

BOROUGH OF METUCHEN COUNCIL MINUTES

November 14, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 14, 2022.

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

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on September 21, 2022, posted in Borough Hall, and on file in the Clerk's Office. All requirements of the Open Public Meetings Act have been satisfied.

Mayor Busch asked all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

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

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.

Best Practices Inventory

Mayor Busch asked Councilmembers if they had reviewed the Best Practices Inventory for 2022 and if they had any questions. As there were no questions, Council President Delia made a motion to accept the Best Practices Inventory, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

Public Comment

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

Keith McPherson, a Boy Scout from Troop 14, spoke about the importance of native plants to our local ecosystem and described his proposed plans for his Eagle Scout Project; a native plant garden at the Metuchen Public Library.

Alan Trzuskoski, an Edison resident, commented that he is the founder of a business incubator for cannabis business startups. Mr. Trzuskoski expressed interest in the upcoming cannabis license application process, the timeline of which is yet to be determined.

Paul Bradley, 22 Center Street, commented that he had heard the Borough was planning to stop accepting coins in parking meters. Mayor Busch replied that this is a decision that will be made by the Parking Authority.

Rich Tabledzki, 516 Wakefield Drive, asked if Council would be joining other area communities in protesting the proposed power plant in the Keasbey section of Woodbridge. Mr. Tabledzki expressed his concerns about the health of residents, as well as the quality of the air and water. He also requested that one of the entrances to Centennial Park, on Wakefield Drive, be clearly marked.

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

Communications Consent Agenda – Items A - H

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

- A. Receive and Accept Accessibility Committee Meeting Minutes of October 26, 2022
- B. Receive and Accept Arts Council Meeting Minutes of September 19, 2022
- C. Receive and Accept Shade Tree Commission Meeting Minutes of October 4, 2022
- D. Receive and Accept Request Letter for the Fuce 5K on June 18, 2023
- E. Receive and Accept Block Party/Street Closing for Carson Avenue on December 3, 2022
- F. Receive and Accept Resignation of Robin Brown from the Accessibility Committee
- G. Receive and Accept Resignation of Audra Sbarra from the Accessibility Committee
- H. Receive and Accept Resignation of Tim Brosnan from the Shade Tree Commission

Ordinances – Introduction

Ordinance 2022-22

ORDINANCE AMENDING § 162-4 OF THE
CODE OF THE BOROUGH OF METUCHEN
AMENDING THE COMPOSITION OF THE
BOARD OF TRUSTEES OF THE DESIGNATED
DISTRICT MANAGEMENT CORPORATION -
THE METUCHEN DOWNTOWN ALLIANCE

Council President Delia made a motion that Ordinance 2022-22 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 2022-22 be read by title only.

Ms. Zupan read Ordinance 2022-22 by title only.

Council President Delia moved that Ordinance 2022-22 be passed on first reading, be published according to law, and a public hearing be set down for Monday, December 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-22 was passed on first reading, 6-0, and will be published according to law.

Ordinance 2022-23

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

Council President Delia made a motion that Ordinance 2022-23 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 2022-23 be read by title only.

Ms. Zupan read Ordinance 2022-23 by title only.

Council President Delia moved that Ordinance 2022-23 be passed on first reading, be published according to law, and a public hearing be set down for Monday, December 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-23 was passed on first reading, 6-0, and will be published according to law.

Ordinance 2022-24

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

Council President Delia made a motion that Ordinance 2022-24 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 2022-24 be read by title only.

Ms. Zupan read Ordinance 2022-24 by title only.

Council President Delia moved that Ordinance 2022-24 be passed on first reading, be published according to law, and a public hearing be set down for Monday, December 12, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-24 was passed on first reading, 6-0, and will be published according to law.

Report of Borough Administrator

Ms. Perilstein welcomed the Borough's new Zoning Official, Alberto Jimenez, who has come to the Borough from Perth Amboy. Ms. Perilstein also thanked Recreation and Senior Services Director Rick Perrine for getting the new fee schedules together before the end of the year, and for working so hard on a Recreation program that they Mayor will be speaking about later. Thank also to volunteer Bernie Hetzel who has been a tremendous help with the downtown Metuchen Lights display.

Reports of Councilmembers

Council President Delia

- No report.

Councilmember Rasmussen

- No report.

Councilmember Koskoski

- No report.

Councilmember Kandel

- No report.

Councilmember Hirsch

- The next Pool Commission meeting will be held tomorrow evening at 8:00 p.m.
- The parade commission is proud to announce that the Metuchen Holiday parade will be held on Sunday, November 27, 2022 beginning at 4:00 p.m. The parade will begin in Halsey Lot and will follow the same path as the Memorial Day parade held in May. The Holiday tree lighting will take place in the Plaza following the Parade.
- The Parade Commission is also taking the lead on the Metuchen Menorah lighting which will take place on the afternoon of Sunday, December 18.

Councilmember Branch

- The Arts Council held a successful opening for ArtCycle last week. Besides the display at Trailhead Park, there is more of the exhibit in the Borough Hall Rotunda Gallery.

Report of the Mayor

I am very excited the Metuchen Lights display is back again this year, made possible by our incredible corporate sponsors. Thanks to Ms. Perilstein as well for her work on this. I also want to thank and congratulate Ms. Zupan on another successful election; Ms. Zupan has put together a seamless process and we couldn't have done it without her. Metuchen had the highest voter turnout in Middlesex County. I'll be hosting office hours on Fridays, 10:00 a.m. to 12 p.m., no appointment necessary. Thank you to Brandon Uhlig for helping get the new A/V and sound system installed in Council Chambers. Finally, if you are around next Wednesday please join me for trivia with the seniors at the Senior Center.

New Business Consent Agenda – Resolutions 2022-226 to 2022-232

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-226 to 2022-232, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2022-226

**RESOLUTION APPOINTING ZONING OFFICIAL AND
COAH COMPLIANCE OFFICER**

WHEREAS, due to an unanticipated vacancy in the position of zoning official/officer of the Borough of Metuchen, the Mayor, Council and Borough Administrator appointed an acting zoning official/officer on a temporary basis; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to appoint Alberto Jimenez to serve as Zoning Official/Officer and as the Council on Affordable Housing (“COAH”) Compliance Officer for the Borough of Metuchen.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen hereby appoint Alberto Jimenez to serve as Zoning Official/Officer and COAH Compliance Officer of the Borough of Metuchen effective November 1, 2022.

RESOLUTION 2022-227

**RESOLUTION AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF A
SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF METUCHEN
AND THE BOROUGH OF METUCHEN BOARD OF EDUCATION FOR THE USE OF
EDGAR FIELD AND THE EDGAR FIELD IMPROVEMENT PROJECT**

WHEREAS, the Borough of Metuchen (“Borough”) is the owner and responsible for the maintenance of Edgar Field located in the Borough of Metuchen; and

WHEREAS, the Borough has permitted the Metuchen Board of Education (“Board” or “School District”) access and use of Edgar Field for educational and school purposes; and

WHEREAS, the Borough sought assistance from the State of New Jersey for improvements to Edgar Field, and the State Budget Bill appropriated \$2,000,000 to the Board of Education for Astroturf for the field; and

WHEREAS, the Borough and the School District both use the Edgar Field for athletic, recreation, Borough and School District purposes; and

WHEREAS, municipalities and school districts often enter into shared services agreements that enable the residents of their communities to utilize their facilities owned by either as community facilities for school and municipal services, including athletic, recreational, school building and other facilities; and

WHEREAS, the Borough and the School District have determined that it is the most cost effective and in the best interests of the Borough, the School District and the residents thereof for the Borough and the School District to jointly provide for the Edgar Field Improvement Project, involving the installation of an Astroturf field, drainage improvements and equipment, including incidental and related costs, including the planning and financing of the improvements (the “Project”); and

WHEREAS, the Project is estimated to exceed \$2,000,000 of State Funds available to the School District and the Borough has agreed to fund the remaining costs of the improvements to the Project; and

WHEREAS, as the owner of the property, the Borough will oversee and provide for the implementation of the Project and for the cost of maintenance and upkeep of Edgar Field; and

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, authorizes and encourages local units, including municipalities and school districts, to enter into contracts for services performed by local units in accordance with law for the purpose of reducing property taxes through reduction of expenses; and

WHEREAS, municipalities and school districts are expressly authorized to work together for the provision of improvements that can be used for athletic, recreational, educational and other community purposes; and

WHEREAS, the Borough and the School District desire to set forth certain terms and conditions relating to the construction of the Project and use of Edgar Field; and

WHEREAS, it is the most cost effective and in the best interests of the residents of the Borough and the School District for the Borough and the School District to work together through a Shared Services Agreement to implement the Project for the benefit of the community.

WHEREAS, the Borough will grant the School District a license to enter upon and use Edgar Field upon the terms and conditions set forth in the negotiated Shared Services Agreement; and

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of the Shared Services Agreement with the Borough of Metuchen Board of Education for the shared use and the financing of the Edgar Field Improvement Project consistent with the terms and conditions set out in the negotiated Shared Service Agreement; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes the Mayor and Borough Clerk to execute the Shared Service Agreement on behalf of the Borough of Metuchen in a final form acceptable to the Mayor and Borough Administrator; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Metuchen that it hereby authorizes all Borough officials to take all necessary actions in order to effectuate the within resolution and the Shared Services Agreement.

RESOLUTION 2022-228

RESOLUTION AUTHORIZING RESERVE TRANSFERS

WHEREAS, there are unexpended balances in various 2022 appropriation accounts not required for the balance of 2022; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts.

NOW THEREFORE BE IT RESOLVED, that the following transfers be approved:

Appropriation		From	To
Finance-Payroll Processing	OE		6,700.00
Public Works Administration	OE		1,200.00
Streets & Roads	OE	32,000.00	
Buildings & Grounds	OE		32,000.00
Sewers	OE	10,000.00	
Garbage & Trash	S&W	30,000.00	
Garbage & Trash	OE		1,800.00
Telephone			2,000.00
Recycling	OE		15,000.00
Forestry	OE	5,000.00	
Parks & Playgrounds	S&W		30,000.00
Parks & Playgrounds	OE	3,000.00	
Social Security			15,000.00
Other Insurance			8,100.00
Municipal Prosecutor	OE		800.00
Defined Contribution Retirement Plan	OE		3,000.00
Tax Assessment	S & W	10,000.00	
Police	S & W	25,600.00	
TOTALS		115,600.00	115,600.00
Pool	OE	7,600.00	
Pool	S&W		7,600.00
POOL UTILITY TOTALS		7,600.00	7,600.00

RESOLUTION 2022-229

**RESOLUTION AUTHORIZING AWARD OF A REQUIRED DISCLOSURE WINDOW
CONTRACT FOR A HOCKEY RINK SYSTEM**

WHEREAS, there exists a need to acquire portable sports containment hockey rink system for the Recreation Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Borough of Metuchen and has solicited quotes for the purchase of a portable sports containment hockey rink system for the Recreation Department, using a non-fair and open, now known as required disclosure process; and

WHEREAS, the amount to purchase the portable sports containment hockey rink system is under the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq, but above \$17,500.00 and is subject to vendor compliance with N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for the portable sports containment hockey rink system in the Borough of Metuchen in the amount not to exceed \$31,940.00 from the 2022 Capital Bond Ordinance Appropriation C-04-55-938-002; and

WHEREAS, Sports & Golf Solutions LLC has completed and submitted a Business Entity Disclosure Certification which certifies that has not made any reportable contributions to a political or candidate committee in the in the previous one year, and that the contract will prohibit Sports & Golf Solutions LLC from making any reportable contributions through the term of the contract; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a non-fair and open (now known as required disclosure) process to Sports & Golf Solutions LLC who submitted a written quote for a portable sports containment hockey rink system for the Recreation Department in the Borough of Metuchen.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Sports & Golf Solutions LLC, 4 Crest Hill Road, Verona, NJ 07044.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification placed on file with this resolution.

RESOLUTION 2022-230

RESOLUTION APPROVING ADOPTION OF THE CORRECTIVE ACTION PLAN FOR ANNUAL AUDIT

WHEREAS, the Annual Report of Audit for the year 2021 was filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5 on October 4, 2022; and

WHEREAS, the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations," have signed the group affidavit form, and adopted the resolution of certification; and

WHEREAS, the CFO has filed the attached Corrective Action Plan pursuant to N.J.S.A 40A: 5; and

WHEREAS, N.J.S.A. 40A:5 requires the Governing Body to adopt by resolution the Corrective Action Plan within 60 days of receipt of audit.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Corrective Action Plan is hereby approved.

RESOLUTION 2022-231

RESOLUTION IN SUPPORT OF VISION ZERO

WHEREAS, traffic fatalities and serious injuries have been rising since 2020; and

WHEREAS, Vision Zero is a strategy to eliminate all traffic fatalities and sever injuries, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, the Middlesex County Board of Commissioners has pledged to eliminate traffic fatalities and serious injuries on roadways in the County by 2040 and will work in partnership with municipalities, agencies, and other stakeholders to achieve that goal; and

WHEREAS, Assemblymen Robert Karabinchak and Daniel Benson and Senator Patrick Diegnan sponsored bills which created a commission to study the effectiveness of Vision Zero; and

WHEREAS, the Borough of Metuchen supports policies and programs which reduce traffic crashed, deaths, and injuries.

NOW THEREFORE BE IT RESOLVED, that the Borough of Metuchen supports the goals of Vision Zero and supports the plan of the Middlesex County Commissioners to eliminate motor vehicle crashes, fatalities, and serious injuries by 2040.

RESOLUTION 2022-232

RESOLUTION APPOINTING FIREFIGHTER

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

Other New Business

Council President Delia made a motion to approve Resolution 2022-233, authorizing the payment of the Bill List in the amount of \$10,378,572.39, second by Councilmember Rasmussen, with all in favor, motion carried, 6-0.

RESOLUTION 2022-233

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 \$10,378,572.39.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Rasmussen, with all in favor, 6-0, the meeting was adjourned at 8:11p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk