

BOROUGH OF METUCHEN COUNCIL MINUTES
November 7, 2016
7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 7, 2016.

The Meeting was called to order at 7:30 p.m. by Mayor Cammarano.

Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on January 4, 2016, posted in Borough Hall and on file in the Clerk's Office. All requirements of the "Open Public Meetings Act" have been satisfied.

Mayor Cammarano opened the meeting with the following:

It is with a great sadness that I open tonight's meeting recognizing the passing of Councilman James Wallace. Jim passed away at home early this morning.

Jim truly embodied what it meant to be a Metuchenite.

He was born and raised here and never dreamed of living anywhere else. During his life here, Jim gave his all to the residents of Metuchen.

He worked as a letter carrier in town for about 5 years until he became a member of the Metuchen Police Department in 1965. After serving 27 years, he retired as a sergeant in 1992.

He joined the Washington Hose Company of the Volunteer Fire Department in 1961 and served in numerous leadership position including Fire Chief from 1976-1978. He served as President of the Middlesex County Fireman's Association and was instrumental in the creation of the Middlesex County Fire Academy.

He served as our Emergency Management Coordinator, a planning board member and many other positions in town.

Jim loved Metuchen and spent hours talking about the people and the streets and houses. I, like many others, saw him as a historian extraordinaire. He was always quick to name a house, on any street and give you the history of every resident that lived there since the 1960's. Often he even knew the color of the house.

In 2010, Jim was elected to the council. I remember meeting with him and asking him why he wanted to do it after all that he had done for the town. He didn't hesitate in responding that he loved serving the residents of Metuchen. Jim told many stories and was captivating to those listening. But the greatest and most telling stories were often about the main character. They were sub stories about the person that he was and the way he thought.

Jim took great pride in always being the first driver to arrive at the firehouse when the alarm sounded. He wanted to drive that first truck out of the firehouse. He once told me

that when there was a house fire, he turned the siren on the minute they pulled out of the firehouse no matter what time of day or night it was. I asked him why he used them in the middle of the night when there wasn't any traffic. He responded: So the people knew we were coming.

To me that was Jim. He was always committed to helping the residents when they needed it most.

I consider myself very fortunate to have gotten to know him and work with Jim. He provided a great deal of wisdom and friendship to all of us on the council.

I ask that we all keep Jim's family, His wife Veronika. His sons George, James and Ryan, his stepchildren Jason and Melissa and his 5 grandchildren in our prayers.

Mayor Cammarano asked that all stand for the Pledge of Allegiance and a moment of silence.

Mayor Cammarano opened the floor to the Councilmembers for any thoughts they may like to make about Councilmember Wallace. All Councilmembers spoke of their fond memories of Councilman Wallace.

Present were Councilmembers Inserro, Muldoon, Rasmussen, Council President Grayzel and Mayor Cammarano. Councilman Leibfried was absent. Also present were Jennifer Maier, Borough Administrator, Denis Murphy, Esq. and Susan Jackson, Borough Clerk.

Agenda Session

Council President Grayzel made a motion to open the Agenda Session, second by Councilwoman Rasmussen, with all in favor, motion carried, 4-0.

Councilman Muldoon stated the Complete Street Implementation/Bike Plan has been rescheduled for the December 5th meeting. He asked to add two brief updates to the agenda, one from the EMS representative and the other from MDA. MDA will be put on the first Council meeting each month for MDA updates. All Councilmembers have consented.

With no further actions taken Mayor Cammarano asked for a motion to close the agenda session.

Council President Grayzel made a motion to close the Agenda Session, second by Councilwoman Rasmussen, with all in favor, motion carried, 4-0.

Presentations

Peter Fairclough, 3 Goodwill Place, vice-president of the Metuchen First Aid Squad as well as a trustee and Crew Chief on Thursday nights. They are very thankful to have Councilman Muldoon as their liaison. Mr. Fairclough gave an update for year 2016. He spoke about their recruitment of personnel and their fundraising efforts.

Councilman Muldoon asked about their recruitment campaign. He stated that the Borough can help by promoting any information through the website and Facebook.

There was further discussion on how the EMS works with potential recruitment candidates.

Councilwoman Rasmussen stated that making charitable donations to the EMS is a great thing to do especially at the end of the year.

Metuchen Downtown Alliance – this presentation has been dubbed “The Main Street Minute”. Ranjit Walia along with Isaac Kramer presented the Main Street Minute for November 2016. The four items that were worked on in the last month: 1) collected detail statistics on the number of businesses and jobs downtown as well as the vacancy rate for commercial and residential properties; 2) finalized the plan and ordered new holiday lights for the downtown; 3) designed passports to Metuchen to offer deals for 50 businesses in the downtown over the holiday season alongside with their promotion team; and 4) Organizational Team was instrumental in preparing for board and volunteer training. Coming up for November a strategic planning SWAT analysis on November 14, this is the first step that will be ongoing until March 2017 along with the organization team. The Small Business Saturday is scheduled for November 26th will highlight local businesses and encourage people to shop small. More information can be found at #shopsmall on Twitter. They will be working with DPW to install the new holiday lights. On behalf of the Economic Vitality Team, they are beginning the market analysis this month. The National Main Street Center is working on Main Street Refresh to help Main Street program be more effective in their work.

Councilman Muldoon stated that the MDA has been very active the last few months and by the end of the year the residents should see some physical impacts of the MDAs efforts.

Regular Meeting

Council President Grayzel made a motion to approve the Borough Council minutes of October 17, 2016 second by Councilwoman Rasmussen, with all in favor, motion carried, 4-0.

Public Comment

Mayor Cammarano opened Public Comment to any members of the public wishing to speak.

Councilman Leibfried arrived at 7:57 PM.

Audrey Gatling, 95 East Walnut Street, Metuchen spoke about the traffic and parking problems on East Walnut Street as a result of Mrytle Park and Charles Field. Some of the issues is that the parking lots in the parks are too small to accommodate the influx of traffic during use of the parks. The residents of E. Walnut St. are looking for help in rectifying this issue.

Ted Coleman, 47 E. Walnut Street, Metuchen, added his concerns about the increase traffic and parking on E. Walnut because of the increase of activities at the parks. The following issues have bothered him for many years – closing access to the parks from other street and there is a safety problem issue because of a large tree that had been planted in the old roadway. He has concerns that if the tree falls it will prevent access to E. Walnut Street. He would like to see a flashing speed limit sign and speed bumps on E. Walnut Street.

Joan Hunter, 97 E. Walnut Street, Metuchen, stated that she has noted the same issues with traffic. She also stated that when she gets home from work, there isn't any available parking in front of her house due to the park parking.

Mayor Cammarano spoke that he has been aware of the problems on E. Walnut St. He has had a meeting with the Administrator and Police Chief to address the issues of parking in the parks and traffic/parking on E. Walnut and what solutions can be implemented.

Ms. Gatling also came up stating that the lights are staying on after 10:00 pm. Mayor Cammarano said that the rule is lights out at 10:00 pm. Mr. Coleman stated that the fields are used almost every night with all the sport programs. Mayor asked that the residents to be patient as the issues are being addressed and time will be needed.

Seeing no one else wishing to speak, Mayor Cammarano closed the Public Comment.

Ordinance – Public Hearing

Ordinance 2016-25

Council President Grayzel spoke about the action that has been taken previously on Ordinance 2016-25. There is a new ordinance on the agenda tonight to be introduced but will have to do a two part motion to close the public hearing from the last meeting and rescind the introduction on Ordinance 2016-25.

Council President Grayzel made a motion to close the public hearing, second by Councilwoman Rasmussen, with all in favor, motion carries, 5-0.

Council President Grayzel made a motion to rescind the introduction of Ordinance 2016-25, second by Councilwoman Rasmussen.

Mayor Cammarano asked for a roll call vote.

Roll Call: Inserro, Leibfried, Muldoon, Rasmussen and Grayzel voted yes.

Motion carries, 5-0

Ordinance 2016-26

Council President Grayzel asked for the presentation of Affidavit of Publication for Ordinance 2016-26.

Borough Clerk presented the affidavit of publication stating that said Ordinance 2016-26 has been published one time in the Home News Tribune according to Law on October 21, 2016.

Council President Grayzel moved that the affidavit of publication be received and filed, second by Councilwoman Rasmussen, with all favor, motion carried, 5-0.

Council President Grayzel asked Borough Clerk to read Ordinance 2016-26 by title.

Borough Clerk read Ordinance 2016-26 by title only

Ordinance 2016-26	An Ordinance Amending the Code of the Borough of Metuchen, Chapter 185, Vehicles and Traffic, Section 23, Multiway Stop Intersections
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Mayor Cammarano opened the Public Hearing on Ordinance 2016-26.

Seeing no one wishing to speak, Mayor Cammarano closed Public Hearing.

Council President Grayzel made a motion to pass Ordinance 2016-26 on second reading and be published according to law, second by Councilwoman Rasmussen.

Mayor Cammarano asked for a roll call vote.

Roll Call: Inserro, Leibfried, Muldoon, Rasmussen and Grayzel voted yes.

Ordinance 2016-26 was adopted, 5-0

Ms. Maier explained that each intersection stop signs will be installed one week apart to allow people to get used to them. The electronic sign will be used to notify to residents. All residents at the corners of the affected intersections are ok with the loss of parking spaces in front of their homes.

ORDINANCE 2016-26

*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:

Maple Avenue and Oak Avenue: stop signs shall be installed on all approaches; and

Maple Avenue and Linden Avenue: stop signs 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 & Oak Avenue and Maple Avenue & Linden Avenue 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.

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," TO AMEND SUBSECTION 1 OF §110-95.10 (CONTROL PERIODS FOR RESTRICTED RENTAL UNITS, AND SUBSECTION 2 OF §110-95.20 AFFIRMATIVE MARKETING REQUIREMENTS) AND TO ENACT §110-74.1 (R-8 OVERLAY RESIDENTIAL DISTRICT) AND §110-76.1 (R-9 OVERLAY RESIDENTIAL DISTRICT) IN ARTICLE 7 (PERMITTED USES) IN CHAPTER 110 (LAND DEVELOPMENT) OF THE CODE OF THE BOROUGH OF METUCHEN TO FURTHER ADDRESS COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, in order to comply with a certain judgment of compliance and repose entered in favor of the Borough of Metuchen in an action entitled, In the Matter of the Application of the Borough of Metuchen, Docket No. MID-L-4012-15, certain changes are required to be made to the land use regulations enacted in Ordinance No. 2016-19; the Borough was required to change certain uses from conditional uses to permitted uses, and to make certain other procedural changes; and

WHEREAS, the Mayor and Council of the Borough of Metuchen, in order to comply with said certain requirements enacts this ordinance;

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

SECTION 1. Subsection 1 of §110-95.10 (Control Periods for Restricted Ownership Units and Enforcement Mechanisms) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 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 was not filed as of August 18, 2016, the initial control period shall be 50 years.

SECTION 2. Subsection 1 of §110-95.15 (Control Periods for Restricted Rental Units) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 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 that for any development of five units or more for which an application for development was not filed as of August 18, 2016, the initial control period shall be 50 years.

SECTION 3. Subsection 2 of §110-95.20 (Affirmative Marketing Requirements) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-95.20 Affirmative Marketing Requirements

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 3 and is required to be followed throughout the period of restriction. At the request of Fair Share Housing Center, the following five organizations have been added to be the Affirmative Marketing Plan: Fair Share Housing Center, New Brunswick NAACP, Plainfield NAACP, Metuchen NAACP and Latino Action Network.

SECTION 4. An Overlay Zoning District, entitled “R-8 Overlay Residential District” is hereby established within the R-2 Residential District on Block 132, Lots 10-27, 42-46, 49-51 and 52. The Zoning Map of the Borough of Metuchen established by §110-65 of the Code of the Borough of Metuchen is hereby amended to provide for the establishment of the R-8 Overlay Residential District with respect to said lots. The Borough Engineer is hereby authorized and directed to make said changes to the Zoning Map.

SECTION 5. §110-74.1. (R-8 Overlay Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby enacted to read as follows:

§ 110-74.1. R-8 Overlay Residential District

Principal and accessory uses shall be permitted and regulated in the R-8 Overlay Residential District as follows, on the following lots only: Block 132, Lots 10-27, 42-46, 49-51 & 52.

A. Permitted principal uses: Townhouses

B. Permitted accessory uses: Any accessory use permitted in the R-2 Residential District

C. Bulk regulations for townhouses:

1. 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.
2. Minimum frontage on Safety Place: two hundred fifty (250) feet.
3. The design of the townhouse structures shall be oriented to front toward Safety Place and back toward the Northeast Corridor Railroad right-of-way.
4. Townhouse structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
5. 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.

D. All such uses shall comply with the affordable housing requirements of Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen.

SECTION 6. An Overlay Zoning District, entitled “R-9 Overlay Residential District” is hereby established within the B-2 Neighborhood Business District on Block 158, Lot 2. The Zoning Map of the Borough of Metuchen established by §110-65 of the Code of the Borough of Metuchen is hereby amended to provide for the establishment of the R-9 Overlay Residential District with respect to said lot. The Borough Engineer is hereby authorized and directed to make said changes to the Zoning Map.

SECTION 7. § 110-76.1. (R-9 Overlay Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby enacted to read as follows:

§ 110-76.1. R-9 Overlay Residential District

Principal and accessory uses shall be permitted and regulated in the R-9 Overlay Residential District as follows, on the following lot only: Block158, Lot 2

- A. Permitted principal uses: Courtyard Apartments
- B. Permitted accessory uses: Any accessory use permitted in the B-2 Neighborhood Business District
- C. Bulk regulations:

Courtyard Apartments shall meet the following specific conditions:

- 1. Minimum tract area shall be 20,000 square feet.
 - 2. Minimum frontage: one hundred twenty five (125) feet on Main Street and frontage on any other street shall not be permitted.
 - 3. 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.
 - 4. Courtyard apartment structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
- D. All such uses shall comply with the affordable housing requirements of Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen.

SECTION 8. Section 2, Section 3, Section 4 and Section 5 of Ordinance No. 2016-19, entitled “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,” are hereby repealed.

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 10. 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 11. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Ordinance 2016-28

SECTION 1. Article 7 (Residential Development Fees) in Chapter 87 (Fees) of the Code of the Borough of Metuchen is hereby repealed.

SECTION 2. Article 14A (Development Fees for Residential Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby repealed.

