

BOROUGH OF METUCHEN COUNCIL MINUTES

October 3, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 3, 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 for a moment of silence to honor the passing of Metuchen resident, and former Governor, Jim Florio.

Mayor Busch asked all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Hirsch, Kandel, Koskoski, Rasmussen, Council President Delia, and Mayor Busch. Councilmember Branch was absent. Also present were Borough Administrator Melissa Perilstein, Borough Clerk Deborah Zupan, and Attorney Anne Marie Rizzuto. 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, 5-0.

Council President Delia added resolution 2022-215, authorizing an Executive, to follow the 'Other New Business' portion of the meeting.

With no further actions taken, Council President Delia made a motion to close the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Public Comment

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

Linda Vonderschmidt-LaStella, 242 Amboy Avenue, followed up regarding her comments at a recent meeting regarding publicity for arts events. She emphasized the need for support and prominent publicity for such events, and for permissions procedures to be clarified.

Grace Shackney, 110 Columbia Avenue, brought up the need for a community calendar on the Borough website, and a physical kiosk or kiosks downtown to help publicize events. The Arts Council, which Ms. Shackney is a part of, would be willing to take responsibility for these kiosks.

Mayor Busch responded that, while he agreed that a community calendar would be helpful, the Borough then must decide what does and does not get included.

Steve Kitsko, 131 Hazelwood Avenue, stated that although he smoked his share of weed in college and can roll a joint with a dollar bill, he is concerned about the pending cannabis ordinance, and particularly opposed to the retail component (note: the public hearing for this ordinance, 2022-19, is scheduled for October 24, 2022).

John Latsko, 44 Homer Place, spoke on behalf of the residents of Homer Place stating that when the train underpass on Main Street is flooded, Homer Place gets numerous cars coming down the

street trying to get through. There is a 'Dead End' sign but it's old and trees are in the way so Mr. Latsko requested a prominent 'No Outlet' sign to be posted. He also mentioned their concerns regarding delivery trucks speeding on their street.

Charlie Kratovil, Central Jersey Organizer for Food and Water Watch, spoke regarding his opposition to the construction of a power plant in the Keasbey section of Woodbridge. He requested that Metuchen pass a resolution opposing the plant. Mr. Kratovil noted that some of Councilmember Koskoski's remarks at the previous meeting regarding the proposed power plant were incorrect. Councilwoman Koskoski, who upon further research had learned that certain things she had said at the last meeting needed to be amended, took this opportunity to present the correct information.

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

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of September 12, 2022, second by Councilmember Rasmussen, with in favor, motion carried, 5-0.

Communications Consent Agenda – Items A - F

Council President Delia made a motion to approve Communications Consent Agenda, Items A - F, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

- A. Receive and Accept Parade Commission Meeting Minutes of September 12, 2022
- B. Receive and Accept Traffic & Transportation Committee Meeting Minutes of June 8 and July 13, 2022
- C. Receive and Accept Resignation of Jane Leal from the Parking Authority
- D. Receive and Approve Block Party/Street Closing for Carson Avenue on October 22, 2022
- E. Receive and Approve Block Party/Street Closing for Dolores Drive on October 22, 2022
- F. Receive and Approve Block Party/Street Closing for Salem Court on October 15, 2022

Ordinance – Public Hearing

Mayor Busch noted that the public hearing for Ordinance 2022-19, the cannabis ordinance, has been rescheduled to October 24, 2022, due to the changed meeting date and the need for Planning Board review.

Ordinance 2022-20

ORDINANCE AMENDING § 185-23 OF THE
CODE OF THE BOROUGH OF METUCHEN
ESTABLISHING A MULTIWAY STOP
INTERSECTION (THREE WAY) AT BEACON
HILL DRIVE AND WOODSIDE AVENUE

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-20 had been published one time in the Home News Tribune according to law on September 15, 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 2022-20 be read by title only.

Ms. Zupan read Ordinance 2022-20 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-20.

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

Council President Delia made a motion to pass Ordinance 2022-20 on second reading and be published according to law, second by Councilmember Rasmussen.

Councilmember Kandel thanked Chief Flaherty, Council President Delia, and Borough Administrator Melissa Perilstein for their work on the ordinance which will make the intersection much safer.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-20 was adopted, 5-0.

Ordinance - Introduction

Ordinance 2022-21

ORDINANCE ESTABLISHING A SCHEDULE
OF CHARGES UNDER A SEWER USER
ORDINANCE ADOPTED AUGUST 31, 1981

Council President Delia made a motion that Ordinance 2022-21 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 2022-21 be read by title only.

Ms. Zupan read Ordinance 2022-21 by title only.

Council President Delia moved that Ordinance 2022-21 be passed on first reading, be published according to law, and a public hearing be set down for Monday, October 24, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-21 was passed on first reading, 5-0, and will be published according to law.

Report of Borough Administrator

Due to the Manasquan Bank construction on the corner of Main and New Street, part of the sidewalk on one side New Street will be closed temporarily, likely a month and a half.

Reports of Councilmembers

Council President Delia

- The issue of the closed sidewalk by the Manasquan Bank construction was discussed at the Accessibility Committee meeting, thanks to Borough Administrator Melissa Perilstein for taking the Committee's recommendations into account.
- The MDA will be hosting a Haunted Downtown on October 29 from 11 a.m. to 4 p.m.
- MDA Executive Director Isaac Kremer's last day was September 30. There was a get-together last week in his honor, which included a proclamation thanking him for all his work in the past six years he has worked here.

Councilmember Rasmussen

- The Shade Tree Commission will meet tomorrow. The Commission's table at the Farmers Market, scheduled for this past Saturday but canceled because of rain, will be rescheduled.

- The Environmental Commission will meet on October 19.

Councilmember Koskoski

- No report.

Councilmember Kandel

- The Fire Department will be hosting an Open House on October 14 from 6:30 p.m. to 8:30 p.m. Bring the whole family to learn about what firefighters do to keep us safe. There will be live demonstrations, fire safety information, plus it's a great opportunity to learn about volunteering with the Fire Department.

Councilmember Hirsch

- The Pool Commission will meet next Tuesday at 8 p.m. To our Jewish friends and neighbors, wishing you an easy fast as they commemorate Yom Kippur tomorrow.

Report of the Mayor

It feels like the Borough is in a very good, and popular, place right now, particularly with the Main Street being nominated as one of the eight national semi-finalists for the Great American Main Street Award. Only two other towns in New Jersey, Montclair and Westfield, have ever received this award. The town is thriving and those who helped make this happen, and every resident, should be proud of themselves and this community.

New Business Consent Agenda – Resolutions 2022-209 to 2022-213

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-209 to 2022-213, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-209

RESOLUTION AUTHORIZING AWARD OF A REQUIRED DISCLOSURE WINDOW CONTRACT FOR WASHER AND DRYER FOR FIRE DEPARTMENT

WHEREAS, there exists a need to acquire a washer and dryer for the Fire 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 washer and dryer for the Fire Department, using a non-fair and open, now known as required disclosure process; and

WHEREAS, the amount to purchase the washer and dryer with drain trough 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 washer, dryer and drain trough in the Borough of Metuchen in the amount not to exceed \$36,474.00 from a NJ DCA Volunteer Fire Department Renovation/Decontamination Grant Appropriation G-02-41-788-312; and

WHEREAS, EAC Business International 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 EAC Business International 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 EAC Business International LLC dba Ahgua Tech LLC. who submitted a written quote for a commercial grade washer and dryer with

installation for the Fire 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 EAC Business International LLC, 55 Stewart Road, Short Hills, NJ 07078.

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

RESOLUTION 2022-210

**RESOLUTION TO CANCEL AND REFUND 2022 TAXES
AS A RESULT OF COUNTY TAX APPEALS**

WHEREAS, successful County Tax Appeal judgments were awarded to each of the block and lot parcels described below, changing the assessed values for 2022 as follows; and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2022.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2022 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$6,689.55, and apply the resulting overpayment due to the successfully County tax appeal in the amount of \$2,131.47.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2022 Levy	Overpayment Refunded
7/1	149 Mason Drive	20,000	1,274.20	1,245.00	0.00
153/5.05	239 High Street	85,000	5,415.35	3,317.50	2,131.47

RESOLUTION 2022-211

RESOLUTION AUTHORIZING CANCELLATION OF 2022 TAX OVERPAYMENT

WHEREAS, the following parcel has an overpayment of taxes:

Block/Lot	Address	Amount	Year
211/55	50 Charles Street	2,023.12	2022/Q2

NOW THEREFORE BE IT RESOLVED, that the above listed tax overpayment balance be canceled, in the amount of \$2,023.12.

RESOLUTION 2022-212

RESOLUTION AUTHORIZING THE REFUND OF RECREATION TRUST PROGRAM FEES

WHEREAS, the fees collected for attendance at various Borough of Metuchen Recreation Commission events and camps have been collected in 2021 and 2022; and

WHEREAS, the events and camps were rescheduled or cancelled; and

WHEREAS, the fees collected are requested by the Recreation Director to be refunded, as detailed in the below schedule.

NOW THEREFORE BE IT RESOLVED, that the Chief Finance Officer be authorized to process refunds in the amount of \$1,432.50 as. Described, from the Recreation Trust account.

Maura Belt	Lacrosse	100.00
Carroll Michelle	Lacrosse	100.00
Richard Puerzer	Lacrosse	100.00
Ehrin Ziccardi	Baseball	180.00
Javairia Waseem	BBM Robotics	290.00
Moin Khine	BBM Robotics	290.00
Catherine Szap	Infielders	165.00
Anne Lyngsoe	Mom/Son Bowling	45.00
Laura Sidor	Mom/Son Bowling	67.50
Dave Wade	Mom/Son Bowling	45.00
Robert Rettagliata	Mom/Son Bowling	45.00

RESOLUTION 2022-213

RESOLUTION AUTHORIZING THE REFUND OF A 2022 POOL MEMBERSHIP

WHEREAS, pool member Barbara Block has requested a refund of the 2022 pool membership due to a doctor's requirement prohibiting swimming during the 2022 pool season; and

WHEREAS, the Pool Commission approved the membership refund as noted in the August 9, 2022 Pool Meeting minutes.

NOW THEREFORE BE IT RESOLVED, that the Chief Finance Officer be authorized to process a refund to Barbara Block in the amount of \$210.00, from the Pool Utility Fund.

Other New Business

Council President Delia made a motion to approve Resolution 2022-214, authorizing the payment of the Bill List in the amount of \$5,265,051.20, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-214

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 \$5,265,051.20.

Executive Session

Council President Delia made a motion to approve Resolution 2022-215, authorizing going into Executive Session for the reason of Attorney-Client privilege, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2022-215

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Metuchen is of the opinion that such circumstances presently exist; and

WHEREAS, the Council of the Borough of Metuchen wishes to discuss:

Matters Involving Attorney-Client Privilege

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Following the Executive Session, Council President Delia made a motion to return to the Regular Meeting, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Branch, with all in favor, 5-0, the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk