

**BOROUGH COUNCIL AGENDA
REGULAR MEETING MAY 22, 2023
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Public Comment

Municipal Budget Presentation

Municipal Budget - Introduction

R2023-152

MUNICIPAL BUDGET FOR THE BOROUGH OF
METUCHEN, COUNTY OF MIDDLESEX, FOR
THE CALENDAR YEAR 2023

Borough Council Meeting Minutes

Approval of Borough Council Meeting Minutes of February 13, 2023

Communications Consent Agenda – Items A - F

- A. Receive and Accept Cannabis Subcommittee Report to Council
- B. Receive and Accept Human Relations Commission Meeting Minutes of January 10 and February 7, 2023
- C. Receive and Approve Block Party-Street Closing for Franklyn Place, June 4, 2023
- D. Receive and Approve Block Party-Street Closing for Henry Street, June 3, 2023
- E. Receive and Approve Block Party-Street Closing for Summit Avenue June 10, 2023
- F. Receive and Approve Block Party-Street Closing for West Walnut Street June 17, 2023

Ordinance – Introduction

- Ord. 2023-13 CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
- Ord. 2023-14 BOND ORDINANCE APPROPRIATING \$16,000,000 AND AUTHORIZING \$15,238,095 BONDS OR NOTES OF THE BOROUGH FOR THE CONSTRUCTION AND EQUIPPING OF A NEW EMERGENCY SERVICES CENTER AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY
- Ord. 2023-15 ORDINANCE AMENDING CHAPTER 153, ENTITLED “SEWER” OF THE CODE OF THE BOROUGH OF METUCHEN SPECIFICALLY ARTICLE 3, INCREASING THE SEWER CONNECTION FEES

Report of the Borough Administrator

Reports Of Council Members

Council President Delia
Councilmember Rasmussen
Councilmember Kandel
Councilmember Hyman
Councilmember Hirsch
Councilmember Branch

Report of the Mayor

New Business Consent Agenda – Resolutions 2023-153 to 2023-161

- R2023-153 RESOLUTION TO AMEND THE 2023 TEMPORARY BUDGET
- R2023-154 RESOLUTION CERTIFYING THE 2023-24 BOARD OF EDUCATION BUDGET

- R2023-155 RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO RENAUD DEAPPOLONIO LLC FOR PROFESSIONAL LEGAL SERVICES
- R2023-156 RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR CONSULTANT SERVICES
- R2023-157 RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HILLSIDE AVENUE BIKEWAY PROJECT
- R2023-158 RESOLUTION AUTHORIZING THE ENTRY INTO A DEVELOPERS' AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND 51 HOLLY ROAD ASSOCIATES, LLC AND 195 MAIN STREET ASSOCIATES, LLC
- R2023-159 RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72
- R2023-160 RESOLUTION APPROVING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE FROM WOODMONT METUCHEN LLC TO SATYA BEVERAGES LLC
- R2023-161 RESOLUTION SUPPORTING THE 'CLICK IT OR TICKET' MOBILIZATION OF MAY 22 – JUNE 4, 2023

Other New Business

- R2023-162 RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$3,807,761.26

Adjournment

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

ORDINANCE 2023-13

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

**CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Metuchen in the County of Middlesex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 164,677.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Metuchen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Metuchen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0 %, amounting to \$ 164,677.37, and that the CY 2023 municipal budget for the Borough of Metuchen be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on May 22, 2023.

Deborah Zupan, RMC
Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH					HYMAN					
DELIA					KANDEL					
HIRSCH					RASMUSSEN					
MOTION					SECOND					
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

BOND ORDINANCE 2023 - 14

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

**BOND ORDINANCE APPROPRIATING \$16,000,000 AND AUTHORIZING
\$15,238,095 BONDS OR NOTES OF THE BOROUGH FOR
THE CONSTRUCTION AND EQUIPPING OF A NEW EMERGENCY SERVICES
CENTER 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 \$16,000,000, said sum being inclusive of all
appropriations heretofore made therefor and including the sum of \$761,905 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.

Section 2. For the financing of said improvements or purposes and to meet the part of said
\$16,000,000 appropriation not provided for by application hereunder of said down payment,
negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of
\$15,238,095 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 \$15,238,095 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 the construction of an approximately 13,095 square foot emergency services center to be located at 98 Essex Avenue in the Borough, including without limitation, a main building and an out-building, and any fixtures, furniture and equipment necessary therefor, including all demolition, abatement, site work, and other work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$15,238,095.

(c) The estimated cost of said purposes is \$16,000,000 which represents the initial appropriation made by the Borough. The excess of the appropriation of \$16,000,000 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of 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 amount 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 30 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 \$15,238,095, 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 \$2,702,000 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 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 \$15,238,095. 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.

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on May 22, 2023.

Deborah Zupan, RMC
Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

ORDINANCE 2023-15

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

**ORDINANCE AMENDING CHAPTER 153, ENTITLED “SEWER” OF THE
CODE OF THE BOROUGH OF METUCHEN SPECIFICALLY ARTICLE 3,
INCREASING THE SEWER CONNECTION FEES**

WHEREAS, the Borough Administrator and Borough Engineer have met and have recommended that the Mayor and Council of the Borough of Metuchen amend Chapter 153 of the Code of the Borough of Metuchen, entitled, “Sewers” to update the sewer connection fees set forth in § 153-28 – Connection of residential units; § 153-29. Connection of commercial establishments; § 153-30. Additional fee for new residential connections; and § 153-31. Additional fee for new commercial connections; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to amend Chapter 153 of the Code of the Borough of Metuchen, entitled, “Sewers” to update the sewer connection fees set forth in § 153-28 – Connection of residential units; § 153-29. Connection of commercial establishments; § 153-30. Additional fee for new residential connections; and § 153-31. Additional fee for new commercial connections.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby amends Chapter 153, Article 3 of the Code of the Borough of Metuchen to state as follows:

Article 3. Fees for Connection to Sanitary Sewer System

§ 153-28. Connection of residential units.

A fee of ~~\$1,500~~^{\$1,500.750} shall be assessed against the property owner for the connection of any residential unit. In the event of a multiple dwelling, each residential unit shall be assessed, whether or not it has a separate lateral. This amount shall be due whether the connection is a new one or if it is a replacement connection. A replacement connection is defined as any work on any sanitary sewer lateral within five feet of the curblineline or right-of-way of any dedicated street or easement or access right-of-way.

§ 153-29. Connection of commercial establishments.

A fee shall be determined by the Borough Engineer for any commercial establishment connecting to the sanitary sewer which shall not be less than ~~\$2,000~~^{\$2,000.750}, but may be more, based on the number of equivalent dwelling units (EDU). The EDU shall be calculated as follows: Gross area (sf) times theoretical sewage flow, as determined by NJDEP regulations, divided by 225 gallons per day/per unit.

§ 153-30. ~~Reserved~~Additional fee for new residential connections.

~~A fee of \$300 for any new sanitary sewer connection shall be assessed against the property owner of each residential unit for the express purpose of supporting the capital investment of the sewerage pumping stations and other equipment for the Borough of Metuchen. This fee is only to be assessed for new sanitary sewer connections and not replacement or repair connections.~~

§ 153-31. Additional fee for new commercial connections.

With regard to any new commercial connection, a fee shall be determined by the Borough Engineer to support the additional sewerage flow as to the capital investment in equipment, both present and future, of the sewerage pumping stations of the Borough of Metuchen. This fee shall not be assessed for any replacement or repaired sewer connection. If, in the sole opinion of the Borough Engineer, there is a change of use or additional intensity of a use creating additional sewerage flow, a fee may be assessed as determined by the Borough Engineer.

§ 153-32. Adjustment of fees.

These fees shall be adjusted annually.

BE IT FURTHER ORDAINED by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Chapter 153 not amended herein shall not be affected thereby and shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction:

Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH					HYMAN					
DELIA					KANDEL					
HIRSCH					RASMUSSEN					
MOTION					SECOND					
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 Deborah Zupan, RMC
 Borough Clerk

Adopted:
 Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH					HYMAN					
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HIRSCH					RASMUSSEN					
MOTION					SECOND					
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 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

RESOLUTION 2023-153

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

RESOLUTION TO AMEND THE 2023 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 that the following additional temporary emergency appropriations shall be made for the year 2023, effective May 22, 2023:

Recycling	OE	25,000.00
Municipal Court	OE	1,500.00
Street Lighting		40,000.00
Utilities		20,000.00
Public Works Administration	OE	35,000.00
	TOTAL	\$121,500.00

RESOLUTION 2023-154

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

RESOLUTION CERTIFYING THE 2023-24 BOARD OF EDUCATION BUDGET

WHEREAS, the 2023-2024 school budget for the school district Borough of Metuchen was approved as follows:

General Fund	\$43,066,156
Debt Service	\$ 2,233,604
Total Approved	\$45,299,760

WHEREAS, the balance to be raised for the school district taxes on account of the 2022-2023 school tax levy is \$22,204,162.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that the school district tax levy for the calendar year 2023 be established as follows:

January 1, 2023 to June 30, 2023 (balance of 2022-2023 levy)	\$22,204,162
July 1, 2023 to December 31, 2023 (one-half of 2023-2024 levy)	\$22,649,880
Amount to be raised for school district taxes in 2023	\$44,854,042

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Middlesex County Board of Taxation.

RESOLUTION 2023-155

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

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO RENAUD
DEAPPOLONIO LLC FOR PROFESSIONAL LEGAL SERVICES**

WHEREAS, the Borough of Metuchen has a need to acquire professional legal services to represent the Borough in a recently filed complaint in lieu of prerogative writs against it, using a non-fair and open, now known as required disclosure process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer/Qualified Purchasing Agent anticipates that the value of the services rendered may exceed \$17,500; and

WHEREAS, Renaud DeAppolonio LLC, currently serves as legal counsel to the Borough of Metuchen Planning and Zoning Boards and is also the Borough's Affordable Housing/COAH legal counsel and has the required expertise to represent the Borough; and

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

WHEREAS, the maximum amount of the contract is \$10,000.00 and the Chief Financial Officer has certified that there are sufficient funds for such contract and is available and is designated from 2023 Temporary Budget and 2023 Adopted Budget Legal Services Account number 3-01-20-712-027 for these services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Renaud DeAppolonio LLC, 190 North Avenue E, Cranford, NJ 07016.
2. This contract is awarded as a required disclosure (non-fair and open) "Professional Service" in accordance with N.J.S.A. 19:44A-20.5.
3. The Business Disclosure Entity Certification be placed on file with this resolution.
4. A notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2023-156

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

**RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR CONSULTANT SERVICES**

WHEREAS, the Borough of Metuchen has determined that it is necessary to procure recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-4.1 et seq.*, provides for the utilization of a process called competitive contracting in lieu of public bidding for granting of a competitive contract for consulting services; and

WHEREAS, pursuant to *N.J.S.A. 11-4-3(a)*, by way of Resolution No. 2023-117, the Borough Council authorized the use of competitive contracting for the granting of a contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen prepared, issued, and publicly advertised a Notice of a Request for Proposals for the provision of granting a competitive contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, the Borough received two (2) proposals for a competitive contract for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or designee, the Director of Economic Development and the QPA evaluated the proposals submitted based upon the criteria set forth in the RFP and have determined and recommended the award of contract to Jersey Professional Management for the provision of 2023 Consultant Services–Recruitment and General Management Consultant Services in the total amount not to exceed One Hundred Ten Thousand dollars (\$110,000.00) for Recruitment and General Management Consultant Services; and

WHEREAS, the maximum amount approved for the provision of Recruitment and General Management Consultant Services for the Borough of Metuchen is \$110,000.00 and funds are available in the 2023 Temporary and 2023 Adopted Budget, Account Public Works Administration, Professional Services 3-01-26-764-028 in the amount of \$100,000.00 and from Administrative and Executive Professional Services 3-01-20-701-028 in the amount of \$10,000.00 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount of \$110,000.00: and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that it to be in the best interest of Metuchen to authorize the contract for the 2023 Consultant Services–Recruitment and General Management Consultant Services to Jersey Professional Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for the 2023 Consultant Services–Recruitment and General Management Consultant Services to Jersey Professional Management.

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement, with Jersey Professional Management, 16 Pearl Street, Suite 210, Metuchen, NJ 08840, consistent with the terms of the within Resolution, the RFP and the proposal submitted to the Borough; and

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

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

RESOLUTION 2023-157

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

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HILLSIDE AVENUE BIKEWAY PROJECT

BE IT RESOLVED that the Council of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2023-Hillside Avenue Bikeway Project-00129 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Deborah Zupan, Borough Clerk

Jonathan Busch, Mayor

RESOLUTION 2023-158

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

RESOLUTION AUTHORIZING THE ENTRY INTO A DEVELOPERS' AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND 51 HOLLY ROAD ASSOCIATES, LLC AND 195 MAIN STREET ASSOCIATES, LLC

WHEREAS, 51 Holly Road Associates is the Developer of property located at Block 158, Lots, 1.01 & 1.02 shown on the Official Tax Map of the Borough of Metuchen, and more commonly known as 195 Main Street (“the Property”); and

WHEREAS, 195 Main Street Associates, LLC is the current owner of property located at Block 158, Lots, 1.01 & 1.02 shown on the Official Tax Map of the Borough of Metuchen, and more commonly known as 195 Main Street (“the Property”); and

WHEREAS, the Developer filed an application with the Zoning Board of Adjustment for preliminary and final site plan approval with “D(1)” variance and “C” variances and exceptions for the Property (collectively referred to as “the Project”); and

WHEREAS, the Metuchen Zoning Board of Adjustment granted the Developer preliminary and final major site plan approval with D(1) variance, C variances and exceptions to permit a three story mixed-use building with an office and thirteen (13) apartment units subject to various conditions of approval and such approval was memorialized by way of Resolution of the Zoning Board of Adjustment dated December 10, 2021; and

WHEREAS, approval of the Zoning Board was subject to the Developer and Owner (“Developers”) entering into a Developers’ Agreement with the Borough of Metuchen; and

WHEREAS, pursuant to § 110-254 of the Code of the Borough of Metuchen Developer’s Agreements shall be approved by the Council of the Borough of Metuchen; and

WHEREAS, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to enter into the proposed Developers’ Agreement with 51 Holly Road Associates, LLC and 195 Main Street Associates, LLC reflecting the approvals, conditions and requirements thereof in the form attached hereto and incorporated herein.

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 proposed Developers’ Agreement by and between the Borough of Metuchen and 51 Holly Road Associates, LLC and 195 Main Street Associates, LLC.

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Mayor is hereby authorized to execute the proposed Developers' Agreement between the Borough of Metuchen and 51 Holly Road Associates, LLC and 195 Main Street Associates, LLC; 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 terms and conditions of the executed Developers' Agreement.

RESOLUTION 2023-159

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

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2023, and the Borough of Metuchen Tax Collector will be unable to mail the Borough's 2023 tax bills on a timely basis; and

WHEREAS, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range, and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY ON THE 22ND OF MAY 2023, AS FOLLOWS:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare, and issue estimated tax bills for the Borough for the third installment of 2023 taxes. The Tax Collector shall proceed on May 23rd, 2023, and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire regular estimated tax levy for 2023 is hereby set at \$72,297,568.76.
3. The Special Improvement District tax levy for those properties designated as in the Special Improvement District is hereby set at \$250,000.00.
4. In accordance with law the third installment of 2023 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION 2023-160

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

**RESOLUTION APPROVING PERSON-TO-PERSON AND PLACE-TO-PLACE
TRANSFER OF LIQUOR LICENSE FROM WOODMONT METUCHEN LLC
TO SATYA BEVERAGES LLC**

WHEREAS, an application was filed in the Office of the Municipal Clerk on July 26, 2022 for a Person-To-Person and Place-To-Place transfer of Liquor License No. 1210-33-009-009 from Woodmont Metuchen LLC to Satya Beverages LLC, t/a Meximodo, for 99 New Street, Metuchen, NJ 08840; and

WHEREAS, the submitted application form was complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local Ordinances and conditions consistent with Title 33 and a Tax Clearance Certificate has been received; and

WHEREAS, the Police Department has reviewed the application and recommends that the transfer be approved.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen do hereby approve the Person-To-Person and Place-To-Place transfer of Liquor License No. 1210-33-009-009 to Satya Beverages LLC, t/a Meximodo, for 99 New Street, Metuchen, NJ 08840 effective May 23, 2023.

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to notify the Division of Alcoholic Beverage Control of this transfer and to change the generation number of the license to 1210-33-009-010 reflecting said transfer.

RESOLUTION 2023-

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

**RESOLUTION SUPPORTING THE ‘CLICK IT OR TICKET’ MOBILIZATION
OF MAY 22 – JUNE 4, 2023**

WHEREAS, there were 694 motor vehicle fatalities in New Jersey in 2022; and

WHEREAS, approximately 40% of the motor vehicle occupants killed in those traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 – June 4, 2023 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of further increasing the seat belt usage rate in the state from the current level of 93%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Metuchen declares it’s support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 – June 4, 2023 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION 2023-162

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

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 \$3,807,761.26.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO