

OTHER COMMUNICATIONS

REPORTS OF COUNCILMEMBERS

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS CONSENT AGENDA – R2016-155 through R2016-180

R2016-155	Resolution Appointing Firefighter – Alexander Storts
R2011-156	Resolution Authorizing Release of Street Opening Bond #11-006 – Jersey Ave. Right-of-Way – TTC Environmental Corp.
R2016-157	Resolution Authorizing Release of Street Opening Bond #2015-101 – 131 Hazelwood Avenue – Mattco Plumbing & Heating, LLC
R2016-158	Resolution Authorizing Release of Street Opening Bond #2016-12 – 53 Wistar Avenue – Roto-Rooter Services Company
R2016-159	Resolution Authorizing Release of Street Opening Bond #2016-17 – Durham Avenue/Jersey Avenue – Melick-Tully & Associates
R2016-160	Resolution Authorizing Release of Street Opening Bond #2016-18 – 32-38 Hampton Street – E&D Mechanical, LLC
R2016-161	Resolution Authorizing Release of Street Opening Bond #2016-19 – 55 Jonesdale Avenue – Mattco Plumbing & Heating, LLC
R2016-162	Resolution Authorizing Release of Street Opening Bond #2016-20 – 25 Pearl Street – UP Met Construction
R2016-163	Resolution Refunding Sidewalk Escrow Fee #15-014 47 Charles Street
R2016-164	Resolution Refunding Sidewalk Escrow Fee #15-025 34 Linden Avenue
R2016-165	Resolution Refunding Sidewalk Escrow Fee #15-029 45 Essex Avenue

R2016-166 Resolution Refunding Sidewalk Escrow Fee #16-006
121 Columbia Avenue

R2016-167 Resolution Refunding Sidewalk Escrow Fee #16-008
71 Clarendon Court

R2016-168 Resolution Refunding Sidewalk Escrow Fee #16-011
23 Tulsa Avenue

R2016-169 Resolution Refunding Sidewalk Escrow Fee #16-012
413 West Chestnut Avenue

R2016-170 Resolution Refunding Sidewalk Escrow Fee #16-016
26 Spear Street

R2016-171 Resolution Refunding Sidewalk Escrow Fee #16-019
16 Mayfield Place

R2016-172 Refund of Other Fees & Permits – Electrical Permit
#16-0336 - Defenders, Inc.

R2016-173 Resolution Authorizing Purchase from Educational
Services Commission of New Jersey for Regular
Unleaded and Diesel Fuel

R2016-174 Resolution Authorizing the Cancellation of Tax Sale
Lien

R2016-175 Resolution Authorizing an Extension of the
Temporary Appointment of Acting Fire Inspector/Fire
Subcode Official

R2016-176 Resolution Approving Place-to-Place (Expansion)
Transfer of Plenary Retail Consumption License No.
1210-33-008-008 – HHP Enterprises, LLC

R2016-177 Resolution Requesting the Transfer of Funds from the
Parking Authority to the Borough of Metuchen in the
Amount of \$37,599.54 for Various Improvements to
Parks in the Borough of Metuchen.

R2016-178 Resolution Authorizing Refund of Escrow Balance

R2016-179 Resolution Authorizing Refund of Escrow Balance

R2016-180 Resolution Authorizing Affordable Housing
Municipal Shared Services Defense Agreement

OTHER NEW BUSINESS – R2016-181

R2016-181 Resolution Authorizing the Payment of the Bill List in the amount of \$

ORDINANCE – INTRODUCTION

Ordinance 2016-18 Ordinance Rescinding Ordinance No. 2009-16, and Deleting a Designated Handicapped Parking Location on Highland Avenue from § 185-34A of the Code of the Borough of Metuchen

Ordinance 2016-19 An Ordinance Amending the Zoning Ordinance of the Borough of Metuchen to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations

Ordinance 2016-20 An Ordinance to Amend the Code of the Borough Of Metuchen, Various Chapters, to Amend Certain Application, License And Permit Fees.

APPOINTMENTS –

Shannon Wagner – Library Board of Trustees – Unexpired Term 12/31/2016 (Mayor's nomination with Council's confirmation)

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.

BOND ORDINANCE 2016-16

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

**BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN, BY AND FOR THE
BOROUGH OF METUCHEN, NEW JERSEY, APPROPRIATING \$111,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$111,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Metuchen, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$111,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required for said improvements or purposes in accordance with Section 7(h) of the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law").

Section 2. For the financing of said improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$111,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$111,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are improvement of the Borough pool, including, without limitation, improvements to the building and grounds of the pool, acquisition and installation of pool playground equipment and resurfacing of the kiddie pool deck, together with all other work, materials and appurtenances necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$111,000.

(c) The estimated cost of said purposes is \$111,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law,

according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 15 years.

- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$111,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.
- (d) The said purposes described in Section 3 of this bond ordinance constitute improvements to the Borough's pool, which is self-liquidating pursuant to Section 45 of the Local Bond Law. The obligations authorized herein are, therefore, not includable within the net debt of the Borough, as defined in the Local Bond Law, and no down payment is required to be made by the Borough.
- (e) An aggregate amount not exceeding \$10,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$111,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the

bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

Introduction: June 28, 2016

Introduction Publication: July 5, 2016

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

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a special meeting held on June 28, 2016

 Susan D. Jackson, RMC
 Borough Clerk

Final Adoption:

Adoption Publication Date:

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 an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a special meeting held on July 18, 2016

 Susan D. Jackson, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Susan D. Jackson, RMC
 Borough Clerk

By: _____
 Peter Cammarano
 Mayor

BOND ORDINANCE 2016-17

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

BOND ORDINANCE APPROPRIATING \$2,823,000 AND AUTHORIZING \$2,301,850 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the “Borough”). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$2,823,000, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$121,150 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and (ii) a grant from the New Jersey Department of Transportation totaling the amount of \$400,000 (the “Grant”).

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,823,000 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,301,850 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the “Local Bond Law”). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,301,850 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) the acquisition of a street sweeper and garbage truck; (ii) improvements to sewers, including flow meter infiltration study and Jersey Avenue pump station repairs; (iii) Oakland Park repairs, including acquisition of composite play structure; and (iv) overlay, drainage improvement and reconstruction of Durham Avenue and curb/sidewalk repair, including all materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$2,301,850.

(c) The estimated cost of said purposes is \$2,823,000 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$2,823,000 over the estimated maximum amount of bonds or notes to be issued therefor and the Grant is the amount of the down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 27.3 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,301,850, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$343,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the Grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond

Ord. 2016-17
 June 28, 2016
 ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$2,301,850. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: June 28, 2016
 Introduction Publication: July 5, 2016

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

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a special meeting held on June 28, 2016

Susan D. Jackson, RMC
 Borough Clerk

Ord. 2016-17
June 28, 2016

Final Adoption:
Adoption Publication Date:

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 an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a special meeting held on July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Susan D. Jackson, RMC
Borough Clerk

By: _____
Peter Cammarano
Mayor

RESOLUTION 2016-154

*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 July 18, 2016 at 6:00 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:

Police Personnel Matters

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-155

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

RESOLUTION APPOINTING FIREFIGHTER – ALEXANDER STORTS

WHEREAS, the Mayor and Borough Council have been notified by Rob Donnan, Chief of the Metuchen Fire Department, that Alexander Storts 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, **Alexander Storts** 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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-156

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#11-006 – JERSEY AVE. RIGHT-OF-WAY – TRC ENVIRONMENTAL CORP.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by TRC Environmental Corp. as the required Performance Guarantees for Street Opening Bond #11-006 – Jersey Avenue Right-of-Way; 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: TRC Environmental Corp, 21 Griffin Road North, Windsor, CT., 06095 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			

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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-157

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-101 – 131 HAZELWOOD AVENUE – MATTCO PLUMBING & HEATING,
LLC**

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 #2015-101 – 131 Hazelwood 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: Mattco Plumbing & Heating, LLC, 160 Liberty Street, Unit 3B, 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					
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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-158

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-12 – 53 WISTAR AVENUE – ROTO-ROOTER SERVICES COMPANY**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Roto Rooter Services Company as the required Performance Guarantees for Street Opening Bond #2016-12 – 53 Wistar 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: Roto-Rooter Services Company, 80 Veronica Avenue, Somerset, New Jersey 08873 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			

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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-159

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-17 – DURHAM AVENUE/JERSEY AVENUE – MELICK-TULLY &
ASSOCIATES**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Melick-Tully & Associates as the required Performance Guarantees for Street Opening Bond #2016-17 – Durham Avenue/Jersey 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: Melick-Tully & Associates, P.C., 117 Canal Road, South Bound Brook, New Jersey 08880 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				

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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-160

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-18 – 32-38 HAMPTON STREET – E&D MECHANICAL, LLC**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by E&D Mechanical, LLC as the required Performance Guarantees for Street Opening Bond #2016-18 – 32-38 Hampton 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: E&D Mechanical, LLC, 17 Forest Street, North Arlington, New Jersey 07031 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		

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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-161

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-19 – 55 JONESDALE AVENUE – MATTCO PLUMBING & HEATING, LLC**

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 #2016-19 – 55 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: Mattco Plumbing & Heating, LLC, 160 Liberty Street, Unit 3B, 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				
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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-162

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-20 – 25 PEARL STREET – UP MET CONSTRUCTION**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by UP Met Construction as the required Performance Guarantees for Street Opening Bond #2016-20 – 25 Pearl 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: UP Met Construction, 100 Passaic Avenue, Fairfield, New Jersey 07004 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, RMC
Borough Clerk

RESOLUTION 2016-163

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-014
47 CHARLES STREET**

WHEREAS, Mark Wojcik posted \$49.63 for curb and sidewalk escrow fees at 47 Charles Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Mark Wojcik,

NOW, THEREFORE, BE IT RESOLVED, that Mark Wojcik be refunded \$49.63 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-164

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-025
34 LINDEN AVENUE**

WHEREAS, Spencer Dreher posted \$420.50 for curb, apron and sidewalk escrow fees for 34 Linden Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Spencer Dreher,

NOW, THEREFORE, BE IT RESOLVED, that Spencer Dreher be refunded \$420.50 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-165

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #15-029
45 ESSEX AVENUE**

WHEREAS, LoChiatto Paving & Masonry Inc. posted \$680.00 for apron escrow fees at 45 Essex Avenue; and

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

NOW, THEREFORE, BE IT RESOLVED, that LoChiatto Paving & Masonry Inc. be refunded \$680.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-166

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-006
121 COLUMBIA AVENUE**

WHEREAS, Daniel O’Grady posted \$204.00 for apron and sidewalk escrow fees for 121 Columbia Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Daniel O’Grady,

NOW, THEREFORE, BE IT RESOLVED, that Daniel O’Grady be refunded \$204.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-167

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-008
71 CLARENDON COURT**

WHEREAS, Sarang Kim posted \$320.00 for apron escrow fees for 71 Clarendon Court;
and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be
refunded to Sarang Kim,

NOW, THEREFORE, BE IT RESOLVED, that Sarang Kim be refunded \$320.00
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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-168

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-011
23 TULSA AVENUE**

WHEREAS, Paul Sherbine posted \$189.00 for curb and apron escrow fees for 23 Tulsa Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Paul Sherbine,

NOW, THEREFORE, BE IT RESOLVED, that Paul Sherbine be refunded \$189.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-169

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-012
413 WEST CHESTNUT AVENUE**

WHEREAS, Angela Dohl posted \$272.00 for sidewalk escrow fees at 413 West Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Angela Dohl,

NOW, THEREFORE, BE IT RESOLVED, that Angela Dohl be refunded \$272.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-170

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-016
26 SPEAR STREET**

WHEREAS, Robert Richards posted \$128.00 for sidewalk escrow fees for 26 Spear Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Robert Richards,

NOW, THEREFORE, BE IT RESOLVED, that Robert Richards be refunded \$128.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-171

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-019
16 MAYFIELD PLACE**

WHEREAS, Patricia Painter posted \$536.00 for apron and sidewalk escrow fees for 16 Mayfield Place, Apt. A; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Patricia Painter,

NOW, THEREFORE, BE IT RESOLVED, that Patricia Painter be refunded \$536.00 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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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-172

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

**REFUND OF OTHER FEES & PERMITS – ELECTRICAL PERMIT #16-0336
DEFENDERS, INC.**

WHEREAS, Defenders Inc., 27 Horseneck Road, Suite 2, Fairfield, NJ 07004 made payment on May 18, 2016 in the amount of \$51.00 for an Electrical Permit fee for the installation of a burglar alarm at 53 Lincoln Avenue; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, the DCA (*State*) fees of \$1.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2015-07 a 20% plan review fee of \$10.00 shall be deducted from the 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 Defenders, Inc., 27 Horseneck Road, Suite 2, Fairfield, NJ 07004 in the amount of \$40.00 for an Electrical Permit fee.

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
Borough Clerk

RESOLUTION 2016-173

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

RESOLUTION AUTHORIZING PURCHASE FROM EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY FOR REGULAR UNLEADED AND DIESEL FUEL

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

WHEREAS, this can be purchased through the Middlesex Regional Educational Services Commission #13/14-22 pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 21, 2015 through October 20, 2016; and

WHEREAS, the maximum amount of the purchase of regular unleaded gasoline and diesel fuel for the Borough of Metuchen is not to exceed \$150,000 and funds will be available in the 2016 budget as evidenced by the Chief Financial Officer's Certification of which \$150,000 is certified from the 2016 budget; and

WHEREAS, the Educational Services Commission of New Jersey shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

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 National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103.

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-174

*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 Certificate on the following property:

Cert #	Block/Lot	Address	Lienholder
14-00008	211/66.8	65 E. Walnut Street	US Bank Cust PC4 FirsTrust Bank

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, RMC
Borough Clerk

RESOLUTION 2016-175

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

**RESOLUTION AUTHORIZING AN EXTENSION OF THE TEMPORARY
APPOINTMENT OF ACTING FIRE INSPECTOR/FIRE SUBCODE OFFICIAL**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen the appointment of Robert Latherow (License #003017) is hereby extended as the Acting Fire Inspector/Fire Subcode Official for the Borough of Metuchen, from July 5, 2016 until August 15, 2016 due to hip replacement surgery of the Borough’s Fire Inspector/Fire Subcode Official, Ray Colandrea (License #003372); and

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

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
Borough Clerk

RESOLUTION 2016-176

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

**RESOLUTION APPROVING PLACE-TO-PLACE (EXPANSION) TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO. 1210-33-008-008 – HHP
ENTERPRISES, LLC**

WHEREAS, application has been made by HHP Enterprises, LLC, for a place-to-place transfer of Plenary Retail Consumption License #1210-33-008-008, currently located at 400 Main Street, Metuchen, NJ, 08840; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, public notice of this transfer has been published in The Home News Tribune, twice on July 4, 2016 and July 11, 2016; and

WHEREAS, no legally valid written objections have been received concerning said transfer; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, does hereby approve, effective July 18, 2016, the place-to-place transfer of the aforesaid Plenary Retail Consumption License at 400 Main Street, Metuchen, New Jersey 08840, and does hereby direct the Municipal Clerk to endorse the license certificate to the new location as follows: “This license, subject to all its terms and conditions, is hereby transferred to premises located at is hereby granted, effective July 18, 2016.

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 July 18, 2016.

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-177

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

RESOLUTION REQUESTING THE TRANSFER OF FUNDS FROM THE PARKING AUTHORITY TO THE BOROUGH OF METUCHEN IN THE AMOUNT OF \$37,599.54 FOR VARIOUS IMPROVEMENTS TO PARKS IN THE BOROUGH OF METUCHEN.

WHEREAS, the Borough of Metuchen has determined that various parks within the Borough are in need of improvements, and it is in the best interest and welfare of its residents to undertake the improvements (“Parks Improvement Project”); and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined to request that the Parking Authority of the Borough of Metuchen to assist the Borough in funding said Parks Improvement Project; and

WHEREAS, the Borough of Metuchen and the Parking Authority have entered into various agreements relating to, among other things, the annual payments made by the Authority to the Borough in lieu of taxes as authorized by *N.J.S.A. 40A:11A-19* (“PILOT Agreement”) as well as the proceeds of the sale of the Pearl Street Parking lot to be held in a Capital Improvement Account kept by the Parking Authority and to be utilized in certain circumstances; and

WHEREAS, the PILOT Agreement also provides that the Parking Authority’s expenditure of funds from the Capital Improvement account is to be in cooperation with and at the direction of the Borough Council by way of a Resolution of approval of the Borough Council; and

WHEREAS, the Mayor and Borough Council deem it in the best interest of the Borough of Metuchen to request the transfer of funds from the Parking Authority to assist the Borough in the funding of the Parks Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby requests the transfer of funds from the Parking Authority for the Parks Project in the amount of \$37,599.54; and

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen, that it hereby directs and authorizes the Borough Clerk to forward a copy of the within Resolution to the Parking Authority of the Borough of Metuchen for further consideration and approval; and

BE IT FURTHER RESOLVED that the Borough and Parking Authority officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution.

R2016-177
July 18, 2016

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-178

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

**RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE –
AMERICAN PROPERTIES DEVELOPMENT CORP.**

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositor,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the project is closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for this project will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector is instructed to refund, in the amount indicated, the following escrow balances to the depositor, as the project has been determined to be closed:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
02-585 E	3,505.40	American Properties Dev. Corp. Ayers Court
02-585 I	155.75	American Properties Dev. Corp. Ayers Court

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-179

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

**RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE –
SUBURBAN SPORTSLAND, LLC**

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and the balance be refunded to the depositor,

WHEREAS, the Planning Board Secretary has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the project is closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for this project will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector is instructed to refund, in the amount indicated, the following escrow balances to the depositor, as the project has been determined to be closed, and that Project 15-1059 I include in the refund the applicable developer share of interest earned:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
15-1059 E	2,148.56	Suburban Sportsland LLC 302 High Street
15-1059 I	640.13	Suburban Sportsland LLC 302 High Street

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-180

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

RESOLUTION AUTHORIZING AFFORDABLE HOUSING MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Borough of Metuchen has filed a Declaratory Judgment Action in the Superior Court of New Jersey in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Metuchen has previously authorized the execution of a Municipal Shared Service Defense Agreement and a contribution of \$2000 to be combined with the contributions of other municipalities for the purpose, among others, of participating in the preparation of a statewide fair share analysis in order to establish a rational and reasonable methodology for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, the Borough of Metuchen and the other participating municipalities in the Municipal Shared Service Defense Agreement have been informed that the fund has been depleted and needs to be replenished in order for the municipalities to continue to act in concert in marshalling the resources necessary to counter the FSHC numbers;

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

1. The additional amount of \$2000 is hereby authorized to be expended by the Borough of Metuchen in connection with the Municipal Shared Service Defense Agreement
2. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Metuchen and is appended hereto.
3. The Mayor and Municipal Clerk be and are hereby authorized to execute any documents necessary to memorialize and confirm the continued participation of the Borough of Metuchen in the preparation of a Fair Share Analysis and any other analyses and actions deemed appropriate to assist in the joint efforts of the municipalities participating in the Municipal Shared Service Defense Agreement and to take any and all actions reasonably required to effectuate said Agreement.
4. This Resolution shall take effect immediately.

