reported that the Parking Authority will meet tomorrow night at 7:30 pm at the Parking Authority Building.

Councilman Wallace reported that the Traffic and Transportation met last week and discussed ongoing items since they haven't met over the summer.

Councilwoman Rasmussen reported that Chamber of Commerce has some upcoming events – Oct. 11<sup>th</sup> the 51<sup>st</sup> Annual Country Fair. The theme is movies. Scarecrows on Main Street on Oct. 24<sup>th</sup> through Nov. 14, 2014. On Oct. 26, 2014 the fourth Annual Halloween Parade will take place in the Pearl Street Parking lot. The 61<sup>st</sup> Annual Winter Festival Parade on November 30, 2014.

The Shade Tree Commission are finalizing the plans for the Fall Planting list and will be sending letters to the residents making sure that everything is in place for the planting. They also discussed plants, decorations and activities for the Fall Fair booth. They have made plans to meet with the Forestry Plan Consultant. He plans on touring the town with some people of the Borough.

Environmental Commission updated the actions that were submitted in June for Sustainable New Jersey using recommendations from the Panel. The application has been reviewed and will find out in October if the Borough has met the requirements for bond certification.

Councilwoman Rasmussen wanted to remind people to shop Metuchen by buying Chamber gift certificates.

Councilwoman Inserro reported that the Metuchen Municipal Alliance met last Thursday and discussed the Borough's possible use of Norcan which is an antidote to Heroin and other opiate overdoses. By the end of October, Metuchen EMS will be trained in carrying this medication. They will meet again tomorrow night at 7:30 PM to continue this discussion.

On Thursday, September 18<sup>th</sup> the First Step Counseling Center of Metuchen will be honored by the National Council of Alcoholism and Drug Dependence of Middlesex County for the Annual Tree of Hope Ceremony. The ceremony is at 6:00 PM on Thursday.

The Board of Health is scheduled to meet this Wednesday at 7:30 PM. The Senior Citizen Commission is still working with Metuchen High School Principal on the luncheon at the High School for Metuchen Seniors Inc. The luncheon is October 26<sup>th</sup> at noon. It is called "What is Old is New" and tickets are \$25.00.

Councilman Grayzel reported that on Saturday between 3PM to 5 PM at Borough Hall Plaza the Jazz Fest will take place. It is sponsored by the Arts Council. Admission is free. In the event of rain, it will be moved indoors to the Metuchen Senior Center.

Also on Saturday, there is an opening at St. Luke's featuring an exhibit of artifacts of objects being used in worship at St. Luke's. The exhibit will run from September 20<sup>th</sup> to October 15<sup>th</sup>.

Councilman Cammarano had no reports.

**Reports of Officers**

Denis Murphy, Esq. had no reports.

Bill Boerth had no reports.

**Report of Mayor**

Principal Peragallo and Mayor did the ALS challenge with the ice water. On September 21<sup>st</sup> at 1:00 PM is the Fire Truck dedication of the new Pumper Truck. On October 11<sup>th</sup> is the Metuchen Fair and he has arranged for Superintendent Caputo, Principal Peragallo and MHS Athletes to be present to help celebrate their winning of the Shoprite Cup for their hard work in athletics. The School Athletes have won this award four of the last six years.

**New Business Consent Agenda**

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions 2014-171 through 2014-188, seconded by Councilwoman Rasmussen.

| COUNCILMEMBER      | YES            | NO | NV | AB | COUNCILMEMBER | YES | NO | NV             | AB               |  |
|--------------------|----------------|----|----|----|---------------|-----|----|----------------|------------------|--|
| CAMMARANO          | X              |    |    |    | MULDOON       | X   |    |                |                  |  |
| GRAYZEL            | X              |    |    |    | RASMUSSEN     | X   |    |                |                  |  |
| INSERRO            | X              |    |    |    | WALLACE       | X   |    |                |                  |  |
| MOTION             | <b>MULDOON</b> |    |    |    | <b>SECOND</b> |     |    |                | <b>RASMUSSEN</b> |  |
| X – INDICATES VOTE |                |    |    |    | AB- ABSENT    |     |    | NV- NOT VOTING |                  |  |

