

BOROUGH OF METUCHEN COUNCIL MINUTES

April 10, 2023

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, April 10, 2023.

The Meeting was called to order at 7:33 p.m. by Mayor Busch.

Mayor Busch asked all to rise for the flag salute.

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 December 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 welcomed Senator Patrick Diegnan, Assemblyman Robert Karibinchak, and Assemblyman Sterley Stanley, who were all in attendance.

Senator Diegnan read a joint resolution by the Senate and Assembly, recognizing the Metuchen Downtown Alliance and the Borough of Metuchen for winning the 2023 Great American Main Street Award. Assemblyman Karibinchak, Assemblyman Stanley, and Senator Diegnan each offered their praise for Metuchen's efforts and their congratulations.

Mayor Busch read a document containing remarks made to the House of Representatives by Congressman Pallone, congratulating the Metuchen Downtown Alliance and the Borough of Metuchen for winning the 2023 Great American Main Street Award. Mayor Busch presented the document to Metuchen Downtown Alliance Executive Director Dawn Mackey.

Roll Call

Mayor Busch asked for a roll call.

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

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.

Report

Shivani Jaishankar of the Metuchen EMS gave the following report:

Good Evening Mayor and members of the Council,

My name is Shivani Jaishankar, I am a Senior at Middlesex County Academy for Allied Health and Biomedical Sciences. I am 17 years old and became an EMS Cadet in September 2023. I have taken 22 calls since I became a member of the squad. I am here tonight to present our first report for 2023.

So far this year we have taken 80 calls, with a very high proportion of those calls in Edison. This is a mixed blessing, it means that we are busier and if we are busy our EMT skills are better, but it also means less time for school homework.

We have a very good relationship with HMM-JFK EMS, and we are getting more calls in Edison because we are often the closest unit. The downside is that if we are in Edison and a 911 call comes in for Metuchen, we can't take it.

This month we will celebrate the 75th anniversary of Metuchen First Aid Squad. 75 years ago,

nearly all the members lived in Metuchen, now half of our members are from out of town, some as far away as Somerset. We have around 23 members riding today, and that will grow to 30 when our university students come home in June. This is the most riding members we have had in the last 7 years, and it means that we are in good shape for the near future.

Besides 911 calls we also support community events. Since our last report we covered a Dirty Jersey Roller Derby bout and we hosted boy scouts and girl scouts. We have another roller derby bout coming up on April 23.

Thank you.

Public Comment

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

Paul Nadler, 133 Woodside Avenue, spoke about the proposed power plant to be built in the Keasby section of Woodbridge, and his desire to see Metuchen residents, both local activists and Borough Officials, work together towards a solution. Mr. Nadler said he hoped residents could continue their discussions in an atmosphere of respect.

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 January 1, 2023, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Public Hearing

Mayor Busch opened the public hearing on the Metuchen Downtown Alliance 2023 Budget to any members of the public wishing to speak.

Seeing no one, Mayor Busch closed the public hearing.

Council President Delia made a motion to approve the Metuchen Downtown Alliance 2023 Budget, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Communications Consent Agenda – Items A - G

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

- A. Receive and Accept Arts Council Meeting Minutes of January 23, 2023
- B. Receive and Accept Environmental Commission Meeting Minutes of January 18, 2023
- C. Receive and Accept Library Board Meeting Minutes of February 14, 2023
- D. Receive and Accept Shade Tree Commission Meeting Minutes of January 3, 2023
- E. Receive and Accept Traffic and Transportation Committee Meeting Minutes of January 11, 2023 and February 28, 2023
- F. Receive and Accept TV and Technology Committee Meeting Minutes of February 24, 2023
- G. Receive and Accept Letter from Breaking the Chain Through Education for the Sam Liss Memorial 5K on October 1, 2023

Ordinances – Public Hearing

Ordinance 2023-05

ORDINANCE AMENDING CHAPTER 137 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, “PRECIOUS METALS AND GEMS” TO ADD SECONDHAND GOODS AND TO REQUIRE ADDITIONAL RECORDKEEPING AND REPORTING

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 2023-05 had been published one time in the Home News Tribune according to law on March 9, 2023.

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 2023-05 be read by title only.

Ms. Zupan read Ordinance 2023-05 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-05.

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

Council President Delia made a motion to pass Ordinance 2023-05 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, Hyman, Kandel, Rasmussen, Delia
Nays: None

Ordinance 2023-05 was adopted, 5-0.

ORDINANCE 2023-05

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

ORDINANCE AMENDING CHAPTER 137 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, "PRECIOUS METALS AND GEMS" TO ADD SECONDHAND GOODS AND TO REQUIRE ADDITIONAL RECORDKEEPING AND REPORTING

WHEREAS, at the recommendation of the Chief of Police, the Mayor and Council have determined that it is in the best interest of the residents of the Borough of Metuchen to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems and other secondhand goods and to require minimum identification, reporting, maintenance and distribution criteria for dealers in these types goods.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex, that it hereby amends Chapter 137, entitled, "Precious Metals and Gems" of the Code of the Borough of Metuchen, to "Precious Metals, Gems and Secondhand Goods", to state as follows:

CHAPTER 137

PRECIOUS METALS, GEMS AND SECONDHAND GOODS

§ 137-1. Purpose and Intent

- A. The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems and other secondhand goods by reporting minimum identification, reporting, maintenance and distribution criteria for dealers in these goods.
- B. No person shall use, exercise, or carry on the business, trade, or occupation of the buying and selling, or pawning of precious metals, gems or other secondhand

goods without complying with the requirements of this Chapter in the exact manner described.

§ 137-2. Definitions

As used in this Chapter, the following terms shall have the meaning indicated:

ACCEPTABLE IDENTIFICATION

A current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government-issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

DEALER

Any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

ITINERANT BUSINESS

A dealer who conducts business intermittently within the Borough or at varying locations.

PAWNBROKER

Any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

PRECIOUS METALS

Gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

PUBLIC

Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

REPORTABLE TRANSACTION

Every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

SECONDHAND GOODS

Used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this chapter, "secondhand goods" shall not include goods transacted in the following manner:

- A. Judicial sales or sales by executors or administrators;
- B. Occasional or auction sales of household goods sold from private homes;
- C. Auctions of real estate;
- D. The occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

SELLER

A member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

TRANSIENT BUYER

A dealer, as defined herein, who has not been in a registered retail business continuously for at least six months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business within six months

§ 137-3. Written record of reportable transactions.

Any person, partnership or corporation in the full- or part-time business of purchasing gold, silver, precious metals, gems and other secondhand goods in the Borough of Metuchen shall maintain a written record of all reportable transactions.

§ 137-4. Form of record.

Said record shall be contained in a book bound with stitching, glue or other type of permanent binding and shall not be contained in any loose-leaf, spiral, insert or other type of semipermanent or temporary binding. There shall be no spaces between entries, and each entry shall be numbered in sequence. Said record shall be legible and contain the following information:

- A. Date of sale.
- B. Name and address of seller.
- C. Detailed description of items purchased.
- D. Purchase price.

§ 137-5. Identification of Seller; Recordkeeping requirements.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in § 137-2.
- B. Require each seller to execute a declaration of ownership, which shall contain the following certification: "My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of 18 years and the identification presented is valid and correct."

C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:

(1) The name, address, and telephone number of the purchaser, including the clerk or employee of the dealer making the purchase;

(2) The name, address, date of birth, and telephone number of the seller or sellers;

(3) A photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

(4) A photographed recording of the seller's presented acceptable identification, as set forth in § 137-2, in a format acceptable by the Chief of Police;

(5) A photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;

(6) The receipt number;

(7) A detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;

(8) The price paid for the purchase or pawn of the item(s);

(9) If precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;

(10) The time and date of the transaction.

§ 137-6. Reports to the Police Department.

The information contained in § 137-5 shall be electronically submitted to the Borough of Metuchen Police Department Detective Bureau within seventy-two (72) hours of the transaction in the form and as required and provided for by the Chief of Police.

§ 137-7. Availability of record.

The dealer shall make the records required by this Chapter available for inspection of any law enforcement officer, upon demand, without the need for advance notice. The records required by this Chapter shall be kept at the Dealer's business premises. In addition to all other reporting requirements, every dealer shall maintain for at least five years a written record of all purchases of precious metals, gems and other secondhand goods in the form prescribed in § 137-5(C).

§ 137-8. Retention and Inspections.

All secondhand goods purchased, received for pawn, or received for consignment as described above are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 137-6 except for precious metals

and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d).

(1) All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

§ 137-9. Prohibitions.

No dealer shall sell, melt, change the form or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made to the Chief of Police. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein.

§ 137-10. Violations and penalties.

Any person who shall violate any provision of §§ 137-1 through 137-9 of this chapter or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be punished as provided in Chapter 1, General Provisions, Article 1. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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; and

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of the Code not amended or referenced herein shall not be affected thereby and shall remain in full force and effect; and

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.

Ordinance 2023-06

BOND ORDINANCE APPROPRIATING \$4,700,000
AND AUTHORIZING \$2,571,000 BONDS OR NOTES
OF THE BOROUGH FOR IMPROVEMENTS TO
EDGAR FIELD AUTHORIZED TO BE UNDERTAKEN
BY THE BOROUGH OF METUCHEN, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY

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 2023-06 had been published one time in the Home News Tribune according to law on March 10, 2023.

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 2023-06 be read by title only.

Ms. Zupan read Ordinance 2023-06 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-06.

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

Council President Delia made a motion to pass Ordinance 2023-06 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, Hyman, Kandel, Rasmussen, Delia
Nays: None

Ordinance 2023-06 was adopted, 5-0.

BOND ORDINANCE 2023-06

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

**BOND ORDINANCE APPROPRIATING \$4,700,000 AND AUTHORIZING
\$2,571,000 BONDS OR NOTES OF THE BOROUGH FOR
IMPROVEMENTS TO EDGAR FIELD 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 \$4,700,000, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$129,000 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 and (ii) a grant from the New Jersey Department of Education in the amount of \$2,000,000 (the "Grant").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$4,700,000 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,571,000 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 \$2,571,000 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 improvements to Edgar Field for the installation of a synthetic surface field, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$2,571,000.

(c) The estimated cost of said purposes is \$4,700,000 which represents the initial appropriation made by the Borough. The excess of the appropriation of \$4,700,000 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of the Grant 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 15 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 \$2,571,000, 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 \$600,000 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, including without limitation the Grant, 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 \$2,571,000. 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.

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2023-07 had been published one time in the Home News Tribune according to law on March 10, 2023.

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 2023-07 be read by title only.

Ms. Zupan read Ordinance 2023-07 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-07.

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

Council President Delia made a motion to pass Ordinance 2023-07 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, Hyman, Kandel, Rasmussen, Delia
Nays: None

Ordinance 2023-07 was adopted, 5-0.

BOND ORDINANCE 2023-07

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

**BOND ORDINANCE APPROPRIATING \$2,913,615 AND AUTHORIZING
\$2,355,000 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 \$2,913,615, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$125,000 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 and (ii) a grant from the New Jersey Department of Transportation in the amount of \$433,615 (the “Grant”).

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,913,615 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,355,000 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 \$2,355,000 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) acquisition of a front end loader and tire balancer/changer; (ii) creation of a pocket park and recreation improvements to various parks; (iii) digitization of records; (iv) acquisition of one police vehicle; (v) Borough Hall improvements including painting, entry plaza lighting and stonework improvements; (vi) improvements and repairs to Public Works facilities; (vii) improvements and repairs to the Library; (viii) technology upgrades to servers, desktops and related peripherals; (ix) media upgrades including digital signage; (x) improvements to Senior Center including HVAC improvements, painting and flooring; (xi) overlay, drainage improvement and reconstruction of Wakefield Drive, Lexington Drive, Concord Avenue, Prospect Street, Mayfield Place, High Street, Waltham Avenue, Beechwood Avenue and Homestead Road; (xii) curb/sidewalk repair and/or ADA concrete/curbing improvements of various streets, including without limitation, Wakefield Drive, Lexington Drive, Concord Avenue, Prospect Street, Mayfield Place, High Street, Waltham Avenue, Beechwood Avenue and Homestead Road; (xiii) overlay and/or reconstruction of NJ Transit Lots – Penn Avenue; and (xiv) sewer line repairs and replacement, 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 \$2,355,000.

(c) The estimated cost of said purposes is \$2,913,615, which represents the initial appropriation made by the Borough. The excess of the appropriation of \$2,913,615 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of the Grant 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 11.88 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 \$2,355,000, 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 \$356,000 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, including without limitation the Grant, 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 \$2,355,000. 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.

Ordinances – Introduction

Ordinance 2023-08

ORDINANCE AMENDING CHAPTER 10, ENTITLED
“COMMISSIONS AND COMMITTEES”
RESTRUCTURING THE “MUNICIPAL ALLIANCE
BOARD – YOUTH SERVICE BOARD” TO BECOME
THE COMMUNITY ACTION FOR RECOVERY,
EDUCATION, AND SUPPORT (“CARES’)
COMMITTEE

Council President Delia made a motion that Ordinance 2023-08 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 2023-08 be read by title only.

Ms. Zupan read Ordinance 2023-08 by title only.

Council President Delia moved that Ordinance 2023-08 be passed on first reading, be published according to law, and a public hearing be set down for Monday, April 24, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-08 was passed on first reading, 5-0, and will be published according to law.

Ordinance 2023-09 ORDINANCE AMENDING THE CODE OF THE
 BOROUGH OF METUCHEN AND THE COMPOSITION
 OF THE PARADE COMMISSION INCREASING ITS
 MEMBERSHIP FROM FIVE (5) MEMBERS TO SEVEN
 (7) MEMBERS

Council President Delia made a motion that Ordinance 2023-09 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 2023-09 be read by title only.

Ms. Zupan read Ordinance 2023-09 by title only.

Council President Delia moved that Ordinance 2023-09 be passed on first reading, be published according to law, and a public hearing be set down for Monday, April 24, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-09 was passed on first reading, 5-0, and will be published according to law.

Ordinance 2023-10 ORDINANCE TO AMEND THE CODE OF THE
 BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO
 AMEND CERTAIN APPLICATION, LICENSE AND
 PERMIT FEES – RECREATION FEES

Council President Delia made a motion that Ordinance 2023-10 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 2023-10 be read by title only.

Ms. Zupan read Ordinance 2023-10 by title only.

Council President Delia moved that Ordinance 2023-10 be passed on first reading, be published according to law, and a public hearing be set down for Monday, April 24, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-10 was passed on first reading, 5-0, and will be published according to law.

Ordinance 2023-11 ORDINANCE TO AMEND THE CODE OF THE
 BOROUGH OF METUCHEN, VARIOUS CHAPTERS,
 CERTAIN APPLICATION, LICENSE AND PERMIT
 FEES – POOL FEES

Council President Delia made a motion that Ordinance 2023-11 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 2023-11 be read by title only.

Ms. Zupan read Ordinance 2023-11 by title only.

Council President Delia moved that Ordinance 2023-11 be passed on first reading, be published according to law, and a public hearing be set down for Monday, April 24, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-11 was passed on first reading, 5-0, and will be published according to law.

Ordinance 2023-12 ORDINANCE TO SET THE MINIMUM AND
 MAXIMUM WAGE RANGES FOR CERTAIN
 BOROUGH EMPLOYEES, AMENDING ORDINANCE
 2023-02

Council President Delia made a motion that Ordinance 2023-12 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 2023-12 be read by title only.

Ms. Zupan read Ordinance 2023-12 by title only.

Council President Delia moved that Ordinance 2023-12 be passed on first reading, be published according to law, and a public hearing be set down for Monday, April 24, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Branch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-12 was passed on first reading, 5-0, and will be published according to law.

Reports of Councilmembers

As Councilmember Hirsch was absent, Council President Delia reported on the status of the Library elevator repairs. He reported on upcoming Library programs as well. Council President Delia shared that he had the opportunity to speak about Metuchen at the Main Street Conference in Boston. He reported on the Traffic and Transportation Committee's 'Slow Down in Our Town' campaign and a new initiative to assess the condition of Borough roads.

Councilmember Rasmussen reported on the Senior Center, specifically their membership and the classes they offer. She also spoke about the Environmental Commission's 'Weed Warrior' program, the Borough's Sustainable Jersey application, and the Shade Tree Commission.

Councilmember Kandel reported that Pool registration would be opening soon, and that all registration would be online. He also reported that the Borough received a FEMA grant which will enable First Responders to respond to emergencies more effectively, and highlighted recent initiatives of the Historic Preservation Committee.

Councilmember Hyman reported on the recent changes to the Municipal Alliance Committee, now know as the CARES Committee, and the benefits of this change. She also reported on the Parade Commission's planning of the upcoming Memorial Day parade, the theme of which will be "Coming Home."

Councilmember Branch reported on recent and upcoming activities of the Recreation Commission including the Easter Egg Hunt, Daddy Daughter Dance, and Bike Safety Rodeo, as well as events held by the Arts Council.

Report of the Mayor

There will be a press conference on April 12 at the Gulton site, to mark the occasion as the industrial buildings on the property will be demolished to make way for the new construction and development, which will eventually include easy access to the 30 acre wildlife preserve. It's wonderful that we've won the GAMS Award, but this is just the beginning of steps we need to take to continuously improve Metuchen and help keep our businesses as successful as possible.

New Business Consent Agenda – Resolutions 2023-105 to 2023-131

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-105 to 2023-131, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2023-105

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 April 10, 2023:

| | | |
|---|-----|------------|
| Parks & Playgrounds | OE | 3,000.00 |
| Recreation | OE | 5,000.00 |
| Senior Citizen Center | OE | 2,000.00 |
| Forestry | OE | 10,000.00 |
| Garbage & Trash | OE | 20,000.00 |
| Library | | 200,000.00 |
| Sewers | OE | 100,000.00 |
| Woodbridge Shared Services-Public Works | | 25,000.00 |
| Public Works Administration | | 30,000.00 |
| Auxiliary Police | | 1,000.00 |
| Zoning | OE | 7,000.00 |
| Planning | OE | 1,000.00 |
| Elections | OE | 5,000.00 |
| Defined Contribution Retirement Plan | | 4,000.00 |
| Social Security | | 60,000.00 |
| Municipal Court | OE | 002,000.00 |
| Administrative & Executive | S&W | 40,000.00 |
| Financial Administration | S&W | 64,000.00 |
| Fire Department | S&W | 1,000.00 |
| Fire Prevention | S&W | 12,000.00 |
| Mayor & Council | S&W | 5,500.00 |
| Municipal Clerk | S&W | 11,400.00 |
| Municipal Court | S&W | 36,000.00 |
| Emergency Management | S&W | 2,000.00 |
| Planning Board | S&W | 7,000.00 |
| Recreation | S&W | 11,000.00 |
| Senior Citizen Bus Drivers | S&W | 5,500.00 |
| Senior Citizen Center | S&W | 6,000.00 |
| Zoning | S&W | 10,000.00 |
| Public Works Administration | S&W | 35,000.00 |

| | | |
|---------------------------|-------------------|-----------------------|
| Buildings & Grounds | S&W | 16,500.00 |
| Forestry | S&W | 26,500.00 |
| Garbage & Trash | S&W | 74,000.00 |
| Parks & Playgrounds | S&W | 18,500.00 |
| Sewers | S&W | 25,500.00 |
| Streets & Roads | S&W | 50,000.00 |
| Police | S&W | 530,000.00 |
| Uniform Construction Code | S&W | 35,000.00 |
| | TOTAL | \$1,497,400.00 |
| | | 0 |
| Pool Social Security | | 5,000.00 |
| Pool | 0E | 50,000.00 |
| | POOL TOTAL | 55,000.00 |

RESOLUTION 2023-106

RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN TO ENTER INTO THE HUNTERDON HOUNTY EDUCATIONAL SERVICES COOPERATIVE PRICING SYSTEM (HCESCCPS)

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Metuchen desires to become a member of the Hunterdon County Educational Services Commission Cooperative Pricing System (HCESCCPS) #34-HUNCCP, a Cooperative Pricing System for the purchase of goods and services under the lead agency Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency ", effective April 10, 2023 and, that such membership shall be active thereafter of the system, unless the Borough of Metuchen elects to formally withdraw from the system;

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Qualified Purchasing Agent on behalf of the Borough of Metuchen is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

WHEREAS, the lead agency 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 of the State of New Jersey; and

WHEREAS, this resolution shall take effect immediately upon passage.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for such membership.
2. Three (3) certified copy of this Resolution and three (3) executed copies of the Agreement shall be submitted to Hunterdon County Educational Services Commission, 37 Hoffmans Crossing Road, Califon, New Jersey, 07830.

RESOLUTION 2023-107

RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN TO ENTER INTO THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM (NJWCPS)

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Metuchen desires to become a member of the North Jersey Wastewater Cooperative Pricing System (NJWCPS) #88-NJWCPS, a Cooperative Pricing System for the purchase of goods and services under the lead agency Passaic Valley Sewerage Commission, hereinafter referred to as the "Lead Agency", effective April 10, 2023 and, that such membership shall be for the period ending November 24, 2024, and each renewal, thereafter of the system, unless the Borough of Metuchen elects to formally withdraw from the system; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Qualified Purchasing Agent on behalf of the Borough of Metuchen is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency; and

WHEREAS, the lead agency 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 of the State of New Jersey; and

WHEREAS, this resolution shall take effect immediately upon passage.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for such membership.
2. Three (3) certified copy of this Resolution and three (3) executed copies of the Agreement shall be submitted to Thomas A. Fuacaldo, RPPO-QPA, Purchasing Agent, Passaic Valley Sewerage Commission, 600 Wilson Avenue, Newark, NJ 07105.

RESOLUTION 2023-108

RESOLUTION AUTHORIZING NJWCPS CONTRACT FOR PUMP STATION COMMUNITER, VARIOUS PUMPS AND MOTORS REPAIR, REPLACEMENT, AND INSTALLATION SERVICES

WHEREAS, there exists a need to purchase a comminuter for the Orchard Street pump station and for various pumps and motors repair, replacement and installation services including pump shop maintenance and emergent care for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, a channel monster renew cartridge can be purchased through NJWCPS Contract No. B331-12 Various Manufacturer Pumps and Motors Repair and Replacement and Installation, and NJWCPS Contract No. B270-2 Furnish and Deliver Various Manufacturers Equipment and Spare Parts; and

WHEREAS, the term of the NJWCPS Contract No. B331-12 is from August 1, 2022 through July 31, 2023 and the term of the NJWCPS Contract No. B270-2 is from August 1, 2021 through July 31, 2023; and

WHEREAS, the authorization for purchases under both contracts under this award expires on July 31, 2023; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase a comminuter with installation in an amount not to exceed \$37,373.08, and for various pumps and motors repair, replacement and installation services including pump shop maintenance and emergent care in an amount not to exceed \$22,500.00 from the 2023

Temporary Budget and 2023 Adopted budget appropriation line item Sewers-Equipment Maintenance & Repair 3-01-26-773-026, for a grant total in the amount not to exceed \$59,873.08; and

WHEREAS, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; and

WHEREAS, NJWCPS 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; and.

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Pumping Services, Inc. for a comminuter with installation and various pumps and motors repair, replacement and installation services for 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, New Jersey, 08846.

RESOLUTION 2023-109

RESOLUTION AUTHORIZING NJWCPS CONTRACT FOR PUMP STATION GRINDER CARTRIDGE

WHEREAS, there exists a need to purchase a renew cartridge for the Jersey Avenue pump station sewer grinder for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, a channel monster renew cartridge can be purchased through NJWCPS Contract No. B270-6 Furnish and Deliver Various Manufacturers Equipment and Spare Parts; and

WHEREAS, the term of the contract is from August 1, 2021 through July 31, 2023; and

WHEREAS, the authorization for purchases under this award expires on July 31, 2023; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase a renew cartridge in an amount not to exceed \$24,670 from the 2023 Temporary Budget and 2023 Adopted budget appropriation line item Sewers-Equipment Maintenance & Repair 3-01-26-773-026; and

WHEREAS, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; and,

WHEREAS, NJWCPS 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; and.

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to GP Jager Inc. for a channel monster renew cartridge for 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to GP Jager Inc., PO Box 50, Boonton, New Jersey, 07005.

RESOLUTION 2023-110

RESOLUTION AUTHORIZING NJWCPS CONTRACT FOR A SUBMERSIBLE PUMP

WHEREAS there exists a need to purchase a submersible pump for the Orchard Street pump station for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, a submersible pump can be purchased through NJWCPS Contract No. B270-4 Various Manufacturers Equipment and Spare Parts; and

WHEREAS, the term of the contract is from August 1, 2021 through July 31, 2023; and

WHEREAS, the authorization for purchases under this award expires on July 31, 2023; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase submersible pump in an amount not to exceed \$22,552.00 from the 2023 Temporary Budget and 2023 Adopted budget appropriation line item Sewers-Equipment Maintenance & Repair 3-01-26-773-026; and

WHEREAS, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; and

WHEREAS, NJWCPS 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; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Reiner Pump Systems, Inc.. for a comminuter with installation and various pumps and motors repair, replacement and installation services for 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Reiner Pump Systems, Inc., 53 US Highway 206, Stanhope, New Jersey, 07874.

RESOLUTION 2023-111

RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR PAINTING AT POOL FACILITY THROUGH ESCNJ AWARD

WHEREAS, there exists a need to contract for painting services at the Borough of Metuchen Municipal Pool, in the County of Middlesex, State of New Jersey; and

WHEREAS, painting services can be purchased through ESCNJ contract award 20/21-24 Painting Services-Time and Materials Bid, awarded for the term July 1, 2020 through June 30, 2022, extended July 1, 2022 through June 30, 2023; and

WHEREAS, the painting services quote 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, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; and,

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for the interior and exterior painting at the Municipal Pool facility in the Borough of Metuchen in the amount not to exceed \$20,550.59 and funds are anticipated to be available in the

2023 Temporary Pool Utility Budget and 2023 Adopted Pool Utility Budget as certified by the Chief Financial Officer and that there is sufficient funds for such award and is available and is designated from Account number Pool Maintenance, 3-09-55-501-508 for these services; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to GPC, Inc. for painting services 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 to GPC, Inc., 20 E. Willow Street, Milburn, NJ 07041.

RESOLUTION 2023-112

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR CHLORINE FOR METUCHEN MUNICIPAL POOL THROUGH ESCNJ

WHEREAS, there exists a need for bulk liquid chlorine (Metered, Sodium Hypochlorite 12.5 %) for the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, pool equipment, supplies and repair and maintenance can be purchased through ESCNJ 21/22-39-Pool Equipment-Supplies-Repair-Maintenance; and

WHEREAS, the term of the contract is from April 24, 2022 to April 23, 2023, with a contract extension through April 24, 2024; and

WHEREAS, the authorization for purchases under this award expires on December 31, 2023; and

WHEREAS, purchase of goods and services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C 5:34-1 et seq; 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 \$45,000.00 from the 2023 Temporary and 2023 adopted budget appropriation line item Pool Utility Other Expenses- Pool Chemicals 3-09-55-501-504; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Main Line Commercial Pools, Inc. for bulk liquid 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 Main Line Commercial Pools, Inc., 441 Feheley Drive, King of Prussia, PA 19406.

RESOLUTION 2023-113

RESOLUTION AUTHORIZING AMENDING RESOLUTION 2023-100 AUTHORIZING THE AWARD FOR PARTS AND MAINTENANCE & REPAIR FOR VEHICLES THROUGH STATE CONTRACTS

WHEREAS, the authorization to purchase vehicle parts and maintenance and repair for fleet vehicles of the Borough of Metuchen, in the County of Middlesex, State of New Jersey was awarded by Resolution 2023-100 on March 6, 2023; and

WHEREAS, the award authorized these purchases through State Contract T0126–OEM & Non OEM Maintenance & Repair Services for Light/Medium Duty Vehicles, and through State Contract T2760 OEM Automotive Parts and Accessories for Light Duty Vehicles Class 4 or Lower; and

WHEREAS, said state contract T0126 is in effect from March 18, 2016 through March 17, 2023, and state contract T2760 is in effect from August 5, 2019 through August 4, 2023; and

WHEREAS, State Contract T0126 has been extended through March 17, 2024, for OEM & non-OEM maintenance and repair services for light/medium duty vehicles; and

WHEREAS, the maximum amount for vehicle parts and maintenance and repair for fleet vehicles for the Borough of Metuchen remains as \$12,000.00 and funds are anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as previously certified by the Chief Financial Officer and that there is sufficient funds for such award and is available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for these services; and

WHEREAS, the authorization to purchase goods and services under these awards expires on March 17, 2024 and August 4, 2023 ; 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; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Malouf Ford Lincoln Inc, Inc. for the purchase of vehicle parts and maintenance and repair for fleet vehicles of 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to continue the approval of the existing Purchase Order previously issued as a result of Resolution 2023-100 to Malouf Ford Lincoln Inc., PO Box 7480, 2210 US Highway 1, North Brunswick, NJ, 08902.

RESOLUTION 2023-114

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR NEW JERSEY ALCOTEST EVIDENTIAL BREATH TEST SYSTEM

WHEREAS, there exists a need to acquire a New Jersey Alcotest Evidential Breath System with related components, supplies and ten-year extended warranty for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract 20-TELE-00933, # T3031-Evidential Breath Testing, Equipment and Services, which is in effect from August 7, 2019 until February 26, 2024, awarded to Drager Inc., Vendor number V00022167; and

WHEREAS, the awarded amount of the State Contract purchase a New Jersey Alcotest Evidential Breath System with related components, supplies and ten-year extended warranty, is \$19,305.00; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for a New Jersey Alcotest Evidential Breath System with related components, supplies and ten-year extended warranty from Capital Bond Ordinance 2022-08, C-04-55-938-004 in an amount not to exceed \$19,305.00; 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; and,

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Drager, Inc. for a New Jersey Alcotest Evidential Breath System with related components, supplies and ten-year extended warranty for the Police Department of 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 Drager, Inc., 3135 Quarry Road, Telford, PA 18969.

RESOLUTION 2023-115

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR PVC PICNIC TABLES AND BIKE RACK PORTS

WHEREAS, there exists a need to acquire ADA and standard picnic tables and bike rack ports for use at the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract 16-FLEET-00134, # T0103-Park and Playground Equipment, which is in effect from June 20, 2017 until May 30, 2023, awarded to BCI Burke Company LLC, to be purchased from the Master Blanket/Contract Subcontractor Ben Shaffer Recreation per Amendment #5.; and

WHEREAS, the awarded amount of the State Contract purchase for four (4) 8' PVC Traditional ADA Picnic Tables, One End, six (6) 8' PVC traditional portable picnic tables and two (2) 10' bike racks, is \$19,329.11; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for a total of ten (10) picnic tables and two (2) bike racks from the 2023 Pool Utility Temporary Budget and the 2023 Pool Utility Budget, Appropriation Line Equipment 3-09-55-501-507 in an amount not to exceed \$19,329.11; 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.; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to BCI Burke Co. for purchase of picnic tables and bike racks 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 to BCI Burke Co, P.O. Box 549, 660 Van Dyne Road, Fond du Lac, WI 04936-0549, with notification to Ben Shaffer Recreation, PO Box 844, Lake Hopatcong, NJ 07849 on all purchase orders.

RESOLUTION 2023-116

RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR METUCHEN MUNICIPAL POOL DE-WINTERIZATION, OPENING AND POOL PAINTING SERVICES

WHEREAS, there exists a need for de-winterization, opening and pool painting services for the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, written quotes were obtained, and the lowest responsible, complete written quote received to purchase de-winterization, opening and pool painting services 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 amount to complete the de-winterization, opening and pool painting services 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 the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), 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 de-winterization, opening and pool painting services in the amount not to exceed \$37,000.00 from the 2023 Temporary Pool Utility Budget and 2023 Adopted Pool Utility Budget appropriation line Pool Maintenance 3-09-55-501-508; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Aquatic Service Inc. for de-winterization, opening and pool painting services for the Metuchen Municipal Pool for 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 Aquatic Service Inc., 550 Hartle Street, Suite F, Sayreville, NJ 08872.

RESOLUTION 2023-117

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING
PROCESS FOR THE PROCUREMENT OF CONSULTING SERVICES FOR THE
BOROUGH OF METUCHEN**

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to evaluate and provide analysis and operational support primarily for the Department of Public Works related to department operations, services, duties and responsibilities, including potential recruitment services in order to promote the Borough's overall objectives of transparency and the provision of municipal services in the most cost effective and "resident friendly" fashion; and

WHEREAS, the Borough of Metuchen has determined that it is necessary to retain the services of a qualified entity to provide the operational analysis and support services; 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 procurement of specific goods and or services, under the category of consultant services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking and weighing of criteria as well as cost; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1, the Borough has determined to seek to procure the evaluation and consulting services through the use of competitive contracting through a Request for Proposals and to award a contract for the services based upon price and other factors considered; and

WHEREAS, the Borough wishes to initiate the competitive contracting process for procurement of Consulting Services for the Borough of Metuchen; and

WHEREAS, *N.J.S.A.11-4-3(a)* requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in *N.J.S.A. 40A:11-4.1* are desired to be contracted.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Metuchen that it hereby authorizes the Borough Administrator and all other Borough officials and employees to initiate competitive contracting process for the procurement of a qualified entity for consulting services primarily for the Department of Public Works for the Borough of Metuchen in conformance with *N.J.S.A. 40A:11-4.1 et seq.*

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.

RESOLUTION 2023-118

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR RECREATION PROGRAMS

WHEREAS, the Borough of Metuchen has determined that it is necessary to formally solicit for Recreation youth programs and camp 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 procurement of the operation, management or administration of recreation programs; and

WHEREAS, pursuant to *N.J.S.A.11-4-3(a)*, by way of Resolution No. 2022-253, the Borough Council authorized the use of competitive contracting for the procurement of the operation, management or administration of recreation programs for the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen prepared, issued, and publicly advertised Notices of a Request for Proposals for the provision of Recreation youth programs and camps for the Borough of Metuchen; and

WHEREAS, the Borough received one (1) proposal to provide 2023 Youth Recreation Summer Movie Making Camps and one (1) proposal to provide 2023 Youth Recreation Summer Track & Field Camps to Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or appointed designee, Recreation Director and the QPA reviewed the proposals submitted based upon the criteria set forth in the RFP and have determined and recommended the award of a contract to Incredaflix Inc. for the 2023 Youth Recreation Summer Movie Making Camps and to Pisano Fitness for the 2023 Youth Recreation Summer Track & Field Camps ; 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 award of a contract to Incredaflix Inc. for the 2023 Youth Recreation Summer Movie Making Camps and to Pisano Fitness for the 2023 Youth Recreation Summer Track & Field Camps; and

WHEREAS the recreation programs are managed through Recreation Trust Funds based on participant fees, so payments to each vendor is contingent upon adequate enrollment in program(s) offered through the Borough of Metuchen Recreation Director, with the Chief Financial Officer verifying sufficient Recreation Trust Funds available in Recreation Trust T-22-56-859-859 upon review of vendor invoices and program enrollment revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for 2023 Youth Recreation Summer Movie Making Camps to Incredaflix Inc., 1571 N. Ogden Street, Denver, CO 80218 and for 2023 Youth Recreation Summer Track & Field Camps to Pisano Fitness, 44 Kentnor Street, Metuchen, NJ 08840.

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 2023-119

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

WHEREAS, the Borough of Metuchen has determined that it is necessary to grant a concession for the operation, management and administration of various youth recreation programs for the Recreation Department in 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 concession; and

WHEREAS, pursuant to *N.J.S.A.11-4-3(a)*, by way of Resolution No. 2022-253, the Borough Council authorized the use of competitive contracting for the granting of a concession for procurement of the operation, management and administration of various youth recreation programs 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 concession for the Borough of Metuchen various youth recreation programs; and

WHEREAS, the Borough received one (1) proposal for a concession for various youth recreation programs in the Borough of Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or designee, Recreation Director and QPA, evaluated the proposal submitted based upon the criteria set forth in the RFP and have determined and recommended the award of concession to US Sports Institute for various recreation programs in the Borough of Metuchen; 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 concession for various recreation programs in the Borough of Metuchen to US Sports Institute.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for the 2023 operation, management and administration of various youth recreation programs for the Recreation Department in the Borough of Metuchen concession to US Sports Institute.

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 US Sports Institute, 4 Somerset Street, Whitehouse Station, NJ 08889, 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 2023-120

**RESOLUTION OF SUPPORT FROM THE BOROUGH OF
METUCHEN
TO ACCEPT THE FEMA DEPARTMENT OF HOMELAND SECURITY
EMW-2021-FG-06428: FISCAL YEAR (FY) 2021 ASSISTANCE TO
FIREFIGHTERS GRANT**

WHEREAS, the Borough of Metuchen has received an award letter from FEMA U.S. Department of Homeland Security dated March 9, 2023, notifying the Borough of Metuchen that the Borough has been awarded an Assistance to Firefighters (AFG) grant in the amount of \$301,324.99; and

WHEREAS, the grant requires a Borough match an amount equal to or greater than 5% of the federal funds, or \$15,066.26; and

WHEREAS, the Borough of Metuchen will include \$15,066.26 as the grant match in the 2023 Adopted Budget, making the total available AFG grant funds in the amount of \$316,391.25; and

WHEREAS, the Chief of Police/Office of Emergency Management Director is authorized to accept the AFG grant through the FEMA Grants Outcomes (FEMA GO) system.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Metuchen does hereby authorize acceptance of the grant, including adherence to all grant requirements.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

RESOLUTION 2023-121

RESOLUTION APPOINTING ACTING ZONING OFFICIAL

WHEREAS, due to an unanticipated vacancy in the position of zoning official/officer of the Borough of Metuchen, the Mayor, Council and Borough Administrator have determined a need to appoint an acting zoning official/officer; and

WHEREAS, Denise Hamilton is currently employed by the Borough as a Secretary for Borough of Metuchen Planning Board and the Zoning Board of Adjustment and has expressed an interest to assist the Borough and to serve as the Acting Zoning Official/Officer for the Borough of Metuchen as well as the Secretary for the Borough of Metuchen Planning and Zoning Boards; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to appoint Denise Hamilton to serve as Acting Zoning Official/Officer for the Borough of Metuchen in addition to her services as Secretary for the Borough of Metuchen Planning and Zoning Boards.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen hereby appoint Denise Hamilton to serve as Acting Zoning Official/Officer of the

Borough of Metuchen effective March 13, 2023 and to continue to serve as Secretary for the Borough of Metuchen Planning and Zoning Boards for the Borough of Metuchen.

RESOLUTION 2023-122

RESOLUTION AMENDING RESOLUTION 2023-46 AUTHORIZING THE ENTRY INTO AND THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE TOWNSHIP OF WOODBRIDGE FOR THE PROVISION OF AS NEEDED FOR VARIOUS SERVICES FROM THE WOODBRIDGE DEPARTMENT OF PUBLIC WORKS

WHEREAS, by way of Resolution 2023-46, the Borough of Metuchen had entered into a shared services agreement with the Township of Woodbridge to address the need of various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A.* 40A:65-1, et seq. (the "Act"), any local unit may, by the adoption of a resolution of its governing body, enter into an agreement with any other local unit or units to provide or receive any service that each unit participating in the agreement is empowered to provide or receive within its own jurisdiction and that such agreement between the local units for the provision of shared services shall be entered pursuant to the Act; and

WHEREAS, the Township of Woodbridge has agreed to provide the Borough of Metuchen the various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough and to obtain various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works by way of a shared services agreement from the Township of Woodbridge; and

WHEREAS, Metuchen and Woodbridge have negotiated the terms and conditions of a shared services agreement wherein Woodbridge would provide for various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works to the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen had determined that it is in the best interest of the Borough to obtain various services on an as needed basis, including, but not limited to maintenance and services from the Woodbridge Department of Public Works to the Borough of Metuchen from the Township of Woodbridge, using the cost of equipment based on the latest FEMA schedule of equipment rates, and manpower charged at the hourly rates in effect plus benefits at a total annual cost not to exceed five thousand dollars (\$5,000.00), annually; and

WHEREAS, the amount previously authorized for Public Works shared services is amended from \$5,000.00 to \$25,000.00 so that garbage collection services can be provided by the Township of Woodbridge to the Borough of Metuchen, twice a week from the date of enactment of this resolution to an estimated end date of July 24, 2023; and

WHEREAS, the Borough of Metuchen is using the shared services agreement with the Township of Woodbridge for the additional shared services to provide garbage collection services during the interim period at the existing level of service, until delivery is taken on a previously ordered garbage truck which is in the final phase of completion.

WHEREAS, the Chief Financial Officer of the Borough of Metuchen had certified that there are sufficient available funds to authorize the within Shared Services Agreement from the 2023 Temporary Budget and Adopted Budget and certifies the additional \$20,000.00 from the 2023 Temporary Budget and 2023 Adopted Budget from the appropriation line Shared Services Township of Woodbridge- Public Works Services 3-01-30-806-009 in the amount totaling of \$25,000.00; and

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

RESOLUTION 2023-123

**RESOLUTION TO GRANT EXEMPTION FOR TOTALLY DISABLED VETERAN
AND TO REFUND AND CANCEL 2023 TAXES**

WHEREAS, the Tax Assessor of the Borough of Metuchen has been provided sufficient proof that the owner of the property known as 21 Bounty Street, Block 184, Lot 31, in the Borough of Metuchen is owned by a 100% Permanently & Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs dated March 2, 2023; and

WHEREAS, the property owner Bruce Linsky, being determined to be totally and permanently disabled by the Department of Veteran Affairs applied to the Borough of Metuchen for the tax exemption on December 6, 2022, for Block 184, Lot 31 as an incomplete application with final documents provided to the Tax Assessor of the Borough of Metuchen

WHEREAS, the effective date for the 100% Permanently and Totally Determination exemption from property taxes will be January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Chief Financial Officer/Tax Collector is hereby authorized to refund the homeowner the monies paid for taxes, and to cancel taxes billed for the 2023 year.

RESOLUTION 2022-124

RESOLUTION AUTHORIZING FILING TAX APPEAL COUNTERCLAIM

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Renaud Colicchio, LLC, Special Tax Appeal Counsel, and Township Tax Assessor be and are hereby authorized and directed to file a Counterclaim in the tax appeal entitled Columbia II Metuchen/Prop. Tax Dept. v. Metuchen Borough, Block 111, Lot 2.01, Block 110, Lot 39.01 on the Tax Map of Metuchen Borough;

RESOLUTION 2023-125

**RESOLUTION APPOINTING CONDITIONAL REDEVELOPER AND AUTHORIZING
EXECUTION OF A MEMORANDUM OF UNDERSTANDING – OAKITE SITE**

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

WHEREAS, the Borough, pursuant to N.J.S.A. 40A:12-1 et seq., via Resolution 2015-147, adopted on June 15, 2015, formally declared Block 71, Lot 37.01, within the Borough of Metuchen as an area in need of redevelopment (the “Oakite Redevelopment Area”); and

WHEREAS, the Borough, pursuant to N.J.S.A. 40A:12-1 et seq., via Resolution 2020-50, adopted on February 3, 2020, formally declared the entirety of the Borough of Metuchen as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, in order to facilitate the redevelopment of the Oakite Redevelopment Area, the Borough adopted Ordinance 2018-24, adopting the “Oakite Site Redevelopment Plan, Borough of Metuchen, New Jersey, Block 71, Lot 37.01” (“Oakite Redevelopment Plan”); and

WHEREAS, in order to facilitate the redevelopment of the Rehabilitation Area, the Borough adopted Ordinance 2020-10, adopting a Redevelopment Plan for the Entirety of the

Borough of Metuchen, a Designated Rehabilitation Area (“Boroughwide Redevelopment Plan”); and

WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Borough to arrange or contract with a redeveloper for the undertaking of any project or redevelopment work in an area designated as an area in need of rehabilitation or redevelopment; and

WHEREAS, the Borough has been in discussions with Metuchen Senior Redevelopers, LLC (“Conditional Redeveloper”) regarding redevelopment of a portion of the Oakite Redevelopment Area known as Parcels “B” and “D” within Block 71, Lot 37.01 as well as a portion of Block 71, Lot 37.02 within the Rehabilitation Area (the “Project Site”); and

WHEREAS, the Conditional Redeveloper is under contract with the current title owner to purchase Parcels “B” and “D” within the Project Site; and

WHEREAS, the redevelopment work may call for, among other things, rehabilitation and/or demolition of existing improvements and construction of new improvements, including an over-55 apartment complex (the “Project Improvements”); and

WHEREAS, the Borough desires to designate Conditional Redeveloper as conditional redeveloper in order to negotiate with Conditional Redeveloper for a period of one hundred and eighty (180) days in an effort to agree upon a Redevelopment Agreement to undertake redevelopment of the Project Site; and

WHEREAS, the Borough and Conditional Redeveloper desire to memorialize, in writing, their agreement under a non-binding Memorandum of Understanding that evidences the Parties’ statement of intent.

NOW, THEREFORE, BE IT RESOLVED that Metuchen Senior Redevelopers, LLC is hereby designated as Conditional Redeveloper for the Project Site and the Mayor and Borough Clerk are hereby authorized to execute the attached Memorandum of Understanding between the Borough and Conditional Redeveloper evidencing the parties’ agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the Project Site.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

RESOLUTION 2023-126

RESOLUTION AUTHORIZING THE CREATION OF THE COMMUNITY ACTION FOR RECOVERY, EDUCATION, AND SUPPORT (“CARES”) COMMITTEE

WHEREAS, Article 10, of Chapter 10 of the Code of the Borough of Metuchen established a Municipal Alliance – Youth Service Board and provided for the appointments of its members and the powers and duties of the Board; and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that it is in the best interest of the Borough to prevent and reduce substance abuse and behavioral addictions and to promote mental wellness in the Borough by raising awareness and providing education focused on prevention and recovery; and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that it is in the best interest of the Borough to restructure the Municipal Alliance Board – Youth Service Board and to create the Community Action Recovery, Education and Support (“CARES”) Committee to operate in its stead; and

WHEREAS, the Mayor and Council have determined that pending the final adoption of the amendment to the Borough Code and passage of the appropriate Ordinance it is in the best interest of the Borough to authorize the creation of the Community Action Recovery, Education and Support (“CARES”) Committee pending the final adoption and of the amendment to the Borough Code and passage of the appropriate Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that it hereby authorizes the restructuring of the Metuchen Municipal Alliance Board – Youth Service Board and the creation of the Community Action Recovery, Education and Support (“CARES”) Committee; and

BE IT FURTHER RESOLVED by the Mayor and Council that the purpose of the CARES Committee is to prevent and reduce substance use and behavioral addictions and to promote mental wellness in the Borough of Metuchen by raising awareness and providing education through programs focused on prevention and recovery’ and

BE IT FURTHER RESOLVED by the Mayor and Council that pending final adoption of Amendments to the Borough Code and the Ordinance creating the CARES Committee, the Mayor and Council hereby authorizes that the CARES Committee shall have the following powers and duties: (a) to determine through an annual assessment of community-based needs, the scope and depth of substance use and behavioral addictions in the Borough of Metuchen and to provide comprehensive community-based prevention programs and outreach; (b) Organize and coordinate efforts with the Borough of Metuchen schools, faith-based groups, youth members of the community, law enforcement, business groups and other community organizations for the purpose of reducing substance use disorders and behavioral addictions, as well as promoting mental wellness; (c) provide comprehensive substance use and behavioral addiction education, support and outreach efforts for parents and other adults in the community; (d) establish, amend and supplement its own bylaws, select other officers, and create any such sub-committees, to govern its structure, operations and activities to the extent not inconsistent with this Resolution and adopted Ordinances or any other local, state or federal regulation or law; (e) make recommendations to the Mayor and Council of the Borough of Metuchen and other Borough agencies with respect to any matters relating to the existence of any grants or funding available to the Borough to further the purpose and intent of the Committee; (f) create and foster a network of community leaders, private citizens, and representatives from public and private human service agencies who are dedicated to supporting and developing educational programs which prevent and/or reduce substance use disorders and behavioral addictions; (g) conduct an assessment of the community-wide needs pertaining to mental wellness and addiction; (h) identify existing efforts and services that are acting to prevent and reduce substance use disorders and behavioral addictions and to coordinate projects within the Borough to avoid fragmentation and duplication; (i) develop programs and/or projects to be implemented at the Borough level or participate in regionally developed programs that accomplish the purpose of the Committee; (j) report to the Mayor and Council on at the very least a quarterly annual basis or as requested by the Mayor and/or Council; and

BE IT FURTHER RESOLVED by the Council that the CARES Committee shall be made up of up to fifteen (15) members, not including the Mayor who may serve in an ex-officio nonvoting member, wherein the representatives of which shall be designated in the Ordinance creating the CARES Committee; and

BE IT FURTHER RESOLVED by the Mayor and Council that all present members of the Municipal Alliance — Youth Service Board shall continue to serve in that capacity as member of the CARES Committee until the expiration of their current terms and any vacancies on the current Municipal Alliance — Youth Service Board, to the extent possible, shall be filled for terms to be determined by the Mayor with the consent of the Borough Council; and

BE IT FURTHER RESOLVED by the Mayor and Council that it hereby authorizes all Borough Officials, employees, and agents to take all action necessary for the implementation of the within Resolution and the creating of the Metuchen CARES Committee and the implementation of the Committees powers and duties.

RESOLUTION 2023-127

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 |
|-----------------------|---------------|-------------------------------------|
| 08-847 E | \$882.54 | Byung Kil Yun 283 Central Avenue |
| 08-8471 E | \$ 28.71 | Yunco LLC 283 Central Avenue |
| 08-8471 I | \$2,373.75 | Yunco LLC 283 Central Avenue |
| 22-1333 E | \$1,023.75 | Classic Tattoo 327 Main Street |

RESOLUTION 2023-128

REFUND OF OVERPAYMENT OF 2022 TAXES

WHEREAS, the following has made an overpayment of taxes:

| Name | Block/Lot | Address | Amount | | Year |
|--|-----------|--------------------|------------|-----------------|----------------------------|
| Empire Bank through servicer Lereta for G & J Metuchen Plaza LLC | 49/32.06 | 279 Central Ave | \$7,781.25 | Tax overpayment | 2022, 3 rd qtr. |

NOW, THEREFORE, BE IT RESOLVED, that the above listed former property owner or agent be refunded property taxes as described in the amount of \$7781.25.

RESOLUTION 2023-129

RESOLUTION FOR LIEN REDEMPTION

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

| <u>Cert #</u> | <u>Block/Lot</u> | <u>Address</u> | <u>Lienholder</u> |
|---------------|------------------|---------------------|------------------------------|
| 21-00004 | 159/21 | 21 Brunswick Avenue | Christiana T/F CEI/FIRSTRUST |

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be authorized to cancel this lien from the municipal record.

RESOLUTION 2023-130

**RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF
A CONTRACT FOR RECREATION WEEKLY STEAM/STEM INSTRUCTIONAL
PROGRAMS**

WHEREAS, the Borough of Metuchen has determined that it is necessary to retain STEAM/STEM services for 2023 Youth Recreation Camps and Programs 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 procurement of specific goods and or services, such as the operation, management, and administration of recreation programs; and

WHEREAS, pursuant to *N.J.S.A.11-4-3(a)*, by way of Resolution No. 2022-253, the Borough Council authorized the use of competitive contracting for the procurement of the operation, management, and administration of various youth recreation programs for the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen prepared, issued, and publicly advertised Notices of a Request for Proposals for the provision of the operation, management, and administration of various youth recreation programs for the Borough of Metuchen; and

WHEREAS, the Borough received five (5) proposals to provide 2023 Recreation Weekly STEAM/STEM Instructional programs for the Borough of Metuchen; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or designee, Recreation Director 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 Little Scholars, Inc. for the provision of 2023 Recreation Weekly STEAM/STEM Instructional Programs; 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 award of a contract for 2023 Recreation Weekly STEAM/STEM Instructional Programs to Little Scholars, Inc. ; and

WHEREAS the recreation programs are managed through Recreation Trust Funds based on participant fees, so payments to each vendor is contingent upon adequate enrollment in program(s) offered through the Borough of Metuchen Recreation Director, with the Chief Financial Officer verifying sufficient Recreation Trust Funds available in Recreation Trust T-22-56-859-859 upon review of vendor invoices and program enrollment revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for 2023 Recreation Weekly STEAM/STEM Instructional Programs to Little Scholars, Inc.

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 Little Scholars, Inc., 1512 Willow Lawn Drive, Suite 204, Richmond, VA 23230, 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 2023-131

**RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT
FOR 2023 RECREATION SUMMER STEAM/STEM CAMPS**

WHEREAS, the Borough of Metuchen has determined that it is necessary to retain STEAM/STEM services for 2023 Youth Recreation Camps and Programs 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 procurement of specific goods and or services, such as the operation, management, and administration of recreation programs; and

WHEREAS, pursuant to *N.J.S.A.11-4-3(a)*, by way of Resolution No. 2022-253, the Borough Council authorized the use of competitive contracting for the procurement of the operation, management, and administration of various youth recreation programs for the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen prepared, issued, and publicly advertised Notices of a Request for Proposals for the provision of the operation, management, and administration of various youth recreation programs for the Borough of Metuchen; and

WHEREAS, the Borough received seven (7) proposals to provide 2023 Recreation Summer STEAM/STEM Camps; and

WHEREAS, Metuchen through a Committee comprised of the Borough Administrator or designee, the Recreation Director 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 Mad Science of West New Jersey for the provision of 2023 Recreation Summer STEAM/STEM Camps; 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 award of a contract for 2023 Recreation Summer STEAM/STEM Camps to Mad Science of West New Jersey; and

WHEREAS, the recreation programs are managed through Recreation Trust Funds based on participant fees, so payments to each vendor is contingent upon adequate enrollment in program(s) offered through the Borough of Metuchen Recreation Director, with the Chief Financial Officer verifying sufficient Recreation Trust Funds available in Recreation Trust T-22-56-859-859 upon review of vendor invoices and program enrollment revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the award of contract for 2023 Recreation Summer STEAM/STEM Camps to Mad Science of West New Jersey; and

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 Mad Science of West New Jersey, 1580 Red Road, Pennington, NJ, 08534; 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.).

Other New Business

R2023-132

RESOLUTION AUTHORIZING THE PAYMENT OF THE
BILL LIST IN THE AMOUNT OF \$685,250.96

Council President Delia made a motion to approve Resolution 2023-132, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2023-132

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 \$685,250.96.

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.

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 8:26 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk