

BOROUGH OF METUCHEN COUNCIL MINUTES

May 9, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, May 9, 2022.

The Meeting was called to order at 7:32 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, Koskoski, Rasmussen, Council President Delia, and Mayor Busch. Councilmember Kandel was absent. Also present were Denis Murphy, Borough Attorney, Melissa Perilstein, Borough Administrator, and Deborah Zupan, Acting Borough Clerk.

Agenda Session

Council President Delia made a motion to open the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

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, 5-0.

Public Comment

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

Rebecca Schiff, 52 Pleasant Place, asked that the Council consider a resolution against a second gas power plant that has been proposed in Keasbey, Woodbridge Township. Ms. Schiff said a sample, created by Food and Water Watch, has been sent to the Metuchen Environmental Commission.

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

Report and Presentation

MDA Executive Director Isaac Kremer gave his report, the Main Street Minute:

4 Things Last Month

- Ribbon cutting for Bowery Art Collective, also Suite Metuchen and Member Meeting
- King Strength Performance sign complete
- Applied for Sustain & Serve grant to provide meals to people in need
- Winter Restaurant Week generated over \$250K in sales

4 Things This Month

- Launched Downtown Dollars gift card May 1. Available on MDA website to buy.
- Starting strategic plan update and refinement of transformation strategies – will involve survey, interviews, and facilitated session with Board.
- Landscape architect will be designing upgrades for Imagination Alley with extensive public input.
- Several storefront improvement projects in the pipeline for Orchid, New Pearl Cleaners, Suite Metuchen, and others.

1 Big Thing to You Want to Be Aware Of...

- After spaces that are scheduled to open there is only one vacant storefront on Main Street.
- 2566 feet at \$6k per month.

MDA Executive Director Isaac Kremer outlined the organization's 2022 budget for Council approval. The MDA's Annual report can be found at www.downtownmetuchen.org.

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

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

Council President Delia made a motion to finalize the adoption of the 2022 MDA Budget, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

2022 Budget - Introduction

Borough Administrator Melissa Perilstein presented the 2022 Municipal Budget. Ms. Perilstein and Chief Financial Officer Becky Cuthbert answered questions from the Mayor and Councilmembers. Full details of the Budget can be viewed at www.metuchennj.org.

R2022-115

MUNICIPAL BUDGET FOR THE BOROUGH OF
METUCHEN, COUNTY OF MIDDLESEX, FOR
THE CALENDAR YEAR 2022

Council President Delia made a motion to approve Resolution 2022-115, to introduce the Municipal Budget for the Borough of Metuchen, County of Middlesex, for the Calendar Year 2022 and taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked the Clerk to read Resolution 2022-115 by title only.

Ms. Zupan read Resolution 2022-115 by title only.

Council President Delia made a motion that Resolution 2022-115, the Municipal Budget for the Borough of Metuchen, County of Middlesex, for the Calendar Year 2022, be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 13, 2022, second by Councilmember Rasmussen.

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

Resolution 2022-115, the Municipal Budget for the Borough of Metuchen, County of Middlesex, for the Calendar Year 2022 was passed on first reading, 5-0, and will be published according to law.

Amendment to the Temporary Budget

R2022-116

RESOLUTION TO AMEND THE 2022
TEMPORARY BUDGET

Council President Delia made a motion to approve Resolution 2022-116, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-116

RESOLUTION TO AMEND THE 2022 TEMPORARY BUDGET

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

NOW THEREFORE BE IT RESOLVED, those the following additional temporary emergency appropriations shall be made for the year 2022, effective May 9, 2022:

Planning	OE	1,000.00
Zoning	OE	1,000.00
Group Insurance		200,000.00
Fire	OE	3,000.00
Fire Hydrants		70,000.00
FICA		50,000.00
Solid Waste Collection		30,000.00
Solid Waste Disposal (MCUA)		305,000.00
Capital Improvement Fund		110,000.00
Police	OE	15,000.00
Streets & Roads	OE	10,000.00
Sewers	OE	5,000.00
Forestry	OE	3,000.00
Board of Health	OE	500.00
Senior Citizens Center	OE	2,000.00
Recreation	OE	3,000.00
Street Lighting		40,000.00
Utilities		50,000.00
	TOTAL	898,500.00
Pool	S&W	20,000.00
Pool	OE	54,000.00
	TOTAL	74,000.00

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of March 14, 2022 and March 28, 2022, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Communication 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, 5-0.

- A. Receive and Accept Accessibility Committee Meeting Minutes of April 28, 2022
- B. Receive and Accept Arts Council Meeting Minutes of March 29, 2022
- C. Receive and Accept Human Relations Commission Meeting Minutes of March 1, 2022
- D. Receive and Accept Library Board Meeting Minutes of February 8, 2022 and March 8, 2022
- E. Receive and Accept Resignation of Eugene Mullen from the Board of Health
- F. Receive and Approve Block Party/Street Closing for Bounty Street, May 29, 2022
- G. Receive and Approve Block Party/Street Closing for Franklyn Place (Reformed Church), June 5, 2022
- H. Receive and Approve Block Party/Street Closing for Henry Street, June 4, 2022
- I. Receive and Approve Block Party/Street Closing for Park Place, May 28, 2022
- J. Receive and Approve Block Party/Street Closing for Summit Avenue, May 14, 2022

Ordinances – Public Hearing

Ordinance 2022-05

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

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-05 had been published one time in the Home News Tribune according to law on April 14, 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, 5-0.

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

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

Mayor Busch opened the public hearing on Ordinance 2022-05.

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

Council President Delia made a motion to pass Ordinance 2022-05 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-05 was adopted, 5-0.

ORDINANCE 2022-05

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

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

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

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

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

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

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

WHEREAS, on March 14, 2022, the Borough Council adopted Ordinance No. 2022-03, entitled “CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND FOR THE SITE OF A FUTURE EMERGENCY SERVICES CENTER IN, BY, AND FOR THE

BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY” to provide for the funds for the acquisition of the Property referenced herein.

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

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

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

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

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

Ordinance 2022-06

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

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-06 had been published one time in the Home News Tribune according to law on April 14, 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, 5-0.

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

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

Mayor Busch opened the public hearing on Ordinance 2022-06.

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

Council President Delia made a motion to pass Ordinance 2022-06 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-06 was adopted, 5-0.

ORDINANCE 2022-06

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

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

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

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

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

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

in Section 3 of the Prior Ordinance, as amended and supplemented hereby, is equal to \$8,600,000.

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

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

SECTION 4. The Borough hereby certifies that it has adopted a capital budget or temporary capital budget, as applicable, of the Borough. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget and capital programs as approved by the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

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

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

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

Ordinance 2022-07

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

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-07 had been published one time in the Home News Tribune according to law on April 14, 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, 5-0.

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

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

Mayor Busch opened the public hearing on Ordinance 2022-07.

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

Council President Delia made a motion to pass Ordinance 2022-07 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-07 was adopted, 5-0.

ORDINANCE 2022-07

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

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

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

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

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

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

RESIDENT RATES (Upon Expiration of Early Registration Period)

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

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

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

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

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

Guest Fees **\$10.00 per person**

Miscellaneous Fee Schedule – Membership Required:

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

Ordinances - Introduction

Ordinance 2022-08

BOND ORDINANCE APPROPRIATING
\$4,064,000 AND AUTHORIZING \$2,324,400
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS AND PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF METUCHEN, IN THE COUNTY
OF MIDDLESEX, NEW JERSEY

Council President Delia made a motion that Ordinance 2022-08 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked that Ordinance 2022-08 be read by title only.

Ms. Zupan read Ordinance 2022-08 by title only.

Council President Delia moved that Ordinance 2022-08 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 23, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-08 was passed on first reading, 5-0, and will be published according to law.

BOND ORDINANCE 2022-08

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

**BOND ORDINANCE APPROPRIATING \$4,064,000 AND AUTHORIZING
\$2,324,400 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS
IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY
OF MIDDLESEX, NEW JERSEY**

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby
respectively authorized as general improvements to be made or acquired by the Borough of Metuchen,
New Jersey (the “Borough”). For the said improvements or purposes stated in said Section 3, there
is hereby appropriated the sum of \$4,064,000, said sum being inclusive of all appropriations
heretofore made therefor and including (i) the sum of \$203,220.34 as the down payment for said
improvements or purposes required by law and more particularly described in said Section 3 and now
available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for
down payment or for capital improvement purposes, (ii) contribution from Elizabethtown Gas for
road paving in the amount of \$242,379.66, and (iii) grants from the New Jersey Department of
Transportation totaling the amount of \$1,294,000 (the items in clauses (ii) and (iii) collectively, the
“Grants”).

Section 2. For the financing of said improvements or purposes and to meet the part of said
\$4,064,000 appropriation not provided for by application hereunder of said down payment and the
Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount
of \$2,324,400 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of
the New Jersey Statutes (the “Local Bond Law”). In anticipation of the issuance of said bonds and to
temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal
amount not exceeding \$2,324,400 are hereby authorized to be issued pursuant to and within the
limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of
which said obligations are to be issued are: (i) the acquisition of a garbage truck, pick-up truck, sewer
utility truck and tree utility truck; (ii) park and recreation improvements to parks; (iii) digitization of

records; (iv) fire department SCBA cylinder replacement/upgrade; (v) acquisition of two police vehicles, rifle suppressors, breathalyzer unit and fingerprinting equipment; (vi) replacement of Kahn's Crossing Graham Avenue pedestrian crossing bridge; (vii) streetscape improvements to Pearl Street and New Street; (viii) overlay, drainage improvement and reconstruction of Woodside Avenue, Rose Street, Lowell Avenue, Douglass Drive, Dolores Drive, Michael Drive, Lynn Circle and Robert Circle; (ix) curb/sidewalk repair and/or ADA concrete/curbing improvements of various streets, including without limitation, Woodside Avenue, Rose Street, Lowell Avenue, Douglass Drive, Dolores Drive, Michael Drive, Lynn Circle and Robert Circle; and (x) overlay and/or reconstruction of Metuchen Parking Authority Halsey Street lot, including all work and materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$2,324,400.

(c) The estimated cost of said purposes is \$4,064,000 which represents the initial appropriation made by the Borough. The excess of the appropriation of \$4,064,000 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of the Grants and the down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited, and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 8.21 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,324,400, and the said obligations authorized by this bond

ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$495,250 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including without limitation the Grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$2,324,400. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2022-09

ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A LONG-TERM TAX EXEMPTION WITH 212 DURHAM URBAN RENEWAL, LLC FOR BLOCK 37, LOT 7.01, 7.02, 17.01, AND A PORTION OF LOTS 5.12 AND 16.02, AND BLOCK 42, LOTS 1, 2, 3, 4, 5, 6, AND 7, ALONG WITH THE FORMER GULTON STREET ROW IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Council President Delia made a motion that Ordinance 2022-09 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked that Ordinance 2022-09 be read by title only.

Ms. Zupan read Ordinance 2022-09 by title only.

Council President Delia moved that Ordinance 2022-09 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 23, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-09 was passed on first reading, 5-0, and will be published according to law.

ORDINANCE 2022-09

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

ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A LONG-TERM TAX EXEMPTION WITH 212 DURHAM URBAN RENEWAL, LLC FOR BLOCK 37, LOT 7.01, 7.02, 17.01, AND A PORTION OF LOTS 5.12 AND 16.02, AND BLOCK 42, LOTS 1, 2, 3, 4, 5, 6, AND 7, ALONG WITH THE FORMER GULTON STREET ROW IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), as amended and supplemented, provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and

WHEREAS, by way of Resolution 2015-226, adopted on September 8, 2015, the Mayor and Council of the Borough of Metuchen (the “Borough Council”) designated Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7; and Block 66, Lots 1-3 as an “Area in Need of Redevelopment” (the “Redevelopment Area” or “Property”) in accordance with the Redevelopment Law; and

WHEREAS, by way of Resolution 2020-50, adopted on February 3, 2020, Borough Council formally declared the entirety of the Borough as an “Area in Need of Rehabilitation” (the “Boroughwide Rehabilitation Area”); and

WHEREAS, by way of Ordinance 2020-10, adopted on May 11, 2020, the Borough Council adopted a redevelopment plan entitled “Redevelopment Plan for Rehabilitation Area in the Borough of Metuchen March 2020,” as amended or supplemented (the “Redevelopment Plan dated May 26, 2020”); and

WHEREAS, by way of Ordinance No. 2021-19, adopted on September 13, 2021, the Borough Council adopted in accordance with the Local Redevelopment and Housing Law a more specific redevelopment plan for the Redevelopment Area, entitled, “Gulton Tract Redevelopment Plan,” prepared by LRK, Inc.; and

WHEREAS, by way of Ordinance No. 2022-04, adopted on March 28, 2022, the Borough Council adopted the “Amended Gulton Tract Redevelopment Plan,” prepared by LRK, Inc., dated March 11, 2022, which superseded all previously adopted redevelopment plans for the Redevelopment Area (as amended, the “Redevelopment Plan”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, the Borough of Metuchen intends to enter into a Redevelopment Agreement (the “Redevelopment Agreement”), designating the 212 Durham Urban Renewal, LLC (the “URE”) as redeveloper of a portion of the Redevelopment Area known as Block 37, Lots 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7 (“Project Area”), and setting forth the terms and conditions to which the Project Area is to be redeveloped by URE, who proposes the construction of a five (5) story building with up to two hundred and seventy-two (272) residential units, fifteen percent (15%) of which shall be affordable housing units, and associated amenities which may include a business center, conference room, fitness center, clubrooms, game room, outdoor patio and dining area, and other amenities, together with landscaping, parking areas and a walking path and any and all other buildings, structures, improvements, site preparation work and amenities necessary for the implementation and completion of the same (the “Residential Project Improvements”); and

WHEREAS, pursuant to the Redevelopment Agreement, the Entity has agreed to undertake financing, construction and completion of the Project Improvements, the obtaining of all Governmental Approvals (as defined in the Redevelopment Agreement), the site preparation of the Property and such other obligations as is set forth in the Redevelopment Agreement (the “Project”); and

WHEREAS, under the Redevelopment Agreement, the Project shall include the construction of certain open space and recreation facilities as part of the creation of a southern gateway to the Peter J. Barnes III Wildlife Preserve on property known as Block 37, Lots 5.05, 5.22, 6, 13, 14, 15.01, 16.03, 17.02 and portions of Lots 5.12, 16.02, identified as “Prop. County Parcel” and consisting of approximately ± 18.7 acres, as shown on the “Existing vs. Proposed Lot Exhibit” prepared by Bohler Engineering, dated 04/28/2021 and attached hereto as Exhibit A, along with Block 37, Lot 5.03, pursuant to a three-party agreement to be entered into between the Borough, the Redeveloper and the County of Middlesex, a portion of which shall be financed with governmental bonds; and

WHEREAS, in order to effectuate the development, financing, and renovation of the Project, the Borough Council have agreed to enter into a Financial Agreement (the “Financial Agreement”) with URE, substantially in the form attached hereto as Exhibit B, authorizing a long-term tax exemption pursuant to the Long Term Tax Exemption Law (“LTTEL”), N.J.S.A. 40A:20-1, et seq. for the Project Area and the Residential Project Improvements; and

WHEREAS, pursuant to the requirements of the LTTEL, the URE provided the Borough with the information required by Section 8 of the LTTEL in the form of an application for long-term tax exemption (the “Application”); and

WHEREAS, such information in the Application provided the Borough with the basis for determining to execute the Financial Agreement; and

WHEREAS, the Mayor and Borough Council find that the relevant benefits of the redevelopment of the Property and the undertaking of the Project outweigh the loss, if any, of property tax revenue in granting the long-term tax exemption; and

WHEREAS, the Borough Council has determined that the assistance provided to the Project pursuant to the Financial Agreement is a significant inducement for the URE to proceed with the Project; and

WHEREAS, the Borough and the URE have agreed to execute a Financial Agreement.

