

BOROUGH OF METUCHEN COUNCIL AGENDA
REGULAR MEETING JUNE 1, 2015 AT 6:30 PM

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

EXECUTIVE SESSION

R2015-121

Authorizing an Executive Session Which Excludes the Public – PBA Negotiations & Attorney Client Privileges.

AGENDA SESSION

REGULAR MEETING

1. Approve Council Meeting Minutes of May 18, 2015 and Executive Minutes of May 18, 2014
2. Discussion – Transfer of Jurisdiction of Middlesex Avenue from New Durham Road to Lake Avenue from Middlesex County Department of Infrastructure Management to Metuchen Borough – Whole Foods
3. Letter of Appreciation and Thanks from Gary Lipshutz
4. Receive and Accept Letter of Resignation from Administrative Sergeant David Liantonio
5. Receive and Accept Letter of Resignation from Ptl. Cynthia Velez

PUBLIC COMMENT

PROCLAMATION AND RESOLUTIONS HONORING

ORDINANCES-PUBLIC HEARING

COMMUNICATIONS CONSENT AGENDA – ITEMS A – ITEM I

- A. Receive and Accept Request for Block Party/Street Closing – Charles Street – June 27, 2015 (Rain date June 28, 2015) – 10:00 AM to 8:00 PM
- B. Receive and Accept Request for Block Party/Street Closing – Ross Avenue – July 11, 2015 (Rain date July 12, 2015) – 2:00 PM to 6:00 PM
- C. Receive and Accept Request for Block Party/Street Closing – Milton Street – June 28, 2015 – 2:00 PM to 7:00 PM

- D. Receive and Accept Recreation Meeting Minutes of April 14, 2015
- E. Receive and Accept Environmental Commission Meeting Minutes of April 15, 2015
- F. Receive and Accept Planning Board Meeting Minutes of April 2, 2015
- G. Receive and Accept Zoning Board of Adjustment Meeting Minutes of April 9, 2015
- H. Receive and Accept Traffic & Transportation Meeting Minutes of April 15, 2015
- I. Receive and Accept Metuchen Municipal Alliance Meeting Minutes of April 9, 2015

OTHER COMMUNICATIONS

REPORTS OF COUNCILMEMBERS

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS RESOLUTION AGENDA

NEW BUSINESS CONSENT AGENDA – RESOLUTIONS R2015-124 through R2015-136

R2015-124	Resolution Authorizing Refund of Road Opening Bond - #14-051-1 – 40 Beacon Hill – Mattco Plumbing & Heating
R2015-125	Resolution Authorizing Refund of Road Opening Bond - #14-072 – 159 High Street – Mattco Plumbing & Heating
R2015-126	Resolution Authorizing Refund of Road Opening Bond - #14-74 – Liberty St/Bell Ave. – Ransom Environmental
R2015-127	Resolution to Rescind R2015-117 - Cancellation of Tax Sale Lien - 48.4/2.02 C-5A - 160 Liberty Street Unit 5B
R2015-128	Resolution Authorizing the Cancellation of Tax Sale Lien
R2015-129	Resolution Authorizing Cancellation of Overpayment of 2014 Taxes

- R2015-130 Resolution Authorizing Bid Award for 2015 Generator Installation
- R2015-131 Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether the Area Known as Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02, Block 42, Lots 1 – 7, Bl. 66, Lots 1 – 3, Gulton Tract is in Need of Redevelopment.
- R2015-132 Resolution Authorizing the Borough of Metuchen Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C.72
- R2015-133 Resolution Authorizing Exceeding the CAP for 2015 Budget
- R2015-134 Resolution for Conducting Annual Budget Examination
- R2015-135 Resolution Authorizing Refund Overpayment of Taxes
- R2015-136 Resolution Authorizing State Contract Purchase for Six (6) Flashback 3 Digital Video System Assemblies

OTHER NEW BUSINESS

- R2015-137 Resolution Authorizing the Payment of the Bill List in the amount of \$

APPOINTMENTS

ORDINANCES – INTRODUCTION

- Ordinance 2015-09 An Ordinance Amending the Land Development Ordinances of the Borough of Metuchen, Specifically, Chapter 110, Sections 4, Entitled “Definitions”, 7, Entitled “Exemptions”, 14, Entitled “Fees”, 48, Entitled “Applicability”

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

RESOLUTION 2015-121

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

AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED that the Council of the Borough of Metuchen hereby moves to go into Executive Session on June 1, 2015 at 6:30 PM preceding the general meeting in Borough Hall located at 500 Main St., Metuchen that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

PBA Contract Negotiations

Attorney-Client Privileges

Stated as precisely as presently possible the matter discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

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 June 1, 2015

Susan D. Jackson
Borough Clerk

RESOLUTION 2015-124

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND #14-051-1, 40 BEACON HILL,
MATTCO PLUMBING & HEATING**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing & Heating, LLC. as the required Performance Guarantees for Street Opening Bond #14-051-1, 40 Beacon Hill; 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, Mattco Plumbing & Heating, LLC, PO Box 288, Metuchen, NJ 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				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

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Susan D. Jackson
Borough Clerk

RESOLUTION 2015-125

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#14-072, 159 HIGH STREET, MATTCO PLUMBING & HEATING**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing & Heating, LLC. as the required Performance Guarantees for Street Opening Bond #14-072, 159 High 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, Mattco Plumbing & Heating, LLC, PO Box 288, Metuchen, NJ 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				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

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Susan D. Jackson
Borough Clerk

RESOLUTION 2015-126

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#14-074, SW CORNER OF LIBERTY STREET & BELL AVENUE, RANSOM ENVIRONMENTAL**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Ransom Environmental, as the required Performance Guarantees for Street Opening Bond #14-074, SW Corner of Liberty Street & Bell 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, Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, 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				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

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Susan D. Jackson
Borough Clerk

RESOLUTION 2015-127

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

**RESOLUTION RESCINDING RESOLUTION 2015-117 AUTHORIZING
CANCELLATION OF TAX SALE LIEN – 48.4/2.02 C-5A 160 LIBERTY STREET UNIT
5B - ROMANY INVESTMENTS LLC.**

WHEREAS, the Tax Collector has not received the necessary amount to redeem Tax Sale Certificate 14-00001, for Block 48.4, Lot 2.02 C-5A, 160 Liberty Street Unit 5B, previously memorialized by Resolution 2015-117; and,

WHEREAS, resolution 2015-117 is no longer valid and is requested by the Tax Collector to be rescinded.

BE IT FURTHER RESOLVED that the resolution 2015-117 to cancel tax sale certificate 14-00001 be rescinded.

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
Borough Clerk

RESOLUTION 2015-128

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

RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE LIEN

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
14-00009	215/6.1	6 Myrtle Avenue	Peter Farbaniec

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

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
Borough Clerk

RESOLUTION 2015-129

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

RESOLUTION – CANCELLATION OF 2014 TAX OVERPAYMENT

WHEREAS, the following parcels have overpayment of taxes,

Block/Lot	Address	Amount		Year
3/10.01	7 Miller Drive	\$3,187.10	Former owner overpayment	4 th qtr. 2014

NOW, THEREFORE, BE IT RESOLVED, that the above listed tax overpayment balance be canceled, in the amount of \$3,187.10.

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
Borough Clerk

RESOLUTION 2015-130

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

RESOLUTION AUTHORIZING BID AWARD FOR 2015 GENERATOR INSTALLATION

WHEREAS, bids were received by the Borough Administrator on May 27, 2015 for the **2015 Generator Installation** for the Borough of Metuchen; and

WHEREAS, a grant has been awarded by FEMA in the amount of \$65,900.00 and was accepted by the Metuchen Borough Council by Resolution 2015-61 on February 17, 2015; and

WHEREAS, the Finance Officer has determined that sufficient funds will be made available in the amount of \$65,900.00 upon the insertion of the grant money into the 2015 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for 2015 Generator Installation in the amount of \$62,822.00 be and the same is hereby awarded to ADK Electrical Services, Inc., 858 UD Hwy. 1, Edison, New Jersey 08817.

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

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
Borough Clerk

RESOLUTION 2015-131

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

RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE AREA KNOWN AS BLOCK 37, LOTS 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02, BLOCK 42, LOTS 1 – 7, BLOCK 66, LOTS 1 – 3, GULTON TRACT IS IN NEED OF REDEVELOPMENT.

WHEREAS, N.J.S.A. 40A:12A-1, et seq., the Local Redevelopment and Housing Law (LRHL), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

WHEREAS, by L.2013, c. 159, the LRHL was amended to provide for an Area in Need of Redevelopment (“Redevelopment Area”) to be delineated as a Non-Condemnation Redevelopment Area (NCRA) where the use of eminent domain is not to be authorized by the municipality; and

WHEREAS, the LRHL provides a procedure for the investigation of whether a delineated area is an area in need of redevelopment; and

WHEREAS, the Governing Body of the Borough of Metuchen deems it advisable to investigate whether the area commonly known as Gulton Tract, in the Borough of Metuchen, County of Middlesex and the State of New Jersey, known and designated as Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02, Block 42, Lots 1 – 7, Bl. 66, Lots 1 – 3 as shown on the official Tax Map of the Borough of Metuchen, is an area in need of redevelopment as an NCRA, in accordance with N.J.S.A. 40A:12A-1, et seq.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Planning Board of the Borough of Metuchen be and is hereby authorized to undertake a preliminary investigation to determine whether the area in the Borough of Metuchen, known and designated as Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02, Block 42, Lots 1 – 7, Block 66, Lots 1 – 3 as shown on the official Tax Map of the Borough of Metuchen, is an Area in Need of Redevelopment to be so delineated according to the criteria set forth in N.J.S.A. 40A:12A-1, et seq., as amended; and

BE IT FURTHER RESOLVED that use of eminent domain is not to be authorized by the municipality and that if so delineated, the delineated area shall be deemed a Non-Condemnation Redevelopment Area (NCRA) in accordance with L. 2013, c. 159; and

BE IT FURTHER RESOLVED that the Planning Board be and is hereby authorized to undertake said investigation in accordance with N.J.S.A. 40A:12A-1, et seq., and is hereby directed that the notice of hearing shall specifically state that a redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

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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Metuchen, Middlesex County, New Jersey at a regular meeting held on June 1, 2015

Susan D. Jackson
Borough Clerk

RESOLUTION 2015-132

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

RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2015, and the Borough of Metuchen Tax Collector will be unable to mail the Borough’s 2015 tax bills on a timely basis,

WHEREAS, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY on the 1st of June, 2015, as follows:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2015 taxes. The Tax Collector shall proceed on June 2, 2015 and take such actions as are permitted and required by P.L. 1994, C.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2015 is hereby set at \$55,186,294.18.
3. In accordance with law the third installment of 2015 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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
Borough Clerk

RESOLUTION 2015-133

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

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Metuchen in the County of Middlesex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 2 % increase in the budget for said year, amounting to \$ 234,629.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2 %, amounting to \$ 234,629.95, and that the CY 2015 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance; and,

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

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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
Borough Clerk

RESOLUTION 2015-134

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

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Metuchen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded 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
Borough Clerk

RESOLUTION 2015-135

*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
Malamug, Phil & Anne	37.3/10	19 Douglas Drive	1,891.34	Duplicate payment previously cancelled	1 st qtr 2012
Michael & Heather Napolitano	157/47	88 Lake Ave	2,427.50	Duplicate payment previously cancelled	1 st qtr 2012
Claudine Bowers	211.1/82	57 Charles Street	1,437.21	Duplicate payment previously cancelled	4 th qtr 2010
Peter & Kathleen Tomolonis	126.8/2	559 Wakefield Drive	3,055.96	Duplicate payment previously cancelled	1 st qtr 2011

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded \$8,812.01 in previously cancelled taxes.

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
Borough Clerk

RESOLUTION 2015-136

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

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR SIX (6)
FLASHBACK 3 DIGITAL VIDEO SYSTEM ASSEMBLIES**

WHEREAS, there exists a need for six (6) Flashback 3 In-Car Video System Assemblies vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #T0106 and A-81311; and

WHEREAS, the maximum amount of the purchase of six (6) Flashback 3 In-Car Video System Assemblies in the Borough of Metuchen is \$36,090.94.00 and funds will be available in the 2015 budget as evidenced by the Chief Financial Officer's Certification; 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 L3 Mobile Vision, Inc., 90 Fanny Road Boonton, NJ 07005.

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 June 1, 2015

Susan D. Jackson
Borough Clerk

RESOLUTION 2015-137

*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 June 1, 2015

Susan D. Jackson
Borough Clerk

ORDINANCE 2015-09

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

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF METUCHEN, SPECIFICALLY, CHAPTER 110, SECTIONS 4, ENTITLED “DEFINITIONS”, 7, ENTITLED “EXEMPTIONS”, 14, ENTITLED “FEES”, 48, ENTITLED “APPLICABILITY”

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that the Code of the Borough of Metuchen be amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen, specifically §110-4, entitled, “Definitions” is hereby amended as follows:

RENAME:

RETAIL BUSINESS to **RETAIL SHOP AND STORE**

ADD:

POP-UP BUSINESS - Also known as “temporary retail”, “flash retailing”, “pop-up store” or “pop-up shop”, a retail shop and store or a personal service business that is permitted pursuant to Article 17 of this Chapter and is intended to be open to the public for a period no greater than 30 calendar days after it is opened to the public.

SECTION 2. Chapter 110 of the Code of the Borough of Metuchen is hereby amended by deleting and repealing §110-7, entitled, “Exemptions” and replacing with the following:

§ 110-7. Exemption from Site Plan Review.

- A. Applications which involve minor alterations to the site, inclusive of the addition or removal of parking areas no greater than two (2) parking spaces or 500 square feet, to one (1) or more of the building elevations, structural changes, inclusive of awnings, canopies, and dormers to buildings without adding additional usable floor area for which parking is required under the provisions of §110-154, or the construction of an accessory structure consisting of no greater than 100 square feet in floor area may be exempt from obtaining site plan approval at the determination of the Zoning Officer. The Zoning Officer may issue a zoning permit after consultation with the Chairperson of the Planning Board and after the application has been reviewed by the Borough Planner and Borough Engineer to verify and confirm that no variances are required and that the site improvements and/or façade changes conform to applicable Borough design standards.

- B. An applicant may request an exemption upon application for a zoning permit by submitting four (4) copies of an Application for Development, a statement setting forth reasons for the exemption and providing sufficient plan information as determined by the Zoning Officer to verify that an exemption may be granted.

SECTION 3. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:

§ 110-14. Fees.

Every application for development and informal request for reviews by the Borough Engineer, Board Planner and Board Attorney as to zone change or other questions regarding the implementation, enforcement or application of this Chapter shall not be acted upon unless and until:

- A. Accompanied by cash, check or money order made payable to the “Borough of Metuchen” for the application and escrow fees prescribed below; and
- B. The party seeking the application for development or informal request executes an agreement to pay for services to be rendered by the Board professionals or the Borough Attorney.

Fee Schedule

<u>Application for Development Type</u>	<u>Application Charge/Fee</u>	<u>Escrow Fee/Account</u>
Subdivisions		
Minor subdivision	\$200 ¹⁵⁰	\$2,000 ^{1,000}
Preliminary major subdivision	\$300 ²⁵⁰	\$3,000 ^{1,500}
Final major subdivision	\$200 ¹⁵⁰	\$2,000 ^{1,000}
Informal presentation (1 appearance only)	\$50 ¹⁰⁰	\$500
Concept plat for review		
Minor subdivision	\$50 ⁷⁵	\$500 ^{1,000}
Major subdivision	\$100 ¹⁵⁰	\$1,000 ^{1,500}
Upon approval of minor or major final subdivision for amendment of Borough Tax Map	\$500 per new lot created	
Site plans		
Minor site plan	\$25 ¹⁰⁰	\$250
Change of use	\$50 ¹⁵⁰	\$500
Preliminary site plan	\$300 ²⁵⁰	\$3,000 ^{1,500}
Final site plan	\$200 ¹⁵⁰	\$2,000 ^{1,000}
Informal presentation (1 appearance only)	\$50 ¹⁰⁰	\$500
Concept plat for review		
Minor site plan	\$25 ¹⁰⁰	\$250 ^{1,000}
Major site plan	\$500 ²⁰⁰	\$500 ^{1,000}
PURD and PUCD	\$750	\$1,500 per acre or part thereof plus \$50 per dwelling unit
Technical assistance, <u>design review and completeness review</u> at Technical Review Committee		
Residential uses	\$25 ⁵⁰	\$250
Non-residential uses	\$50 ¹⁰⁰	\$500

Variances		
Appeals (N.J.S.A. 40:55D-70a)	\$75+00	\$750500
Interpretation (N.J.S.A. 40:55D-70b)	\$75+00	\$750500
Bulk (N.J.S.A. 40:55D-70c)		
First variance for principal structures	\$75+00	\$750500
First variance for accessory structures	\$50	\$500250
Each additional variance	\$2550	\$250
Use (N.J.S.A. 40:55D-70d)	\$250	\$2,000
<u>d(1) or d(2) variances</u>	\$200	\$2,000
<u>d(3) variance</u>	\$150	\$1,500
<u>d(4), d(5) or d(6) variances</u>	\$100	\$1,000
Permits (N.J.S.A. 40:55D-34 and 40:55D-35)	\$75+00	\$750+000
Miscellaneous requests for reviews, meetings or consultations involving planning, engineer or other professional review, including request for zoning changes	Hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Certified list of property owners	\$0.25 per name or \$10, whichever is greater	None
Copy of minutes/transcripts of decisions	\$1 per page for first copy, plus \$0.25 per page for each additional copy or as required by transcription service	As required by transcription service
Legal reviews		
Guaranty review		
Review of performance guaranty by Borough Attorney	\$150 per review	None
Review of maintenance guaranty by Borough Attorney	\$150 per review	None
Preparation of Developer's Agreement by Borough Attorney	\$400 minimum per agreement, plus \$125 per hour after first 3 hours	As required by Borough Attorney
Miscellaneous reviews: master deed, certificate of incorporation, bylaws, unit deeds, etc.	\$150 per review	None
Appeal of any determination by Borough Official to applicable Board	\$50 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Special meeting	\$750 per meeting, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Continuation of a hearing	\$250 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office	As required by applicable Board and/or professional
Zoning <u>Permits Applications</u>		
Principal Structures		
New Principal Structures <u>(inclusive of all other</u>	<u>\$250+50</u>	\$500*

<u>improvements associated with its construction)</u>		
Additions <u>and Alterations</u>		
<u>Greater than 1,000 square feet</u>	\$100	
Greater than 500, <u>up to 1,000</u> square feet	\$75 100	
500 square feet or less	\$50 75	
Porches and decks		
<u>Greater than 250 square feet</u>	\$25	
<u>250 square feet or less</u>	\$10	
<u>Stoops, landings and steps</u>		
<u>\$10</u>		
Accessory Structures		
Retaining walls four (4) feet or greater in height and in-ground swimming pools	\$50	\$250*
Detached garages, sheds, driveways, fences, walls, aboveground swimming pools, air-conditioning units, generators, and any other structure deemed to be accessory structures <u>greater than 100 square feet</u>		
	\$50	
<u>Retaining walls less than four (4) feet in height, parking lots, driveways, sport courts, fences, walls, sheds and patios greater than 100 square feet, above-ground swimming pools, roof-top solar panels, A/C condenser units, generators, tanks and any other structure deemed to be accessory structures 100 square feet or less</u>		
	\$25	
Sheds <u>and patios</u> 100 square feet or less, patios and <u>private</u> walkways		
	\$10 25	
<u>Construction trailers, construction fences and any other Structure deemed to be temporary structures</u>		
	\$10	
Home Occupation		
	\$25	
Change of Occupancy or Use		
Greater than 3,000 square feet	\$75 100	
Between <u>Greater than 500, up to and</u> 3,000 square feet	\$50 75	
<u>Greater than 250</u> 500, <u>up to 500</u> square feet or less	\$25 50	
<u>250 square feet or less</u>	\$10	
<u>Pop-up Business</u>	\$10	
<u>Alterations to Façade</u>		
	\$25	
<u>Signage</u>		
Primary Business Sign	\$25 50	
<u>Primary Window Sign</u>	\$10	
<u>Outdoor displays of retail merchandise & sidewalk cafes</u>		
	\$0	
Zoning permit with <u>e</u> Exemption from site plan review		
	\$250	
<u>Other Zoning Permits</u>		
	\$25	

* Escrow Accounts for new ~~principal structures~~ single- and two-family dwellings, retaining walls four (4) feet or greater in height and in-ground swimming pools are for engineering plan review

| [and inspections](#) only.

SECTION 4. Chapter 110 of the Code of the Borough of Metuchen is hereby amended by deleting and repealing §110-48, entitled, “Applicability” and replacing with the following:

§ 110-48. Applicability.

This article is applicable in appropriate cases where minor development is proposed and does not qualify for an exemption from site plan requirements in accordance with Article 2 of this Chapter, as determined by the Zoning Officer. No public notice is required for such application. Approvals, if granted, shall be granted by resolution of the Board having jurisdiction. Minor site plan approval, which shall not be applicable to pop-up businesses, shall be required for development involving any of the following:

- A. A change of use of a structure, building or land, to a residential use, nursery school, day-care center, an eating or drinking establishment with greater than 50 seats and any light industrial use, that are permitted pursuant to Article 17 of this Chapter.
- B. A change of occupancy or use of a structure, building or land that requires more parking than was required for the previous use pursuant to §110-154 of this Chapter and which parking is not provided on the site. Uses may obtain up to two (2) parking spaces from the Metuchen Parking Authority, for residential or employee use only, in order to meet the parking requirement, provided that such uses are located within one quarter (1/4) of a mile of a municipal or public parking facility.
- C. The construction of nonresidential accessory structures, exclusive of A/C condenser units, generators and tanks that are permitted pursuant to Article 23 of this Chapter, consisting of greater than 100 square feet in area and no greater than 250 square feet in floor area.
- D. The expansion of a driveway or parking lot greater than two (2) parking spaces or 500 square feet in area and no greater than four (4) parking spaces or 1,000 square feet in area.
- E. Minor amendments to an existing site plan or minor subdivision plat that does not result in a substantial alteration of any aspect of the existing approval.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that the within Ordinance and amendments made herein shall become effective immediately upon publication following final adoption and pursuant to 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: