

BOROUGH OF METUCHEN COUNCIL AGENDA
REGULAR MEETING MARCH 7, 2016 AT 7:30 PM

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

AGENDA SESSION

PROCLAMATION PRESENTATION

2016 Metuchen High School Girls' Swim Team

Michael Spark – Metuchen High School Boys' Swim Team - Sportsmanship Recognition

REGULAR MEETING

1. Historic Preservation Committee Presentation
2. Approve Council Meeting Minutes of February 16, 2016

PUBLIC COMMENT

COMMUNICATIONS CONSENT AGENDA – ITEM A

- A. Receive and Accept Traffic & Transportation Meeting Minutes of January 13, 2016

OTHER COMMUNICATIONS

REPORTS OF COUNCILMEMBERS

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS RESOLUTION AGENDA

NEW BUSINESS CONSENT AGENDA – Resolutions R2016-62 through R2016-70

R2016-62	Resolution Approving Submission of the 2015 Tonnage Report
R2016-63	Resolution Authorizing Submission of the 2016 Community Development Block Grant Application
R2016-64	Refund of Other Fees & Permits – Electrical & Fire Permit #15-0729 - Just Thought of It Construction
R2016-65	Refund of Other Fees & Permits – Building Permit #15-0518 Vivint Solar

- R2016-66 Refund of Other Fees & Permits – Building Permit #15-0959 Solar City
- R2016-67 Resolution Establishing Bank Signatories for the Municipal Court
- R2016-68 Resolution Authorizing Release of Street Opening Bond #2015-76 – 25 Pearl Street – Fred M. Schiavone Construction, Inc.
- R2016-69 Resolution Authorizing Release of Street Opening Bond #2015-77 – Durham Avenue – Melick-Tully & Associates, P.C.
- R2016-70 Resolution Amending 2016 Temporary Budget

OTHER NEW BUSINESS – R2016-71

- R2016-71 Resolution Authorizing the Payment of the Bill List in the amount of \$

APPOINTMENTS

Roman Stefaniw – Arts Council – Term 12/31/2018 (Mayor’s recommendation with Council’s consent)

ORDINANCE – INTRODUCTION

- Ordinance 2016-07 An Ordinance Amending the Code of the Borough of Metuchen, Chapter 185, Vehicles And Traffic, Section 23, Multiway Stop Intersections
- Ordinance 2016-08 An Ordinance Amending Ordinance 2015-01, Entitled “An Ordinance Granting Municipal Consent for the Operation of a Cable Television System within the Borough of Metuchen, New Jersey to CSC TKR, LLC D/B/A Cablevision of Raritan”, Designating the Office of Cable Television as the Complaint Officer.

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

ADJOURNMENT

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

RESOLUTION 2016-62

RESOLUTION APPROVING SUBMISSION OF THE 2015 TONNAGE REPORT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Borough of Metuchen endorses the submission of the recycling tonnage grant application for the year **2015** to the New Jersey Department of Environmental Protection and Energy and designates Fred Hall to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 March 7, 2016

Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-63

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

RESOLUTION AUTHORIZING SUBMISSION OF THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, the Metuchen Community Development Advisory Committee met and made a recommendation for the use of the 2016-17 Community Development Block grants funds to provide for the ADA Compliance for Olmezer Park improvements in the Borough of Metuchen,

WHEREAS, the needs identified by the Metuchen Community Development Advisory Committee concerning the above referenced improvements are applicable to the ADA Accessibility requirements and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that on the basis of input from the Metuchen Community Development Advisory Committee and the input from the public hearing, the Borough Administrator is hereby authorized to prepare an application to be submitted for the utilization of the 2016-2017 Community Development Block Grant to provide for the ADA Accessibility at Olmezer Park in the designated target area in 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		

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-64

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

**REFUND OF OTHER FEES & PERMITS – ELECTRICAL & FIRE PERMIT #15-0729
JUST THOUGHT OF IT CONSTRUCTION**

WHEREAS, Just Thought of it Construction, 1 Sampson Street, Metuchen, NJ 08840 made payment on September 15, 2015 for renovations, of which \$100 was paid for an Electrical and Fire Permit fee, for a project at 22 Beverly Court; and

WHEREAS, the homeowner no longer wishes to have the electrical work performed and the smoke detectors installed; and

WHEREAS, pursuant to Ordinance #2015-07 a 20% plan review fee of \$20.00 shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund Just Thought of it Construction, 1 Sampson Street, Metuchen, NJ 08840, in the amount of \$80.00 for an Electrical and Fire 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 2016-65

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

**REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #15-0518
VIVINT SOLAR**

WHEREAS, Vivint Solar, 2400 Main Street Extension, Suite 6 & 7, Sayreville, NJ 08872 made payment on July 2, 2015 in the amount of \$404.00 for an Electrical and Building Permit fee for the installation of solar panels to be performed at 115 High Street; and

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

WHEREAS, the DCA (*State*) fees of \$79.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2015-07 a 20% plan review fee of \$65.00 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 Vivint Solar, 2400 Main Street Extension, Suite 6 & 7, Sayreville, NJ 08872 in the amount of \$260.00 for an Electrical and Building Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance #2015-07.

