

BOROUGH OF METUCHEN COUNCIL MINUTES

January 24, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, January 24, 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 Branch, Hirsch, Kandel, Koskoski, Councilmember Rasmussen, Council President Delia, and Mayor Busch. Also present were Melissa Perilstein, Borough Administrator, and Deborah Zupan, Acting Borough Clerk. Denis Murphy, Borough Attorney, was absent.

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.

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.

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of October 12, 2021, second by Councilmember Rasmussen. Councilmembers Branch and Kandel abstained from voting, with all others in favor, motion carried, 4-0.

Council President Delia made a motion to approve Borough Council Meeting Minutes of November 8, 2021, second by Councilmember Rasmussen. Councilmembers Branch and Koskoski abstained from voting, with all others in favor, motion carried, 4-0.

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.

Report

Isaac Kremer, Executive Director of the Metuchen Downtown Alliance, reported on the organization's recent and upcoming activities.

Ordinance - Introduction

Ordinance 2022-01

Ordinance Amending the Code of the Borough of Metuchen Expanding Chapter 2, Entitled, "Ethics Code Of Conduct" to All Members and Appointees of Borough Boards, Commissions, Councils and Committees

Council President Delia made a motion that Ordinance 2022-01 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 2022-01 be read by title only.

Ms. Zupan read Ordinance 2022-01 by title only.

Council President Delia moved that Ordinance 2022-01 be passed on first reading, be published according to law, and a public hearing be set down for Monday, February 7, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-01 was passed on first reading, 6-0, and will be published according to law.

ORDINANCE 2022-01

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

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN EXPANDING CHAPTER 2, ENTITLED, "ETHICS CODE OF CONDUCT" TO ALL MEMBERS AND APPOINTEES OF BOROUGH BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES

WHEREAS, the Chapter 2 of the Code of the Borough of Metuchen establishes an Ethics Code of Conduct for "Local Finance Board Officers and Employees" as defined by the New Jersey Local Government Ethics Law; and

WHEREAS, the Mayor and Council wish to expand the Ethics Code of Conduct to include all members and appointees of Boards, Committees and Commissions and Councils established by the Borough of Metuchen.

NOW THEREFORE, BE IT ORDAINED that the Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby amends and supplements the Code of the Borough of Metuchen specifically Chapter 2, entitled "Ethics Code of Conduct" to state as follows:

CHAPTER 2

ETHICS CODE OF CONDUCT

§ 2-1 Restrictions for Local Finance Board Officers and Employees

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

A. No local government officer or employee or member of their immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of their duties in the public interest;

B. Conflict with former employment.

(1) No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

(a) Award any contract which is not publicly bid to a former member of that authority;

(b) Allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

(c) Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

(2) The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

C. No local government officer or employee shall use or attempt to use their official position to secure unwarranted privileges or advantages for themselves or others;

D. No local government officer or employee shall act in their official capacity in any matter where they, a member of their immediate family, or a business organization in which they have an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair their objectivity or independence of judgment;

E. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice their independence of judgment in the exercise of their official duties;

F. No local government officer or employee, member of their immediate family, or business organization in which they have an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing them, directly or indirectly, in the discharge of their official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of their official duties;

G. No local government officer or employee shall use, or allow to be used, their public office or employment, or any information, not generally available to the members of the public, which they receive or acquire in the course of and by reason of their office or employment, for the purpose of securing financial gain for themselves, any member of their immediate family, or any business organization with which they are associated;

H. No local government officer or employee or business organization in which they have an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which they serve. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

I. No local government officer shall be deemed in conflict with these provisions if, by reason of their participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to them as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

J. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of their immediate family, whether directly or indirectly, in return therefor; and

K. Nothing shall prohibit any local government officer or employee, or members of their immediate family from representing themselves, or themselves, in negotiations or proceedings concerning their own interests.

§ 2-2 Enforcement

Enforcement of § 2-1 shall be in accordance with the state statute, and not under the Metuchen Borough Code.

§ 2-4 Restrictions for Members of a Board, Commission, Council and/or Committee Established by the Borough of Metuchen

Members of Boards, Commissions, Councils and Committees established by the Borough of Metuchen, not included in those set forth in § 2-2 above, and which are advisory in nature, shall comply with the following provisions:

A. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, or member of their immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of their duties in the public interest;

B. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, shall use or attempt to use their official position to secure unwarranted privileges or advantages for themselves or others;

C. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, shall act in their official capacity in any matter where they, a member of their immediate family, or a business organization in which they have an interest, have a direct or indirect financial or personal involvement that might reasonably be expected to impair their objectivity or independence of judgment;

D. No member of a Board, Commission and/or Committee established by the Borough of Metuchen shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice their independence of judgment in the exercise of their official duties;

E. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, member of their immediate family, or business organization in which they have an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing them, directly or indirectly, in the discharge of their official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of their official duties;

F. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall use, or allow to be used, their public office or appointment, or any information, not generally available to the members of the public, which they receive or acquire in the course of and by reason of their office or appointment, for the purpose of securing financial gain for themselves, any member of their immediate family, or any business organization with which they are associated;

G. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen or business organization in which they have an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which they serve. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

H. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall be deemed in conflict with these provisions if, by reason of their

participation in a matter required to be voted upon, recommended or which is subject to executive or council approval or veto, no material or monetary gain accrues to them as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

I. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of their immediate family, whether directly or indirectly, in return therefor; and

J. Nothing shall prohibit any member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, or members of their immediate family from representing themselves, or themselves, in negotiations or proceedings concerning their own interests.

K. Whenever the performance of their official duties shall require any member of a Board, Commission, Council and/or Committee to take action on any matter involving their financial or personal interest, they shall publicly disclose the nature and extent of such interest and disqualify themselves from participating in the deliberation as well as in the voting, unless otherwise permitted by law so to act.

L. All Boards, Commissions, Councils and/or Committees established by the Borough of Metuchen shall act as a whole by way of a vote of a majority pursuant to their bylaws. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall act in any manner whatsoever on behalf of the Boards, Commissions, Councils and/or Committees without the express authorization of the Boards, Commissions, Councils and/or Committees to do so.

M. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, shall, on behalf of the Board, Commission, Council and/or Committee, grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

N. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall take any action on behalf of the Borough of Metuchen without the authorization of the Mayor and Council to do so.

O. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen, shall request or direct a Borough employee, official, agent or consultant to take or refrain from any such action. All Board, Commission, Council and/or Committee communications with Borough employees, officials, agents or consultants shall be through the Borough Administrator or their designee.

P. No member of a Board, Commission, Council and/or Committee established by the Borough of Metuchen shall take any action that may bind or be implied to bind the Borough of Metuchen without the express written authorization of the Mayor and Council to do so.

Q. All members of Boards, Commissions, Councils and/or Committees established by the Borough of Metuchen shall be required to review and abide by the Borough of Metuchen Volunteer Handbook adopted by the Mayor and Council of the Borough of Metuchen.

R. All members of Boards, Commissions, Councils and/or Committees established by the Borough of Metuchen shall be required to attend ethics and local government training annually.

S. All meetings of Boards, Commissions, Councils and/or Committees established by the Borough of Metuchen shall be open to the public and conducted in a civil manner.

T. All members of Boards, Commissions, Councils and/or Committees established by the Borough of Metuchen are expected to attend the public meetings of the Boards, Commissions, Councils and/or Committees for which they have been appointed. Whenever any

member of a Board, Commission, Council and/or Committee fails to attend and participate in any meetings of the Board, Commission, Council and/or Committee for a period of 8 consecutive weeks without being excused from attendance by a majority of the members of the Board, Commission, Council and/or Committee, at the conclusion of such period, the membership to the Board, Commission, Council and/or Committee shall be deemed vacant; provided, however, that the Board, Commission, Council and/or Committee may refuse to excuse only with respect to those failure to attend and participate which are not due to legitimate illness. The Presiding member of the Board, Commission, Council and/or Committee shall notify the Mayor and Council of any such vacancies.

§ 2-5 Violations and Enforcement

Violations of § 2-4, by members of a Board, Commission, Council and/or Committee, established by the Borough of Metuchen, which are advisory in nature may result in up to the removal from the Board, Commission, Council and/or Committee by the Mayor and Council after notice and opportunity to be heard.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remaining portions 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 by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

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 Environmental Commission Meeting Minutes of June 16, 2021 and October 20, 2021
- B. Receive and Accept Historic Preservation Committee Meeting Minutes of September 23, 2021 and October 28, 2021
- C. Receive and Accept Library Board Meeting Minutes of December 14, 2021
- D. Receive and Accept Recreation Commission Meeting Minutes of November 18, 2021

Reports of Officers

Melissa Perilstein
- No report.

Reports of Councilmembers

Council President Delia

- The Traffic and Transportation Committee met for the first time this year and welcomed two new members. The ‘Slow Down in Our Town’ program was a big success and the Committee is looking forward to bringing that to more areas of town this Spring.
- The MDA has several events coming up, including ‘Love Local Month’ for the month of February, and their ‘Love Letter’ promotion to support local businesses. Other upcoming events are a Lunar New Year celebration and Winter Restaurant Week.
- The Accessibility Committee and TV and Technology Committee will be meeting this week.

Councilmember Rasmussen

- The Shade Tree Commission met earlier this month. The Commission is working on paperwork for the State regarding the number of trees planted and the amount of money spent on forestry. There will be a spring tree planting, residents can email Councilmember Rasmussen to request a tree.
- The Environmental Commission met last week and are finishing up their grant regarding Centennial Park. The Commission has also started planning for Earth Day.

Councilmember Koskoski

- Please remember to renew your membership with the Friends of the Metuchen Library. The Friends make an important contribution to the Library. Please consider joining if you are not already a member.

Councilmember Kandel

- The Historic Preservation Committee will be meeting this Thursday, including two new members. The Committee will continue to discuss the drafting of the Borough's first historic preservation ordinance.

Councilmember Hirsch

- The next Pool Commission meeting will take place on February 8. The next Board of Health meeting will be on February 9, meeting details for both can be found on the Borough website.

Councilmember Branch

- The Recreation Commission reports that the Myrtle Field re-turfing project should be completed by April 1. Some Recreation events have been postponed due to COVID concerns, including the Daddy-Daughter Dance and Mother-Son Bowling. There will also be some re-planning for the Easter Egg Hunt event.
- The Arts Council will meet January 31. Some upcoming events include the virtual jazz education Series, Metuchen art gallery events, a summer concert series, and the Jazz Fest in September. The 'Windows of Understanding' exhibit returned to Metuchen on Martin Luther King Day, addressing issues including climate change, economic justice, protest to policy, and public health. The Arts Council will partner with the Human Relations Commission for a virtual community conversation around the work being done by community organizations. The event will be live streamed on Facebook on March 10.
- The Human Relations Commission will partner with the MDA for Black History Month events, including interactive exhibits downtown, featuring opportunities to learn more about prominent African Americans and their contributions. Also coming up are World Day, Community Conversations, Indigenous Peoples Day, Human Rights Day, and an event with Temple Emanu-El.

Report of the Mayor

We are closely watching the Borough's COVID numbers and while it seems the numbers are heading in the right direction, there are still many people getting sick. If you are eligible and not yet vaccinated, please get vaccinated to protect yourself and others.

New Business Consent Agenda – Resolutions 2022-48 to 2022-56

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-48 to 2022-56, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2022-48

RESOLUTION APPOINTING FIREFIGHTER

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that **Gregory J. Korten** 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, that **Gregory J. Korten** be and hereby is elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

RESOLUTION 2022-49

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR CIVIL ENGINEERING WITH SPECIALIZATION IN WASTEWATER ENGINEERING

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Civil Engineering with Specialization in Wastewater Engineering as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Requests for Qualifications were received on December 17, 2021 and reviewed by the Borough Administrator, Chief Financial Officer, and Borough Clerk; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$5,000; and

WHEREAS, the anticipated term of this contract is the calendar year 2022; and

WHEREAS, the maximum amount of the contract is **\$5,500.00** and the Chief Financial Officer has certified that there is sufficient funds for such contract and is available and is designated from 2022 Administration & Executive Professional Service Account number 2-01-20-701-028 for these services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of CME Associates, 1460 Route 9 South, Howell, NJ 07731.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.
3. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2022-50

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, 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. 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 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 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 for such funding, 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 seven thousand nine hundred and eleven dollars, \$7,911.00; and

WHEREAS, the Chief Financial Officer has certified availability of funds and that there are sufficient funds for such authorization (not to exceed \$ 7,911.00 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 seven thousand nine hundred eleven dollars (\$ 7,911.00).
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 2022-51

RESOLUTION AUTHORIZING AN ACCEPTANCE WITH NJ TRANSIT TO PARTNER IN A FEASIBILITY STUDY TO CONNECT THE MIDDLESEX GREENWAY TO THE METUCHEN TRAIN STATION

WHEREAS, The New Jersey Transit Corporation, known as NJ TRANSIT, was created by the State Legislature in 1979, and was charged with the responsibility of overseeing most bus and rail service in New Jersey; and

WHEREAS, NJ TRANSIT is in the process of partnering with the Borough of Metuchen and Middlesex County in a conceptual design feasibility study to enhance access from the Middlesex Greenway to the Metuchen Train Station with on-street improvements and wayfinding; and

WHEREAS, NJ TRANSIT and the Borough recognize the tremendous potential benefit of providing a "last mile" connection to and from the Metuchen Train Station; and

WHEREAS, NJ TRANSIT is investigating on behalf of the Borough, conceptual design ideas that may include on-street bicycle, pedestrian, and wayfinding improvements to facilitate safer access to the Metuchen Train Station from the Middlesex Greenway; and

WHEREAS, NJ TRANSIT seeks to improve existing bicycle storage facilities at the Metuchen Train Station to accommodate growth in personal vehicle storage that may be required as the result of the proposed connectivity improvements; and

WHEREAS, The Borough acknowledges NJ TRANSIT's financial commitment to the project for planning services including internal professional staff and on-call consultants; and

WHEREAS, The Borough agrees that cooperation, coordination, and feedback are essential to the successful undertaking of the study deliverables.

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Borough Council of Metuchen, New Jersey, that the Governing Body does hereby accept a partnership with NJ TRANSIT to study the feasibility of on-street enhancements to provide safer access from the Middlesex Greenway to the Metuchen Train Station.

RESOLUTION 2022-52

**RESOLUTION APPOINTING AND AWARDING CONTRACT TO
ACRISURE, LLC AS THE RISK MANAGEMENT CONSULTANT FOR
THE BOROUGH OF METUCHEN**

WHEREAS, following a detailed analysis, by way of Resolution, the Borough of Metuchen authorized the application to and also authorized joining the Central Jersey Joint Insurance Fund; and

WHEREAS, the Bylaws of the Central Jersey Joint Insurance Fund require that the governing body of each member appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5(1)(m)* and *N.J.S.A. 40A:11-5(a)(ii)*, a contract for the insurance services may be negotiated and awarded by the Borough without public advertising for bids and bidding therefore in accordance with requirements for an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of the Risk Management Consultant's duties renders comparative bidding impractical; 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, procurement of said 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, the Borough of Metuchen has determined that Acrisure, LLC has the necessary qualifications and experience to be appointed as Risk Management Consultant for the Borough of Metuchen to the Central Jersey Joint Insurance Fund; and

WHEREAS, the Borough has determined that it is both the most time and cost efficient and in the best interest of the Borough to appoint and authorize and agreement with Acrisure, LLC to serve as Risk Management Consultant in a non-fair and open manner, effective January 1, 2022 through December 31, 2022; and

WHEREAS, the Board of Fund Commissioners of the Central Jersey Joint Insurance Fund established a fee equal to six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Mayor and Council of the Borough of Metuchen.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that it hereby appoints and awards a contract to Acrisure, LLC, 1460 US 9 North, Suite 210, Woodbridge, NJ 07095 as its Risk Management Consultant in accordance with the Central Jersey Joint Insurance Fund's Bylaws; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that the Mayor, Borough Administrator and Municipal Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement in a form acceptable to the Borough Administrator and Mayor and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i); and

BE IT FURTHER RESOLVED, that the foregoing is contract is awarded in accordance with the Local Public Contracts Law and as the result of a non-fair and open process.

RESOLUTION 2022-53

RESOLUTION FOR LIEN REDEMPTIONS

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
18-00008	172/53	34 Jonesdale Avenue	MBS Realty One LLC
19-00002	151/27.1	205, 207, 209 Main Street	Tower DB X Trust 2020-1

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel these liens from the municipal record.

RESOLUTION 2022-54

RESOLUTION AUTHORIZING THE PURCHASE OF TIRES THROUGH STATE CONTRACT

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

WHEREAS, this can be purchased through State Contract M8000 – Tires, Tubes & Services and 19-FLEET-0708 NATCOOP/NJCOOP Bridgestone Americas Inc. V00043503 through Distributor V00014185, F&S Tire Corp and 20-FLEET-00948 NATCOOP/NJCOOP The Goodyear Tire & Rubber Company V00000828 through Distributor V00014185 F & S Tire Corp.; and

WHEREAS, said contracts are in effect from April 1, 2019 through March 31, 2024; and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is \$50,000.00 and funds are anticipated to be available in the 2022 Temporary budget and 2022 Adopted budget as certified by the Chief Financial Officer and that there is sufficient funds for such award and is available and is designated from Account number 2-01-26-774-185 in the amount of \$30,000.00 and from Account number 2-01-25-752-025 in the amount of \$20,000.00 for these services; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to the Bridgestone Americas, Inc., and The Goodyear Tire & Rubber company Distributor, **F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817.**

RESOLUTION 2022-55

RESOLUTION AUTHORIZING PURCHASE FROM MORTON SALT, INC (PRIMARY VENDOR) AND RIVERSIDE CONSTRUCTION MATERIALS, INC. (SECONDARY VENDOR) FOR TREATED ROCK SALT THROUGH MIDDLESEX COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM RESOLUTION 21-1458-R

WHEREAS, there exists a need to purchase treated rock salt for use during inclement weather for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through Morton Salt, Inc (Primary Vendor) and Riverside Construction Materials, Inc. (Secondary Vendor) #B- 21-560 b"2021 Specifications For The Furnishing And Delivery Of Treated Rock Salt As Required By The County Of Middlesex"; and

WHEREAS, said contract is in effect from December 1, 2021, through November 30, 2022, as detailed in the Middlesex County's Adopted Resolution 21-1458-R for furnishing and delivery of treated rock salt, adopted on November 15, 2021; and

WHEREAS, the Middlesex County award specifies that the awarded vendors have agreed to extend their prices to members of the Middlesex County Cooperative Contract Purchasing System (CK-12 Middlesex); and

WHEREAS, the Borough of Metuchen is a current member of the Middlesex County Cooperative Contract Purchasing System (CK-12 Middlesex); and

WHEREAS, the maximum amount of the purchase of treated rock salt for the Borough of Metuchen is \$ 15,000.00 and that there are sufficient funds for such award of which \$ 15,000.00 as certified by the Chief Financial Officer from the 2022 Temporary Budget and 2022 Adopted Budget, from Current Budget Account, Streets and Roads Snow Control Materials, 2-01-26-765-176; and

WHEREAS, Middlesex County of 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 Morton Salt, Inc, 444 West Lake Street Suite 3000, Chicago, IL 60606 and if needed is authorized and directed to approve and forward a purchase to Riverside Construction Materials, Inc., upon receipt of vendor documentation.

RESOLUTION 2022-56

**RESOLUTION APPROVING APPOINTMENTS TO
BOARDS, COMMITTEES, AND COMMISSIONS**

WHEREAS, the Mayor of Metuchen has recommended that the following people be appointed to the following Borough of Metuchen Boards, Committees and Commissions.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of Metuchen hereby confirms the appointments to the following listed Borough of Metuchen Boards, Committees, and Commissions.

Jacqueline Ho, Member, Human Relations Commission, unexpired term ending 12/31/2023
Abigail Naqvi, Alternate II, Environmental Commission, term ending 12/31/2024

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 7:58 p.m.

Respectfully Submitted,

Deborah Zupan
Acting Borough Clerk