

**BOROUGH COUNCIL AGENDA
REGULAR MEETING SEPTEMBER 12, 2022
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Public Comment

Borough Council Meeting Minutes

Approval of Borough Council Meeting Minutes of August 22, 2022

Communications Consent Agenda – Items A-H

- A. Receive and Accept Shade Tree Commission Meeting Minutes of August 2, 2022
- B. Receive and Accept Traffic & Transportation Committee Meeting Minutes of February 9, March 9, and April 13, 2022
- C. Receive and Accept Resignation of Terry Irving from the Pool Commission
- D. Receive and Accept Application for MDA Haunted Halloween Event, October 29, 2022
- E. Receive and Approve Block Party/Street Closing for Columbia Avenue, October 8, 2022
- F. Receive and Approve Block Party/Street Closing for Hanson Street, October 8, 2022
- G. Receive and Approve Block Party/Street Closing for Home Street, October 8, 2022
- H. Receive and Approve Block Party/Street Closing for Summit Avenue, October 1, 2022

Ordinances – Public Hearing

Ordinance 2022-15

ORDINANCE AMENDING ARTICLE 42 OF
CHAPTER 110, SPECIFICALLY, § 110-168 OF
THE CODE OF THE BOROUGH OF
METUCHEN, ENTITLED “SURFACE WATER
RUN-OFF” ESTABLISHING MINIMUM
STORMWATER MANAGEMENT
REQUIREMENTS

Report Of the Borough Administrator

Reports Of Council Members

Council President Delia
Councilmember Rasmussen
Councilmember Koskoski
Councilmember Kandel
Councilmember Hirsch
Councilmember Branch

Report of the Mayor

New Business Consent Agenda – Resolutions 2022-200 to 2022-207

R2022-200	RESOLUTION AUTHORIZING BOND ANTICIPATION NOTES IN THE SUM OF \$2,324,400 AUTHORIZED BY ONE BOND ORDINANCE HERETOFORE ADOPTED TO FINANCE VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE
R2022-201	RESOLUTION AUTHORIZING BID AWARD FOR 2022 ROAD PROGRAM
R2022-202	RESOLUTION AMENDING CERTAIN POSITIONS AND SALARIES FOR CALENDAR YEAR 2022
R2022-203	RESOLUTION AMENDING RESOLUTION 2022-191 AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLES
R2022-204	RESOLUTION AUTHORIZING AMENDING RESOLUTION 2022-190 PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING FOR RED DYED #2 ULTRA-LOW SULFUR DIESEL FUEL
R2022-205	RESOLUTION AUTHORIZING CANCELLATION OF 2018 TAX OVERPAYMENT
R2022-206	RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2021 AND 2022 TAXES

R2022-207

RESOLUTION AUTHORIZING RELEASE OF
LANDSCAPING BOND – 24 SCHOOL STREET -
LANDSCAPING ONLY TO HESTER GELBER
– PGL19-1231

Other New Business

R2022-208

RESOLUTION AUTHORIZING PAYMENT OF
THE BILL LIST IN THE AMOUNT OF
\$2,022,438.38

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.

ORDINANCE 2022-15

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

ORDINANCE AMENDING ARTICLE 42 OF CHAPTER 110, SPECIFICALLY, § 110-168 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED “SURFACE WATER RUN-OFF” ESTABLISHING MINIMUM STORMWATER MANAGEMENT REQUIREMENTS

WHEREAS, Chapter 110 of the Code of the Borough of Metuchen regulates “Land Development” in the Borough of Metuchen; and

WHEREAS, Article 42 of Chapter 110, is entitled, “Surface Water Run-Off”; and

WHEREAS, the Borough Engineer has reviewed Article 42 of Chapter 110 and recommended to the Mayor and Borough Council to amend Chapter 42 to establish minimum stormwater quantity standards for “non-major developments”; and

WHEREAS, the Council of the Borough of Metuchen have determined to accept the recommendation of the Borough Engineer and to amend the Borough Code accordingly.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 110-168 of the Code of the Borough of Metuchen to state the following:

§ 110-168. Scope and purpose.

A. Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. The purpose of this article is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 110-169, and to establish minimum stormwater quantity standards for “non-major developments.”

C. Applicability.

(1) This article shall be applicable to the following major developments:

(a) Non-residential major developments; and

(b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This article shall also be applicable to all major developments undertaken by the Borough of Metuchen.

(3) The stormwater runoff quantity standards of this article and as set forth in and consistent with *N.J.A.C. 7:8*, last amended April 19, 2010, shall be applicable to the following non-major developments:

(a) Non-residential developments; and,

(b) Residential developments that are not pre-empted by the Residential Site Improvement Standards at *N.J.A.C. 5:21*.

D. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this article are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections and requirements of Chapter 42 of the Code shall remain and shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials and employees shall take all necessary actions to in order to effectuate and enforce the within Ordinance.

Introduction: August 22, 2022

Date of Publication: August 25, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA			SECOND		RASMUSSEN			
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 22, 2022.

Deborah Zupan, RMC
Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION				SECOND					
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

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Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2022-16

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

ORDINANCE AMENDING SECTION 110-112.7 (DESIGN AND LANDSCAPE PROVISIONS) AND SECTION 110-178 (SPECIFIC STANDARDS) IN CHAPTER 110 (LAND DEVELOPMENT) CONCERNING SPECIFICATION OF LANDSCAPE SPECIES

BE IT ORDAINED, by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Section 110-112.7 (Design and landscape provisions) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.7 Design and landscape provisions.

Design provisions. The following provisions shall apply to all applications involving construction, reconstruction or addition to a single- or two-family detached dwelling. In the case of an application involving less than 500 square feet of construction, reconstruction or an addition to a single- or two-family detached dwelling, the following provisions may be waived at the determination of the reviewing agency or the Zoning Officer.

- A. Orientation. The dwelling shall be oriented to face to and relate to the street and sidewalk in terms of the footprint location and front entrance. On corner lots, the reviewing agency or the Zoning Officer shall have the ability to determine which street such dwelling shall face and relate to as the primary street and which side shall be treated as a secondary street for the purposes of orientation.
- B. Facade width. The width of the foremost portion of the front of the structure shall not extend greater than 50% of the required lot width. A structure may gradually become wider by stepping back and outward with offsets of a minimum of eight (8) feet from the foremost portion of the front of the structure. For the purposes of this subsection, a covered porch at least eight (8) feet in width at the foremost portion of such structure shall meet the intent of being a portion of the principal structure. This provision shall apply to preexisting dwellings that currently conform to this provision and new dwellings only.
- C. Garage locations and design. A one- or two-car garage facing the street shall be recessed behind the nearest portion of the facade by a minimum of eight (8) feet. Any three-car garage shall be located to face the side or rear of the property and not the street. In relation to the facade, any garage facing a street shall be

designed as a less obvious feature of the home in terms of location, massing, recessing, shadowing by overhangs and architectural treatments. In no case shall the garage door(s) be closer to the street than the main entry door. For the purposes of this subsection, a covered porch at least eight (8) feet in width at the foremost portion of such structure shall meet the intent of being a portion of the principal structure. This provision shall apply to preexisting dwellings that currently conform to this provision and new dwellings only.

- D. Repetition of building design. The same building design shall not be utilized on adjacent lots not within 200 feet of another ~~building-dwelling~~ of the same design. Building design shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage location, architectural style, materials and colors and details. This provision shall only apply to an application involving a subdivision.
- E. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any tree greater than four (4) inches in caliper, as well as existing stands of trees and tall shrubs and hedgerows along property lines. In cases where trees are removed, their replacement shall be provided in accordance with Article 46 of this chapter.
- F. Foundation plantings. The base along the front(s) and side(s) of ~~all buildings each dwelling~~ as well as porches and entrance platforms in the front ~~yard(s) and side yard(s) areas of each dwelling~~ shall be planted consisting of evergreen and deciduous shrubs. Such plantings shall be ~~an average of~~ a minimum of ~~30 inches two (2) feet~~ tall at time of planting and spaced an average of three feet on center. To avoid monocultures, ~~the following species diversity shall be used: where up to 10 plants are proposed, not more than 1/2 proposed plants shall be of any one species; where 11 to 30 plantings are proposed, not more than 1/3 of the required-proposed plantings shall be of any one species; and where greater than 30 plantings are proposed, not more than 1/4 of the proposed plantings shall be of any one species. Plantings shall be selected from the recommended Borough plant list.~~ A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire ~~faade~~I facing a street.
- G. Front yard ~~tree~~ plantings. The front yard(s) of each dwelling shall be planted with a minimum of one (1) shade tree and one (1) flowering tree for each 50 feet of frontage along the street or part thereof. On ~~front~~ yards where healthy and mature ~~front yard~~ shade and/or flowering trees currently exist and are being preserved, such ~~may shall~~ count toward the requirement. ~~Shade trees shall be a minimum of three (3) inches in caliper, and flowering trees shall be a minimum of two (2) inches in caliper at time of planting. To avoid monocultures, the following species diversity shall be used: where three (3) to five (5) shade and/or three (3) to five (5) flowering trees are proposed, not more than 2/3 of the proposed shade and/or~~

~~flowering trees shall be of any one species; and where greater than five (5) shade and/or five (5) flowering trees are proposed, not more than 1/2 of the proposed shade and/or flowering trees shall be of any one species. The species of front yard s~~Shade trees ~~planted~~ shall be selected from the recommended Borough street tree list, ~~latest edition. Front yard shade trees shall be a minimum of three inches in caliper, and front yard flowering trees shall be a minimum of two inches in caliper at time of planting.~~If the approving authority determines that some or all of the ~~front yard~~ shade and/or flowering trees cannot be accommodated in the front yard(s) on the subject premises, the applicant shall pay to the Shade Tree Commission the sum of \$500 per shade tree and \$200 per flowering tree required, to be used by the Shade Tree Commission for the planting of trees on public lands in the Borough. Newly planted trees shall be monitored for a period of one (1) year to ensure the health of the trees. If the trees die within the one-year period, the developer/applicant shall replace the dead tree(s). The developer/applicant shall remain liable to replace trees, notwithstanding that the subject premises may have been conveyed to another person or entity.

- H. Street trees. Street trees shall be provided in accordance with Article 46 of this chapter.
- I. Public sidewalks and private walkways. Public sidewalks and private walkways shall be provided in accordance with Article 34 of this chapter.

SECTION 2. Section 110-178 (Specific standards) in Article 45 (Landscaping Design Guidelines and Standards) in Part IV (Development and Design Standards) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-178 Specific standards.

The following standards shall be used to prepare and review landscaping on any development plan:

- A. Parking lots. The interior area of all parking lots shall be landscaped to provide visual relief from the undesirable and monotonous appearance of extensive parking areas and to provide shading that will reduce solar heat gain to both the surface of the parking lot and vehicles parked thereon. Such landscaped areas shall be provided in protected planting islands or peninsulas within the perimeter of the parking lot and shall be placed so as not to obstruct the vision of motorists. The area and types of plantings shall be provided based on the number of parking spaces in the lot, as follows:
 - (1) For parking lots with 10 spaces or less, no such interior landscaping shall be required if the Board determines there is adequate landscaping directly surrounding the perimeter of the parking lot. If the Board finds that such landscaping is inadequate, then the requirements of Subsection A(2) below shall apply.

- (2) For parking lots with 11 or more spaces, a minimum of 5% of the interior area of the parking lot shall be landscaped with a minimum of one deciduous tree planted for every five parking spaces. The remainder of any such interior planting areas not containing trees shall be planted with low-growing evergreen shrubs. If all of the above required trees can not all be located within such interior planting areas, then such remaining trees shall be planted in locations directly surrounding the perimeter of the parking lot.
- B. Foundation plantings. The base of all sides of a building shall be planted with foundation plantings consisting of evergreen and ~~or semi-evergreen~~ deciduous shrubs ~~and trees~~. Such plantings shall be a minimum of two (2) feet hightall at time of planting and spaced an average of three (3) feet on center. To avoid monocultures, the following species diversity shall be used: where up to 10 plants are proposed, not more than 1/2 proposed plants shall be of any one species; where 11 to 30 plantings are proposed, not more than 1/3 of the proposed plantings shall be of any one species; and where greater than 30 plantings are proposed, not more than 1/4 of the proposed plantings shall be of any one species. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire facade facing a street.
- C. Slope plantings. All cut and fill areas, terraces, earth berms and roadway embankments with slopes steeper than one increment vertical to three increments horizontal (1 to 3) shall be sufficiently landscaped to prevent erosion.
- D. Drainage facilities. Detention basins, headwalls, outlet structures, concrete flow channels, riprap channels and other drainage facilities shall be suitably planted with shrubs and trees. Detention basin embankments shall be extensively landscaped with wet-site-tolerant plantings.
- E. Energy conservation. Landscaping shall be designed to conserve energy, such as the planting of evergreen windbreaks to provide shielding from northwesterly winds during the winter and deciduous shade trees to reduce solar heat gain during the summer.
- F. Street or site furniture. Benches, trash receptacles, kiosks, phone booths and other street or site furniture shall be located and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors and details of buildings on the site.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This ordinance shall ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: August 22, 2022

Date of Publication: August 25, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
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Deborah Zupan, RMC
Borough Clerk

Adopted:
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Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

By: _____

Ord. 2022-16

Deborah Zupan, RMC
Borough Clerk

Jonathan M. Busch
Mayor



RECOMMENDED PLANT LIST

UPDATED 8/17/2022

Native Species

Native species and their cultivars shall be utilized in all landscape designs.

A list of native plants and deer resistant native plants to Middlesex County published by the Native Plant Society of New Jersey and by the Rutgers New Jersey Agricultural Experiment Station.

Link: <https://npsnj.org/native-plants/where-to-buy-natives/plant-lists/>

Link: <http://njaes.rutgers.edu/fs1140/>

Invasive Species & Non-Indigenous Plant Species

Invasive species and non-indigenous plant species shall be prohibited in all landscape designs.

A list of invasive species and non-indigenous plant species is published by the New Jersey Department of Environmental Protection, Natural and Historic Resources Group, Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program 2004 publication "An Overview of Nonindigenous Plant Species in New Jersey," latest edition.

Link: <https://www.nrc.gov/docs/ML0719/ML071980094.pdf>

Under no circumstances shall it be allowable to plant any plants, shrubs or trees that are listed on the New Jersey Invasive Species Strike Team's "Do Not Plant" list, latest edition.

Link: <https://www.fohvos.info/invasive-species-strike-team/info-center/>

Link: https://www.fohvos.info/wp-content/uploads/2022/05/2022Common_DoNotPlant.pdf

Link: https://www.fohvos.info/wp-content/uploads/2022/05/2022Scientific_DoNotPlant.pdf

ORDINANCE 2022-17

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

AN ORDINANCE AMENDING ARTICLE 14A (RESERVED) IN CHAPTER 110 (LAND DEVELOPMENT) ADDING SUBMISSION REQUIREMENTS FOR ALL APPLICATIONS FOR DEVELOPMENT CONCERNING THE SUBMISSION OF A GREEN DEVELOPMENT CHECKLIST

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Article 14A (Reserved) in Part II (Applications for Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

Article 14A ~~(Reserved)~~Green Development Checklist

§ 110-55.1 ~~(Reserved)~~Applicability.

This article shall apply to all applications for development.

§ 110-55.2 ~~(Reserved)~~Submission requirements.

The development plans for such applications shall complete and submit the following Green Development Checklist and shall constitute a checklist for application completeness, pursuant to N.J.S.A. 40:55D-10.3.

The checklist is generally based on the LEED system standards for building and neighborhood development as well as Sustainable Jersey's Model Green Development Checklist, but is not intended to be exclusive. The information provided in the checklist is intended to guide and inform the dialogue between the applicant and the Borough regarding possible options and opportunities to use resources more efficiently, promote smart economic development, improve the environment, and generally improve the quality of life in the Borough.

The checklist is organized by scale from regional context, to individual site, to the structures on the site, as follows: first, it addresses the site within its regional and local context, looking at its physical location, development status, connectivity to infrastructure (transportation, community, green space) and beneficial and detrimental impacts within the regional or local context; second, it addresses the site itself, looking at the beneficial or detrimental impacts of the development on site; and, third, it address the structures on the site, again looking at beneficial or detrimental impacts.

The applicant shall complete the checklist indicating whether or not they are meeting and addressing each of the items in the checklist, and shall provide in narrative form its responses to each of the items requested in the checklist.

Green Development Checklist

A. Context.

- (1) Site selection.** Is the site a redevelopment, brownfield or infill location? **[SJ] Is the site located in an area with existing infrastructure? How does the development integrate with the existing streetscape, neighborhood and the overall community?**
- (2) Proximity to public transportation.** Is the site served by public transit, pedestrian and bicycle networks? **[SJ] Is there train service within ½ mile or bus service within ¼ mile? [SJ]**
- (3) Streetscape design.** Are the roads along the frontage of the site and within the development designed as “Complete Streets?” **[SJ] How does the development enhance the streetscape such that it is designed and operated with the safety, mobility, and accessibility needs of users of all ages and abilities in mind?**
- (4) Historic context.** Does the site’s location, scale or use support any historic building conditions off site within its context?
- (5) Land use and housing diversity.** Does the development provide or increase a mix of land use types? Please list. **[SJ] Are land use densities greater than current zoning or surrounding context? Does the development provide or increase housing diversity by type and income (beyond affordable housing requirements)? [SJ]**
- (6) Civic and public spaces.** Does the development provide or increase civic and public spaces (or have proximity to them)? **[SJ] Does the development provide or increase recreation facilities and green space/parks (or have proximity to them) and is it part of an integrated ecological network? [SJ] Where not provided onsite and/or proximate to them, how does the development provide or enhance connectivity to them?**
- (7) Parking capacity and alternative parking designs.** Does the development utilize alternative parking designs such as reduced parking ratios, a percentage of compact stalls, banked parking, shared parking, priority parking for low emission vehicles and provisions for bicycle storage? **[SJ]**

- (8) **Local food production. Does the development provide or increase local food production, access to off-site facilities or opportunities for Community Supported Agriculture (CSA) or farmers' markets?**
- (9) **Open space and natural features. Does the development provide or increase open space? [SJ] Does the development provide or increase natural features? [SJ] Does the development include a plan for promoting and educating people on green features? Where not provided onsite and/or proximate to them, how does the development provide or enhance connectivity to them?**
- (10) **Regional stormwater management. Does the site feature or is the site adjacent to any floodplains, wetlands, or riparian corridors? Does the site drain to any streams or bodies of water? Does the development provide or increase regional stormwater management? Is the site part of a district energy or water infrastructure?**

B. Site development.

- (1) **Site disturbance. Does the development minimize site disturbance during construction? [SJ]**
- (2) **Construction activity. Does the development increase erosion and sedimentation control (beyond county or municipal requirements)? Does the planned construction activity prevent airborne dust generation? Does the planned construction activity reduce or eliminate construction noise or vibration?**
- (3) **Soil compaction. Does the development include soil remediation measures to ensure full vegetative growth and rainwater infiltration after construction?**
- (4) **Pest management. Does the development consider landscape and stormwater maintenance specifications that employ Integrated Pest Management techniques, such as alternatives to standard pesticides, herbicides and synthetic fertilizers that kill organisms in the soil, post-bond to assure implementation for five years after occupancy?**
- (5) **Low Impact Design. Does the development include Low Impact Design features [SJ] such as bio-swales [SJ], rain gardens [SJ], green roofs [SJ], green walls [SJ], and pervious pavements [SJ]?**
- (6) **Tree retention and planting. Does the development maximize retention of large trees and wood areas, and provides or enhances the overall community tree canopy, including shade trees and street trees [SJ]?**

- (7) **Native and indigenous species. Does the development incorporate native and indigenous species (non-invasive species, low maintenance landscaping)? [SJ]**
- (8) **Onsite management of vegetative waste. Does the development incorporate onsite management of vegetative waste? [SJ]**
- (9) **Water efficient design. Does the development reduce or eliminate use of potable water or other water resources by using water efficient landscaping, efficient irrigation systems, using captured rainwater with devices such as rain barrels, rain cisterns and downspout planters, or using recycled wastewater.**
- (10) **Regenerative Design. Does the development incorporate Regenerative Design? [SJ] How the does development address habitat, wetlands or water body conservation or conservation management strategies? [SJ] How does the development address habitat, wetlands or water body restoration? [SJ] How does the development address long-term conservation management of these resources?**
- (11) **Alternative parking design onsite. Does the development provide alternatives to single occupancy vehicles such as van spaces, and also encourage use of alternative transportation, including provisions for bike parking / storage and, where appropriate to the use, changing facilities, and provisions for alternative energy vehicle or EV parking? [SJ]**
- (12) **Heat island effect. Does the development minimize heat island effects through reduced paving, landscaping or other methods? [SJ]**
- (13) **Site lighting. Does the development include Light Pollution Reduction and energy efficient site lighting and controls?**
- (14) **Historic preservation. Does the development include historic preservation or adaptive reuse of existing features or facilities?**
- (15) **Public art. Does the development include public art and opportunities for civic events? Does the site implement indigenously inspired art in the landscape? (i.e. sculpture; garden; mural/ relief; artistic site furnishing, etc.)**

C. **Green building.**

- (1) **Green building certification. Does the building meet the criteria for a Certified Green Building? [SJ] Will the project apply for LEED**

certification or other green building or development certification? A Green Building is also known as a sustainable or high-performance building, and is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. These practices have the potential to reduce or eliminate the negative impacts of development on the environment and on human health.

- (2) Building orientation. Is the building oriented to maximize benefits of daylighting, viewsheds and energy and to minimize detrimental impacts on surrounding sites? [SJ]
- (3) Building scale. Does the building respect the scale of the context through its design?
- (4) Water efficiency. Does the building provide a 20% or greater reduction of water use beyond the minimum water efficiency standards set by the EPA or local government, whichever is greater? [SJ] Will the project use the EPA WaterSense Water Budget tool or similar analysis?
- (5) Water conservation. Does the building employ water conservation features – including low-flow fixtures, waterless urinals, and/or sensor-controlled faucets? [SJ]
- (6) Wastewater reuse. Does the building incorporate rainwater, gray water + stormwater capture and re-use? [SJ] Is wastewater treated on site and recharged to the ground? [SJ]
- (7) Energy efficiency. Does the building reduce energy usage through efficient heating and cooling, geothermal technology, enhanced daylighting, efficient lighting, occupant controls and an efficient building envelope? [SJ]
- (8) Energy Star. Does the building incorporate Energy Star – labeled building products, such as appliances, light fixtures and windows? [SJ]
- (9) Energy efficient roof design. Does the building utilize roof coloring, materials and design techniques that minimize heat island effects? Will the project meet Energy Star Cool Roof requirements or similar analysis?
- (10) Renewable energy. Does the project include onsite energy generation? [SJ] What percentage of the project's electricity will come from renewable sources? Does the project include solar photovoltaic (PV)

readiness and sufficient space in order to accommodate future installation of battery storage infrastructure?

- (11) Energy efficiency impacts. Will the project meet or exceed the requirement of ASRAE 90.1-2007? Will the project be benchmarking building efficiency savings with Energy Star's Portfolio Manager or similar analysis? What are the anticipated energy savings? [SJ] What are the anticipated carbon emission reductions? [SJ]
- (12) Refrigerant management. Does the building utilize refrigerants and heating, ventilation, air conditioning and refrigeration equipment that will minimize or eliminate the emission of compounds that contribute to ozone depletion and climate change?
- (13) Indoor air quality. Is natural ventilation and efficient use of outdoor air during heating and cooling periods utilized? [SJ] Are other measures being used to improve indoor air quality? Please describe. [SJ] Will the project utilize South Coast Air Quality Management (SCAQM), Green Seal's GS-11, the Carpet and Rug Institute's Green Label Plus Program, and FloorScore requirements as standards for Volatile Organic Compound (VOC) limits?
- (14) Air tightness verification. Will the project utilize air tightness verification by American Society for Testing and Materials (ASTM) standards, as opposed to visual inspection?
- (15) Air filter equipment. Will the project utilize MERV 8+ air filters during construction and MERV 13+ air filters for occupancy?
- (16) HVAC equipment and ductwork. Will the project protect HVAC equipment and ductwork during construction, and flush HVAC equipment and ductwork prior to occupancy?
- (17) Prohibition of indoor combustion devices. Will the project be all-electric, and not utilize indoor combustion devices such as stoves, cooktops, clothes dryers, water heaters, furnaces, spas, and fireplaces that are fueled by a fuel source?
- (18) Construction waste management. Are there construction waste management plans in place? [SJ] What percentage of construction waste will be diverted from landfills?
- (19) Solid waste management. Are there solid waste management plans in place? [SJ] How will the project facilitate the storage and collection of recyclables and composting organic materials? Is there a plan to

facilitate donation of unused food or food waste or otherwise recycle unused food or food waste?

- (20) Building reuse. Is an existing building being reused? [SJ] What portions of the existing building such as walls, floors, roof or interior non-structural items are being reused?**
- (21) Materials reuse. Are building materials reused? [SJ] What materials are being salvaged, refurbished or reused?**
- (22) Recycled content. Do building materials contain recycled content? [SJ] What percentage?**
- (23) Local / regional materials specification. Are building materials sourced within the region (within a 500-mile radius)? [SJ] What percentage?**
- (24) Rapidly renewable materials. Are building materials rapidly renewable having a harvest cycle of 10 years or less, such as bamboo, cotton, wool, cork, agrifiber, wheatboard, strawboard, and linoleum? What percentage?**
- (25) Certified wood. Are wood-based materials and products certified in accordance with the Forest Stewardship Council (FSC) Principles and Criteria? What percentage?**
- (26) Non-toxic materials. Does the project avoid Red List materials?**

D. Innovation and design process.

- (1) Accredited professionals. Does the applicant's project team include those who are LEED accredited professionals or have other comparable certification?**
- (2) Innovation in design. Does the project include any additional sustainable project design or construction features?**

§110-55.3 through §110-55.7 will remain reserved.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. 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 4. This ordinance shall ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: August 22, 2022
 Date of Publication: August 25, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH				X	KANDEL	X				
DELIA	X				KOSKOSKI	X				
HIRSCH				X	RASMUSSEN	X				
MOTION	DELIA			SECOND		RASMUSSEN				
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 22, 2022.

 Deborah Zupan
 Borough Clerk

Adopted:
 Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

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 September 12, 2022.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

By: _____

Ord. 2022-17

Deborah Zupan
Borough Clerk

Jonathan M. Busch
Mayor

ORDINANCE 2022-18

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

ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2022-02

.. **BE IT ORDAINED**, by the Mayor and Council of the Borough of Metuchen that Ordinance 2022-02 be repealed and replaced with this ordinance to set the salary authorizations for the calendar year 2022, effective January 1, 2022.

A. The following official employment designations are hereby confirmed and the range of compensation of each officer and employee of the Borough of Metuchen shall be:

POSITION	MINIMUM	MAXIMUM	PER
Mayor	\$ 10,000.00	\$ 20,000.00	year
Councilmember	\$ 5,000.00	\$10,000.00	year
Borough Administrator	\$ 73,000.00	\$ 180,000.00	year
Director of Special Projects	\$ 70,000.00	\$ 100,000.00	year
Borough Clerk	\$ 50,000.00	\$ 100,000.00	year
Chief Financial Officer/ Tax Collector/QPA	\$ 75,000.00	\$ 170,000.00	year
Tax Assessor	\$ 50,000.00	\$ 100,000.00	year
Public Works Director	\$ 70,000.00	\$ 170,000.00	year
Public Works Supervisor	\$ 50,000.00	\$ 110,000.00	year
Chief of Police	\$ 130,000.00	\$250,000.00	year
Police Captain	\$ 130,000.00	\$220,000.00	year
Police Lieutenant	\$ 130,000.00	\$ 205,000.00	year
Court Administrator	\$ 50,000.00	\$ 95,000.00	year
Director of Recreation	\$50,000.00	\$100,000.00	year
Senior Citizen Director	\$45,000.00	\$100,000.00	year
Director of Recreation/Senior Services	\$ 50,000.00	\$ 100,000.00	year
Program Coordinator of Recreation/Senior Services	\$ 45,000.00	\$ 85,000.00	year
Administrative Secretary	\$ 40,000.00	\$ 65,000.00	year
Zoning Officer	\$ 40,000.00	\$ 90,000.00	year
Administrative Officer	\$ 40,000.00	\$ 70,000.00	year
Secretary	\$ 38,000.00	\$ 65,000.00	year
Deputy Court Administrator	\$ 40,000.00	\$ 65,000.00	year
Head Telecommunications Operator	\$40,000.00	\$65,000.00	year
Telecommunications Operator	\$36,000.00	\$50,000.00	year
QPA	\$ 6,000.00	\$ 15,000.00	year
Accounting/Tax Clerk	\$39,000.00	\$ 65,000.00	year
Senior Accounting Specialist -Finance/ Benefits	\$45,000.00	\$90,000.00	year
Senior Accounting Specialist -Finance/ Purchasing	\$45,000.00	\$90,000.00	year
Senior Accounting Specialist --Finance/Payroll	\$ 45,000.00	\$ 90,000.00	year
Accounting Specialist-Finance/Municipal Alliance Coordinator, Registrar	\$ 45,000.00	\$ 90,000.00	year
Multi-Media & Communication Director	\$50,000.00	\$ 95,000.00	year
Mileage/Car Use Stipend – at Borough Administrator discretion		\$2,000.00	year

POSITION – PART TIME	MINIMUM	MAXIMUM	PER
Bus Drivers	\$20.00	\$30.00	hour
Part-Time Clerk and Secretaries	\$15.00	\$30.00	hour
Janitor, Firehouse	\$15.00	\$30.00	hour
Fire Official (Fire Prevention)	\$6,000.00	\$25,000.00	year
Fire Inspectors (Fire Prevention)	\$5,000.00	\$20,000.00	year
Office of Emergency Management Director	\$6,000.00	\$15,000.00	year
Registrar	\$5,000.00	\$17,000.00	year
Deputy Registrar	\$3,000.00	\$11,000.00	year
School Crossing Guards	\$15.00	\$30.00	hour
Municipal Alliance Coordinator	\$6,000.00	\$10,000.00	year
C-3 Sanitary Sewer Collection System Operator	\$6,000.00	\$8,000.00	year
Per Diem Dispatcher	\$15.00	\$20.00	hour
Public Works Summer Help	\$15.00	\$20.00	hour
Parking Enforcement Officer	\$15.00	\$20.00	hour
Police Aide	\$30.00	\$40.00	hour

CONSTRUCTION INSPECTORS/OFFICIALS

POSITION	MINIMUM	MAXIMUM	PER
Construction Official	\$40.00	\$65.00	hour
Plumbing Subcode Official	\$25.00	\$45.00	hour
Plumbing Inspector	\$45.00	\$65.00	hour
Electrical Subcode Official	\$25.00	\$45.00	hour
Electrical Inspector	\$45.00	\$65.00	hour
Fire Subcode Official	\$25.00	\$45.00	hour
Fire Inspector	\$45.00	\$65.00	hour
Building Subcode Official	\$25.00	\$45.00	hour
Building Inspector	\$45.00	\$65.00	hour
Alternate Subcode Officials	\$25.00	\$45.00	hour
Alternate Inspectors	\$40.00	\$65.00	hour
Special Inspections	\$20.00	\$20.00	hour

COURT ADMINISTRATION

POSITION	MINIMUM	MAXIMUM	PER
Municipal Court Judge	\$15,000.00	\$50,000.00	year
Municipal Public Defender	\$7,500.00	\$25,000.00	year

RECREATION SEASONAL

POSITION	MINIMUM	MAXIMUM	PER
Tennis Instructor	\$11.90	\$15.00	hour
Tennis Director	\$75.00	\$85.00	hour
Art Director	\$50.00	\$75.00	hour
Cooking Director	\$40.00	\$50.00	hour
Camp Director	\$35.00	\$45.00	hour
Assistant Camp Director	\$25.00	\$30.00	hour
Camp Counselors	\$11.90	\$15.00	hour
Field Hockey Director	\$30.00	\$40.00	hour
Field Hockey Coach	\$20.00	\$30.00	hour
Field Hockey Referee	\$13.00	\$15.00	hour
Recreation Assistant	\$11.90	\$15.00	hour
Soccer Camp Director	\$35.00	\$50.00	hour
Soccer Counselor	\$11.90	\$15.00	hour
Soccer Trainer	\$20.00	\$30.00	hour
Track Camp Director	\$30.00	\$40.00	hour
Track Advisor	\$25.00	\$30.00	hour
Track Specialist	\$20.00	\$30.00	hour
Basketball Director	\$30.00	\$50.00	hour
Basketball Referee	\$25.00	\$30.00	hour
Junior Referee	\$11.90	\$15.00	hour
Umpire	\$30.00	\$30.00	hour

POOL SEASONAL

POSITION	MINIMUM	MAXIMUM	PER
Pool Manager	\$6,000.00	\$15,000.00	season
Assistant Managers	\$3,500.00	\$10,000.00	season
Aquatics Director	\$3,000.00	\$10,000.00	season
Head Swim Team Coach *	\$2,000.00	\$3,500.00	season
Assistant Swim Team Coach	\$1,000.00	\$3,000.00	season
Swim Team Assistant	\$750.00	\$1,300.00	season
Head Diving Coach	\$1,500.00	\$2,500.00	season
Assistant Diving Coach	\$1,100.00	\$2,000.00	season
Activities Director	\$3,000.00	\$4,000.00	season
Pre-Season Rate	\$11.90	\$11.90	hour
Swim Instructor	\$11.90	\$11.90	hour
Head Lifeguard	\$13.60	\$13.60	hour
Lifeguard	\$12.05	\$12.05	hour
Head Gate Attendant	\$12.05	\$12.05	Hour
Gate Attendant	\$11.90	\$11.90	Hour
Head Maintenance	\$12.60	\$12.60	Hour
Maintenance	\$11.90	\$11.90	hour
*Position not filled when Aquatics Director position is filled and acts as Head Coach.			

**LIBRARY PERSONNEL
SALARY ADJUSTMENT AND INCREASE PER LIBRARY BOARD OF TRUSTEES**

POSITION	MINIMUM	MAXIMUM	PER
FT Library Director	\$ 85,000.00	\$ 100,000.00	year
FT Principal Librarian	\$ 68,000.00	\$ 81,000.00	year
FT Senior Librarian (Youth/User Services)	\$ 58,000.00	\$ 72,000.00	year
FT Senior Librarian (Adult/User Services)	\$ 58,000.00	\$ 72,000.00	year
FT Librarian	\$ 52,000.00	\$ 64,000.00	year
FT Librarian (Adult/Youth Services)	\$ 52,000.00	\$ 64,000.00	year
FT Librarian (Adult/User Services)	\$ 52,000.00	\$ 64,000.00	year
FT Librarian (Youth Services)	\$ 52,000.00	\$ 64,000.00	year
FT Principal Library Assistant	\$ 38,000.00	\$ 55,000.00	year
FT Senior Library Assistant	\$ 32,000.00	\$ 40,000.00	year
FT Library Assistant	\$ 27,500.00	\$ 33,000.00	year
PT Senior Librarian	\$ 32.00	\$ 40.00	hour
PT Senior Librarian (Youth Services)	\$ 32.00	\$ 40.00	hour
PT Librarian	\$ 28.00	\$ 35.00	hour
PT Librarian (Youth Services)	\$ 28.00	\$ 35.00	hour
PT Library Bookkeeper	\$ 20.00	\$ 30.00	hour
PT Library Technology Assistant	\$ 20.00	\$ 25.00	hour
PT Senior Library Assistant	\$ 18.00	\$ 25.00	hour
PT Library Children's Service Specialist	\$ 18.00	\$ 25.00	hour
PT Library Technical Services Assistant	\$ 18.00	\$ 25.00	hour
PT Library Youth Services Specialist	\$ 18.00	\$ 23.00	hour
PT Library Assistant	\$ 14.50	\$ 18.00	hour
PT Library Page	\$ 13.00	\$ 15.00	hour

B. The hourly range of compensation for the public works positions hereinafter named shall be as follows, all payable in bi-weekly installments except as otherwise provided for:

POSITION	MINIMUM	MAXIMUM
Parking Maintenance	\$ 31.19	\$ 34.85
Pump Operator	\$ 31.67	\$ 35.38
Maintenance Repair Person	\$ 31.44	\$ 35.12
Assistant Maintenance Repair Person	\$ 32.47	\$ 33.69
Master Mechanic	\$ 31.19	\$ 34.85
Heavy Equipment Operator	\$ 31.19	\$ 34.85
Head Forestry	\$ 31.19	\$ 34.85
Assistant Equipment Operator	\$ 30.13	\$ 33.69
Forestry	\$ 30.13	\$ 33.69
Assistant Mechanic	\$ 30.13	\$ 33.69
Assistant Pump Operator	\$ 30.13	\$ 33.69
Parks Worker	\$ 31.19	\$ 34.85
Assistant Park Worker	\$ 32.47	\$ 33.69
Drivers	\$ 29.27	\$ 32.75
Laborer	\$ 28.34	\$ 31.73

Additional compensation by way of longevity, overtime, sick days, personal days, insurance benefits and other matters related thereto are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

C. The salary range of compensation of all officers of the police department hereinafter named shall be as follows, all payable in equal bi-weekly installments except as otherwise provided for:

D.

POSITION	MINIMUM	MAXIMUM
Sergeant	\$137,266.00	\$155,998.00
Detective	\$129,823.00	\$147,539.00
Patrolman	\$ 49,002.00	\$143,139.00
Academy	\$ 25,500.00	\$25,500.00

Additional compensation by way of Corporal assignment, longevity, overtime, sick days, personal days, insurance benefits and other matters related are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

1. Additional compensation by way of overtime, sick days, personal days, insurance benefits for full time employees not covered in collective bargaining agreements are fully set forth in the Personnel Handbook and amendments thereto previously adopted by the Borough Council and are hereby incorporated in this Ordinance.
2. No officer or employee shall be paid at a base rate which is above the maximum rate for any salary range in any of the aforementioned groups. 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 that are greater than the minimum 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 group.
3. This Ordinance shall supersede and replace all prior Salary Ordinances and Amendments thereto. Upon the effective date of this Ordinance, any and all prior Salary Ordinances and Amendments thereto and all salaries and compensation authorized therein shall have no further effect. The within Ordinance represents the salaries and compensation to be received by all current, exiting employees and offices or those anticipated to be filled in the near future. In the event that an existing office or position is currently vacant, and a salary or compensation is not set forth in this Ordinance, this Salary Ordinance shall be amended to create a salary and/or salary range for such position or office prior to said position or office being filled.