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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-181

*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 July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

ORDINANCE 2016-18

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

ORDINANCE RESCINDING ORDINANCE NO. 2009-16, AND DELETING A DESIGNATED HANDICAPPED PARKING LOCATION ON HIGHLAND AVENUE FROM § 185-34A OF THE CODE OF THE BOROUGH OF METUCHEN

WHEREAS, § 185-34 of the Code of the Borough of Metuchen provides for, among other things, the designation of Handicapped Parking with the Borough of Metuchen; and

WHEREAS, by way of Ordinance No. 2009-16, the Mayor and Council of the Borough of Metuchen added a designated location for On-Street Handicapped Parking on Highland Avenue; and

WHEREAS, after review it has been determined and recommended by the Metuchen Police Department that the handicapped parking space designated by Ordinance 2009-16, is no longer necessary on Highland Avenue, and should be removed from § 185-34.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that it hereby rescinds Ordinance No. 2009-16 in its entirety; and

BE IT FURTHER ORDAINED by the Mayor and Council that Chapter 185 of the Code of the Borough of Metuchen, specifically Section 185-34A. On-Street Handicapped Parking is hereby amended, **deleting** the following location from the list of approved designated locations for On-Street Handicapped Parking:

<u>Street</u>	<u>Location</u>
Highland Avenue	North side of roadway beginning at a point 781 feet east of Main Street (C.R. 531) to a point 22 feet east therefrom.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials, employees and agents shall take all necessary actions in order to effectuate the within Ordinance, including but not limited to the removal of signs in and from the designated area.

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.

Introduction:
Date of Publication:

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 an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

Adopted:
Date of Publication:

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 an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 15, 2016

Susan D. Jackson, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Susan D. Jackson, RMC
Borough Clerk

By: _____
Peter Cammarano
Mayor

Ordinance 2016-19

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF METUCHEN TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough of Metuchen filed an action for declaratory judgment requesting that the Court declare that Metuchen has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

WHEREAS, in order to carry out such Constitutional obligation, the Code of the Borough of Metuchen is to be amended to include provisions addressing Metuchen's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units; and

WHEREAS, this Ordinance shall apply except where inconsistent with applicable law; and

WHEREAS, the Metuchen Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Housing Element and Fair Share Plan have been endorsed by the governing body; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985;

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

SECTION 1. Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby repealed in its entirety and replaced with the following, which is hereby enacted:

§ 110-95.1. Filing of reports.

The Borough of Metuchen shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with the Middlesex County Superior Court and shall be available to the public at the Metuchen Municipal Building, Borough Clerk's Office, 500 Main Street, Metuchen, NJ 08840

§ 110-95.2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§ 110-95.3. Applicability

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Metuchen pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

§ 110-95.4. Reserved

§ 110-95.5. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 110-95.6. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ 110-95.7. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income) except for those units that have been approved and vested prior to 2008. The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
- 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
- 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
- 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Metuchen

has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the Borough of Metuchen's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6) b) above shall be used by the Borough of Metuchen for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Metuchen for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

5. Multi-Family Zones:

a. Any property in the Borough of Metuchen that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 15 percent if the affordable units will be for rent and 20 percent if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

b. Any townhouse, garden apartment or other multiple family residential development, including PURDS, containing five or more dwelling units shall comply with the following:

1. A minimum of 15 percent of the total number of units in a rental development shall be set-aside as affordable housing units with half being affordable to low income households and 13 percent shall be affordable to very low income households. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5 percent then a payment

in lieu shall be provided or one additional unit. If the calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.

2. A minimum of 20 percent of the total number of units in a for-sale development shall be set-aside as affordable housing units. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5, then a payment in lieu shall be provided or one additional unit. If the calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.

6. No subdivision:

The subdivision of properties proposed for inclusionary residential developments or mixed use developments that will include affordable housing is prohibited as a means to circumvent the 50 year control period.

§ 110-95.8. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 110-95.9. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

§ 110-95.10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until

Metuchen takes action to release the unit from such requirements. Prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, provided that for any development of five units or more for which an application for development has not been filed as of the date of the adoption of this ordinance, the control period shall be 50 years.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 110-95.11. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

§ 110-95.12. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§ 110-95.13. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 110-95.14. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 110-95.15. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Metuchen takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, except for those units that have not yet received approvals such that the controls shall be for 50 years.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- a. Sublease or assignment of the lease of the unit;
- b. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 110-95.16 Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 110-95.17. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 110-95.18. Municipal Housing Liaison

1. The Borough of Metuchen shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Metuchen shall adopt an Ordinance creating the position of Municipal Housing Liaison. Metuchen shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Metuchen, including the following responsibilities which may not be contracted out to the Administrative Agent:
- a. Serving as Metuchen’s primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Metuchen’s Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the Borough of Metuchen shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

§ 110-95.19 Administrative Agent

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Metuchen and the provisions of N.J.A.C. 5:80-26.15; and

b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Metuchen when referring households for certification to affordable units.

3. Affordability Controls:

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Middlesex County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rerentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

- c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.
7. Additional Responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
 - c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 110-95.20 Affirmative Marketing Requirements

1. The Borough of Metuchen shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Middlesex, Hunterdon and Somerset Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Metuchen shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 110-95.21 Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Metuchen Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 110-95.22 Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION 2. § 110-68 (R-2 Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection C(3) to read as follows:

§ 110-68. R-2 Residential District

Principal, accessory and conditional uses shall be permitted and regulated in the R-2 Residential District as follows:

C. (3) Townhouses, pursuant to 110-87 BB , on the following lots only:

Block 132 Lots 10-27, 42-46, 49-51 & 52

SECTION 3. § 110-87 (Specific Conditions) in Article 18 (Conditional Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection BB to read as follows:

BB Townhouses

Townhouses shall meet the following specific conditions:

- a) Minimum tract area shall be 20,000 square feet. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract.
- b) Minimum frontage on Safety Place: two hundred fifty (200) feet.
- c) The design of the townhouse structures shall be oriented to front toward Safety Place and back toward the Northeast Corridor Railroad right-of-way.
- d) Townhouse structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
- e) Parking for the townhouses may be located both on Safety Place and on portions of the tract located across Safety Place from the townhouse structures.
- f) Any accessory use permitted in an R-2 Residential District shall be a permitted accessory use.

SECTION 4. § 110-76 (B-2 Neighborhood Business District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection C(3) to read as follows:

§ 110-76. B-2 Neighborhood Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-2 Neighborhood Business District as follows:

C. (3) Courtyard Apartments, pursuant to 110-87 CC BB , on the following lots only:

Block 158 Lot 2

SECTION 5. § 110-87 (Specific Conditions) in Article 18 (Conditional Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection CC to read as follows:

CC Courtyard Apartments

Courtyard Apartments shall meet the following specific conditions:

- a) Minimum tract area shall be 20,000 square feet.
- b) Minimum frontage: one hundred twenty five (125) feet on Main Street and frontage on any other street shall not be permitted.
- c) The design of the courtyard apartment structure shall be oriented to front internally on the site and frame a courtyard space oriented away from any adjacent lot occupied by a single-family home.
- d) Courtyard apartment structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
- e) Any accessory use permitted in a B-2 Neighborhood Business District shall be a permitted accessory use.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 8. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction:
Date of Publication:

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 an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on July 18, 2016

Susan D. Jackson, RMC
Borough Clerk

Adopted:
Date of Publication:

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 an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 15, 2016

Susan D. Jackson, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Susan D. Jackson, RMC
Borough Clerk

By: _____
Peter Cammarano
Mayor

Adopted:

Date of Publication:

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 15, 2016

Susan D. Jackson, RMC
Borough Clerk

ATTEST:

Susan D. Jackson, RMC
Borough Clerk

BOROUGH OF METUCHEN

By: _____
Peter Cammarano
Mayor