

**BOROUGH COUNCIL AGENDA  
REGULAR MEETING OCTOBER 7, 2024  
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 12, 2024

Communications Consent Agenda – Items A – C

- A. Receive and Accept Arts Council Meeting Minutes of July 15, 2024 and August 19, 2024
- B. Receive and Approve Block Party-Street Closing for Myrtle Avenue on October 12, 2024
- C. Receive and Approve Block Party-Street Closing for Spear Street on October 26, 2024

Ordinances – Public Hearing

Ord. 2024-22                      ORDINANCE OF THE BOROUGH OF METUCHEN AUTHORIZING THE CONVEYANCE OF A TEMPORARY ACCESS AND CONSTRUCTION EASEMENT TO THE STATE OF NEW JERSEY FOR A PORTION OF METUCHEN PROPERTY KNOWN AS BLOCK 26 LOT 67 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF METUCHEN

Ord. 2024-23                      ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION UNDER THE AUTHORITY OF N.J.S. 40A:4-53 FOR THE PREPARATION OF A MASTER PLAN BY THE BOROUGH OF METUCHEN

Ord. 2024-24                      ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2024-10

Ordinances – Introduction

Ord. 2024-25                      ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN CREATING CHAPTER 77 ENTITLED, “TREE REMOVAL AND REPLACEMENT” ADOPTING THE NJDEP MANDATED REGULATIONS FOR TREE REMOVAL AND REPLACEMENT AND AMENDING ARTICLE 1 ENTITLED, “TITLE; PURPOSE; DEFINITIONS”; ARTICLE 11 ENTITLED, “MAJOR SUBDIVISION APPLICATIONS”; ARTICLE 13 ENTITLED, “MAJOR SITE PLAN APPLICATIONS”; ARTICLE 23 ENTITLED, “SUPPLEMENTARY REGULATIONS”; ARTICLE 26 ENTITLED, “SUBDIVISION DEVELOPMENT STANDARDS”; AND, ARTICLE 46 ENTITLED, “TREE STANDARDS” IN CHAPTER 110 ENTITLED “LAND DEVELOPMENT” CONCERNING TREE STANDARDS AND REMOVING TREE REMOVAL AND REPLACEMENT STANDARDS

Report of the Borough Administrator

Reports of Council Members

Report of the Mayor

New Business Consent Agenda – Resolutions 2024-253 to 2024-264

R2024-253                      GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

R2024-254                      RESOLUTION APPROVING ADOPTION OF THE CORRECTIVE ACTION PLAN FOR ANNUAL AUDIT

R2024-255                      RESOLUTION AUTHORIZING BID AWARD FOR 2024 ROAD PROGRAM

R2024-256                      RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS FOR SPECIAL EMERGENCY - PREPARATION OF A MASTER PLAN - NJS 4A:4-53, 54, 55.1 AND 55.13

- R2024-257 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO LRK – MASTER PLAN
- R2024-258 RESOLUTION AMENDING THE AWARD OF THE PROFESSIONAL ARCHITECTURAL SERVICES CONTRACT WITH H2M ARCHITECTS AND ENGINEERS FOR THE SCHEMATIC DESIGN PHASE AND AWARDED AND AUTHORIZING THE IMPLEMENTATION OF THE AMENDED DESIGN DEVELOPMENT/CONTRACT DOCUMENTS AND BIDDING/CONSTRUCTION ADMINISTRATION PHASES FOR THE EMERGENCY SERVICES/FIRE STATION PROJECT
- R2024-259 RESOLUTION AMENDING RESOLUTION 2024-184 AUTHORIZING SOMERSET COUNTY COOPERATIVE PRICING FOR ORIGINAL EQUIPMENT MANUFACTURED PARTS AND REPAIRS, HEAVY DUTY VEHICLES OVER 14,500 GVW – SANITATION EQUIPMENT CORPORATION
- R2024-260 RESOLUTION AMENDING RESOLUTION 2024-49 AUTHORIZING THE AWARD FOR AUTOMOTIVE LUBRICANTS THROUGH STATE CONTRACT
- R2024-261 RESOLUTION AMENDING RESOLUTION 2024-163 AUTHORIZING ESCNJ CONTRACT FOR BOROUGH HALL FLOORING
- R2024-262 RESOLUTION FOR LIEN REDEMPTION
- R2024-263 RESOLUTION AUTHORIZING REFUND OF OTHER FEES AND PERMITS – MECHANICAL PERMIT #24-0085 - NELSON WARING
- R2024-264 RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND

Other New Business

- R2024-265 RESOLUTION AUTHORIZING PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$343,227.41

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 2024-22**

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

**ORDINANCE OF THE BOROUGH OF METUCHEN AUTHORIZING THE  
CONVEYANCE OF A TEMPORARY ACCESS AND CONSTRUCTION EASEMENT TO  
THE STATE OF NEW JERSEY FOR A PORTION OF METUCHEN PROPERTY  
KNOWN AS BLOCK 26 LOT 67 ON THE OFFICIAL TAX MAP OF THE BOROUGH  
OF METUCHEN**

**WHEREAS**, by way of correspondence dated June 28, 2024, the Department of Transportation of the State of New Jersey offered to purchase from the Borough of Metuchen a temporary construction easement for a portion of Metuchen property known as Block 26, Lot 67 on the Official tax map of the Borough of Metuchen; and

**WHEREAS**, in lieu of proceeding under the Eminent Domain Act (*N.J.S.A. 20:3-1*, et seq.), the New Jersey Department of Transportation ("NJDOT") has offered to purchase the temporary construction easement upon property owned by the Borough of Metuchen and designated on the Borough's tax maps as Block 26 Lot 67 (the "Property") for Three thousand Dollars (\$3,000.00) for the Grove Avenue Bridge Over Port Reading Railroad Project; and

**WHEREAS**, NJDOT has provided an appraisal report completed by Meehan Valuation with its offer supporting a fair-market valuation of \$3,000 for the Property, which the Borough Assessor has reviewed and has determined to be acceptable; and

**WHEREAS**, the portion of the Property for which an easement is sought is less than one acre (0.08 acres) in size and is approximately four hundred sixty-four (464) square feet; and

**WHEREAS**, the Property is not needed for Borough purposes for the proposed term of the temporary construction easement; and

**WHEREAS**, based upon the Borough Tax Assessor's review and evaluation, the Mayor and Borough Council have determined that the price offered by the State is fair and equitable consideration for the purchase of the conveyance of a Temporary Construction Easement on the Property and the Borough desires to sell and convey a Temporary Construction Easement on the Property to NJDOT voluntarily by way of agreement in order to realize a greater benefit for the Borough and avoid litigation under the Eminent Domain Act.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Metuchen that it hereby authorizes the conveyance of a temporary construction easement on Borough property designated on the tax map as Block 26, Lot 67 to the State of New Jersey for Three Thousand Dollars (\$3,000.00) for the Grove Avenue Bridge Over Port Reading Railroad Project; and

**BE IT FURTHER ORDAINED** that the Mayor, Borough Clerk and all other Borough employees and officials are hereby authorized to execute any and all documents necessary and to take all action necessary to effectuate the within Ordinance, including but not limited to the execution of a Temporary Construction Easement, consistent with the terms and conditions of this Ordinance in a form acceptable to the Mayor and Borough Administrator; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and.

**BE IT FURTHER ORDAINED** this Ordinance shall take effect upon final passage and publication according to law.

**ORDINANCE 2024-23**

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

**ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION  
UNDER THE AUTHORITY OF N.J.S. 40A:4-53 FOR THE PREPARATION OF A  
MASTER PLAN BY THE BOROUGH OF METUCHEN**

**WHEREAS**, the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, (not less than two-thirds of all members thereof affirmatively concurring) that pursuant to N.J.S. 40A:4-53, 40:55D-28 \$200,000.00 is hereby appropriated for the preparation of a master plan and shall be deemed a special emergency appropriation as defined and provided for in N.J.S 40A:4-55.

**WHEREAS**, the authorization to finance the appropriation shall be provided for in the 2025 Municipal Budget and succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S. 40A:4-55).

**NOW THEREFOR BE IT ORDAINED** by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

**ORDINANCE 2024-24**

*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 2024-10**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Metuchen, that Ordinance 2024-10 be repealed and replaced with this ordinance to set the salary authorizations for the calendar year 2024, effective January 1, 2024.

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                             | \$ 100,000.00 | \$ 200,000.00 | year |
| Director of Special Projects                      | \$70,000.00   | \$ 100,000.00 | year |
| Director of Economic Development                  | \$85,000.00   | \$120,000.00  | year |
| Project Manager                                   | \$50,000.00   | \$100,000.00  | year |
| Borough Clerk                                     | \$75,000.00   | \$ 110,000.00 | Year |
| Chief Financial Officer/ Tax Collector/QPA        | \$100,000.00  | \$ 190,000.00 | year |
| Tax Assessor                                      | \$75,000.00   | \$ 110,000.00 | year |
| Public Works Director                             | \$85,000.00   | \$ 190,000.00 | year |
| Public Works Superintendent                       | \$80,000.00   | \$130,000.00  | year |
| Public Works Supervisor                           | \$75,000.00   | \$ 120,000.00 | year |
| Chief of Police                                   | \$ 170,000.00 | \$250,000.00  | year |
| Police Captain                                    | \$ 160,000.00 | \$220,000.00  | year |
| Police Lieutenant                                 | \$ 150,000.00 | \$205 000.00  | year |
| Court Administrator                               | \$75,000.00   | \$ 110,000.00 | 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            | \$ 70 000.00  | \$ 110,000.00 | year |
| Program Coordinator of Recreation/Senior Services | \$45,000.00   | \$85,000.00   | year |
| Administrative Assistant                          | \$42,000.00   | \$75,000.00   | year |
| Zoning Officer                                    | \$65,000.00   | \$90,000.00   | year |
| TACO Administrative Officer                       | \$50,000.00   | \$95,000.00   | year |
| Administrative Manager                            | \$50,000.00   | \$90,000.00   | year |
| Deputy Court Administrator                        | \$42,000.00   | \$65,000.00   | year |
| Violations Clerk                                  | \$40,000.00   | \$60,000.00   | year |
| QPA   | \$6,000.00    | \$15,000.00   | year |
| Finance Clerk                                     | \$40,000.00   | \$65,000.00   | year |
| Senior Finance Specialist                         | \$50,000.00   | \$ 100,000.00 | year |
| Finance Specialist                                | \$45,000.00   | \$90 000.00   | year |
| Multi-Media & Communication Director              | \$65,000.00   | \$ 110,000.00 | year |
| Janitor   | \$35,000.00   | \$50 000.00   | year |
| Enforcement Official                              | \$40,000.00   | \$60,000.00   | year |
| Land Use Administrator                            | \$50,000.00   | \$90,000.00   | year |

|   |                          |
|---|--------------------------|
| Mileage/Car Use Stipend - at Borough Administrator discretion | <b>\$2,000.00</b>   year |
|---|--------------------------|

| POSITION-PART TIME                                | MINIMUM    | MAXIMUM     | PER     |
|---|------------|-------------|---------|
| Bus Drivers                                       | \$20.00    | \$30.00     | hour    |
| Part-Time Clerk Office Assistant                  | \$15.13    | \$30.00     | hour    |
| Part-Time Violations Clerk                        | \$19.00    | \$33.00     | hour    |
| Janitor, Firehouse                                | \$15.13    | \$30.00     | hour    |
| Fire Official (Fire Prevention)                   | \$6,000.00 | \$40,000.00 | year    |
| Fire Inspectors (Fire Prevention)                 | \$5,000.00 | \$20,000.00 | year    |
| Office of Emergency Management Director           | \$6,000.00 | \$65,000.00 | year    |
| Office of Emergency Management Deputy Coordinator | \$1,000.00 | \$1,500.00  | stipend |
| Registrar   | \$5,000.00 | \$17,000.00 | year    |
| Deputy Registrar                                  | \$3,000.00 | \$11,000.00 | year    |
| School Crossing Guards                            | \$19.00    | \$30.00     | hour    |
| Municipal Cares Coordinator                       | \$6,000.00 | \$10,000.00 | year    |
| C-3 Sanitary Sewer Collection System Operator     | \$6,000.00 | \$10,000.00 | year    |
| Per Diem Clerical                                 | \$15.13    | \$30.00     | hour    |
| Public Works Summer Help                          | \$15.13    | \$30.00     | hour    |
| Parking Enforcement Officer                       | \$19.00    | \$30.00     | hour    |
| Police Auxiliary Officer                          | \$500.00   | \$1,500.00  | stipend |
| Police Aide                                       | \$30.00    | \$40.00     | hour    |

**CONSTRUCTION INSPECTORS/OFFICIALS**

| POSITION                    | MINIMUM | MAXIMUM | PER  |
|-----------------------------|---------|---------|------|
| Construction Official       | \$40.00 | \$70.00 | hour |
| Plumbing Subcode Official   | \$25.00 | \$50.00 | hour |
| Plumbing Inspector          | \$45.00 | \$70.00 | hour |
| Electrical Subcode Official | \$25.00 | \$50.00 | hour |
| Electrical Inspector        | \$45.00 | \$70.00 | hour |
| Fire Subcode Official       | \$25.00 | \$50.00 | hour |
| Fire Inspector              | \$45.00 | \$70.00 | hour |
| Building Subcode Official   | \$25.00 | \$50.00 | hour |
| Building Inspector          | \$45.00 | \$70.00 | hour |
| Alternate Subcode Officials | \$25.00 | \$50.00 | hour |
| Alternate Inspectors        | \$40.00 | \$70.00 | hour |
| Special Inspections         | \$20.00 | \$20.00 | hour |

**COURT ADMINISTRATION**

| POSITION                  | MINIMUM     | MAXIMUM     | PER  |
|---------------------------|-------------|-------------|------|
| Municipal Court Judge     | \$25,000.00 | \$50,000.00 | year |
| Municipal Public Defender | \$15,000.00 | \$30,000.00 | year |



| <b>RECREATION PT</b>  |         |         |      |
|-----------------------|---------|---------|------|
| POSITION              | MINIMUM | MAXIMUM | PER  |
| Lacrosse Director     | \$30.00 | \$40.00 | hour |
| Field Hockey Director | \$30.00 | \$40.00 | hour |
| Field Hockey Coach    | \$20.00 | \$30.00 | hour |
| Field Hockey Referee  | \$15.13 | \$15.13 | hour |

| <b>RECREATION SEASONAL</b> |         |         |      |
|----------------------------|---------|---------|------|
| POSITION                   | MINIMUM | MAXIMUM | PER  |
| Tennis Instructor          | \$13.73 | \$16.00 | hour |
| Tennis Director            | \$75.00 | \$85.00 | hour |
| Art Director               | \$50.00 | \$75.00 | hour |
| Cooking Director           | \$40.00 | \$50.00 | hour |
| Cam p Director             | \$35.00 | \$45.00 | hour |
| Assistant Cam p Director   | \$25.00 | \$30.00 | hour |
| Camp Counselors            | \$13.73 | \$16.00 | hour |
| Recreation Assistant       | \$13.73 | \$16.00 | hour |
| Soccer Camp Director       | \$35.00 | \$50.00 | hour |
| Soccer Counselor           | \$13.73 | \$16.00 | 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             | \$13.73 | \$16.00 | hour |
| Umpire                     | \$30.00 | \$30.00 | hour |

| <b>POOL SEASONAL</b>      |            |             |        |
|---------------------------|------------|-------------|--------|
| 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 | \$6,000.00  | season |
| Assistant Swim Team Coach | \$1,000.00 | \$5,000.00  | season |
| Swim Team Assistant       | \$750.00   | \$2,000.00  | season |
| Head Diving Coach         | \$1,500.00 | \$3,000.00  | season |
| Assistant Diving Coach    | \$1,100.00 | \$3,000.00  | season |
| Activities Director       | \$3,000.00 | \$6,000.00  | season |
| Pre-Season Rate           | \$13.73    | \$13.73     | hour   |
| Swim Instructor           | \$13.73    | \$13.73     | hour   |
| Head Lifeguard            | \$15.43    | \$15.43     | hour   |
| Lifeguard                 | \$13.88    | \$13.88     | hour   |
| Head Gate Attendant       | \$13.88    | \$13.88     | Hour   |
| Gate Attendant            | \$13.73    | \$13.73     | Hour   |
| Head Maintenance          | \$14.43    | \$14.43     | Hour   |

|  |         |         |      |
|--|---------|---------|------|
| Maintenance  | \$13.73 | \$13.73 | 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  | \$ 130,000.00 | year |
| FT Principal Librarian                    | \$72,000.00  | \$85,000.00   | Year |
| FT Senior Librarian (Youth/User Services) | \$62,000.00  | \$75,000.00   | year |
| FT Senior Librarian (Adult/User Services) | \$62,000.00  | \$75,000.00   | year |
| FT Librarian                              | \$55,000.00  | \$ 68,000.00  | Year |
| FT Librarian (Adult/Youth Services)       | \$55,000.00  | \$68,000.00   | year |
| FT Librarian (Adult/User Services)        | \$55,000.00  | \$68,000.00   | year |
| FT Librarian (Youth Services)             | \$55,000.00  | \$ 68,000.00  | year |
| FT Principal Library Assistant            | \$42,000.00  | \$55,000.00   | year |
| FT Senior Library Assistant               | \$ 36,000.00 | \$ 45,000.00  | year |
| FT Library Assistant                      | \$31,000.00  | \$ 36,000.00  | year |
| PT Senior Librarian                       | \$ 35.00     | \$ 45.00      | hour |
| PT Senior Librarian (Youth Services )     | \$ 35.00     | \$ 45.00      | hour |
| PT Librarian                              | \$30.00      | \$ 36.00      | hour |
| PT Librarian (Youth Services)             | \$30.00      | \$ 36.00      | hour |
| PT Library Bookkeeper                     | \$26.00      | \$32.00       | hour |
| PT Library Technology Assistant           | \$23.50      | \$28.00       | hour |
| PT Senior Library Assistant               | \$ 20.00     | \$28.00       | hour |
| PT Library Children's Service Specialist  | \$ 20.00     | \$28.00       | hour |
| PT Library Technical Services Assistant   | \$ 18.00     | \$25.00       | hour |
| PT Library Assistant                      | \$ 17.37     | \$25.00       | hour |
| PT Library Page                           | \$ 15.13     | \$18.00       | 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                 | \$36.09  | \$40.05  |
| Pump Operator                       | \$36.64  | \$ 40.65 |
| Maintenance Repair Person           | \$ 36.37 | \$ 40.36 |
| Assistant Maintenance Repair Person | \$ 34.90 | \$ 38.75 |
| Master Mechanic                     | \$36.09  | \$ 40.05 |
| Heavy Equipment Operator            | \$36.09  | \$ 40.05 |
| Head Forestry                       | \$36.09  | \$ 40.05 |
| Assistant Equipment Operator        | \$ 34.90 | \$ 38.75 |
| Forestry                            | \$34.90  | \$ 38.75 |
| Assistant Mechanic                  | \$34.90  | \$ 38.75 |
| Assistant Pump Operator             | \$ 34.90 | \$ 38.75 |
| Parks Worker                        | \$36.09  | \$ 40.05 |
| Assistant Park Worker               | \$ 34.90 | \$ 38.75 |
| Drivers                             | \$33.93  | \$ 37.69 |
| Laborer                             | \$ 32.88 | \$ 36.54 |

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:

| <b>POSITION</b> | <b>MINIMUM</b> | <b>MAXIMUM</b> |
|-----------------|----------------|----------------|
| Sergeant        | \$137,266.00   | \$155,998.00   |
| Detective       | \$129,823.00   | \$147,539.00   |
| Patrol Officer  | \$49,002.00    | \$143,139.00   |
| Academy         | \$31,470.40    | \$31,470.40    |

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, 2024.

**ORDINANCE 2024-25**

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

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN  
CREATING CHAPTER 77 ENTITLED, “TREE REMOVAL AND REPLACEMENT”  
ADOPTING THE NJDEP MANDATED REGULATIONS FOR TREE REMOVAL AND  
REPLACEMENT AND AMENDING ARTICLE 1 ENTITLED, “TITLE; PURPOSE;  
DEFINITIONS”; ARTICLE 11 ENTITLED, “MAJOR SUBDIVISION  
APPLICATIONS”; ARTICLE 13 ENTITLED, “MAJOR SITE PLAN APPLICATIONS”;  
ARTICLE 23 ENTITLED, “SUPPLEMENTARY REGULATIONS”; ARTICLE 26  
ENTITLED, “SUBDIVISION DEVELOPMENT STANDARDS”; AND, ARTICLE 46  
ENTITLED, “TREE STANDARDS” IN CHAPTER 110 ENTITLED “LAND  
DEVELOPMENT” CONCERNING TREE STANDARDS AND REMOVING TREE  
REMOVAL AND REPLACEMENT STANDARDS**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated community-wide regulations for tree removal and tree replacement for all types of properties; and

**WHEREAS**, Article 46 of Chapter 110 of the Land Development Ordinance, specifically §110-181.1 through §110-182 regulates among other things tree removal and replacement requirements, review standards, inspection and fees relating to applications for development within the Borough; and

**WHEREAS**, the Mayor and Borough Council have determined that it is in the best interest of the Borough of Metuchen to adopt the NJDEP model community-wide ordinance; and

**WHEREAS**, the Mayor and Borough Council have determined to create Chapter 77 of the Code of the Borough of Metuchen entitled, “Tree Removal and Replacement,” and to remove related tree removal and replacement standards contained in Article 46, entitled “Tree Standards” in Chapter 110 entitled “Land Development,” specifically §110-181.1 through §110-182, and to incorporate the applicable standards in the new separate consolidated Chapter 77 of the Code of the Borough of Metuchen.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Metuchen that the Code of the Borough of Metuchen is hereby amended to create a Chapter 77 entitled, “Tree Removal and Replacement” and amend various articles in Chapter 110 entitled, “Land Development” and to govern and provide for the community-wide regulations of tree removal and replacement within the Borough of Metuchen and the enforcement thereof to state as follows:  
**SECTION 1.** A new Chapter 77 entitled, “Tree Removal and Replacement” of the Code of the Borough of Metuchen is hereby created to read as follows:

## CHAPTER 77

### TREE REMOVAL AND REPLACEMENT

#### § 77-1      **Purpose.**

An ordinance to establish requirements for tree removal and replacement in the Borough of Metuchen to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

#### § 77-2.      **Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A.      “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.

B.      “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6” x 1.5’ = 9’.

C.      “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half (4 ½) feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D.      “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1.      Has an infectious disease or insect infestation;
2.      Is dead or dying;
3.      Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4.      Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

**§ 77-3 Regulated activities.**

A. Application process:

1. Any person seeking to or planning to remove a street tree, as defined as Tree removal, or any tree with DBH of 6” or more on their property, shall submit a Tree Removal Permit Application to the Zoning Officer. No tree shall be removed until the Borough has reviewed and approved the removal.

2. The application fee for the removal of street tree(s), as defined as Tree removal, or any tree(s) with DBH of 6” or more on their property, shall be one hundred dollars (\$100.00) per tree sought to be removed. However, the application fees shall be waived in the event of a Hazard Tree as defined herein.



B. Duration of tree removal permit:

1. Permits granted for the removal of street tree(s), as defined as Tree removal, or any tree(s) with DBH of 6” or more on their property, shall run with the land and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and approval.

a. If granted for a resident in the case where tree(s) are removed not solely for development purposes as part of a zoning permit or an application for development, one (1) year from the date of the approved permit.

b. If granted for a lot or parcel of land for which variance approval from the Zoning Board of Adjustment is required to as a condition precedent to obtaining a zoning and/or building permit, one (1) year from the date of such variance approval.

c. If granted for a lot or parcel of land for which site plan approval from the Planning Board or Zoning Board of Adjustment is required as a condition precedent to obtaining a zoning and/or building permit, until expiration of such site plan approval.

d. If granted for a lot or parcel of land for which minor subdivision is sought, one (1) year from the date of perfection of such minor subdivision.

e. If granted for a lot or parcel of land for which preliminary approval of a major subdivision is sought, until expiration of such preliminary approval.

C. Tree replacement requirements:

1. Any person who removes one or more street tree(s), as defined as Tree removal, or any tree with DBH of 6” or more on their property, unless otherwise exempted under section 4, shall be subject to the requirements of the Tree Replacement Requirements Table below.

2. Replacement tree(s) shall:

a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below.

b. Be planted at a minimum size of two and a half (2 ½) inches in caliper at time of planting;

c. Be selected from **Attachment A**. Approved list of Replacement Tree Species and Planting Standards for the Borough of Metuchen, and may be

substituted with other types of plantings as approved by the Zoning Officer as follows:

(1) Trees selected from Attachment A shall constitute as 1.00 replacement trees.

(2) Flowering and evergreen trees shall constitute as 0.75 replacement trees.

(3) Arborvitae and other evergreen shrubs at least six (6) feet tall at time of planting shall constitute as 0.25 replacement trees.

(4) Saplings shall constitute as 0.05 replacement trees.

(5) Individual values that result in a fractional number as calculated above shall be rounded to the nearest whole number.

(6) At least 75% of the total value of replacement trees as calculated above shall consist of trees selected from Attachment A.

d. Be subject to the following diversity requirements:

(1) Where up to two (2) replacement trees are provided, there is no diversity requirement.

(2) Where at least three (3) and up to five (5) replacement trees are provided, not more than two-thirds ( $\frac{2}{3}$ ) of such replacement trees shall be of any one species.

(3) Where six (6) or more replacement trees are provided, not more than one-half ( $\frac{1}{2}$ ) of such replacement trees shall be of any one species.

e. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;

f. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

g. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table:**

| <b>Category</b> | <b>Tree Removed (DBH)</b>  | <b>Tree Replacement Criteria (2.5" caliper trees)*</b> |
|-----------------|--|--|
| 1               | Less than 12" (street trees);<br>6" to less than 12" (other trees) | Replant one (1) tree for each tree removed             |
| 2               | 12" to less than 18"   | Replant two (2) trees for each tree removed            |
| 3               | 18" to less than 24"   | Replant four (4) trees for each tree removed           |
| 4               | 24" to less than 30"   | Replant six (6) trees for each tree removed            |
| 5               | 30" to less than 36"   | Replant eight (8) trees for each tree removed          |
| 6               | 36" or greater   | Replant 10 trees for each tree removed                 |

\* In the case of a resident removing trees, the tree replacement criteria shall be reduced by 50%.

**D. Replacement Alternatives**

1. If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in a separate area(s) approved by the Borough.
- b. Pay to the Shade Tree Commission the sum of \$500 per replacement tree not planted on the property where the tree removal activity occurred, to be used by the Shade Tree Commission for tree planting and continued maintenance of the trees.

**§ 77-4 Exemptions.**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Borough by all persons claiming an exemption, and shall include proper justification such as photos or statements from a certified arborist or New Jersey licensed tree expert as per N.J.S.A. 45:15C-11.

A. Residents who remove fewer than three (3) trees that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.

- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough.
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or United States Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- G. Hazard trees may be removed with no fee or replacement requirement. However, unless in the case of imminent threat of danger exists to persons or property, an application to remove hazard trees shall be filed prior to their removal. In the event of imminent danger, a person seeking to remove hazard trees shall document that such tree meets the definition of “hazard tree” contained herein as well as such hazardous conditions which warrants the immediate removal without filing the application pursuant to § 77-3.

**§ 77-5 Enforcement.**

This ordinance shall be enforced by the Police Department, Zoning Officer, and/or the Enforcement Officer of the Borough of Metuchen during the course of ordinary enforcement duties.

**§ 77- 6 Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of five hundred dollars (\$500.00) per tree for each violation in addition to the tree replacement requirement or the payment of in lieu of replacement contained herein.

# Appendix A

## Approved list of Replacement Tree Species and Planting Standards for the Borough of Metuchen

**(Trees in Bold are Acceptable Replacements for Street Trees)**

| Tree Species<br>Botanical Name<br>(Common Name)  | Planting Standards  | Planting Season | Planting Procedure<br>(Soil type, watering,<br>pruning, staking,<br>wrapping, exposure,<br>depth, mulching, etc.) |
|--|---|-----------------|---|
| <b>Ginkgo Biloba v. Magyar<br/>(Magyar (male) Maidenhair<br/>Tree)</b>                             | Adjacent to street<br>and/or near utility<br>wires overhead   | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| <b>Liriodendron Tulipifera<br/>(Tulip tree)</b>  | Adjacent to street<br>and/or near utility<br>wires overhead   | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| Platanus Acerifolia v. Bloodgood<br>(London Plane Tree) or <b>Platanus<br/>American (Sycamore)</b> | Adjacent to street<br>and/or near utility<br>wires overhead   | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| Taxodium Distichum<br>(Bald Cypress)   | Adjacent to street<br>and/or near utility<br>wires overhead   | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| Quercus Palustris<br>(Pin Oak)   | Adjacent to street<br>and/or near utility<br>wires overhead   | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| Acer Rubrum v. Red Sunset<br>(Red Sunset Red Maple) or Acer<br>saccharum (Sugar Maple)             | Where location is<br>clear overhead, not<br>adjacent to street and<br>there are no nearby<br>utilities or wires<br>overhead | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures<br>required for the<br>specific tree species.        |
| Celtis occidentalis (Hackberry)  | Where location is<br>clear overhead, not<br>adjacent to street and  | Spring to Fall  | Comply with all<br>specifications and<br>planting procedures  |

|  |  |                |  |
|--|--|----------------|--|
|  | there are no nearby utilities or wires overhead  |                | required for the specific tree species.  |
| Carpinus betulus (European hornbeam)   | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Gleditsia Triacanthos Inermis, and varieties (Honey Locust)                                    | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Liquidambar Styraciflua (Sweetgum)   | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Tilia Cordata v. Greenspire (Littleleaf Linden)  | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| <b>Tilia Americana v. Redmond (Redmond Linden)</b>   | Where location is clear overhead and there are no nearby utilities or wires overhead                         | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| <b>Ulmus Americana v. Princeton (Princeton American Elm) or Ulmus parvifolia (Chinese Elm)</b> | Where location is clear overhead and there are no nearby utilities or wires overhead                         | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| <b>Ulmus Americana v. Valley Forge (Valley Forge American Elm)</b>                             | Where location is clear overhead and there are no nearby utilities or wires overhead                         | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Quercus Acutissima (Sawtooth Oak)  | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Quercus Alba (White Oak)   | Where location is clear overhead, not  | Spring to Fall | Comply with all specifications and   |

|   |  |                |  |
|---|--|----------------|--|
|   | adjacent to street and there are no nearby utilities or wires overhead                                       |                | planting procedures required for the specific tree species.                                    |
| Quercus Bicolor<br>(Swamp White Oak)              | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Quercus Coccinea<br>(Scarlet Oak)                 | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| <b>Quercus prinus (Chestnut Oak)</b>              | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Quercus Rubra<br>(Red Oak)                        | Where location is clear overhead and there are no nearby utilities or wires overhead                         | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Aesculus x carnea Briotii<br>(Red Chestnut)       | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Aesculus x carnea Fort Mc Nair<br>(Pink Chestnut) | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Aesculus Glabra (has chestnuts)<br>(Ohio Buckeye) | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |

|  |  |                |  |
|--|--|----------------|--|
| Gymnocladus Dioicus v.<br>Prairie Titan<br>(Kentucky Coffeetree) | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Metasequoia Glyptostrobooides<br>(Dawn Redwood)                  | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Larix Decidua<br>(European Larch)                                | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Larix Kaempferi<br>(Japanese Larch)                              | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| Nyssa Sylvatica<br>(Black Gum)                                   | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |
| <b>Zelkova serrata</b> (Zelkova)                                 | Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead | Spring to Fall | Comply with all specifications and planting procedures required for the specific tree species. |



## List of Tree Species That Are Prohibited for Use as Replacement Trees

| Tree Species<br>Botanical Name<br>(Common Name)   |
|---|
| Any species considered invasive (i.e. Pyrus varieties, Pear trees) or not on the above list of acceptable trees without written approval of the Borough representative. |

**SECTION 2.** Section 110-4 (Definitions) in Article 1 (Title; Purpose; Definitions) in Part I (General Provisions) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-4 Definitions.

ADD: DIAMETER AT BREAST HEIGHT (DBH)

The diameter of the trunk of a mature tree generally measured at a point four and a half (4 ½) feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

REVISE: TREE CALIPER

The diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

**SECTION 3.** Subsection K. in Section 110-47 (Submission requirements) in Article 11 (Major Subdivision Applications) 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:

K. A property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

- (1) Property lines and reference corners.
- (2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.
- (3) Other man-made features, such as culverts, drainpipes, fences and retaining walls.

- (4) Unique landforms, natural features, watercourses or bodies of water.
- (5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four (4) inches in DBH.
- (6) The public right-of-way adjacent to the tract, including improvements such as sidewalks, curbs, driveway aprons, street paving, utility poles, hydrants and shade trees.
- (7) Utilities, including the type and/or width of all lateral connections or easements for water, sanitary sewer, electricity, telephone and cable television.
- (8) Easements or rights-of-way affecting the tract to be developed, whether public or private, including an attached written statement of the extent, limits and purpose of the easement rights.
- (9) Graphic scale.
- (10) North arrow.
- (11) The above is to be drawn at a scale not larger than one inch equals 50 feet.

**SECTION 4.** Subsection K. in Section 110-53 (Submission requirements) in Article 13 (Major Site Plan Applications) 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:

K. Property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

- (1) Property lines and reference corners.
- (2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.
- (3) Other man-made features, such as culverts, drainpipes, fences and retaining walls.
- (4) Unique landforms, natural features, watercourses or bodies of water.
- (5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four (4) inches in DBH.

**SECTION 5.** 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.

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 any facade facing a street shall not extend greater than 40 feet. Such facade may extend beyond 40 feet by stepping inward or outward with offsets of a minimum of eight (8) feet. The width of any facade facing a street to achieve the required stepping shall extend no less than eight (8) feet. For the purposes of this subsection, a covered porch at least four (4) feet in depth, 10 feet in width and located not greater than four (4) feet from the garage shall meet the intent of being a portion of the facade facing the street. These provisions shall apply to pre-existing dwellings that currently conform to these provisions 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 facing the street with an offset of 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. Any garage facing the side or rear of the property shall be recessed behind the nearest portion of the facade facing the street with an offset of a minimum of four (4) feet. For the purposes of this subsection, a covered porch at least four (4) feet in depth, 10 feet in width and located not greater than four (4) feet from the garage shall meet the intent of being a portion of the facade facing the street. The width of the portion of the facade facing the street containing the garage shall not exceed 40% of the overall facade facing the street or 30 feet, whichever is less. In no case shall the garage door(s) be closer to the street than the main entry door. These provisions shall apply to preexisting dwellings that currently conform to these provisions 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 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 DBH, 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 Chapter 77.

F. Foundation plantings. The base along the front(s) and side(s) of each dwelling as well as porches and entrance platforms in the front yard(s) and side yard(s) of each dwelling shall be planted consisting of evergreen and deciduous shrubs. Such plantings shall be a minimum of two (2) feet tall 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 one-half ( $\frac{1}{2}$ ) proposed plants shall be of any one species; where 11 to 30 plantings are proposed, not more than one-third ( $\frac{1}{3}$ ) of the proposed plantings shall be of any one species; and where greater than 30 plantings are proposed, not more than one-quarter ( $\frac{1}{4}$ ) 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 facade 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 shade and/or flowering trees currently exist and are being preserved, such shall count toward the requirement. Shade trees shall be a minimum of two and a half ( $2\frac{1}{2}$ ) 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 (3) flowering trees are proposed, not more than two-thirds ( $\frac{2}{3}$ ) 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 one-half ( $\frac{1}{2}$ ) of the proposed shade and/or flowering trees shall be of any one species. Shade trees shall be selected from Attachment A contained within Chapter 77. If the approving authority determines that some or all of the 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 \$250 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 6.** Section 110-128 (Standards) in Article 26 (Subdivision Development 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:

The following standards shall be used to prepare any development plan for a subdivision:

A. Blocks. The length, width and area of blocks created within bounding roads creating blocks shall be such as to accommodate the lot areas and dimensions required by Part III of this chapter for the specific district in which the block is located and to provide for convenient access, circulation, control and safety of street traffic.

B. Lots. No lot shall be created on which development may be rendered impracticable due to significant environmental or man-made constraints, such as steep slopes, wetlands, floodplains, flood hazard areas, drainage or other natural conditions or lack of sewer capacity, utility service, vehicular access or other man-made conditions. Where such conditions occur, the affected land shall be incorporated into the adjoining lots or contiguous open space. Where there are unanswered questions as to the suitability of a lot for its intended use due to any of the above-referenced factors or similar circumstances, the Board may, after adequate investigation, withhold approval of such a lot.

C. Lot lines. Side lot lines shall be at right angles to straight street lines and radial to curved street lines, wherever practical.

D. Setbacks. Slight variations in setbacks may be provided at the discretion of the Board, in order to provide visual interest and relieve the sometimes negative effect of multiple lots with uniform setbacks.

E. Repetition of building design. The same building design for single- and two-family dwellings shall not be utilized on more than two adjacent lots nor within 200 feet of another building of the same design. Building designs shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage locations, architectural style, materials, colors and details.

F. 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 existing tree greater than four (4) inches in DBH, as well as existing stands of trees and tall shrubs and hedgerows along or near lot lines. In cases where trees are removed, their replacement shall be provided in accordance with Chapter 77.

G. Foundation plantings. The base of the front and sides of all single- and two-family dwellings shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet tall at time of planting and spaced an average of three (3) feet on center.

H. Replacement of dead plantings. The developer shall be required to replace dead or dying plant material for a period of two (2) years from the date of issuance of a final zoning permit for occupancy and shall post a maintenance guaranty for such pursuant to Article 58 of this chapter. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a non-planting season, it shall be replaced as soon as reasonably possible at the start of the next planting season.

**SECTION 7.** Article 46 (Tree 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:

**§ 110-179      Applicability.**

This article shall apply to all applications for development.

**§ 110-180      Street trees.**

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

A.      Location and spacing. Street trees shall be provided at intervals of approximately 30 to 35 feet along each side of all streets, public or private, existing or proposed. In addition, the approving authority may also require additional street trees to be massed at critical points along the street, such as the visual termination of a curve in the roadway. On streets where healthy and mature street trees currently exist and are being preserved, such may count toward the requirement.

B.      Planting placement. Street trees shall be planted a minimum of three (3) feet inside the sidewalk, on or near the right-of-way line or, if such location is not possible, in the planting strip, between the curb and the sidewalk (or where same would be located if they existed). On streets where existing street trees are consistently located at a certain location so as to form a line parallel to the street, street trees may be placed to continue this pattern. The placement and type of street trees shall be such so as not to interfere with below-grade utilities, roadways, sidewalks or streetlights.

C.      Corner lots and driveways. No street tree shall be planted in a planting strip, between the curb and the sidewalk, within 25 feet of the intersecting curblines (or edges of pavement where no curbs exist) of an intersection or within 10 feet of a driveway apron.

D.      Type. The species of street trees planted shall be selected from Attachment A contained within Chapter 77.

E.      Size. Street trees shall be planted at a minimum size of two and a half (2 ½) inches in caliper at time of planting.

F.      Borough Shade Tree Commission. In determining the number, location and type of proposed street trees, the Borough Shade Tree Commission may act in an advisory capacity to the approving authority.

G.      If the Borough Zoning Officer or the approving authority determines that some or all of the street trees cannot be accommodated on or along the front of the subject premises, the applicant shall pay to the Shade Tree Commission the sum of \$500 per street tree required, to be used by the Shade Tree Commission for the planting of trees on public lands in the Borough.

H. Newly planted street trees shall be monitored for a period of one (1) year to ensure the health of the trees. If the street 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.

§ 110-181 (Reserved)

§ 110-181.1 (Reserved)

§ 110-181.2 (Reserved)

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§ 110-181.3 (Reserved)

§ 110-181.4 (Reserved)

§ 110-181.5 (Reserved)

§ 110-181.6 (Reserved)

§ 110-181.7 (Reserved)

§ 110-181.8 (Reserved)

§ 110-182 (Reserved)

**SECTION 8.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 9.** All prior ordinances, or any section, subsection, paragraph, sentence, clause or phrase of ordinances, inconsistent with the within ordinance are hereby repealed.

**SECTION 10.** This Ordinance shall take effect upon final passage and publication and filing with the County of Middlesex County Planning Board, according to law.



**RESOLUTION 2024-253**

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

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations;” and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

R2024-

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Metuchen hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT  
GROUP AFFIDAVIT FORM  
NO PHOTOCOPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF MIDDLESEX

We, members of the governing body of the Borough of Metuchen, in the County of Middlesex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Borough Council of the Borough of Metuchen in the county of Middlesex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2023;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

|        |        |
|--------|--------|
| (L.S.) | (L.S.) |
| (L.S.) | (L.S.) |
| (L.S.) | (L.S.) |
| (L.S.) | (L.S.) |
| (L.S.) | (L.S.) |

Sworn to and subscribed before me this  
day of \_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Deborah Zupan, Borough Clerk

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

**IMPORTANT:** This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**RESOLUTION 2024-254**

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

**RESOLUTION APPROVING ADOPTION OF THE CORRECTIVE ACTION PLAN  
FOR ANNUAL AUDIT**

**WHEREAS**, the Annual Report of Audit for the year 2023 was filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5 on October 4, 2024; and

**WHEREAS**, the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations," have signed the group affidavit form, and adopted the resolution of certification; and

**WHEREAS**, the CFO has filed the attached Corrective Action Plan pursuant to N.J.S.A 40A: 5; and

**WHEREAS**, N.J.S.A. 40A:5 requires the Governing Body to adopt by resolution the Corrective Action Plan within 60 days of receipt of audit.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the Corrective Action Plan is hereby approved.

**RESOLUTION 2024-255**

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

**RESOLUTION AUTHORIZING BID AWARD FOR 2024 ROAD PROGRAM**

**WHEREAS**, thirteen (13) bids were received by the Borough Clerk, Borough Engineer, Qualified Purchasing Agent, and Borough Administrator on or before September 26, 2024, for the 2024 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 30, 2024; and

**WHEREAS**, the maximum amount of award for the 2024 Road Program is \$934,398.00 for various roads to include Grove Avenue, Rose Street and Newman Street. Funds are available in the 2024 Capital Bond Ordinance 2024-11 as certified by the Chief Finance Officer. Sufficient funds are designated from Capital Bond Ordinance 2024-11, Account C-04-55-944-014 in the amount of \$606,980.00 and C-04-55-944-015 in the amount of \$327,418.00 for a total award in the amount of nine hundred thirty four thousand three hundred ninety eight dollars and no cents (\$934,398.00).

**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 2024 Road Program be and the same is hereby awarded to the lowest responsible bidder, P & A Construction, Inc., P.O. Box 28, Colonia, NJ 07067.

**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. Top Line Construction., 22 Fifth Street, Somerville, NJ 08876
2. Reivax Contracting Corp., 165 River Road, Flemington, NJ 08822
3. Lucas Brothers Inc., 80 Amboy Road, Morganville, NJ 07751

**RESOLUTION 2024-256**

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

**RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS FOR SPECIAL  
EMERGENCY - PREPARATION OF A MASTER PLAN – NJS 4A:4-53, 54, 55.1 AND 55.13**

**WHEREAS**, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by the preparation of a Master Plan for the Borough of Metuchen: and

**WHEREAS**, N.J.S. 40A:4-55 provides that it shall be lawful to make such appropriation, which appropriation to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

**NOW, THEREFORE, BE IT RESOLVED** by not less than two-thirds of all governing body members affirmatively concurring that in accordance with the provisions of N.J.S. 40A:4-55

1. An emergency appropriation is hereby made for the preparation of a master plan in the total amount of two hundred thousand dollars and no cents (\$200,000.00).
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than forty thousand dollars and no cents (\$40,000.00).
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
4. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

**RESOLUTION 2024-257**

Borough of Metuchen  
County of Metuchen  
State of New Jersey

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO LRK – MASTER PLAN**

**WHEREAS**, the Borough of Metuchen acquired the services of a Borough Planner as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Requests for Qualifications for Professional Planner services for the Borough of Metuchen were received by the Borough on December 22, 2023; and

**WHEREAS**, by way of Resolution No. 2024-25, the Borough of Metuchen awarded a contract for Borough Planner to LRK, Inc. for the calendar year 2024 at a cost not to exceed thirty-five thousand dollars (\$35,000.00); and

**WHEREAS**, the Borough of Metuchen has identified the need for professional planning services for preparation of a Master Plan pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, LRK, Inc. submitted a proposal dated August 15, 2024, to the Borough to render professional planning services for the preparation of a Master Plan Reexamination Report, a strategic update of the Land Use Plan Element including a Vision Plan and a Climate-Related Hazard Vulnerability Assessment for a cost not to exceed one hundred ninety two thousand dollars and no cents (\$192,000.00); and

**WHEREAS**, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for professional planning services for the preparation of a Master Plan Reexamination Report, a strategic update of the Land Use Plan Element including a Vision Plan and a Climate-Related Hazard Vulnerability Assessment be awarded to LRK, Inc. of Philadelphia, Pennsylvania consistent with the proposal submitted; and

**WHEREAS**, the Council of the Borough of Metuchen have reviewed the proposal and have determined it is in the best interest of Metuchen to award a contract to LRK, Inc. of Philadelphia, Pennsylvania to render professional planning services for the preparation of a Master Plan; and

**WHEREAS**, the cost for the proposed services shall not exceed one hundred ninety two thousand dollars and no cents (\$192,000.00) without further approval by the Mayor and Borough Council; and

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

**WHEREAS**, the Chief Financial Officer's Certification of Funds has certified that there will be sufficient funds for such contract and will be made available and will be designated from the next five years (2025-2029) Adopted Budgets as a special emergency, as authorized by N.J.S. 40A:5-55, pursuant to Ordinance 2024-23.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of LRK Inc., 217 Nassau Street, Princeton, New Jersey 08542 in an amount not to exceed one hundred ninety two thousand dollars and no cents (\$192,000.00) for a Master Plan.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.
3. Notice of this action shall be printed once in The Home News Tribune.

**BE IT FURTHER RESOLVED** that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the execution of an Agreement in the form acceptable in contents by the Mayor and Council President.



**RESOLUTION 2024-258**

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

**RESOLUTION AMENDING THE AWARD OF THE PROFESSIONAL ARCHITECTURAL SERVICES CONTRACT WITH H2M ARCHITECTS AND ENGINEERS FOR THE SCHEMATIC DESIGN PHASE AND AWARDED AND AUTHORIZING THE IMPLEMENTATION OF THE AMENDED DESIGN DEVELOPMENT/CONTRACT DOCUMENTS AND BIDDING/CONSTRUCTION ADMINISTRATION PHASES FOR THE EMERGENCY SERVICES/FIRE STATION PROJECT**

**WHEREAS**, the Borough of Metuchen has a need for professional architectural consultant services to assist the Borough with the Emergency Services/Fire Station Project; and

**WHEREAS**, said services are of the nature of a professional service pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*, and, therefore, a contract for the services may be negotiated and awarded by the Borough without public advertising for bids and bidding therefore; and

**WHEREAS**, said services are of the type contemplated by the New Jersey Local Unit Pay-To-Play Law (*N.J.S.A. 19:44A-20.4, et. seq.*), and, therefore, a contract for the services may be awarded pursuant to a "fair and open" or "non-fair and open" process, both of which are defined in the law; and

**WHEREAS**, H2M Architects & Engineers has provided the Borough with conceptual design and feasibility services for the Emergency Services/Fire Station Project to the Borough under the terms of a professional services agreement authorized by way of Resolutions No. 2021-175, 2021-290 and 2023-201 and is intimately familiar with the Borough's operations and needs; and

**WHEREAS**, H2M Architects & Engineers had submitted a proposal to the Borough, dated June 20, 2022, revised July 5, 2022, and re-revised July 13, 2022, to perform the following professional services in relation to the Emergency Services/Fire Station Project: (1) Schematic Design; (2) Design Development/Construction Documents; and (3) Bidding/Construction Administration services ("Proposal") which was reviewed and evaluated by Special Project Director, Borough Administrator and Chief Financial Officer; and

**WHEREAS**, in order to proceed with the Emergency Services/Fire Station Project, the Special Project Director, Borough Administrator and Chief Financial Officer recommended and the Mayor and Borough Council deemed it necessary to authorize and proceed with the award of a professional services agreement and authorization for H2M Architects & Engineers to provide Schematic Design services, as indicated in its Proposal, at a cost not to exceed one hundred fifty-two thousand one hundred fifty dollars (\$152,150.00); and

**WHEREAS**, the Chief Financial Officer's Certification of Funds certified by way of resolution 2022-183 that there were sufficient funds for such contract and authorization contained therein and was available and was designated from Current Fund 2022 Adopted Budget, Administrative and Executive - Professional Services 2-01-20-701-028 in the amount of \$52,150.00 and General Capital Fund\ Preliminary Costs-Architectural Schematic Preliminary Design Services for the Emergency Services/Fire Station Project, C-04-55-200-003 in the amount of \$100,000 for these services; and

**WHEREAS**, by way of Resolution 2022-183, the Council authorized an award of contract to H2M Architects for the Schematic Design services set forth in its Proposal and the Borough and H2M entered into a professional services agreement; and

**WHEREAS**, due to the increase in the complexity and size of the Emergency Services/Fire Station Project, H2M Architects submitted to the Borough a revised proposal dated July 5, 2023 for the (1) Schematic Design; (2) Design Development/Construction Documents; and (3) Bidding/Construction Administration services ("Proposal") which was reviewed and evaluated by Borough Administrator and Chief Financial Officer; and

**WHEREAS**, the Borough Council had determined to amend Resolution 2022-183 and the contract award of exceed one hundred fifty-two thousand one hundred fifty dollars (\$152,150.00) by an additional amount not to exceed thirteen thousand five hundred dollars (\$13,500.00) for the Schematic Design Services and to authorize and award of the Design Development/Contract Documents Phase in an amount not to exceed five hundred four thousand two hundred fifty dollars (\$504,250.00), and the Bidding/Construction Administration Phase in an amount not to exceed two hundred forty-two thousand six hundred dollars (\$242,600.00) to H2M Architects to be funded from Bond Ordinance 2023-14 C-04-55-943-002; and

**WHEREAS**, the Chief Financial Officer's Certification of Funds certified that adequate funds were available from Bond Ord 2023-14, appropriation C-04-55-943-001 in an amount not to exceed seven hundred sixty thousand three hundred fifty dollars and no cents (\$760,350.00) for the within Resolution and the expenditures authorized herein: and

**WHEREAS**, an additional increase is needed in the amount of twenty six thousand one hundred fifty dollars and no cents (\$26,150.00) for additional services required for the project to include landscape plans and renderings to include design, detail and planting schedule with site plan revisions as well as expanded progress meetings with the Borough; and

**WHEREAS**, the Chief Financial Officer's Certification of Funds certifies that adequate funds are available from Bond Ord 2023-14, appropriation C-04-55-943-001 in an amount not to exceed the amended total authorization to H2M for the architectural services contract for the emergency services center of nine hundred thirty eight thousand six hundred fifty dollars and no cents (\$938,650.00) for the within Resolution and the expenditures authorized herein.

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

1. The Borough Council hereby amends the prior award and authorization to H2M Architects & Engineers of 119 Cherry Hill Road, Suite 110, Parsippany, NJ 07054, twenty six thousand one hundred fifty dollars and no cents (\$26,150.00) for additional services required for the project to include landscape plans and renderings to include design, detail and planting schedule with site plan revisions as well as expanded progress meetings with the Borough.
2. The within authorization and contract award is limited solely for the amendment for additional services in the amount not to exceed twenty six thousand one hundred fifty dollars and no cents (\$26,150.00).
3. Further authorization of the Mayor and Council by way of Resolution shall be required prior to H2M Architects & Engineers performing any additional services for the Schematic Design, Design Development/Construction Documents and Bidding/Construction Administration professional services contained in its amended proposal for the Emergency Services/Fire Station Project.
4. The Mayor is hereby authorized to execute and the Borough Clerk to attest an agreement and/or an amendment or any other necessary documentation between the Borough of Metuchen and H2M Architects & Engineers of 119 Cherry Hill Road, Suite 110, Parsippany, NJ 07054, reflecting a professional services contract consistent with the revised proposal submitted, and the terms and conditions of the within Resolution, acceptable in form to the Borough Administrator, and Mayor.
5. The foregoing contract is awarded in accordance with the Local Public Contracts Law and as the result of a non-fair and open process.
6. A notice of this action shall be printed once in The Home News Tribune.

**RESOLUTION 2024-259**

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

**RESOLUTION AMENDING RESOLUTION 2024-184 AUTHORIZING  
SOMERSET COUNTY COOPERATIVE PRICING FOR ORIGINAL EQUIPMENT  
MANUFACTURED PARTS AND REPAIRS, HEAVY DUTY VEHICLES OVER 14,500 GVW –  
SANITATION EQUIPMENT CORPORATION**

**WHEREAS**, by way of resolution 2024-184, the Mayor and Council of the Borough of Metuchen authorized the award for original equipment manufactured parts and repairs for Public Works heavy duty fleet vehicles over 14,500 GVW 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 original equipment manufactured parts and repairs, and non-OEM parts when used in repair of equipment for heavy duty vehicles over 14,500 GVW , Open-ended Contract #CC-0129-23, Cooperative Pricing Bid #2-SOCCP, First Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5), specific to LaBrie and Leach Trucks; and

**WHEREAS**, this award authorization includes purchase of over the counter parts for heavy duty Public Works fleet vehicles- only LaBrie and Leach truck parts; and

**WHEREAS**, Sanitation Equipment Corporation is a secondary vendor for parts and repairs for hydraulic cylinders, hydraulic hoses, and pumps; and

**WHEREAS**, said contract is the first year of a two-year contract for original equipment manufactured parts and repairs, for heavy duty vehicles over 14,500 GVW , Open-ended Contract #CC-0129-23, Cooperative Pricing Bid #2-SOCCP which was approved on November 28, 2023 by the Somerset County Board of County Commissioners is effective from November 28, 2023, to November 27, 2024; and

**WHEREAS**, the authorization to purchase under this award expires on November 27, 2024; and

**WHEREAS**, an amendment is needed to increase the award authorization by an additional eight thousand dollars and no cents (\$8,000.00); and

**WHEREAS**, the maximum amount of the purchase original equipment manufactured parts and repairs, for Public Works heavy duty fleet vehicles over 14,500 GVW for the Borough of Metuchen is amended to increase the maximum authorization by \$8,000 to \$23,000.00 and that there are sufficient funds for such award as certified from the 2024 Adopted Budget, designated from Streets & Roads-Vehicle Maintenance & Repair, 4-01-26-765-025 for these services; 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 existing Purchase Order previously amended as a result of Resolution 2024-184 to Sanitation Equipment Corporation, 80 Furler Street, Totowa, NJ 07512, for a grand total not to exceed twenty three thousand dollars and no cents (\$23,000.00).

**RESOLUTION 2024-260**

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

**RESOLUTION AMENDING RESOLUTION 2024-49 AUTHORIZING THE AWARD FOR  
AUTOMOTIVE LUBRICANTS THROUGH STATE CONTRACT**

**WHEREAS**, by way of resolution 2024-49, the Mayor and Council of the Borough of Metuchen authorized the award to purchase various automotive lubricants for fleet vehicles for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract T0097 Automotive Lubricants, Master Blanket Purchase Order 20-FLEET-01343 and

**WHEREAS**, said contract is in effect from November 20, 2020 through November 19, 2024; and

**WHEREAS**, an amendment is needed to decrease the award authorization by eight thousand dollars and no cents (\$8,000.00); and

**WHEREAS**, the maximum amount for various lubricants for fleet vehicles for the Borough of Metuchen is amended to decrease the authorization by \$8,000.00, for a grand total in an amount not to exceed \$12,000.00 with funds previously anticipated to be available in the 2024 Adopted Budget as certified by the Chief Financial Officer and that there are sufficient funds for such award and are now made available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 4-01-20-765-025 to be recommitted from the same appropriation line for another vendor; and

**WHEREAS**, the authorization to purchase goods and services under this award expires on November 19, 2024; 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 reduce and forward a Purchase Order to David Weber Oil Co., 601 Industrial Road, Carlstadt, NJ, 07072.

| COUNCILMEMBER      | YES        | NO | NV | AB | COUNCILMEMBER  | YES | NO | NV | AB |
|--------------------|------------|----|----|----|----------------|-----|----|----|----|
|                    |            |    |    |    |                |     |    |    |    |
|                    |            |    |    |    |                |     |    |    |    |
|                    |            |    |    |    |                |     |    |    |    |
| 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 October 7, 2024.

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Deborah Zupan, RMC  
Borough Clerk

**RESOLUTION 2024-261**

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

**RESOLUTION AMENDING RESOLUTION 2024-163 AUTHORIZING ESCNJ CONTRACT  
FOR BOROUGH HALL FLOORING**

**WHEREAS**, by way of resolution 2024-163, the Mayor and Council of the Borough of Metuchen authorized the award to purchase and install new flooring at Borough Hall for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

**WHEREAS**, flooring and installation is available through ESCNJ 23/24-14 Commercial Carpet and Flooring -Purchase, Installation and Related Services; and

**WHEREAS**, the term of contract ESCNJ 23/24-14 is from October 20, 2023 to October 19, 2025; and

**WHEREAS**, the maximum amount for flooring and installation for the Borough of Metuchen is amended to increase the authorization by \$49,819.48, for a grand total in an amount not to exceed \$384,870.25 with funds previously anticipated and available for the purchase of Commercial Carpet and Flooring - Purchase, Installation and Related Services from the Capital Bond Ordinance 2024-11, C-04-55-944-004 in the amount not to exceed three hundred thirty five thousand fifty dollars and seventy seven cents (\$335,050.77), with the Chief Financial Officer's revised certification from Capital Bond Ordinance 2024-11, C-04-55-944-004 for the amended total of three hundred seventy four thousand forty seven dollars and fifty three cents (\$384,870.25); and

**WHEREAS**, the amount to complete the installation of new flooring is above the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq and is subject to vendor compliance with the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

**WHEREAS**, Middlesex Regional Educational Services Commission of New Jersey (ESCNJ) shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27 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 approve and forward an amended purchase order to Direct Flooring, 12 Minneakoning Road, Building A, Unit 103 Flemington, NJ 08822.

**RESOLUTION 2024-262**

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

**RESOLUTION FOR LIEN REDEMPTION**

**WHEREAS**, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

| <u>Cert #</u> | <u>Block/Lot</u> | <u>Address</u>         | <u>Lienholder</u>  |
|---------------|------------------|------------------------|--------------------|
| 22-00001      | 58/27            | 118 W. Chestnut Avenue | Anthony Malinowski |

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be authorized to cancel this lien from the municipal record.



**RESOLUTION 2024-263**

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

**RESOLUTION AUTHORIZING REFUND OF OTHER FEES AND PERMITS – MECHANICAL  
PERMIT #24-0085 - NELSON WARING**

**WHEREAS**, Nelson Waring, 118 Oak Avenue, Metuchen, NJ 08840, made payment on February 20, 2024, in the amount of 75.00, for a Mechanical Permit fee for a mini-split, Block 98/Lot 10.2, collected as anticipated revenue; and

**WHEREAS**, the homeowner paid a duplicate fee due to a change in plumbing contractor: and

**WHEREAS**, the DCA (*State*) fees of \$8.00 are non-refundable.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund, from anticipated revenue to Nelson Waring, 118 Oak Avenue, Metuchen, NJ 08840, in the amount of \$75.00 for the Mechanical Permit fee.



**RESOLUTION 2024-265**

*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 \$343,227.41.

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