

**AGENDA**

**BOROUGH COUNCIL AGENDA**  
**REGULAR MEETING SEPTEMBER 18, 2017**  
**7:30 P.M.**

Announcement of Meeting, Invocation, Pledge of Allegiance, and Roll Call.

**OATH OF OFFICE**

Administration of Oath of Office to:

Todd Pagel - to fill the unexpired term as Council Member to December 31, 2017

**EXECUTIVE SESSION**

R2017-243

Authorizing an Executive Session which Excludes  
the Public – Union Contract Negotiations -  
Teamsters

**AGENDA SESSION**

**REGULAR MEETING**

A. Approve Council Meeting Minutes of September 5, 2017

**PUBLIC COMMENT**

**ORDINANCE – PUBLIC HEARING**

Ord. 2017-13

An Ordinance Amending Chapter 140 of the Code  
of the Borough of Metuchen, Entitled “Property  
Maintenance”

**COMMUNICATIONS CONSENT AGENDA – ITEMS A - B**

A. Receive and Accept Block Party/Street Closing for Home Street on October 7, 2017  
(Rain Date: October 8, 2017 from 4:00 P.M. to 11:00 P.M.)

B. Receive and Accept Resignation of Police Captain Michael Kilker effective October 1,  
2017

**OTHER COMMUNICATIONS**

**REPORTS OF COUNCILMEMBERS**

September 18, 2017

REPORTS OF OFFICERS

REPORT OF THE MAYOR

NEW BUSINESS CONSENT AGENDA – R2017-222 through R2017-242 and R2017-245

R2017-222	Resolution Approving the Submittal of a Grant Application and Execution a Grant Contract with the New Jersey Department of Transportation for the Division Street Improvements Project
R2017-223	Resolution Approving the Submittal of a Grant Application and Execution a Grant Contract with the New Jersey Department of Transportation for the 2018 Municipal Aid Priority 2 Project
R2017-224	Resolution Approving the Submittal of a Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for the Grove Avenue Bike Lane Project
R2017-225	Resolution to Cancel, and Apply 2017 Taxes
R2017-226	Resolution Authorizing the Cancellation of Tax Sale Lien
R2017-227	Resolution Refunding Sidewalk Escrow Fee #17-001 14 Brunswick Avenue
R2017-228	Resolution Refunding Sidewalk Escrow Fee #17-002 24 Brunswick Avenue
R2017-229	Resolution Refunding Sidewalk Escrow Fee #17-009 59 Forrest Street
R2017-230	Resolution Refunding Sidewalk Escrow Fee #17-010 68 Essex Avenue
R2017-231	Resolution Refunding Sidewalk Escrow Fee #17-011 6 Roosevelt Court
R2017-232	Resolution Refunding Sidewalk Escrow Fee #17-012 44 Henry Street
R2017-233	Resolution Refunding Sidewalk Escrow Fee #17-015

September 18, 2017

97 Center Street

R2017-234 Resolution Refunding Sidewalk Escrow Fee #17-018  
55 Pennsylvania Avenue

R2017-235 Resolution Refunding Sidewalk Escrow Fee #17-019  
45 Library Place

R2017-236 Resolution Refunding Sidewalk Escrow Fee #17-020  
26 Kelly Street

R2017-237 Resolution Authorizing the Release of the  
Performance Bond and Guarantee for the Site  
Improvements for Arnolt Contracting Inc. – 339  
Main Street – Block 145, Lot 13.01 upon the Posting  
of a Maintenance Bond

R2017-238 Resolution Authorizing the Execution and Entry into  
a Jurisdictional Agreement between the State of New  
Jersey and the Borough of Metuchen

R2017-239 Resolution Requesting Approval of Items of  
Revenue and Appropriation NJS 40A:4-87

R2017-240 Resolution Authorizing the Execution and Entry into  
a Developers' Agreement between Hillside Metuchen  
Apartments LLC and the Borough of Metuchen

R2017-241 Resolution Rejecting All Bids Received and  
Authorizing the Re-Bid, or if Permitted, the  
Competitive Contracting Procurement Process for the  
Police Off-Duty Management Services

R2017-242 Resolution Authorizing Refund of Escrow Balance

R2017-245 Resolution Authorizing the Execution and Entry into  
a Jurisdictional Agreement between the State of New  
Jersey and the Borough of Metuchen

OTHER NEW BUSINESS – R2017-244

R2017-244 Resolution Authorizing the Payment of the Bill List  
in the amount of \$6,409,959.03

ORDINANCE – INTRODUCTION

September 18, 2017

Ord. 2017-14

Ordinance Amending the Code of the Borough of  
Metuchen Amending the Composition of the  
Human Relations Commission

APPOINTMENTS

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.

**RESOLUTION 2017-243**

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

**AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** that the Council of the Borough of Metuchen hereby moves to go into Executive Session on September 18, 2017 on or after 7:30 PM during the general meeting in Borough Hall located at 500 Main St., Metuchen that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Union Contract Negotiations - Teamsters

Stated as precisely as presently possible the matter discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**ORDINANCE 2017-13**

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

**AN ORDINANCE AMENDING CHAPTER 140 OF THE CODE OF THE  
BOROUGH OF METUCHEN, ENTITLED "PROPERTY MAINTENANCE"**

**WHEREAS**, that the lack of properly maintained properties can lead to neighborhood decline and become attractive nuisances; and

**WHEREAS**, the failure to properly upkeep properties can lead to harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

**WHEREAS**, it is in the public interest for the Borough to establish minimum standards of maintenance on the owners or other responsible parties of property within the Borough of Metuchen in order to protect the health, safety and general welfare of the residents of the Borough; and

**WHEREAS**, the Borough of Metuchen regulates the maintenance of residential and commercial property within the Borough by and through, *inter alia*, Chapter 140 of the Code of the Borough of Metuchen and the Mayor and Council have determined that it is in the best interest of the Borough to amend and supplement Chapter 140 of the Code.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Borough of Metuchen that it hereby amends Chapter 140 of the Code of the Borough of Metuchen entitled, "Property Maintenance" to read as follows:

**CHAPTER 140  
PROPERTY MAINTENANCE**

**Article 1  
Commercial and Industrial Maintenance**

**§ 140-1 Title, findings and purpose.**

- A. Title. This article shall be known as the "Commercial and Industrial Maintenance Code of the Borough of Metuchen" and is referred to in this article in the short form as "this code."
- B. Findings and declaration of policy. It is hereby found and declared that the lack of maintenance of real property leads to progressive deterioration and loss of property values. It is further found and declared that by reason of lack

of maintenance and progressive deterioration, the conditions of certain premises have further effect of creating blighting conditions and initiating slums and that, if the same is not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and neighborhood and property values thereby maintained, the desirability and amenities of premises and neighborhood enhances and the public health, safety and welfare protected and fostered.

- C. Purpose. The purpose of this code is to protect and promote the public health, safety and welfare by establishing minimum standards for the maintenance, appearance and conditions of commercial and industrial premises in the Borough, to fix responsibilities and duties upon owners, operators and occupants, to authorize and establish procedures for the inspection of commercial and industrial premises, to fix penalties for the violations of this code to permit the Borough to make necessary repairs and assert a lien on such premises and to provide for the right of access to permit repairs when necessary. This code is hereby declared to be protective, preventative, remedial and necessary for the public interest, and it is intended that this code be liberally construed to effectuate the purpose as stated herein.

#### **§ 140-2 Definitions.**

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

**COMMERCIAL OR INDUSTRIAL PREMISES** - A lot, plot, parcel or tract of land, vacant or occupied, including the building or structures thereon, on any part of which commercial or industrial activity of any kind may take place in the Borough of Metuchen. For purposes of this code, this activity is defined as all commercial and industrial uses permitted or allowed by prior nonconforming uses, including but not limited to retail sales, professional activities, office uses, personal services, warehouse, research and manufacturing. Any apartments or other residences above or within a commercial or industrial structure shall be included within the scope and coverage of this code.

**EXTERIOR OF PREMISES** - The exterior facades or external portions of a building and the remainder of the lot or property outside of any building erected thereon which is exposed to view from a public right-of-way and/or an adjacent or nearby property.

**INFESTATION** - The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard as certified by the Borough Health Officer.

#### **NUISANCE**

- A. Any physical condition or use of any premises regarded as a nuisance at common law or as provided by the laws of the State of New Jersey or other ordinances of the Borough of Metuchen.

- B. Any attractive nuisance which may prove detrimental to the health or safety of children whether located in a building or on a lot, including but not limited to the following: excavations and other earthworks, shafts or structurally unsound fences or structures.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Any premises which has unsanitary sewerage or plumbing facilities.
- E. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings or whatever creates an unreasonable hazard through odor or noise so as to deprive adjacent owners of the quiet enjoyment of their property.
- F. Any premises which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb or nearby property.
- G. Any premises which is unsanitary or which is littered with accumulated rubbish or garbage or which has an uncontrolled growth of weeds.

OCCUPANT - A person in actual possession of any commercial or industrial premises or any part thereof.

OPERATOR - A person who has charge, care or control of commercial or industrial premises, or any part thereof, whether with or without the consent of the owner.

OWNER - Any person who, alone or jointly with others, has legal or equitable title to any commercial or industrial premises, with or without accompanying actual possession, or has charge, care or control of any commercial or industrial premises as owner or as fiduciary, including but not limited to an executor, executrix, administrator, administratrix, trustee, receiver or guardian of an estate, or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee, subletting or reassigning any part or all of a commercial or industrial premises, shall be deemed to have joint responsibility as if he or she were an owner over the portion of the premises sublet or assigned.

WORKMANLIKE - Maintenance or repair work that has been performed in a reasonably skillful manner.

**§ 140-3 Compliance with code; liability.**

- A. Compliance with code.

- (1) Minimum standards. This code establishes minimum standards for the maintenance of the exterior of all premises and structures, which are used or may be used as commercial and industrial premises, in the Borough of Metuchen, including those occupied and used before the adoption of this code, and does not replace or lessen standards otherwise established for the construction, repair, alteration or use of the commercial or industrial buildings or premises contained therein. Where there is mixed occupancy with commercial and other uses on the same premises, all such uses shall be regulated by and subject to the provisions of this code.
- (2) Interpretation. Where the provisions of this code impose a higher standard than is set forth in any other ordinance of the Borough of Metuchen or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this code impose a lesser standard than other ordinances of the Borough of Metuchen or laws of the State of New Jersey, then the more rigorous standard contained in such ordinances or law shall prevail. This code should not be interpreted or construed to replace or effect any and all other codes and ordinances of the Borough and the powers and remedies authorized thereunder, including but not limited to Chapter 67, entitled "Unsafe Buildings".
- (3) Responsibility. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or operate premises which do not comply with the requirements of this article.
- (4) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be in full compliance with all of the provisions and requirements of this Chapter. Vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a nuisance to exist or adversely affect the public health or safety.

**B. Liability.**

- (1) Owners and operators shall have all the duties and responsibilities prescribed in this code, and no owner or operator shall be relieved from any duty or responsibility, or be entitled to defend against any charge of violation, by reason of the fact that the occupant is also responsible and in violation thereof.
- (2) Occupants shall have such duties and responsibilities as are prescribed for them in the § 140-4, and shall not be relieved of any duty and responsibility or be entitled to defend against any charge of violation by reason of the fact that the owner or operator is also responsible and in violation thereof.

**§ 140-4 Regulations of premises.**

A. Exterior to be kept free of all nuisances. The exterior of structures and premises shall be kept free of nuisances, unsanitary conditions and any other hazards to the health or safety of occupants, pedestrians and other persons entering the premises. All exterior features of structures and premises shall be maintained in a good and workmanlike condition and state of repair. Any nuisance, unsanitary condition, lack of maintenance or other hazard shall be promptly removed and/or abated by the owner and/or operator and/or occupant to keep the premises free of hazards, including but not limited to the following:

- (1) Refuse. Brush, weeds, stumps, roots, obnoxious growths, broken glass, filth, garbage, trash, litter, rubbish and debris of any description.
- (2) Natural growth. Brush, weeds, ragweed, stumps, roots and obnoxious growth; dead and dying trees and limbs or other natural growth which due to lack of maintenance or through rotting or deteriorating conditions or storm damage constitute a hazard or nuisance to persons or property in the vicinity. Trees and landscaping shall be kept pruned and trimmed, where appropriate, to prevent such conditions.
- (3) Decorative features. All cornices, wall facings, bas reliefs or similar decorative and architectural details, including overhanging features of buildings and similar decorative features of site improvements, shall be maintained in good and workmanlike repair. They shall be properly anchored and kept in a safe and attractive condition.
- (4) Ground surface hazards or unsanitary conditions. Holes, excavations, earthworks, breaks, projections, obstructions, broken or missing pavement, ice, uncleaned snow and excretion of pets and other animals. All holes on or in walkways, parking lots and/or all foreseeable walking surfaces/areas and excavations shall be filled and repaired, walks and steps repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions. It shall be the responsibility of owners, occupants and operators to take reasonable steps to discover and remove any such hazards or unsanitary conditions which may exist on their premises.
- (5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- (6) Sources of infestation. The presence of insects, rodents, vermin or other pests on the premises shall constitute a health hazard as certified by the Borough Health Officer.
- (7) Signs. All signs, markings, printed matter and pictures or illustrations contained on the exterior of the premises permitted by reason of other

regulations or as a lawful nonconforming use shall be maintained in good and workmanlike repair and kept in a neat and clean condition.

- B. Landscaping. Lawns, other ground cover, hedges and shrubs shall be kept trimmed and maintained from becoming overgrown. Lawns shall be regularly trimmed and shall not exceed a height of six (6) inches and all landscaped areas kept free of weeds, rubbish and debris. Planted materials which have been damaged, or fail to survive, shall be replaced as required. Buffer areas which have not grown to meet the intent of the Zoning Ordinance shall also be replaced where necessary.
- C. Premises to be kept in good repair. All sides of the exterior of every structure or accessory structure, including fences and store facades, shall be maintained in good repair. All structural surfaces shall be kept clean and neatly painted where necessary for preservation and appearance, free of excessive peeling paint and maintained free of safety hazards, such as broken windows, loose and falling shingles and crumbling and falling stone or brick. Owners, operators and occupants shall not be liable for recurring acts of vandalism involving graffiti so long as they take reasonable efforts to remove the graffiti within two weeks of its discovery by them or within seven days of notice provided to them by borough officials. The premises shall further be subject to the following regulations:
- (1) Signs and billboards. All permanent signs and billboards exposed to public view, permitted by ordinance or other regulations or as a lawful nonconforming use shall be maintained in good and workmanlike repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good and workmanlike repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
  - (2) Windows exposed to public view. All windows exposed to public view shall be unbroken. No windows shall remain boarded up except for a temporary period awaiting the replacement of broken glass.
  - (3) Awnings or marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in a workmanlike manner as to not constitute a nuisance or safety hazard. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material, such as paint or other protective treatment. In the event any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event any such awning or marquee is made of cloth, canvas, vinyl, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good and clean condition and shall not show

evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee or its accompanying structural members on streets, sidewalks or other parts of the public domain.

- (4) Temporary scaffolding or equipment. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond the period reasonably necessary to complete the purpose for which such equipment was brought to the premises.
  - (5) Construction, repair or alteration delays in completion. Any construction, repair or alteration work on a structure or premises, including site work, shall take place in a timely manner without delays or complete stoppage so as to constitute a prolonged hazardous or unsightly condition. If such work shall be delayed or stopped for a prolonged period, the exterior of an affected structure or premise shall be returned to a safe and presentable condition that complies with all other sections of this article and all other applicable ordinances and codes.
  - (6) Store fronts. All store fronts shall be maintained in good and workmanlike repair, and all surfaces thereof shall be kept clean and neatly painted when necessary for the purposes of preservation and appearance.
- D. Removal of garbage and refuse. The owner, operator and occupant shall have the duty and responsibility of removing refuse and garbage stored outdoors as often as required, but at least once per week.
- E. Maintenance of sidewalks. Every day that the premises is open for business, the occupant and/or operator shall be responsible for removing litter from the sidewalk or other pedestrian areas, if any, in front of the occupant's commercial premises. The area shall be swept and/or cleared as often as necessary to maintain it free of litter, spillage, snow, ice and other debris or other hazards to pedestrians. The owner, operator and occupant shall also have the duty and responsibility to provide sufficient trash cans for the premises which shall be located and/or screened in order to maintain the attractive appearance of the commercial premises.

#### **§ 140-5        Inspections.**

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, Health Officer, Zoning Officer, Police Department or any other official charged with the duty of enforcing regulations governing any aspect or conduct of the activity on the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours of

the business occupying said premises, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the inspecting official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the official is authorized to enter the structure or premises at reasonable times to inspect or enforce the requirements of this Chapter, provided that if such structure or premises is occupied the official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, whether occupied or not, the official shall obtain a proper warrant or have other recourse to the remedies provided by law to secure entry.

**§ 140-6            Correction of violation; abatement by municipal officers.**

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, invitees, adjoining property owners or the general public, unless abated without delay, the Construction Code Official, Health Officer, Zoning Officer, Director of Public Works, or Police Department may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the operator, owner or occupant to correct said condition, the Police Department, Construction Code Official, Zoning Officer, Director of Public Works or Health Officer shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in Section I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the main entrance door of the building, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.
- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed 30 days, to abate the violation, the right of the person served to request a hearing

and that the notice shall become an order of the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer in ten (10) days after service unless a hearing is requested pursuant to these provisions.

- E. Request for hearing. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten (10) day period in person or by certified mail on the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Construction Code Official, Zoning Officer, Director of Public Works or Health Officer, upon receipt of the request for hearing, shall, within thirty (30) days therefrom and upon five (5) days notice to the parties so requesting, conduct a hearing.
- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer shall hear all parties and his or her final determination shall be made within ten (10) days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer, Director of Public Works or Health Officer may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-6A.
- H. In addition to the issuance of Summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the Certification of the Health Officer, Fire Official and/or the Borough Engineer and after the approval of the Borough Administrator, the Construction Code Official, Zoning Officer, Director of Public Works or Health Officer may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth garage, trash, debris as permitted by N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.
- I. In the event that the immediate abatement is necessary pursuant to Section A hereof, or that brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or

destroyed pursuant to Section H herein, the officer of the municipality seeking such removal and the Borough Administrator shall obtain and certify the costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of Resolution the removal and/or destruction and to direct the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such property or lands and shall be added to and become part of the taxes next to be assessed and levied upon such property or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner, operator and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner, operator and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

**§ 140-7            Violations and penalties.**

Any person who shall violate any of the provisions of this article or any order promulgated hereunder shall, upon conviction, be punished by at least a minimum fine of \$100 and a maximum fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

**Article 2**  
**Residential Property Maintenance**

**§ 140-8            Title, findings and purpose.**

- A. Title. This article shall be known as the "Residential Property Maintenance Code of the Borough of Metuchen," sometimes referred to in this article as "this code."
- B. Findings and declaration of policy. It is hereby found and declared that the lack of maintenance of real property leads to progressive deterioration, a threat to public safety and loss of property values. It is further found and declared that by reason of lack of maintenance and progressive deterioration, the condition of certain premises has further effect of creating blighting

conditions and initiating slums and that, if the same is not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and neighborhood, property values and the public health and safety thereby maintained, the desirability and amenities of premises and neighborhood enhances and the public health, safety and welfare protected and fostered.

- C. Purpose. The purpose of this code is to provide for a maintenance code similar in content and with the parallel objectives to the Commercial and Industrial Maintenance Code as set forth in Article 1 of this chapter already adopted by the Borough in 1988. Its objectives are to prescribe the minimum standards for the maintenance, appearance and conditions of one- and two-family dwellings within the Borough, to establish procedures for the inspection of these residential dwellings, to fix penalties for the violation of this code and to prescribe the manner by which repairs may be made by the Borough when necessary. This code is hereby declared to be protective, preventative, remedial and necessary in the public interest, and this code should be liberally construed to effectuate the purposes stated herein.

**§ 140-9 Definitions.**

- A. To the extent not inconsistent with the express terms or definitions herein, the terms already defined in the Commercial and Industrial Maintenance Code shall have the same meaning in this code, except that the word "residential" shall be understood to replace the words "commercial" or "industrial" as contained in that code.

- B. As used in this article, the following terms shall have the meanings indicated:

**ABANDONED OR UNUSED VEHICLES** - Automobiles or other motorized forms of vehicular transportation stored in the exterior property areas of a residential premises without current registration or license plates or undriven for more than 30 days as a result of being in a condition rendering the vehicle inoperable on the public highways without extensive repairs or replacement of parts. These vehicles, as defined herein, shall be considered to be litter, as defined and prohibited both under this code and in Chapter 118, Littering, of the Code of the Borough of Metuchen.

**DWELLING, ONE-FAMILY-** A structure containing one dwelling unit with one or more persons living as a single, nonprofit, nontransient housekeeping unit, as distinguished from individuals or groups occupying a hotel, club, boardinghouse or other facility on a temporary basis. The family shall be deemed to include necessary servants where the servants share the common housekeeping facilities as the family they serve.

DWELLING, TWO-FAMILY - A detached or semi-detached structure where the individual family units are entirely separated by vertical walls or horizontal floors, unpierced except for common access to the outside or in a common basement.

DWELLING, MULTIFAMILY - A structure or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

DWELLING UNIT - A single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY AREAS - The open space on the premises and on adjoining property under the control of the owners or occupants of such premises.

MAINTENANCE - Acts of repair or other acts to prevent a decline in the condition of structures, exterior premises and exterior property areas such that the condition shall not fall below the standards established by this code, other applicable ordinances of the Borough or other obligations established or imposed by law.

PREMISES - A lot, plot or parcel of land, including the buildings or structures thereon.

RESIDENTIAL PREMISES - A one- or two-family dwelling.

UNSAFE STRUCTURE - Any structure or building that is in a state of dilapidation, deterioration or decay; any structure that is open, vacant or abandoned and in danger of collapse or failure or causing danger to anyone on or near the premises; any structure previously damaged by fire or other casualty to the extent as not to provide shelter where there has been a cessation of normal reconstruction or rehabilitation for more than six months.

## **§ 140-10 Compliance with code; liability**

### **A. Compliance with code.**

(1) Minimum standards. This code establishes minimum standards for the maintenance of the exterior of all residential premises and structures in the Borough of Metuchen, including those occupied and used before the adoption of this code. It is designed as a maintenance code for preexisting structures and premises and does not replace or lessen standards otherwise established for the construction, repair, alteration or continued use of these buildings and premises. This code does not apply to those multifamily structures or boarding houses separately regulated by state statute.

(2) Interpretation. Where the provisions of this code impose a higher standard than is set forth in any other ordinance of the Borough of Metuchen or under

the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this code impose a lesser standard than other ordinances of the Borough of Metuchen or laws of the State of New Jersey, then the more rigorous standard contained in such ordinances or law shall prevail. This code should not be interpreted or construed to replace or effect any and all other codes and ordinances of the Borough and the powers and remedies authorized thereunder, including but not limited to Chapter 67, entitled "Unsafe Buildings".

- (3) Responsibility. The owner and/or occupant of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner or occupant or let to another for occupancy premises which do not comply with the following requirements of this article.
- (4) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be in full compliance with all the provisions and requirements of this Chapter. Vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a nuisance to exist or adversely affect the public health or safety.

**B. Liability.**

- (1) Owners shall have all the duties and responsibilities prescribed in this code, and no owner shall be relieved from any duty or responsibility, or be entitled to defend against any charge of violation, by reason of the fact that the occupant is also responsible and in violation thereof.
- (2) Occupants shall have such duties and responsibilities as are prescribed for them in the § 140-11, and shall not be relieved of any duty and responsibility or be entitled to defend against any charge of violation by reason of the fact that the owner or operator is also responsible and in violation thereof.

**§ 140-11 Regulation of premises.**

- A. The exterior of the premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and any other hazards to the health and safety of occupants, pedestrians and other persons entering the premises or residing in or occupying nearby properties to the same extent as stated in Article 1 of this chapter, All exterior features of structures and premises shall be maintained in a good and workmanlike condition and state of repair. Any nuisance, unsanitary condition, lack of maintenance or other hazard shall be promptly removed and/or abated by the owner and/or occupant to keep the premises free of hazards, including but not limited to the following:

- (1) Refuse. Brush, weeds, stumps, roots, obnoxious growths, broken glass, filth, garbage, trash, litter, rubbish and debris of any description.
- (2) Natural growth. Brush, weeds, ragweed, stumps, roots and obnoxious growth; dead and dying trees and limbs or other natural growth which through lack of maintenance, rotting or deteriorating conditions or storm damage constitute a hazard or nuisance to persons or property in the vicinity. Trees and landscaping shall be kept pruned and trimmed, where appropriate, to prevent such conditions.
- (3) Overhangings. Loose and overhanging objects and accumulations of ice and snow, which by reason of location above ground level constitutes a danger of falling on persons in the vicinity thereof.
- (4) Decorative features. All cornices, wall facings, bas reliefs or similar decorative and architectural details, including overhanging features of buildings and similar decorative features of site improvements, shall be maintained in good and workmanlike repair. They shall be properly anchored and kept in a safe and attractive condition.
- (5) Ground surface hazards or unsanitary conditions. Holes, excavations, earthworks, breaks, projections, obstructions, broken or missing pavement, ice, uncleaned snow and excretion of pets and other animals. All holes on or in walkways, parking lots and/or all foreseeable walking surfaces/areas and excavations shall be filled and repaired, walks and steps repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions. It shall be the responsibility of owners and operators to take reasonable steps to discover and remove any such hazards or unsanitary conditions which may exist on their premises and the adjacent public right of way, used for access to the premises.
- (6) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- (7) Sources of infestation. The presence of insects, rodents, vermin or other pests on the premises shall constitute a health hazard as certified by the Borough Health Officer.

#### B. Storage of Refuse.

- (1) Storage of Household Solid Waste. It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

- (2) Storage of Tires. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.
- (3) Inoperable Vehicles. It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns except in a fully enclosed structure, any motor vehicle, trailer or semitrailer:
  - i. Which is missing tires, wheels, engine or any essential parts;
  - ii. Which displays extensive body damage or deterioration;
  - iii. Which does not display a current, valid State license; or
  - iv. Which is wrecked, disassembled or partially disassembled.
- (4) Construction Sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.
- (5) Laundry. It shall be unlawful for any residential property owner to store or hang clothing, bedding, towels or other laundry, to dry on fences or railings on any residential property

C. Landscaping. Lawns, other ground cover, hedges and shrubs shall be kept trimmed and maintained from becoming overgrown. Lawns shall be regularly trimmed and shall not exceed a height of six (6) inches and all landscaped areas kept free of weeds, rubbish and debris. Planted materials which have been damaged, or fail to survive, shall be replaced as required. Buffer areas which have not grown to meet the intent of the Zoning Ordinance shall also be replaced where necessary.

D. Premises to be kept in good repair. All sides of the exterior of every structure or accessory structure, including fences and residential facades, shall be maintained in good repair. All structural surfaces shall be kept clean and neatly painted where necessary for preservation and appearance, free of excessive peeling paint and maintained free of safety hazards, such as broken windows, loose and falling shingles and crumbling and falling stone or brick. Owners and occupants shall not be liable for recurring acts of vandalism involving graffiti so long as they take reasonable efforts to remove the graffiti within two weeks of its discovery by them or within seven days of notice provided to them by borough officials. The premises shall further be subject to the following regulations:

- (1) Exterior windows and/or windows exposed to public view. All windows exposed to public view shall be unbroken. No windows shall remain

boarded up except for a temporary period awaiting the replacement of broken glass.

- (2) Temporary scaffolding or equipment. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond the period reasonably necessary to complete the purpose for which such equipment was brought to the premises.
- (3) Construction, repair or alteration delays in completion. Any construction, repair or alteration work on a structure or premises, including site work, shall take place in a timely manner without delays or complete stoppage so as to constitute a prolonged hazardous or unsightly condition. If such work shall be delayed or stopped for a prolonged period, the exterior of an affected structure or premise shall be returned to a safe and presentable condition that complies with all other sections of this article and all other applicable ordinances and codes. Any reconstruction, repair or alteration work commenced on a residential premises, whether caused by previous fire, other casualty or permitted structural expansion shall proceed in a timely manner without delay so as to avoid a prolonged hazardous, unsightly condition or unsafe structure to the owners of the neighboring properties. Should such work be delayed or halted for more than sixty (60) days or if the time for completion extends beyond six months from commencement, the exterior of the affected structure or premises shall be returned forthwith to a safe and presentable condition that complies with the maintenance provisions of this article and all other applicable ordinances and codes.
- (4) Removal of garbage and refuse. The owner and occupant shall have the duty and responsibility of securing and removing refuse and garbage stored outdoors as often as required, but at least once per week.
- (5) Maintenance of sidewalks. The owner and occupant shall be responsible for removing litter from the sidewalk or other pedestrian areas, if any, in front of the occupant's premises. The area shall be swept and/or cleared as often as necessary to maintain it free of litter, spillage, snow, ice and other debris or other hazards to pedestrians. The owner and occupant shall also have the duty and responsibility to provide sufficient trash cans for the premises which shall be located and/or screened in order to maintain the attractive appearance of the premises.
- (6) No abandoned or unused vehicles shall be stored anywhere in the exterior property areas of a residential premises.

E. Interior Structure/Premises. The interior of a building/dwelling and the equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

- (1) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- (2) Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (3) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (4) Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (5) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (6) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- (7) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

**§ 140-12 Inspections.**

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, Health Officer, Zoning Officer, Director of Public Works, Police Department or any other official charged with the duty of enforcing regulations governing the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the inspecting official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the official is authorized to enter the structure or premises at reasonable times to inspect or enforce the requirements of this Chapter, provided that if such structure or premises is occupied the official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, whether occupied or not, the official shall obtain a proper warrant or have other recourse to the remedies provided by law to secure entry.

**§ 140-13 Correction of violation; abatement by municipal officers.**

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, adjoining property owners and/or the general public unless abated without delay, the Construction Code Official, Health Officer, Zoning Officer, Director of Public Works, or Police Department may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the owner or occupant to correct said condition, the Police Department, Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in Section I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the entrance door of the dwelling, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.
- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed thirty (30) days, to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer in ten (10) days after service unless a hearing is requested pursuant to these provisions.

- E. Request for hearing. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten (10) day period in person or by certified mail on the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer, upon receipt of the request for hearing, shall, within thirty (30) days therefrom and upon five (5) days notice to the parties so requesting, conduct a hearing.
- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer shall hear all parties and his or her final determination shall be made within ten (10) days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-13A.
- H. In addition to the issuance of Summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the Certification of the Health Officer, Fire Official, Director of Public Works and/or the Borough Engineer and after the approval of the Borough Administrator, the Construction Code Official, Zoning Officer, Director of Public Works, or Health Officer may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth garage, trash, debris as permitted in N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.
- I. In the event that the immediate abatement is necessary pursuant to Section A hereof, or that overgrown brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or destroyed pursuant to Section H herein, the officer of the municipality seeking such removal and the Borough Administrator shall obtain and certify the proposed costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by

way of Resolution the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such a dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

**§ 140-14 Violations and penalties.**

Any person who shall violate any of the provisions of this article or any order promulgated hereunder shall, upon conviction, be punished by at least a minimum fine of \$100 and a maximum fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

Introduction: September 5, 2017  
 Date of Publication: September 8, 2017

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED	X				KOSKOSKI	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X								
MOTION	RASMUSSEN			SECOND			KOSKOSKI		
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 5, 2017

\_\_\_\_\_  
 Susan D. Jackson, RMC  
 Borough Clerk

Adopted:  
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					KOSKOSKI					
GRAYZEL					RASMUSSEN					
INSERRO										
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 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

By: \_\_\_\_\_  
Peter Cammarano  
Mayor

**RESOLUTION 2017-222**

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

**RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DIVISION STREET IMPROVEMENTS PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Metuchen Borough-00030 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-223**

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

**RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2018 MUNICIPAL AID PRIORITY 2 PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Metuchen Borough-00200 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-224**

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

**RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GROVE AVENUE BIKE LANE PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Metuchen formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor, Administrator and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2018-Metuchen Borough-00004 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-225**

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

**RESOLUTION TO CANCEL, AND APPLY 2017 TAXES**

**WHEREAS**, a successful County Tax Appeal judgment was awarded to each of the block and lot parcels described below, changing the assessed values for 2017 as follows, and

**WHEREAS**, the reduction in taxes can be applied to the open tax balance due for 2017, and

**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 2017 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$11,842.00.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2017 Levy
134/60.011	398-400 Amboy Avenue	200,000	11,842.00	11,842.00

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-226**

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

**RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE LIEN**

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

Cert #	Block/Lot	Address	Lienholder
09-00004	153.1/6 C105H	246 Newman Street	Robert Rothman

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

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-227**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-001  
14 BRUNSWICK AVENUE**

**WHEREAS**, LaPorta Builders, Inc. has posted \$425.00 for curb, apron and sidewalk escrow fees at 14 Brunswick Avenue; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to LaPorta Builders, Inc.,

**NOW, THEREFORE, BE IT RESOLVED**, that LaPorta Builders, Inc. be refunded \$425.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-228**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-002  
24 BRUNSWICK AVENUE**

**WHEREAS**, LaPorta Builders, Inc. has posted \$397.50 for curb, apron and sidewalk escrow fees at 24 Brunswick Avenue; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to LaPorta Builders, Inc.,

**NOW, THEREFORE, BE IT RESOLVED**, that LaPorta Builders, Inc. be refunded \$397.50 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-229**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-009  
59 FORREST STREET**

**WHEREAS**, Paula Moyle has posted \$224.00 for curb escrow fees at 59 Forrest Street;  
and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to Paula Moyle,

**NOW, THEREFORE, BE IT RESOLVED**, that Paula Moyle refunded \$224.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					KOSKOSKI					
GRAYZEL					PAGEL					
INSERRO					RASMUSSEN					
MOTION					SECOND					
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-230**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-010  
68 ESSEX AVENUE**

**WHEREAS**, LoChiatto Paving and Masonry Co., has posted \$448.00 for apron and sidewalk escrow fees at 68 Essex Avenue; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to LoChiatto Paving and Masonry Co.,

**NOW, THEREFORE, BE IT RESOLVED**, that LoChiatto Paving and Masonry Co., be refunded \$448.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-231**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-011  
6 ROOSEVELT COURT**

**WHEREAS**, LoChiatto Paving and Masonry Co., has posted \$100.00 for sidewalk escrow fees at 6 Roosevelt Court; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to LoChiatto Paving and Masonry Co.,

**NOW, THEREFORE, BE IT RESOLVED**, that LoChiatto Paving and Masonry Co., be refunded \$100.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

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---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-232**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-012  
44 HENRY STREET**

**WHEREAS**, 51 Holly Road Associates, LLC has posted \$583.00 for curb and apron escrow fees at 44 Henry Street; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to 51 Holly Road Associates, LLC,

**NOW, THEREFORE, BE IT RESOLVED**, that 51 Holly Road Associates, LLC be refunded \$583.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					KOSKOSKI					
GRAYZEL					PAGEL					
INSERRO					RASMUSSEN					
MOTION					SECOND					
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

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---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-233**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-015  
97 CENTER STREET**

**WHEREAS**, Julian Chiang has posted \$936.00 for apron and sidewalk escrow fees at 97 Center Street; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to Julian Chiang,

**NOW, THEREFORE, BE IT RESOLVED**, that Julian Chiang be refunded \$936.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

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---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-234**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-018  
55 PENNSYLVANIA AVENUE**

**WHEREAS**, Francis Ello has posted \$343.20 for apron and sidewalk escrow fees at 55 Pennsylvania Avenue; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to Francis Ello,

**NOW, THEREFORE, BE IT RESOLVED**, that Francis Ello be refunded \$343.20 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-235**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-019  
45 LIBRARY PLACE**

**WHEREAS**, MJI Paving & Excavating, Inc. has posted \$350.00 for curb and apron escrow fees at 45 Library Place; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to MJI Paving & Excavating, Inc.,

**NOW, THEREFORE, BE IT RESOLVED**, that MJI Paving & Excavating, Inc. be refunded \$350.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					KOSKOSKI					
GRAYZEL					PAGEL					
INSERRO					RASMUSSEN					
MOTION					SECOND					
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

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---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-236**

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

**RESOLUTION REFUNDING SIDEWALK ESCROW FEE #17-020  
26 KELLY STREET**

**WHEREAS**, Anda Builders, LLC has posted \$80.00 for curb escrow fees at 26 Kelly Street; and

**WHEREAS**, the Planning Office has requested that the escrow fees be refunded to Anda Builders, LLC,

**NOW, THEREFORE, BE IT RESOLVED**, that Anda Builders, LLC be refunded \$80.00 from the Sidewalk Inspection Escrow account.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-237**

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

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND GUARANTEE FOR THE SITE IMPROVEMENTS FOR ARNOLT  
CONTRACTING INC. – 339 MAIN STREET – BLOCK 145, LOT 13.01 UPON  
THE POSTING OF A MAINTENANCE BOND**

**WHEREAS**, Arnolt Contracting, Inc. – Block 145, Lot 13.01 has posted, pursuant to the requirements of the Borough of Metuchen Land Development Regulations and Zoning Ordinance, Performance Guarantees, guaranteeing the site improvements in conjunction with the improvements at the location; and

**WHEREAS**, Arnolt Contracting, Inc. has complete said improvements and has requested the release of said performance guarantees posted; and

**WHEREAS**, the Borough Engineer, Planner and Zoning Officer have made an inspection of the improvements and the Borough Engineer by letter dated August 17, 2017, a copy of which is attached hereto, and made part hereof, made a determination that all bonded improvements have been completed and are satisfactory and recommended the release of the performance guarantee in the amount of \$52,003.20 (Cash Bond) plus interest upon the posting of a maintenance guarantee in the amount of \$6,500.40 for a period of two years from the date of the within Resolution to insure against the defects in the bonded improvements acceptable in form by the Borough Attorney and the posting of inspection fees in the amount of \$433.00.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Metuchen that it hereby authorizes the release of the aforementioned performance guarantees in the amount of \$52,003.20 (Cash Bond) plus interest to Arnolt Consulting, Inc., P.O. Box 486, Metuchen, New Jersey, 08840 upon satisfaction of the terms and conditions of the Borough Engineer's correspondence dated August 17, 2017, including but not limited to the posting of a two (2) year maintenance guarantee in the amount of \$6,500.40 to insure against defects in the bonded site improvements in the form acceptable by the Borough Attorney and the posting of the inspection fees in the amount of \$433.00.; and

**BE IT FURTHER RESOLVED** that prior to the release of any outstanding escrow funds, Arnolt Consulting, Inc. shall reimburse the Borough the costs of any outstanding fees for professional services and ensure sufficient funds are made available for payment; and

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

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017.

---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-238**

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

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A  
JURISDICTIONAL AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND  
THE BOROUGH OF METUCHEN**

**WHEREAS**, the Borough of Metuchen proposes to construct sidewalk and streetscape improvements along Block 111, Lots 4 and 5 (315-335 Lake Avenue) along Route 27; and

**WHEREAS**, the Borough of Metuchen proposes to remove and replace the sidewalks at select locations, and repair and install sidewalks, street trees, trash receptacles, brick pavers and decorative pedestrian lights, including conduit, hereinafter referred to as “Construction”; and

**WHEREAS**, in order to prevent future legal or maintenance issues in these areas, the State of New Jersey requested the Borough of Metuchen to enter into a Jurisdictional Agreement to apportion jurisdiction for highway maintenance and highway control in an equitable manner pursuant to *N.J.S.A. 27:7-1, et.seq.*

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of the Borough of Metuchen hereby authorizes the entry into and the execution of a Jurisdictional Agreements between the Borough of Metuchen and the State of New Jersey, acting through its Commissioner of Transportation for the purpose aforesaid in the form acceptable in contents by the Mayor, Council President and legal counsel; and

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

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-239**

*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 2017 in the sum of \$1,800.00, which is now available from the State of New Jersey Division Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$1,800.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$1,800.00 is hereby appropriated under the caption Cops in Shops College Fall Initiative 2016-17 Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control in the amount of \$1,800.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-240**

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

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A  
DEVELOPERS' AGREEMENT BETWEEN HILLSIDE METUCHEN  
APARTMENTS LLC AND THE BOROUGH OF METUCHEN**

**WHEREAS**, Metuchen Investors, LLC and Main Street Metuchen, Ltd (“Developers”) was the owners, of Block 118, Lots 18.04, 19, 20 & 21, as shown on the official Tax Map of the Borough of Metuchen, and more commonly known as 23-27 Hillside Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey (the “Property”); and

**WHEREAS**, Developers applied to the Metuchen Zoning Board of Adjustment for approval of a “D” variance, “C” variances, waivers/exceptions and preliminary and final site plan approval; and

**WHEREAS**, the Metuchen Zoning Board granted the bifurcated application of the Developers for the “D” variance subject to various conditions of approval and such approval was memorialized by way of Resolution of the Zoning Board dated January 10, 2013; and

**WHEREAS**, the Metuchen Zoning Board also granted the application of the Developers for “C” variances, waivers/exceptions and preliminary and final site plan approval subject to various conditions of approval and such approval was memorialized by way of Resolution of the Zoning Board dated April 10, 2014; and

**WHEREAS**, approvals of the Zoning Board were subject to Developers entering into a Developer’s Agreement with the Borough of Metuchen and pursuant to § 110-254 of the Code of the Borough of Metuchen requires that Developer’s Agreements shall be approved by the Council of the Borough of Metuchen; and

**WHEREAS**, Developers sold the aforementioned property to Hillside Metuchen, Apartments LLC on or about March 15, 2016 who seeks to proceed with the development of the Property consistent with the Zoning Board Approvals set forth above; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to enter into a Developers’ Agreement with Hillside Metuchen Apartments, LLC reflecting the approvals and conditions and requirements of the Zoning Board.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Metuchen hereby authorizes the entry into a Developers' Agreement with Hillside Metuchen Apartments, LLC and the Borough of Metuchen; and

**BE IT FURTHER RESOLVED** that the Mayor of the Borough of Metuchen is hereby authorized to execute the Developers' Agreement between Hillside Metuchen Apartments, LLC and the Borough of Metuchen in the form acceptable to the Mayor, Council President, Borough Administrator and legal counsel and that Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the executed Developers' Agreement.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

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Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-241**

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

**RESOLUTION REJECTING ALL BIDS RECEIVED AND AUTHORIZING THE RE-BID, OR IF PERMITTED, THE COMPETITIVE CONTRACTING PROCUREMENT PROCESS FOR THE POLICE OFF-DUTY MANAGEMENT SERVICES**

**WHEREAS**, the Borough of Metuchen advertised for the receipt of bids for Police Off-Duty Management Services; and

**WHEREAS**, two (2) bid packages were received and opened on July 11, 2017; and

**WHEREAS**, pursuant to New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-24* and the bid specifications issued, the Borough was to award a contract within sixty (60) days of receipt of the bids, unless consent from the proposed vendors was otherwise provided; and

**WHEREAS**, the Borough did not award the bid nor obtain consent of the proposed vendors for the extension of time to award said bid; and

**WHEREAS**, pursuant to New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-13.2* the Borough may reject all bids received for Police Off-Duty Management Services in order to substantially revise the specifications; and

**WHEREAS**, the Borough Council deems it in the best interest of the Borough to reject all bids received for Police Off-Duty Management Services and to authorize the substantial revisions of the specifications and further solicitation of bids/proposals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey as follows:

1. The Metuchen Borough Council, in accordance with *N.J.S.A. 40A:11-13.2* and *N.J.S.A. 40A:11-13.2* does hereby reject all bids received for the Police Off-Duty Management Services for the Borough of Metuchen for the reasons set forth in this resolution.
2. The Metuchen Borough Council does hereby authorize substantial revisions to the specifications and the solicitation and receipt of new bids/proposals for the Police Off-Duty Management Services including to the extent permitted by law to utilize the competitive contracting process for the procurement of said services.
3. The Metuchen Borough Council hereby authorizes the Borough Administrator to determine the time, date and place for the receipt of bids/proposals and all other

Borough employees and/or officers to take the necessary action to effectuate the within Resolution.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
LEIBFRIED					KOSKOSKI					
GRAYZEL					PAGEL					
INSERRO					RASMUSSEN					
MOTION					SECOND					
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

---

Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-242**

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

**RESOLUTION AUTHORIZING REFUND OF ESCROW BALANCE**

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

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

**WHEREAS**, the Planning Board Office has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow projects are complete and can be closed, and that no further billing from the professionals for these projects will be paid.

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

<b>ESCROW ACCOUNT</b>	<b>AMOUNT</b>	<b>DEPOSITOR</b>
00-485 E	43.27	Kenneth MacPherson/Wendy Payne 550-560 Middlesex Avenue
00-485 I	246.05	K & W Realty LLC 550-560 Middlesex Avenue
06-764 E	593.58	MacPherson Realty LLC 16 Pearl Street
09-867 E	3,054.43	K & W Realty LLC 88 Graham Avenue

<b>COUNCILMEMBER</b>	<b>YES</b>	<b>NO</b>	<b>NV</b>	<b>AB</b>	<b>COUNCILMEMBER</b>	<b>YES</b>	<b>NO</b>	<b>NV</b>	<b>AB</b>
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-245**

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

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A  
JURISDICTIONAL AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND  
THE BOROUGH OF METUCHEN**

**WHEREAS**, the Borough of Metuchen proposes to construct sidewalk and streetscape improvements along Block 111, Lot 2.01 (349 Lake Avenue) along Route 27 extending from the intersection of Route 27 and Middlesex Avenue south along Route 27 to adjacent lot 4 in Block 111; and

**WHEREAS**, the Borough of Metuchen proposes to remove and replace the sidewalks at select locations, and repair and install sidewalks, street trees, trash receptacles, brick pavers and decorative pedestrian lights, including conduit, hereinafter referred to as “Construction”; and

**WHEREAS**, in order to prevent future legal or maintenance issues in these areas, the State of New Jersey requested the Borough of Metuchen to enter into a Jurisdictional Agreement to apportion jurisdiction for highway maintenance and highway control in an equitable manner pursuant to *N.J.S.A. 27:7-1, et.seq.*;

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of the Borough of Metuchen hereby authorizes the entry into and the execution of a Jurisdictional Agreements between the Borough of Metuchen and the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid in the form acceptable in contents by the Mayor, Council President and legal counsel; and

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

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**RESOLUTION 2017-244**

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

**RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn and all bills be paid totaling **\$6,409,959.03**

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

---

Rebecca Cuthbert, CFO

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					PAGEL				
INSERRO					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017.

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Susan D. Jackson, RMC  
Borough Clerk

## **ORDINANCE 2017-14**

### **ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN AMENDING THE COMPOSITION OF THE HUMAN RELATIONS COMMISSION**

**WHEREAS**, the Mayor and Council of the Borough of Metuchen have determined that it is in the best interest of the Borough to amend the composition of the Human Relations Commission of the Borough of Metuchen;

**NOW THEREFOR BE IT ORDAINED** by the Council of the Borough of Metuchen that it hereby amends Chapter 10, Article 7 of the Code of the Borough of Metuchen to state as follows:

#### **Article 7. Human Relations Commission**

##### **§ 10-28. Establishment; composition.**

There is hereby established a Human Relations Commission for the Borough of Metuchen that shall be made up of fifteen (15) members. The membership of the Commission shall be composed as follows:

- A. Seven (7) residents of the Borough of Metuchen whose terms shall be for a period of three (3) years on a staggering basis;
- B. One (1) member of the clergy to be annually designated by the Interfaith Council;
- C. One (1) member representative of the business community to be annually designated by the Metuchen Downtown Alliance;
- D. Two (2) High School Students of the Borough of Metuchen to be selected by the Metuchen High School Principal, one of which shall be a senior and one shall be a junior whose terms shall expire upon their graduation.
- E. One (1) Educator from the Edgar Middle School of the Borough of Metuchen to be designated by the Superintendent of Schools;
- F. One (1) member of the Metuchen Board of Education to be annually designated by the President of the Board of Education;
- G. One (1) member representative of the Metuchen Police Department to be designated by the Police Chief; and
- H. One (1) member of the Council of the Borough of Metuchen who shall act as a liaison to be designated by the Mayor;

##### **§ 10-29. Appointment; selection of Chairperson; vacancies.**

The Mayor shall nominate and, with the advice and consent of the Borough Council, appoint all resident members of the Commission. The Council liaison shall be annually selected by the Borough Council at the reorganization meeting of the Borough held in

January of each year. The members of the Commission shall annually select one of its members as Chairperson. Vacancies occurring on the Commission otherwise than by expiration of their term of office shall be filled for the unexpired portion of the term in the same manner as an original appointment.

**§ 10-30. Powers and duties.**

The Commission shall have the following powers and duties:

- A. To establish, amend, and supplement its own bylaws to the extent not inconsistent with this article nor with any other municipal, state or federal regulation or law. The Commission shall meet at a minimum of bi-monthly (every two months).
- B. To foster, through community effort, good will, cooperation and conciliation among the groups and elements of the inhabitants of this Borough, and to make recommendations to the Mayor and Council for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based upon race, creed, color, national origin, ancestry, age, gender, sexual preference, marital status, or developmental, mental, or physical disabilities.
- C. To investigate, mediate and attempt to resolve without resort to the judicial system or other form of adjudication any allegations of unlawful discrimination by residents of the Borough.
- D. The local commission shall have further powers and duties as may be provided by the Law Against Discrimination of the State of New Jersey and by amendments thereto.
- E. To make a written annual report in June of each year to the Mayor and Council detailing its activities for the previous year and to make presentations before the Mayor and Council at such time as the Council shall request or the Commission deems desirable.
- F. The Human Relations Commission shall be advisory in nature, it nor its members have the authority to contract, bind or act on behalf of the Borough of Metuchen. Its sole function is to assist the Mayor, Council and Administration of the Borough of Metuchen in matters provided for above in the Borough of Metuchen.

**BE IT FURTHER ORDAINED** that the within ordinance shall become effective upon final passage and publication as provided by law.

Introduction:

Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					RASMUSSEN				
INSERRO									
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 18, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

Adopted:  
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					KOSKOSKI				
GRAYZEL					RASMUSSEN				
INSERRO									
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 October 2, 2017

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

By: \_\_\_\_\_  
Peter Cammarano  
Mayor