4. If any portion of this ordinance is in conflict with any portion of a collective bargaining agreement, then the collective bargaining agreement shall take precedence.
5. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.
6. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2022.

Introduction: August 22, 2022
 Date of Publication: August 25, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA			SECOND			RASMUSSEN		
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 22, 2022.

 Deborah Zupan, RMC
 Borough Clerk

Adopted:
 Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

ORDINANCE 2022-19

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

AN ORDINANCE BY THE BOROUGH OF METUCHEN IN THE COUNTY OF MIDDLESEX, NEW JERSEY CONDITIONALLY PERMITTING CLASS 3 CANNABIS WHOLESALE BUSINESSES AND CLASS 5 CANNABIS RETAIL BUSINESSES WITHIN CERTAIN ZONING DISTRICTS, ESTABLISHING LICENSING, AND TAXATION REQUIREMENTS THEREFORE AND CONTINUING TO PROHIBIT ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH OF METUCHEN

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act required that any municipal prohibition by the Borough of Metuchen must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021), and that the failure to timely act shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall automatically be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, the Act did not preclude a municipality from prohibiting cannabis establishments and operations within its municipal limits within the 180 days of the effective date of the Act and thereafter authorizing and/or permitting any one or more of the cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”) within the municipality; and

WHEREAS, the State’s newly created Cannabis Regulatory Commission (“CRC”) was charged with adopting rules including those for licensing applications and eligibility; the number of permissible licenses of each type; security requirements for licensees; labeling and packaging requirements; retailer employee eligibility criteria; and advertising and marketing limitations; and

WHEREAS, on or about June 28, 2021, the Borough of Metuchen adopted, Ordinance No. 2021-10, entitled. “AN ORDINANCE BY THE BOROUGH OF METUCHEN IN THE COUNTY OF MIDDLESEX, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 110-93 OF THE METUCHEN CODE”; and

WHEREAS, at the time of passage, of Ordinance No. 2021-10, the Council of the Borough of Metuchen determined that it was in the best interest of the Borough to prohibit cannabis operations and establishments within the Borough until such time as the State promulgated rules and regulations relating to the various aspects of cannabis operations, licensing, eligibility, security, labeling, and marketing and the Borough had the opportunity to thoroughly review and analyze all classes of cannabis licensing and establishments, as described below, along with the Borough's specific zoning districts, regulations and needs and the potential impact it may have upon the Borough and its residents; and

WHEREAS, on or about August 19, 2021, the CRC approved the initial Rules and Regulations relating to the regulation of personal use cannabis; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Borough of Metuchen has reviewed the regulations along with the Borough's current zoning districts and has determined that it is in the best interest of the Borough of Metuchen to conditionally permit the operations of Class 3 Cannabis Wholesale Businesses and Class 5 Cannabis Retail Businesses within certain zoning districts under certain conditions and to establish local licensing and taxation requirements therefor while continuing to prohibit all other Classes of Cannabis Businesses within the Borough, except as provided for herein; and

WHEREAS, municipalities are authorized by the Act and by *N.J.S.A. 40:48I-1.a* (1) to impose by ordinance a transfer tax of up to two percent (2%) on the sale of cannabis or cannabis items by a cannabis retailer located in the municipality; and

WHEREAS, municipalities imposing a transfer tax are required by *N.J.S.A. 40:48I-1.b* (1) to include in the ordinance a user tax, at the equivalent transfer tax rates, on any current license holder operating more than one cannabis establishment and transferring cannabis or cannabis items from the license holder's establishment in the municipality to any of the other license holder's establishment(s), whether located in the municipality or another municipality, based on the value of each such transfer or use not otherwise subject to the transfer tax; and

WHEREAS, the Council of the Borough of Metuchen has determined that, due to present uncertainties regarding the potential future impacts that allowing all of the classes of cannabis business might have on New Jersey municipalities in general, and on the Borough in particular, it is at this time necessary and appropriate, and in the best interests of the health, safety and welfare of the Borough's residents and members of the public who visit, travel, or conduct business in the Borough, to conditionally permit only Class 3 Cannabis Wholesalers, and Class 5 Cannabis Retailers to operate within the geographical boundaries of the Borough; to establish limitations on where and how these operations may take place; and to establish licensing and taxation requirements in connection with same; and

WHEREAS, the Borough of Metuchen joins several other Middlesex County municipalities who have authorized, or have indicated that they will authorize Class 5 Cannabis Retailer licenses so that residents of the Borough, if they are unable to procure legally authorized cannabis products in the Borough, will simply go to an adjoining municipality to acquire their cannabis products; and

WHEREAS, conditionally permitting the wholesale and retail sales of cannabis within the Borough has the potential to provide a significant source of additional revenue to the Borough annually to offset the current reliance on property taxes. Said additional revenue will assist the Borough in providing tax relief, including relief for senior residents that would like to remain in the Borough but face challenges due to the burden of real property taxes; and

WHEREAS, conditionally permitting retail cannabis sales will address economic equity issues, support continued economic growth and will provide additional job opportunities for residents of the Borough; and

WHEREAS, the Borough intends to continue gathering information and further exploring whether and where to allow other marketplaces classes of cannabis businesses within the Borough; and

WHEREAS, until such time as the Borough has gathered sufficient information to make such a determination, all other marketplaces classes of cannabis businesses, except for Class 3 Cannabis Wholesale and Class 5 Cannabis Retail shall be prohibited from operating anywhere within the geographical boundaries of the Borough.

NOW THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Metuchen, in the County of Middlesex, State of New Jersey, as follows:

SECTION 1. Preamble. The findings set forth in the preamble to this ordinance are hereby incorporated as if fully restated.

SECTION 2. Purpose. The purpose of this ordinance is to update the general ordinances including the creation of a Chapter ____ of the Borough Code entitled “Cannabis” and to amend Chapter 110 (Land Development) of the Borough of Metuchen to incorporate the legal operation, under certain conditions and in certain locations, of Class 3 Cannabis Wholesale and Class 5 Cannabis Retail businesses and to specifically identify the zones for which such operations shall be conditionally permitted. This ordinance will also outline the requirements for the operation of Class 3 Cannabis Wholesale and Class 5 Cannabis Retail businesses within the Borough, including the establishment of local licensing requirements in addition to any licensing issued by the State of New Jersey and the imposition of a local cannabis transfer and user tax.

SECTION 3. General Prohibitions on all cannabis businesses other than Class 3 Cannabis Wholesale services and Class 5 Cannabis Retail services. In accordance with the authority granted to the Borough by *N.J.S.A. 24:61-45*, Ordinance No. 2021-10 is hereby amended to conditionally permit Class 3 Cannabis Wholesale Services and Class 5 Cannabis Retail Services within the Borough subject to the conditions, use, permitting, and taxation requirements set forth in this Ordinance. As provided in Ordinance No. 2021-10, all other cannabis businesses shall be prohibited from operating anywhere within the geographical boundaries of the Borough of Metuchen.

SECTION 4. Licensing Requirements and General Conditions and Limitations for Class 3 Cannabis Wholesalers and Class 5 Cannabis Retailers. A new Chapter ____, entitled. “Cannabis” is hereby added to the Code of the Borough of Metuchen, which shall state as follows:

CHAPTER __

CANNABIS

ARTICLE I

General Provisions

§ ____-1. Purpose.

This chapter is enacted in accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act” or “CREAMMA”), *N.J.S.A. 24:61-32 et seq.*, and the regulations promulgated by the Cannabis Regulatory Commission (“CRC”). The purpose of this chapter is to regulate the establishment and operation of cannabis businesses in the Borough of Metuchen (“Borough”) and to specify the conditions and limitations applicable thereto.

§ ____-2. Definitions.

For the purpose of this chapter and all other applicable chapters of this Code, words and phrases herein shall have the meanings set forth in CREAMMA.

§ ____-3. Applicable laws.

All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the Act, rules and regulations referred to in §____-1 above, and all other applicable laws of the State of New Jersey. The regulations set forth herein are subject to the enabling authority of the State of New Jersey, by and through the Cannabis Regulatory Commission, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.

§ ____-4. License required.

No cannabis facility may lawfully operate in the Borough without the issuance of a State permit or license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as well as the oversight and issuance of a license by the Borough in accordance with the provisions of this chapter.

§ ____-5. Conditions and limitations.

A. Only the following marketplace classes of cannabis facilities shall be conditionally allowed to operate in the Borough, subject to the limitations and requirements set forth herein and elsewhere in this Code and all other classes shall be prohibited:

- (1) Class 3 Wholesaler
- (2) Class 5 Cannabis Retailer

B. Only a Borough conditional license issued pursuant to this chapter shall constitute “written municipal approval” pursuant to CREAMMA, *N.J.S.A. 24:6I-36(b)(1)(c)(i)* and *24:6I-45(c)*. Other written statements, letters, resolutions, or other documents issued by the Borough or any official, employee, or other representative shall not constitute annual or renewed “written municipal approval” for purposes of the CRC.

C. Cannabis wholesale and retail services (“facility”) shall be permitted, pursuant to this chapter, only if in addition to all applicable land use regulations, the following requirements are met:

- (1) Land development regulations: The facility shall obtain all approvals required pursuant to the Borough’s land development regulations set forth in Chapter 110 of this Code, which approval(s) shall be evidenced by the issuance of conditional use approval by the Planning Board or, where applicable, use variance approval by the Zoning Board of Adjustment.
- (2) Hours of operation: The operating hours of the licensed facility shall be between 9:00 am and 10:00 pm daily. It shall be unlawful for any person to sell or dispense cannabis or cannabis products or for the operation of any licensed facility at any time other than between these hours.

(3) The licensed facility shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress.

(4) Queuing. Queuing of customers outside a cannabis facility is prohibited. The cannabis establishment shall have a sufficient waiting area inside the facility to accommodate customers, or shall provide a reservation service, phone/text notification service or other alternatives to waiting on the exterior of the premises and/or the public right-of-way. Loitering is prohibited and shall be managed by the facility.

(5) Location. No cannabis establishment shall be permitted within two hundred (200) feet of a Kindergarten through 12th grade school.

(6) No cannabis product or paraphernalia shall be visible from a public sidewalk, public street or right-of-way or any other public place.

(7) All cannabis products and paraphernalia shall be stored securely indoors and onsite.

(8) Consumption of cannabis products, by any means of ingestion, or smoking, shall not be permitted in the licensed facility or adjacent grounds.

(9) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

(10) Odor. All cannabis facilities shall have equipment to mitigate cannabis-related odor. The building/premises shall be equipped with a ventilation system sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The ventilation system must be approved by the Construction Code Official and/or appropriate inspector and may be subject to periodic inspection.

(11) All cannabis facilities shall be secured in accordance with State of New Jersey statutes and regulations. All cannabis facilities shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Metuchen Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis establishments. The Metuchen Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At a minimum, the following shall be required: (a) A video recording security system shall be employed covering all areas of the cannabis facility and the adjacent exterior of the building/premises with an around the clock 365 days per year, 24/7 recording system that records for a minimum thirty-day archive; (b) Trained security personnel shall be on-site at all times during operating hours; (c) The Metuchen Police Department and Zoning Officer shall be provided the name and twenty-four-hour phone number of the responsible staff person to notify during suspicious activity or emergency; (d) Outside areas of the premises shall be well illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrians, drivers or other users of

the public right-of-way; (e) The premises and right-of-way adjacent to the cannabis facilities shall be monitored by staff of the cannabis establishment and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis; and (f) To the maximum extent possible, wholesale cannabis facilities shall have security fencing and gates around the perimeter of the premises.

(12) Signage design shall comply with the regulations of the State and the Borough's sign regulations contained in Chapter 110 of the Code.

(13) No cannabis facility shall be housed in a vehicle or any movable or mobile structure.

(14) Comply with all rules and regulations adopted by the New Jersey Cannabis Regulatory Commission.

ARTICLE II

Licensing

§ -6. Issuing authority.

A. All licenses required by this chapter shall be issued by the Borough Council, which shall also administer the provisions of this chapter, except as provided herein.

B. No license issued pursuant to this chapter shall be effective until or unless the State has issued the requisite permits or licenses to operate such a facility.

C. Each local license issued pursuant to this Chapter shall be valid for a term of one (1) year from the date of issuance subject to the payment of the annual registration fee and shall be renewed upon the submission of an application for renewal provided all conditions and requirements of applicable State law and this chapter are met.

D. The Borough Council may, in its discretion, adjust the renewal date of the local license to correlate with an applicant's state licensing and renewal schedule.

E. Renewal of any license shall be governed by any Code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.

F. The Borough of Metuchen and Borough Council reserve the right to add any terms or conditions upon the issuance and/or renewal of any cannabis license issued if determined to be in the best interest of the Borough promoting the health, safety and welfare of the Borough residents.

§ -7. Application process.

A. After the passage of this Ordinance, the Borough will issue a request for proposals (RFP) and publicly advertise for applicants seeking licensing to submit an application for the review and pre-approval to obtain the appropriate land use approval and the subsequent Borough Council conditional license approval. After the above RFP process is complete should a license become inactive or available, the Borough within its sole discretion, may elect to issue a subsequent RFP, if applicable, elect to select an additional applicant from the initial RFP process, or publicly advertise the availability of the license and any applicant may apply for pre-approval from the Borough as provided for herein.

B. Application/Proposal. Persons wishing to obtain any classification of cannabis license shall submit a proposal in response to the RFP and/or file a license application with the Borough Clerk, on a standardized form established by the Borough. The Borough shall establish a reasonable application period and deadline for all applications and/or proposals. An application shall be deemed incomplete and/or non-responsive, and shall not be processed by the Borough, unless all documents and application fees are submitted.

C. To be deemed complete and/or responsive, all applications and proposals shall be accompanied by the following:

(1) Nonrefundable application fee.

(2) Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the Applicant contingent upon successful licensing.

(3) Affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

(4) Affidavit or other documentary proof that any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.

(5) Any other documents, forms and/or documentation required by the Borough that are set forth in the Borough's Request for Proposals.

D. In accordance with State law, the applicant shall receive a letter of support from the Borough of Metuchen upon completion of the RFP process and after the Borough Council approves the license application for a conditional municipal license. All applications upon being deemed complete and/or proposals timely received pursuant to the RFP shall be submitted to a Cannabis Subcommittee for review. The Cannabis Subcommittee shall be made up of the

following: (i) Two (2) members of Council (appointed by the Mayor), (ii) the Metuchen Chief of Police, (iii) the Borough Administrator or their designee; and (iv) the Mayor or their designee. This Committee shall review completed submissions and/or proposals for any cannabis license and issue an endorsement for the applicant/s or respondent/s to proceed to obtain the appropriate land use approval and eventually the Borough’s Council approval for a conditional municipal license. In evaluating the application(s)/proposals, the Committee shall establish a minimum percentage score required using the criteria and percentage attributed to said criteria as set forth in the Borough’s Request for Proposals to be awarded an endorsement to proceed to obtain the appropriate land use approval and the eventual conditional municipal license. In the event, there are multiple applicants/proposers for a license, the Committee shall evaluate all applicants/respondents, and issue an endorsement/s to the highest scoring applicants/respondents, based upon the criteria and scoring methodology contained the the Borough’s Requesut for Proposals, limited in number to those licenses permitted by this Chapter. Thereafter, the applicants/respondents with the Commitee’s endorsement shall be permitted and required to proceed to obtain the necessary land use approval from the appropriate Land Use Board. After receipt of the appropriate land use approval, the Applicant/s or Respondent/s shall be submitted to the Council for the Borough’s approval of a conditional municipal license.

E. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Administrator’s discretion for an additional 6 months for good cause. No final license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional licensee has not received a State permit or license within 12 months from issuance, unless extended for good cause, said notification of award and conditional municipal license may be revoked by the Borough Council. In such an event, the Borough within its sole discretion may authroize the Committee thereafter to issue an endorsement to the next highest scoring Applicant/Respondent or may issue a new request for proposals and receive applications and evaluate all applicants for licensure under the criteria set forth in the Request for Proposals.

_____ -8. Fees; number of licenses.

A. The number and type of cannabis licenses and the application and annual registration fees therefor shall be as follows:

Class of License	Application Fee (nonrefundable)	Application Fee (Renewal)	Annual Registration Fee	Number of Licenses within the Borough of Metuchen
Class 3 Cannabis Wholesaler	\$2,500.00	N/A	\$15,000.00	Two (2)
Class 5 Cannabis Retailer	\$2,500.00	N/A	\$15,000.00	Three (3)

B. The initial license registration fee shall be paid within ten (10) days of Applicant's notification that it has received a State Permit. Thereafter, the annual registration fee shall be paid to the Borough ten (10) days prior to each anniversary of the issuance of the license or the notification by the Borough of its intent to renew the license.

C. Licenses issued pursuant to this chapter shall be personal to the licensee and shall not be transferable.

D. A separate license shall be required for each class of cannabis business, and a separate application fee and registration fee shall be charged for each type of license.

E. Licensees shall file an application to renew its cannabis license no later than sixty (60) days from the date of its expiration on a standardized form to be established by the Borough. There shall be no application renewal fee upon timely filed applications for renewal.

ARTICLE III

Suspension or Revocation of License

§ ____-9. Suspension; revocation; non-renewal.

Any suspension, revocation or non-renewal of a license pursuant to this chapter, or any suspension, revocation or non-renewal of a CRC-issued license or permit for the operation, or any adjudication of felony criminal guilt by the cannabis business or its principals shall constitute an automatic revocation of a Borough license issued pursuant to this chapter, at which time the operation shall immediately cease. A criminal adjudication voids and prohibits any future reinstatement of a Borough license.

ARTICLE IV

Enforcement, Violations and Penalties

§ ____-10. Violations and penalties.

Any violation of the terms of this chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties, including but not limited to the general penalties set forth in Chapter 1, § 1-2 of this Code.

§ ____-11. Enforcement.

The provisions of this chapter shall be enforced by the Borough Police Department, Borough Zoning Officer and/or Borough Health Officer as appropriate based on the nature of the violation.

SECTION 5. Amendments to the Land Development Ordinances Chapter 110 of the Code of the Borough of Metuchen.

A. § 110-4, entitled "Definitions" is hereby supplemented and amended to include the following terms and definitions:

“Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

“Cannabis establishment” means a cannabis cultivator, a cannabis distributor, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis delivery service.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

B. The following sections of Chapter of 110 of the Code of the Borough of Metuchen are hereby amended to state as follows:

§ 110-75 B-1 Central Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-1 Central Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (5) Banks and other financial institutions, except drive-in banks.
- (6) Offices, except located on the ground floor of a building fronting on Main Street.
- (7) Nursery schools and day-care centers.
- (8) Apartments, except located on the ground floor of a building.
- (9) Borough-operated public facilities.
- (10) Massage and somatic therapy establishments.

B. Permitted accessory uses:

- (1) Driveways, parking lots, loading areas and multilevel parking facilities, except where such is located to have ingress and/or egress on Route 27 (Middlesex Avenue) and the same can be provided from another street or municipal parking lot abutting the site.
- (2) Plazas, courtyards, alleys and other similar type public and semipublic spaces.
- (3) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses:

- (1) Dry-cleaning establishments, pursuant to § 110-87B.
- (2) Inns and hotels, pursuant to § 110-87C.
- (3) Religious affiliated office or counseling center, pursuant to § 110-87D.
- (4) Two-family detached dwellings, pursuant to § 110-87E.
- (5) **Class 5 Cannabis Retailers, provided that they are located on a lot fronting on Middlesex Avenue and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

§ 110-76 B-2 Neighborhood Business District

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

A. Permitted principal uses:

- (1) Retail shops and stores, provided that such shall not generate objectionable noise, odors, smoke or glare or require extensive loading areas within proximity of residential uses on adjacent lots.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land or require extensive loading areas within proximity of residential uses on adjacent lots.
- (5) Banks and other financial institutions, except drive-in banks.
- (6) Offices.
- (7) Nursery schools and day-care centers.
- (8) Apartments, except located on the ground floor of a building.
- (9) Borough-operated public facilities.
- (10) Massage and somatic therapy establishments.
- (11) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways and parking lots.
- (2) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses:

- (1) Dry-cleaning establishments, pursuant to § 110-87B.
- (2) Two-family detached dwellings, pursuant to § 110-87E.
- (3) **Class 5 Cannabis Retailers, provided that they are located on a lot fronting on Central Avenue or Jersey Avenue or Amboy Avenue and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

§ 110-77 B-3 Office Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Offices.
- (5) Banks and other financial institutions, except drive-in banks.
- (6) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (7) Funeral homes and mortuaries.
- (8) Nursery schools and day-care centers.
- (9) Social halls, clubs, lodges and places of public assembly.
- (10) Apartments, if located on upper floors above another permitted use at the ground level.

- (11) Borough-operated public facilities.
- (12) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses.

- (1) Any conditional uses permitted in the B-2 Zone.
- (2) Drive-in banking facilities pursuant to § 110-87J, on the condition that the property fronts on Central Avenue, Middlesex Avenue between Central Avenue and the Lehigh Valley Railroad right-of-way (abandoned) or the westerly side of Lake Avenue.
- (3) Downtown Gateway Overlay District, pursuant to § 110-87AA.
- (4) **Class 5 Cannabis Retailers, provided that they are located on a lot fronting on Middlesex Avenue, Lake Avenue, or Amboy Avenue, and east of Factory Street and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

§ 110-78 B-4 Restricted Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-4 Restricted Business District as follows:

A. Permitted principal uses:

- (1) Personal service businesses.
- (2) Offices.
- (3) Banks and other financial institutions.
- (4) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (5) Health clubs, gyms, fitness centers and spas.
- (6) Borough-operated public facilities.
- (7) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.
- (3) Plazas, courtyards, alleys and other similar type public and semipublic open spaces.

C. Permitted conditional uses:

- (1) (Reserved)
- (2) Inns and hotels on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan, provided that no parking lot shall be located within 25 feet of a lot line on which there is a residential use.

(3) New automobile dealerships, provided that they are located on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan and provided that they were in existence as of August 1993.

(4) (Reserved)

(5) Automobile washing establishments, pursuant to § 110-87H.

(6) Automobile repair establishments, pursuant to § 110-87I.

(7) Drive-in bank facilities, pursuant to § 110-87J.

(8) Downtown Gateway Overlay District, pursuant to § 110-87AA.

(9) **Class 5 Cannabis Retailers, provided that they are located on a lot fronting on Essex Avenue, west of the Bonhamtown Railroad eastern spur and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

§ 110-80 D-1 Downtown Development District

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

A. Permitted principal uses:

(1) Retail shops and stores, provided that they are located fronting on New or Pearl Streets.

(2) Personal service businesses.

(3) Physical fitness studios.

(4) Offices.

(5) Banks and other financial institutions, except drive-in banks.

(6) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.

(7) Apartments, except located fronting on Middlesex Avenue unless substantial buffering is provided.

(8) Nursery schools and day-care centers.

(9) Borough-operated public facilities.

(10) Affordable senior housing.

(11) Massage and somatic therapy establishments.

B. Permitted accessory uses:

(1) Driveways, parking lots, loading areas and multilevel parking facilities, except where such is located to have ingress and/or egress on Route 27 (Middlesex or Lake Avenues) and the same can be provided from another street or municipal parking lot abutting the site.

(2) Other uses deemed to be permitted accessory uses.

(3) Plazas, courtyards, alleys and other similar type public and semipublic open spaces.

C. Permitted conditional uses:

(1) Planned unit residential development, pursuant to Article 19 of this chapter.

(2) Dry-cleaning establishments, pursuant to § 110-87B.

- (3) Inns and hotels, pursuant to § 110-87C.
- (4) Mixed-use neighborhoods, pursuant to § 110-87Y.
- (5) Planned unit commercial development, pursuant to Article 19 of this chapter.
- (6) Downtown Gateway Overlay District, pursuant to § 110-87AA.
- (7) **Class 5 Cannabis Retailers, except within Block 115 and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

§ 110-83 LI Light Industrial District

Purpose. It is the purpose of the Light Industrial District to provide sufficient space in appropriate locations for attractive office, light industrial and related uses which do not create any hazards or noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences, which would be offensive to adjoining lands.

B. Permitted principal uses:

- (1) Offices for executive, administrative, professional and business purposes.
- (2) Properly certified scientific, research or testing laboratories, provided that all activities and equipment are housed within the principal structure(s) and that no hazardous, noxious or offensive conditions or noise are generated outside the principal structure(s).
- (3) Distribution centers involving the handling and distribution of wholesale goods to purveyors but not for resale to the general public or individual members of "wholesale clubs."
- (4) Light Industrial plants of a type which have no nuisance problems and which carry on processes within completely enclosed buildings, including the assembly of articles of merchandise from the following previously prepared or refined materials: canvas, cellophane, cloth, cork film, felt, glass, tanned leather, paper, plastics, metals or sheet metal, textiles, wax, wire, wood and yarns.
- (5) Included are the following permitted industrial uses:
 - (a) Assembly of toys, novelties, rubber or metal stamps and other molded rubber or plastic products.
 - (b) Assembly of electrical appliances, electronic instruments and devices.
 - (c) Establishments which produce clothing and fabricated products by cutting and sewing purchased woven or textile fabrics and related materials, such as tanned leather, rubberized fabrics and plastics.
 - (d) Establishments engaged in assembly of finished articles made entirely or mainly of wood or wood substitutes.
 - (e) Assembly of furniture and fixtures.
 - (f) Establishments which engage in the fabrication of paper and paperboard into converted products, such as boxes and envelopes.

(g) Establishments engaged in printing and publishing and those establishments which perform services for the printing trade, such as bookbinding, typesetting and engraving.

(h) Establishments engaged in the fabrication of metal products.

(i) Establishments engaged in the assembly of instruments for measuring, testing, analyzing and controlling and their associated sensors and accessories; photographic, medical and optical goods; watches and clocks.

(j) Establishments engaged in the assembly of musical instruments.

(k) Establishments engaged in the assembly of toys and amusements, sporting and athletic goods.

(l) Establishments engaged in the assembly of pens, pencils and other office and artists' materials.

(m) Establishments engaged in the assembly of jewelry, novelties and buttons.

(n) Establishments engaged in the assembly of cash registers, typewriters, calculators and other office machines.

(6) Planned unit residential development in the R-5 Overlay Zone at a maximum permitted density of six dwelling units per gross acre in accordance with § 110-91A, PURD in R-5 Overlay Residential District.

(7) Affordable senior housing.

(8) Borough-operated public facilities.

C. Permitted accessory uses:

(1) Accessory storage within a wholly enclosed permanent building of goods and materials intended for processing on the premises.

(2) Driveways, parking lots and loading areas.

(3) Other uses deemed to be accessory uses that are normally ancillary to the permitted principal uses, except that factory-outlet-type retail stores and sales shall not be considered an accessory use.

D. Permitted conditional uses:

(1) Warehouse and mini-storage warehouses with individualized compartments pursuant to § 110-87W.

(2) Automotive repair establishments inclusive of detailing and customizing but not including body repair or painting, pursuant to § 110-87I.

(3) Machine shops pursuant to § 110-87M.

(4) Arcades, amusement centers, bowling alleys, indoor tennis courts, skating rinks, handball courts, batting cages and billiard parlors, pursuant to § 110-87P.

(5) Dance halls and discotheques, pursuant to § 110-87Q.

(6) Go-go dancing establishments and cabarets, pursuant to § 110-87R.

(7) Artist's body painting studios, tattoo shops, modeling studios and massage parlors, pursuant to § 110-87S.

(8) Adult bookstores, adult gift shops and adult motion-picture theaters, pursuant to § 110-87T.

(9) Wireless communications facilities pursuant to § 110-87X.

(10) Off-track betting parlor.

(11) For properties having required frontage on Middlesex Avenue, drive-in bank facilities, pursuant to § 110-87J.

(12) For properties not abutting a residential district, contractor's establishments.

(13) Class 3 Cannabis Wholesalers, provided that they are located on a lot fronting on Liberty Street, Aylin Street, Leonard Street or Norcross Avenue and comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.

E. Prohibited uses:

(1) Residences of any type except as permitted in the R-5 and R-6 Residential Overlay Districts.

(2) Retail businesses of any type.

(3) Religious institutions and schools.

(4) Any process or storage use that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, gas fumes, noise, vibration or similar substances or conditions is specifically prohibited.

(5) Refining, processing, distribution, transmission and storage of crude oil or refined petroleum products or the manufacture of bottled fuel gas or any of the principal products or by-products of the petrochemical industry.

(6) Billboards and painted exterior wall signs.

(7) Trucking depots or terminals or truck maintenance facilities.

(8) Bus depots or terminals or bus maintenance facilities.

(9) (Reserved)

(10) Processing, bottling, canning or manufacture of any food product.

(11) Storage tanks are specifically prohibited except when the material stored or storage of material is not the principal use of the site but only provides for an ancillary or utility function and not a process function to the principal use.

(12) The manufacture of chemicals.

(13) The manufacture of cellulose products, resins, dye stuff, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soap and other surfactants, fertilizer, asphalt and tar products.

(14) The manufacture of cardboard, paper, paper pulp or paper products.

(15) The manufacture or production of metals and alloys in ingot form.

(16) The slaughtering, tanning and/or processing of animals or fowl.

(17) The processing, sale, storage, auctioning or reclamation of junk of any kind, including automobile wrecking and/or storing; recyclable materials storage, processing or incineration.

(18) The manufacturing or refining of asphalt; blast furnaces, boiler works and forge shops; the manufacture or processing of cork, linoleum or oil cloth and glue or gelatin; the tanning of hides and skins; slaughterhouses; the manufacture of paint, oils, lacquer or varnish.

(19) The manufacture or bulk storage of fireworks and explosives, illuminating gas or poisonous gases.

(20) Any use involving the storage or manufacture of radioactive materials.

(21) Metal fabrication of trailers, truck bodies or other transportation equipment.

(22) Manufacture or processing of concrete or concrete products.

§ 110-87AA. Downtown Gateway Overlay District.

(1) A Downtown Gateway Overlay District shall be a permitted conditional use. The permitted uses within a Downtown Gateway Overlay District shall be:

(a) Supermarkets, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.

(b) Retail shops and stores.

(c) Personal service businesses.

(d) Physical fitness studios.

(e) Offices.

(f) Banks and other financial institutions, including drive-in banks.

(g) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.

(h) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.

(i) Nursery schools and day-care centers.

(j) Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.

(k) Inns and hotels.

(l) Social halls, clubs, lodges and places of public assembly.

(m) Borough-operated public facilities.

(n) Massage and somatic therapy establishments.

(2) Permitted accessory uses within a Downtown Gateway Overlay District shall include:

(a) Driveways, parking lots, loading areas and multilevel parking facilities.

(b) Outdoor display and sales areas associated with permitted retail shops and stores and supermarkets.

(c) Outdoor cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.

(d) Plazas, courtyards, kiosks, outdoor art exhibit spaces, water features, permanent or temporary installations of public art, walkways and alleys and other similar types of public and semipublic open spaces.

(e) Trash enclosures, compactors and dumpsters.

(f) Walls, fences, hedges and other landscape elements.

(g) Utility boxes.

(h) Other uses deemed to be permitted accessory uses.

(3) Permitted Conditional Use within a Downtown Gateway Overlay District shall include:

(a) **Class 5 Cannabis Retailers which comply with the requirements of Chapter __, Article I, § -5(C) of the Code of the Borough of Metuchen.**

(4) Conditions. A Downtown Gateway Overlay District shall meet the following conditions:

(a) Minimum tract area shall be five acres. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract, including the area of the right-of-way separating such lots.

(b) Minimum frontage on Middlesex Avenue: 250 feet located along both sides of the street facing one another.

(c) A supermarket shall be a required use.

(d) If development of the tract is proposed in multiple phases, a phasing plan shall be provided. The phasing plan shall identify the portions of the tract proposed for preliminary and final site plan approval as well as any phases reserved for future development. The required supermarket use shall be developed in the first phase. A concept plan for the entire tract, depicting both proposed first-phase development and illustrating one or more scenarios for potential future phases, shall be provided.

§ 110-91F Planned unit commercial development (PUCD) in D-1 District.

(1) Findings. In accordance with the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-45, the following facts and conclusions shall be determined by the Planning Board before any PUCD is approved:

(a) That the proposed development conforms to the standards set forth herein to the extent they apply, or to the regulations governing development in the D1 Zone generally. The Planning Board shall be guided by the standards set forth in N.J.S.A. 40:55D-65(c). The regulations set forth herein are departures from the regulations otherwise applicable to the subject property and other properties in the D1 Zone.

(b) That any proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space shall be adequate.

(c) That provision through the physical design of any proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment shall be adequate.

(d) That any proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

(e) In the case of any proposed development which contemplates construction over a period of years, the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development shall be adequate.

(2) The following are the conditional use standards:

(a) The minimum tract area shall be four acres, including any new street.

(b) The tract shall have frontage on New Street and Pearl Street.

(c) The tract shall be within 200 yards of the Metuchen Train Station building (northbound side).

(d) A common open space or public open space in the form of a public plaza shall be provided in the approximate location as shown on the Regulating Plan.

(3) The following are permitted uses within any PUCD:

(a) Permitted principal uses within a PUCD:

[1] Common open space or public open space in the form of a public plaza.

[2] Retail shops and stores.

[3] Business and personal service businesses.

[4] Physical fitness studios.

[5] Hotels.

[6] Offices.

[7] Banks and other financial institutions, except drive-in banks.

[8] Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.

[9] Apartments.

[10] Townhouses.

[11] Work-live units.

[12] Nursery schools and day-care centers.

[13] Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.

[14] Parking structures.

[15] Borough-operated public facilities.

[16] Grocery stores with a gross floor area not exceeding 15,000 square feet.

[17] Massage and somatic therapy establishments.

(b) Permitted accessory uses within a PUCD:

[1] Driveways, parking lots, loading areas and multilevel parking facilities.

[2] Outdoor display and sales area associated with permitted retail shops and stores.

[3] Outdoor dining areas in cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.

[4] Plazas, courtyards, kiosks, outdoor art exhibit space, water features, permanent or temporary installations of public art, walkways and alleys and other similar types of public and semipublic open spaces.

[5] Trash enclosures, compactors and dumpsters.

[6] Walls, fences, hedges and other landscape elements.

[7] Utility boxes.

[8] Other uses deemed to be permitted accessory uses.

(4) Prohibited uses within a PUCD shall include:

(a) Pharmacies and drugstores.

(b) **Class 5 Cannabis Retailers.**

(5) The following are design standards for any PUCD:

(a) The minimum size of the required common open space or public open space in the form of a public plaza shall be 0.5 acre (21,780 square feet). For the purposes of this section, the calculation for the area of the public plaza shall be based upon measuring the perimeter curblines of the block on which such is located. Public sidewalks may count toward the calculation of the area of the public plaza.

(b) Maximum building coverage for primary and accessory structures, including parking structures, shall not exceed 70% of the tract. For the purposes of this section, the calculation of tract area shall include all lots, the public plaza and any new streets.

(c) Buildings shall not contain a dwelling unit or hotel room in that portion of the ground floor fronting the public plaza. Common spaces within buildings, such as lobbies, may occupy that portion of the ground floor fronting upon New Street and/or the public plaza.

(d) Parking for nonresidential uses shall be one space per 1,000 square feet of area, excluding storage areas. There shall be no customer parking requirement for all business uses, except for hotel uses which will be subject to § 110-154. Parking for residential uses shall be subject to the Residential Site Improvement Standards, N.J.A.C. 5:21. The Planning Board shall entertain reductions in the required number of both nonresidential and residential parking spaces if the applicant can demonstrate through expert testimony and technical documents that the proposed application would so warrant, as a result of its mixed-use nature, parking demands of specific users, proximity to transit options, specific housing demographics, a parking management plan or other similar reasons.

(e) Business and service uses included within a mixed-use neighborhood shall be designed to be integrated with and/or complement Main Street and other existing commercial areas within the B-1 and D-1 Districts. Integration of business and service uses shall be accomplished by proximity of location, site orientation, scale and massing along the streetscape, architectural style, color, materials and details, pedestrian circulation linkages, vehicular circulation and parking, lighting, landscaping and street furniture.

(f) Off-tract improvements may be required of the developer as part of an overall development integration plan, including but not limited to vehicular and pedestrian circulation elements and linkages and stormwater management systems.

(g) Sidewalks and walkways that link all uses with one another and with business areas within the tract and with Main Street and other commercial areas shall be integrated into the development plan.

(h) In addition to the public plaza, open space areas may include courtyards, alleys, plazas, or similar type improvements. Such open spaces may be public, semipublic, or private if entirely enclosed within a building.

(i) The public plaza, sidewalks, walkways and open space areas shall incorporate pedestrian amenities, such as gathering/sitting areas, benches, shade trees, landscaping, accent lighting and other street furniture.

(j) Frontages along Lake Avenue, New Street, Pearl Street and the public plaza shall include Main Street style street lamps at intervals of spacing consistent with the existing street lamps on Main Street.

(k) Buildings and parking structures shall be set back a minimum of 15 feet from the edge of curb of the existing or proposed street upon which such building fronts, except on Pearl Street where buildings no taller than two stories may have a reduced setback of 10 feet. Buildings with a height of four stories or greater shall be set back 20 feet. Arcades supporting upper-floor terraces and verandas shall be allowed to project within the setback up to 12 feet. Steps leading to a first floor, balconies, awnings and landscape planters shall be allowed to project within the right-of-way.

(l) Buildings shall be located to front towards and relate to a public street, both functionally and visually. In locations where on-street parking does not exist, the entry to a use or building may be placed in a location other than facing the street at the discretion of the Planning Board.

(m) Any surface parking lot shall be designed as a parking plaza. A parking plaza shall be spatially enclosed by buildings and designed with an emphasis on visual and functional pedestrian elements, such as colored, textured paving, pedestrian-scale lighting, shade trees, landscaping and rich streetscape treatments and details.

(n) Building height within a PUCD shall be generally located as shown in the Regulating Plan [refer to Planned Unit Commercial Development Regulating Plan, Subsection F(5)(r) hereof.

[1] Maximum height of principal buildings or structures shall be as follows:

[a] On Parcel A, maximum building height shall not exceed three stories and 35 feet.

[b] On Parcel B, maximum building height shall not exceed four stories and 50 feet.

[c] On Parcel C, maximum building height shall not exceed five stories and 65 feet. For the purposes of this section, the levels of a parking structure shall not count as stories, and the height of any parking structure shall be governed by height in feet.

[2] For the purposes of this section, height shall be measured from finished grade.

[3] Building elements and appurtenances such as chimneys, spires, cupolas, belfries, towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC systems, and roof-access stairwells may exceed the height requirements by up to 25 feet.

[4] Editor's Note: The Regulating Plan is on file in the Borough offices.

(o) The predominant building material for buildings facing New Street, the public plaza, and Lake Avenue shall be brick in traditional colors consistent and complementary with that found on Main Street.

(p) Any building fronting the public plaza shall be designed using classical proportions with a consistent uniform facade treatment employing an articulated rhythm of bays and windows. These bays or sections shall be a minimum of 20 feet wide and a maximum of 36 feet wide. The ground floors of buildings shall have articulated entries and large storefront-type windows.

(q) Buildings shall have a defined base, ground floor, belt course and cap which are designed to draw the eye of pedestrians to the lower portions of the buildings. Any building four stories or taller and parking structures greater than 40 feet in height shall be designed using some combination of massing, scale, roof type, cornice, projections, recesses, materials, colors and other architectural treatments to minimize the visual impact of the height of such building.

(r) The Regulating Plan shall be consistent with the ~~attached exhibit. (The Regulating Plan Exhibit shall be replaced with the Regulating Plan attached hereto)~~ which is on file with the Borough of Metuchen.

SECTION 6. Taxation of Class 3 Cannabis Wholesalers and Class 5 Cannabis Retailers. A new Article 4 entitled "Local Cannabis Transfer Tax and User Tax" is hereby created and added to Chapter 172, "Taxation" of the Code of the Borough of Metuchen which shall state as follows:

CHAPTER 172

TAXATION

ARTICLE IV

Local Cannabis Transfer and User Tax

§ 172-14. Purpose.

The purpose of this article is to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act” or “CREAMMA”) set forth at *N.J.S.A. 24:6I-46* and *N.J.S.A. 40:48I-1*, which authorize a municipality to impose transfer and user taxes on cannabis establishments.

§ 172-15. Definitions.

All terms herein shall be defined as set forth in section 3 of CREAMMA, *N.J.S.A. 24:6I-33*.

§ 172-16. Cannabis transfer tax.

A. All cannabis establishments operating in the Borough shall be subject to the following transfer tax on the sale of cannabis or cannabis related items:

- (1) Class 3 Cannabis Wholesalers: One percent (1%) of receipts from each sale.
- (2) Class 5 Cannabis Retailers: Two percent (2%) of the receipts from each sale.

B. The transfer tax imposed pursuant to this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.

C. The transfer tax shall be collected or paid, and remitted to the Borough by the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

§ 172-17. Cannabis user tax.

A. Any concurrent license holder operating more than one cannabis establishment shall be subject to a two percent (2%) user tax. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this article, from the license holder’s establishment that is located in the Borough to any of the other license holder’s establishments, whether located in the Borough or in another municipality.

B. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.

C. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

§ 172-18. Collection of cannabis transfer and user tax.

In accordance with the provisions of CREAMMA:

A. Every cannabis establishment required to collect the transfer and user taxes imposed by this article shall be personally liable for the transfer and user tax imposed, collected, or required by this article and CREAMMA.

B. Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time. With respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the Borough's chief financial officer is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

C. No cannabis establishment required to collect the transfer and user taxes imposed by this article shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

§ 172-19. Remittance of cannabis taxes; delinquencies.

A. All revenues collected from the transfer tax and user tax imposed pursuant to this article shall be remitted to the Borough's chief financial officer on a monthly basis.

B. The Borough shall enforce the payment of delinquent taxes or transfer fees imposed by this article in the same manner as provided for municipal real property taxes.

C. In the event that the transfer tax or user tax imposed by this article is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid Borough taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of Borough taxes, and shall be on a parity with and deemed equal to the Borough lien on the parcel for unpaid property taxes due and owing in the same year.

D. The Borough shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

E. No licensed cannabis establishment operating in the Borough shall be permitted to renew a license issued pursuant to Chapter ___ of this Code should any transfer or user tax imposed by this article be delinquent.

SECTION 7. Repealer. Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 8. Severability. If an section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 9. Effective Date. This Ordinance shall take effect upon its passage and publication and filing with the County of Middlesex Planning Board, and as provided for by law.

Introduction:

Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

Adopted:

Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

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 October 11, 2022.

Ord. 2022-19

Deborah Zupan, RMC
Borough Clerk

ATTEST:

Deborah Zupan, RMC
Borough Clerk

BOROUGH OF METUCHEN

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2022-20

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

**ORDINANCE AMENDING § 185-23 OF THE CODE OF THE BOROUGH OF
METUCHEN ESTABLISHING A MULTIWAY STOP INTERSECTION (THREE WAY)
AT BEACON HILL DRIVE AND WOODSIDE AVENUE**

WHEREAS, Chapter 185 of the Code of the Borough of Metuchen regulates vehicles, traffic and parking within the Borough of Metuchen; and

WHEREAS, § 185-23 of the Code of the Borough of Metuchen specifically designates the locations of “Multiway stop intersections” within the Borough; and

WHEREAS, the Chief of Police and the Borough Engineer have investigated, determined and recommend to the Mayor and Borough Council that it is in the best interest of the safety and welfare of its residents, and the community, in general, to establish a three-way, “Multiway stop intersection” at the Beacon Hill Drive and Woodside Avenue intersection; and

WHEREAS, the Council of the Borough of Metuchen have determined to accept the recommendation of the Chief of Police and Borough Engineer finding that that it is in the best interest of the safety and welfare of its residents and the community, in general, to establish a three-way “Multiway Stop Intersection” at Beacon Hill Drive and Woodside Avenue and to amend the Borough Code accordingly.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 185-23 of the Code of the Borough of Metuchen to include the following location:

§ 185-23 Multiway stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as multiway stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign(s) On
Beacon Hill Drive and Woodside Avenue	All approaches (Three-way) – Eastbound and Westbound on Woodside Avenue and on Beacon Hill Drive at the intersection of Beacon Hill Drive and Woodside Avenue.

BE IT FURTHER ORDAINED, by the Mayor and Council that all remaining locations contained in the Table in §185-23 shall remain “Multiway Stop Intersections” and shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED, that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED, that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

BE IT FURTHER ORDAINED, by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials and employees shall take all necessary actions to in order to effectuate and enforce the within Ordinance, including but not limited to the installation of a stop sign/s in the above designated area.

Introduction:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 27, 2022.

Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

RESOLUTION 2022-200

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

**RESOLUTION AUTHORIZING BOND ANTICIPATION NOTES IN THE
SUM OF \$2,324,400 AUTHORIZED BY ONE BOND ORDINANCE
HERETOFORE ADOPTED TO FINANCE VARIOUS CAPITAL
IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF METUCHEN,
COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR
OTHER DETAILS OF SAID ISSUE**

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the “Borough”) has heretofore adopted bond ordinance numbered 2022-08 to finance part of the costs of the construction and acquisition of various capital improvements in, by and for the Borough (the “Ordinance”); and

WHEREAS, the Borough has not previously funded all of the bonds authorized by the Ordinance and it is desirable to issue bond anticipation notes pursuant to the Ordinance in accordance with the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the “Local Bond Law”); and

WHEREAS, the Borough intends to issue notes authorized under the Ordinance (the “Notes”) in a principal amount not exceeding \$2,324,400 pursuant to the Local Bond Law; and

WHEREAS, the Borough intends that the Notes will be treated as “Qualified Tax-exempt Obligations” within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”).

NOW THEREFORE BE IT RESOLVED, by the BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, in the County of Middlesex, New Jersey as follows:

SECTION 1. That the Notes shall be issued as one issue and at such time as shall be determined by the Chief Financial Officer of the Borough (the “Chief Financial Officer”) and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue, redemption and maturity, such redemption price or prices, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The Notes shall be entitled “Bond Anticipation Notes, Series 2022A” or any other designation determined by the Chief Financial Officer.

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to offer the Notes for public sale, to award the Notes and to determine in her discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale (the "Notice of Sale"). The Chief Financial Officer is further hereby authorized and directed to report in writing to the Borough Council at the next meeting succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser. The Notice of Sale shall comply in all respects with the applicable statutes relating thereto and shall be in the form approved by the Chief Financial Officer. The Notice of Sale or summary thereof, as permitted by applicable law, may be published in The Bond Buyer at least once prior to the date of public sale. The Chief Financial Officer is also hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she is hereby authorized to distribute a form of "Proposal for Bond Anticipation Notes" (the "Proposal") in respect of the Notes which Proposal shall be the official form for submission of bids in accordance with the Notice of Sale, except for those Proposals which are submitted electronically pursuant to the terms and provisions of the Notice of Sale. Such Proposal shall be in the form approved by the Chief Financial Officer. The Chief Financial Officer be and she is hereby further authorized at her discretion to accept Proposals and complete the award of the Notes, pursuant to the terms and provisions of the Notice of Sale, by means of electronic media; provided that, with respect to the selection of the particular electronic media and the implementation of the procedures for the exercise thereof, the Chief Financial Officer shall consult with counsel and other applicable professional advisors to the Borough with respect thereto.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Notes authorized pursuant to the Ordinance are hereby designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Code. The Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such designation of the Notes.

SECTION 7. That the Borough hereby covenants to comply with the provisions of the Code applicable to the Notes and covenants not to take any action or to fail to take any action which would cause the interest on the Notes to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code or cause the interest on the Notes to be treated as an item of tax preference under Section 57 of the Code. Further, the Borough will take all actions

within its power that are necessary to assure that interest on the Notes does not lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code or cause the interest on the Notes to be treated as an item of tax preference under Section 57 of the Code.

SECTION 8. That the Mayor of the Borough, the Chief Financial Officer and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 9. That all actions, if any, taken by the Chief Financial Officer, the financial advisor to the Borough and bond counsel to the Borough prior to the date of adoption of this Resolution in connection with the issuance of the Notes are hereby ratified in all respects.

SECTION 10. That this resolution shall take effect immediately.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

No. 2022A-__

CUSIP _____

UNITED STATES OF AMERICA

STATE OF NEW JERSEY

BOROUGH OF METUCHEN
in the County of Middlesex, New Jersey

BOND ANTICIPATION NOTE, SERIES 2022A

The BOROUGH OF METUCHEN, a municipal corporation of the State of New Jersey (the “Borough”), for value received promises to pay to the bearer of this Note, or if it be registered other than to bearer, to the registered owner hereof, in lawful money of the United States of America, the sum of _____ DOLLARS (\$_____) together with interest thereon from the date hereof at the rate of _____ per centum (____%) per annum, on _____, 2023, upon presentation and surrender of this Note at the office of the Chief Financial Officer of the Borough, Metuchen, New Jersey.

This Note is transferable by delivery, unless registered otherwise than to bearer. At the request of the holder, this Note will be registered in his name on the books of the Borough for the series of Notes of which this is a part (the “Notes”) kept for that purpose in the office of its Chief Financial Officer, such registration to be noted on the back of this Note, and thereafter until registered transfer to bearer, no transfer of this Note shall be valid unless made on the registration books for the Notes and similarly noted hereon.

This Note is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey, a bond ordinance of the Borough Council of the Borough in all respects duly adopted and published as required by law and a resolution adopted by the Borough Council of the Borough. This Note is a Bond Anticipation Note, Series 2022A and is issued in anticipation of the issuance of bonds of the Borough. The Notes are intended to be treated as “Qualified Tax-exempt Obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). This Note is issued for a period not exceeding one year, and may be renewed from time to time for additional periods, not exceeding one year.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been

R2022-200

performed precedent to or upon the issuance of this Note, exist, have happened and have been performed and that the amount and terms of this Note do not exceed any limitation imposed thereon by the Constitution or statutes of the State of New Jersey.

IN WITNESS WHEREOF, the BOROUGH OF METUCHEN, acting through its Borough Council, has caused this Note to be signed by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto affixed, this Note and the seal to be attested by the manual signature of the Borough Clerk of the Borough Council and this Note to be dated the ____ day of _____, 2022.

ATTEST:
(SEAL)

BOROUGH OF METUCHEN

CLERK OF THE BOROUGH COUNCIL

MAYOR

CHIEF FINANCIAL OFFICER

RESOLUTION 2022-201

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

RESOLUTION AUTHORIZING BID AWARD FOR 2022 ROAD PROGRAM

WHEREAS, six (6) bids were received by the Borough Clerk, Borough Engineer, Qualified Purchasing Agent and Borough Administrator on or before September 7, 2021, for the 2022 Road Program for the Borough of Metuchen: and

WHEREAS, the Borough Council has reviewed the letter of recommendation made by the Borough Engineer on said bid, dated September 8, 2022; and

WHEREAS, the maximum amount of award for the 2022 Road Program is \$1,190,262.44 for various roads to include Woodside Avenue, Rose Street, Lowell Avenue, Douglas Drive, Dolores Drive, Michael Drive, Lynn Circle, Robert Circle and Halsey Street parking lot. Funds are available in the 2022 Capital Bond Ordinance 2022-08 as certified by the Chief Finance Officer. Sufficient funds are designated from Capital Bond Ordinance 2022-08, Account C-04-55-938-006 in the amount of \$417,000.00, C-04-55-938-007 in the amount of \$242,379.66, C-04-938-008 in the amount of \$368,082.78 and C-04-55-938-009 in the amount of \$162,800.00.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the 2022 Road Program be and the same is hereby awarded to lowest responsible bidder, P & A Construction, Inc., PO Box 28, Colonia, NJ 07067; and

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

BE IT FURTHER RESOLVED, that the certified check or bid bond of the successful bidder and the next lowest bidders be returned upon the receipt of a fully executed contract and other required documents to:

1. Your Way Construction, Inc., 404 Colt Street, Irvington, NJ 07111
2. Reivax Contractors - Engineers, 165 River Road, Flemington, NJ 08822
3. Black Rock Enterprises, 1316 Englishtown Road, Old Bridge, NJ 08857

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-202

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

**RESOLUTION AMENDING CERTAIN POSITIONS AND SALARIES FOR
CALENDAR YEAR 2022**

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 2022-02 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2022, as follows:

POSITIONS:

A.	Councilmembers	\$ 5,000/yr.
	Council President	\$ 6,500/yr.
	Mayor	\$ 10,000/yr.
	C-3 Sanitary Sewer Collection System Operator	\$ 6,000/yr.
	Office of Emergency Management Coordinator	\$10,000/yr.
	Municipal Judge	\$35,000/yr.
	Public Defender	\$22,500/yr.

FULL TIME/PART TIME OFFICERS AND EMPLOYEES:

3.0% increase on 2021 base salary/hourly rate or 2022 adjusted base salary/hourly rate:

Accounting/Tax Clerk
Administrative Secretary
Administrative Officer
Court Administrator
Deputy Court Administrator
Head Telecommunications Operator
Telecommunications Operator
Secretary
Borough Administrator
Director of Special Projects
Director of Recreation/Senior Services
Director of Recreation
Senior Citizen Director
Borough Clerk
Program Coordinator of Recreation/Senior Services
Public Works Supervisor
Chief Financial Officer/Tax Collector/QPA
Public Works Director

Multi-Media & Communication Director
Senior Accounting Specialist – Finance and Payroll
Senior Accounting Specialist – Finance and Benefits
Accounting Specialist – Finance/Municipal Alliance Coordinator/Registrar
Bus Driver
School Crossing Guard
Part-Time Clerk and Secretary
Janitor, Firehouse
Fire Official (Fire Prevention)
Fire Inspectors (Fire Prevention)
Parking Enforcement Officer

CONSTRUCTION INSPECTORS/OFFICIALS:

3.0% increase on 2021 base salary

Construction Official
Plumbing Inspector
Electrical Inspector
Fire Inspector
Building Inspector
Plumbing Subcode Official
Electrical Subcode Official
Fire Subcode Official
Building Subcode Official
Alternate Subcode Official
Alternate Inspector

RECREATIONAL PROGRAMS AND SEASONAL EMPLOYEES – Rates as Listed with no Percentage Increase:

Cooking Director	\$ 40.00/hr.
Tennis Director	\$ 75.00/hr.
Tennis Instructor	\$ 11.90/hr.
Art Director	\$ 50.00/hr.
Soccer Camp Director	\$ 35.00/hr.
Soccer Counselor	\$ 11.90/hr.
Soccer Trainer	\$ 20.00/hr.
Track Camp Director	\$ 30.00/hr.
Track Advisor	\$ 25.00/hr.
Track Specialist	\$ 20.00/hr.
Basketball Director	\$ 30.00/hr.
Junior Referee	\$ 11.90/hr.
Basketball Referee	\$ 25.00/hr.
Recreation Assistant	\$ 11.90/hr.
Camp Director	\$ 35.00/hr.

Assistant Camp Director	\$ 25.00/hr.
Camp Counselor	\$ 11.90/hr.
Field Hockey Director	\$ 30.00/hr.
Field Hockey Coach	\$ 20.00/hr.
Field Hockey Referees	\$ 13.00/hr.
Umpire	\$ 30.00/hr.

BOROUGH SEASONAL PER DIEM EMPLOYEES: - Rates as Listed with no Percentage Increase

Public Works Summer Help	\$ 15.00/hr.
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SEASONAL EMPLOYEES/POOL: - Rates as Listed with no Percentage Increase

Pool Manager	\$12,000.00/season
Assistant Manager	\$6,800.00 to 8,000.00 /season
Aquatics Director	\$3,000.00/season
Head Swim Team Coach*	\$2,200.00/season
Assistant Swim Team Coach	\$1,000.00/season
Swim Team Assistant	\$ 750.00/season
Head Diving Coach	\$1,500.00/season
Assistant Diving Coach	\$1,100.00/season
Activities Director	\$ 3,000.00/season
Head Lifeguard	\$ 13.60/hr.
Lifeguard	\$ 12.05/hr.
Head Gate Attendant	\$ 12.05/hr.
Gate Attendant	\$ 11.90/hr.
Head Maintenance	\$ 12.60/hr.
Maintenance	\$ 11.90/hr.
Swim Instructor	\$ 11.90/hr.
Pre-season	\$ 11.90/hr.

*Position not filled when Aquatics Director position is filled and acts as Head Coach

LIBRARY PERSONNEL - Salary adjustment and increase per Library Board

FT Library Assistant
 FT Senior Library Assistant
 FT Principal Library Assistant
 FT Librarian (Youth Services)
 FT Librarian (Adult/Youth Services)
 FT Librarian (Adult/User Services)
 FT Senior Librarian (Youth/User Services)
 FT Senior Librarian (Adult/User Services)
 FT Librarian

- FT Principal Librarian
- FT Library Director
- PT Library Bookkeeper
- PT Library Assistant
- PT Senior Library Assistant
- PT Library Page
- PT Librarian
- PT Senior Librarian (Youth Services)
- PT Librarian (Youth Services)
- PT Senior Librarian
- PT Library Children’s Services Specialist
- PT Library Youth Services Specialist
- PT Library Technical Services Assistant
- PT Library Technology Assistant

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.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

RESOLUTION 2022-203

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

**RESOLUTION AMENDING RESOLUTION 2022-191 AUTHORIZING STATE
CONTRACT PURCHASE FOR POLICE VEHICLES**

WHEREAS, by way of Resolution 2022-191, the purchase of two (2) vehicles for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey were awarded to be purchased through State Contract # T-2776, 20-FLEET-01189, which is in effect until June 17, 2023; and

WHEREAS, there exists a need to amend the previous award from two (2) vehicles to (3) three vehicles for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the increased award is being made due to significant production delays from the vehicle manufacturer that impact the expected delivery date of vehicles; and

WHEREAS, Ford Motor Company has also implemented a price increase per vehicle that has been approved by the State of New Jersey State Contract # T-2776 20 FLEET-01189 State Contract price for one (1) 2023 Ford Police Utility Interceptor, Base Vehicle, from \$29,763.00 to \$34,844.00; and

WHEREAS, additional vehicle add-ons that are not covered by State Contract in the amount of \$1,908.00 are included in the authorization cost per 2022 Ford Utility Interceptor Vehicle for a maximum amount not to exceed \$36,752.00 per vehicle; and

WHEREAS, the amended Chief Financial Officer's Certification of Funds is made authorizing the award for three (3) 2023 Ford Police Utility Interceptor Vehicles from Capital Ordinance 2022-8, C-04-55-938-004, not to exceed a grand total of \$110,256.00; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward an amended Purchase Order to Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-204

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

**RESOLUTION AUTHORIZING AMENDING RESOLUTION 2022-190
PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING FOR RED
DYED #2 ULTRA-LOW SULFUR DIESEL FUEL**

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

WHEREAS, this can be purchased through the Somerset County Cooperative Red Dyed #2 Ultra-Low Sulfur Diesel Fuel: Open-ended Contract #CC-0036-21, Cooperative Pricing Bid #2-SOCCP pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, Somerset County Cooperative awarded the first year of a two-year contract #CC-0036—21 awarded on November 9, 2021; and

WHEREAS, this authorization of award ends on November 8, 2022; and

WHEREAS, the maximum amount of the purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel for the Borough of Metuchen was \$100,000.00 and that there are sufficient funds for such award of which \$ 50,000.00 was previously certified from the 2022 Temporary Budget and 2022 Adopted Budget by Resolution 2022-44, designated from Diesel and Gasoline Fuel Account Number 2-21-31-821-074 amended by Resolution 2022-120 increasing the maximum amount by \$30,000.00, and amended by Resolution 2022-190 increasing the maximum amount by \$20,000.00 ; and

WHEREAS, the maximum amount for the purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel for the Borough of Metuchen is amended to \$140,000.00 and that there are sufficient funds as certified by the Chief Finance Officer from the 2022 Adopted Budget for such award, designated from Diesel and Gasoline Fuel Account Number 2-21-31-821-074; and

WHEREAS, the vendor chosen for award for purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel is National Fuel Oil, Inc. for the period of January 1, 2022, through November 8, 2022; and

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

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

- The Chief Financial Officer and Borough Administrator are hereby authorized and directed to amend the Purchase Order to National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, in an amount not to exceed \$ 100,000.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-205

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

RESOLUTION AUTHORIZING CANCELLATION OF 2018 TAX OVERPAYMENT

WHEREAS, the following parcel has an overpayment of taxes:

Block/Lot	Address	Amount	Year
108.01/3.01	3 Reading Court	2,560.45	2017/Q3

NOW THEREFORE BE IT RESOLVED, that the above listed tax overpayment balance be canceled, in the amount of \$2,560.45.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-206

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

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF
2021 AND 2022 TAXES**

WHEREAS, the following have made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Erin Collins/Alexander Barrera	46/43 C0501	50 Aylin Street #5A	\$879.86	Tax overpayment	3rd qtr. 2022
Zhong, Dewei/Wang, Weiyang	38/7	9 Weston Street	\$1,876.42	Tax overpayment	3rd qtr. 2021
Marsaturn LLC	127/1.02 C0021	21 Bridge Street (Bldg B)	\$243.44	Tax overpayment	3rd qtr. 2021
Wilson, Justin/Lim, Mee Hua	126.07/6	727 Wakefield Drive	\$3,391.47	Overpayment-refinance	3 rd qtr. 2022

NOW THEREFORE BE IT RESOLVED, that the above listed property owners or agents be refunded property taxes as described in the amount of \$6,391.19.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-207

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

**RESOLUTION AUTHORIZING RELEASE OF LANDSCAPING BOND
– 24 SCHOOL STREET - LANDSCAPING ONLY TO HESTER GELBER
– PGL19-1231**

WHEREAS, the former Borough Zoning Officer, in an email dated August 2, 2022, has reported that the on-site landscaping improvements associated with the referenced property has been completed in an acceptable manner; and

WHEREAS, Patricia Kaulfers, former Zoning Officer had recommended the full release of the Landscaping Performance Guarantee in the amount of a cash bond of \$500.00, for the landscaping only, which had been posted on April 6, 2022.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the Borough Clerk is hereby authorized and directed to release said Landscaping Performance Bonds of a cash bond in the amount \$500.00 as recommended and directed by the former Borough Zoning Officer to Hester Gelber, 24 School Street, Metuchen, NJ 08840.

BE IT FURTHER RESOLVED, that no maintenance bond is required to be posted.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-208

*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 \$2,022,438.38.

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
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
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 September 12, 2022.

Deborah Zupan, RMC
Borough Clerk