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 2016-66

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

**REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #15-0959
SOLAR CITY**

WHEREAS, Solar City, 9 Corporate Drive, Cranbury, NJ 08512, made payment on December 8, 2015 in the amount of \$531.00 for an Electrical and Building Permit fee for the installation of solar panels to be performed at 30 Kelly Street; and

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

WHEREAS, the DCA (*State*) fees of \$47.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2015-07 a 20% plan review fee of \$96.80 shall be deducted from the total permit fee to be returned; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund Solar City, 9 Corporate Drive, Cranbury, NJ 08512, in the amount of \$387.20 for an Electrical and Building Permit fee which is minus the 20% for plan review fee that is non-refundable per Ordinance #2015-07.

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 2016-67

RESOLUTION ESTABLISHING BANK SIGNATORIES FOR THE MUNICIPAL COURT

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

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

Municipal Judge James Graziano
 Court Administrator
 Deputy Court Administrator Barbara D. Stone

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 2016-68

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-76 – 25 PEARL STREET – FRED M. SCHIAVONE CONSTRUCTION, INC.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Fred M. Schiavone Construction Inc. as the required Performance Guarantees for Street Opening Bond #2015-76 - 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: Fred M. Schiavone Construction, Inc., P.O. Box 416, Malaga, New Jersey 08328 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 2016-69

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2015-77 – DURHAM AVENUE – MELICK-TULLY & ASSOCIATES, P.C.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Melick-Tully & Associates, P.C. as the required Performance Guarantees for Street Opening Bond #2015-77 - Durham 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			

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Susan D. Jackson, RMC
Borough Clerk

RESOLUTION 2016-70

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

RESOLUTION AMENDING 2016 TEMPORARY BUDGET

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

NOW, THEREFORE BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2016, effective March 7, 2016:

Mayor & Council	OE	250.00
Library Consortium	OE	400.00
Streets & Roads	OE	20,000.00
	TOTAL	20,650.00

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 2016-71

*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			

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Susan D. Jackson, RMC
Borough Clerk

ORDINANCE 2016-07

*BOROUGH OF METUCHEN
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY*

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 185, VEHICLES AND TRAFFIC, SECTION 23, MULTIWAY STOP INTERSECTIONS

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, that:

SECTION 1. Section 185-23 is hereby supplemented, amended and revised to reflect:

Midland Avenue and University Avenue: stop signs shall be installed on all approaches; and

Midland Avenue and Harvard Avenue: stop sign shall be installed on all approaches

SECTION 2. In accordance with N.J.S.A. 39:4-197(1)j., the Borough Engineer has certified (attached hereto and made a part thereof) the following information regarding the Maple Avenue & Center Street and West Chestnut Avenue & Center Street intersections: (i) that all intersecting streets are under municipal jurisdiction; (ii) that both intersections are within 500 feet of a school, or a playground or a youth recreational facility as defined therein; and (iii) the intersections are on streets contiguous to a school, or playground or youth recreational facility.

SECTION 3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to effect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication according to 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 March 7, 2016

Susan D. Jackson, RMC
Borough Clerk

Adopted:
Date of Publication of Adoption:

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

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 March 21, 2016

Susan D. Jackson, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Susan D. Jackson, RMC
Borough Clerk

By: _____
Peter Cammarano
Mayor

ORDINANCE 2016-08

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

AN ORDINANCE AMENDING ORDINANCE 2015-01, ENTITLED “AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF METUCHEN, NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN”, DESIGNATING THE OFFICE OF CABLE TELEVISION AS THE COMPLAINT OFFICER.

WHEREAS, the Borough of Metuchen by way of Ordinance No. 2015-01, granted municipal consent for the operation of a cable television system within the Borough of Metuchen to CSC TKR, LLC D/B/A Cablevision of Raritan; and

WHEREAS, pursuant to the terms of 2015-01, the Borough designated the Borough Municipal Clerk as the designated “Complaint Officer” for the Borough pursuant to *N.J.S.A. 48:5A-26*; and

WHEREAS, the Borough has determined that it would be more effective and in the best interest of the Borough and its residents to designate the Office of Cable Television as the “Complaint Officer” for the Borough of Metuchen.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, that it hereby amends, Section 14 of Ordinance No. 2015-01 entitled, Designation of a Complaint Officer” to state follows:

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The ~~Borough Municipal Clerk~~Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of *N.J.S.A. 48:5A-26*. All complaints shall be reviewed and processed in accordance with *N.J.S.A. 48:5A-26* and *N.J.A.C. 14:17-6.5*. ~~The Company shall also comply with such provisions of the Act and State Regulations in its response to customer complaints. Upon receipt of a written complaint, the Borough Municipal Clerk shall serve a copy of such a complaint upon the Company, and the Company shall within thirty (30) days of its written receipt of such complaint, file with the complaint officer a written report of such action as may have been taken by the Company, or such action as shall be taken by the Company in regard to such complaint. The complaint officer will forward a letter to the customers within ten (10) days of receipt of the Company’s response indicating the disposition or status of this complaint. Complaints shall be without prejudice to the right of any party to file a petition pursuant to *N.J.S.A. 48:5A-1, et seq.*, to institute formal proceedings.~~

BE IT FURTHER ORDAINED that the remaining sections and provisions of Ordinance 2015-01 not mentioned herein shall remain in full force and effect; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that all Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage and publication and as required by law.

Introduction:

Date of Publication of Introduction:

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 introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 7, 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									
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 February 1, 2016

 Susan D. Jackson, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Susan D. Jackson, RMC
 Borough Clerk

By: _____
 Peter Cammarano
 Mayor