Consent Agenda approved, 6-0

Resolution No.2014-171

**Resolution Authorizing Submission and Acceptance of Youth Service Board/Municipal Alliance Agreement for July 1, 2014 through June 30, 2015.**

**WHEREAS**, the Borough of Metuchen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcohol and Drug Abuse through the County of Middlesex

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen as follows:

- 1) The Borough of Metuchen does hereby authorize submission of an application and acceptance of monies for the Metuchen Municipal Alliance grant for the period of July 1, 2014 through June 30, 2015 in the amount of **\$12,965.00**; and
- 2) The Borough of Metuchen acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution No.2014-172

**Resolution Authorizing Flea Market for Saint Luke's Episcopal Church.**

**WHEREAS**, Saint Luke's Episcopal Church has requested permission to hold an indoor flea market on the first Sunday of every month at their facilities located at 17 Oak Avenue; and

**WHEREAS**, the Borough of Metuchen Code requires that a resolution be passed allowing such events; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Metuchen hereby grant permission to Saint Luke's Episcopal Church to have a flea market on the first Sunday of every month.

Resolution No.2014-173

**Resolution Authorizing State Contract Purchase of Public Works Pickup Truck.**

**WHEREAS**, there exists a need to purchase a pickup truck for the Borough of Metuchen Public Works Department, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A83558 and T2101; and

**WHEREAS**, the maximum amount of the purchase for the pickup truck for the Borough of Metuchen is \$29,374.69 and funds will be available in the 2014 Municipal Budget as evidenced by the Chief Financial Officer's Certification, of which \$29,374.69 is certified from the 2014 Municipal Budget; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Chas S Winner, DBA Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

Resolution No.2014-174

**Resolution Authorizing State Contract Purchase of Police Radios-M&W Communications, Inc.**

**WHEREAS**, there exists a need to purchase police radios for the Borough of Metuchen Police Department, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A83909; and

**WHEREAS**, the maximum amount of the purchase for police radios for the Borough of Metuchen is \$73,065.50 and funds will be available in the 2014 Capital Budget as evidenced by the Chief Financial Officer's Certification, of which \$73,065.50 is certified from the 2014 Capital Budget; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Motorola Solutions, Inc., 1301 East Algonquin Road, Schaumburg, IL 60196.

Resolution No.2014-175

**Resolution Authorizing Refund of Street Opening Permit Bond-John Burton Plumbing and Heating, Inc.-14-046.**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by John Burton Plumbing and Heating, Inc. as the required Performance Guarantees for Street Opening #14-046-28 JONESDALE AVENUE; 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, John Burton Plumbing and Heating Inc., 400 Amboy Avenue, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Resolution No.2014-176

**Resolution Authorizing Refund of Street Opening Permit Bond-John Burton Plumbing and Heating, Inc.-13-070.**

**WHEREAS**, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by John Burton Plumbing and Heating, Inc. as the required Performance Guarantees for Street Opening #13-070-59 PELTIER AVENUE; 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, John Burton Plumbing and Heating Inc., 400 Amboy Avenue, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Resolution No.2014-177

**Resolution Authorizing Refund of Sidewalk Escrow Fee-Chelsea Builders- #14-027.**

**WHEREAS**, Chelsea Builders LLC posted \$605.00 for curb, apron and sidewalk escrow fees at 229 Durham Avenue; and

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Chelsea Builders LLC,

**NOW, THEREFORE, BE IT RESOLVED**, that Chelsea Builders LLC be refunded \$605.00 from the Sidewalk Inspection Escrow account.

Resolution No.2014-178

**Resolution Renewing the Borough of Metuchen's Green Team For Participation in the Sustainable Jersey Certification Program.**

**WHEREAS**, the Borough Council and Administrator of Borough of Metuchen strive to implement ways to save tax dollars while assuring clean air and water, protecting ecological resources, and building a community that is sustainable economically, environmentally and socially; and

**WHEREAS**, Borough of Metuchen is seeking guidance and certification from the Sustainable Jersey program, which requires the Borough to designate a Green Team advisory committee to lead and coordinate the sustainability activities of the community; and

**WHEREAS**, The Borough's Green Team will leverage the skills and expertise of team members to develop plans, implement programs, and assist with educational opportunities that support the creation of a sustainable community; and

**WHEREAS**, The Green Team will represent Borough of Metuchen's diverse array of stakeholders, and harness the power of the community-at-large to shift the municipality toward a sustainable future.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen in the County of Middlesex, State of New Jersey, authorizes the designation of the Environmental Commission, representatives from the Bike Walk Metuchen Advocate Group, Metuchen Farmer's Market Committee and Shade Tree Commission as well as the Borough Administrator as the Borough of Metuchen's Green Team for the Sustainable Jersey Program and for purposes of applying for Sustainable New Jersey Grants.

**BE IT FURTHER RESOLVED** that the Green Team as created by the within Resolution shall be advisory in nature and shall not have the authority to bind the Borough of Metuchen without further action by the Mayor, Council and/or Administrator.

**BE IT FURTHER RESOLVED** that the Green Team shall periodically report and make recommendations to the Mayor, Borough Council and Administration of its activities and action to be taken by the Borough.

Resolution No.2014-179

**Resolution Approving Sustainable New Jersey Land Use Pledge.**

**WHEREAS**, land use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

**WHEREAS**, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

**NOW THEREFORE**, we the Borough of Metuchen, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Metuchen a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

**Regional Cooperation** - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

**Transportation Choices** - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

**Natural Resource Protection** - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

**Mix of Land Uses** - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

**Housing Options** - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

**Green Design** - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

**Municipal Facilities Siting** - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Resolution No.2014-180

**Reapply 2014 Tax Payment for Parcels Combined.**

**WHEREAS**, the District at Metuchen II has made payment of 2014 taxes for the following parcels, and

| Name                    | Block/Lot | Address           | Amount   |   | Year                      |
|-------------------------|-----------|-------------------|----------|---|---------------------------|
| District at Metuchen II | 83/26     | 660 Middlesex Ave | 2,321.32 | Apply to 2014/4 <sup>th</sup> qtr.<br>Block 83 Lot 24 | 2014/1 <sup>st</sup> qtr. |
| District at Metuchen II | 83/26     | 660 Middlesex Ave | 2,321.31 | Apply to 2014/4 <sup>th</sup> qtr.<br>Block 83 Lot 24 | 2014/2 <sup>nd</sup> qtr. |
| District at Metuchen II | 83.1/34   | Middlesex Ave     | 4,586.04 | Apply to 2014/4 <sup>th</sup> qtr.<br>Block 83 Lot 24 | 2014/1 <sup>st</sup> qtr. |

|                         |         |               |          |   |                           |
|-------------------------|---------|---------------|----------|---|---------------------------|
| District at Metuchen II | 83.1/34 | Middlesex Ave | 4,586.04 | Apply to 2014/4 <sup>th</sup> qtr.<br>Block 83 Lot 24 | 2014/2 <sup>nd</sup> qtr. |
|-------------------------|---------|---------------|----------|---|---------------------------|

**WHEREAS**, the Tax Assessor has combined parcels identified as Block 83 Lot 26 660 Middlesex Avenue and Block 83.1 Lot 34 Middlesex Avenue with Block 83 Lot 24, making Block 83 Lot 24 the surviving parcel addressed as 656-600 Middlesex Avenue and,

**WHEREAS**, as a result of the elimination of individual parcels Block 83 Lot 26 and Block 83.1 Lot 34, overpayments exist on these parcels in the amount of \$13,814.71, and

**WHEREAS**, the Tax Collector seeks to move the payments to the surviving Block 83 Lot 24,

**NOW, THEREFORE, BE IT RESOLVED**, that the property tax payment in the amount of \$13,814.71 be applied as described to Block 83 Lot 26.

Resolution No.2014-181

**Reapply 2014 Tax Payment for Parcels Combined.**

WHEREAS, the TD Bank has made payment of 2014 taxes for the following parcels, and

| Name    | Block/Lot | Address           | Amount   |   | Year                      |
|---------|-----------|-------------------|----------|---|---------------------------|
| TD Bank | 134/52    | 269 Lake Ave      | 1,190.97 | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/1 <sup>st</sup> qtr. |
| TD Bank | 134/52    | 269 Lake Ave      | 1,190.97 | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/2 <sup>nd</sup> qtr. |
| TD Bank | 134/54    | 263 Lake Ave      | 685.75   | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/1 <sup>st</sup> qtr. |
| TD Bank | 134/54    | 263 Lake Ave      | 685.75   | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/2 <sup>nd</sup> qtr. |
| TD Bank | 134/55.2  | 259, 261 Lake Ave | 746.38   | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/1 <sup>st</sup> qtr. |
| TD Bank | 134/55.2  | 259, 261 Lake Ave | 746.38   | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/2 <sup>nd</sup> qtr. |
| TD Bank | 134/57    | 253 Lake Ave      | 1,547.99 | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/1 <sup>st</sup> qtr. |
| TD Bank | 134/57    | 253 Lake Ave      | 1,547.99 | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/2 <sup>nd</sup> qtr. |
| TD Bank | 134/58    | 362 Amboy Ave     | 858.20   | Apply to 2014/4 <sup>th</sup> qtr. Block 134 Lot 47 | 2014/1 <sup>st</sup> qtr. |

|            |        |            |       |        |   |                              |
|------------|--------|------------|-------|--------|---|------------------------------|
| TD<br>Bank | 134/58 | 362<br>Ave | Amboy | 858.20 | Apply to 2014/4 <sup>th</sup><br>qtr. Block 134 Lot<br>47 | 2014/2 <sup>nd</sup><br>qtr. |
|------------|--------|------------|-------|--------|---|------------------------------|

**WHEREAS**, the Tax Assessor has combined parcels identified as Block 134 Lot 52 269 Lake Avenue, Block 134 Lot 54 263 Lake Avenue, Block 134 Lot 55.2 259, 261 Lake Avenue, Block 134 Lot 57 253 Lake Avenue and Block 134 Lot 58 362 Amboy Avenue with Block 134 Lot 47, making Block 134 Lot 47 the surviving parcel addressed as 275 Lake Avenue and,

**WHEREAS**, as a result of the elimination of individual parcels Block 134 Lot 52, Block 134 Lot 54, Block 134 Lot 55.2, Block 134 Lot 57 and Block 134 Lot 58, overpayments exist on these parcels in the amount of \$10,058.58, and

**WHEREAS**, the Tax Collector seeks to move the payments to the surviving Block 134 Lot 58,

**NOW, THEREFORE, BE IT RESOLVED**, that the property tax payment in the amount of \$10,058.58 be applied as described to Block 134 Lot 58.

Resolution No. 2014-182

**Reapply 2014 Tax Payment for Parcels Subdivided.**

**WHEREAS**, payment of 2014 taxes was made to Block 160.1 Lot 52 for the first and second quarters totaling \$4,944.41, and

**WHEREAS**, Block 160.1 Lot 52 was subdivided to create new parcels Block 160.01 Lot 52.01 177 5 W. Cedar Street and Block 160.01 Lot 52.02 7 W. Cedar Street, and

**WHEREAS**, an overpayment of taxes exists on the mother lot Block 160.1 Lot 52 in the amount of \$4,944.41 which needs to be applied to the created lots of the subdivision, and

**WHEREAS**, the apportionment of 2014 taxes paid to the mother lot is \$2,472.20 to Block 160.01 Lot 52.01 and \$2,472.21 to Block 160.01 Lot 52.02

**NOW, THEREFORE, BE IT RESOLVED**, that the overpayment of property taxes in the amount of \$4,944.41 be applied to Block 160.01 Lot 52.01 in the amount of \$2,472.20 and \$2,472.21 to Block 160.01 Lot 52.02

Resolution No. 2014-183

**Reapply 2014 Tax Payment for Parcels Subdivided.**

**WHEREAS**, payment of 2014 taxes was made to Block 69 Lot 125.3 for the first and second quarters totaling \$3,515.01, and

**WHEREAS**, Block 69 Lot 125.3 was subdivided to create new parcels Block 69 Lot 125.031 38 Hampton Street and Block 69 Lot 125.041 38-A Hampton Street, and

**WHEREAS**, an overpayment of taxes exists on the mother lot Block 69 Lot 125.3 in the amount of \$3,515.01 which needs to be applied to the created lots of the subdivision, and

**WHEREAS**, the apportionment of 2014 taxes paid to the mother lot is \$1,756.81 to Block 69 Lot 125.031 and \$1,756.82 to Block 69 Lot 125.041

**NOW, THEREFORE, BE IT RESOLVED**, that the overpayment of property taxes in the amount of \$3,515.01 be applied to Block 69 Lot 125.031 in the amount of \$1,756.81 and \$1,756.82 to Block 69 Lot 125.041.

Resolution No. 2014-184

**Reapply 2014 Tax Payment for Parcels Subdivided**

**WHEREAS**, payment of 2014 taxes was made to Block 55 Lot 4 for the first and second quarters totaling \$4,936.33, and

**WHEREAS**, Block 55 Lot 4 was subdivided to create new parcels Block 55 Lot 4.01 177 Center Street and Block 55 Lot 4.02 175 Center Street, and

**WHEREAS**, an overpayment of taxes exists on the mother lot Block 55 Lot 4 in the amount of \$4,936.33 which needs to be applied to the created lots of the subdivision, and

**WHEREAS**, the apportionment of 2014 taxes paid to the mother lot is 46.43% to Block 55 Lot 4.01 and 53.57% to Block 55 Lot 4.02

**NOW, THEREFORE, BE IT RESOLVED**, that the overpayment of property taxes in the amount of \$4,936.33 be applied to Block 55 Lot 4.01 in the amount of \$2,291.94 and \$2,644.39 to Block 55 Lot 4.02.

Resolution No.2014-185

**Resolution Authorizing 2014 Lien Redemptions.**

**WHEREAS**, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

| <u>Cert #</u> | <u>Block/Lot</u> | <u>Address</u>   | <u>Lienholder</u>          |
|---------------|------------------|------------------|----------------------------|
| 11-00007      | 127/1.3 C-36     | 36 Bridge Street | Garden State Tax Liens LLC |

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

Resolution No.2014-186

**Reapply Resolution Authorizing Refund of 2013 and 2014 Taxes.**

**WHEREAS**, the following has made an overpayment of taxes,

| Name                                | Block/Lot   | Address           | Amount     |             | Year   |
|-------------------------------------|-------------|-------------------|------------|-------------|--|
| Wiley Lavender for Jennifer Libroia | 123/20      | 4 Hillside Ave    | \$1,922.75 | Overpayment | 2014/3 <sup>rd</sup> qtr.                      |
| Alan Weller & Lakshmi Moorthy       | 55/4.02     | 175 Center Street | \$1,320.76 | Overpayment | 2014/4 <sup>th</sup> qtr. subdivision property |
| Chen, Richard & Chun-Hui            | 51.08/35.02 | 120 Harvard Ave   | \$41.77    | Overpayment | 2014/4 <sup>th</sup> qtr. subdivision property |
| Xun Yao & Huei-Chien Chen           | 160/13      | 270 Sheridan Ave  | \$64.77    | Overpayment | 2013/3 <sup>rd</sup> qtr.                      |
| Xun Yao & Huei-Chien Chen           | 160/13      | 270 Sheridan Ave  | \$1,235.91 | Overpayment | 2014/3 <sup>rd</sup> qtr.                      |
| Xun Yao & Huei-Chien Chen           | 160/13      | 270 Sheridan Ave  | \$177.00   | Overpayment | 2013/4 <sup>th</sup> qtr.                      |

**NOW, THEREFORE, BE IT RESOLVED**, that the above listed property owner or agent be refunded property taxes as described in the amount of \$4,762.96.

Resolution No.2014-187

**Resolution Authorizing Cancellation of 2013 Tax Overpayments.**

**WHEREAS**, the following parcels have overpayment of taxes,

| Block/Lot   | Address           | Amount   | Year                      |
|-------------|-------------------|----------|---------------------------|
| 153/4 C212G | 153 Newman Street | \$355.98 | 3 <sup>rd</sup> qtr. 2013 |
| 153/2 C107B | 251 Newman Street | \$395.23 | 3 <sup>rd</sup> qtr. 2013 |

**NOW, THEREFORE, BE IT RESOLVED**, that the above listed tax overpayment balances be canceled, in the amount of \$751.21.

Resolution No.2014-188

**Resolution Authorizing State Contract Purchase of Fingerprint Machine-Morpho Trak.**

**WHEREAS**, there exists a need to purchase a fingerprint machine for the Borough of Metuchen Police Department, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A81520; and

**WHEREAS**, the maximum amount of the purchase for a fingerprint machine for the Borough of Metuchen is \$32,713.55 and funds will be available in the 2014 Capital Budget

as evidenced by the Chief Financial Officer's Certification, of which \$32,713.55 is certified from the 2014 Capital Budget; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Morpho Trak, 1250 North Tustin Avenue, Anaheim, California, 92807.

**Appointments** - None

**Other New Business**

**BILL RESOLUTION**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the Bill Resolution in the amount of **\$3,160,441.33** was approved.

**Ordinances – Introduction –**

On a motion by Council President Muldoon that Ordinance 2014-14 be introduced and taken up on first reading, second by Councilwoman Rasmussen, with all in favor Ordinance 2014-14 was introduced and taken up on first reading.

The Borough Clerk read the Ordinance by title only.

Ordinance 2014-14

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
ORDINANCE NO.92-25 ESTABLISHING SALARY  
RANGES.**

Council President Muldoon moved that Ordinance 2014-14 be passed on first reading and published according to law and a public hearing be set for October 6, 2014, seconded by Councilwoman Rasmussen.

Councilman Cammarano asked that there be a committee put together next year to see if the ranges should be adjusted on both the low and high ends.

Mayor Vahalla asked for a Roll Call Vote:

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

Ordinance 2014-14 passed, 6-0

## **BOROUGH OF METUCHEN**

### **ORDINANCE NO. 2014-14**

#### **AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 92-25 ESTABLISHING SALARY RANGES.**

#### **[STATEMENT OF PURPOSE: TO AMEND THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES]**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Metuchen that Ordinance No. 92-25 as amended and supplemented be further amended as follows:

1. Section I, Group I is hereby amended by deleting the existing minimum and maximum ranges and titles and replacing them with the following:

A. The hourly range of compensation for the public works positions hereinafter named shall be as follows, all payable in bi-weekly installments except as otherwise provided for:

| <b><u>POSITION</u></b>       | <b><u>MINIMUM</u></b> | <b><u>MAXIMUM</u></b> |
|------------------------------|-----------------------|-----------------------|
| Pump Operator                | \$27.40               | 28.61                 |
| Maintenance Repairman        | 27.20                 | 28.39                 |
| Master Mechanic              | 26.98                 | 28.17                 |
| Heavy Equipment Operator     | 26.98                 | 28.17                 |
| Head Forestry                | 26.56                 | 28.17                 |
| Assistant Equipment Operator | 26.05                 | 27.20                 |
| Forestry                     | 26.05                 | 27.20                 |
| Assistant Mechanic           | 26.05                 | 27.20                 |
| Assistant Pump Operator      | 26.05                 | 27.20                 |
| Parks Worker                 | 26.05                 | 27.20                 |
| Drivers                      | 25.21                 | 26.32                 |
| Custodians                   | 24.86                 | 25.97                 |
| Laborer                      | 24.47                 | 25.56                 |

The base rate of compensation of each employee as determined by the collective bargaining agreement shall be within the respective hourly rate as set forth in this Ordinance.

Additional compensation by way of holiday pay, longevity, overtime, sick days, personal days, insurance benefits and other matter related thereto are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

**B.** The salary range of compensation of all officers of the police department hereinafter named shall be as follows, all payable in equal bi-weekly installments except as

otherwise provided for:

| <u>Position</u> | <u>Minimum</u> | <u>Maximum</u> |
|-----------------|----------------|----------------|
| Sergeant        | 92,691         | 99,089         |
| Detective       | 87,537         | 93,580         |
| Patrolman       | 41,401         | 90,713         |

Additional compensation by way of Corporal assignment, holiday pay, longevity, overtime, sick days, personal days, insurance benefits and other matters related are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

C. The salary range of compensation for the administrative employees hereinafter named shall be as follows, all payable in bi-weekly installments except as otherwise provided for:

| <u>RANGE</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |  |
|--------------|----------------|----------------|--|
| 3            | \$18,000       | \$38,000       | Clerk Typist, Secretary, Deputy Court Administrator, Office Assistant, |
| 4            | \$19,000       | \$41,000       | Telecommunications Operator  |
| 6            | \$20,000       | \$45,000       | Accounting/Tax Clerk, Library Assistant II                             |
| 7            | \$21,000       | \$51,000       | Head Telecommunications Operator, Library Assistant I                  |
| 8            | \$26,000       | \$54,000       | Children's Librarian, Adult Services Librarian                         |
| 9            | \$33,000       | \$58,000       | Assistant Administrator, Reference Librarian                           |
| 11           | \$41,000       | \$80,000       | Library Director   |

2. Section I, Group II is hereby amended by deleting the existing salary and titles and replacing them with the following:

| <u>POSITION</u>                 | <u>MINIMUM</u> | <u>MAXIMUM</u> | <u>PER</u> |
|---------------------------------|----------------|----------------|------------|
| Video Coordinator               | \$ 10.00       | \$ 30.00       | hour       |
| Asst. Video Coordinator         | \$ 10.00       | \$ 18.00       | hour       |
| Bus Drivers                     | \$ 10.00       | \$ 17.00       | hour       |
| Pages and Junior Assistants     | \$ 7.25        | \$ 18.00       | hour       |
| Library Bookkeeper              | \$ 20.00       | \$ 22.00       | hour       |
| Library Intern/Child Services   | \$ 22.00       | \$ 26.00       | hour       |
| Young Adult Librarian           | \$ 26.00       | \$ 29.00       | hour       |
| Part-Time Clerk and Secretaries | \$ 8.00        | \$ 17.00       | hour       |
| Construction Official           | \$ 50.00       | \$ 100.00      | day        |
| Plumbing Subcode Official       | \$ 30.00       | \$ 40.00       | day        |
| Plumbing Inspector              | \$ 90.00       | \$ 110.00      | day        |
| Electrical Subcode Official     | \$ 30.00       | \$ 40.00       | day        |
| Electrical Inspector            | \$ 90.00       | \$ 110.00      | day        |

|                                |          |           |      |
|--------------------------------|----------|-----------|------|
| Fire Subcode Official          | \$ 28.00 | \$ 38.00  | day  |
| Fire Inspector                 | \$ 86.00 | \$ 104.00 | day  |
| Bulding Subcode Official       | \$ 30.00 | \$ 40.00  | day  |
| Building Inspector             | \$ 90.00 | \$ 110.00 | day  |
| Alternate Subcode Officials    | \$ 28.00 | \$ 40.00  | day  |
| Alternate Inspectors           | \$ 86.00 | \$ 110.00 | day  |
| Janitors, Firehouse            | \$ 1,000 | \$ 4,500  | year |
| Fire Official                  | \$ 3,000 | \$ 12,000 | year |
| Fire Inspectors                | \$ 3,000 | \$ 10,000 | year |
| Office of Emergency Management |          |           |      |
| Director                       | \$ 6,000 | \$ 9,000  | year |
| Registrar                      | \$ 3,000 | \$12,000  | year |
| Deputy Registrar               | \$ 1,000 | \$ 6,000  | year |
| School Crossing Guards         | \$ 10.00 | \$ 16.00  | hour |
| Municipal Alliance Coordinator | \$ 5,000 | \$ 8,000  | year |

3. Section I, Group III is hereby amended by deleting the existing salary ranges and titles and replacing with the following:

| <b><u>POSITION</u></b>     | <b><u>MINIMUM</u></b> | <b><u>MAXIMUM</u></b> | <b><u>PER</u></b> |
|----------------------------|-----------------------|-----------------------|-------------------|
| Tennis Instructor          | \$9.00                | \$15.00               | hourly            |
| Tennis Director            | \$75.00               | \$85.00               | hourly            |
| Art Director               | \$50.00               | \$75.00               | hourly            |
| Cooking Director           | \$40.00               | \$50.00               | hourly            |
| Field Hockey Director      | \$30.00               | \$40.00               | hourly            |
| Field Hockey Coach         | \$20.00               | \$30.00               | hourly            |
| Field Hockey Referees      | \$10.00               | \$15.00               | per game          |
| Drama Director             | \$50.00               | \$75.00               | hourly            |
| T-ball/Softball Instructor | \$15.00               | \$30.00               | hourly            |
| Field Hockey Instructors   | \$ 8.00               | \$20.00               | hourly            |
| Camp Director              | \$10.45               | \$20.00               | hourly            |
| Recreation Specialist      | \$ 7.25               | \$10.00               | hourly            |
| Senior Counselor           | \$ 8.25               | \$ 9.25               | hourly            |
| Recreation Assistant       | \$ 7.25               | \$ 8.25               | hourly            |
| Junior Counselor           | \$ 7.25               | \$ 8.25               | hourly            |
| Camp Director              | \$18.00               | \$25.00               | hourly            |
| Wrestling Counselor        | \$ 200                | \$ 300                | weekly            |
| Sports Program Director    | \$ 600                | \$ 700                | weekly            |
| Wrestling Trainer          | \$ 300                | \$ 350                | weekly            |
| Soccer Camp Director       | \$ 725                | \$ 850                | weekly            |
| Soccer Counselor           | \$ 150                | \$ 400                | weekly            |
| Soccer Trainer             | \$ 350                | \$ 550                | weekly            |
| Track Camp Director        | \$ 550                | \$ 800                | weekly            |
| Track Advisor              | \$ 500                | \$ 600                | weekly            |
| Track Specialist           | \$ 300                | \$ 500                | weekly            |
| Basketball Director        | \$ 600                | \$ 750                | weekly            |



6. Additional compensation by way of holiday pay, longevity, overtime, sick days, personal days, insurance benefits for full time employees not covered in collective bargaining agreements are fully set forth in the Personnel Resolution and amendments thereto previously adopted by the Borough Council and are hereby incorporated in this Ordinance.

7. No officer or employee shall be paid at a base rate which is above the maximum rate for any salary range in any of the aforementioned groups. Unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications that are greater than the minimum qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same group.

8. If any portion of this ordinance is in conflict with any portion of a collective bargaining agreement, then the collective bargaining agreement shall take precedence.

9. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

10. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2014.

**Public Comment**

Mayor Vahalla opened the meeting to the public for comment.

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

Councilman Cammarano stated that the Borough Clerk has submitted her resignation after four years and wanted to forward the Borough's appreciation of the work that the Clerk has done for the Borough.

**Adjournment**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the meeting was adjourned.

Respectfully Submitted

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Susan D. Jackson,  
Metuchen Borough Clerk