

**** DRAFT - SUBJECT TO CHANGE ****

**BOROUGH COUNCIL AGENDA
REGULAR MEETING SEPTEMBER 11, 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 22, 2023 and June 12, 2023

Communications Consent Agenda – Items A-F

- A. Receive and Accept Pool Commission Meeting Minutes of June 14, 2022, August 9, 2022, October 11, 2022, and November 15, 2022
- B. Receive and Accept Senior Commission Meeting Minutes of June 14, 2023
- C. Receive and Accept Shade Tree Commission Meeting Minutes of August 1, 2023
- D. Receive and Approve Block Party-Street Closing for Columbia Avenue, September 30, 2023
- E. Receive and Approve Block Party-Street Closing for Hanson Avenue, September 30, 2023
- F. Receive and Approve Block Party-Street Closing for Summit Avenue, September 30, 2023

Ordinances – Public Hearing

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

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

Ordinances – Introduction

Ord. 2023-28

ORDINANCE AMENDING CHAPTER 124, ENTITLED “PARKS AND RECREATION AREAS” CREATING ARTICLE 4, ENTITLED “PERMITS TO UTILIZE BOROUGH OF METUCHEN FIELDS”

Report of the Borough Administrator

Reports Of Council Members

Report of the Mayor

New Business Consent Agenda – Resolutions 2023-236 to 2023-247

R2023-236

RESOLUTION AMENDING RESOLUTION 2023-221 AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING AND DESIGN, TO PERFORM PROFESSIONAL ENVIRONMENTAL SERVICES

R2023-237

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING AND DESIGN TO PERFORM PROFESSIONAL SUPPLEMENTAL EXPLORATON SERVICES

- R2023-238 RESOLUTION AUTHORIZING THE ENTRY INTO AND EXECUTION OF A LICENSE AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE COUNTY OF MIDDLESEX FOR THE KAHN'S BRIDGE REPLACEMENT PROJECT
- R2023-239 RESOLUTION AMENDING RESOLUTION 2023-112 AUTHORIZING AWARD OF A CONTRACT FOR CHLORINE FOR METUCHEN MUNICIPAL POOL THROUGH ESCNJ
- R2023-240 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSА 40A:4-87 – NATIONAL OPIOID SETTLEMENT
- R2023-241 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSА 40A:4-87 - DEP STORMWATER ASSISTANCE GRANT
- R2023-242 RESOLUTION AUTHORIZING AMENDING RESOLUTION 2023-113 AUTHORIZING THE AWARD FOR PARTS AND MAINTENANCE & REPAIR FOR VEHICLES THROUGH STATE CONTRACTS
- R2023-243 RESOLUTION AMENDING RESOLUTION 2023-68 AUTHORIZING THE AWARD FOR MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES THROUGH STATE CONTRACT
- R2023-244 RESOLUTION AUTHORIZING THE REFUND OF RECREATION TRUST PROGRAM FEE
- R2023-245 RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT & PERIPHERALS - WIRELESS CAMERA SYSTEM - EDGAR FIELD
- R2023-246 RESOLUTION FOR LIEN REDEMPTION
- R2023-247 RESOLUTION TO CANCEL AND REFUND 2023 TAXES AS A RESULT OF COUNTY TAX APPEALS

Other New Business

R2023-248

RESOLUTION AUTHORIZING THE PAYMENT
OF THE BILL LIST IN THE AMOUNT OF
\$2,200,475.19

Appointments

Lynn Bergner to the Senior Commission for the term ending 12/31/2025

Dorothy Giamboi to the Middlesex County Peter J. Barnes Wildlife Preserve Commission for the term ending 12/31/2025

Ken Sammond to the Middlesex County Peter J. Barnes Wildlife Preserve Commission for the 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 owner of 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.

Introduction: August 14, 2023

Date of Publication: August 18, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HIRSCH				
DELIA					HYMAN				
GIAMBOI					KANDEL				
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 August 14, 2023.

Deborah Zupan
Borough Clerk

Adopted:
Date of Publication:

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 11, 2023.

Deborah Zupan
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2023-25

*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 2023-12**

.. **BE IT ORDAINED**, by the Mayor and Council of the Borough of Metuchen, that Ordinance 2023-12 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
Councilmember	\$ 5,000.00	\$10,000.00	year
Borough Administrator	\$ 73,000.00	\$ 180,000.00	year
Director of Special Projects	\$ 70,000.00	\$ 100,000.00	year
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
Land Use Administrator	\$50,000.00	\$90,000.00	year
Mileage/Car Use Stipend – at Borough Administrator discretion		\$2,000.00	year

POSITION – PART TIME	MINIMUM	MAXIMUM	PER
Bus Drivers	\$20.00	\$30.00	hour
Part-Time Clerk Office Assistant	\$15.00	\$30.00	hour
Part-Time Violations Clerk	\$19.00	\$33.00	hour
Janitor, Firehouse	\$15.00	\$30.00	hour
Fire Official (Fire Prevention)	\$6,000.00	\$30,000.00	year
Fire Inspectors (Fire Prevention)	\$5,000.00	\$20,000.00	year
Office of Emergency Management Director	\$6,000.00	\$15,000.00	year
Office of Emergency Management Deputy Coordinator	\$1,000.00	\$1,500.00	stipend
Registrar	\$5,000.00	\$17,000.00	year
Deputy Registrar	\$3,000.00	\$11,000.00	year
School Crossing Guards	\$19.00	\$30.00	hour
Municipal Cares Coordinator	\$6,000.00	\$10,000.00	year
C-3 Sanitary Sewer Collection System Operator	\$6,000.00	\$8,000.00	year
Per Diem Clerical	\$15.00	\$30.00	hour
Public Works Summer Help	\$15.00	\$20.00	hour
Parking Enforcement Officer	\$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
Construction Official	\$40.00	\$65.00	hour
Plumbing Subcode Official	\$25.00	\$45.00	hour
Plumbing Inspector	\$45.00	\$65.00	hour
Electrical Subcode Official	\$25.00	\$45.00	hour
Electrical Inspector	\$45.00	\$65.00	hour
Fire Subcode Official	\$25.00	\$45.00	hour
Fire Inspector	\$45.00	\$65.00	hour
Building Subcode Official	\$25.00	\$45.00	hour
Building Inspector	\$45.00	\$65.00	hour
Alternate Subcode Officials	\$25.00	\$45.00	hour
Alternate Inspectors	\$40.00	\$65.00	hour
Special Inspections	\$20.00	\$20.00	hour

COURT ADMINISTRATION

POSITION	MINIMUM	MAXIMUM	PER
Municipal Court Judge	\$25,000.00	\$50,000.00	year
Municipal Public Defender	\$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
Pool Manager	\$6,000.00	\$15,000.00	season
Assistant Managers	\$3,500.00	\$10,000.00	season
Aquatics Director	\$3,000.00	\$10,000.00	season
Head Swim Team Coach *	\$2,000.00	\$3,500.00	season
Assistant Swim Team Coach	\$1,000.00	\$3,000.00	season
Swim Team Assistant	\$750.00	\$1,300.00	season
Head Diving Coach	\$1,500.00	\$2,500.00	season
Assistant Diving Coach	\$1,100.00	\$2,000.00	season
Activities Director	\$3,000.00	\$4,000.00	season
Pre-Season Rate	\$12.93	\$12.93	hour
Swim Instructor	\$12.93	\$12.93	hour
Head Lifeguard	\$14.63	\$14.63	hour
Lifeguard	\$13.08	\$13.08	hour
Head Gate Attendant	\$13.08	\$13.08	Hour
Gate Attendant	\$12.93	\$12.93	Hour
Head Maintenance	\$13.63	\$13.63	Hour

Ord. 2023-25

Maintenance	\$12.93	\$12.93	hour
*Position not filled when Aquatics Director position is filled and acts as Head Coach.			

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

POSITION	MINIMUM	MAXIMUM	PER
FT Library Director	\$ 85,000.00	105,000.00	year
FT Principal Librarian	\$ 72,000.00	\$ 85,000.00	year
FT Senior Librarian (Youth/User Services)	\$ 62,000.00	\$ 75,000.00	year
FT Senior Librarian (Adult/User Services)	\$ 62,000.00	\$ 75,000.00	year
FT Librarian	\$ 55,000.00	\$ 68,000.00	year
FT Librarian (Adult/Youth Services)	\$ 55,000.00	\$ 68,000.00	year
FT Librarian (Adult/User Services)	\$ 55,000.00	\$ 68,000.00	year
FT Librarian (Youth Services)	\$ 55,000.00	\$ 68,000.00	year
FT Principal Library Assistant	\$ 42,000.00	\$ 55,000.00	year
FT Senior Library Assistant	\$ 36,000.00	\$ 45,000.00	year
FT Library Assistant	\$ 31,000.00	\$ 36,000.00	year
PT Senior Librarian	\$ 35.00	\$ 45.00	hour
PT Senior Librarian (Youth Services)	\$ 35.00	\$ 45.00	hour
PT Librarian	\$ 30.00	\$ 36.00	hour
PT Librarian (Youth Services)	\$ 30.00	\$ 36.00	hour
PT Library Bookkeeper	\$ 26.00	\$ 32.00	hour
PT Library Technology Assistant	\$ 23.50	\$ 28.00	hour
PT Senior Library Assistant	\$ 20.00	\$ 28.00	hour
PT Library Children's Service Specialist	\$ 20.00	\$ 28.00	hour
PT Library Technical Services Assistant	\$ 18.00	\$ 25.00	hour
PT Library Assistant	\$ 15.00	\$ 25.00	hour
PT Library Page	\$ 14.13	\$ 18.00	hour

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

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

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

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

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

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

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

precedence.

5. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.
6. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2023.

Introduction: August 14, 2023

Date of Publication: August 18, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HIRSCH				
DELIA					HYMAN				
GIAMBOI					KANDEL				
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 August 14, 2023.

Deborah Zupan
Borough Clerk

Adopted:
Date of Publication:

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 11, 2023.

Deborah Zupan
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
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 vertical distance from grade plane to the highest 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.

Introduction: August 14, 2023

Date of Publication: August 18, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HIRSCH				
DELIA					HYMAN				
GIAMBOI					KANDEL				
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 August 14, 2023.

Deborah Zupan, Borough Clerk

Adopted:

Date of Publication:

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 11, 2023.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

RESOLUTION

PLANNING BOARD OF THE BOROUGH OF METUCHEN

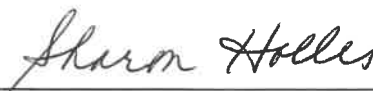
WHEREAS, in accordance with N.J.S.A. 40:55D-64, the Mayor and Council of the Borough of Metuchen has referred proposed Ordinance No. 2023-26 to the Planning Board; and

WHEREAS, the Planning Board has reviewed such proposed ordinance in accordance with N.J.S.A. 40:55D-26 and has determined to make certain recommendations to the Governing Body as the action of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Metuchen, that the Planning Board makes the following findings and recommendations:

1. The Board has found no provisions of proposed Ordinance 2023-26 to be inconsistent with the Master Plan of the Borough of Metuchen or any subsequent reexamination.
2. The Board recommends that the Mayor and Council of the Borough of Metuchen adopt proposed Ordinance No. 2023-26.

I hereby certify that the Planning Board of the Borough of Metuchen took the foregoing action at its meeting held on August 17, 2023.



Sharon Hollis, Planning Board Secretary

ORDINANCE 2023-27

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

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

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows:

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 operation, maintenance, storage or use of 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 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:

AUTOMATIC AMUSEMENT, GAME, DEVICE OR MACHINE

Any game, device or machine, whether mechanical, electrical, 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, 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, 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 designed to be

representative of real games or activities. The term shall not include vending machines designed for the sale of a product which do not incorporate gaming or amusement features, any music vending device or machine, as separately defined herein, individual businesses or enclosed rooms for billiard tables, pool tables or bowling alleys, as separately regulated by Chapter 134, Poolrooms and Bowling Alleys, of the Borough Code, or individual businesses for virtual reality, escape rooms and other similar uses.

JUKEBOX

Any music vending 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 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 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 automatic amusement game, device or machine licensed in the following amounts:
 - (1) Jukeboxes: \$50 per year for each machine.
 - (2) Proprietor's license:
 - (a) Fees for the first two (2) automatic amusement games, devices or machines: \$250 per year.
 - (b) Fees for each automatic amusement game, device or machine thereafter: \$75 per year.
- 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 the number of automatic amusement games, devices or machines, and the type of device, 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 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, provided that the proprietor shall advise the Municipal Clerk within 10 business days of its occurrence, with the type, common title and identifying serial number 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.

§ 56-5 License application; investigation; appeal.

- A. All applications for a proprietor's 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.
 - (3) The address and description of the premises for which the issuance of a proprietor's license is desired and the location where the licensed automatic amusement games, devices or machines will be used, operated or stored.
 - (4) 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.

- (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.
 - (6) A scaled drawing of the interior of the premises of the proprietor showing the number and layout of the proposed automatic amusement games, devices or machines sought to be licensed, as well as fire egress routing, plumbing fixture count, and calculated occupant load.
 - B. Upon receipt of an application completed in accordance with Subsection A, the Municipal Clerk shall refer the application to both the Chief of Police and the Zoning Official, who may defer to the Construction Code Official, who shall promptly commence whatever investigation of the applicant's business responsibility, 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 occupant load, if construction permits and/or if a certificate of continued occupancy (CCO) is required. Both the Chief of Police and the 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 Zoning Official and the Chief of Police decide that the applicant's character, prior conduct, business responsibility, compliance with this chapter and interior layout are satisfactory, the Municipal Clerk shall recommend the issuance of the license to the Mayor and Council. If either the Zoning Official or the 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 Location.

- 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.

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

- (1) a minimum space of three (3) feet in front of the game, device or machine, 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.
- (3) Games, devices or machines shall be located in the same room as the primary use of the premises.

§ 56-7 Contents 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.

§ 56-8 Storage 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 Revocation.

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:

- A. The violation of any of the provisions of this chapter.
- B. The proprietor has made a materially false statement on the application for license.
- C. Upon a determination by the Chief of Police that the proprietor has used or permitted to be used any automatic amusement game, device or machine licensed under this chapter for the purpose of gambling or individual wagering.
- 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.
- E. For good cause resulting from the operation, placement or location of the licensed automatic amusement games, devices or machines.

§ 56-10 Violations 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.
- (5) 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.
- (7) Banks and other financial institutions, except drive-in banks.
- (8) 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.
- (10) Nursery schools and day-care centers.
- (11) Apartments, except located on the ground floor of a building.
- (12) Borough-operated public facilities.
- (13) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 3. 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:

§110-77 B-3 Office Business District.

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

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) 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.
- (5) 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.
- (10) Funeral homes and mortuaries.
- (11) Nursery schools and day-care centers.
- (12) Social halls, clubs, lodges and places of public assembly.
- (13) Apartments, if located on upper floors above another permitted use at the ground level.
- (14) Affordable senior housing.
- (15) Borough-operated public facilities.

SECTION 4. 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.

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.
- (5) 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.
- (11) Apartments, except located fronting on Middlesex Avenue unless substantial buffering is provided.
- (12) Affordable senior housing.
- (13) Borough-operated public facilities.
- (14) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

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) (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. (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.
 - (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.
- (f) 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.
- (n) Inns and hotels.
- (o) Borough-operated public facilities.
- (p) 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.
 - [6] 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.
 - [11] Apartments.
 - [12] Townhouses.
 - [13] Work-live units.
 - [14] Hotels.
 - [15] Borough-operated public facilities.
 - [16] Parking structures.
 - [17] Grocery stores with a gross floor area not exceeding 15,000 square feet.
 - [18] 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 shall take effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.

Introduction: August 14, 2023
 Date of Publication: August 18, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HIRSCH				
DELIA					HYMAN				
GIAMBOI					KANDEL				
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 August 14, 2023.

 Deborah Zupan
 Borough Clerk

Adopted:
 Date of Publication:

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

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 11, 2023.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

RESOLUTION

PLANNING BOARD OF THE BOROUGH OF METUCHEN

WHEREAS, in accordance with N.J.S.A. 40:55D-64, the Mayor and Council of the Borough of Metuchen has referred proposed Ordinance No. 2023-27 to the Planning Board; and

WHEREAS, the Planning Board has reviewed such proposed ordinance in accordance with N.J.S.A. 40:55D-26 and has determined to make certain recommendations to the Governing Body as the action of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Metuchen, that the Planning Board makes the following findings and recommendations:

1. The Board has found no provisions of proposed Ordinance 2023-27 to be inconsistent with the Master Plan of the Borough of Metuchen or any subsequent reexamination.
2. The Board recommends that the Mayor and Council of the Borough of Metuchen adopt proposed Ordinance No. 2023-27.

I hereby certify that the Planning Board of the Borough of Metuchen took the foregoing action at its meeting held on August 17, 2023.



Sharon Hollis, Planning Board Secretary

ORDINANCE 2023-28

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

ORDINANCE AMENDING CHAPTER 124, ENTITLED “PARKS AND RECREATION AREAS” CREATING ARTICLE 4, ENTITLED “PERMITS TO UTILIZE BOROUGH OF METUCHEN FIELDS”

WHEREAS, Chapter 124 of the Code of the Borough of Metuchen, entitled, “Parks and Recreation Areas” currently regulates Borough of Metuchen parks and recreation areas; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough and the community to provide for the process for the public’s requests of the use of its sports fields; and

WHEREAS, upon the recommendation of the Recreation Director and the Borough Administrator, the Council of the Borough of Metuchen has determined that it is in the best interests of the Borough of Metuchen and the orderly use of Borough of Metuchen Sports Fields to create Article 4 of Chapter 124, entitled “Permits to Utilize Borough of Metuchen Fields”.

NOW THEREFORE, BE IT ORDAINED that the Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby amends the Code of the Borough of Metuchen and creates Article 4 of Chapter 124, entitled, Permits to Utilize Borough of Metuchen Fields to state as follows:

ARTICLE 4

Permits to Utilize Borough of Metuchen Fields

§ 124-27 Permits to Utilize Borough of Metuchen Fields

A. Prior to any organized use of, or the organization of an event to be conducted at, the baseball/softball/soccer fields and/or multi-purpose turf fields, regardless of the number of attendees, any individual or entity must obtain a permit for such use from the Borough of Metuchen. Except for the specific days and time frames wherein a permit for the exclusive use is issued by the Borough as provided for herein, the use of the baseball/softball/soccer fields and/or multi-purpose turf fields shall be open to the general public. Individuals and/or entities having a permit for use shall have the exclusive use of the permitted portions of the baseball/softball/soccer fields and/or multi-purpose turf fields during the allotted time of the permit issued. A separate permit shall be required for each location. Permits shall be issued for one (1) hour intervals for the following locations and fields:

1. Myrtle Park – Multi-Purpose Artificial Turf Field
2. Charles Park – Multi-Purpose Artificial Turf Field

3. Hampton Park – Grass Soccer Field
4. Hampton Park – Grass Baseball Field
5. Oakland Park – Grass Baseball Field
6. Oakland Park – Grass Softball Field
7. Vidas Park – Grass Baseball Field
8. Vidas Park - Grass Soccer/Football Field
9. Edgar Field – Multi-Purpose Turf Field.

B. Except by use of the Borough of Metuchen, the fields shall be used solely for the purposes of sports/athletic practices and/or competition. Permits may be granted for any other types of uses, at the sole discretion of the Borough, based upon the proposed use of the proposed field.

C. Permits shall be issued for one-hour intervals. Permits shall not be issued for the use of the fields beyond 9:00 p.m. Accordingly, the last available permit to be issued on any day shall be for the 9:00 p.m. through 10:00 p.m. time interval except for Sundays wherein the use of lights is not permitted and the last time a permit will be issued for Sundays will coincide with daylight hours.

§ 124-28 Application for Permit for Use of Borough Fields

- A. Application. The Borough Administrator, Borough Clerk, Recreation Director, Superintendent of Public Works, and Police Chief shall create and maintain an application for field usage which shall include but not be limited to the following:
1. The name and address of the applicant. In the event that the applicant is an organization or association, the names and addresses of the Officers and Directors. In addition, all nonprofit organizations must submit proof of their 501(c) status with their application for a permit.
 2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 3. The date, and hours for which the permit is desired.
 4. The specific field or portion thereof for which such permit is desired.
 5. The proposed activity or program to be conducted on the field.
 6. Estimated size and the number of participants and attendees (for traffic and safety).
 7. Insurance certificate naming the Borough of Metuchen as additional insured as to the field usage for bodily injury and for property damage.
 8. Security deposit, if required, as set forth below.

9. An agreement, in writing, whereby the applicant agrees to indemnify, defend and save harmless the Borough of Metuchen, its officers, employees, agents and volunteers, from any and all liability, expense, claim or damages resulting from the use of the baseball/softball/soccer fields and/or multi-purpose turf field.
10. If the applicant is a sports or recreation program, acknowledgement that a pre-approved waiver has been executed by each participant and/or his/her parent or guardian, expressly agreeing to indemnify and save the Borough of Metuchen, its officers, employees, agents and volunteers from any and all liability, expense, claim or damage resulting from the use of the baseball/softball fields and/or the multi-purpose turf field and participation in the sports or recreation program.
11. If any services are required by employees from the Borough of Metuchen, the cost of such employee/s and/or service is to be borne by the applicant as a cost of the field usage. The hourly rates for outside duty will be provided upon request by the Borough Administrator and an appropriate escrow amount shall be posted and will be billed to the escrow posted by the applicant.
12. Any other information which the Borough Administrator, Borough Clerk and/or the Recreation Director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

B. Miscellaneous requirements.

1. Applications can be obtained from the Borough Clerk and also returned to the Borough Clerk. The Borough Clerk will review for completeness (checklist provided). If application is incomplete it will be returned to the applicant and missing information identified. Upon submission of a complete application, the application shall be forwarded to the Recreation Director for consideration.
2. Applications for a permit for an event can be submitted up to one year in advance of the event date. Date selection will not be transferred upon request after approval is provided. All applications for a permit for the use of a field shall be submitted no later than 30 days prior to the requested use.
3. Rain dates will not be held in addition to the requested event date. Requests can be made for one rain date, in addition to the scheduled event date. The Recreation Director in consultation with the Borough Administrator will decide if a rain date can be approved on a case-by-case basis.
4. Applicants shall not advertise or promote, either in printed, digital or electronic format on the internet and/or social media platforms prior to obtaining a Field Use Permit. Premature advertising and/or promotion may be sole grounds for denial of the permit.
5. The within permits shall not apply to applications for the use of fields for purposes of a tournament, involving more than two (2) teams. Permits for

tournaments shall be made as a Special Event pursuant to Chapter 75 and the requirements of both this Article and Chapter 75 shall be met.

- C. Standards for issuance of a use permit by the Recreation Director in consultation with the Borough Administrator.
1. Generally, permits shall be issued on a first-come-first-served basis. However, the Recreation Director, in consultation with the Borough Administrator, shall have discretion in order to promote the equitable usage of the baseball/softball, soccer and multi-purpose turf fields by a wide variety of groups within the community.
 2. No applicant shall be denied a baseball/softball/soccer and/or multi-purpose turf field fields permit on account of his or her sex, affectional or sexual orientation, race, color, religion, natural origin, age, disability, ancestry, or atypical hereditary cellular or blood trait.
 3. It is the goal of the Borough of Metuchen to encourage the usage of its recreational fields by Metuchen based nonprofit groups when such uses do not interfere with the Borough-sponsored recreational programs. The Borough of Metuchen reserves the exclusive right to determine the eligibility of an organization or group and to assign prioritization to any application for the use of the baseball/softball/soccer fields and/or multi-purpose turf fields. These organizations whose aim and intended use are consistent with the general policy of widespread community use shall be considered eligible and prioritized as follows:
 - (a) Any recreation program sponsored by the Borough of Metuchen Recreation.
 - (b) Any recreation program sponsored by the Borough of Metuchen Board of Education.
 - (c) Members of the Metuchen Youth Sports Coalition, as established and maintained by the Recreation Director.
 - (d) Community recreation programs, which shall be construed to mean an organization, the majority (80%) of whose membership is domiciled in Metuchen.
 - (e) Borough of Metuchen residents.
 - (f) Area recreation programs shall be construed to mean an organization whose members reside in neighboring towns and at least 25% are Metuchen residents.
 - (g) Out-of-area recreation programs shall be construed to mean an organization that has less than 25% of its members residing in Metuchen.
 - (h) Middlesex County residents.
 - (i) Nonresidents.
 - (j) Profit organizations and For Profit recreation programs.

C. Additional standards and consideration for the issuance of a use permit shall include the following findings:

- (a) That the proposed activity or use of the field/park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- (b) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (c) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
- (d) That the proposed activity will not entail extraordinary or burdensome expense of police operation by the Borough of Metuchen.
- (e) That the proposed activity will not result in a breach of this article, another ordinance, or law, or may be adverse to the public interest, to public health and/or safety, or the protection of persons and/or property.
- (f) That the field desired have not been reserved for other use at the date and hour requested in the application.
- (g) That the proposed activity or use of the field will not unreasonably interfere or conflict with a Borough event, or Borough sponsored event, whether at the specific field or some other location within the Borough. Borough events and Borough sponsored events shall have priority over all applications for use of the Metuchen fields.

D. Fees. Permits for use of Borough Fields shall only be issued upon submission of an application and approval by the Recreation Director in consultation with the Borough Administrator. The fees for the use of the fields shall be non-refundable and on an hourly basis and in the amounts as follows:

METUCHEN MULTI-PURPOSE ARTIFICIAL TURF FIELDS (Myrtle Park, Charles Park and Edgar Field)			
	Metuchen Resident (80% of resident participants) and/or Metuchen Based Non-Profit Organization (located in Metuchen)	Metuchen Based for Profit Organization and Non-Resident and/or Non Resident Non-Profit Organization	Non-Resident for Profit Organization
Weekday	\$50.00 per hour	\$75.00 per hour	\$100.00 per hour
Weekend	\$75.00 per hour	\$100.00 per hour	\$125.00 per hour
Use of Lights*	\$20.00 per hour	\$20.00 per hour	\$20.00 per hour
*There are no lights located at Edgar Field			

METUCHEN BASEBALL, SOFTBALL, SOCCER/FOOTBALL GRASS FIELDS (Hampton Park, Oakland Park and Vidas Park)			
	Metuchen Resident (80% of resident participants) and/or Metuchen Based Non-Profit Organization (located in Metuchen)	Metuchen Based for Profit Organization and Non-Resident and/or Non Resident Non-Profit Organization	Non-Resident for Profit Organization
Weekday	\$25.00 per hour	\$50.00 per hour	\$75.00 per hour
Weekend	\$50.00 per hour	\$75.00 per hour	\$100.00 per hour

- E. Security Deposit - Permits shall only be issued for use of baseball/softball/soccer and/or multi-purpose turf fields upon submission of a security deposit of \$250.00. The security deposit is to guarantee that the baseball/softball/soccer and/or multi-purpose turf fields and surrounding areas are properly cleaned after their usage and not damaged. The deposit shall be returned to the applicant after it has been determined that baseball/softball/soccer and multi-purpose turf fields and the surrounding areas were properly cleaned by the applicant and/or attendees and left in an acceptable condition. In the event that the baseball/softball/soccer and/or multi-purpose turf fields and/or surrounding areas are not properly cleaned after their usage or there is damage to the permitted premises, the applicant shall be charged the cost of the clean-up and/or damage to the field/s. Upon notice to the applicant, the Borough shall deduct that cost from the security deposit and return the balance to the permit holder. In the event there is not sufficient deposit to pay for the work or damage, the permit holder shall be responsible for payment of any excess amount and shall not be permitted to receive any additional permits until payment is made. The Borough may also pursue any legal remedies it may have in such a situation. If deemed appropriate, the Recreation Director may waive or reduce the security deposit requirement for established nonprofit and school organizations and other applicant that have demonstrated through past experience proper maintenance and clean-up of the fields after the usage.

- F. The Recreation Director in consultation with the Borough Administrator may approve a permit with modifications or special conditions as the Recreation Director and/or the Borough Administrator deems necessary under the circumstances. Some examples of the conditions which the Borough Administrator may require at the applicant's sole cost and expense include but are not limited to the provision of on-site event security coverage or traffic control which must be provided by the Metuchen Police Department.

- H. Notwithstanding any other section, the Borough shall refuse to issue a permit if the Finance Department notes that the applicant or any principal, director or officer of the applicant and/or the sponsored entity has an outstanding and unpaid debt to the

Borough including a debt relating to a special event regardless of whether such debt was incurred through another organization or legal entity in relation to the use of a field and/or a special event.

§ 124-29. Permit regulations

Any person, group or organization, which has received a permit (“Users”), shall be responsible for seeing that the following conditions are adhered to:

A. Users shall be solely responsible for cleaning up and maintaining the fields and surrounding areas during and upon the conclusion of an event, whether formal or informal. The Department of Public Works of the Borough of Metuchen shall not be responsible for the cleanup or maintenance of the field both during and after its use. Failure to maintain and/or clean up will result in the loss or deduction of the security deposit. Users are responsible to leave the fields clean and ready for the next user as they found it and are to inspect the field and remove anything left by their players or spectators, such as trash, mouth guards, athletic tape, or equipment. In the event that a user has left the field without cleaning up, a cleaning fee will be charged to that person, group or organization.

B. Any physical damage caused by the user or its participants or attendees will be the responsibility of the applicant for all such damages. No further usage of the Borough fields will be permitted until that charge is paid in full.

C. Users are responsible for the conduct and behavior of players and their spectators on the field or courts.

D. If a user finds a problem, defect or unclean conditions on the field or courts, they must notify the Borough Administrator immediately.

E. The Borough reserves the right, in its sole discretion, to close the baseball/softball/soccer fields and/or multi-purpose turf field for any reason whatsoever, including but not limited to the weather and/or proposed weather conditions or resulting conditions to protect the health, welfare and safety of the Borough residents, employees, agents, volunteers and visitors and to adequately protect and maintain the baseball/softball/soccer fields and/or multi-purpose turf fields. In the event that the Borough determines to close the field, it shall provide notice to the permit holder of such closure and in such an event, the permit issued by the Borough shall no longer be valid for the specific date and time of such closure.

F. Despite the aforementioned permit fees being nonrefundable, in the event that it rains or snows on the date for which the permit for the use of the Field was issued and the field is closed by the Borough and the applicant is unable to utilize the field on said date, the applicant shall be credited the permit fee towards the subsequent application for a permit for the use of the field. However, a credit for the permit fee shall be nontransferable and shall expire within one year from the date on which the permit was issued.

G. In the event of thunder/lightning, the presence of even distant thunder warrants leaving the field, the field should be clear for 30 minutes after the last bolt of lightning or clap of

thunder. 30/30 lightening rule: At a count of 30 seconds between seeing a strike and hearing thunder or signs of an approaching storm, users are to leave the field. Normal activity should not be resumed until 30 minutes after the last thunder clap is heard.

H. Any training equipment, such as portable lights, blocking sleds, lacrosse nets, soccer goals, soccer free kick mannequin walls, etc., must be pre-approved by the Recreation Director.

I. Marking, painting or taping the field or courts is strictly prohibited.

J. Rockets or fireworks are prohibited on the fields.

K. Any and all glass containers are prohibited on the fields.

L. The use of alcohol, any tobacco and/or cannabis products is prohibited throughout Metuchen Parks.

M. Users shall comply with all laws, regulations and Borough Ordinances including but not limited to those set forth in Chapter 124 of the Code of the Borough of Metuchen. Authorized users are responsible for notifying their participants and guests of these policies. Failure to do so may forfeit their permission to use the field.

N. It is strictly understood that the Borough of Metuchen and its agents, owners, members, employees, volunteers, etc., are not liable, and may not be held responsible, for any loss before, during or after the applicant's use of the facilities. In addition, these groups are not responsible for any theft or loss at any time.

O. The Borough of Metuchen and its agents, employees and officers shall not be held liable for failure to perform or fulfill its contractual obligation for any reason within or beyond their control and shall not be held liable for damages, loss or injury for any reason within or beyond their control.

P. The permit shall not be transferred or assigned. The permit holder or designated representative must be present whenever the field is in use during the time of its permit. The permit holder must be in possession of the permit and the permit must be posted in public view.

Q. No alcoholic beverages and/or smoking is permitted at any time by anyone during the use of the fields, including the team players and spectators. The permit holder shall be responsible for enforcing this condition.

R. The permit holder shall be responsible for any and all illegal acts by spectators and team members, including the opposing team.

S. The permit holder shall be responsible for ensuring that team members and spectators adhere to no-parking regulations at and near the field in use.

T. All payments to the Borough are required within 48 hours after notification of approved usage. In no event shall a permit be issued prior to the Borough's receipt of payment.

U. No refunds will be issued for unused time.

V. The Borough Administrator, Recreation Director and/or Chief of Police may impose any such conditions reasonably calculated to reduce or minimize dangers and hazards to vehicle or pedestrian traffic and the public health, safety, and welfare, including but not limited to the required presence of off-duty Metuchen police officers being required during said scheduled event, the cost of which shall be borne by the applicant pursuant to the costs established by Borough ordinance. In addition, the applicant may request the presence of an off-duty Metuchen police officer(s) during such a scheduled event, the costs of which shall be borne by the applicant pursuant to the costs established by Borough ordinance.

W. Revocation. The Borough Administrator, Recreation Director and/or the Chief of Police or their designee shall have the authority to revoke a permit if there is reasonable grounds to believe that the holding or continuation of the use of the field:

(1) Poses a danger to the health and safety of any person;

(2) Poses a danger to property;

(3) Is not in the public interest; or

(4) Is in contravention of this article, rule or policy of the Borough or for the failure to comply with a condition of the permit.

X. To the extent permissible, in the case of a revocation prior to the date and time of the proposed event, the Borough official shall immediately inform the permit holder or the permit representatives of the revocation and the reasons for it by means of contacting the permit holder at the address or at the telephone number provided in the permit application. Nothing herein shall limit the Borough's right to revoke a permit during the course of the event if determined by the Borough official that the above criteria apply. In such a case, the Borough official shall immediately advise the designated supervisor of the event of the revocation and the event shall be immediately terminated and the organization, entity, and/or the sponsored entity shall forfeit its deposit.

Y. Repairs for damages, maintenance and/or cleanup shall be calculated at a minimum of \$65 per man-hour plus the cost of materials. Additional costs may be deemed necessary by the Borough based upon the nature of repairs and/or replacements. Failure to pay within 30 days will require forfeit of the deposit. In the event that the security deposit is insufficient to cover the costs to the Borough and the permittee and/or the sponsored entity fails to make a timely payment therefor, an action by Borough to recover the fees will be instituted and the permittee and/or the sponsored entity will be responsible for all collection costs, including attorneys' fees, and disqualification from consideration for issuance of future permits.

§ 124-30. Enforcement.

A. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director, and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

B. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall have the authority to eject from the Borough Fields any person or persons acting in violation of this article.

C. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall have the authority to seize and confiscate any property, thing or device on the Borough Field used in violation of this article.

§ 124-31. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, be punished by a fine and be subject to penalties as provided in Chapter 1, General Provisions, Article 1, as well as restitution payable to the Borough of Metuchen for any monies expended by the Borough to rectify damages caused by acts of the accused.

§ 124-32. Severability and Repealer.

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

All ordinances or parts of Ordinances of the Borough of Metuchen in conflict with or inconsistent with the provisions of this Article, including but not limited to those set forth in § 87-20 are hereby repealed and amended to the extent of such inconsistency.

§ 124-33. When effective.

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

RESOLUTION 2023-236

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

**RESOLUTION AMENDING RESOLUTION 2023-221 AUTHORIZING
THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO
COLLIERS ENGINEERING AND DESIGN TO PERFORM
PROFESSIONAL ENVIRONMENTAL SERVICES**

WHEREAS, by way of Resolution No. 2023-221, 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 had 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 a contract was awarded by way of Resolution 2023-221 for professional environmental services for Vidas Park be awarded to Colliers Engineering & Design of Holmdel, New Jersey consistent with the proposal submitted in an amount not to exceed eight thousand five hundred dollars and no cents (\$8,500.00); and

WHEREAS, the total amount of the previously submitted proposal is twenty thousand five hundred dollars and no cents (\$20,500.00) for the contract to Colliers Engineering & Design, of Holmdel, New Jersey to render professional environmental services for Vidas Park; and

WHEREAS the amended award for the cost for the proposed services shall not exceed twenty thousand five hundred dollars and no cents (\$20,500.00) 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 amends the previous contract award to Colliers Engineering & Design, 101 Crawfords 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 twenty thousand five hundred dollars and no cents (\$20,500.00).

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 2023-237

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

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL
SERVICES CONTRACT TO COLLIERS ENGINEERING AND
DESIGN TO PERFORM PROFESSIONAL SUPPLEMENTAL
EXPLORATION 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 supplemental exploration services for proposed emergency services buildings and associated improvements pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS Colliers Engineering & Design, submitted a proposal dated August 24, 2023, to the Borough to render professional supplemental exploration services for a cost not to exceed nineteen thousand three hundred dollars and no cents (\$19,300.00); and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for professional supplemental exploration services for proposed emergency services buildings and associated improvements 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 supplemental exploration services for proposed emergency services buildings and associated improvements; and

WHEREAS the cost for the proposed services shall not exceed nineteen thousand three hundred dollars and no cents (\$19,300.00) 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 Capital Bond Ordinance 2023-14, C-04-55-943-002.

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 Crawfords Corner Road, Holmdel, NJ 07733 on the basis of the proposal dated August 24, 2023 to provide professional supplemental exploration services for proposed emergency services buildings and associated improvements to the Borough of Metuchen for a cost not to exceed nineteen thousand three hundred dollars and no cents (\$19,300.00).

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 2023-238

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

**RESOLUTION AUTHORIZING THE ENTRY INTO AND EXECUTION OF A
LICENSE AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND
THE COUNTY OF MIDDLESEX FOR THE KAHN'S BRIDGE REPLACEMENT
PROJECT**

WHEREAS, the County of Middlesex (the "County") is the owner of property located in the Borough of Metuchen (the "Borough"), the Township of Edison, and the Township of Woodbridge known as the "Middlesex Greenway"; and

WHEREAS, a portion of the Middlesex Greenway is located on Block 109, Lot 1 and Block 43, Lots 4, 5, 7, and 8 on the tax maps of the Borough of Metuchen (the "Property"); and

WHEREAS, the Borough is in the process of replacing Kahn's Bridge, which is a bridge over the Property located at Graham Avenue (the "Project"); and

WHEREAS, the Borough has requested assistance from the County and permission to perform certain work on the Property during the Project; and

WHEREAS, the County has drafted and requested that the Borough enter into a License Agreement granting the Borough a license under the terms and conditions of as outlined in this Agreement which is attached hereto; and

WHEREAS, the County wishes to grant a license under the terms and conditions set forth therein; and

WHEREAS, the Borough Engineer has reviewed the proposed License Agreement and found that the terms and conditions therein are acceptable and consistent with the Kahn's Bridge Replacement Project; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to authorize and enter into a License Agreement with the County.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of the License Agreement between the County of Middlesex and the Borough of Metuchen for the Kahn's Bridge Replacement Project; and

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes all Borough officials to take all necessary actions in order to

effectuate the within resolution and the License Agreement, including but not limited to the Mayor and Borough Clerk are hereby authorized to execute the License Agreement between the Borough of Metuchen and the County of Middlesex consistent with the form attached hereto and in a final form acceptable to the Mayor and Borough Administrator.

RESOLUTION 2023-239

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

**RESOLUTION AMENDING RESOLUTION 2023-112 AUTHORIZING AWARD OF A
CONTRACT FOR CHLORINE FOR METUCHEN MUNICIPAL POOL THROUGH ESCNJ**

WHEREAS, by way of Resolution 2023-112, an award was made to purchase bulk liquid chlorine (Metered, Sodium Hypochlorite 12.5 %) for the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, pool equipment, supplies and repair and maintenance can be purchased through ESCNJ 21/22-39-Pool Equipment-Supplies-Repair-Maintenance; and

WHEREAS, the term of the contract is from April 24, 2022 to April 23, 2023, with a contract extension through April 24, 2024; and

WHEREAS, the authorization for purchases under this award expires on December 31, 2023;
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 previously authorized the award for hypochlorite solutions (bulk sodium hypochlorite) for the Metuchen Municipal Pool in the amount not to exceed \$45,000.00 from the 2023 Temporary and 2023 adopted budget appropriation line item Pool Utility Other Expenses- Pool Chemicals 3-09-55-501-504; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in the exact amount of \$3,418.98 from the 2023 adopted pool utility budget appropriation line item Pool Utility Other Expenses- Pool Chemicals 3-09-55-501-504 for an adjusted not to exceed total of \$48,418.98.; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Main Line Commercial Pools, Inc. for bulk liquid chlorine for the Metuchen Municipal Pool.

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 amend the existing Purchase Order for Main Line Commercial Pools, Inc., 441 Feheley Drive, King of Prussia, PA 19406 in an amount not to exceed \$48,418.98.

RESOLUTION 2023-240

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2023 in the sum of \$3,304.48 National Opioid Settlement.

BE IT FURTHER RESOLVED that the like sum of \$3,304.48 is hereby appropriated under the caption National Opioid Settlement; and

BE IT FURTHER RESOLVED that the above is the result of funds from National Opioid Settlement Fund in the amount of \$3,304.48.

RESOLUTION 2023-241

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2023 in the sum of \$ 15,000.00 New Jersey Department of Environmental Protection, Stormwater Assistance Grant.

BE IT FURTHER RESOLVED that the like sum of \$ 15,000.00 is hereby appropriated under the caption New Jersey Department of Environmental Protection, Stormwater Assistance Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Department of Environmental Protection, Stormwater Assistance Grant in the amount of \$ 15,000.00.

RESOLUTION 2023-242

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

**RESOLUTION AUTHORIZING AMENDING RESOLUTION 2023-113 AUTHORIZING THE
AWARD FOR PARTS AND MAINTENANCE & REPAIR FOR VEHICLES THROUGH
STATE CONTRACTS**

WHEREAS, the authorization to purchase vehicle parts and maintenance and repair for fleet vehicles of the Borough of Metuchen, in the County of Middlesex, State of New Jersey was awarded by Resolution 2023-100 on March 6, 2023; and

WHEREAS, the award authorized these purchases through State Contract T0126–OEM & Non OEM Maintenance & Repair Services for Light/Medium Duty Vehicles, and through State Contract T2760 OEM Automotive Parts and Accessories for Light Duty Vehicles Class 4 or Lower; and

WHEREAS, said state contract T0126 is in effect from March 18, 2016 through March 17, 2023, extended until March 17, 2024 and state contract T2760 is in effect from August 5, 2019 through August 4, 2023; extended until August 4, 2024; and

WHEREAS, State Contract T0126 has been extended through March 17, 2024, for OEM & non-OEM maintenance and repair services for light/medium duty vehicles; & State Contract T2760 OEM Automotive Parts and Accessories for Light Duty Vehicles Class 4 or Lower through August 4, 2024, and

WHEREAS, the maximum amount for vehicle parts and maintenance and repair for fleet vehicles for the Borough of Metuchen was awarded in an amount not to exceed \$12,000.00 and funds were anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as previously certified by the Chief Financial Officer and that there were sufficient funds for such award and were available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in an amount not to exceed an additional \$5,000.00 for vehicle parts and maintenance and repair for fleet vehicles for the Borough of Metuchen for an amended total not to \$17,000.00 and certifies the availability of funds from the 2023 Adopted Budget appropriation Streets and Roads, Vehicle Maintenance 3-01-26-765-025; and

WHEREAS, the authorization to purchase goods and services under these awards ends on December 31, 2023.

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; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Malouf Ford Lincoln Inc, Inc. for the purchase of vehicle parts and maintenance and repair for fleet vehicles of 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 continue the approval of the existing Purchase Order previously issued as a result of Resolution 2023-113 to Malouf Ford Lincoln Inc., PO Box 7480, 2210 US Highway 1, North Brunswick, NJ, 08902, in an amount not to exceed \$17,000.00.

RESOLUTION 2023-243

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

**RESOLUTION AMENDING RESOLUTION 2023-68 AUTHORIZING THE AWARD
FOR MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES
THROUGH STATE CONTRACT**

WHEREAS, by way of Resolution 2023-68, an award was made for heavy duty truck maintenance and repair for Public Works fleet vehicles the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract T2108 –Maintenance & Repair for Heavy Duty Vehicles (Class 5 or higher, over 15,000 LB GVWR); and

WHEREAS, said contract is in effect from July 21, 2015 through November 20, 2023; and

WHEREAS, the maximum amount for the maintenance and repair for heavy duty trucks for the Borough of Metuchen was \$40,000.00 and funds are anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as certified by the Chief Financial Officer and that there were sufficient funds for such award and is available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for these services as authorized previously by Resolution 2023-068; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in an amount not to exceed an additional \$20,000 from Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for an adjusted not to exceed total of \$60,000.00; and

WHEREAS, the authorization to purchase goods and services under this award expires on November 20, 2023; 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 amend the Purchase Order to Sanitation Truck Repair, Inc., 2301 Roosevelt Avenue, South Plainfield, NJ, 07080 for a total amount not to exceed sixty thousand dollars and no cents (\$60,000.00).

RESOLUTION 2023-244

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

**RESOLUTION AUTHORIZING THE REFUND OF
RECREATION TRUST PROGRAM FEE**

WHEREAS, the fees collected for attendance at various Borough of Metuchen Recreation Commission events and camps have been collected in 2023; and

WHEREAS, a registrant was unable to attend a Field Hockey Camp due to personal conflict; and

WHEREAS, the fees collected are requested by the Recreation Director to be refunded, as detailed in the below schedule.

NOW THEREFORE BE IT RESOLVED that the Chief Finance Officer be authorized to process refunds in the amount of \$100.00 as described, from the Recreation Trust account.

Sarah Cosenza	Field Hockey Camp	\$100.00
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RESOLUTION 2023-245

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

**RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY COOPERATIVE
PURCHASING ALLIANCE COMPUTER EQUIPMENT & PERIPHERALS - WIRELESS
CAMERA SYSTEM - EDGAR FIELD**

WHEREAS, there exists a need for wireless cameras for parks in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Bergen County New Jersey Cooperative Purchasing Alliance Contract CK04, Bid # 22-24 Computer Equipment & Peripherals, effective for the contract period June 5, 2022, through June 4, 2024, pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

WHEREAS, Bergen County, lead public agency for the #CK04 New Jersey Cooperative Purchasing Alliance awarded by resolution #472-22 open ended contract, Bid #22-24 on June 1, 2022; and

WHEREAS, this authorization of award ends on June 4, 2024; and

WHEREAS, the maximum amount of award for purchase of a wireless camera system including labor and contract administration to SHI International Corp., with LTW, Inc. named as an awarded Partner Service as provided in the Bergen County New Jersey Cooperative Purchasing Alliance contract CK94, Bid 22-24 for the Borough of Metuchen is \$ 64,165.34 and is certified from Capital Bond Ordinance 2023-06, C-04-55-942-001; and

WHEREAS, the award for purchase of a wireless camera system including labor and contract administration to SHI International Corp; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to SHI International Corp., 290 Davidson Avenue, Somerset, NJ 08873. in an amount not to exceed \$ 64,165.34.

RESOLUTION 2023-246

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

RESOLUTION FOR LIEN REDEMPTION

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

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
07-00002	44/83	57 Van Buren Ave	Robert Rothman

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

RESOLUTION 2023-247

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

**RESOLUTION TO CANCEL AND REFUND 2023 TAXES
AS A RESULT OF COUNTY TAX APPEALS**

WHEREAS successful County Tax Appeal judgments were awarded to each of the block and lot parcels described below, changing the assessed values for 2023 as follows; and

WHEREAS the reduction in taxes can be applied to the open tax balance due for 2023.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2023 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$66,383.45, and refund the resulting overpayments due to the successfully County tax appeal in the amount of \$3,787.64.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2023 Levy	Overpayment for Refund
127/22 C0230	230 Bridge Street	48,500	3,260.17	3,212.55	47.62
125.01/40.01	48 Sterling Court	68,200	4,584.40	4,584.40	
141.01/95.01	18 Rolfe Place	60,700	4,080.25	4,080.25	
105/5	344 Middlesex Ave	84,000	5,646.48	5,646.48	
120/29.02	26 Washington Place	55,400	3,723.99	3,723.99	
127/1.02 C0038	38 Bridge Street (Bldg A)	24,000	1,613.28	1,613.28	
141.01/95.03	99 Rose Street	64,700	4,349.13	4,349.13	
219/55	62 Spear Street	39,800	2,675.36	2,675.36	
91/17.01	552-566 Middlesex Ave	354,300	24,673.45	20,933.43	3,740.02
154/42	172 Rose Street	51,200	3,441.66	3,441.66	
98.01/5	217 Christol Street	51,600	3,468.55	3,468.55	
208/134	14 Tulsa Ave	72,400	4,866.73	4,866.72	

RESOLUTION 2023-248

*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 \$2,200,475.19.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO