

BOROUGH OF METUCHEN COUNCIL MINUTES

August 22, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, August 22, 2022.

The Meeting was called to order at 7:31 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 Kandel, Koskoski, Rasmussen, Council President Delia, and Mayor Busch. Councilmembers Branch and Hirsch were absent. Also present were Denis Murphy, Borough Attorney, Melissa Perilstein, Borough Administrator, and Deborah Zupan, 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, 4-0.

Mayor Busch suggested moving the Public Comment portion of the meeting to follow the Agenda Session, all were in agreement.

With no further actions taken, Council President Delia made a motion to close the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Public Comment

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

Paul Bradley, 22 Center Street, spoke regarding his experience attending a Parking Authority meeting, where he did not feel particularly welcomed.

John Hsu, 219 West Shirley Avenue, Edison, thanked Council for presenting their Climate Action Plan this evening. He expressed concerns about the effects of climate change and the importance of doing all we can to address the problem.

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

Proclamation

Mayor Busch read the following proclamation in observance of Overdose Awareness Day and presented the Proclamation to members of the Municipal Alliance Committee.

WHEREAS, nationally there were over 107,000 overdose deaths in the United States during the 12-month period from December 2020 through December 2021; and

WHEREAS, an estimated 95,000 people die from alcohol-related causes each year; and

WHEREAS, these statistics reflect an increase of over 45% from pre-pandemic overdose deaths in 2019, as the isolation imposed by COVID-19 has amplified the isolation of addiction; and

WHEREAS, we recognize that these staggering numbers represent individual lives—mothers, fathers, sons and daughters, brothers and sisters, neighbors, and dear friends—all who are lost; and

WHEREAS, the first step in breaking the stigma that surrounds substance use disorders and addiction is coming together as a community and talking about it, without judgment, openly and compassionately; and

WHEREAS, the Borough of Metuchen is calling on all communities to educate families that there is help and hope in recovery and to support overdose prevention policies and programs.

NOW THEREFORE I, JONATHAN M. BUSCH, Mayor of the Borough of Metuchen, do hereby proclaim August 31, 2022, as the first ANNUAL INTERNATIONAL OVERDOSE AWARENESS DAY in the Borough of Metuchen.

Presentation

Council President Delia, Councilmember Koskoski, and Councilmember Rasmussen presented the Borough's 2022 Climate Action Plan, highlighting what the Borough has done and what future steps are planned to address climate issues.

Mayor Busch invited members of the public to comment on the presentation.

John Hsu, 219 West Shirley Avenue, Edison, asked if the composting program mentioned during the presentation would be taking place again. Council President Delia answered that there is a possibility of a composting program taking place again soon. Mr. Hsu also asked questions about bicycle safety, Open Space funds, the Blue Acres program, and electric vehicle charging stations.

Grace Shackney, 110 Columbia Avenue, commented that the presentation was very interesting and thanked Council for presenting it. Ms. Shackney asked if an ordinance to ban gas-powered leaf blowers has ever been considered. Mayor Busch responded that it has been considered but will likely not be pursued at this time.

Mark Herzberg, 24 Clinton Place, thanked Council for the presentation. Mr. Herzberg suggested that additional energy and waste management solutions be considered, and that he looks forward to continuing this discussion in the future.

Seeing no one else wishing to speak, Mayor Busch closed the comment session for the Climate Action Presentation.

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of June 27, 2022, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Council President Delia made a motion to approve Borough Council Meeting Minutes of July 18, 2022, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Communications Consent Agenda – Items A - J

Council President Delia made a motion to approve Communication Consent Agenda, Items A - J, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

- A. Receive and Accept Arts Council Meeting Minutes of June 20, 2022
- B. Receive and Accept Historic Preservation Committee Meeting Minutes of March 24 and April 28, 2022
- C. Receive and Accept Pool Commission Meeting Minutes of February 8, March 8, and April 13, 2022

- D. Receive and Accept Shade Tree Commission Meeting Minutes of June 7, 2022
- E. Receive and Accept resignation of Nadia Cheatham from the Shade Tree Commission
- F. Receive and Approve Block Party/Street Closing, Lexington Drive, September 10, 2022
- G. Receive and Approve Block Party/Street Closing, Martin Street, September 10, 2022
- H. Receive and Approve Block Party/Street Closing, Upland Avenue, September 17, 2022
- I. Receive and Approve Letter Regarding Vietnam Veterans of America 24-Hour Vigil at Memorial Park from September 16 to September 17, 2022
- J. Receive and Approve Letter Regarding Festival of Saint Francis on October 2, 2022

Ordinance – Public Hearing

Ordinance 2022-14

ORDINANCE AMENDING §185-14 OF THE
CODE OF THE BOROUGH OF METUCHEN TO
PROHIBIT PARKING UPON A PORTION OF
GREEN STREET IN THE BOROUGH OF
METUCHEN

Council President Delia asked Ms. Zupan, Borough Clerk, to present the affidavit of publication.

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-14 had been published one time in the Home News Tribune according to law on July 21, 2022.

Council President Delia moved that the affidavit of publication be received and filed, second by Councilmember Rasmussen, with all in favor, the motion carried, 4-0.

Council President Delia asked that Ordinance 2022-14 be read by title only.

Ms. Zupan read Ordinance 2022-14 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-14.

Seeing no one wishing to speak, Mayor Busch closed the public hearing.

Council President Delia made a motion to pass Ordinance 2022-14 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-14 was adopted, 4-0.

ORDINANCE 2022-14

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

**ORDINANCE AMENDING § 185-14 OF THE CODE OF THE BOROUGH OF
METUCHEN TO PROHIBIT PARKING UPON A PORTION OF GREEN STREET IN
THE BOROUGH OF METUCHEN**

WHEREAS, Chapter 185 of the Code of the Borough of Metuchen regulates vehicles, traffic and parking within the Borough of Metuchen; and

WHEREAS, § 185-14 of the Code of the Borough of Metuchen specifically designates the locations wherein parking is prohibited at any time within the Borough; and

WHEREAS, the Chief of Police and the Borough Engineer have investigated, determined and recommends to the Mayor and Borough Council that it is in the best interest of the safety and welfare of its residents, and the community in general, to prohibit parking on both sides of Green Street from the Middlesex Greenway proceeding twenty-five (25) feet north up to the driveway of the Green Street Apartment Complex; and

WHEREAS, the Council of the Borough of Metuchen have determined to accept the recommendation of the Chief of Police and Borough Engineer finding that that it is in the best interest of the safety and welfare of its residents and the community in general to prohibit parking on both sides of Green Street from the Middlesex Greenway proceeding twenty-five (25) feet north up to the driveway of the Green Street Apartment Complex and to amend the Borough Code accordingly.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 185-14 of the Code of the Borough of Metuchen to include the following location:

§ 185-14 Parking prohibited at all times on certain streets.

No person shall park a vehicle at any time upon any streets or parts thereof described.

Name of Street	Side	Location
Green Street	Both	From the Middlesex Greenway proceeding twenty-five (25) feet north up to the driveway entrance to the Green Street Apartment Complex

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining locations contained in the Table in §185-14 shall remain locations wherein parking is prohibited and shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials and employees shall take all necessary actions to in order to effectuate and enforce the within Ordinance, including but not limited to the installation of sign/s in the above designated area.

Ordinances – Introduction

Ordinance 2022-15

ORDINANCE AMENDING ARTICLE 42 OF
 CHAPTER 110, SPECIFICALLY, § 110-168 OF
 THE CODE OF THE BOROUGH OF
 METUCHEN, ENTITLED “SURFACE WATER
 RUN-OFF” ESTABLISHING MINIMUM
 STORMWATER MANAGEMENT
 REQUIREMENTS

Council President Delia made a motion that Ordinance 2022-15 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Council President Delia asked that Ordinance 2022-15 be read by title only.

Ms. Zupan read Ordinance 2022-15 by title only.

Council President Delia moved that Ordinance 2022-15 be passed on first reading, be published according to law, and a public hearing be set down for Monday, September 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-15 was passed on first reading, 4-0, and will be published according to law.

Ordinance 2022-16

ORDINANCE AMENDING SECTION 110-112.7
(DESIGN AND LANDSCAPE PROVISIONS)
AND SECTION 110-178 (SPECIFIC
STANDARDS) IN CHAPTER 110 (LAND
DEVELOPMENT) CONCERNING
SPECIFICATION OF LANDSCAPE SPECIES

Council President Delia made a motion that Ordinance 2022-16 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Council President Delia asked that Ordinance 2022-16 be read by title only.

Ms. Zupan read Ordinance 2022-16 by title only.

Council President Delia moved that Ordinance 2022-16 be passed on first reading, be published according to law, and a public hearing be set down for Monday, September 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-16 was passed on first reading, 4-0, and will be published according to law.

Ordinance 2022-17

AN ORDINANCE AMENDING ARTICLE 14A
(RESERVED) IN CHAPTER 110 (LAND
DEVELOPMENT) ADDING SUBMISSION
REQUIREMENTS FOR ALL APPLICATIONS
FOR DEVELOPMENT CONCERNING THE
SUBMISSION OF A GREEN DEVELOPMENT
CHECKLIST

Council President Delia made a motion that Ordinance 2022-17 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Council President Delia asked that Ordinance 2022-17 be read by title only.

Ms. Zupan read Ordinance 2022-17 by title only.

Council President Delia moved that Ordinance 2022-17 be passed on first reading, be published according to law, and a public hearing be set down for Monday, September 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-17 was passed on first reading, 4-0, and will be published according to law.

Ordinance 2022-18

ORDINANCE TO SET THE MINIMUM AND
MAXIMUM WAGE RANGES FOR CERTAIN
BOROUGH EMPLOYEES, AMENDING
ORDINANCE 2022-02

Council President Delia made a motion that Ordinance 2022-18 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

Council President Delia asked that Ordinance 2022-18 be read by title only.

Ms. Zupan read Ordinance 2022-18 by title only.

Council President Delia moved that Ordinance 2022-18 be passed on first reading, be published according to law, and a public hearing be set down for Monday, September 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-18 was passed on first reading, 4-0, and will be published according to law.

Report of Borough Administrator

Ms. Perilstein reported that the replacement of street markers is around halfway done, and that all that need replacement will be taken care of as soon as supply-chain issues allow. Ms. Perilstein also noted that a contract for the 2022 Road Paving Program would be awarded at the next Council Meeting.

Reports of Councilmembers

Council President Delia

- The Accessibility Committee ran a story hour at the Library earlier this month. The event was a great success and we hope to have more of these types of events.
- The Traffic and Transportation Committee's 'Slow Down in Our Town' campaign will move over to Amboy Avenue next week.
- The internet provider survey is still accepting responses, please fill out the survey on the website or contact Council President Delia for assistance.
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Councilmember Rasmussen

- The Senior Center will be hosting 'Coffee with the Police Chief' tomorrow, August 23 at 9:00 a.m. Chief Flaherty will be there to meet with Seniors and answer questions.

Councilmember Koskoski

- No report.

Councilmember Kandel

- The Historic Preservation Committee will be meeting this Thursday, August 25 at Borough Hall at 7:30 p.m.

Report of the Mayor

No report.

New Business Consent Agenda – Resolutions 2022-178 to 2022-198

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-178 to 2022-198, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

RESOLUTION 2022-178

RESOLUTION APPOINTING ACTING ZONING OFFICIAL

WHEREAS, due to an unanticipated vacancy in the position of zoning official/officer of the Borough of Metuchen, the Mayor, Council and Borough Administrator have determined a need to appoint an acting zoning official/officer; and

WHEREAS, Denise Hamilton is currently employed by the Borough as a Secretary for Borough of Metuchen Planning Board and the Zoning Board of Adjustment and has expressed an interest to assist the Borough and to serve as the Acting Zoning Official/Officer for the Borough of Metuchen as well as the Secretary for the Borough of Metuchen Planning and Zoning Boards; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to appoint Denise Hamilton to serve as Acting Zoning Official/Officer for the Borough of Metuchen in addition to her services as Secretary for the Borough of Metuchen Planning and Zoning Boards.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen hereby appoints Denise Hamilton to serve as Acting Zoning Official/Officer of the Borough of Metuchen effective August 8, 2022 and to continue to serve as Secretary for the Borough of Metuchen Planning and Zoning Boards for the Borough of Metuchen.

RESOLUTION 2022-179

RESOLUTION APPOINTING FIREFIGHTER

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

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

RESOLUTION 2022-180

RESOLUTION AUTHORIZING THE AMENDMENT OF RESOLUTION 2021-234 AND AMENDING THE AWARD OF A CONTRACT FOR CIVIL ENGINEERING CONSTRUCTION DESIGN PHASE SERVICES FOR REPLACEMENT OF THE METUCHEN SEWAGE PUMP STATION TO CME ASSOCIATES

WHEREAS, there existed a need for civil engineering services for the sewer pump station capital improvements for the Borough of Metuchen in the County of Middlesex for the construction please of the replacement of the Jersey Avenue sewage pump station; 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 awarded by the Borough without public advertising for bids and bidding thereafter; and

WHEREAS, said services are of the type contemplated by the New Jersey Local Unit Pay-to-Play Law N.J.S.A. 19:44A-20.4et seq. and, therefore, a contract for the services may be awarded pursuant to a “fair and open” or “non-fair and open” – now known as “required disclosure” process, both of which are defined in the law; and

WHEREAS, the Borough of Metuchen determined that it was in the best interests to proceed in a fair and open manner to obtain said services through the public advertising of a Request for Qualifications (the “RFQ”); and the Borough Administrator, the Mayor and Council reviewed the qualifications and proposals submitted to CME Associates in response to the initial RFQ and determined that CME Associates was qualified May 15, 2017, to render civil engineering services for the sewer pump station capital improvements in the amount of \$207,445.00 awarded by resolution 2017-125; and

WHEREAS, CME Associates was awarded a contract for the final design for the replacement of the Metuchen Jersey Avenue sewage pump station by Resolution 2020-82 in the amount of \$600,000.00, certified from 2020 Capital Bond Ordinance 2020-04, C-04-55-935-002, for the final and design and construction please of the sewage pump station with the requirement that a final proposal be submitted for the construction please of the project; and

WHEREAS, the proposal dated February 20, 2020, from CME Associates for the final design of the replacement of the Metuchen Jersey Avenue sewage pump station was submitted in the amount of \$279,178.50; and

WHEREAS, CME Associates submitted a proposal dated March 9,2021 for civil engineering services for the construction phase of the Jersey Avenue pump station replacement project in the amount of \$317,694.00, with the provision in the proposal that an additional cost proposal would be submitted for approval in the event that the construction contract time exceeds set project completion milestones or unforeseen circumstances; and

WHEREAS, pursuant to Resolution 2021-141, the maximum amount of the contract with CME Associates for the design and construction phases of the replacement sewage pump station project is \$596,872.50; and

WHEREAS, the Borough of Metuchen, advertised, received, and opened eight (8) bids for the Jersey Avenue Pump Station Replacement Project on July 15, 2021; and due to the fact, the bids received substantially exceeded the cost estimates, by way of Resolution 2021-197, rejected the bids; and

WHEREAS, after review of the bids received, the Borough in consultation with CME Associates, believe that the re-design of the Project may result in a significant reduction in the costs and bids to bring the Project within budget; and

WHEREAS, by way of correspondence dated September 14, 2021, CME Associates submitted to the Borough a proposal to modify the existing construction plans and prepare necessary NJDEP permit applications for an estimated cost not to exceed \$15,642.00; and

WHEREAS, the Council of the Borough of Metuchen have determined to amend and increase the award of contract to CME Associates for the design phase services from \$279,178.50 to \$294,820.50 (an increase of \$15,642.00) for a total contract amount not to exceed \$612,514.50, which also includes the \$317,694.00 for the necessary engineering services for the construction phases of the Project; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds for such amendment to the contract and are available and designated from Capital Bond Ordinance 2020-04/2021-06, C-04-55-935-002.

WHEREAS, by way of correspondence dated July 19, 2022, CME Associates submitted to the Borough a proposal to modify the existing bidding of the project and prepare the additional (second) bid for an estimated cost not to exceed \$4,500.00.

WHEREAS, the Council of the Borough of Metuchen have determined to amend and increase the award of contract to CME Associates for the additional (second) bid phase services from \$279,178.50 to \$294,820.50 (an increase of \$15,642.00) to \$299,320.50 (an increase of \$4,500.00) for a total contract amount not to exceed \$617,014.50, which also includes the \$317,694.00 for the necessary engineering services for the construction phases of the Project; and

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

1. The Borough hereby amends Resolution 2021-234 in the amount of \$4,500.00 to increase the contract with CME Associates for the design phase services from \$294,820.50 to \$299,320.50 for a total contract amount not to exceed \$617,014.50, which also includes the \$317,694.00 for the necessary engineering services for the construction phases of the Project.
2. The Borough hereby accepts, approves, and authorizes the proposal dated July 19, 2022, of CME Associates, 1460 Route 9 South, Howell, NJ 07731 in an amount not to exceed \$4,500.00.
3. The Mayor and Borough Clerk are hereby authorized and directed to execute any necessary to effectuate the within resolution including but not limited to an amendment to the agreement with CME Associates, 1460 Route 9 South, Howell, NJ 07731, in a form acceptable to the Borough Administrator and Mayor to render the engineering services contained in the proposal dated July 19, 2022, at a cost not to exceed \$4,500.00.
4. A notice of this action shall be printed once in the Home News Tribune.

RESOLUTION 2022-181

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the Borough of Metuchen has determined that it is necessary to contract for EMS services for the Borough of Metuchen; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-4.1 et seq.*, provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and or services, such as emergency medical services; and

WHEREAS, pursuant to *N.J.S.A.11-4-3(a)*, by way of Resolution No. 2022-129, the Borough Council authorized the use of competitive contracting for the procurement of Emergency Medical Services for the Borough of Metuchen; and

WHEREAS the Borough of Metuchen prepared, issued, and publicly advertised a Notice of a Request for Proposals for the provision of Emergency Medical Services for the Borough of Metuchen; and

WHEREAS the Borough received one (1) proposal to provide Emergency Medical Services to Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator, Chief of Police, Director of Special Projects and the QPA evaluated the proposals submitted based upon the criteria set forth in the RFP and have determined and recommended the award of contract to HMH Hospitals Corporation d b a JFK University Medical Center for the provision of Emergency Medical Services as a concession at no cost to the Borough of Metuchen for provision of Emergency Medical Services; and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that it to be in the best interest of Metuchen to authorize the award of contract for Emergency Medical Services to HMH Hospitals Corporation d b a JFK University Medical Center.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for Emergency Medical Services to HMH Hospitals Corporation d b a JFK University Medical Center at no cost to the Borough for no less than one (1) and no more than five (5) years.

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement, with HMH Hospitals Corporation d b a JFK University Medical Center, 343 Thornall Street, Edison, NJ 08837 consistent with the terms of the within Resolution, the RFP and the proposal submitted to the Borough.

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

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

RESOLUTION 2022-182

RESOLUTION ESTABLISHING PRELIMINARY COSTS FOR THE ARCHITECTURAL SCHEMATIC DESIGN SERVICES FOR THE EMERGENCY SERVICES/FIRE STATION PROJECT

WHEREAS, the Borough of Metuchen hereby acknowledges the requirement of preliminary costs to determine the scope and costs of a proposed undertaking. The purpose of these preliminary costs is for the architectural schematic design services for the emergency services/fire station project.

WHEREAS, \$100,000.00 was appropriated in the 2022 Adopted Budget in the capital section of the 2022 budget for the architectural schematic design services for the emergency services/fire station project, said funds were turned over to the General Capital Fund for the specific purpose of providing funding for preliminary costs for the architectural schematic design services for the emergency services/fire station project.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Chief Executive Officer of the Borough of Metuchen, New Jersey be and hereby authorizes the establishment of an appropriation for Preliminary Costs for the Architectural Schematic Design Services for the Emergency Services/Fire Station Project in the General Capital Fund, which shall not exceed \$100,000.00 and the Chief Financial Officer is authorized to set up a Reserve for Preliminary Expenses from 2022 Adopted Budgeted Capital Section funds appropriated for the aforementioned purpose.

RESOLUTION 2022-183

**RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION
OF A PROFESSIONAL SERVICE CONTRACT WITH H2M
ARCHITECTS & ENGINEERS FOR THE ARCHITECTURAL
SCHEMATIC DESIGN SERVICES FOR THE EMERGENCY
SERVICES/FIRE STATION PROJECT**

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

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

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

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

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

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

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

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

1. The Borough Council hereby awards H2M Architects & Engineers of 119 Cherry Hill Road, Suite 110, Parsippany, NJ 07054, a professional services contract for the professional architectural services for the Emergency Services/Fire Station Project.
2. The within authorization and contract award is limited solely for the Schematic Design Services at a total cost not to exceed one hundred fifty-two thousand one hundred fifty dollars (\$152,150.00).

3. Further authorization of the Mayor and Council by way of Resolution shall be required prior to H2M Architects & Engineers performing the Design Development/Construction Documents and Bidding/Construction Administration professional services contained in its proposal.
4. The Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Metuchen and H2M Architects & Engineers of 119 Cherry Hill Road, Suite 110, Parsippany, NJ 07054, a professional services contract consistent with the proposal submitted, the terms and conditions of the within resolution and acceptable in form to the Borough Administrator, Special Projects Director and Mayor with the authorization to provide architectural service services in a total amount not to exceed one hundred fifty-two thousand one hundred fifty dollars (\$152,150.00).
5. The foregoing contract is awarded in accordance with the Local Public Contracts Law and as the result of a non-fair and open process.
6. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2022-184

**RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY
CONSTRUCTION LICENSE AGREEMENT BETWEEN THE BOROUGH OF
METUCHEN AND METUCHEN III, LLC**

WHEREAS, the Borough of Metuchen and Metuchen III, LLC entered into a Redevelopment Agreement dated November 9, 2021 setting forth the terms and conditions of which, Metuchen III, LLC shall redevelop certain property within the redevelopment area, for the purposes of implementing the Borough's Amended Oakite Site Redevelopment Plan, adopted September 13, 2021, which sets forth the plans for the development, revitalization, rehabilitation, and redevelopment of both Block 71, Lot 37.01 and Lot 37.02 (the "**Redevelopment Property**"); and

WHEREAS, on April 7, 2022, Metuchen III, LLC obtained site plan approval from the Borough of Metuchen Planning Board for the development of a daycare center ("**Daycare**") on the Redevelopment Property; and

WHEREAS, the proposed Daycare development approved pursuant to the Site Plan Approval contemplates regrading of the Property (the "**Regrading Work**"); and

WHEREAS, in order to undertake the Regrading Work, Metuchen III, LLC will require temporary access to the property owned by the Borough that is adjacent to the Redevelopment Property, commonly known as Vidas Park and identified on the Borough of Metuchen Tax Map as Block 69, Lot 125.07; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to grant to Metuchen III, LLC a temporary construction license over, upon, in and across the Borough's Property (Block 69, lot 125.07) together with access to, ingress and egress in, from and over those points of Borough's Property as is reasonable or necessary for the undertaking of the Regrading Work, and as more specifically depicted in the License Area Sketch Plan, attached to a Temporary Construction License Agreement; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to formalize the terms and conditions of the temporary construction license in an agreement with Metuchen III, LLC.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby grants to Metuchen III, LLC a temporary construction license over, upon, in and across the Borough's Property (Block 69, lot 125.07) together with access to, ingress and egress in, from and over those points of Borough's Property as is reasonable or necessary for the undertaking of the Regrading Work, and as more specifically depicted in the License Area Sketch Plan, attached to a Temporary Construction License Agreement; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of Temporary Construction License Agreement between the Borough of Metuchen and Metuchen III, LLC in a form acceptable to the Mayor, Borough Administrator and Special Projects Director; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby authorizes the Borough Administrator, Special Projects Director and all other Borough employees and officials to take any and all necessary actions to effectuate the within Resolution and the terms and conditions of the Temporary Construction License Agreement entered into by the Borough.

RESOLUTION 2022-185

RESOLUTION RATIFYING AND AUTHORIZING THE RENEWAL OF THE SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE TOWNSHIP OF EDISON FOR 2021

WHEREAS, the Borough of Metuchen ("Metuchen") and the Township of Edison ("Edison") entered into a Shared Services Agreement for animal control and shelter services for the time period beginning January 1, 2018 and ending December 31, 2020; and

WHEREAS, although the Shared Services Agreement expired on December 31, 2020, the Township of Edison continued to provide animal control services to the Borough of Metuchen in 2021; and

WHEREAS, Edison forwarded Metuchen a Shared Services Agreement for the term effective January 1, 2021 and ending December 31, 2021 in December, 2021; and

WHEREAS, a Shared Services Agreement may be entered into without competitive bidding pursuant to the Local Public Contract Law, N.J.S.A. 40A:11-5(2); and

WHEREAS, pursuant to the authority contained in the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq., and the fact that Edison has rendered the services to Metuchen contained in the Shared Services Agreement for the calendar year 2021, the Borough of Metuchen deems it to be in the best interest of the residents of the Borough to ratify and authorize the entry into the Shared Services Agreement with the Township of Edison for the purpose of providing animal control and shelter services for the term of one (1) year effective January 1, 2021 through December 31, 2021, for an annual fee of \$27,672.00; and

WHEREAS, funds available for the 2021 services were contained in the Borough's 2021 Adopted Budget as certified by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby ratifies and authorizes the renewal of the Shared Services Agreement between the Township of Edison and the Borough of Metuchen for animal control and shelter services for the term of one (1) year effective January 1, 2021 through December 31, 2021 for an annual fee of \$27,672.00.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen that the Mayor and Clerk be and they are hereby authorized to execute any and all documents necessary ratifying and renewing the Shared Services Agreement with the Township of Edison effective January 1, 2021 and ending on December 31, 2021 at an annual cost of \$27,672.00, including but not limited to, the Shared Services Agreement between the Township of Edison and the Borough of Metuchen.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby rescinds Resolution 2022-61 authorizing the renewal and entry into a Shared Services Agreement for Animal Control Services with Edison for a three year term effective January 1, 2021 through December 31, 2023, in its entirety and Resolution 2022-61 shall have no further force or effect.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby authorizes the Borough Administrator, Chief Financial Officer and all other Borough employees and officials to take any and all necessary actions to effectuate the within Resolution and the ratification of the Shared Services Agreement, including but not limited to the payment of \$27,672.00 to Edison for the services rendered under the Shared Services Agreement ratified herein.

RESOLUTION 2022-186

RESOLUTION AUTHORIZING THE RENEWAL OF THE SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE TOWNSHIP OF EDISON FOR A TERM OF THREE YEARS (2022-2024)

WHEREAS the Borough of Metuchen (“Metuchen”) and the Township of Edison (“Edison”) entered into a Shared Services Agreement for animal control and shelter services for the time period beginning January 1, 2018, and ending December 31, 2020; and

WHEREAS, although the Shared Services Agreement expired on December 31, 2020, the Township of Edison continued to provide animal control services to the Borough of Metuchen in 2021; and

WHEREAS the Council by way of Resolution 2022-185, ratified the Shared Services Agreement between the Borough of Metuchen and the Township of Edison for the term of January 1, 2021, through December 31, 2021; and

WHEREAS Metuchen and Edison desire to renew the Shared Services Agreement for an additional three (3) year term effective January 1, 2022, and ending December 31, 2024; and

WHEREAS a Shared Services Agreement may be entered into without competitive bidding pursuant to the Local Public Contract Law, N.J.S.A. 40A:11-5(2); and

WHEREAS, pursuant to the authority contained in the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq., the Borough of Metuchen deems it to be in the public interest of the residents of the Borough to renew the Shared Services Agreement with the Township of Edison for the purpose of providing animal control and shelter services for a term of three (3) years effective January 1, 2022 through December 31, 2024, for an annual fee of \$35,344.32 for 2022(\$2,945.36 per month), \$36,051.24 for 2023(\$3,004.27 per month) and \$36,772.20 for 2024(\$3,064.35 per month) at a total cost not to exceed \$108,167.76 over the three year term of the Shared Services Agreement; and

WHEREAS, the maximum amount of the Shared Services Agreement for the Borough of Metuchen is a total of \$108,167.76 for a three (3) year period from January 1, 2022 through December 31, 2024, of which the 2022 annual fee of \$35,344.32 is approved for the year 2022, with years 2023 and 2024 subject to those contract amounts being included in those respective year budgets, and funds are available in the 2022 Adopted Budget as certified by the CFO and that there is sufficient funds for such award of \$35,344.32 in appropriation line item 2-01-30- 806-001.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to renew the Shared Services Agreement with the Township of Edison effective January 1, 2022 and ending on December 31, 2024 at an annual cost for 2022 of \$35,344.32, including but not limited to, the execution of the Shared Services Agreement between the Township of Edison and the Borough of Metuchen as negotiated and approved by the Borough Administrator.

RESOLUTION 2022-187

**RESOLUTION AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF
A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF
METUCHEN AND THE TOWNSHIP OF WOODBRIDGE FOR THE PROVISION
OF AS NEEDED FOR VARIOUS SERVICES FROM THE WOODBRIDGE
DEPARTMENT OF PUBLIC WORKS**

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

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

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

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

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

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

WHEREAS, the Chief Financial Officer of the Borough of Metuchen has certified that there are sufficient available funds to authorize the within Shared Services Agreement from the 2022 Adopted Budget from the appropriation line Streets and Roads Vehicle Maintenance 2-01-26-765-025 in the amount of \$5,000.00; and

WHEREAS, Mayor and Council find that it is in the best interest of the Borough of Metuchen to enter into the Shared Services Agreement with the Township of Woodbridge to memorialize the provision and receipt of shared services between the Parties.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of a Shared Services Agreement by and

between the Borough of Metuchen and the Township of Woodbridge for the provision of certified tax assessor services in general conformity with the terms and conditions set out in the proposed Shared Services Agreement.

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes all Borough officials to take all necessary actions to in order to effectuate the within resolution and the Shared Services Agreement, including but not limited to the Mayor and Borough Clerk are hereby authorized to execute a Shared Service Agreement on behalf of the Borough of Metuchen in a final form acceptable to the Mayor and Borough Administrator.

RESOLUTION 2022-188

RESOLUTION AUTHORIZING AWARD OF A REQUIRED DISCLOSURE WINDOW CONTRACT FOR DEMOLITION OF BOROUGH STRUCTURE AT 98 ESSEX AVENUE

WHEREAS, there exists a need to demolish the existing structure at 98 Essex Avenue and fill, grade and seed the site upon removal of the structure in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Borough of Metuchen owns the parcel and structure located at 98 Essex Avenue, identified as Block 132, Lot 40 and has solicited quotes for the demolition of the structure at 98 Essex Avenue, using a non-fair and open, now known as required disclosure process; and

WHEREAS, the amount to complete the demolition of the structure is under the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq, but above \$17,500.00 and is subject to vendor compliance with the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for the demolition of the structure, fill, grade and seed the site upon removal of the structure at 98 Essex Avenue in the Borough of Metuchen in the amount not to exceed \$42,275.00 from Capital Ordinances 2022-03/2022-10 Appropriation C-04-55-920-001; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a non-fair and open (now known as required disclosure) process to Top Quality Services LLC. who submitted a written quote for the demolition of the existing structure at 98 Essex Avenue and fill, grade and seed the site upon removal of the structure in the Borough of Metuchen.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Top Quality Services LLC, 417 Brook Avenue, Piscataway, NJ 08854.

RESOLUTION 2022-189

RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR INTERNET ACCESS – WINDOW CONTRACT

WHEREAS, there exists a need to purchase internet access for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, there exists a need for upgraded internet access which is available through ESCNJ 20/21-45 NJDRLAP Internet Access & Data Transmission Services, Category C – Independent Services through Cablevision Lightpath NJ LLC; and

WHEREAS, the term of the contract is five years with a maximum amount of the contract cost per year at \$650.00 per month for 6 addresses and dedicated internet at 500 Mb for the Borough of Metuchen, is \$7,800.00; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase internet access and data transmission services, Category C – Independent Services in an amount not to exceed \$7,800 per year, for the year 2022 from the 2022 adopted budget appropriation line item 2-01-31-821-076 prorated for the remainder of 2022 in the amount of \$3,250.00; and

WHEREAS, the balance of year one and years two through five are subject to funds being made available in each year's adopted budget; and

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

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Cablevision Lightpath LLC, One Court Square West, Long Island City, New York, 11120.

RESOLUTION 2022-190

RESOLUTION AUTHORIZING AMENDING RESOLUTION 2022-120 PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING FOR RED DYED #2 ULTRA-LOW SULFUR DIESEL FUEL

WHEREAS, there exists a need to purchase diesel fuel for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Somerset County Cooperative Red Dyed #2 Ultra-Low Sulfur Diesel Fuel: Open-ended Contract #CC-0036-21, Cooperative Pricing Bid #2-SOCCP pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, Somerset County Cooperative awarded the first year of a two-year contract #CC-0036—21 awarded on November 9, 2021; and

WHEREAS, this authorization of award ends on November 8, 2022; and

WHEREAS, the maximum amount of the purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel for the Borough of Metuchen is \$80,000.00 and that there are sufficient funds for such award of which \$ 50,000.00 was previously certified from the 2022 Temporary Budget and 2022 Adopted Budget by Resolution 2022-44, designated from Diesel and Gasoline Fuel Account Number 2-21-31-821-074 amended by Resolution 2022-120 increasing the maximum amount by \$30,000.00; and

WHEREAS, the maximum amount for the purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel for the Borough of Metuchen is amended to \$100,000.00 and that there are sufficient funds as certified by the Chief Finance Officer from the 2022 Adopted Budget for such award, designated from Diesel and Gasoline Fuel Account Number 2-21-31-821-074; and

WHEREAS, the vendor chosen for award for purchase of Red Dyed #2 Ultra-Low Sulfur Diesel Fuel is National Fuel Oil, Inc. for the period of January 1, 2022, through November 8, 2022; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to amend the Purchase Order to National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, in an amount not to exceed \$ 100,000.00.

RESOLUTION 2022-191

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLES

WHEREAS, there exists a need for two (2)) vehicles for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract # T-2776, 20-FLEET-01189, which is in effect until June 17, 2023; and

WHEREAS, the awarded amounts of the State Contract purchase for one (1) 2022 Ford Police Utility Interceptor, Base Vehicle, is \$29,763.00; and

WHEREAS, additional vehicle add-ons that are not covered by State Contract in the amount of \$2,018.60 are included in the authorization cost per 2022 Ford Utility Interceptor Vehicle for a maximum amount not to exceed \$31,781.60 per vehicle; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for two (2) 2022 Ford Police Utility Interceptor Vehicle from Capital Ordinance 2022-8, C-04-55-938-004, not to exceed a grand total of \$63,563.20; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

RESOLUTION 2022-192

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE AND INSTALLATION OF EMERGENCY LIGHTING AND EQUIPMENT FOR POLICE VEHICLES

WHEREAS, there exists a need for emergency lighting and equipment to outfit two 2022 Ford Utility Interceptor Vehicles in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract # T-0106, 17-FLEET-00761 Law Enforcement Firearms Equipment and Supplies, which is in effect until May 14, 2023, 17-FLEET-00768 Law Enforcement Firearms Equipment and Supplies, which is in effect until May 14, 2023, and 17-FLEET-00719 Law Enforcement Firearms Equipment and Supplies, which is in effect until May 14, 2023; and

WHEREAS, State Contract 17-FLEET-00761 was awarded to Whelen Engineer, State Contract 17-FLEET-00768 was awarded to Pro-Gard and State Contract 17-FLEET-00719 was awarded to Havis Inc.; and

WHEREAS, the emergency lighting and equipment to outfit the two 2022 Ford Utility Interceptor Vehicles is being supplied by Whelen Engineer, Pro-Gard and Havis Inc., to Emergency Accessories & Installations, vendor ID V00002136 who is a primary distributor under the three above named State Contracts; and

WHEREAS, the total award to Emergency Accessories & Installations is \$16,52297 per vehicle for a maximum amount not to exceed \$33,045.93 for purchase and installation of emergency lighting and equipment in two (2) 2022 Ford Police Utility Interceptor Vehicles; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for acquisition and installation of emergency lighting and equipment to outfit two (2) 2022 Ford Police Utility Interceptor Vehicle from Capital Ordinance 2022-8, C-04-55-938-004, not to exceed a grand total of \$33,045.93; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Emergency Accessories & Installations, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

RESOLUTION 2022-193

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR SCBA BREATHING APPARATUS AIR CYLINDERS

WHEREAS, there exists a need for a replacement air cylinders for SCBA air packs for the Fire Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract # T0790, 17-FLEET-00819, which is in effect until June 14, 2023, awarded to Scott Health & Safety, to be purchased from the Master Blanket/Contract Vendor Distributor V00000570 New Jersey Fire Equipment Co.; and

WHEREAS, the awarded amount of the State Contract purchase for eighty (80) Scott 4500PSI 45 Minute Carbon Cylinders, is \$111,744.00; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for eighty (80) Scott 4500PSI 45 Minute Carbon Cylinders from Capital Ordinance 2022-08, C-04-55-938-005, not to exceed \$111,744.00; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, NJ 08812.

RESOLUTION 2022-194

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO LRK, TO PERFORM PLANNING AND ZONING TRANSITIONAL SERVICES

WHEREAS, the Borough of Metuchen has a need to acquire the services of a *Borough Planner* as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

WHEREAS, Requests for Qualifications for Professional Engineering services for the Borough of Metuchen were received by the Borough on December 17, 2021; and

WHEREAS, by way of Resolution No. 2022-25, the Borough of Metuchen awarded a contract for Borough Planner services to LRK for the calendar year 2022 at a cost not to exceed twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the Borough of Metuchen is in need of additional professional planning and zoning technical services for the Office of Planning and Zoning; and

WHEREAS, LRK, submitted a proposal dated August 8, 2022, to the Borough to render transition services for the Office of Planning and Zoning for a cost not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00); and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for additional professional planning and zoning transitional services consistent with the proposal submitted; and

WHEREAS, the Council of the Borough of Metuchen have reviewed the proposal and have determined it is in the best interest of Metuchen to award a contract to LRK, of Princeton, New Jersey to render additional professional planning and zoning transitional services; and

WHEREAS, the cost for the proposed services shall not exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00) without further approval by the Mayor and Borough Council; and

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

WHEREAS, the Chief Financial Officer's Certification of Funds has certified that there are sufficient funds for such contract and is available and is designated from the 2022 Adopted Budget Appropriation Line Administrative & Executive, Professional Services 2-01-20-701-028 for these services.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby awards a contract to LRK, 217 Nassau Street, Princeton, NJ 08542 on the basis of the proposal dated August 8, 2022, to provide additional professional planning and zoning transitional services funded in an amount not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00).

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

RESOLUTION 2022-195

RESOLUTION AUTHORIZING THE PURCHASE OF CLASS 5-8 CHASSIS WITH RELATED EQUIPMENT THROUGH SOURCEWELL, FORMALLY KNOWN AS THE NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139

WHEREAS, there is a need for the Borough of Metuchen for the purchase of a 2024 Peterbilt 520 Tandem axel Dual Drive cab and chassis to meet specifications for mounting of Labrie automated side loader; and

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

WHEREAS, the maximum amount of the purchase of a Peterbilt Model 520 Tandem Axle Dual Drive Cab & Chassis for the Borough of Metuchen is \$191,943.00 and funds are available in the 2022 Capital Bond Ordinance 2022-08, Account C-04-55-938-001 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount of \$191,943.00: and

WHEREAS, Peterbilt Motors Company. has been awarded the contract for Class 5-8 Chassis with Related Equipment under Sourcewell Category: Class 5-8 Chassis with Related Equipment, Contract #060920-PMC, effective July 30, 2020, and expires on August 1, 2024 with Hunter Jersey Peterbilt., as an authorized New Jersey Distributor; and

WHEREAS, the Director of Public Works and Borough Administrator recommend the utilization of this contract; and

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

The Chief Financial Officer and the Borough Administrator are hereby authorized and directed to approve and forward a purchase order Hunter Jersey Peterbilt, 524 Monmouth Road, Clarksburg, NJ 08510.

RESOLUTION 2022-196

RESOLUTION AUTHORIZING THE PURCHASE OF MOBILE REFUSE COLLECTION VEHICLE THROUGH SOURCEWELL, FORMALLY KNOWN AS THE NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139

WHEREAS, there is a need for the Borough of Metuchen for the purchase of a Labrie Automizer Sideloader Refuse Body; and

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

WHEREAS, the maximum amount of the purchase of a Labrie Automizer Sideloader Refuse Body for the Borough of Metuchen is \$168,730.80 and funds are available in the 2022 Capital

Bond Ordinance 2022-08, Account C-04-55-938-001 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount of \$168,730.80: and

WHEREAS, Labrie Environmental Group. has been awarded the contract for Mobile Refuse Collection Vehicles under Source well's Category: Mobile Refuse Collection Vehicles, Contract #091219-LE, effective December 5, 2019, and expires on November 15. 2023 with Sanitation Equipment Corp., as an authorized New Jersey Distributor; and

WHEREAS, the Director of Public Works and Borough Administrator recommend the utilization of this contract; and

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

The Chief Financial Officer and the Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Sanitation Equipment Corp., 80 Furler Street, Totowa, NJ 07512.

RESOLUTION 2022-197

RESOLUTION AUTHORIZING THE PROCUREMENT OF ELECTRIC VEHICLE CHARGING STATIONS BY THE METUCHEN PARKING AUTHORITY FOR THE BOROUGH OF METUCHEN

WHEREAS, for every gallon of gasoline used, the average car produces about twenty (20) pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, human-generated greenhouse gas emissions from fossil fuel combustion are a leading cause of climate change, which impacts everyone and all locations throughout the world; and

WHEREAS, the imbalance between gasoline resources and worldwide demand is escalating gasoline prices to levels that hurt economic growth and cause hardship to our residents; and

WHEREAS, the transportation sector needs support to move toward adoption of clean energy technology, including plug-in electric vehicles, that reduces our dependence on foreign fuels and supports a healthy environment and economy; and

WHEREAS, the practicality of owning and operating electric vehicles is greatly enhanced by the convenient availability of vehicle charging stations; and

WHEREAS, the Borough of Metuchen seeks to address and mitigate the effects and impacts of climate change and is dedicated to being a leader in the use of clean energy, establishing policies and programs that conserve energy and promote sustainability.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey hereby authorizes the Metuchen Parking Authority to take steps to procure electric vehicle charging stations for Metuchen's municipal parking lots.

RESOLUTION 2022-198

RESOLUTION ADOPTING AN IDLE FREE ZONE POLICY FOR THE BOROUGH OF METUCHEN

WHEREAS, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger an asthma attack and other ailments; and

WHEREAS, asthma is a significant public health concern in NJ, especially among children (up to 25% of NJ's school age children are asthmatic) and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about twenty (20) pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about twenty million (20,000,000) barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about ten million (10,000,000) tons of CO₂, fifty thousand (50,000) tons of nitrogen oxides, and two thousand (2,000) tons of particulates); and

WHEREAS, producing unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful vehicle idling can be avoided; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

WHEREAS, idling more than ten (10) seconds uses more fuel and emits more pollutants than turning a warm engine off and on again and idling for ten (10) minutes uses as much fuel as it takes to travel five (5) miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where New Jerseyans, residents and visitors of Metuchen can be exposed to air pollutant emissions; and

WHEREAS, moving beyond New Jersey's existing no-idling code of three (3) minutes would significantly improve public health, air quality, reduce costs and greenhouse gas emissions.

WHEREAS, current New Jersey law prohibits idling with limited exceptions (N.J.S.A. 39:3-70.2 and N.J.S.A. 26:2C-1) and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality; and

WHEREAS human-generated greenhouse gas emissions from fossil fuel combustion are a leading cause of climate change, and

WHEREAS climate change impacts everyone and all locations throughout the world; and

WHEREAS, the State of New Jersey is working to address and mitigate the effects and impacts of climate change; and

WHEREAS, the Borough of Metuchen seeks join the State in addressing and mitigating the effects and impacts of climate change by avoiding the unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful vehicle idling.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey hereby supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Encouraging any gasoline or diesel powered motor vehicle to turn off their engines after ten (10) seconds if they plan to remain at that location for more than thirty (30) seconds.
2. Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick-up, drive through windows, gas stations, parking lots, business center, etc.

3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirements for those vehicles.

4. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

5. Enforcing existing violations and penalties under New Jersey's existing no-idling code.

BE IT FURTHER RESOLVED, by the Borough Council that a copy of the within Resolution be forwarded to the Chief of the Metuchen Police and Fire Departments, Director of Public Works and to the Borough of Metuchen Board of Education, the Metuchen Parking Authority, the Metuchen Downtown Alliance and any other agency school, business, or other organization in furtherance of the no idling polies set forth herein.

Other New Business

Council President Delia made a motion to approve Resolution 2022-199, authorizing the payment of the Bill List in the amount of \$7,751,146.16, second by Councilmember Rasmussen, with all in favor, motion carried, 4-0.

RESOLUTION 2022-199

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 \$7,751,146.16.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Branch, with all in favor, 4-0, the meeting was adjourned at 8:38 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk