

BOROUGH OF METUCHEN COUNCIL MINUTES

April 11, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 11, 2022.

The Meeting was called to order at 7:30 p.m. by Mayor Busch.

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on January 7, 2022, posted in Borough Hall, and on file in the Clerk's Office. All requirements of the Open Public Meetings Act have been satisfied.

Mayor Busch asked all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Branch, Hirsch, Kandel, Koskoski, Rasmussen, Council President Delia, and Mayor Busch. Also present were Denis Murphy, Borough Attorney, Melissa Perilstein, Borough Administrator, and Deborah Zupan, Acting Borough Clerk.

Agenda Session

Council President Delia made a motion to open the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Council President Delia noted that MDA Director Isaac Kremer was delayed and would not be able to present the MDA 'Main Street Minute' as scheduled.

With no actions taken, Council President Delia made a motion to close the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Public Comment

Mayor Busch opened Public Comment to any members of the public wishing to speak.

Seeing no one wishing to speak, Mayor Busch closed the Public Comment.

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of February 22, 2022, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Communication Consent Agenda – Items A - D

Council President Delia made a motion to approve Communication Consent Agenda, Items A - D, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

- A. Receive and Accept Accessibility Committee Meeting Minutes of March 23, 2022
- B. Receive and Accept Arts Council Meeting Minutes of February 28, 2022
- C. Receive and Accept Shade Tree Commission Meeting Minutes of March 1, 2022
- D. Receive and Accept Resignation of Alison VanLeeuwen from the Municipal Alliance Committee

Ordinances – Introduction

Ordinance 2022-05

Ordinance Authorizing the Acquisition and Purchase of Real Property Within the Borough of Metuchen Specifically Block 132, Lot 40, Commonly Known as 98 Essex Avenue from Valcari, Essex, LLC

Council President Delia made a motion that Ordinance 2022-05 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Council President Delia asked that Ordinance 2022-05 be read by title only.

Ms. Zupan read Ordinance 2022-05 by title only.

Council President Delia moved that Ordinance 2022-05 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 9, 2022, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Rasmussen, Delia
Nays: None

Ordinance 2022-05 was passed on first reading, 6-0, and will be published according to law.

ORDINANCE 2022-05

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

**ORDINANCE AUTHORIZING THE ACQUISITION AND PURCHASE OF
REAL PROPERTY WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY
BLOCK 132, LOT 40, COMMONLY KNOWN AS 98 ESSEX AVENUE FROM
VALCARI, ESSEX, LLC**

WHEREAS, *N.J.S.A.* 40A:12-5(a) provides that any municipality, by ordinance, may provide for the acquisition of real property by purchase; and

WHEREAS, the Mayor and Council of the Borough of Metuchen, pursuant to *N.J.S.A.* 40A:12-5, have determined to acquire and purchase certain real estate, Block 132, Lot 40, commonly known as 98 Essex Avenue (“the Property”) to be used for municipal purposes for the site of a future Emergency Services Center in the Borough of Metuchen; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-5(a)(1), and the Eminent Domain Act of 1971 *N.J.S.A.* 20:3-1 et seq. (the “Eminent Domain Act”) the Borough is authorized to acquire the Property for a public purpose; and

WHEREAS, the Borough of Metuchen has discussed the proposed purchase with the current owner of the Property, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and have negotiated the general terms and conditions of the sale and the Borough’s acquisition; and

WHEREAS, the Borough of Metuchen, has determined and agreed to acquire and/or purchase the Property from the current owner for five hundred thirty-five thousand dollars (\$535,000.00) for the Property; and

WHEREAS, on March 14, 2022, the Borough Council adopted Ordinance No. 2022-03, entitled “CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND FOR THE SITE OF A FUTURE EMERGENCY SERVICES CENTER IN, BY, AND FOR THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY” to provide for the funds for the acquisition of the Property referenced herein.

NOW THEREFORE BE IT ORDAINED, that the Mayor and Council of the Borough of Metuchen hereby authorize the acquisition and purchase of Block 132, Lot 40 on the tax maps of the Borough of Metuchen, commonly known as 98 Essex Avenue, Metuchen, New Jersey according to the specific terms of the Contract of Sale negotiated and entered into between the Seller, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Buyer, Borough of Metuchen for the purchase price not to exceed five hundred thirty-five thousand dollars (\$535,000.00); and

BE IT FURTHER ORDAINED, that the Mayor, Acting Borough Clerk, Borough Administrator, Borough Special Projects Director and Borough Attorney, and any other Borough officials and employees as directed by the Borough Administrator (“Authorized Persons”) are hereby authorized, directed and empowered to carry out all necessary actions in order to effectuate and comply with the terms and provisions of the Contract of Sale for Real Estate between the Seller, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Buyer, Borough of Metuchen and to take all other necessary action and execute any required documents in order to effect the purchase and acquisition and transfer of title of the Property to the Borough of Metuchen; and

BE IT FURTHER ORDAINED, by the Council of the Borough of Metuchen that any and all actions previously taken by the Authorized Persons in connection with the purchase and acquisition of the Property are hereby ratified and confirmed; and

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

BE IT FURTHER ORDAINED, that This Ordinance shall take effect upon its final passage and publication as provided by law.

Ordinance 2022-06

Bond Ordinance Amending and Supplementing Bond Ordinance Number 2020-04 Finally Adopted on February 3, 2020, as Further Amended and Supplemented by Bond Ordinance Number 2021-06 Finally Adopted on March 22, 2021, by the Borough Council of the Borough of Metuchen, in the County of Middlesex, State of New Jersey, to Increase the Appropriation Therein to \$8,600,000 and to Increase the Authorization of Bonds or Notes Therein to \$8,600,000

Council President Delia made a motion that Ordinance 2022-06 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Council President Delia asked that Ordinance 2022-06 be read by title only.

Ms. Zupan read Ordinance 2022-06 by title only.

Council President Delia moved that Ordinance 2022-06 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 9, 2022, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Rasmussen, Delia
Nays: None

Ordinance 2022-06 was passed on first reading, 6-0, and will be published according to law.

ORDINANCE 2022-06

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

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2020-04 FINALLY ADOPTED ON FEBRUARY 3, 2020, AS FURTHER AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 2021-06 FINALLY ADOPTED ON MARCH 22, 2021, BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, TO INCREASE THE APPROPRIATION THEREIN TO \$8,600,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$8,600,000

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Metuchen, in the County of Middlesex, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on February 3, 2020, numbered 2020-04, entitled, "BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW PUMP STATION, BY AND IN THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$4,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,100,000 BONDS OR NOTES TO FINANCE THE COST THEREOF", as further amended and supplemented by Bond Ordinance Number 2021-06 finally adopted by the Borough Council of the Borough on March 22, 2021 (collectively, the "Prior Ordinance"), is hereby amended and supplemented to the extent and with the effect as set forth herein.

SECTION 2. For the improvements or purposes described in Section 3 of the Prior Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$3,340,000, making the total appropriation available for the improvements or purposes stated in Section 3 of the Prior Ordinance, as amended and supplemented hereby, equal to \$8,600,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance involves environmental infrastructure projects, which are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") or the State of New Jersey, acting by and through the Department of Environmental Protection.

SECTION 3. (a) In order to finance the cost of the improvements or purposes set forth in Section 3 of the Prior Ordinance, as amended and supplemented hereby, additional negotiable bonds or notes of the Borough in the amount of \$3,340,000 are hereby authorized to be issued pursuant to, and within all limitations prescribed by, the Local Bond Law and the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"), such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes stated in Section 3 of the Prior Ordinance, as amended and supplemented hereby, is equal to \$8,600,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes stated in the Prior Ordinance, as amended and supplemented hereby, is equal to \$8,600,000.

(c) The estimated cost of the improvements or purposes stated in the Prior Ordinance, as amended and supplemented hereby, is equal to \$8,600,000.

SECTION 4. The Borough hereby certifies that it has adopted a capital budget or temporary capital budget, as applicable, of the Borough. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital

budget and capital programs as approved by the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 5. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$3,340,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 6. Except as expressly amended and supplemented hereby, the Prior Ordinance, as amended and supplemented, shall remain in full force and effect.

SECTION 7. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

Ordinance 2022-07

Ordinance to Amend the code of the Borough of Metuchen, Various Chapters, to Amend Certain Application, License and Permit Fees

Council President Delia made a motion that Ordinance 2022-07 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Council President Delia asked that Ordinance 2022-07 be read by title only.

Ms. Zupan read Ordinance 2022-07 by title only.

Council President Delia moved that Ordinance 2022-07 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 9, 2022, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Rasmussen, Delia
Nays: None

Ordinance 2022-07 was passed on first reading, 6-0, and will be published according to law.

ORDINANCE 2022-07

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

ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES

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

Section 1. Section **169-3** of Chapter 169, **Swimming Pools**, of the Code of the Borough of Metuchen, is hereby amended to add/change the following fees to read as follows:

RESIDENT MEMBERSHIPS RATES: (Early Registration Period as set by Pool Commission)

- | | | |
|-----|---|----------|
| (1) | Resident Family
(Equivalent membership: one) | \$445.00 |
| (2) | Resident Family Plus | \$565.00 |
| (3) | Resident Individual | \$235.00 |
| (4) | Resident Senior | \$ 85.00 |

RESIDENT RATES (Upon Expiration of Early Registration Period)

(1)	Resident Family (Equivalent membership: one)	\$510.00
(2)	Resident Family Plus	\$625.00
(3)	Resident Individual	\$265.00
(4)	Resident Senior	\$ 95.00

NON-RESIDENT RATES: (Early Registration Period as set by Pool Commission)

(1)	Nonresident Family	\$655.00
(2)	Nonresident Family Plus	\$755.00
(3)	Nonresident Individual	\$375.00
(4)	Nonresident Senior	\$210.00

Non-Resident Rates: (Upon Expiration of Early Registration Period)

(1)	Nonresident Family	\$725.00
(2)	Nonresident Family Plus	\$825.00
(3)	Nonresident Individual	\$420.00
(4)	Nonresident Senior	\$230.00

Guest Fees **\$10.00 per person**

Miscellaneous Fee Schedule – Membership Required:

Teen Dances	- Members	\$ 1.00
	- Non-Members	\$ 3.00
Movie Nights	- Kids	\$ 2.00
	- Adults	\$ 3.00
General Event		\$ 5.00
Swim Lessons		\$ 30.00 per 6 Lessons
Swim Clinic		\$ 75.00
Masters Swim		\$ 25.00 per Season
Camp Rentals		\$175.00 per hour
Long Course Rentals		\$165.00 per hour
Pool Adult Fitness		\$25.00 per Season

Report of Borough Administrator

No report.

Reports of Councilmembers

Council President Delia

- Thank you to Rick Perrine, Director of Recreation and Senior Services, and Wendi Richards, Senior Center and Recreation Program Coordinator for the successful Easter Egg hunt event last weekend. Thanks especially for working with the Accessibility Committee to help make the event as inclusive as possible.

Councilmember Rasmussen

- The Senior Commission will meet April 13 at the Senior Center.
- The Shade Tree Commission met last week. We will be getting trees for the Spring planting very soon, residents getting trees will be notified when planting is scheduled.
- There are plans for an Earth Day celebration and cleanup on May 7 at the Gulton Property, more details to follow, please check the Borough website and Facebook page.

Councilmember Koskoski

- The New Street parking lot repaving has been rescheduled for April 18, weather permitting.

Councilmember Kandel

- Councilmember Delia and I had a lively discussion with a resident at our 'Coffee with a Councilmember' at Cai's recently. We are looking forward to future events.

Councilmember Hirsch

- The Pool commission will be meeting tomorrow evening at 7:00 p.m.
- Tonight, we voted on the first reading of the new pool fees, which will hopefully be fully approved on May 9. At that time, early registration will open on the website.

Councilmember Branch

- The Recreation Commission's Daddy Daughter Dance is scheduled for June 23.

Report of the Mayor

In addition to the fantastic Easter Egg Hunt, we've also recently seen the return of the Metuchen Baseball and Softball Parade. This event hasn't happened in around three years and was incredibly successful thanks to our Borough's volunteers. This parade has been a Borough tradition since 1952.

Borough Administrator Melissa Perilstein noted that there will a public meeting for the CDBG Grant on April 28 at 1:00 p.m. in council chambers. Members of the public are welcome to attend and propose suggested uses of grant funds.

New Business Consent Agenda – Resolutions 2022-106 to 2022-113

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-106 to 2022-113, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2022-106

RESOLUTION TO AMEND THE 2022 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided.

NOW THEREFORE BE IT RESOLVED, that the following additional temporary emergency appropriations shall be made for the year 2022, effective April 11, 2022:

Pool	OE	30,000.00
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RESOLUTION 2022-107

RESOLUTION AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY LOCATED WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY BLOCK 132, LOT 40, COMMONLY KNOWN AS 98 ESSEX AVENUE WITH THE CURRENT OWNER, VALCARI, ESSEX, LLC

WHEREAS, N.J.S.A. 40A:12-5(a) provides that any municipality, by ordinance, may provide for the acquisition of real property by purchase; and

WHEREAS, the Mayor and Council of the Borough of Metuchen, pursuant to N.J.S.A. 40A:12-5, have determined to acquire and purchase certain real estate, Block 132, Lot 40, commonly known as 98 Essex Avenue (“the Property”) to be used for municipal purposes for the site of a future Emergency Services Center in the Borough of Metuchen; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a)(1), and the Eminent Domain Act of 1971 N.J.S.A. 20:3-1 et seq. (the “Eminent Domain Act”) the Borough is authorized to acquire the Property for a public purpose; and

WHEREAS, the Borough of Metuchen has discussed the proposed purchase with the owner of the Property, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218, and have negotiated the general terms and conditions of the sale and the Borough’s acquisition contained in a “Contract for Sale of Real Property”; and

WHEREAS, the Borough of Metuchen, has determined and agreed to acquire and/or purchase the Property from the current owner for purchase price of five hundred thirty-five thousand dollars (\$535,000.00) for the Property; and

WHEREAS, on March 14, 2022, the Borough Council adopted Ordinance No. 2022-03, entitled “CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND FOR THE SITE OF A FUTURE EMERGENCY SERVICES CENTER IN, BY, AND FOR THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY” to provide for the funds for the acquisition of the Property referenced herein; and

WHEREAS, on April 11, 2022, the Council passed on first reading Ordinance 2022-05, entitled, “ORDINANCE AUTHORIZING THE ACQUISITION AND PURCHASE OF REAL PROPERTY WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY BLOCK 132, LOT 40, COMMONLY KNOWN AS 98 ESSEX AVENUE FROM VALCARI, ESSEX, LLC, which is scheduled for a second reading, public hearing and final adoption on May 9, 2022.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the Mayor and Acting Borough Clerk to execute the Contract of Sale for Real Property for the acquisition and purchase of Block 132, Lot 40 on the tax maps of the Borough of Metuchen, commonly known as 98 Essex Avenue, Metuchen, New Jersey negotiated between the current owner, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Borough of Metuchen for the purchase price not to exceed five hundred thirty-five thousand dollars

(\$535,000.00) in the form, consistent with the one presented herewith, and in the final form to be approved by the Mayor and Borough Administrator; and

BE IT FURTHER RESOLVED, that the Mayor and Acting Borough Clerk, Borough Administrator, Borough Special Projects Director and Borough Attorney, and any other Borough officials and employees as directed by the Borough Administrator (“Authorized Persons”) are hereby authorized, directed and empowered to carry out all necessary actions in order to effectuate and comply with the terms and provisions of the Contract of Sale for Real Estate between the Seller, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Buyer, Borough of Metuchen and to take all other necessary action and reviews in order for the Borough to purchase the Property; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that any and all actions previously taken by the Authorized Persons in connection with the contract to purchase the Property are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that the final closing and acquisition of the purchase and transfer of title of the Property to the Borough of Metuchen is contingent upon the final adoption and passage of Ordinance 2022-05; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon its final passage.

RESOLUTION 2022-108

RESOLUTION AUTHORIZING EXCEL ENVIRONMENTAL RESOURCES, INC. TO CONTINUE THE APPLICATION PROCESS FOR GRANT FUNDING BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR SITE ASSESSMENT AND REMEDIATION AT THE 304 MAIN STREET PROPERTY IN THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, the Borough of Metuchen has by way of Resolution 2021-69 and Resolution 2020-50, authorized Excel Environmental to apply to the State of New Jersey Department of Environmental Protection through the Hazardous Discharge Site Remediation Fund, for available grant funds to municipalities for the purpose of funding preliminary assessments, site investigations, remedial investigations, and/or remedial actions to determine the existence or extent of hazardous substance discharge conditions on properties; and

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

WHEREAS, the Borough of Metuchen has conducted a preliminary assessment, site investigation, remedial investigation, and/or remedial action with respect to the following parcel:

1. Block 183.2, Lots 5.2, 6, 7, and 8 – 304 Main Street, Metuchen, Middlesex County, New Jersey 08840

WHEREAS, Excel Environmental Resources, Inc. had submitted a grant application with the first phase of the preliminary assessment, site investigation, remedial investigation, and/or remedial action on the aforementioned property, and now had submitted a proposal for site work to include a geophysical survey, groundwater sampling and testing, data tabulation and evaluation as well as technical consulting, communications and project management in the amount of seven thousand nine hundred eleven dollars; and

WHEREAS, the Borough had reviewed Excel Environmental Resources, Inc.’s proposal, experience and credentials and authorized Excel Environmental Resources, Inc. to prepare and submit all Applications for such funding, and if approved, to conduct the additional assessment, site investigation, remedial investigation, and/or remedial action on the aforementioned property, by way of Resolution 2022-50; and

WHEREAS, Excel Environmental Resources, Inc. submitted a grant application with the first phase of the preliminary assessment, site investigation, remedial investigation, and/or remedial action on the aforementioned property, and now has submitted an additional proposal for continued site work to include soil quality investigation , groundwater sampling and testing, data tabulation and evaluation as well as technical consulting, communications and project management in the amount of Fourteen-thousand, Nine-hundred, Forty-four dollars (\$14,944.00); and

WHEREAS, the Borough has reviewed Excel Environmental Resources, Inc.'s proposal, experience and credentials and believes Excel Environmental Resources, Inc. is qualified to prepare and submit all Applications and such findings, and if approved, to conduct the additional assessment, site investigation, remedial investigation, and/or remedial action on the aforementioned property; and

WHEREAS, the Borough determined it to be in the best interest of the Borough and authorized Excel Environmental Resources to render professional services on behalf of the Borough in an amount not to exceed Fourteen-thousand, Nine-hundred, Forty-four dollars (\$14,944.00); and

WHEREAS, the Chief Financial Officer has certified availability of funds and that there are sufficient funds for such authorization (not to exceed \$ 14,944.00 from) and which are available and designated from the Middlesex County Capital Arts Grant G-02-41-760-310.

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

1. Excel Environmental Resources, Inc. is hereby authorized and approved to render professional services to the Borough of Metuchen consistent with its proposal at a cost not to exceed Fourteen-thousand, Nine-hundred, Forty-four dollars (\$14,944.00).
2. Excel Environmental Resources, Inc. is hereby authorized and directed to continue to pursue grant funding in order to conduct additional assessments, site investigations, remedial investigations, and/or remedial action for the above-described parcel.
3. The Mayor and other appropriate Borough Officials are authorized to execute any and all documents necessary in order to apply for the aforesaid grant and effectuate the terms and conditions of the within Resolution.
4. In the event that funding is approved pursuant to a grant issued in favor of the Borough of Metuchen, Excel Environmental Resources, Inc. shall be authorized and directed to implement additional assessments, site investigations, remedial investigations, and/or remedial actions for the above described parcel in accordance with a contract to be approved by the Borough and the NJDEP, but only to the extent that NJDEP grant funds are available for payment for the aforesaid services and are further authorized by the Mayor and Council.
5. The Borough of Metuchen is committed to the redevelopment of the subject property within a three-year period after the completion of the remediation of this site.

RESOLUTION 2022-109

RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT & PERIPHERALS – AUDIO VIDEO EQUIPMENT

WHEREAS, there exists a need for audio and video equipment for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Bergen County New Jersey Cooperative Purchasing Alliance Contract CK04, Bid # 19-34 Computer Equipment & Peripherals, effective for the contract period June 5, 2021, through June 4, 2022, pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

WHEREAS, Bergen County, lead public agency for the #CK04 New Jersey Cooperative Purchasing Alliance awarded by resolution #306-21 open ended contract, Bid #19-34 on May 5, 2021; and

WHEREAS, this authorization of award ends on June 5, 2022; and

WHEREAS, the maximum amount of award for purchase of audio and video equipment – CSAV Systems, LLC through awarded vendor SHI International Corp. for the Borough of Metuchen is \$ 98,837.59 and is certified from Capital Ordinance 2021-11, C-04-55-937-004; and

WHEREAS, the award for purchase of audio and video equipment – CSAV Systems, LLC for the Borough of Metuchen is made to SHI International Corp; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to SHI International Corp., 290 Davidson Avenue, Somerset, NJ 08873, in an amount not to exceed \$ 98,837.59.

RESOLUTION 2022-110

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND TAX APPEAL ATTORNEY TO FILE COUNTER CLAIMS AND/OR DIRECT CLAIMS AND PETITIONS OF APPEAL ON CLASS 4 PROPERTIES

WHEREAS, it is anticipated that certain taxpayers of the Borough of Metuchen will file tax appeals disputing their assessed valuation for the year 2022; and

WHEREAS, The Tax Assessor is of the opinion that certain properties, in some cases, are under assessed and that the assessed value of said properties should be increased and not decreased; and

WHEREAS, the law permits a Municipality to counterclaim against the property owner to seek an increase in the assessed value and also to file direct appeals (Petitions and Complaints) with the County Board of Taxation and/or the Tax Court of New Jersey to seek and increase in the assessed value.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the Tax Assessor, Richard Duda and the Tax Appeal Attorney of the Borough of Metuchen, Robert Renaud, Esq., are authorized and directed to take whatever steps necessary and appropriate to file counterclaims and/or direct claims and petitions with respect to for (industrial, commercial and multi-family residential properties seeking to raise the assessed value of said properties to the value which the Tax Assessor deems to more properly reflect the value of said property for the tax year 2022.

RESOLUTION 2022-111

RESOLUTION AUTHORIZING REFUND OF THE MUNICIPAL PORTION OF PERMIT AND INSPECTION FEES FOR REPAIRS RELATED TO TROPICAL STORM IDA

WHEREAS, Resolution 2021-241 adopted on September 27, 2021, authorized a waiver of the Municipal portion of the permit and inspection fees for repairs of Tropical Storm Ida related damage; and

WHEREAS, the following have submitted adequate documents as required by the Construction Official to qualify for a refund of the Municipal portion of the permit and inspection fees from anticipated revenue; and

WHEREAS, refunds are authorized to the following contractors, who have acknowledged that the applicable property owner is to be forward these refunded fees as shown below.

NOW THEREFORE 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 permit fees:

PERMIT #	AMOUNT	CONTRACTOR NAME & HOMEOWNER'S ADDRESS
21-0586	\$ 75.00	Edison Heating & Cooling Hunterdon Plumbing 161 Norris Avenue
21-0595	\$ 75.00	John Burton Plbg & Htg 703 Main Street
21-0596	\$ 75.00	John Burton Plbg. & Htg 89 Rose Street

RESOLUTION 2022-112

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2021 TAXES

WHEREAS, the following has made an overpayment of taxes:

Name	Block/Lot	Address	Amount		Year
Benaroya, Adam & Tiffany	154/39	9 Summit Ave	\$5,305.56	Tax overpayment	4th qtr. 2021

NOW THEREFORE BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$5,305.56.

RESOLUTION 2022-113

RESOLUTION FOR CERTIFICATION OF METUCHEN SAFETY COUNCIL INC., FIRST AID SQUAD, QUALIFICATION FOR THE EMERGENCY MEDICAL SERVICE PROGRAMS

WHEREAS, the officers of each volunteer and non-volunteer first aid, rescue and ambulance squad providing emergency medical service programs shall be responsible for the training of its members; and

WHEREAS, the governing body of the Borough of Metuchen in which the squad is located, or the person designated for this purpose by the governing body, that particular applicants for membership (qualified under sections 5 and 4 of this act respectively), ambulances, and ambulance equipment meet the standards required by this act; and

WHEREAS, upon receipt of such notification the governing body or person designated, shall certify the applicant, ambulances, and ambulance equipment as being qualified for emergency medical service programs; and

WHEREAS, such certificate shall be issued at no charge; and

WHEREAS, each member and piece of equipment of a volunteer and non-volunteer first aid, rescue and ambulance squad shall comply with the requirements for certification annually.

NOW THEREFORE BE IT RESOLVED, The Borough of Metuchen, having received notification that applicants for membership, ambulances, and ambulance equipment have met the

standards required by Section 27:5F-27, certify the applicant, ambulances, and ambulance equipment as being qualified for emergency medical service programs. The application is made to the appropriate emergency medical service programs for the period of two years.

Other New Business

Council President Delia made a motion to approve Resolution 2022-114, authorizing the payment of the Bill List in the amount of \$3,768,384.82, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2022-114

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 \$3,768,384.82.

Proclamation

Mayor Busch read the following proclamation in support of Small Business Week:

WHEREAS, a "National Small Business Week" has been declared by every President since 1963; and

WHEREAS, there are more than 30,000,000 small businesses in the United States supporting more than 60,000,000 jobs; and

WHEREAS, the Borough of Metuchen honors and celebrates the entrepreneurial spirit and contributions of small businesses, and applauds the efforts and achievements of the owners of small businesses and their employees; and

WHEREAS, the Borough of Metuchen supports the designation of "National Small Business Week" and recognizes that, in the face of significant challenges, the owners of small businesses have demonstrated incredible resilience; and

WHEREAS, the Borough of Metuchen acknowledges the importance of providing access to underserved firms and supports efforts to create an environment that enables small businesses to grow and create jobs.

NOW THEREFORE I, JONATHAN M. BUSCH, Mayor of the Borough of Metuchen, do hereby proclaim the first week of May as: SMALL BUSINESS WEEK And urge the residents of our community, the Central New Jersey region, and communities across the country, to support small businesses and merchants during Small Business Week and throughout the year.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilwoman Rasmussen, with all in favor, 6-0, the meeting was adjourned at 7:59 p.m.

Respectfully Submitted,

Deborah Zupan
Acting Borough Clerk