SECTION 3. Article 14B (development fees) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby enacted to read as follows:

ARTICLE 14B-DEVELOPMENT FEES

§110-55.8 - Purpose

- a) In Holmdel Builder’s Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
- b) Pursuant to P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or Court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance with P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s prior round rules on development fees, codified at N.J.A.C. 5:93-8. and P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

§110-55.9 - Basic requirements

- a) This ordinance shall not be effective until approved by the Court.
- b) The Borough of Metuchen shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

§110-55.10 - Definitions

- a) “Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- b) “COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

- c) “Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.
- d) “Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- e) “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5 and 6 of P.L.1973, c.123 (C. 54:1-35a through C. 54:1-35c).
- f) “Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§110-55.11 - Residential Development fees

- a) Imposed fees
 - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, unless the

owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved or replaced structure as compared to the previous structure.

- iv. Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

§110-55.12 - Non-residential Development fees

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after

the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Metuchen as a lien against the real property of the owner.

§110-55.13 - Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Metuchen fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Except as provided in §110-55.12(a)(iii), above, fifty (50) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The

developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Metuchen. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Metuchen. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§110-55.14 - Affordable Housing Trust Fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer of the Borough of Metuchen for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with Metuchen's affordable housing program.
- c) Within seven days from the opening of the trust fund account, the Borough of Metuchen shall provide the State of New Jersey, Department of Community Affairs, Division of Local Government Services with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and NJDCA-LGS to permit NJDCA-LGS to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.15, 8.18 and 8.19. This requirement shall be deemed to have been satisfied by a previously executed three-party escrow agreement with COAH, provided the bank remains the same as in the original agreement.

- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

§110-55.15 - Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Department to address the Borough of Metuchen's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse the Borough of Metuchen for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Borough of Metuchen may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new

construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the reporting and monitoring requirements that have been approved by the Court. Legal or other fees related to litigation opposing affordable housing sites or objecting to or appealing Court's approval of Metuchen's Housing Element and Fair Share Plan are not eligible uses of the affordable housing trust fund.

§110-55.16 – Monitoring

On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose to Metuchen, the Borough of Metuchen shall report all activity in connection with its Affordable Housing Trust Fund to the New Jersey Department of Community Affairs (either the Division of Local Government Services or the Council on Affordable Housing (COAH), whichever entity is designated by the State of New Jersey), with a copy provided to Fair Share Housing Center and to the Intervenors/Defendants in *In the Matter of the Application of the Borough of Metuchen*, Docket No.: MID-L-4012-15, and with a posting of same on the municipal website, using forms previously developed for this purpose by COAH. The reporting shall include all sources and amounts collected/earned and the amounts and purposes for which funds have been expended.

§110-55.17 - Ongoing collection of fees

- a) The ability for the Borough of Metuchen to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless the Borough of Metuchen has filed an adopted Housing Element and Fair Share Plan with the Court or with COAH or its successor agency designated by the State of New Jersey, has petitioned for a Judgment of Compliance and Repose or substantive certification, and has received the Court's or COAH's approval of its development fee ordinance. If the Borough of Metuchen fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320). The Borough of Metuchen shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Borough of Metuchen retroactively impose a development fee on such a development. The Borough of Metuchen shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

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

SECTION 5. 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 6. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Mayor Cammarano addressed the resignation of Richard Dyas from the Parking Authority. He stated that the Borough recognizes the many years of service that both Richard and his wife, Eileen, have served the Borough in many different capacities and will be missed as they move to the next phase of their lives.

Communications Consent Agenda – Items A - D

Council President Grayzel made a motion to move Communication Consent Agenda, Items A - D, second by Councilman Leibfried, with all in favor, motion carried, 5-0

- A. Receive and Accept Recreation Meeting Minutes of September 13, 2016
- B. Receive and Accept Resignation of Jane Leal – Alt. Planning Board
- C. Receive and Accept Metuchen Arts Council Meeting Minutes of September 26, 2016
- D. Receive and Accept Resignation of Richard Dyas – Parking Authority

Other Communications

- A. Best Practices Inventory

Council President Grayzel made a motion to accept Best Practices Inventory as submitted, second by Councilwoman Rasmussen, with all in favor, motion carried, 5-0.

Reports of Councilmembers

Mayor Cammarano opened Reports of Councilmembers.

Council President Grayzel –

- Has no report at this time

Councilwoman Inserro –

- December 7th at the Library at 7:00 pm there will be a forum for parents, teens and pre-teens on underage drinking. There will be a speaker from Rutgers as well as two Counselors who are very knowledgeable on drug addictions us and drinking.
- Metuchen Seniors can start signing up on Monday, November 14th for the annual free dinner and dress rehearsal of the Metuchen High School Musical which is “Avenue Q”.

Councilman Leibfried –

- Has not report at this time
- He did give his condolences to Councilman Wallace’s family and friends. He has served this community for many years and will be sorely missed.

Councilman Muldoon –

- Parking Authority will be streamlining the operations now that everything is running smoothly with the Deck. The Parking Authority has reorganized and has eliminated the Executive Director position and created a part-time Business Manager to handle day-to-day administration. Metuchen resident Cory Zaneto was hired as the Business Manager, Art Moore is now the facility manager and Dorothy Wyzykowski will continue to maintain customer and business records. The Parking Authority and the Borough has negotiated an inter-local agreement which will allow the

Department of Public Works to handle some of the maintenance issues, including sweeping and snow removal of the parking lots throughout the Borough.

Councilwoman Rasmussen –

- The Development Commission met earlier in the month. Many members have decided to get involved in MDA.

Reports of Officers

Denis Murphy, Esq. –

- Has no report at this time

Jennifer Maier, Administrator –

- She gave a report on the repairs that have been made to date at the parks in the Borough and the repairs to be made in the spring. She thanked Public Works for all their hard work in cleaning up the parks.

Councilman Leibfried asked what the plans are for the basketball court at Kentnor Park. Mayor Cammarano addressed this stating that there will be meetings with the residents to determine what the needs are at each neighborhood park.

Councilman Muldoon asked if there is a schedule in place to complete the paving on Bridge Street. Ms. Maier stated that the contractors have been given authorization to proceed with the completion and should be done any day.

Report of the Mayor

- Mayor gave a report on the bank robbery and bomb scare at the High School that happened last week. He congratulated the Police and all emergency personnel involved in their quick response on a job very well done.

New Business – Resolutions 2016-260 through 2016-271

Council President Grayzel moved New Business Consent Agenda – Resolution 2016-260 through R2016-271, second by Councilwoman Rasmussen, with all in favor, motion carried, 5-0

RESOLUTION 2016-260

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #16-032
32 STIRLING COURT**

WHEREAS, David Lanton posted \$96.00 for sidewalk escrow fees for 32 Stirling Court; and

WHEREAS, the Planning Office has requested that the escrow fees be refunded to David Lanton,

NOW, THEREFORE, BE IT RESOLVED, that David Lanton be refunded \$96.00 from the Sidewalk Inspection Escrow account.

RESOLUTION 2016-261

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

RESOLUTION SUPPORTING POLICE OFFICERS, FIREFIGHTERS, CORRECTION OFFICERS AND FIRST RESPONDERS

WHEREAS, Police Officers, Firefighters, Correction Officers, and First Responders ensure the public safety and protection of citizens and place their lives on the line while performing their duties; and

WHEREAS, Congressman David W. Jolly (R-Florida) introduced H.R. 814, known as the “Thin Blue Line Act” on February 9, 2016 that amends Section 3592© title 18 of the United States Code; and

WHEREAS, this legislation provides that the killing of Law Enforcement Officers, Firefighters, Prosecutors, First Responders and Correction Officers while engaged in the performance of their official duties, because of the performance of their official duties or because of their status as a public official employee, shall be deemed as an aggravating factor while considering the imposition of the death penalty based on the status of the victim under federal law; and

WHEREAS, the recent murders of 5 Law Enforcement Officers in Dallas, Texas on July 7, 2016, as well as the deaths of numerous Law Enforcement Officers and First Responders in the United States are an example of the dangerous conditions which Law Enforcement Officers and other responders face on a daily basis; and

WHEREAS, the Borough Council of the Borough of Metuchen recognizes that all members of the Metuchen Borough Police Department, Metuchen Volunteer Fire Department, Metuchen Volunteer Rescue Squad and First Responders and all Law Enforcement Officers and First Responders throughout New Jersey and the United States place themselves in harm’s way in order to protect the public and ensure a safe community.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey hereby confirms for the record its support of H.R. 814 and urges the United States House of Representatives and U.S. Senate to enact this important legislation; and

BE IT FURTHER RESOLVED, the Borough Clerk shall forward copies of this Resolution, along with a letter from the Mayor to: Senator Cory Booker, Senator Robert Menendez, Congressman Frank Pallone, Jr., Speaker Paul Ryan, Senator Patrick J. Diegnan, Jr., Assemblyman Robert Karabinchak, Assemblywoman Nancy J. Pinkin, the New Jersey State Police Chiefs Association, and all Mayors in Middlesex County, New Jersey.

RESOLUTION 2016-262

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

RESOLUTION AUTHORIZING THE ENTRY INTO, AND THE EXECUTION OF, A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE PARKING AUTHORITY OF THE BOROUGH OF METUCHEN

WHEREAS, the Parking Authority of the Borough of Metuchen requires certain administrative support and maintenance services relating to the operations and management of the of the Parking Authority properties, including but not limited to the snow plowing, sweeping and cleaning of the Parking Authority lots (the “Services”); and

WHEREAS, the Borough of Metuchen has determined that it has the necessary resources and personnel to provide the Services to the Parking Authority; and

WHEREAS, representatives of the Borough and the Parking Authority have met and discussed the required Services to assist the Parking Authority in their operations and the necessary personnel and resources to render the same; and

WHEREAS, the Borough and the Parking Authority desire to authorize the entry into a Shared Services Agreement for the provision of the required Services.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Metuchen hereby authorizes the entry into and the execution of a Shared Services Agreement between the Borough of Metuchen and the Parking Authority of the Borough of Metuchen in the form consistent to the Shared Services Agreement attached hereto subject to the final approval as to form and contents by the Mayor, Borough Administrator, Council President and legal counsel; and

BE IT FURTHER RESOLVED that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the final approval and execution of a Shared Service Agreement in the form acceptable in contents by the Mayor, Borough Administrator, Council President and legal counsel; and

BE IT FURTHER RESOLVED that Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of the authorized executed Shared Service Agreement between the Borough and Parking Authority.

RESOLUTION 2016-263

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-39 – 205 COLUMBIA AVENUE – JOHN BURTON PLUMBING & HEATING INC.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by John Burton Plumbing & Heating Inc. as the required Performance Guarantee for Street Opening Bond #2016-39 – 205 Columbia Avenue; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to: John Burton Plumbing & Heating Inc, 104 Norcross Avenue, Unit B, Metuchen New Jersey 08840 as recommended by the Director of Public Works.

RESOLUTION 2016-264

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

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND
#2016-40 – 250 LIBERTY STREET – JOHN BURTON PLUMBING & HEATING INC.**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by John Burton Plumbing & Heating Inc. as the required Performance Guarantee for Street Opening Bond #2016-40 – 250 Liberty 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: John Burton Plumbing & Heating Inc, 104 Norcross Avenue, Unit B, Metuchen New Jersey 08840 as recommended by the Director of Public Works.

RESOLUTION 2016-265

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

**RESOLUTION AUTHORIZING AN AGREEMENT FOR ENGINEERING SERVICES FOR
NJ DEPARTMENT OF TRANSPORTATION TRUST FUND PROJECT –DURHAM AVENUE
– MASER CONSULTING P.A.**

WHEREAS, there exists the need for consultant services for engineering services for professional engineering and construction observation and related services in the Borough of Metuchen commencing in 2016, for NJDOT FY 2015-Durham Avenue Project; and

WHEREAS, the proposal was reviewed and evaluated by Borough Administrator; and

WHEREAS, it is the recommendation of the Borough Administrator that a contract for engineering service be awarded to Maser Consulting P.A., of Red Bank, New Jersey; and

WHEREAS, it is the desire of Borough Council to appoint Maser Consulting P.A., of Red Bank, New Jersey as the engineering services for professional engineering and construction observation and related services for the project NJDOT FY 2015-Durham Avenue effective October 2016; and

WHEREAS, the cost for the proposed services shall not exceed \$130,700.00 without further approval by the Borough Council; and

WHEREAS, funds for this purpose will be available in the 2016 Budget as evidenced by the Chief Financial Officer's Certification; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Metuchen that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Metuchen and Maser Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey, 07701 for engineering services for professional engineering and construction observation and related services for the project NJDOT FY 2015-Durham Avenue.

RESOLUTION 2016-266

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

RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE

WHEREAS, the Planning Office has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Office has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Office 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 these projects will be paid.

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
13-993 E	266.33	Callicorp LLC 20 Hillside Avenue
13-1011 E	369.95	Suburban Development LLC 38 Orchard Street
16-1097 E	446.00	James Schiadaresis 41 Sheridan Avenue

RESOLUTION 2016-267

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

RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE

WHEREAS, the Planning Office has requested that the following escrow accounts be closed and the balance be refunded to the depositors,

WHEREAS, the Planning Office has contacted the Board Engineer, Planner and Attorney for authorization to release the funds and determine the projects are closed,

WHEREAS, the Planning Office 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 these projects will be paid.

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
00-513 E	701.96	KMP Realty LLC 228-236 Main Street
14-10331 E	118.87	Greenway Village LLC 392 Amboy Avenue

RESOLUTION 2016-268

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

RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE

WHEREAS, the Planning Office has requested that the following escrow account be closed and the balance be refunded to the depositor,

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

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

WHEREAS, project 14-10331 I for this release is an interest bearing-split escrow account,

WHEREAS, the payment for release for project 14-10331 I will include interest in addition to the amount shown in the chart below,

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
14-10331 I	2019.11	Greenway Village LLC 392 Amboy Avenue

RESOLUTION 2016-269

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

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2016 in the sum of \$2,745.56, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,745.56.

BE IT FURTHER RESOLVED, that the like sum of \$2,745.56 is hereby appropriated under the caption Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Division of Criminal Justice in the amount of \$2,745.56.

RESOLUTION 2016-270

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

**RESOLUTION TO TRANSFER 2016 TAXES DUE TO PARCELS AFFECTED BY
SUBDIVISION, LAND BOUNDARY CHANGES OR COMBINING PARCELS**

WHEREAS, Block 91, Lot 11 and Block pa, Lot 15 were affected by subdivision, boundary changes or combining parcels where parcels are being combined/eliminated, and

WHEREAS, payments for quarters one and two on Block 91, Lot 15 parcel are credited to Block 91, Lot 11, and

WHEREAS, to properly account for taxes billed and paid, the following transfers of payments is requested from the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to make transfer adjustments for 2016 tax payments on the following properties due to subdivision, boundary changes or combining parcels where parcels are being combined/eliminated, in the amount of \$3,808.35.

Block/Lot/Qual	Address	Owner	Amount to Transfer	Quarter of Transfer
91/15	550 Middlesex Ave	Cairo Prop. c/o Friendly Ice Cream	(1,904.18)	1/2016
91/15	550 Middlesex Ave	Cairo Prop. c/o Friendly Ice Cream	(1,904.17)	2/2016
91/11	544 Middlesex Ave	Cairo Prop. c/o Friendly Ice Cream	1,904.18	1/2016
91/11	544 Middlesex Ave	Cairo Prop. c/o Friendly Ice Cream	1,904.17	2/2016

RESOLUTION 2016-271

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

RESOLUTION AMENDING CERTAIN SALARIES

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 92-25 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2016 as follows:

GROUP V – FULL TIME OFFICERS AND EMPLOYEES

DPW Director – Adjust Annual Base Prorated in 2016 as of June 1, 2016

BE IT FURTHER RESOLVED, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups; and

BE IT FURTHER RESOLVED that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which

is greater than that of a current employee in the same range.

Other New Business

Council President Grayzel made a motion to approve R2016-272; authorizing the Payment of the Bill List in the amount of \$6,149,490.93, second by Councilman Leibfried, with all in favor, motion carried, 5-0.

RESOLUTION 2016-272

*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 **\$6,149,490.93**

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.

Ordinance – Introduction

Ordinance 2016-29

Council President Grayzel made a motion to introduce Ordinance 2016-29 and taken up at first reading, second by Councilwoman Rasmussen, with all in favor, the motion carries, 5-0.

Council President Grayzel asked that the Ordinance be read by title only.

Borough Clerk read the Ordinance by title only:

Ordinance 2016-29 Ordinance Amending Sections 59-6 and 59-12(G) of the Code of the Borough of Metuchen Increasing the Dog Licensing Fee and the Late Payment Fees for Dog and Cat Licensing

Council President Grayzel moved Ordinance 2016-29 be passed on first reading, be published according to law and a public hearing be set down for Monday, December 5, 2016, second by Councilwoman Rasmussen.

Mayor Cammarano asked for a voice call vote.

Roll Call: Inserro, Leibfried, Muldoon, Rasmussen and Grayzel voted yes.

Ordinance 2016-29 was passed on first reading and be published according to law, 5-0.

ORDINANCE 2016-29

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

ORDINANCE AMENDING SECTIONS 59-6 AND 59-12(G) OF THE CODE OF THE BOROUGH OF METUCHEN INCREASING THE DOG LICENSING FEE AND THE LATE PAYMENT FEES FOR DOG AND CAT LICENSING

WHEREAS, the Board of Health of the Borough of Metuchen has reviewed the fees for the licensing of dogs and cats within the Borough as well as the late payment fees associated with the same; and

WHEREAS, the Board of Health has recommended and requested the Mayor and Borough Council increase the current dog license fees from \$7.00 to \$10.00, and to increase the late payment fees for both dog and cat licensing from \$2.00 to \$5.00; and

WHEREAS, the Council of the Borough of Metuchen deems it in the best interest of the Borough to accept the Board of Health's recommendation and request to increase the aforementioned fees.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby amends Chapter 59 of the Code of the Borough of Metuchen, entitled, "Animals", specifically § 59-6, shall be hereby amended to state as follows:

§ 59-6 Fees; expiration dates.

A. The person applying for the license and registration tag of a dog shall pay an annual fee of \$10.00 plus such additional fees as established by the state and forwarded to the Department of Health. A fee of \$3 shall be added for unneutered dogs. For each annual renewal the fee for the license for the registration tag shall be the same as for the original license tag. The licenses, registration tags and renewals thereof shall expire on the last day of January of the following year.

B. Commencing March 1 of each year a late fee of \$5.00 will be added to the regular dog license fee.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that § 59-12(G) of the Code of the Borough is hereby amended to state as follows:

§ 59-12(G) Fees. A license shall be issued after payment of a fee of \$11.20 for each unneutered cat and \$8.20 for each neutered cat. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$5.00, as well such other penalties as provided in § 59-34 of this article.

BE IT FURTHER ORDAINED that the remaining sections and subparts of Chapter 59, including but not limited to § 59-12 not referenced above shall remain in full force and effect; and

BE IT FURTHER ORDAINED that if any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency; and

Mayor Cammarano asked for a roll call vote.

Roll Call: Inzerro, Leibfried, Muldoon, Rasmussen and Grayzel voted yes.

Councilwoman Inzerro clarified that the rates are for non-residents who utilize the Senior Center and that there are two changes in fee charges for activities to be paid by all members.

Ordinance 2016-31 was passed on first reading and be published according to law, 5-0.

ORDINANCE 2016-31

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

ORDINANCE OF THE BOROUGH OF METUCHEN ESTABLISHING A NON-RESIDENT SENIOR FEE TO PARTICIPATE IN METUCHEN SENIOR CITIZEN CENTER ACTIVITIES AND INCREASING THE PROGRAM FEES FOR THE SENIOR HOLIDAY LUNCH.

WHEREAS, the Borough of Metuchen has established a Metuchen Senior Center, which is a drop-in facility for citizens aged sixty (60) and over; and

WHEREAS, a full range of services are offered, including recreation, information and referral, health screening, counseling and income tax preparation for Metuchen Seniors; and

WHEREAS, the services offered by the Metuchen Senior Center have not been limited to Borough Senior residents, and Borough has allowed participation to surrounding community senior residents, based upon availability of space and demand; and

WHEREAS, the increasing costs of operation of the Metuchen Senior Center is borne by, among other things, the residents of the Borough of Metuchen; and

WHEREAS, pursuant to § 10-20 of the Code of the Borough of Metuchen, the Borough of Metuchen has established a Senior Citizens Commission who shall make recommendations to the Mayor and Council related to the activities, policies and programs to assist seniors; and

WHEREAS, the Metuchen Senior Citizens Commission has recommended to the Mayor and Council the implementation of a non-resident senior annual fee of \$30.00 in order to utilize the Metuchen Senior Center facility in order to assist with the increase of the costs of operations; and

WHEREAS, the Council of the Borough of Metuchen deems it in the best interest of the residents of the Borough of Metuchen to accept the recommendation of the Metuchen Seniors Commission and implement a non-resident senior annual fee of \$30.00 for the eligibility for the use of the Metuchen Senior Center facility during normal operating hours and the

recommendation of the Borough Administrator and Metuchen Senior Center Director to establish a range of fees to be charged for the Senior Center Sponsored lunches.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby amends Chapter 87, Article 14 of the Code of the Borough of Metuchen, entitled "Senior Citizen Program Fees, specifically § 87-23, to state as follows:

§ 87-23 Fees established.

- A. There shall be an annual registration fee for non-resident senior citizens (age sixty (60) and over) in the amount of \$30.00 per person. The payment of the annual registration fee shall be required prior to the participation and/or use by any non-resident senior citizen of the Metuchen Senior Center or participation in any program, event and/or service offered at the Metuchen Senior Center. The payment of such registration fee shall be in addition to any costs or fee established by the Borough for the participation in an event, service or program.
- B. The payment of the annual registration fee shall not provide a non-resident senior any right or entitlement to any or all of the benefits, programs, assistance and services offered by the Borough of Metuchen to the Borough of Metuchen Senior Citizens. The payment of the above annual registration fee set forth above shall be solely for the eligibility to participate in events, programs and services offered at the Metuchen Senior Citizen Center and shall not be a guarantee, license or entitlement to any services offered by the Borough of Metuchen.
- C. Senior Citizen Program Fees. In addition to those fees established above, fees are established for participation in the following programs:

Program	Fee
Senior Center sponsored luncheons	\$5.00 to 10.00 (dependent upon the costs of luncheon)
Atlantic City chartered bus trips	\$20.00 to \$40.00 (dependent upon cost of bus rental)

BE IT FURTHER ORDAINED, by the Council of the Borough of Metuchen that it hereby authorizes and directs the Metuchen Seniors Commission in coordination with the Borough Administrator and the Director of the Metuchen Senior Center to establish practices and procedures relating to the collection, enforcement and monitoring of the annual registration fee for non-resident seniors, including but not limited to providing notice to the seniors, the creation of an application for non-resident seniors, and the pro-ration of the annual registration fee, when applicable, and the fees to be charged for the programs, services and events in accordance with the aforementioned guidelines; and

BE IT FURTHER ORDAINED that if any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that this ordinance shall take effect after passage and publication as required by law, except that the annual registration fee for non-resident seniors shall become effective January 1, 2017.

Public Session – New Matters

Mayor Cammarano opened Public Session to anyone wishing to speak on new items only.

Ted Coleman, 47 E. Walnut Street, Metuchen, wanted to commend all those that were involved with the Greenway but there is a problem for those that live on the south side of the Greenway. There is no formal entrance to the Greenway and the access that is being used by the public isn't safe. He is asking for a more formal entrance to the Greenway. Mayor Cammarano addressed that this has been looked at in the past and there are many hurdles that need to be addressed.

Seeing no one else wishing to speak, Mayor Cammarano closed the Public Session.

Adjournment

Council President Grayzel made a motion to adjourn the meeting, second by Councilman Leibfried, with all in favor; the meeting was adjourned at 8:34 pm, 5-0.

Respectfully Submitted,

Susan D. Jackson, RMC
Metuchen Borough Clerk