

**BOROUGH COUNCIL AGENDA
REGULAR MEETING AUGUST 14, 2023
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 May 8, 2023

Communications Consent Agenda – Items A-H

- A. Receive and Accept Arts Council Meeting Minutes of June 19, 2023
- B. Receive and Accept Library Board Meeting Minutes of June 13, 2023
- C. Receive and Accept Planning Board Meeting Minutes of June 15, 2023
- D. Receive and Accept Zoning Board Meeting Minutes June 8, 2023
- E. Receive and Approve Block Party-Street Closing for Upland Avenue, September 16, 2023
- F. Receive and Approve Vietnam Veterans Vigil Request Letter, September 15, 2023
- G. Receive and Accept Auditor’s Letter to Mayor and Council
- H. Receive and Accept Report of Chief Financial Officer as to Award of Notes

Ordinances – Introduction

Ord. 2023-24

ORDINANCE TO PREVENT PRIVATELY-OWNED SALT STORAGE STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER

Ord. 2023-25

ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2023-12

Ord. 2023-26

AN ORDINANCE AMENDING CHAPTER 110 (LAND DEVELOPMENT) CONCERNING THE DEFINITION OF HEIGHT OF STRUCTURE FOR ANY DEVELOPMENT WITHIN THE BOROUGH OF METUCHEN

Ord. 2023-27

ORDINANCE AMENDING CHAPTER 56 (AMUSEMENT DEVICES) AND CERTAIN SECTIONS OF CHAPTER 110 (LAND DEVELOPMENT) CONCERNING THE REGULATION OF AMUSEMENT GAMES, DEVICES OR MACHINES, OTHER SIMILAR AMUSEMENT ACTIVITIES, BREW PUBS, BREWERIES, WINERIES, AND FLEXIBLE SPACES IN CERTAIN BUSINESS DISTRICTS WITHIN THE BOROUGH OF METUCHEN

Report of the Borough Administrator

Reports Of Council Members

Council President Delia
Councilmember Kandel
Councilmember Hyman
Councilmember Hirsch
Councilmember Giamboi
Councilmember Branch

Report of the Mayor

New Business Consent Agenda – Resolutions2023-214 to 2023-234

R2023-214

RESOLUTION APPOINTING ZONING OFFICIAL

R2023-215

RESOLUTION APPOINTING FIREFIGHTER –
GEORGE CASALE

R2023-216

RESOLUTION APPOINTING FIREFIGHTER –
MICHAEL GALVIN

R2023-217

RESOLUTION AUTHORIZING THE AWARD OF
CONTRACT FOR BOROUGH ARTS DISTRICT
REDEVELOPMENT COUNSEL

R2023-218

RESOLUTION AWARDING CONTRACT TO
MCMANIMON SCOTLAND BAUMAN FOR
CANNABIS LITIGATION

- R2023-219 RESOLUTION AMENDING RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR BOROUGH ARTS DISTRICT REDEVELOPMENT PLANNER
- R2023-220 RESOLUTION AMENDING RESOLUTION AUTHORIZING THE AWARD OF A WINDOW CONTRACT FOR BOROUGH AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES
- R2023-221 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING & DESIGN, TO PERFORM PROFESSIONAL ENVIRONMENTAL SERVICES
- R2023-222 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR INFORMATION TECHNOLOGY SUPPORT AND CONSULTANT SERVICES – TECHNOLOGY ASSESSMENT AND TECHNOLOGY PLAN
- R2023-223 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO EXCEL ENVIRONMENTAL RESOURCES, INC TO CONDUCT A PRELIMINARY ASSESSMENT/PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR THE FUTURE EMERGENCY SERVICES SITE LOCATED AT ESSEX AVE & SAFETY PLACE: BLOCK 132, LOT 40-47 AND BLOCK 132, LOT 48
- R2023-224 RESOLUTION AMENDING RESOLUTION 2023-156 AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR CONSULTANT SERVICES
- R2023-225 RESOLUTION AMENDING RESOLUTION 2023-46/2023-122 AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE TOWNSHIP OF WOODBRIDGE FOR THE PROVISION OF AS NEEDED FOR VARIOUS SERVICES FROM THE WOODBRIDGE DEPARTMENT OF PUBLIC WORKS

- R2023-226 RESOLUTION AUTHORIZING ESCNJ PURCHASE OF SYNTHETIC TURF MAINTENANCE, REPAIR & REPLACEMENT AND FIELD IMPROVEMENTS - EDGAR FIELD
- R2023-227 RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR A WEB-BASED ROAD MANAGEMENT SYSTEM SUBSCRIPTION SERVICE
- R2023-228 RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR PAINTING SERVICES AT BOROUGH HALL THROUGH HUNTERDON COUNTY EDUCATIONAL SERVICE COMMISSION COOPERATIVE PURCHASING PROGRAM
- R2023-229 RESOLUTION AUTHORIZING THE AWARD OF A WINDOW CONTRACT FOR THE PURCHASE OF TURNOUT GEAR THROUGH SOURCEWELL, FORMALLY KNOWN AS THE NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139
- R2023-230 RESOLUTION AUTHORIZING THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT AND ACCESSORIES THROUGH STATE CONTRACT
- R2023-231 RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2023 TAXES
- R2023-232 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND – 25 NEWMAN STREET
- R2023-233 RESOLUTION AUTHORIZING REFUND OF PLANNING BOARD APPLICATION FEE
- R2023-234 RESOLUTION AUTHORIZING REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #22-0048, VISION SOLAR LLC

Other New Business

R2023-235

RESOLUTION AUTHORIZING THE PAYMENT
OF THE BILL LIST IN THE AMOUNT OF
\$2,655,141.99

Appointments

Kanishka Sakrikar to the Environmental Commission for Unexpired Term ending 12/31/2025
Ben Solasky to the TV & Technology Advisory Committee for Unexpired Term ending 12/31/2025

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 2023-24

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

ORDINANCE TO PREVENT PRIVATELY-OWNED SALT STORAGE STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in **Metuchen** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. 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 Chapter 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 word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or ownerof the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Enforcement Official during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: \$1,000 per occurrence.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ORDINANCE 2023-2512

*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 2023-~~1202~~**

BEIT

ORDAINED, by the Mayor and Council of the Borough of Metuchen, that Ordinance 2023-~~0212~~ be repealed and replaced with this ordinance to set the salary authorizations for the calendar year 2023, effective January 1, 2023.

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
Council member	\$5,000.00	\$10,000.00	year
Borough Administrator	\$73,000.00	\$180,000.00	year
Director of Special Projects	\$70,000.00	\$100,000.00	year
Director of Economic Development	\$70,000.00	\$100,000.00	year
Project Manager	\$50,000.00	\$100,000.00	year
Borough Clerk	\$50,000.00	\$100,000.00	year
Chief Financial Officer/ Tax Collector/QPA	\$75,000.00	\$170,000.00	year
Tax Assessor	\$50,000.00	\$100,000.00	year
Public Works Director	\$85,000.00	\$170,000.00	year
Public Works Superintendent	\$75,000.00	\$130,000.00	year
Public Works Supervisor	\$65,000.00	\$120,000.00	year
Chief of Police	\$130,000.00	\$250,000.00	year
Police Captain	\$130,000.00	\$220,000.00	year
Police Lieutenant	\$130,000.00	\$205,000.00	year
Court Administrator	\$50,000.00	\$95,000.00	year
Director of Recreation	\$50,000.00	\$100,000.00	year
Senior Citizen Director	\$45,000.00	\$100,000.00	year
Director of Recreation/Senior Services	\$50,000.00	\$100,000.00	year
Program Coordinator of Recreation/Senior Services	\$45,000.00	\$85,000.00	year
Administrative Assistant	\$38,000.00	\$65,000.00	year
Zoning Officer	\$50,000.00	\$90,000.00	year
TACO Administrative Officer	\$50,000.00	\$90,000.00	year
Administrative Manager	\$50,000.00	\$90,000.00	year
Deputy Court Administrator	\$40,000.00	\$65,000.00	year
Violations Clerk	\$35,000.00	\$60,000.00	year
QPA	\$6,000.00	\$15,000.00	year
Finance Clerk	\$39,000.00	\$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	\$50,000.00	\$95,000.00	year
Janitor	\$30,000.00	\$50,000.00	year
Enforcement Official	\$40,000.00	\$60,000.00	year
<u>Land Use Administrator</u>	<u>\$50,000.00</u>	<u>\$90,000.00</u>	<u>year</u>

Mileage/Car Use Stipend – at Borough Administrator discretion		\$2,000.00	year
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POSITION – PART TIME	MINIMUM	MAXIMUM	PER
BusDrivers	\$20.00	\$30.00	hour
Part-TimeClerkOffice Assistant	\$15.00	\$30.00	hour
Part-Time Violations Clerk	\$19.00	\$33.00	hour
Janitor, Firehouse	\$15.00	\$30.00	hour
FireOfficial(FirePrevention)	\$6,000.00	\$30,000.00	year
FireInspectors(FirePrevention)	\$5,000.00	\$20,000.00	year
OfficeofEmergencyManagement Director	\$6,000.00	\$15,000.00	year
Office of Emergency Management Deputy Coordinator	\$1,000.00	\$1,500.00	stipend
Registrar	\$5,000.00	\$17,000.00	year
DeputyRegistrar	\$3,000.00	\$11,000.00	year
SchoolCrossingGuards	\$19.00	\$30.00	hour
MunicipalCaresCoordinator	\$6,000.00	\$10,000.00	year
C-3SanitarySewerCollectionSystem Operator	\$6,000.00	\$8,000.00	year
Per Diem Clerical	\$15.00	\$30.00	hour
PublicWorksSummerHelp	\$15.00	\$20.00	hour
ParkingEnforcementOfficer	\$19.00	\$30.00	hour
Police Auxiliary Officer	\$500.00	\$1,000.00	stipend
Police Aide	\$30.00	\$40.00	hour

CONSTRUCTION INSPECTORS/OFFICIALS

POSITION	MINIMUM	MAXIMUM	PER
ConstructionOfficial	\$40.00	\$65.00	hour
PlumbingSubcodeOfficial	\$25.00	\$45.00	hour
PlumbingInspector	\$45.00	\$65.00	hour
ElectricalSubcodeOfficial	\$25.00	\$45.00	hour
ElectricalInspector	\$45.00	\$65.00	hour
FireSubcodeOfficial	\$25.00	\$45.00	hour
Fire Inspector	\$45.00	\$65.00	hour
BuildingSubcodeOfficial	\$25.00	\$45.00	hour
Building Inspector	\$45.00	\$65.00	hour
AlternateSubcodeOfficials	\$25.00	\$45.00	hour
Alternate Inspectors	\$40.00	\$65.00	hour
SpecialInspections	\$20.00	\$20.00	hour

COURT ADMINISTRATION

POSITION	MINIMUM	MAXIMUM	PER
MunicipalCourtJudge	\$25,000.00	\$50,000.00	year
MunicipalPublicDefender	\$15,000.00	\$30,000.00	year

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RECREATION PT			
POSITION	MINIMUM	MAXIMUM	PER
Field Hockey Director	\$30.00	\$40.00	hour
Field Hockey Coach	\$20.00	\$30.00	hour
Field Hockey Referee	\$14.13	\$15.00	hour

RECREATION SEASONAL			
POSITION	MINIMUM	MAXIMUM	PER
Tennis Instructor	\$12.93	\$15.00	hour
Tennis Director	\$75.00	\$85.00	hour
Art Director	\$50.00	\$75.00	hour
Cooking Director	\$40.00	\$50.00	hour
Camp Director	\$35.00	\$45.00	hour
Assistant Camp Director	\$25.00	\$30.00	hour
Camp Counselors	\$12.93	\$15.00	hour
Recreation Assistant	\$12.93	\$15.00	hour
Soccer Camp Director	\$35.00	\$50.00	hour
Soccer Counselor	\$12.93	\$15.00	hour
Soccer Trainer	\$20.00	\$30.00	hour
Track Camp Director	\$30.00	\$40.00	hour
Track Advisor	\$25.00	\$30.00	hour
Track Specialist	\$20.00	\$30.00	hour
Basketball Director	\$30.00	\$50.00	hour
Basketball Referee	\$25.00	\$30.00	hour
Junior Referee	\$12.93	\$15.00	hour
Umpire	\$30.00	\$30.00	hour

POOL SEASONAL			
POSITION	MINIMUM	MAXIMUM	PER
PoolManager	\$6,000.00	\$15,000.00	season
AssistantManagers	\$3,500.00	\$10,000.00	season
AquaticsDirector	\$3,000.00	\$10,000.00	season
HeadSwimTeamCoach *	\$2,000.00	\$3,500.00	season
AssistantSwimTeamCoach	\$1,000.00	\$3,000.00	season
SwimTeamAssistant	\$750.00	\$1,300.00	season
HeadDivingCoach	\$1,500.00	\$2,500.00	season
AssistantDivingCoach	\$1,100.00	\$2,000.00	season
ActivitiesDirector	\$3,000.00	\$4,000.00	season
Pre-SeasonRate	\$12.93	\$12.93	hour
SwimInstructor	\$12.93	\$12.93	hour
HeadLifeguard	\$14.63	\$14.63	hour
Lifeguard	\$13.08	\$13.08	hour
HeadGateAttendant	\$13.08	\$13.08	Hour
GateAttendant	\$12.93	\$12.93	Hour
HeadMaintenance	\$13.63	\$13.63	Hour

Ord. 2023-~~2512~~

Maintenance	\$12.93	\$12.93	hour
*PositionnotfilledwhenAquaticsDirectorpositionisfilledandactsasHeadCoach.			

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

POSITION	MINIMUM	MAXIMUM	PER
FTLibraryDirector	\$85,000.00	105,000.00	year
FTPrincipalLibrarian	\$72,000.00	\$85,000.00	year
FTSeniorLibrarian(Youth/UserServices)	\$62,000.00	\$75,000.00	year
FTSeniorLibrarian(Adult/UserServices)	\$62,000.00	\$75,000.00	year
FTLibrarian	\$55,000.00	\$68,000.00	year
FTLibrarian(Adult/YouthServices)	\$55,000.00	\$68,000.00	year
FTLibrarian(Adult/UserServices)	\$55,000.00	\$68,000.00	year
FTLibrarian(YouthServices)	\$55,000.00	\$68,000.00	year
FTPrincipalLibraryAssistant	\$42,000.00	\$55,000.00	year
FTSeniorLibraryAssistant	\$36,000.00	\$45,000.00	year
FTLibraryAssistant	\$31,000.00	\$36,000.00	year
PTSeniorLibrarian	\$35.00	\$45.00	hour
PTSeniorLibrarian(YouthServices)	\$35.00	\$45.00	hour
PTLibrarian	\$30.00	\$36.00	hour
PTLibrarian(YouthServices)	\$30.00	\$36.00	hour
PTLibraryBookkeeper	\$26.00	\$32.00	hour
PTLibraryTechnologyAssistant	\$23.50	\$28.00	hour
PTSeniorLibraryAssistant	\$20.00	\$28.00	hour
PTLibraryChildren'sServiceSpecialist	\$20.00	\$28.00	hour
PTLibraryTechnicalServicesAssistant	\$18.00	\$25.00	hour
PTLibraryAssistant	\$15.00	\$25.00	hour
PTLibraryPage	\$14.13	\$18.00	hour

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

POSITION	MINIMUM	MAXIMUM
ParkingMaintenance	\$31.19	\$34.85
PumpOperator	\$31.67	\$35.38
MaintenanceRepair Person	\$31.44	\$35.12
Assistant Maintenance Repair Person	\$32.47	\$ 33.69
MasterMechanic	\$31.19	\$34.85
HeavyEquipmentOperator	\$31.19	\$34.85
HeadForestry	\$31.19	\$34.85
AssistantEquipmentOperator	\$30.13	\$33.69
Forestry	\$30.13	\$33.69
AssistantMechanic	\$30.13	\$33.69
AssistantPumpOperator	\$30.13	\$33.69
ParksWorker	\$31.19	\$34.85
Assistant Park Worker	\$ 32.47	\$ 33.69
Drivers	\$29.27	\$32.75
Laborer	\$28.34	\$31.73

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

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

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

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

- 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.
- 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.
- 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, 2023.

Introduction: ~~April August 14~~ 10, 2023

Date of Publication: April 14, 2023

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

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I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on ~~April August~~ 10, 14, 2023.

Deborah Zupan, RMC
Borough Clerk

Adopted: _____

Date of Publication: _____

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on April 24, 2023.

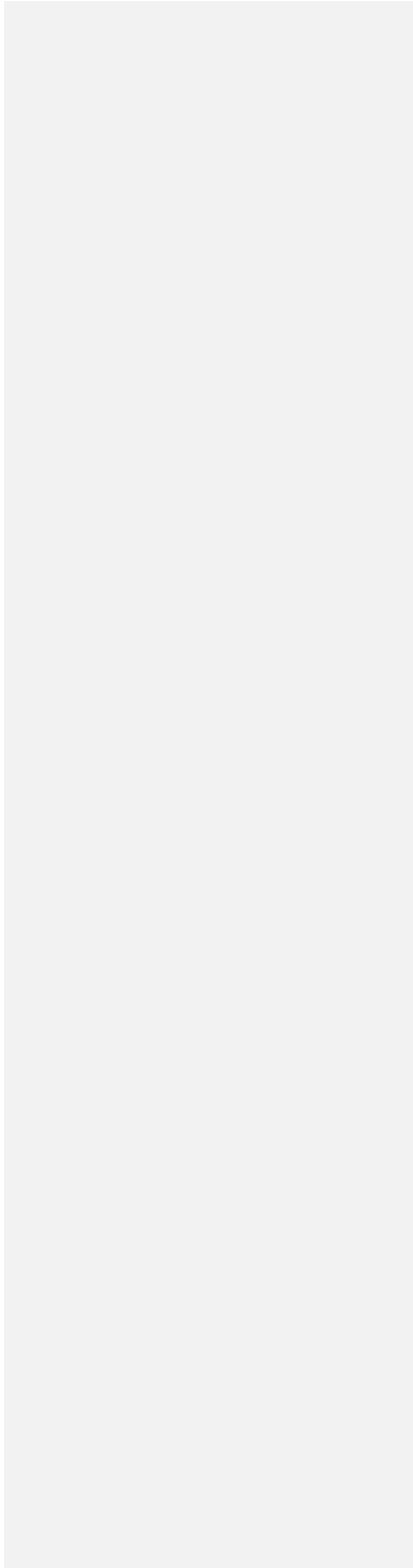
Deborah Zupan, RMC
Borough Clerk

ATTEST: _____ BOROUGH OF METUCHEN

Ord. 2023-~~251~~²

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Buseh
Mayor



ORDINANCE 2023-26

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

**AN ORDINANCE AMENDING CHAPTER 110 (LAND DEVELOPMENT)
CONCERNING THE DEFINITION OF HEIGHT OF STRUCTURE FOR ANY
DEVELOPMENT WITHIN THE BOROUGH OF METUCHEN**

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

SECTION 1.Section 110-4 (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:

HEIGHT OF STRUCTURE

The ~~maximum~~-vertical distance ~~throughout a structure measured between the original ground elevation from grade plane and to~~ the highest ~~elevation of any part of the structure directly above roof surface.~~ A grade plane shall be defined as a reference plane representing the average of the pre-construction grade or finished grade, whichever is lower in elevation, adjoining the structure at all exterior walls. ~~Exceptions: (See Section 110-109).~~

SECTION 2.**Repealer.** Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.**Severability.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4.**Effective Date.** This Ordinance shall take effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.

ORDINANCE 2023-27

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

AN ORDINANCE AMENDING CHAPTER 56 (AMUSEMENT DEVICES) AND CERTAIN SECTIONS OF CHAPTER 110 (LAND DEVELOPMENT) CONCERNING THE REGULATION OF AMUSEMENT GAMES, DEVICES OR MACHINES, OTHER SIMILAR AMUSEMENT ACTIVITIES, BREW PUBS, BREWERIES, WINERIES, AND FLEXIBLE SPACES IN CERTAIN BUSINESS DISTRICTS WITHIN THE BOROUGH OF METUCHEN.

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

SECTION 1. Chapter 56 (Amusement Devices) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 56-1 Purpose.

This chapter is enacted for the purpose of licensing and regulating the location, placement and number operation, maintenance, storage or use of ~~coin-operated~~ automatic amusement games, devices or machines and the proprietors who desire to own, operate, possess, maintain or invite for public use those games, devices or machines.

§ 56-2 License.

No person shall operate, maintain, possess or install in any store, building, public or quasi-public place where the public is invited, or wherein the public may enter, any ~~coin-operated~~ automatic amusement game, device or machine unless such person or entity shall have first obtained a license for that purpose from the Mayor and Council of the borough.

§ 56-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COIN-OPERATED AUTOMATIC AMUSEMENT, GAME, DEVICE OR MACHINE

Any ~~coin-operated machine or game,~~ device or machine, whether mechanical, electrical ~~or,~~ electronic or digital, designed for operation by the public by the insertion of a coin, cash, debit card, credit card, or purchased token, player card, or mobile application for use as a game, entertainment or amusement, ~~the object of which is to achieve a score which, by comparison to that obtained by other players, demonstrates relative supposed skill or competence, irrespective of~~

~~whether skill or competence was required, whether or not registering a score.~~ ~~The term~~ shall include, but not be limited to, games, devices or machines such as pinball machines, skeeball machines, ~~devices utilizing a video or cathode tube cranes/claw machines, basketball arcade, boxing arcade, air-hockey, rod-hockey, foosball, table tennis, billiard tables, pool tables, dartboards, mini bowling, dance arcade, laser maze, racing/gaming stations, motion simulators~~ and other similar games, devices or machines ~~or devices~~ designed to be representative of real games or activities; provided, however, that the definition shall not include vending machines designed for the sale of a product which do not incorporate gaming or amusement features, nor does this specific definition include any ~~coin-operated mechanical~~ music vending device or machine, as separately defined herein, or individual businesses or rooms for billiard tables, pool tables or bowling alleys, as separately regulated by Chapter 134, Poolrooms and Bowling Alleys, of the ~~B~~Borough Code.

JUKEBOX

Any music vending ~~machine or device~~ or machine which, upon the insertion of a coin, cash, debit card, credit card or purchased token, player card, or mobile application, may be operated for the playing of music, songs or other melodies or similar sounds.

§ 56-4 License issuance; term; fee; transfer.

- A. All licenses for the location, placement, operation, maintenance, storage or use of ~~coin-operated~~automatic amusement games, devices or machines as defined herein shall be issued to and in the name of the proprietor of the premises where the game, device or machine ~~or device~~ is to be installed, for one-year periods commencing January 1 and expiring December 31 at midnight.
- B. To offset anticipated administrative and inspection expenses and other expected costs, a licensing fee shall be imposed upon each proprietor and for each game, device or machine ~~or device~~ licensed in the following amounts:
 - (1) Jukeboxes: \$50 per year for each machine.
 - (2) Proprietor's license:
 - (a) ~~Fees F~~for ~~all other coin-operated~~ the first two (2) automatic amusement games, devices or machines, ~~which shall include the license fee for one machine:~~ \$250 per year.
 - (b) Fees for each automatic amusement game, device or machine thereafter: \$75 per year ~~for the next four machines licensed for each premises to the proprietor and \$50 per year for each machine beyond five licensed at the same premises to the proprietor.~~

C. Any and all civic, fraternal, religious or other nonprofit organizations which are, or are entitled to be, exempt from taxation under federal or state law shall be required to apply for and obtain the necessary and appropriate licenses and shall comply with all other provisions of this chapter; provided, however, that the fee for these organizations for jukeboxes and other automatic amusement games, devices or machines shall be \$25 per year for each game, device or machine.

D. No license shall be transferable or assigned to any other person, firm, partnership, corporation or association.

~~E.~~ Said license shall ~~state be transferable to a similar device or machine during the license year; provided, however, that~~ the number of licenses issued to the proprietor shall specifically state the number, automatic amusement games, devices or machines, and the type of device, common title and identifying serial number of ~~the each individual game, device or machines~~ which such proprietor shall be allowed to install, possess and/or operate on such premises, and which number shall not be exceeded at any time by the proprietor; Individual games, devices or machines shall be permitted to be transferred to a similar game, device or machine and, provided, ~~further,~~ that the proprietor shall advise the Municipal Clerk ~~of the transfer of license~~ within 10 business days of its occurrence, with the type of device, common title and identifying, ~~by~~ serial number ~~and title by which the game is commonly known,~~ of the game, device or machine which is now installed, possessed or operated.

F. In the case where the proprietor seeks to increase the number of automatic amusement games, devices or machines to be installed, possessed or operated, the proprietor shall file an amendment to the original application for a proprietor's license filed and surrender the original proprietor's license to the Municipal Clerk. The proprietor shall pay any additional fees in accordance with the fee schedule referred to herein.

~~D. Any and all civic, fraternal, religious or other nonprofit organizations which are, or are entitled to be, exempt from taxation under federal or state law shall be required to apply for and obtain the necessary and appropriate licenses and shall comply with all other provisions of this chapter; provided, however, that the fee for these organizations for jukeboxes and other coin-operated automatic amusement games, devices or machines shall be \$5 per year for each machine.~~

§ 56-5 License application; investigation; appeal.

A. All applications for a proprietor's ~~or machine~~ license shall be accompanied by the required license fee and shall be made to the Municipal Clerk on forms provided by the Clerk, which shall require the completion of the following information:

(1) Name and address of the applicant; if the applicant is a corporation, the name and address of its principal officer, all persons or entities holding 10% or more of its shares and its registered agent.

~~(2) A certified statement as to whether the applicant or any individual possessing a legal or beneficial equity interest of 10% or more in the applicant has ever been convicted of any crime, criminal offense or disorderly persons act (other than motor vehicle offenses), as well as the violation of any local ordinance pertaining to gambling or lotteries and, if so, the date and place of the conviction or plea, the nature of the offense and the punishment or penalty imposed.~~

~~(23) The address and description of the premises for which the issuance of a proprietor's license is desired and the location where the licensed games, devices or machines will be used, operated or stored.~~

~~(34) A description of the nature of the principal business or occupation, if any, in which the proprietor is engaged at the premises, including a calculation of the gross floor area of the premises and the gross floor area occupied by the principal business or occupation of the proprietor.~~

~~(4) A certified statement as to whether the applicant or any individual possessing a legal or beneficial equity interest of 10% or more in the applicant has ever been convicted of any crime, criminal offense or disorderly persons act (other than motor vehicle offenses), as well as the violation of any local ordinance pertaining to gambling or lotteries and, if so, the date and place of the conviction or plea, the nature of the offense and the punishment or penalty imposed.~~

~~(5) An inventory containing the common title and identifying serial number of each individual game, device or machine which such proprietor shall be allowed to install, possess and/or operate on such premises, and which shall be specified on the license.~~

~~(56) A scaled drawing of the interior of the premises of the proprietor showing the number and layout of the proposed games, devices or machines sought to be licensed, as well as fire egress routing and plumbing fixture count in order to determine the permitted occupant load.~~

B. Upon receipt of an application completed in accordance with Subsection A, the Municipal Clerk shall refer the application to both the ~~Police~~ Chief of Police and the Zoning Official, who may defer to the Construction Code Official, who ~~both~~ shall promptly commence whatever investigation of the applicant's business responsibility, ~~location and number of machines, and~~ moral character and ability to lawfully conduct the license activity, they consider necessary for the protection of the public, and review the scaled drawing to determine the permitted occupant

load, if construction permits and/or if a certificate of continued occupancy (CCO) is required. Both the Police-Chief of Police and the Construction Code Zoning Official shall communicate their findings in writing to the Municipal Clerk within 14 business days after a completed application has been filed. If both the Construction Code Zoning Official and the Police-Chief of Police decide that the applicant's character, prior conduct, business responsibility, compliance with the Land Development Ordinance this chapter and game, device or machine layout are satisfactory, the Municipal Clerk shall recommend the issuance of the license to the Mayor and Council. If either the Code Zoning Official or the Police-Chief of Police finds that the application is unsatisfactory in accordance with the aforesaid criteria, the Municipal Clerk shall refuse to issue the license.

- C. In the event of a refusal to issue a license, the applicant may appeal to the Mayor and Council for a hearing by filing a notice in writing with the Municipal Clerk within 14 days after receiving notice of the refusal or denial. The Mayor and Council shall hold a hearing to review the determination on the grounds stated in the notice of appeal within 15 days after the filing of the appeal. Following the hearing, the Mayor and Council shall announce its decision no later than its next regular meeting and, if it denies the application, its decision shall include findings of fact and conclusions based thereon which state the grounds for its decision.

§ 56-6 Minors.

- ~~A. No person under the age of 17 shall be permitted to play or operate any machine or device licensed pursuant to this chapter between the hours of 8:00 a.m. and 3:00 p.m. during the regular school days of the Metuchen Public School year unless such person is accompanied by his or her parent or guardian or other supervisory adult over the age of 21 years.~~
- ~~B. Any licensee governed by § 56-2, his or her agents, servants or employees who shall permit a person under the age of 17 to operate any machine or device during the prohibited hours shall be deemed to be guilty of a violation of this chapter and shall be punished in accordance with the penalty provisions herein.~~
- ~~C. However, nothing herein shall prohibit or make it unlawful for a person attending a private, parochial or nonborough public school from playing or operating said machines or devices on his or her nonschool days upon presenting satisfactory proof of same to the licensee.~~
- ~~D. In addition, every licensee under this chapter shall post in the licensed premises a notice setting forth the prohibition provided for in Subsection A. Failure to post or maintain the posting of said notice shall be grounds for the revocation of the license granted or grounds for refusal to renew or grant a license for the operation of any machines or devices as set forth in this chapter.~~

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§ 56-76 Location and number.

A. ~~No license shall be issued for any premises containing one or more automatic amusement games, devices or machines kept, placed or exhibited for use or operation by the public and located within 500 feet of any other premises licensed pursuant to this chapter containing one or more automatic amusement games, devices or machines. No license for a coin-operated automatic amusement device or jukebox shall be issued until the Construction Code Official is satisfied that the location and number of the machines sought does not violate any of the provisions of Chapter 110, Land Development, or of the ancillary and related restrictions contained herein. Coin-operated automatic amusement devices and jukeboxes are prohibited as a principal use of any premises in the B-1 and B-2 Commercial Zones and in all residential zones.~~

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B. Adequate space shall be provided for each game, device or machine ~~or device~~ to allow its use without overcrowding, as follows:

(1) ~~There shall be a~~ minimum width of one foot shall be provided between each machine or device. A space of three (3) feet in front of the game, device or machine shall be provided, in addition to a minimum unobstructed aisle width of four (4) feet.

(2) No game, device or machine shall be located within eight (8) feet of any doorway, hallway, passageway or other means of egress, including designated fire exits. Unless the proprietor can clearly establish that the space necessary for occupancy by the machine is otherwise, each machine or device shall be deemed to occupy 40 square feet of gross floor area for its operation.

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(3) Games, devices or machines shall be located in the same room as the primary use of the premises.

~~C. Effective January 1, 1986, the operation of more than three coin-operated amusement devices on the same premises shall be conclusively presumed by the Construction Code Official to be the principal use of and not an accessory use to any other permitted commercial use, and no licenses shall be issued unless the location of the premises allows a principal arcade use on the site; provided, however, that the proprietor may operate up to five game machines if the gross floor area of the premises to which the public is invited shall exceed 1,200 square feet, the total square footage occupied, as defined herein, by the coin-operated amusement devices is less than 10% of the gross floor area of the proprietor's premises to which the general public is invited, or the proprietor operated five game machines prior to September 4, 1984.~~

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~~D. Any proprietor operating more than five game machines on the premises shall provide attendants or uniformed security personnel, whose primary duty shall be supervision of the patrons of the game machines, during operation of the premises~~

~~after 6:00 p.m. weekdays and during all operating hours on weekends and school holidays. Said security guards or attendants shall be subject to a background check by the Chief of Police or his or her designee who shall disapprove the individual if he or she shall have been convicted of any offense involving gambling or against minors relating to the public peace within the preceding five years.~~

§ 56-7Contents of Automatic Amusement Game, Device or Machine; Display.

Any automatic amusement game, device or machine licensed pursuant to this chapter shall contain their serial number and type of device, which shall be firmly attached at a conspicuous place on the device.

§ 56-8Storage of Unlicensed Automatic Amusement Game, Device or Machine.

Any automatic amusement game, device or machine not licensed pursuant to this chapter shall not be kept on the premises in any areas to which the public is invited and has access.

~~§ 56-9~~ Food and Beverages on the Premises.

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~~No proprietor shall permit the consumption of any food or beverages on the premises, except if food or beverages are prepared and/or sold thereon.~~

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§ 56-~~8~~9Revocation.

Any license heretofore granted pursuant to this chapter may be revoked by the Municipal Clerk or by the Mayor and Council for any of the following reasons:

~~(1)~~A. The violation of any of the provisions of this chapter.

~~(2)~~B. The proprietor has made a materially false statement on the application for license.

~~(3)~~C. Upon a determination by the Chief of Police that the proprietor has used or permitted to be used any game, device or machine ~~or device~~ licensed under this chapter for the purpose of gambling or individual wagering.

~~(4)~~D. Upon the conviction of the proprietor or any person owning 10% or more of the proprietor of a crime, criminal offense or disorderly persons offense, other than a motor vehicle violation.

~~(5)~~E. For good cause resulting from the operation, placement or location of the licensed games, devices or machines.

§ 56-~~9~~11Violations and penalties.

Any willful violation of the provisions of this chapter shall be subject to the penalties provided in Chapter 1, General Provisions, Article 1.

SECTION 2. Section 110-75 (B-1 Central Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-75 B-1 Central Business District.

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

A. Permitted principal uses:

- (1) Retail shops and stores.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- (45) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (6) Brew pubs, distilleries and wineries.
- (57) Banks and other financial institutions, except drive-in banks.
- (68) Offices, except located on the ground floor of a building fronting on Main Street.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (710) Nursery schools and day-care centers.
- (811) Apartments, except located on the ground floor of a building.
- (912) Borough-operated public facilities.
- (4013) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 3. Section 110-80 (D-1 Downtown Development District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-80 D-1 Downtown Development District.

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

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on New or Pearl Streets.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- ~~(4) Offices.~~
- ~~(5) Banks and other financial institutions, except drive-in banks.~~
- (65) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
- (6) Brew pubs, distilleries and wineries.
- (7) Banks and other financial institutions, except drive-in banks.
- (8) Offices.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (10) Nursery schools and day-care centers.
- ~~(711)~~ Apartments, except located fronting on Middlesex Avenue unless substantial buffering is provided.
- (12) Affordable senior housing.
- ~~(8) Nursery schools and day-care centers.~~
- (913) Borough-operated public facilities.
- ~~(10) Affordable senior housing.~~
- ~~(114)~~ Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 4.Section 110-77 (B-3 Office Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.
- ~~(4) Offices.~~

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- ~~(5) Banks and other financial institutions, except drive-in banks.~~
- (65) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (6) Brew pubs, distilleries and wineries, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.
- (7) Banks and other financial institutions, except drive-in banks.
- (8) Offices.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (710) Funeral homes and mortuaries.
- (811) Nursery schools and day-care centers.
- (912) Social halls, clubs, lodges and places of public assembly.
- (103) Apartments, if located on upper floors above another permitted use at the ground level.
- (14) Affordable senior housing.
- (145) Borough-operated public facilities.
- ~~(12) Affordable senior housing.~~

SECTION 5.Section 110-83 (LI Light Industrial District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-83 LI Light Industrial District.

- A. (No Changes)
- B. (No Changes)
- C. (No Changes)
- D. Permitted conditional uses:
 - (1) Warehouse and mini-storage warehouses with individualized compartments pursuant to § 110-87W.
 - (2) Automotive repair establishments inclusive of detailing and customizing but not including body repair or painting, pursuant to § 110-87I.
 - (3) Machine shops pursuant to § 110-87M.
 - (4) Arcades, amusement centers, bowling alleys, indoor tennis courts, skating rinks, handball courts, batting cages and billiard parlors, pursuant to § 110-87P.(Reserved)
 - (5) Dance halls and discotheques, pursuant to § 110-87Q.
 - (6) Go-go dancing establishments and cabarets, pursuant to § 110-87R.

- (7) Artist's body painting studios, tattoo shops, modeling studios and massage parlors, pursuant to § 110-87S.
- (8) Adult bookstores, adult gift shops and adult motion-picture theaters, pursuant to § 110-87T.
- (9) Wireless communications facilities pursuant to § 110-87X.
- (10) Off-track betting parlor.
- (11) For properties having required frontage on Middlesex Avenue, drive-in bank facilities, pursuant to § 110-87J.
- (12) For properties not abutting a residential district, contractor's establishments.
- (13) Class 3 Cannabis Wholesalers, provided that they are located on a lot fronting on Liberty Street, Aylin Street, Leonard Street or Norcross Avenue and comply with the requirements of Chapter 72, Article I, § 72-5C of the Code of the Borough of Metuchen

E. (No Changes)

SECTION 6. Section 110-87 (Specific conditions) in Article 18 (Conditional Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-87 Specific conditions.

- A. (No Changes)
- B. (No Changes)
- C. (No Changes)
- D. (No Changes)
- E. (No Changes)
- F. (No Changes)
- G. (No Changes)
- H. (No Changes)
- I. (No Changes)
- J. (No Changes)
- K. (No Changes)
- L. (No Changes)

M. (No Changes)

N. (No Changes)

O. (No Changes)

P. ~~Arcades, amusement centers, bowling alleys, billiard parlors, indoor tennis courts, skating rinks, handball courts and batting cages.~~

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~~(1) Not more than 24 video games and/or pinball machines shall be located in any single establishment, and there shall be a minimum of 600 square feet of floor area for such establishments.~~

~~(2) Food and beverages may be prepared and/or dispensed as an accessory use to a principal use, provided that the area devoted to the storage, preparation, service and consumption shall not exceed 25% of the gross floor area of the establishment and such use complies with all other applicable Borough ordinances.~~

~~(3) Parking areas shall be provided for bicycles in addition to that parking required for automobiles in § 110-154.~~

~~(4) No such use shall be located on a lot having any of its lot lines located within 500 feet of a lot containing a school, church, Borough operated public facility, any residential use or district or within 500 feet of a similar type use. (Reserved)~~

Q. (No Changes)

R. (No Changes)

S. (No Changes)

T. (No Changes)

U. (No Changes)

V. (No Changes)

W. Warehouses.

(1) (No Changes)

(2) (No Changes)

(3) Warehouses shall not be used to store hazardous, toxic or corrosive substances as defined by the United States Environmental Protection Agency and/or New Jersey Department of Environmental Protection and Energy. ~~X. Wireless communications facilities.~~

X. ~~Mixed use neighborhoods~~ Wireless communications facilities.

(1) (No Changes)

- (2) (No Changes)
- (3) (No Changes)
- (4) (No Changes)

Y. (No Changes)

Z. (No Changes)

AA. Downtown Gateway Overlay District.

- (1) A Downtown Gateway Overlay District shall be a permitted conditional use. The permitted uses within a Downtown Gateway Overlay District shall be:
 - (a) Supermarkets, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.
 - (b) Retail shops and stores.
 - (c) Personal service businesses.
 - (d) Physical fitness studios.
 - (e) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
 - ~~(e) Offices.~~
 - ~~(f) Banks and other financial institutions, including drive-in banks.~~
 - ~~(g) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.~~
 - (g) Brew pubs, distilleries and wineries.
 - (h) Banks and other financial institutions, excluding drive-in banks.
 - ~~(i) Offices.~~
 - (j) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
 - (k) Nursery schools and day-care centers.
 - (l) Social halls, clubs, lodges and places of public assembly.
 - ~~(m) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.~~
 - ~~(i) Nursery schools and day-care centers.~~
 - ~~(j) Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.~~
 - ~~(k) Inns and hotels.~~
 - ~~(l) Social halls, clubs, lodges and places of public assembly.~~
 - ~~(m) Borough-operated public facilities.~~
 - ~~(n) Massage and somatic therapy establishments.~~
 - (q) Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.

- (2) (No Changes)
- (3) (No Changes)
- (4) (No Changes)

BB. (No Changes)

CC. (No Changes)

SECTION 7.Section 110-91 (Specific requirements) in Article 19 (Planned Unit Residential Developments (PURDs)) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

A. (No Changes)

B. (No Changes)

C. (No Changes)

D. (No Changes)

E. (No Changes)

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

(1) (No Changes)

(2) (No Changes)

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

(a) Permitted principal uses within a PUCD:

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

[2] Retail shops and stores.

[3] Business and personal service businesses.

[4] Physical fitness studios.

[5] Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.

~~[5] Hotels.~~

~~[6] Offices.~~

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

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

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

[8] Offices.

[9] Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.

- [10] Nursery schools and day-care centers.
- [911] Apartments.
- [102] Townhouses.
- [143] Work-live units.
- [14] Hotels.
- [15] Borough-operated public facilities.
- [16] Parking structures.
- ~~[12] Nursery schools and day-care centers.~~
- ~~[13] Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.~~
- ~~[14] Parking structures.~~
- ~~[15] Borough-operated public facilities.~~
- [167] Grocery stores with a gross floor area not exceeding 15,000 square feet.
- [178] Massage and somatic therapy establishments.
- [19] Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.

- (b) (No Changes)
- (4) (No Changes)

SECTION 8.Repealer. Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 9.Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 10.Effective Date.This Ordinance shalltake effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.

Introduction: _____, 2023
 Date of Publication: _____, 2023

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

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

 Deborah Zupan
 Borough Clerk

Adopted: _____, 2023
 Date of Publication: _____, 2023

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

RESOLUTION 2023-214

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

**RESOLUTION APPOINTING ZONING OFFICIAL AND
COAH COMPLIANCE OFFICER**

WHEREAS, due to an unanticipated vacancy in the position of zoning official/officer of the Borough of Metuchen, the Mayor, Council and Borough Administrator appointed an acting zoning official/officer on a temporary basis; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to appoint Thomas J. DiMartino to serve as Zoning Official and as the Council on Affordable Housing (“COAH”) Compliance Officer for the Borough of Metuchen.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen hereby appoint Thomas J. DiMartino to serve as Zoning Official/Officer and COAH Compliance Officer of the Borough of Metuchen effective August 8, 2023.

RESOLUTION 2023-215

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

RESOLUTION APPOINTING FIREFIGHTER – GEORGE CASALE

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that George Casale has been approved to be a permanent member of the Metuchen Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, George Casale be and hereby is elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

RESOLUTION 2023-

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

RESOLUTION APPOINTING FIREFIGHTER – MICHAEL GALVIN

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Michael Galvin has been approved to be a permanent member of the Metuchen Fire Department.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Michael Galvin be and hereby is elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

RESOLUTION 2023-217

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

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR BOROUGH ARTS DISTRICT REDEVELOPMENT COUNSEL**

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Borough Arts District Redevelopment Counsel, using a non-fair and open, now known as required disclosure process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer/Qualified Purchasing Agent anticipates that the value of the services rendered will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is calendar year 2023; and

WHEREAS, Maley Givens, P.C. has submitted a proposal dated December 7, 2022 indicating they will perform legal redevelopment services for the Borough of Metuchen; and

WHEREAS, Maley Givens, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Maley Givens, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Metuchen in the previous one year, and that the contract will prohibit Maley Givens, P.C. from making any reportable contributions through the term of the contract; and

WHEREAS, Maley Givens, PC is also named as a provider of Arts District redevelopment counsel for the Borough of Metuchen; and

WHEREAS, the maximum amount of the contract for arts district redevelopment counsel is \$25,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such contract and is available and is designated from Middlesex County Arts & History Capital Grant Account Number G-02-41-760-310 for these services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and 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 Maley Givens, P.C. 1150 Haddon Avenue, Suite 210, Collingswood, NJ 08108.
2. This contract is awarded as a required disclosure (non-fair and open) "Professional Service" in accordance with N.J.S.A. 19:44A-20.5.
3. The Business Disclosure Entity Certification be placed on file with this resolution.
4. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2023-218

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

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES TO MCMANIMON SCOTLAND & BAUMAN FOR A COST NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)

WHEREAS, the Borough of Metuchen has a need for professional legal services to assist the Borough with the defense of litigation instituted against the Borough and other Cannabis licensing process related matters and in relation to 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, McManimon Scotland & Bauman has the necessary experience, qualifications and expertise to provide the Borough of Metuchen with the necessary legal services related to Cannabis related matters, as well as property related issues pertaining to the Emergency Services/Fire Station Project; and

WHEREAS, based upon the qualifications and experience of McManimon Scotland & Bauman, the Borough Administrator and Borough Attorney recommended and the Mayor and Borough Council deemed it necessary to authorize and award a professional services agreement to McManimon Scotland & Bauman to provide the Borough of Metuchen with the necessary legal services related to Cannabis related matters, as well as property related issues pertaining to the Emergency Services/Fire Station Project at a cost not to exceed fifteen thousand dollars (\$15,000.00); and

WHEREAS, the Chief Financial Officer has certified sufficient funds available from Current Fund 2023 Adopted Budget, Legal–Legal Fees 3-01-20-712-027 for these services.

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

1. The Borough Council hereby authorizes an award of a professional services contract for the professional legal services related to Cannabis licensing related matters, as well as property related issues pertaining to the Emergency Services/Fire Station Project at a cost not to exceed fifteen thousand dollars (\$15,000.00).

2. The Mayor is hereby authorized to execute and the Borough Clerk to attest an agreement between the Borough of Metuchen and McManimon Scotland & Bauman, 75 Livingston Avenue, Roseland, NJ 07068, reflecting a professional services contract consistent the terms and conditions of the within Resolution, acceptable in form to the Borough Administrator and Mayor.
3. The Borough Council hereby authorizes the Borough Administrator, Borough Chief Financial Officer, Borough Clerk and all other Borough officials and employees to effectuate the within Resolution and the terms and conditions of the professional services agreement.
4. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2023-219

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

**RESOLUTION AMENDING RESOLUTION AUTHORIZING THE AWARD OF
CONTRACT FOR BOROUGH ARTS DISTRICT REDEVELOPMENT PLANNER**

WHEREAS, by way of Resolution No. 2023-25, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Arts District Redevelopment Planner services to LRK, Inc. for the calendar year 2023 at a cost not to exceed twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the Borough of Metuchen had a need to acquire the services of a Borough Arts District Redevelopment Planner, using a non-fair and open, now known as required disclosure process pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Chief Financial Officer/Qualified Purchasing Agent anticipated that the value of the services rendered will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is calendar year 2023; and

WHEREAS, LRK, Inc. had submitted a proposal dated December 15, 2022 indicating they will perform arts district redevelopment planning services for the Borough of Metuchen; and

WHEREAS, LRK, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that LRK, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Metuchen in the previous one year, and that the contract will prohibit LRK, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the maximum amount of the contract was \$25,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such contract and is available and is designated from Middlesex County Arts & History Capital Grant Account Number G-02-41-760-310 for these services; and

WHEREAS. The Borough of Metuchen has the need for additional Arts District redevelopment planning services above the initial approved amount of \$25,000.00; and

WHEREAS, the maximum amount of the contract is amended for an additional \$25,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such contract amendment and is available and is designated from Middlesex County Arts & History Capital Grant Account Number G-02-41-760-310 for these services, making the total not to exceed of fifty thousand dollars and no cents (\$50,000.00) for the calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the continuation of award of contract for the 2023 Arts District Redevelopment Planner services to LRK, Inc.

BE IT FURTHER RESOLVED that the Borough Administrator, and other officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the continuation of the contract awarded herein; and

BE IT FURTHER RESOLVED that the within contract was awarded pursuant to a “Fair and Open Process” pursuant to New Jersey Local Unit Pay-To-Play Law (N.J.S.A. 19:44A-20.4, et. seq.).

RESOLUTION 2023-220

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

**RESOLUTION AMENDING RESOLUTION AUTHORIZING THE AWARD OF A
WINDOW CONTRACT FOR BOROUGH AFFORDABLE HOUSING
ADMINISTRATIVE AGENT SERVICES**

WHEREAS, by way of Resolution 2023-81, the Borough of Metuchen awarded a contract for services of an Affordable Housing Administrative Agent using a non-fair and open, now known as required disclosure process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is calendar year 2023; and

WHEREAS, CGP&H, LLC had submitted a proposal dated January 30, 2023 indicating they will perform affordable housing administrative agent services for the Borough of Metuchen; and

WHEREAS, CGP&H, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that CGP&H, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Metuchen in the previous one year, and that the contract will prohibit CGP&H, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the maximum amount of the contract was \$25,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such contract and is available and is designated from 2023 Temporary Budget and 2023 Adopted Budget Administrative & Executive, Professional Services Account number 3-01-20-701-028 for these services; and

WHEREAS, the Borough of Metuchen has a need to award additional services for affordability assistance program services; and,

WHEREAS, the Chief Financial Officer/Qualified Purchasing Agent anticipates that the value of the total services rendered will exceed \$17,500.00 but will be under the bid threshold of \$44,000.00; and

WHEREAS, CGP&H has submitted a proposal and contract amendment to provide affordability assistance program services for the calendar year 2023; and

WHEREAS, the maximum amount of the additional affordability assistance program services for the Borough of Metuchen is \$10,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such a contract amendment and is available and is designated from COAH trust account E-14-56-857-857 for these services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract amendment, in an amount not to exceed \$10,000.00 with the CGP&H, LLC., 1249 South River Road, Suite 301, Cranbury, NJ 08512.
2. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2023-221

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

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING & DESIGN, TO PERFORM PROFESSIONAL ENVIRONMENTAL SERVICES

WHEREAS, by way of Resolution No. 2023-21, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Engineering services to Colliers Engineering & Design for the calendar year 2023 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 environmental services for Vidas Park pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS Colliers Engineering & Design, submitted a proposal dated August 2, 2023, to the Borough to render professional environmental services for a cost not to exceed eight thousand five hundred dollars and no cents (\$8,500.00); and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for professional environmental services for Vidas Park be awarded to Colliers Engineering & Design of Holmdel, New Jersey 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 Colliers Engineering & Design, of Holmdel, New Jersey to render professional environmental services for Vidas Park; and

WHEREAS the cost for the proposed services shall not exceed eight thousand five hundred dollars and no cents (\$8,500.00) without further approval by the Mayor and Borough Council; and

WHEREAS, this contract is awarded as a “required disclosure (non-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 are sufficient funds for such contract and is available and is designated from the 2023 Adopted Budget Appropriation Line Administrative & Executive, Professional Services 3-01-20-701-028.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that it hereby awards a contract to Colliers Engineering & Design, 101 Crawford's Corner Road, Holmdel, NJ 07733 on the basis of the proposal dated August 2, 2023 to provide professional environmental services to the Borough of Metuchen for Vidas Park for a cost not to exceed eight thousand five hundred dollars and no cents (\$8,500.00).

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 2023-222

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

**RESOLUTION AUTHORIZING THE AWARD
OF A CONTRACT FOR INFORMATION TECHNOLOGY SUPPORT AND CONSULTANTS
SERVICES – TECHNOLOGY ASSESSMENT AND TECHNOLOGY PLAN**

WHEREAS, the Borough of Metuchen issued a competitive contract bid notice for the retention of Information Technology Support and Consultant Services utilizing a fair and open process where in sealed bids were received on March 3, 2020; and

WHEREAS, by way of Resolution No. 2020-93, the Borough of Metuchen authorized an award of contract for Information Technology and consultants services to TKI Solutions LLC for the calendar year 2020 in an amount not to exceed Fifty-seven Thousand Dollars (\$57,000.00); and

WHEREAS the contract between the Borough and TKI Solutions LLC contained a term of one year and the Borough reserved the option to extend the term for one (1) year period pursuant to *N.J.S.A. 40A:11-15*; and

WHEREAS, the Borough of Metuchen had determined that the information technology support and consultants services of TKI Solutions LLC for the Borough were being performed in an effective and efficient manner and that the Borough extended the term of contract between the Borough of Metuchen and TKI Solutions LLC for the calendar year 2021 by way of Resolution 2021-46, and for the calendar year 2022 by way of Resolution 2022-46; and

WHEREAS, the Borough of Metuchen has determined that the information technology support and consultants services of TKI Solutions LLC for the Borough are being performed in an effective and efficient manner and that the Borough wishes to extend the term of contract between the Borough of Metuchen and TKI Solutions LLC for a third extension for the calendar year 2023; and

WHEREAS, the Chief Financial Officer had certified sufficient available funds available for the award of the within contract extension for the calendar year 2023 Temporary Budget and Adopted 2023 Budget, from account Administrative and Executive, Professional Services 3-01-20-701-028 in the amount of \$20,916.00, account METV Elec, Lighting, Communication Equip & Supplies 3-01-20-716-054 in the amount of \$7,200.00, and account Police Professional Services 3-01-25-745-028 in the amount of \$28,884.00; and

WHEREAS, the need exists for a technology assessment and technology plan for emergency services to include fire, OEM and EMS for the Borough of Metuchen; and

WHEREAS, TKI Solutions, LLC has submitted a proposal dated August 1, 2023 to provide a technology assessment and technology plan related to the new emergency services building; and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for professional environmental services for Vidas Park be awarded to Colliers Engineering & Design of Holmdel, New Jersey consistent with the proposal submitted; and

WHEREAS, the Chief Financial Officer had certified sufficient available funds available for the award of the within technology assessment and technology plan for the fire department, Office of Emergency Management and Emergency Medical Services current and future functions from Capital Bond Ordinance 2023-14, C-04-55-943-002 in an amount not to exceed eight thousand one hundred dollars and no cents (\$8,100.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that the reby authorizes the award for additional Information Technology Support and Consultant Services for the herein described technology assessment and technology plan with TK1 Solutions LLC for an amount not to exceed eight thousand one hundred dollars and no cents (\$8,100.00).

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement or amendment to the existing agreement, if necessary, with TK1 Solutions LLC, B3 Cornwall Drive, East Brunswick, NJ 08816 consistent with the terms of the within Resolution, the current agreement and the proposal submitted to the Borough; and

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

RESOLUTION 2023-223

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

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO EXCEL ENVIRONMENTAL RESOURCES, INC TO CONDUCT A PRELIMINARY ASSESSMENT/PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR THE FUTURE EMERGENCY SERVICES SITE LOCATED AT ESSEX AVE & SAFETY PLACE: BLOCK 132, LOT 40-47 AND BLOCK 132, LOT 48

WHEREAS, the Borough of Metuchen is in need of professional assessment and environmental site assessment for the future Emergency Services site; 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 Board without public advertising for bids and bidding; therefore; and

WHEREAS, Excel Environmental Resources, Inc., submitted two proposals dated August 2, 2023 to the Borough to conduct preliminary assessments/phase I environmental site assessments for the future Emergency Services site for a cost not to exceed a total cost for the two proposals of \$8,174.80; and

WHEREAS, the proposals were reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract to conduct preliminary assessments/phase I environmental site assessments for the future site of the Emergency Services site be awarded to Excel Environmental Resources, Inc., of North Brunswick, New Jersey consistent with the proposal submitted; and

WHEREAS, the Council of the Borough of Metuchen have reviewed the proposals and have determined it is in the best interest of Metuchen to award a contract to Excel Environmental Resources, Inc., of North Brunswick, New Jersey to conduct preliminary assessments/phase I environmental site assessments for the future Emergency Services site; and

WHEREAS, the Borough has reviewed Excel Environmental Resources, Inc.'s proposals, experience and credentials and believes Excel Environmental Resources, Inc. is qualified to initial site assessments, and if approved, to conduct additional assessments, site investigation, remedial investigation, and/or remedial action on the aforementioned properties; and

WHEREAS the Borough determined it to be in the best interest of the Borough and authorized Excel Environmental Resources to render professional services on behalf of the Borough in an amount not to exceed eight thousand, one hundredseventy-four dollars and eighty cents (\$8,174.80); and

WHEREAS, the cost for the proposed conduct preliminary assessments/phase I environmental site assessment services shall not exceed \$8,174.80 without further approval by the Mayor and Borough Council; and

WHEREAS, the maximum amount of the contract is for \$8,174.80 and the Chief Financial Officer has certified that sufficient funds for such contract and is available and is designated from the Capital Bond Ordinance 2023-24, C-04-55-943-002 the amount not to exceed eight thousand, one hundred seventy-four dollars and eighty cents(\$8,174.80).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that it hereby awards a contract Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey on the basis of the proposals submitted and approved herein, to provide professional preliminary assessments/phase I environmental site assessments for the future Emergency Services site for the Borough of Metuchen in an amount not to exceed \$8,174.80 and

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

RESOLUTION 2023-224

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

**RESOLUTION AMENDING RESOLUTION 2023-156 AUTHORIZING THE
AWARD AND EXECUTION OF A CONTRACT FOR CONSULTANT
SERVICES**

WHEREAS, the Borough of Metuchen had determined that it is necessary to procure recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-4.1 et seq.*, provides for the utilization of a process called competitive contracting in lieu of public bidding for granting of a competitive contract for consulting services; and

WHEREAS, pursuant to *N.J.S.A. 11-4-3(a)*, by way of Resolution No. 2023-117, the Borough Council authorized the use of competitive contracting for the granting of a contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen prepared, issued, and publicly advertised a Notice of a Request for Proposals for the provision of granting a competitive contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Borough received two (2) proposals for a competitive contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or designee, the Director of Economic Development and the QPA evaluated the proposals submitted based upon the criteria set forth in the RFP and have determined and recommended the award of contract to Jersey Professional Management for the provision of 2023 Consultant Services–Recruitment and General Management Consultant Services in the total amount not to exceed One Hundred Ten Thousand dollars (\$110,000.00) for Recruitment and General Management Consultant Services; and

WHEREAS, the maximum amount approved for the provision of Recruitment and General Management Consultant Services for the Borough of Metuchen was \$110,000.00 and funds are available in the 2023 Temporary and 2023 Adopted Budget, Account Public Works Administration, Professional Services 3-01-26-764-028 in the amount of \$100,000.00 and from Administrative and Executive Professional Services 3-01-20-701-028 in the amount of \$10,000.00 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount of \$100,000.00: and

WHEREAS, by way of Resolution 2023-156 the Mayor and Council of the Borough of Metuchen determined that it to be in the best interest of Metuchen to authorize the contract for the 2023 Consultant Services–Recruitment and General Management Consultant Services to Jersey Professional Management; and

WHEREAS, the Borough continues to need for Consultant Services–Recruitment and General Management Consultant ServicesfromJersey Professional Management throughout the remainder of the calendar year 2023; and

WHEREAS, the Chief Financial Officer certifies that there are sufficient funds in the 2023 Adopted Budget, Appropriation Account Public Works Administration, Professional Services 3-01-26-764-028 for the extension of the consultant services to the end of calendar year 2023 in an amount not to exceed an additionalforty-five thousand dollars (\$45,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the continuation of award of contract for the 2023Consultant Services–Recruitment and General Management Consultant Services to Jersey Professional Management.

BE IT FURTHER RESOLVED that the Borough Administrator, and other officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the continuation of the contract awarded herein; and

BE IT FURTHER RESOLVED that the within contract was awarded pursuant to a “Fair and Open Process” pursuant toNew Jersey Local Unit Pay-To-Play Law (N.J.S.A. 19:44A-20.4, et. seq.).

RESOLUTION 2023-225

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

RESOLUTION AMENDING RESOLUTION 2023-46/2023-122 AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE TOWNSHIP OF WOODBRIDGE FOR THE PROVISION OF AS NEEDED FOR VARIOUS SERVICES FROM THE WOODBRIDGE DEPARTMENT OF PUBLIC WORKS

WHEREAS, by way of Resolution 2023-46, the Borough of Metuchen had entered into a shared services agreement with the Township of Woodbridge to address the need of various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A.* 40A:65-1, et seq. (the “Act”), any local unit may, by the adoption of a resolution of its governing body, enter into an agreement with any other local unit or units to provide or receive any service that each unit participating in the agreement is empowered to provide or receive within its own jurisdiction and that such agreement between the local units for the provision of shared services shall be entered pursuant to the Act; and

WHEREAS, the Township of Woodbridge has agreed to provide the Borough of Metuchen the various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough and to obtain various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works by way of a shared services agreement from the Township of Woodbridge; and

WHEREAS, Metuchen and Woodbridge have negotiated the terms and conditions of a shared services agreement wherein Woodbridge would provide for various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works to the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen had determined that it is in the best interest of the Borough to obtain various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works to the Borough of Metuchen from the Township of Woodbridge, using the cost of equipment based on the latest FEMA schedule of equipment rates, and manpower charged at the hourly rates in effect plus benefits at a total annual cost not to exceed five thousand dollars (\$5,000.00), annually; and

WHEREAS, the amount previously authorized for Public Works shared services was amended from \$5,000.00 to \$25,000.00 (Resolution 2022-122) so that garbage collection

services can be provided by the Township of Woodbridge to the Borough of Metuchen, twice a week from the date of enactment of this resolution to an estimated end date of July 24, 2023; and

WHEREAS, there is a need to extend the existing shared services agreement for an additional time period to September 22, 2023 for an additional cost of \$11,136.00; and

WHEREAS, the amount previously authorized for Public Works shared services is amended from \$25,000.00 to \$36,136.00 so that garbage collection services can be provided by the Township of Woodbridge to the Borough of Metuchen, twice a week from the date of enactment of this resolution to an estimated end date of September 22, 2023; and

WHEREAS, the Borough of Metuchen is using the shared services agreement with the Township of Woodbridge for the additional shared services to provide garbage collection services during the interim period at the existing level of service, until delivery is taken on a previously ordered garbage truck which is in the final phase of completion; and

WHEREAS, the Chief Financial Officer of the Borough of Metuchen had certified that there were sufficient available funds to authorize the previous resolutions of award for the Shared Services Agreement from the 2023 Temporary Budget and 2023 Adopted Budget in the amount of \$25,000 from the appropriation line Shared Services Township of Woodbridge- Public Works Services 3-01-30-806-009; and in the amount totaling of \$36,136.00; and

WHEREAS, the additional services in the amount of \$11,136.00 is certified by the Chief Financial Officer from the 2023 Adopted Budget from Appropriation 3-01-26-770-181, Tipping Fees; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes all Borough officials to take all necessary actions to in order to effectuate the within resolution and the Shared Services Agreement amendment.

RESOLUTION 2023-226

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

**RESOLUTION AUTHORIZING ESCNJ PURCHASE OF SYNTHETIC TURF
MAINTENANCE, REPAIR & REPLACEMENT AND FIELD IMPROVEMENTS
- EDGAR FIELD**

WHEREAS, there exists a need to purchase field improvements for Edgar Field in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through ESCNJ 22/23-37, awarded March 22, 2023 through March 21, 2024; and

WHEREAS, there exists a need for turfing of Edgar Field; and

WHEREAS, the maximum amount of the purchase of Synthetic Turf Maintenance, Repair and Replacement and field improvements and for the Borough of Metuchen is \$851,313.31; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase Synthetic Turf Maintenance, Repair and Replacement and field improvements in an amount not to exceed \$851,313.31 from Capital Bond Ordinance; 2023-06, C-04-55-942-001 in the amount of \$747,113.31, and C-04-55-942-002 in the amount of 104,200.00; and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to FieldTurf USA, Inc., 175 N. Industrial Boulevard NE, Calhoun, GA 30701.

RESOLUTION 2023-227

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

RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR A WEB-BASED ROAD MANAGEMENT SYSTEM SUBSCRIPTION SERVICE

WHEREAS, the Borough of Metuchen, in 2023, participated in a pilot program with vialytics Americas Inc. using web-based software to create a digital twin of the Borough's road space; and

WHEREAS, the Borough finds that it is in the best interest of the Borough to continue using the road inventory information gathered with vialytics Americas Inc.; and

WHEREAS to utilize the road information gathered, there exists a need to contract for a subscription services with vialytics Americas Inc. for the full suite of software and related services to include vialytics Core, maintenance and inventory management for road image documentation and road maintenance management; in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the amount for the 2023 pro-rated subscription fee beginning in August of 2023 for the remainder of 2023 is \$2,860.00, with subsequent year subscription renewals subject to Council approval of available approved budget funds.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to vialytics Americas Inc., 2012 Stallion Circle East, Toms River, NJ 08755.

RESOLUTION 2023-228

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

RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR PAINTING SERVICES AT BOROUGH HALL THROUGH HUNTERDON COUNTY EDUCATIONAL SERVICE COMMISSION COOPERATIVE PURCHASING PROGRAM

WHEREAS, there exists a need to contract for painting services at the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, painting services can be purchased through Hunterdon County Educational Service Commission Cooperative Purchasing Program contract award HCESC-SER-20E Painting Services Bid, awarded for the term November 2, 2022 through October 2, 2024; and

WHEREAS, the painting services quote is under the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq, but above \$17,500.00 and is subject to vendor compliance with N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

WHEREAS, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; and,

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase GPC, Inc from the Capital Bond Ordinance 2023-07, C-04-55-939-007 in an amount not to exceed forty-one thousand, seven hundred eleven dollars and twenty-five cents (\$41,711.25).

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to GPC, Inc. for painting services for the Borough of Metuchen.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to GPC, Inc., 20 E. Willow Street, Milburn, NJ 07041.

RESOLUTION 2023-229

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

**RESOLUTION AUTHORIZING THE AWARD OF A WINDOW CONTRACT FOR THE
PURCHASE OF TURNOUT GEAR THROUGH SOURCEWELL, FORMALLY KNOWN AS THE
NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE
PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139**

WHEREAS, there is a need for the purchase of turnout gear for the Fire Department of the Borough of Metuchen; and

WHEREAS, the amount for the turnout gear is under the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq, but above \$17,500.00; and

WHEREAS, the Borough of Metuchen as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of Sourcewell, formally known as National Joint Powers Alliance Cooperative, 202 12th Street NE, PO Box 219, Staples, MN 56479 pursuant to the provision of P.L. 2011, c. 139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS, the maximum amount of the purchase of turnout gear for the Borough of Metuchen is twenty-six thousand four hundred eighty-six dollars and sixteen cents (\$26,486.16) and funds are available in Grant Account G-02-41-729-303 ARP Firefighter Turnout Gear Grant as certified by the Chief Financial Officer and that there are sufficient funds for such award in an amount not to exceed \$26,486.16; and

WHEREAS, Innotex Corp. has been awarded the contract for turnout gear under Sourcewell's Category: Firefighting PPE, Contract #032620-INO, effective May 6, 2020, and expires on May 7, 2024 with Skylands Area Fire Equipment & Training LLC., as an authorized distributor.

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

1. The Chief Financial Officer and the Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Skylands Area Fire Equipment & Training LLC, 23 Hamburg Turnpike, Unit A, Riverdale, NJ 07457.

RESOLUTION 2023-230

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

**RESOLUTION AUTHORIZING THE PURCHASE OF RADIO COMMUNICATION
EQUIPMENT AND ACCESSORIES THROUGH STATE CONTRACT**

WHEREAS, there exists a need to purchase radio communication equipment and accessories for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract 83909 T0109 – Radio Communication Equipment and Accessories awarded to Motorola Solutions Vendor V00001813, supplied by approved distributor Wireless Electronics Vendor V00008215; and

WHEREAS, said contracts are in effect from May 1, 2013, through April 30, 2022; extended May 1, 2023 to April 30, 2024; and

WHEREAS, the maximum amount of the purchase of radio communication equipment and accessories for the Borough of Metuchen is \$316,614.81 and funds are available from grant funds and the 2023 Adopted Budget, as certified by the Chief Financial Officer and that there are sufficient funds for such award and is available and is designated from FEMA Assistance to Firefighters Grant G-02-778-302 in the amount of \$301,324.99, FEMA Assistance to Firefighters Grant Match in the amount of \$15,066.26, and 2023 appropriation line 3-01-25-752-058 Fire Department Other Equipment & Supplies in the amount of \$37.96 for a grand total not to exceed three hundred-sixteen thousand six hundred fourteen dollars and eighty-one cents (\$316,614.81) for these goods/services; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Motorola Solutions, Inc., C/O Wireless Communications & Electronics, 153 Cooper Road, West Berlin, NJ 08091.

RESOLUTION 2023-231

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

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2023 TAXES

WHEREAS, the following has made an overpayment of taxes;

Name	Block/Lot	Address	Amount		Year
Salvador, Wallace & Pho, Tiffany Lap	188/29	78 Kempson Place	\$3,365.88	Duplicate tax payment	2023, 3rd qtr
Fleming, Alexander & Ho, Shuk	85.01/1 C0017	596 Middlesex Avenue	\$3,826.63	Overpayment at sale closing	2023, 3 rd qtr

NOW, THEREFORE, BE IT RESOLVED that the above listed property owners or agents be refunded property taxes as described in the amount of \$7,192.51.

RESOLUTION 2023-232

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

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
BOND – 25 NEWMAN STREET – PG-21-1296**

WHEREAS, Robert M. Mannix, III, Planning/Zoning Engineer, in a letter dated July 31, 2023, has reported that the grading and turf stabilization improvements associated with the referenced property has been completed in an acceptable manner; and

WHEREAS, Mr. Mannix has recommended the release of the Performance Bond in the amount of a cash bond of \$2000.00, subject to the paying of all fees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Borough Clerk is hereby authorized and directed to release said Performance Bond in the amount \$2000.00 as recommended and directed by the Planning/Zoning Engineer to AD Signature Homes.

RESOLUTION 2023-233

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

RESOLUTION AUTHORIZING REFUND OF PLANNING BOARD APPLICATION FEE

WHEREAS, 212 Durham Urban Renewal LLC, 1777 Reisterstown Road, Suite 165, Baltimore, MD 21208, made payment on December 2, 2022, in the amount of \$1,000.00 for the Planning Board application fee for 212 Durham Avenue, Metuchen, NJ 08840, Block 37, Lots 5.051, 13.01, 5.121, collected as anticipated revenue Fees and Permits – Planning Board Application; and

WHEREAS, 212 Durham Urban Renewal LLC, was overcharged \$700.00 for the Planning Board application fee for application #22-13341.

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 212 Durham Urban Renewal LLC, 1777 Reisterstown Road, Suite 165, Baltimore, MD 21208, in the amount of \$700.00 for the Planning Board application fee overpayment.

RESOLUTION 2023-234

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

**RESOLUTION AUTHORIZING REFUND OF OTHER FEES & PERMITS –
BUILDING PERMIT #22-0048, VISION SOLAR LLC**

WHEREAS, Vision Solar LLC, 511 Route 168, Turnersville, NJ 08012, made payment on January 25, 2022 in the amount of \$560.00 for an Electrical, Fire and Building Permit fee for the installation of solar panels to be performed at 222 Amboy Avenue, Block 183, Lot 74, collected as anticipated revenue; and

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

WHEREAS, the DCA (*State*) fees of \$30.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2021-16 a 20% plan review fee of \$106.00 shall be deducted from the total permit fee to be returned.

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 Vision Solar LLC, 511 Route 168, Turnersville, NJ 08012, in the amount of \$424.00 for the Electrical, Fire and Building Permit fee.

RESOLUTION 2023-

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

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn, and all bills be paid totaling \$2,655,141.99.

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.