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

Section 1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.

Section 2. That the Application for long-term tax exemption filed by 212 Durham Urban Renewal, LLC hereby be granted; and

Section 3. That the Financial Agreement be approved and that the Mayor and/or Borough Administrator and the Borough Clerk are hereby authorized to execute the Financial Agreement, upon the review and approval of its final form by the Borough Administrator, Borough Solicitor and Borough Redevelopment Counsel, which such final form will be on file with the Borough Clerk.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. In the event any clause, section or paragraph of the ordinance and/or the Financial Agreement is deemed invalid or unenforceable for any reason, it is the intent of the Borough Council that the balance of the Ordinance and/or Financial Agreement remain in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

Section 6. This Ordinance shall take effect immediately after final adoption in accordance with law.

Ordinance 2022-10

CAPITAL ORDINANCE AMENDING
ORDINANCE 2022-03 FINALLY ADOPTED ON
MARCH 14, 2022 BY THE BOROUGH OF
METUCHEN, IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, IN
ORDER TO PROVIDE FOR A CHANGE IN THE
IMPROVEMENTS AUTHORIZED BY SUCH
ORDINANCE AND AN INCREASE OF THE
APPROPRIATION AUTHORIZED BY SUCH
ORDINANCE

Council President Delia made a motion that Ordinance 2022-10 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked that Ordinance 2022-10 be read by title only.

Ms. Zupan read Ordinance 2022-10 by title only.

Council President Delia moved that Ordinance 2022-10 be passed on first reading, be published according to law, and a public hearing be set down for Monday, May 23, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-10 was passed on first reading, 5-0, and will be published according to law.

ORDINANCE 2022-10

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

CAPITAL ORDINANCE AMENDING ORDINANCE 2022-03 FINALLY ADOPTED ON MARCH 14, 2022 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE AND AN INCREASE OF THE APPROPRIATION AUTHORIZED BY SUCH ORDINANCE

WHEREAS, the Borough Council (the “Council”) of the Borough of Metuchen, in the County of Middlesex, New Jersey (the “Borough”) has heretofore adopted on March 14, 2022 ordinance 2022-03 (the “Original Ordinance”) which appropriated the sum of \$510,000 from the Capital Improvement Fund of the Borough for the purpose of financing the costs of the acquisition of the property located at 98 Essex Avenue in the Borough (the “Property”); and

WHEREAS, Council of the Borough has determined that there is also a need to appropriate additional moneys for the demolition of the existing structures located on the Property after the Borough acquires the Property; and

WHEREAS, the Borough has determined to appropriate additional capital improvement funds in the amount of \$100,000 towards the costs of the acquisition of the Property and the demolition of the existing structures located thereon.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough is hereby authorized to acquire the Property and demolish the existing structures located thereon.

Section 2. The Borough hereby appropriates the additional sum of \$100,000.00 from the Capital Improvement Fund for the purpose of financing the costs of the acquisition of the Property and the demolition of the existing structures located thereon so that the total appropriation under the Original Ordinance as amended by this ordinance shall be \$610,000.00.

Section 3. The acquisition of the Property and the demolition of the existing structures located thereon described in Section 1 of this ordinance are lawful capital purposes of the Borough, and no part of the cost thereof has been or shall be assessed against property specially benefited thereby.

Section 4. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Clerk of the Borough and are available for public inspection.

Section 5. All other details of the Original Ordinance shall remain the same.

Section 6. This ordinance shall take effect after final adoption and publication as required by applicable law.

Report of Borough Administrator

Residents, please be mindful of what goes in your garbage and recycling cans. Only recyclable materials should go in recycling cans, and no construction debris should be disposed of with residential trash. This damages our trucks and costs the Borough a substantial amount of money.

Reports of Councilmembers

Council President Delia

- The MDA Spring Bazaar is this Saturday, May 21 from 11 am to 4 pm on the Plaza.
- The Traffic and Transportation Committee meets later this week. They are moving the 'Slow Down in our Town' signs over to Central Avenue.

Councilmember Rasmussen

- The Environmental Commission postponed the Earth Day celebration due to the weather. We will announce a new date soon. The plastic bag ban is in effect, so don't forget to bring your reusable bags when you go shopping.
- The Shade Tree Commission met last week. We are currently working on our report to the State. Residents getting trees for the Spring planting will be notified soon.

Councilmember Koskoski

- No report.

Councilmember Hirsch

- The Metuchen Parade Commission is meeting this evening to finalize plans for the Memorial Day Parade, to be held Monday, May 30 at 10:00 am. This year's theme is 'We Honor You.' The parade will start at the Halsey Lot near the American Legion building and travel up Main Street to the Plaza. A ceremony will take place at Memorial Park following the completion of the parade.
- This evening we passed the changes to the pool fees, permitting us to open registration at 9:00 am tomorrow, May 10. Early registration will run through June 3, and we will have an open house at the pool on June 17. The next pool commission meeting will be held tomorrow evening, May 10, at 8:00 pm at Borough Hall.

Councilmember Branch

- The Edison and Metuchen Mayors' Bike Tour will be held on May 15.
- The Count Basie Gospel Choir will be performing at the High School on May 15, the event is free but registration is required.

- The Human Relations Commission and the MDA will be hosting a Juneteenth Celebration on June 18. This year's theme is 'Afrofuturism.'
- Along with other Councilmembers and Borough staff, we have been looking at ways to improve the Borough website.

Report of the Mayor

-No report.

New Business Consent Agenda – Resolutions 2022-117 to 2022-126

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-117 to 2022-126, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-117

**RESOLUTION SUPPORTING ROBUST FEDERAL INVESTMENTS
FOR AFFORDABLE HOMES TO HOUSE NJ**

WHEREAS, housing insecurity is one of the biggest threats to public health and safety at any time, but never more so than during the coronavirus pandemic, and our policies must center those who have been harmed most by the pandemic so that we recover equitably; and

WHEREAS, Congress is considering once-in-a-lifetime investments in housing affordability, stability and security that will lay a foundation that help create a more affordable NJ for generations to come; and

WHEREAS, the pandemic has caused untold economic hardship for residents and communities, with the threat of foreclosures, evictions, and homelessness for many families through no fault of their own; and

WHEREAS, only one in four households eligible for rental assistance receives it due to decades of chronic underfunding by Congress. People of color – especially women of color – and other marginalized renters are most harmed by the housing crisis; and

WHEREAS, in New Jersey, renters need an income of \$31.96/hour on average to afford a modest, two-bedroom apartment. This is far above the incomes of many working families, seniors, and people with disabilities; and

WHEREAS, there is no state or congressional district in America with enough supply of affordable homes for families with the lowest incomes; and

WHEREAS, everyone has struggled under the weight of the pandemic, Black and Brown residents in our state have been disproportionately impacted, while continuing to suffer from hundreds of years of systemic racism and institutional inequities; and

WHEREAS, Congress must work to bridge the gap between incomes and housing costs by expanding rental assistance; and

WHEREAS, by expanding rental assistance, the economic recovery package can help bridge the gap between wages and housing costs for America's lowest-income and most marginalized households; and

WHEREAS, by preserving the nation's public housing and building new homes affordable to people with the greatest needs through the national Housing Trust Fund, these essential investments directly address the severe shortage of affordable housing for people with the lowest incomes; and

WHEREAS, the U.S. must make robust investments in affordable homes in any budget reconciliation bill similar to what was in the Build Back Better Bill that passed the House, including an expansion of rental assistance by \$25 billion to serve 300,000 additional households; \$65 billion to repair public housing, which is home to 2.5 million residents; and \$15

billion in the national Housing Trust Fund to build and preserve 150,000 homes affordable to people with the greatest needs.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey encourage Congress to include robust funding to address housing instability and unaffordability and to mitigate the threat of pandemic-related homelessness in any budget reconciliation bill.

RESOLUTION 2022-118

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR DMHAS YOUTH LEADERSHIP GRANT FUNDING FOR THE METUCHEN MUNICIPAL ALLIANCE

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW THEREFORE BE IT RESOLVED, by the Borough of Metuchen, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Metuchen Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:

DMHAS Grant Funding \$5,000

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION 2022-119

RESOLUTION AUTHORIZING AMENDING RESOLUTION 2022-43 PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING UNLEADED GASOLINE, 87 OCTANE

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 Unleaded Gasoline, 87 Octane, Open-ended Contract #CC-0045-20, Cooperative Pricing Bid #2-SOCCP pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

WHEREAS, Somerset County Cooperative awarded the second year of a two-year contract #CC-0045—20 awarded on May 25, 2021; and

WHEREAS, this authorization of award ends on May 25, 2022; and

WHEREAS, the maximum amount of the purchase of Unleaded Gasoline, 87 Octane fuel for the Borough of Metuchen is \$ 70,000.00 and is certified from 2022 Temporary Budget and 2022 Adopted Budget, designated from Diesel and Gasoline Fuel Account Number 2-21-31-821-074 as authorized previously by Resolution 2022-43 in the amount of \$50,000.00 and increased in allowable funds in the amount of \$20,000.00; and

WHEREAS, the vendor chosen for award for purchase of Unleaded Gasoline, 87 Octane Fuel is National Fuel Oil, Inc. for the period of January 1, 2022, through May 25, 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 \$ 70,000.00.

RESOLUTION 2022-120

RESOLUTION AUTHORIZING AMENDING RESOLUTION 2021-44 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 \$50,000.00 and that there is 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, and the increase in allowable funds is \$30,000.00 as certified by the Chief Finance Officer from the 2022 Temporary budget and 2022 Adopted Budget, Appropriation Line Gasoline and Diesel Fuel 2-01-31-821-074; 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 \$ 80,000.00.

RESOLUTION 2022-121

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF OFFICE
SUPPLIES – W.B. MASON**

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

WHEREAS, this can be purchased through State Index #T-0052 15-X-23609 and State Contract #A88839 and NJSTART #0000003; and

WHEREAS, said contract is in effect until May 6, 2023, Amendment #30, 5th Extension; and

WHEREAS, the maximum amount of the purchase of office supplies for the Borough of Metuchen is **\$25,000.00** and the Chief Financial Officer has certified that there is sufficient funds for such contract and is available and is designated from 2022 Temporary Budget and 2022 Adopted Budget Account numbers 2-01-20-701-036, 2-01-20-704-280, 2-01-20-708-036, 2-01-20-710-036, 2-01-21-721-283, 2-01-22-725-036, 2-01-25-745-036, 2-01-26-764-036, 2-01-27-785-036, 2-01-27-791-036, 2-01-28-795-168, 2-01-43-490-036, 2-09-55-501-505 for these services of which **\$25,000.00** is certified from the 2022 Temporary Budget, subject to adjustment to the amount of award at time of Budget adoption; 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 W.B. Mason Co., Inc.

RESOLUTION 2022-122

**RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR
CHLORINE FOR METUCHEN MUNICIPAL POOL**

WHEREAS, there exists a need for UN1791 Hypochlorite solutions, 8, PG III (Bulk, Sodium Hypochlorite) for the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Borough of Metuchen has solicited quotes for chlorine for the Metuchen Municipal Pool using a fair and open process; 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, the Chief Financial Officer's Certification of Funds is made authorizing the award for hypochlorite solutions (bulk sodium hypochlorite) for the Metuchen Municipal Pool in the amount not to exceed \$34,004.00 from the 2022 temporary and 2022 adopted budget appropriation line item Pool Utility Other expenses- Pool Chemicals 2-09-55-501-504; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Todd Harris Co., Inc., who submitted the lowest, compliant quote for chlorine for the Metuchen Municipal Pool.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order Todd Harris Co., Inc., PO Box 682, Edison, NJ, 08818-0682.

RESOLUTION 2022-123

RESOLUTION TO TRANSFER 2021 TAX OVERPAYMENT

WHEREAS the following has made an overpayment of taxes as a result of a reduction in taxes from a tax appeal judgment:

Name	Block/Lot	Address	Amount		Year
Nicholson, Kerwin & K	78.1/21	8 Robert Circle	1,867.50	Tax overpayment by former mortgage servicer	4th qtr. 2021

NOW THEREFORE BE IT RESOLVED, that the above listed tax overpayment be transferred to open property taxes due for quarter 2, 2022 as described in the amount of \$1,867.50.

RESOLUTION 2022-124

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEE – 26 WASHINGTON PLACE, BLOCK 120, LOT 29.02 –
AROS DEVELOPMENT, LLC – #PG20-1254**

WHEREAS, the Planning/Zoning Board Engineer, in an email dated April 11, 2022 has reported that the correction of deficiencies associated with the above-reference property has been completed in an acceptable manner; and

WHEREAS, Robert Mannix, III, Planning/Zoning Engineer has recommended the full release of the Performance Guarantee in the amount of a cash bond of \$5000.00 which had been posted on November 8, 2021.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the Borough CFO is hereby authorized and directed to release said Performance Bond of a cash bond in the amount of \$5000.00 plus interest as recommended and directed by the Planning/Zoning Engineer to AROS Development, LLC, 42 Oak Avenue, Metuchen, NJ 08840.

BE IT FURTHER RESOLVED, that no maintenance bond is required to be posted.

RESOLUTION 2022-125

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BONDS

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted as the required Performance Guarantees by the contractors named below, for work done at the addresses named below; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises the release of the monies previously deposited.

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds to the contractors listed as follows, as recommended by the Director of Public Works:

Permit Number	Address	Contractor
2020-44	18 Kelley Street	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-45	68 Brunswick Avenue	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-62	10 Howell Street	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-89	73 Summit Avenue	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-102	123 Bridge Street	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-118	118 Hollywood Avenue	Integrated Construction and Utilities 59 Suydam Ave, Edison, NJ 08817
2020-119	21-23 Halsey Street	Gulberg Builders, LLC 3830 Park Ave, Ste 205, Edison, NJ 08820
2020-123	114 Hollywood Avenue	Integrated Construction and Utilities 59 Suydam Ave, Edison, NJ 08817
2020-126	24 Franklyn Place	Roto Rooter Plumbing and Water Cleanup 80 Veronica Ave, Somerset, NJ 08873
2020-127	22 Washington Place	Suburban Development, LLC 228A Pierson Ave, Edison, NJ 08837
2020-133	149 Lake Avenue	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-136	21 Lexington Drive	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863
2020-137	73 Summit Avenue	Mattco Plumbing and Heating 26 Evergreen Ave, Fords, NJ 08863

RESOLUTION 2022-126

RESOLUTION TO REFUND ESCROW BALANCE

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

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

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

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

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
06-750 E	281.25	Amboy Holdings LLC 187-189 Amboy Avenue
17-1165 E	776.00	Michael Schmidling 344 Middlesex Avenue

Other New Business

Council President Delia made a motion to approve Resolution 2022-127, authorizing the payment of the Bill List in the amount of \$3,406,790.84, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-127

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn and all bills be paid totaling \$3,406,790.84.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Rasmussen, with all in favor, 5-0, the meeting was adjourned at 8:46 p.m.

Respectfully Submitted,

Deborah Zupan
Acting Borough Clerk