

BOROUGH OF METUCHEN COUNCIL MINUTES
January 30, 2023
7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, January 30, 2023

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

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on 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 congratulated Councilmember Rasmussen on her recent marriage, which occurred in the council chambers of Borough Hall.

Mayor Busch asked all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

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

Agenda Session

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

Councilmember Rasmussen added Resolution 2023-76 to the 'Other New Business' portion of the meeting.

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.

Proclamation and Award

Mayor Busch spoke in honor of Fred Hall, Director of Public Works, who was retiring after forty three years of service. A video tribute to Fred was shown, and Mayor Busch presented him with a plaque and proclamation.

Public Comment

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

Paul Bradley, 22 Center Street, expressed his concerns about a Starbucks opening close to downtown, and what effects that type of business would have. Mr. Bradley also spoke to praise the success of Akihi, the bubble tea shop that recently opened.

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

Borough Council Meeting Minutes

Councilmember Rasmussen made a motion to approve Borough Council Meeting Minutes of November 14, 2022, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

Communications Consent Agenda – Items A - E

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

- A. Receive and Accept Arts Council Meeting Minutes of October and November 2022
- B. Receive and Accept Human Relation Commission Meeting Minutes of April, May, June, and July 2022
- C. Receive and Accept Traffic and Transportation Committee Meeting Minutes of August, September, and October 2022
- D. Receive and Accept TV & Technology Committee Meeting Minutes of March and May 2022
- E. Receive and Accept Resignation of Bobbie Thievakumaran from the Parking Authority

Ordinance – Public Hearing

Ordinance 2023-01

ORDINANCE AMENDING CHAPTER 37 OF THE
CODE OF THE BOROUGH OF METUCHEN,
ENTITLED, “POLICE DEPARTMENT” TO AMEND
THE COMPOSITION OF THE POLICE DEPARTMENT
AND PROMOTIONAL AND APPOINTMENT
PROCESS

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2023-01 had been published one time in the Home News Tribune according to law on January 12, 2023.

Councilmember Rasmussen moved that the affidavit of publication be received and filed, second by Councilmember Kandel, with all in favor, the motion carried, 5-0.

Councilmember Rasmussen asked that Ordinance 2023-01 be read by title only.

Ms. Zupan read Ordinance 2023-01 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-01.

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

Councilmember Rasmussen made a motion to pass Ordinance 2023-01 on second reading and be published according to law, second by Councilmember Kandel.

Mayor Busch asked for a roll call vote.

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

Ordinance 2023-01 was adopted, 5-0.

Report of Borough Administrator

No report.

Reports of Councilmembers

Councilmember Rasmussen reported on the Senior Center's current membership drive and recent activities. She also reported on the Environmental Commission's 'Weed Warriors' program and Sustainable New Jersey involvement. She reminded everyone that Peter J. Barnes will be conducting a public hearing in Metuchen.

Councilmember Kandel reported on his first meeting as Pool Commission Liaison.

Councilmember Hyman reported on her first meeting with the Municipal Alliance Committee and their anticipated upcoming transition to becoming the Metuchen CARES Committee.

Councilmember Hirsch reported that the Library will partner with the Metuchen Arts Council to offer concerts and other musical programs to the community. Their Lunar New Year Celebration was a big success. The Library was also awarded a \$15,000 Communication Access Service Grant through the Middlesex County Office of Aging and Disabled in 2022. He encouraged everyone to visit the Library's website for upcoming programs, resources, and services.

Councilmember Branch shared that there would be a Public Information Center regarding the Grove Avenue bike lanes. He also shared upcoming Recreation Department and Arts Council events, and the Human Relations Commission's Black History Month event honoring the Montfort Point Marines.

Report of the Mayor

Mayor Busch commented on how impressed he has been with the recent Metuchen Downtown Alliance events, including the many ribbon cuttings for new businesses. Mayor Busch also expressed how proud he was of Highland Park's newly appointed Mayor, Elsie Foster, who was a longtime Councilmember.

New Business Consent Agenda – Resolutions 2023-65 to 2023-74

Councilmember Rasmussen moved to approve New Business Consent Agenda Resolutions 2023-65 to 2023-74, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

RESOLUTION 2023-65

RESOLUTION APPOINTING AUXILIARY POLICE OFFICERS FOR THE CALENDAR YEAR 2023

WHEREAS, the Mayor and Council desires to provide the residents of Metuchen with the safest environment throughout the Borough by supporting THE Borough of Metuchen's police department with alternative resources to assist with manpower in various capacities; and

WHEREAS, the individuals listed herein have successfully completed the required Office of Emergency Management Auxiliary Police Training Course administered through the State of New Jersey or Middlesex County, and have been recommended by the Chief of Police to serve as Auxiliary Police Officers.

NOW THEREFORE BE IT RESOLVED, that the below listed individuals are hereby appointed as Auxiliary Police Officers for the year 2023, effective January 1, 2023:

Richard Dana

Eric Gassenheimer

Angelo Donato III

Patrick Donato

James Lewis

Rosnelly Duran-Estevez

RESOLUTION 2023-66

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 January 30, 2023:

Planning Board	S&W	10,000.00
Group Insurance		100,000.00
Public Works	OE	40,000.00
Streets & Roads	OE.	40,000.00
Buildings & Grounds	OE	100,000.00
Municipal Court	OE	1,000.00
	TOTAL	\$291,000.00

RESOLUTION 2023-67

RESOLUTION TO CANCEL AND APPLY 2022 TAXES AS A RESULT OF COUNTY ADDED TAX APPEAL – 22 HALSEY STREET

WHEREAS, a successful County Tax Appeal judgment was awarded to the block and lot parcel described below, changing the assessed value for 2022 as follows; and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2023.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2022 tax billings on the following property due to the successful County Tax Appeal including amendments, in the amount of \$253.73, and apply the resulting overpayment due to the successful County tax appeal in the amount of \$253.73.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2022 Levy	Overpayment Applied
145/50.03	22 Halsey Street	Prorated 6 months 3,700.00	235.73	253.73	253.73

RESOLUTION 2023-68

RESOLUTION AUTHORIZING THE AWARD FOR MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES THROUGH STATE CONTRACT

WHEREAS, there exists a need for heavy duty truck maintenance and repair for Public Works fleet vehicles the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract T2108 –Maintenance & Repair for Heavy Duty Vehicles (Class 5 or higher, over 15,000 LB GVWR); and

WHEREAS, said contract is in effect from July 21, 2015 through November 20, 2023; and

WHEREAS, the maximum amount for the maintenance and repair for heavy duty trucks for the Borough of Metuchen is \$40,000.00 and funds are anticipated to be available

in the 2023 Temporary budget and 2023 Adopted 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 Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for these services; and

WHEREAS, the authorization to purchase goods and services under this award expires on November 20, 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.

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 Sanitation Truck Repair, Inc., 2301 Roosevelt Avenue, South Plainfield, NJ, 07080.

RESOLUTION 2023-69

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
PUBLIC WORKS CLASS 4 UTILITY, CLASS 4 DUMP TRUCK AND
CLASS 2 PICKUP TRUCK**

WHEREAS, there exists a need for three (3) trucks for the Public Works Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, these trucks can be purchased through State Contract #T2100, Master Blanket PO 23-FLEET-34922 which is in effect until April 25, 2023, and State Contract #T2102, Master Blanket PO 23-FLEET-34923, which is in effect until December 11, 2023; and

WHEREAS, the awarded amounts of the State Contract purchase of two (2) 2023 Ford F-450 DRW (F4H) XL 4WD Reg Cab 145" WB 60'CA, Base Vehicle with state contract factory options, is \$60,596.00 for one (1) utility truck and \$58,807.00 for one (1) dump truck; and

WHEREAS, additional vehicle add-ons that are not covered by State Contract for the two (2) 2023 Ford F-450 trucks in the amount of \$17,820.00 and \$13,865.00 are included in the authorization cost per 2023 Ford F-450 DRW (F4H) XL 4WD Reg Cab 145" WB 60'CA Vehicle; and

WHEREAS, the awarded amounts of the State Contract purchase of one (1) 2023 Ford F-250 (F2B) XL 4WD Reg Cab 8' Box, Base Vehicle with state contract factory options, is \$45,825.00 for one (1) pickup truck; and

WHEREAS, additional vehicle add-ons that are not covered by State Contract for the one (1) 2023 Ford F-250 truck in the amount of \$11,610.00 are included in the authorization cost for the 2023 Ford F-250 (F2B) XL 4WD Reg Cab 8' Box Vehicle; and

WHEREAS, the total award for the three (3) Public Works truck is \$208,523.00 for a maximum amount not to exceed \$208,523.00; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for two (2) 2023 Ford F-450 DRW (F4H) XL 4WD Reg Cab 145" WB 60'CA Vehicles and one (1) 2023 Ford F-250 (F2B) XL 4WD Reg Cab 8' Box Vehicle from Other Trust – Donation designated for Borough Vehicles, Account Number T-16-56-876-901 in the amount of \$173,415.00, and \$35,108.00 from Capital Bond Ordinance 2022-8, C-04-55-938-001, not to exceed a grand total of \$208,523.00; 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.

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 Nielsen Ford of Morristown, Inc., 170 Ridgedale Avenue, Morristown, NJ 07960.

RESOLUTION 2023-70

**RESOLUTION REFUNDING SIDEWALK SECURITY DEPOSIT #22-037 SI
11 HOWELL STREET**

WHEREAS, Escrow Sidewalk Security Deposit in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Marzet Farris for 11 Howell Street; and

WHEREAS, the Engineer/Collier's Engineering advises that said applicant required partial sidewalk replacement, therefore Engineer's Inspection not required; and

WHEREAS, Engineer/Collier's Engineering advises to release the Sidewalk Escrow Fee previously deposited.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized to release said funds in the amount of \$500.00 to: Marzet Farris, 11 Howell Street, Metuchen, New Jersey 08840, as recommended.

RESOLUTION 2023-71

RESOLUTION AUTHORIZING THE REFUND OF ESCROW BALANCES

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

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; and

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
18-1176 I	\$91.25	Suburban Development Inc. 76 Maple Avenue
18-1197 I	\$60.00	Suburban Development Inc. 35 Hickory Street
19-1225 I	\$1,000.00	Suburban Development Inc. 3 New York Avenue
19-1225 E	\$500.00	Suburban Development Inc. 3 New York Avenue
19-1241 I	\$26.25	Suburban Development Inc. 5 New York
20-1254 E	\$667.50	Greenway Village Inc. 26 Washington Place

RESOLUTION 2023-72

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2022 TAXES

WHEREAS, the following has made an overpayment of taxes, which was cancelled by resolution in 2022:

Name	Block/Lot	Address	Amount		Year
Pickus & Landsberg on behalf of Ervin Zhao & Jiening Liu	211/55	50 Charles Street	\$2,023.12	Tax overpayment-prior owner	2nd qtr. 2022

NOW THEREFORE BE IT RESOLVED, that the above listed former property owner or agent be refunded property taxes as described in the amount of \$2,023.12.

RESOLUTION 2023-73

RESOLUTION AUTHORIZING THE REFUND OF RECREATION TRUST PROGRAM FEES

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

WHEREAS, the program and/or camps were cancelled or rescheduled, with one refund request made due to an illness; and

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

NOW THEREFORE BE IT RESOLVED, that the Chief Finance Officer be authorized to process refunds in the amount of \$460.00 as described, from the Recreation Trust account.

	Built By Me-Afterschool	
Robert O'Hagan	Program	165.00
Stacey Morse	Track & Field Camp	125.00
Sara Santo Pietro	Bulldog Basketball Camp	170.00

RESOLUTION 2023-74

RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO ENDORSE DEP APPLICATION FOR THE TREATMENT WORKS APPLICATION (TWA) FOR THE ROADWAY IMPROVEMENTS AND COFFEE SHOP PROJECT AT 700 MIDDLESEX AVENUE

WHEREAS, Bohler Engineering NJ LLC, engineer for the developer, has submitted documents for the TWA to connect to the Borough's sanitary sewer collection system to serve the Project; and

WHEREAS, the Project consists of roadway improvements with sanitary sewer main, and a two thousand two hundred fifty (2,250 sf) square feet of coffee shop; and

WHEREAS, the DEP forms require the signature of the Borough's authorized representative of the sanitary sewer collection system; and

WHEREAS, the Borough is the owner of the sanitary sewer collection system.

NOW THEREFORE BE IT RESOLVED, that the Borough of Metuchen hereby designates Thomas Herits PE PP PLS, Borough Engineer, as the Authorized Representative to endorse all applicable DEP forms associated with the TWA for the Project.

Other New Business

R2023-75 RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$2,463,282.56

R2023-76 RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT & PERIPHERALS – TRICASTER AND PERIPHERALS

Councilmember Rasmussen made a motion to approve Resolutions 2023-75 and 2023-76, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

Appointments

Mayor Busch recommended the following appointments:

Appoint Irene Boudouvas to the Parking Authority for the unexpired term ending 12/31/2024
Appoint Kun-Han Lee to the Shade Tree Commission for the unexpired term ending 12/31/2025

Councilmember Rasmussen made a motion to accept the recommendations of appointments, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

Adjournment

Councilmember Rasmussen made a motion to adjourn the meeting, second by Councilmember Kandel, with all in favor, 5-0, the meeting was adjourned at 8:27 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk