

BOROUGH OF METUCHEN COUNCIL AGENDA REGULAR MEETING
AUGUST 17, 2015 AT 7:30 PM

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

AGENDA SESSION

REGULAR MEETING

1. Approve Council Meeting Minutes of July 20, 2015

PUBLIC COMMENT

PROCLAMATION AND RESOLUTIONS HONORING

ORDINANCES-PUBLIC HEARING

COMMUNICATIONS CONSENT AGENDA – ITEMS A – G

- A. Receive and Accept Block Party/Street Closing for Upland Avenue, September 12, 2015 (Raindate: Sunday, September 13, 2015) from 2-9pm
- B. Receive and Accept Block Party/Street Closing for Hazelwood Avenue – between New York Avenue & Delaware Avenue – August 22, 2015 from 12 – 10pm.
- C. Receive and Accept Block Party/Street Closing for School Street – September 12, 2015 (Raindate: September 13 or 19, 2015) from 2 -9pm
- D. Receive and Accept Block Party/Street Closing for Carson Avenue – September 6, 2015 (includes the cross street of Hanson Avenue) from 2pm
- E. Receive and Accept Request for New Hope Baptist Church Flea Market – September 12, 2015 (Raindate: September 19, 2015) from 9am – 3pm
- F. Receive and Accept “Turn the Towns Teal” National Campaign for Ovarian Cancer – September 2015.
- G. Receive and Accept Metuchen Development Commission Meeting Minutes of May 6, 2015 and June 3, 2015

OTHER COMMUNICATIONS

REPORTS OF COUNCILMEMBERS

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS CONSENT AGENDA – RESOLUTIONS R2015-204 and R2015-207
through R2015-222

- | | |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R2015-204 | Resolution Authorizing the Entry into, and the Execution of, an Agreement between the Borough of Metuchen and the Parking Authority of the Borough of Metuchen for Annual Payments to the Borough of Metuchen for Payments in Lieu of Taxes |
| R2015-207 | Resolution Appointing a Qualified Purchasing Agenda and Increasing the Bid Threshold |
| R2015-208 | Resolution Authorizing the Award of a Contract for Affordable Housing/COAH Compliance Services |
| R2015-209 | Resolution Authorizing Professional Services for Metuchen Fire Department Consultant |
| R2015-210 | Resolution Authorizing EPA “Local Food, Local Places” Grant Application |
| R2015-211 | Resolution – Refund of Previously Cancelled Taxes |
| R2015-212 | Resolution Adopting “Idle Free Zone” |
| R2015-213 | Resolution Authorizing Release of Street Opening Bond #1106 – 11 West Walnut Street – Murphy Building |
| R2015-214 | Resolution Authorizing Release of Street Opening Bond #2015-33 – 209 Central Ave – Shore System Group |
| R2015-215 | Resolution Refunding Sidewalk Escrow Fee #15-015 - 20 Carson Avenue |
| R2015-216 | Resolution Refunding Sidewalk Escrow Fee #15-021 - 24 Highland Avenue |

- R2015-217 Resolution Refunding Sidewalk Escrow Fee
#15-022 - 204 Midland Avenue
- R2015-218 Resolution Refunding Sidewalk Escrow Fee
#15-024 - 186 Mason Drive
- R2015-219 Refund of Other Fees & Permits – Building
Permit #15-0521Mattco Plumbing &
Heating, LLC
- R2015-220 Resolution Authorizing Change Order #1
Contract Increase for Jack Cwyl & Son
Builders. - Improvements to Municipal Pool
Shower Rooms
- R2015-221 Resolution Amending Resolutions 2015-100
Authorizing Purchase from State Contract
Purchase of Tires
- R2015-222 Resolution Appointing Firefighter –
Matthew G. Martin

OTHER NEW BUSINESS

- R2015-223 Resolution Authorizing the Payment of the
Bill List in the amount of \$

APPOINTMENTS

ORDINANCES – INTRODUCTION

- 2015-10 Ordinance Regulating Vacant and
Abandoned Properties and Storefronts in
the Borough of Metuchen

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

ADJOURNMENT

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA

August 17, 2015
Borough Council Meeting Agenda

Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

RESOLUTION 2015-204

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

RESOLUTION AUTHORIZING THE ENTRY INTO, AND THE EXECUTION OF, AN AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE PARKING AUTHORITY OF THE BOROUGH OF METUCHEN FOR ANNUAL PAYMENTS TO THE BOROUGH OF METUCHEN FOR PAYMENTS IN LIEU OF TAXES

WHEREAS, the Borough of Metuchen and the Parking Authority have previously entered into agreements in 1966, 1989, 1994 and in 2005 relating to annual payments made by the Authority to the Borough in lieu of taxes as authorized by *N.J.S.A. 40A:11A-19* and

WHEREAS, the financial circumstances of the Authority have since changed, to wit; the Authority operating cash reserve has remained relatively constant; the market value of Authority land has appreciated since 2005; the Authority has leased a portion of the Pearl Street lot for construction of a new public parking deck; and the Authority has also sold or is in the process of selling a portion of the Pearl Street Parking lot for mixed use residential/commercial development and a public plaza; and

WHEREAS, the Borough and the Authority desire to revise the 2005 agreement and formula to provide a fair payment by the Authority in lieu of taxes to the Borough; and

WHEREAS, representatives of the Borough and the Parking Authority have met and determined a formula for the calculations of payments equitable to both the Parking Authority and the Borough of Metuchen for their operation, which is set forth in the Agreement attached hereto.

NOW THEREFORE BE IT RESOLVED that the Borough of Metuchen hereby authorizes the entry into and the execution of an Agreement between the Borough of Metuchen and the Parking Authority of the Borough of Metuchen for annual payments to the Borough as payment in lieu of taxes in the form consistent to the Agreement attached hereto; and.

BE IT FURTHER RESOLVED that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the execution of the Agreement consistent with the form attached hereto.

R2015-204
8.17.15

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 17, 2015

Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-207

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

**RESOLUTION APPOINTING A QUALIFIED PURCHASING AGENT AND
INCREASING THE BID THRESHOLD**

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold; the amount of which shall not exceed the statutory maximum bid threshold; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5-34-5 *et seq.* establishes the criteria for qualifying a Qualified Purchasing Agent; and

WHEREAS, Jennifer Maier possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C 5:34-5 *et seq.*; and

WHEREAS, Borough of Metuchen desires to take advantage of the increased bid threshold; and

THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Metuchen, hereby appoint Jennifer Maier as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and increases its bid threshold, the amount of which shall not exceed the statutory maximum bid threshold; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Jennifer Maier’s certification to the Director of the Division of Local Government Services.

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

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Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-208

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

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
AFFORDABLE HOUSING/COAH COMPLIANCE SERVICES**

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$3,000; and,

WHEREAS, the anticipated term of this contract is *one* year; and

WHEREAS, *Frank Piazza of the firm Piazza and Associates* has completed and submitted a Business Entity Disclosure Certification which certifies that *Frank Piazza of the firm Piazza and Associates* has not made any reportable contributions to the Borough of Metuchen, municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to the Borough of Metuchen or Middlesex County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties in excess of the thresholds specified in borough ordinance within one calendar year immediately preceding the date of the contract or agreement, and that the contract will prohibit *Frank Piazza of the firm Piazza and Associates* from making any reportable contributions through the term of the contract; and

WHEREAS, Frank Piazza will be providing the services of Affordable Housing/COAH Compliance Services; and

WHEREAS, the maximum amount of the contract is \$5,000.00 and funds will be available in the 2015 Budget as evidenced by the Chief Financial Officer's Certification; and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with *Frank Piazza of the firm Piazza and Associates, 216 Rockingham Row, Princeton Forrestal Village, Princeton, NJ 08540* in amount not to exceed \$5,000.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 19:44A-20.5* and the Local Public Contracts Law because the contract is for a professional service in the amount not to exceed \$5,000.

3. A notice of this action shall be printed once in The Home News Tribune.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution

R2015-XXX
August 17, 2015

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					MULDOON					
GRAYZEL					RASMUSSEN					
INSERRO					WALLACE					
MOTION					SECOND					
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Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-209

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR SPECIALIZED
CONSULTANT SERVICES FOR METUCHEN VOLUNTEER FIRE DEPARTMENT-
VFIS**

WHEREAS, there exists the need for specialized consultant services for Metuchen Fire Department of the Borough of Metuchen during 2015; and

WHEREAS, the Borough Administrator contacted the National Volunteer Fire Council who recommended VFIS and their proposal was received, dated August 11, 2015, for consultant services for the year 2015; and

WHEREAS, the proposal was reviewed and evaluated by Borough Administrator and Robert Donnan, Fire Chief; and

WHEREAS, it is the recommendation of the Borough Administrator that a contract for consultant service be awarded to VFIS of York, Pennsylvania; and

WHEREAS, it is the desire of Borough Council to appoint VFIS of York, Pennsylvania as the specialized consultant services for Metuchen Fire Department effective August 17, 2015; and

WHEREAS, the cost for the proposed services shall not exceed \$4,500.00 without further approval by the Borough Council; and

WHEREAS, funds for this purpose will be made available in the 2015 budget; and

WHEREAS, the anticipated term of this contract is for the balance of 2015, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Metuchen that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Metuchen and VFIS, 183 Leader Heights Road, PO Box 2726, York, Pennsylvania 17405 for specialized consultant services for the year 2015.

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

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Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-210

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

RESOLUTION AUTHORIZING PROCESS AND SUBMISSION OF 2015 GRANT

WHEREAS, the Borough of Metuchen, County of Middlesex, State of New Jersey desires to further the public interest by obtaining the following grants from the State of New Jersey;

2015-2016 EPA Smart Growth “Local Foods, Local Places”

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 Jennifer Maier, Metuchen Borough Administrator, to prepare and submit the grant application and if awarded, to execute all grant agreements of the following grant: 2015-2016 EPA Smart Growth “Local Foods, Local Places”.

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

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Borough Clerk

R2015-211

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

RESOLUTION – REFUND OF PREVIOUSLY CANCELLED TAXES

WHEREAS, the following has made an overpayment of taxes that has been previously cancelled by the Borough,

WHEREAS, proper documentation has been filed with the Collector of Taxes so that the following amount(s) can be released:

Name	Block/Lot	Address	Amount		Year
Anne Troland Oghia	143/15.2	14 Cliffwood Place	3,347.56	Duplicate payment previously cancelled	2 nd qtr 2010

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded \$3,347.56 in previously cancelled taxes.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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RESOLUTION 2015-212

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

RESOLUTION ADOPTING “IDLE FREE ZONE”

WHEREAS, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger an asthma attack and other ailments; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey’s school age children are asthmatic) and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about 10 million tons of CO₂, 50,000 tons of nitrogen oxides, and 2,000 tons of particulates); and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful vehicle idling; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle’s engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again; and

WHEREAS, idling for more than 10 minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where New Jerseyans can be exposed to air pollutant emissions; and

WHEREAS, moving beyond New Jersey’s existing no-idling code of 3 minutes would significantly improve public health, air quality, reduce costs and greenhouse gas emissions.

THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen support the adoption of “Idle Free Zones” by government agencies, schools, businesses, and other organizations by:

1. Encouraging any gasoline or diesel powered motor vehicle to turn off their engines after 10 seconds if they plan to remain at that location for more than 30 seconds.
2. Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick up, drive through windows, gas stations, parking lots, Business center, etc.
3. Maintaining municipal vehicles to eliminate any visible exhaust.
4. Enforcing existing violations and penalties under New Jersey’s existing no-idling code.
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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RESOLUTION 2015-213

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#1106 – 11 WEST WALNUT STREET – MURPHY BUILDING**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Murphy Building as the required Performance Guarantees for Street Opening Bond #1106 – 11 West Walnut Street; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to: Murphy Building, 157 Main Street, Metuchen, New Jersey 08840 as recommended by the Director of Public Works.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
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Borough Clerk

RESOLUTION 2015-214

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-33 – 209 CENTRAL AVENUE – SHORE SYSTEMS GROUP, LLC**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Murphy Building as the required Performance Guarantees for Street Opening Bond #2015-33 – 209 Central 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: Shore Systems Group, LLC, 361 Harper Avenue, Brick, New Jersey 08724 as recommended by the Director of Public Works.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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Borough Clerk

RESOLUTION 2015-215

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-015
20 CARSON AVENUE**

WHEREAS, Suzanne Morris posted \$260.00 for apron and sidewalk escrow fees at 20 Carson Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Suzanne Morris,

NOW, THEREFORE, BE IT RESOLVED, that Suzanne Morris be refunded \$260.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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RESOLUTION 2015-216

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-021
24 HIGHLAND AVENUE**

WHEREAS, Thorne Masonry posted \$24.00 for sidewalk escrow fees at 24 Highland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Thorne Masonry,

NOW, THEREFORE, BE IT RESOLVED, that Thorne Masonry be refunded \$24.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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Borough Clerk

RESOLUTION 2015-217

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-022
204 MIDLAND AVENUE**

WHEREAS, LoChiatto Paving & Masonry Co. posted \$384.00 for apron and sidewalk escrow fees at 204 Midland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to LoChiatto Paving & Masonry Co.,

NOW, THEREFORE, BE IT RESOLVED, that LoChiatto Paving & Masonry Co. be refunded \$384.00 from the Sidewalk Inspection Escrow account.

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

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Borough Clerk

RESOLUTION 2015-218

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-024
186 MASON DRIVE**

WHEREAS, John Milich posted \$948.00 for curb, apron and sidewalk escrow fees at 186 Mason Drive; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to John Milich,

NOW, THEREFORE, BE IT RESOLVED, that John Milich be refunded \$948.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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Borough Clerk

RESOLUTION 2015-219

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

**REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #15-0521
MATTCO PLUMBING & HEATING, LLC**

WHEREAS, Mattco Plumbing & Heating, LLC, 160 Liberty Street, Unit 3B, Metuchen, NJ 08840, made payment on July 7, 2015 in the amount of \$52.00 for a Plumbing Permit fee for the replacement of a sewer line; and

WHEREAS, the homeowner, Rhonda Silverman, 51 Beacon Hill Drive, Metuchen, NJ, no longer wishes to have the work performed; and

WHEREAS, the DCA (*State*) fees of \$2.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2015-07 a 20% plan review fee of \$10.00 shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund Mattco Plumbing & Heating, LLC, 160 Liberty Street, Unit 3B, Metuchen, NJ 08840, in the amount of \$40.00 for a Plumbing Permit fee.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
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Borough Clerk

RESOLUTION 2015-220

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

RESOLUTION AUTHORIZING CHANGE ORDER #1 CONTRACT INCREASE FOR JACK CWYL & SON BUILDERS. - IMPROVEMENTS TO MUNICIPAL POOL SHOWER ROOMS

WHEREAS, the Municipal Pool Shower Room Improvements project has been approved in a contract between the Borough of Metuchen and Jack Cwyl & Son Builders in the amount of **\$17,030** on April 20, 2015.; and

WHEREAS, on May 6, 2015 the Borough received a Change Order in the amount of **\$1,550.00** for unforeseen conditions under the existing tile, necessitating additional preparation work. The Borough Administrator visited the site, met with the contractor and approved the Change Order for the following reasons: The conditions were unforeseen, the repair would result in a better end product, there was a deadline of the pool opening on Memorial Day which did not allow time for a formal bid process which is required when the bid threshold of \$17,500 is exceeded, there would have been a liability issue for the contractor if another contractor was brought in to prepare the substrate, and the amount was de minimis.; and

WHEREAS, the net increase to the Borough for Change Order #1 is **\$1,550.00**;

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

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 17, 2015.

Susan D. Jackson
Borough Clerk

RESOLUTION 2015-221

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

**RESOLUTION AMENDING RESOLUTION 2015-100 AUTHORIZING
PURCHASE FROM STATE CONTRACT PURCHASE OF TIRES**

WHEREAS, there exists a need to purchase tires for the Borough of Metuchen , in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-82527 and #82528 and Index #M8000 13-R-22770; and

WHEREAS, said contract is in effect from September 5, 2012 through March 31, 2016

WHEREAS, the additional maximum amount of the purchase of tires for the Borough of Metuchen is for a total not to exceed \$30,000 and funds will be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification of which \$10,000 is certified from the 2015 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 **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817.**

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 17, 2015

Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-222

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

RESOLUTION APPOINTING FIREFIGHTER – MATTHEW G. MARTIN

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that Matthew G. Martin has been approved to be a permanent member of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **Matthew G. Martin** be and he is hereby elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 17, 2015

Susan D. Jackson, RMC/CMR
Borough Clerk

RESOLUTION 2015-223

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

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn and all bills be paid totaling \$

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO

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

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 17, 2015

Susan D. Jackson, RMC/CMR
Borough Clerk

ORDINANCE 2015-10

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

**ORDINANCE REGULATING VACANT AND ABANDONED PROPERTIES AND
STOREFRONTS IN THE BOROUGH OF METUCHEN**

WHEREAS, the Mayor and Council of the Borough of Metuchen finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Borough to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable conditions of these properties; and

WHEREAS, the Borough of Metuchen (the “Borough”) contains buildings and storefronts which are vacant; and

WHEREAS, in many cases, the owners or responsible parties of these structures and storefronts are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures and storefronts cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned buildings and storefronts, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures and storefronts in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with the registration of vacant and abandoned structures and storefronts in light of the disproportionate costs imposed on the Borough by the presence of these structures; and

WHEREAS, it is necessary for the Borough to take adequate steps to monitor such properties and protect Borough residents.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby creates Chapter ___ of the Code entitled, “Vacant and Abandoned Properties and Storefronts” to read as follows:

CHAPTER ___

VACANT AND ABANDONED PROPERTIES AND STOREFRONTS.

§ 1 DEFINITIONS.

OWNER - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions C.46:10B-51 (P.L. 2008, c.127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Metuchen to have authority to act with respect to the property.

PROPERTY – any portion of improved or unimproved real estate located within the Borough of Metuchen which includes the buildings or structures or portions thereof located on it regardless of condition.

VACANT PROPERTY – shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased for a period of six (6) months, including but not limited to, any property meeting the definition of vacant property in *N.J.S.A. 55:19-80, et seq.*

VACANT STOREFRONT – any area within a building or structure that may be individually leased or rented for any purpose other than residential use which is not present legally occupied or at which all lawful business or construction operations or other occupancy have substantially ceased for a period of six (6) months.

§ 2 REGISTRATION REQUIREMENTS.

The owner of any vacant property or vacant storefront as defined herein shall, within 30 calendar days after the building becomes vacant property or storefront or within 30 calendar days after assuming ownership of the vacant property or vacant storefront, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property or storefront with the Zoning Officer on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately and only one

statement is required for a property that meets both the definition of Vacant Property and Vacant Storefront.

- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- c. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property or portion thereof remains a vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property registered or vacant storefront. The owner shall be required to renew the registration annually as long as the building remains a vacant property or vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property or vacant storefront registered.
- d. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- e. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the property.

§ 3 ACCESS TO VACANT PROPERTIES AND STOREFRONTS.

The owner of any vacant property or vacant storefront registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

§ 4 RESPONSIBLE OWNER OR AGENT.

- a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property or storefront and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent’s designation for the purposes of this section until the owner notifies the Borough of Metuchen in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c. Any owner who fails to register a vacant property or vacant storefront under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Metuchen by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 5 FEE SCHEDULE.

The initial registration fee for each building or portion thereof shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand five hundred dollars (\$1,500.00), and the fee for the second renewal is three-thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00). In the event that a property meets the definition of both a Vacant Property and Vacant Storefront, and they contain the same block and lot number as designated in official records of the municipality, there shall only be one registration fee applied.

Vacant Property/Vacant Storefront Registration Fee Schedule

Initial Registration	\$ 500.00
First Renewal	\$1,500.00
Second Renewal	\$3,000.00
Subsequent Renewal	\$5,000.00

§ 6 REQUIREMENTS OF OWNERS OF A VACANT PROPERTY AND/OR STOREFRONT.

The owner of any building or storefront that has become vacant and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building and/or storefront against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
- (2) Post a sign affixed to the building and/or storefront indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this Article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- (3) Secure the building and/or storefront from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building and/r storefront is complete; and
- (4) Ensure that the exterior grounds of the structure or storefront, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.
- (6) Continue to maintain the property consistent with the requirements of the Borough Code, including but not limited to Chapter 140, entitled "Property Maintenance".
- (7) All areas of vacant storefronts visible by the public from the public street or sidewalk must be maintained in broom-clean condition and free of litter and debris.

§ 7 WAIVER OF FEES.

A waiver of the registration fee set forth herein may be granted, upon application, by the Borough Administrator for the current year if the following conditions are met:

1. All local municipal fees are paid in full; and
2. A consistent good faith effort is shown to market, rent, sell, or lease the vacant property or storefront. Good faith efforts include but are not limited to contracts with a real estate licensee, newspaper, electronic advertisements or other methods provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell or lease and the pricing is consistent with other similar properties or portions thereof as attested by a real estate licensee as licensed by the NJ Real Estate

Commission. The mere placement of a “for sale” or “for rent or lease” sign on or in the building in and of itself does not meet the requirements of this subsection; and

3. The Vacant Property or Storefront is in compliance with all Borough of Metuchen codes and ordinances.

§ 8 VIOLATIONS.

- a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building or portion thereof becomes vacant property or vacant storefront or within 30 calendar days after assuming ownership of a vacant property or storefront, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.
- c. The Zoning Officer of the Borough Metuchen shall be the enforcement agent of the within Ordinance. Violations of the within Sections of the Code shall be heard in Municipal Court.

§ 9 SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that this ordinance and requirement thereof shall take effect after passage and publication as required by law.

ATTEST:

BOROUGH OF METUCHEN

Susan D. Jackson
Borough Clerk

By: _____
Thomas Vahalla
Mayor

Introduced:

Date of Publication of Introduction:

Final Adoption:

Date of Publication of Adoption: