

## **BOROUGH OF METUCHEN COUNCIL MINUTES**

**June 12, 2023**

**7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, June 12, 2023.

The Meeting was called to order at 7:30 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.

### **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 Administrator Melissa Perilstein, Borough Clerk Deborah Zupan, and Borough Attorney Denis Murphy.

### **Agenda Session**

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

Council President Delia added a presentation by the Mayor and Borough Planner to the Agenda, to take place after the Agenda Session.

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

### **Presentation**

Chris Cosenza of the Borough's Planning firm, LRK, and Mayor Busch gave a presentation regarding the proposed redevelopment plan for the expanded Arts District.

### **Public Comment**

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

Patricia Kuenseler, Prospect Street, asked when Prospect Street was going to be paved. Ms. Kuenseler noted that she had been asking this question for some time as the street is full of potholes and many large trucks use the street, causing the houses to shake. The Borough Administrator responded that the street was slated to be paved either this fall or next spring. Ms. Kuenseler also asked that an Ordinance be passed prohibiting trucks on the street at certain hours.

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 March 6, 2023, 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 and February 27, 2023
- B. Receive and Accept Historic Preservation Meeting Minutes of January 26, March 30, and April 27, 2023

- C. Receive and Accept Human Relations Commission Meeting Minutes March 7 and April 18, 2023
- D. Receive and Accept Recreation Commission Meeting Minutes of March 6, 2023
- E. Receive and Approve Block Party-Street Closing for Christol Street, August 5, 2023
- F. Receive and Approve Block Party-Street Closing for Rose Street, June 25, 2023
- G. Receive and Approve Block Party-Street Closing for Stirling Court, July 8, 2023

**Ordinances – Public Hearing**

Ord. 2023-13

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

Council President Delia asked that Ordinance 2023-13 be read by title only.

Ms. Zupan read Ordinance 2023-13 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-13.

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

Council President Delia made a motion to pass Ordinance 2023-13 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 2023-13 was adopted, 5-0.

**ORDINANCE 2023-13**

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

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

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

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

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

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

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

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

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

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

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

Ordinance 2023-13 was adopted, 5-0.

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Ord. 2023-14

BOND ORDINANCE APPROPRIATING  
\$16,000,000 AND AUTHORIZING \$15,238,095  
BONDS OR NOTES OF THE BOROUGH FOR  
THE CONSTRUCTION AND EQUIPPING OF A  
NEW EMERGENCY SERVICES CENTER  
AUTHORIZED TO BE UNDERTAKEN BY THE  
BOROUGH OF METUCHEN, IN THE COUNTY  
OF MIDDLESEX, NEW JERSEY

Council President Delia asked that Ordinance 2023-14 be read by title only.

Ms. Zupan read Ordinance 2023-14 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-14.

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

Council President Delia made a motion to pass Ordinance 2023-14 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 2023-14 was adopted, 5-0.

**BOND ORDINANCE 2023-14**

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

**BOND ORDINANCE APPROPRIATING \$16,000,000 AND AUTHORIZING  
\$15,238,095 BONDS OR NOTES OF THE BOROUGH FOR  
THE CONSTRUCTION AND EQUIPPING OF A NEW EMERGENCY SERVICES  
CENTER AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF  
METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**Section 1.** The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$16,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$761,905 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$16,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$15,238,095 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$15,238,095 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the construction of an approximately 13,095 square foot emergency services center to be located at 98 Essex Avenue in the Borough, including without limitation, a main building and an out-building, and any fixtures, furniture and equipment necessary therefor, including all demolition, abatement, site work, and other work and materials necessary therefor or incidental thereto.

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

(c) The estimated cost of said purposes is \$16,000,000 which represents the initial appropriation made by the Borough. The excess of the appropriation of \$16,000,000 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of the down payment for said purposes.

**Section 4.** The following matters are hereby determined, declared, recited, and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the amount of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$15,238,095, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$2,702,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

**Section 5.** Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

**Section 6.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

**Section 7.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

**Section 8.** The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$15,238,095. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

**Section 9.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Ord. 2023-15

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

Council President Delia asked that Ordinance 2023-15 be read by title only.

Ms. Zupan read Ordinance 2023-15 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-15.

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

Council President Delia made a motion to pass Ordinance 2023-15 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 2023-15 was adopted, 5-0.

**ORDINANCE 2023-15**

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

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

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

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

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

**Article 3. Fees for Connection to Sanitary Sewer System**

**§ 153-28. Connection of residential units.**

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

**§ 153-29. Connection of commercial establishments.**

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

**§ 153-30. Reserved.**

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

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

Borough Engineer, there is a change of use or additional intensity of a use creating additional sewerage flow, a fee may be assessed as determined by the Borough Engineer.

**§ 153-32. Adjustment of fees.**

These fees shall be adjusted annually.

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

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

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

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

**Ordinances – Introduction**

Ord. 2023-16

ORDINANCE OF THE BOROUGH OF  
METUCHEN ADOPTING A REDEVELOPMENT  
PLAN FOR THE EXPANDED ARTS DISTRICT  
WITHIN THE BOROUGH OF METUCHEN,  
COUNTY OF MIDDLESEX, STATE OF NEW  
JERSEY

Council President Delia made a motion that Ordinance 2023-16 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 2023-16 be read by title only.

Ms. Zupan read Ordinance 2023-16 by title only.

Council President Delia moved that Ordinance 2023-16 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 26, 2023, second by Councilmember Rasmussen.

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

Ordinance 2023-16 was passed on first reading, 5-0, and will be published according to law.

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Ord. 2023-17

ORDINANCE AMENDING SECTION 110-101  
(CORNER LOTS), SECTION 110-112.2 (FENCES  
AND WALLS), 110-112.3 (DRIVEWAYS), 110-  
112.4 (PATIOS AND WALKWAYS), 110-112.6  
(ACCESSORY STRUCTURES) AND 110-112.7  
(DESIGN AND LANDSCAPE PROVISIONS) IN  
CHAPTER 110 (LAND DEVELOPMENT)  
CONCERNING CERTAIN SUPPLEMENTARY  
REGULATIONS PERTAINING TO SINGLE-  
AND TWO-FAMILY DWELLINGS

Council President Delia made a motion that Ordinance 2023-17 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 2023-17 be read by title only.

Ms. Zupan read Ordinance 2023-17 by title only.

Council President Delia moved that Ordinance 2023-17 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 26, 2023, second by Councilmember Rasmussen.

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

Ordinance 2023-17 was passed on first reading, 5-0, and will be published according to law.

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Ord. 2023-18

ORDINANCE AMENDING CHAPTER 185 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, "VEHICLES AND TRAFFIC" TO THE PARKING REGULATIONS AND TO UPDATE AND AMEND THE PARKING REGULATIONS IN BOROUGH PARKING LOTS FOR KIOSKS, METERED AND PERMIT PARKING

Council President Delia made a motion that Ordinance 2023-16 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 2023-18 be read by title only.

Ms. Zupan read Ordinance 2023-18 by title only.

Council President Delia moved that Ordinance 2023-18 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 26, 2023, second by Councilmember Rasmussen.

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

Ordinance 2023-18 was passed on first reading, 5-0, and will be published according to law.

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Ord. 2023-19

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN CHANGING CHAPTER 75, ENTITLED, "CIRCUS AND CARNIVALS" TO "SPECIAL EVENTS" AND ADOPTING APPROVAL PROCEDURES AND FEES FOR CONDUCTING SPECIAL EVENTS AND BLOCK PARTIES WITHIN THE BOROUGH OF METUCHEN

Council President Delia made a motion that Ordinance 2023-19 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 2023-19 be read by title only.

Ms. Zupan read Ordinance 2023-19 by title only.

Council President Delia moved that Ordinance 2023-19 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 26, 2023, second by



Councilmember Rasmussen.

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

Ordinance 2023-19 was passed on first reading, 5-0, and will be published according to law.

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Ord. 2023-20 AN ORDINANCE AMENDING CERTAIN PROVISIONS IN CHAPTER 140 (PROPERTY MAINTENANCE) TO ADD AN ENFORCEMENT OFFICER AMONG THE LIST OF MUNICIPAL OFFICERS AUTHORIZED TO ENFORCE THE PROVISIONS OF SAID CHAPTER.

Council President Delia made a motion that Ordinance 2023-20 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 2023-20 be read by title only.

Ms. Zupan read Ordinance 2023-20 by title only.

Council President Delia moved that Ordinance 2023-20 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 26, 2023, second by Councilmember Rasmussen.

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

Ordinance 2023-20 was passed on first reading, 5-0, and will be published according to law.

### **Report of Borough Administrator**

Ms. Perilstein acknowledged the hard work of the Department of Public Works and the Police and Fire Departments in helping make the Downtown Fun House, celebrating the Great American Main Street Award, and the Street Fair successful events.

### **Reports of Councilmembers**

Council President Delia

- On June 17 the MDA will be unveiling the Forum poster contest winners. The posters will be displayed on the front of the theater. On June 20, the last day of school, the popular Kids Takeover event will take place.
- On behalf of Councilmember Hirsch: Work on the Library elevator is nearly completed. Summer hours are starting and the Library will be closed on Sunday. The Summer Reading Program, 'All Together Now' is starting soon. The Library now offers 'Hearing Loop' technology and has an author program coming up.

Councilmember Rasmussen

- The Environmental Commission has been engaged in finding a community solar provider and is looking into embarking on a composting project.
- The Shade Tree Commission met with DPW Superintendent Brian Lewis to discuss tree matters and how the Borough and Commission can best work together. Councilmember Rasmussen also reminded residents of the environmental importance of planting trees, and to avoid idling their cars, especially when dropping off or picking up children from school.
- The Senior Commission will be meeting this week. Councilmember Rasmussen highlighted the benefits of Senior Center membership, and several upcoming activities.

Councilmember Kandel

- Early registration for the Pool continues until June 16. There's an bonus swim day and open house on Saturday in celebration of Juneteenth. The Pool will be open seven days a week starting June 22. There have been a lot of improvements and many activities are coming up.
- The Historic Preservation Committee will meet next Thursday.

Councilmember Hyman

- Councilmember Hyman praised the Parade Commission for putting together an amazing Memorial Day parade and described the proceedings of the day, a beautiful and memorable day for all.
- Metuchen CARES has been busy reorganizing and planning for prom and graduation season, including distributing 'Safe and Sober Celebration' lawn signs. CARES has made a donation to Project Graduation for entertainment and has been in discussion with the YMCA to host a Narcan training. Other events coming up include National Night Out and Overdose Awareness Day.

Councilmember Branch

- In celebration of Juneteenth, there will be an event at Suite Metuchen this Friday celebrating 50 years of Hip Hop and a celebration on the Plaza this Saturday.
- The Recreation Commission reports that Summer Camp registration is underway and that the Fishing Derby will take place August 26 at Tommy's Pond. This Thursday there will be several Edgar and High School Jazz performances on the Plaza.
- The Arts Council is working with Mayor Busch and the MDA on a summer concert series including Tiffany (opening act will be Metuchen's own band The Commuters), a Swiftie Dance Party, and the Best of Broadway.

**Report of the Mayor**

The summer concert series is going to be very exciting, especially since the talented Councilmember Kandel will be singing for The Commuters, and is made possible by a grant from Hackensack Meridian. The MDA, Arts Council, and Borough are all working together to make this happen, and having 80s popstar Tiffany come to perform in Metuchen is a really big deal. Mayor Busch encouraged everyone to the video of 'I Think We're Alone Now.' Thanks to the Arts Council members who came to the meeting to support the Arts District redevelopment agreement ordinance. Tonight an ordinance regarding parking regulations in the Borough was introduced, an important first step to improve parking downtown. Thanks to Councilmember Hyman and the Parade Commission for a wonderful and meaningful Memorial Day celebration.

**New Business Consent Agenda – Resolutions 2023-165 to 2023-184**

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-165 to 2023-184, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

**RESOLUTION 2023-165**

**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 June 12, 2023:

Police	OE	10,000.00
Uniform Construction	OE	80,000.00
Board of Health	OE	200.00
Utilities		40,000.00
Telephone		10,000.00
Gasoline & Diesel Fuel		60,000.00

Public Works Administration	OE	35,000.00
Administrative & Executive	S&W	10,000.00
Mayor & Council	S&W	5,000.00
Clerk	S&W	10,000.00
Financial Administration	S&W	40,000.00
Planning Board	S&W	5,000.00
Zoning	S&W	5,000.00
Uniform Construction	S&W	30,000.00
Police	S&W	400,000.00
Emergency Management	S&W	2,000.00
Fire	S&W	2,000.00
Public Works Administration	S&W	30,000.00
Streets & Roads	S&W	30,000.00
Buildings & Grounds	S&W	15,000.00
Sewers	S&W	10,000.00
Forestry	S&W	12,000.00
Senior Citizens Bus	S&W	5,000.00
Senior Citizen Center	S&W	5,000.00
Recreation	S&W	6,000.00
Parks & Playgrounds	S&W	12,000.00
Court	S&W	20,000.00
	<b>TOTAL</b>	<b>\$ 889,200.00</b>
Pool	<b>OE</b>	<b>\$ 50,000.00</b>

**RESOLUTION 2023-166**

**RESOLUTION APPOINTING ENFORCEMENT OFFICIAL**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Metuchen that Dina Marino is hereby appointed to the position of Enforcement Official, effective June 6, 2023.

**BE IT FURTHER RESOLVED**, that the aforesaid Enforcement Official is authorized to act as Parking Enforcement Official, which includes the authority to **issue tickets** for parking violations; and

**BE IT FURTHER RESOLVED**, that the aforesaid Enforcement Official is authorized to act as Code and Property Maintenance Enforcement Official, which includes the authority to **issue special complaints** for code and property maintenance violations; and

**BE IT FURTHER RESOLVED**, that the aforesaid Enforcement Official shall be under the supervision and direction of the Chief of Police and shall perform only those duties specifically assigned by the Chief of Police.

**RESOLUTION 2023-167**

**RESOLUTION APPOINTING AUXILIARY POLICE OFFICER**

**WHEREAS**, the Mayor and Council desire 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**, Anthony W. Tomasso has successfully completed the required Office of Emergency Management Auxiliary Police Training Course administered through the State of New Jersey or Middlesex County and has been recommended by the Chief of Police to serve as Auxiliary Police Officer.

**NOW, THEREFORE, BE IT RESOLVED** that Anthony W. Tomasso is hereby appointed as Auxiliary Police Officer, effective May 24, 2023.

**RESOLUTION 2023-168**

**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**, Sharon Hollis is currently employed by the Borough as TACO Administrative Officer 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 TACO Administrative Officer; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough to appoint Sharon Hollis to serve as Acting Zoning Official/Officer for the Borough of Metuchen in addition to her services as TACO Administrative Officer

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Metuchen hereby appoint Sharon Hollis to serve as Acting Zoning Official/Officer of the Borough of Metuchen effective June 13, 2023 and to continue to serve as TACO Administrative Officer for the Borough of Metuchen.

**RESOLUTION 2023-169**

**RESOLUTION AMENDING RESOLUTION 2023-52 AUTHORIZING THE CONTINUATION OF A PROFESSIONAL SERVICES CONTRACT TO LRK, TO PERFORM PLANNING AND ZONING TRANSITIONAL SERVICES**

**WHEREAS**, by way of Resolution No. 2023-25, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Planner services to LRK for the calendar year 2023 at a cost not to exceed twenty-five thousand dollars (\$25,000.00); and

**WHEREAS**, the Borough of Metuchen awarded by way of Resolution 2023-52 additional professional planning and zoning transitional services for the Office of Planning and Zoning; and

**WHEREAS**, LRK, submitted a proposal dated August 8, 2022, to the Borough to render transition services for the Office of Planning and Zoning for a cost not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00) for the remainder of the calendar year 2022; and

**WHEREAS**, a contract for additional professional planning and zoning transitional services consistent with the proposal submitted was awarded by way of Resolution 2022-194; and

**WHEREAS**, the need for additional professional planning and zoning transitional services continues into 2023; and

**WHEREAS**, the additional professional planning and zoning transitional services are continued for the period January through May of 2023 at a cost not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00) without further approval by the Mayor and Borough Council, as awarded by Resolution 2023-52; and

**WHEREAS**, the need for additional professional planning and zoning transitional services are continued for the period June 2023 through September 2023 at a cost not to exceed Seventy-two Thousand dollars and no cents (\$72,000.00); and

**WHEREAS**, this contract is awarded as a “required disclosure (non-fair and open) contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

**WHEREAS**, the Chief Financial Officer's Certification of Funds has certified that there are sufficient funds for such contract and is available and is designated from the 2023 Temporary and 2023 Adopted Budget Appropriation Line Uniform Construction Code, Professional Services 3-01-22-725-109 for these services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen that it hereby awards a continuation of the contract to LRK for additional professional planning and zoning transitional services, 217 Nassau Street, Princeton, NJ 08542 on the basis of the proposal dated May 30, 2023, to provide additional professional planning and zoning transitional services funded in an amount not to exceed Seventy-two Thousand dollars and no cents (\$72,000.00).

**BE IT FURTHER RESOLVED** that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the execution of an Agreement in the form acceptable in contents by the Mayor and Council President.

#### **RESOLUTION 2023-170**

#### **RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO ENDORSE DEP APPLICATION FOR THE TREATMENT WORKS APPLICATION (TWA) FOR THE 212 DURHAM URBAN RENEWAL ENTITY, LLC PROJECT (PROJECT) CONSISTING OF A MULTY-FAMILY DEVELOPMENT AT 212 DURHAM AVENUE, FORMALLY GULTON INDUSTRIES**

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

**WHEREAS**, the Project consists of two-hundred seventy-two (272) residential units; 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 the Borough Engineer as the Authorized Representative to endorse all applicable DEP forms associated with the TWA for the Project.

#### **RESOLUTION 2023-171**

#### **RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR THE EXPANDED ARTS DISTRICT WITHIN THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY, STATE OF NEW JERSEY**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”), via Resolution No. 2020-46, adopted on January 13, 2020, the Borough Council of the Borough of Metuchen (the “Borough Council”) designated Block 183.02, Lots 1, 2, 3, 4, portion of 5.01, 5.02, 6, 7, 8, 31 and 32 (“Original Arts District Redevelopment Area”) as a "Condemnation Area in Need of Redevelopment"; and

**WHEREAS**, the Borough Council, pursuant to Resolution No. 2020-50, designated the entire Borough of Metuchen, County of Middlesex, including Block 145, Lots 2, 6, 9, 13.01, 17.01, 18.02, 18.03, 21, 23, 27, 34, 38, 42.01, 42.03, 50.05, 78, 85-94, which in conjunction with the Original Arts District Redevelopment Area is known as the “Expanded Arts District”, an

“Area in Need of Rehabilitation” pursuant to N.J.S.A. 40A:12A-1 et seq. (the “Rehabilitation Area”); and

**WHEREAS**, in order to facilitate the redevelopment of the Rehabilitation Area, the Council adopted Ordinance 2020-10 on May 26, 2020, adopting a redevelopment plan entitled “Redevelopment Plan for Rehabilitation in the Borough of Metuchen, dated March 2020, (“Original Redevelopment Plan”) after review by the Borough Planning Board (the “Planning Board”), pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, in order to appropriately effectuate the comprehensive rehabilitation and redevelopment of the Expanded Arts District, the Borough has determined that adoption of a more specific redevelopment plan for the Expanded Arts District is necessary and has prepared a redevelopment plan entitled, “Expanded Metuchen Arts District Redevelopment Plan, Block 183.02, Lots 1-4, portion of 5.01, 5.02, 6-8, 31-32; and, Block 145, Lots 2, 6, 9, 13.01, 17.01, 18.02, 18.03, 21, 23, 27, 34, 38, 42.01, 42.03, 50.05, 78, 85-94, Borough of Metuchen, Middlesex County, New Jersey” prepared by LRK, Inc. (the “Expanded Arts District Redevelopment Plan”) which sets forth, inter alia, the plans for the planning, development, redevelopment, and rehabilitation of the Expanded Arts District; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, prior to adopting a redevelopment plan, or any amendment thereto, the proposed redevelopment plan or amendment must be referred to the Planning Board, pursuant to N.J.S.A. 40A:12A-7, for review and a determination regarding the redevelopment plan or the amendment’s consistency with the Borough’s Master Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Borough Council hereby refers the Expanded Arts District Redevelopment Plan to the Planning Board for review and a determination of the Expanded Arts District Redevelopment Plan’s consistency with the Borough’s Master Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey:

1. That, pursuant to N.J.S.A. 40A:12A-7, the Borough Council does hereby authorize the Planning Board to review the “Expanded Arts District Redevelopment Plan” in accordance with N.J.S.A. 40A:12A-7 and to report its findings to the Governing Body within forty-five (45) days hereof.

2. This Resolution shall take effect immediately.

#### **RESOLUTION 2023-172**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF THE CONSENT TO NEW YORK, SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS TO SUBLEASE A PORTION OF THE TELECOMMUNICATIONS TOWER LOCATED ON BOROUGH OF METUCHEN PROPERTY TO DISH WIRELESS, LLC**

**WHEREAS**, the Borough of Metuchen entered into a Lease Agreement with New York, SMSA Limited Partnership d/b/a Verizon Wireless for the location of a telecommunications tower in July 2007 on Block 49, Lots 40 and 41.01 located at 44 Jersey Avenue; and

**WHEREAS**, pursuant to the Lease Agreement, Verizon Wireless has the right to sublet portions of the tower to licensed bona-fide communication companies and the Borough is entitled to receive one-half of the gross revenue received by Verizon Wireless as additional rent; and

**WHEREAS**, American Tower, on behalf of Verizon Wireless has requested the Borough execute a request for consent to sublease a portion of the tower to Dish Wireless, LLC; and

**WHEREAS**, the Borough of Metuchen received a Statement of Rents from Verizon Wireless to verify the monthly rental payment by Dish Wireless, LLC to Verizon Wireless and under the terms of the agreement and the sublease, the Borough is to receive \$1,250.00 per month as additional rent; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to authorize the execution of the consent for SMSA Limited Partnership d/b/a Verizon Wireless to sublease a portion of the tower to Dish Wireless, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of the request for consent for SMSA Limited Partnership d/b/a Verizon Wireless to sublease a portion of the tower to Dish Wireless, LLC consistent with the terms and conditions of the within Resolution.

**BE IT FURTHER RESOLVED** by the Council of the Borough of Metuchen that the Borough Administrator is hereby authorized to execute the Request for Consent to Sublease forwarded by American Tower; and

**BE IT FURTHER RESOLVED** by the Council of the Borough of Metuchen that it hereby authorizes all Borough officials to take all necessary actions in order to effectuate the within Resolution.

**RESOLUTION 2023-173**

**RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES**

**WHEREAS**, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution, and Club Licenses have complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

**WHEREAS**, these applicants will have been investigated by the Chief of Police prior to June 12, 2023; and

**WHEREAS**, the proper application has been filed with New Jersey State Alcoholic Beverage Control, Tax Clearance Certificate issued, and municipal fees have been received; and

**WHEREAS**, no legally valid objections have been made as to why these applications should not be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2023 to June 30, 2024, be and the same are hereby granted to said applicants.

<b>State License No.</b>	<b>Licensee &amp; Licensed Premises</b>	<b>Municipal Fee Paid</b>
<b><u>CLUBS</u></b>		
1210-31-014-002	<i>American Legion Fugle Hummer Post 65 17 Calvin Place Metuchen, NJ 08840</i>	<i>\$ 150</i>
1210-31-017-002	<i>Metuchen Elks Lodge 1914 87 Middlesex Avenue Metuchen, NJ 08840</i>	<i>\$ 150</i>

**PLENARY RETAIL CONSUMPTION**

1210-32-002-003	<i>Metuchen Inn A Corp t/a Metuchen Inn 424 Middlesex Avenue Metuchen, NJ 08840</i>	\$2,200
1210-33-006-008	<i>Whole Foods Market 645 Middlesex Avenue Metuchen, New Jersey 08840</i>	\$2,200
1210-33-008-011	<i>HHP Enterprises LLC t/a Hailey's 400 Main Street Metuchen, NJ 08840</i>	\$2,200
1210-33-009-010	<i>Satya Beverages LLC t/a Meximodo, 99 New Street Metuchen, NJ 08840</i>	\$2200
1210-33-010-006	<i>SK &amp; SK Inc. t/a Brown Stone Bar and Grill 932 Middlesex Avenue</i>	\$2,200
1210-33-012-011	<i>CGC Café t/a Wood Stack Pizza &amp; Kitchen 259 Lake Avenue</i>	\$2,200

**PLENARY RETAIL DISTRIBUTION**

1210-44-003-005	<i>Chase Spirit Metuchen LLC t/a Metuchen Buy Rite 283 Central Avenue Metuchen, NJ 08840</i>	\$1,550
1210-44-007-007	<i>Sunny and Shivani Corp t/a Metuchen Liquor and Wine 431 Main Street Metuchen, NJ 08840</i>	\$1,550
1210-44-011-009	<i>Abrol t/a Wine Chateau 85 Central Avenue Metuchen, NJ 08840</i>	\$1,550

**RESOLUTION 2023-174**

**RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR A WHEEL LOADER**

**WHEREAS**, there exists a need to purchase a wheel loader with attachments for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

**WHEREAS**, grounds equipment are available through ESCNJ 22/23-12– Grounds Equipment; and

**WHEREAS**, the term of the contract is from February 22, 2023 to February 21, 2024; and

**WHEREAS**, the Chief Financial Officer's certification of funds is made authorizing the award to purchase John Deere wheel loader from the Capital Bond Ordinance 2023-07, C-04-55-



939-001 in the amount of \$261,449.44; and

**WHEREAS**, ESCNJ 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.

**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 Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080.

**RESOLUTION 2023-175**

**RESOLUTION AUTHORIZING SOMERSET COUNTY COOPERATIVE CONTRACT FOR EQUIPMENT AND TOOL RENTAL**

**WHEREAS**, there exists a need to rent equipment for the operation of sewer pump station(s) in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

**WHEREAS**, equipment and tool rental can be purchased through Bid #2-scoop-Contract #CC-0028-22 Equipment & Tool Rental; and

**WHEREAS**, the term of the contract is from October 25, 2022 to October 24, 2023 awarded as the first year of a two year contract; and

**WHEREAS**, the authorization for purchases under this award expires on October 24, 2023; and

**WHEREAS**, the Chief Financial Officer's certification of funds is made authorizing the award to rent equipment and tools for the operation of Borough pump station(s) in an amount not to exceed \$50,000.00 for the year 2023 from the 2023 Temporary Budget and 2023 Adopted budget appropriation line item Sewers, Equipment Maintenance & Repair 3-01-26-773-026 in the amount of \$50,000.00; and

**WHEREAS**, Somerset County Cooperative 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.

**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, NJ 08846.

**RESOLUTION 2023-176**

**RESOLUTION AUTHORIZING STATE CONTRACT FOR TIRE CHANGER AND WHEEL BALANCER**

**WHEREAS**, there exists a need to purchase a tire changer and a wheel balancer for fleet management and repairs of Borough vehicles for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract # M4009, Vehicle Lifts and Fleet Maintenance Equipment, Blanket PO 22-FLEET-01983, which is in effect from November 1, 2021 through April 13, 2024, awarded to Mohawk Lifts LLC; and

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

**WHEREAS**, the Chief Financial Officer's certification of funds is made authorizing the award to purchase a tire changer and a balancer with related equipment in an amount not to exceed \$33,065.06 from Capital Bond Ordinance 2023-07, C-04-55-939-001 in the amount of \$33,065.06; 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Mohawk Lifts LLC, PO Box 110, 65 Vrooman Avenue, Amsterdam, NY 12010.

**RESOLUTION 2023-177**

**RESOLUTION AWARDING THE 2023 MUNICIPAL POOL  
MAINTENANCE CONTRACT ALTERNATE C TO AQUATIC  
SERVICE, INC.**

**WHEREAS**, pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, the Borough of Metuchen advertised to receive bids on or before April 20, 2023 for the 2023 Municipal Pool Maintenance for the Municipal Pool; and

**WHEREAS**, one (1) bid was received by the Borough Clerk submitted by Aquatic Service, Inc., 170 Burlington Avenue, Spotswood, NJ 08884 for Alternate A De-Winterize Pools in the amount not to exceed \$29,458.20, Alternate B Painting of Pools in the amount not to exceed \$22,753.55 and Alternate C Winterization of Pools in an amount not to exceed \$15,307.20.

**WHEREAS**, a portion of pool maintenance services – pool de-winterization and pool painting services was awarded by way of resolution 2023-116 to Aquatic Service Inc. as a window contract, awarded under *N.J.S.A.199:44A 20.4 et seq.* using a fair and open process, in the amount not to exceed Thirty-seven Thousand dollars (\$37,000.00); and

**WHEREAS**, said bid was reviewed by the Borough Administrator, Borough Clerk and QPA for the Borough of Metuchen and who have found that the bid appears to be reasonable and is in compliance with the Bid Specification and has recommended an award of Alternate C of the contract to Aquatic Service, Inc. for the 2023 Pool Maintenance Services -Winterization of Pools with the option for an additional one year term that may be any combination of Alternate A, B and/or C; and

**WHEREAS**, the Chief Financial Officer has certified that there are sufficient funds for such contract and is available and is designated from Pool Operating Budget, Line Item 3-09-55-501-508 in the amount not to exceed Fifteen Thousand Three Hundred Seven dollars and Twenty cents (\$15,307.20).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that pursuant to *N.J.S.A. 40A:11-1, et seq.* the contract for the 2023 Municipal Pool Maintenance - Alternate C be and the same is hereby awarded to lowest responsive responsible bidder, Aquatic Service, Inc., 170 Burlington Avenue, Spotswood, NJ 08884 in the total amount not to exceed Fifteen Thousand Three Hundred Seven dollars and Twenty cents (\$15,307.20).

**BE IT FURTHER RESOLVED** that the within authorization and award of contract and payments to be made thereunder shall be limited to services rendered and delivered to the Borough, and that in the event that the services included in its proposal and the bid specifications are required to be cancelled or not delivered to the Borough, the Borough shall not be required to pay for said services; and

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for 2023 Pool Maintenance Services – Alternate C with Aquatic Service, Inc. with an option for the Borough to extend for an additional one year term that may be any combination of Alternate A, B and/or C , consistent with all the terms and conditions set forth herein, and in the Bid Specifications and approved as to final form by the Mayor and Borough Administrator; and

**BE IT FURTHER RESOLVED** that the Borough Administrator and/or her designee is hereby authorized to oversee the administration, provision, timing and delivery of the required services for the Borough of Metuchen, including but not limited to authorizing Aquatic Services, Inc. to proceed with ongoing pool maintenance services, including winterization of pools as set forth in the Bid Specifications and to the extent necessary to cancel or postpone any and/or all services contained in the proposed Bid Specifications and contract if deemed necessary to protect the health, welfare and safety of the Borough of Metuchen; and

**BE IT FURTHER RESOLVED** that a copy of the within Resolution shall be forwarded to Aquatic Service, Inc. along with a form of contract consistent with this Resolution for their execution and return to the Borough.

**RESOLUTION 2023-178**

**RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY  
COOPERATIVE PRICING FOR OFFICE SUPPLIES, FURNITURE & EQUIPMENT,  
PRINTER INK CARTRIDGE & TONER, JUST-IN-TIME, DESKTOP DELIVERY,  
OPEN END, CATALOGUE BID-SECOND YEAR**

**WHEREAS** there exists a need to purchase office supplies, furniture & equipment, and electronic & technology supplies and for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through the Somerset County Cooperative Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid, #CC-0001-22, Cooperative Pricing Bid #2-SOCCP, Second Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5); and

**WHEREAS**, said contract is the second year of a two-year contract for Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid Open End Contract #CC-0001-22, Co-operative Pricing Bid #2-SOCCP which was approved on May 23, 2023 by the Somerset County Board of County Commissioners is effective from May 23, 2023, to May 14, 2024, with the authorization to purchase Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid under this resolution of award until December 31, 2023; and

**WHEREAS**, the maximum amount of the purchase of Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid for the Borough of Metuchen is \$20,000 and that there are sufficient funds for such award as certified from the 2023 Temporary Budget and 2023 Adopted Budget, designated from 2023 Temporary Budget and 2023 Adopted Budget Account numbers 3-01-20-701-036, 3-01-20-704-280, 3-01-20-708-036, 3-01-20-710-036, 3-01-21-721-283, 3-01-22-725-036, 3-01-25-745-036, 3-01-26-764-036, 3-01-26-772-035, 3-01-27-785-036, 3-01-27-791-036, 3-01-28-795-168, 3-01-43-490-036, 3-09-55-501-505, Trust Account Line Senior Center Trust T-16-56-861-861 and Recreation Trust T-22-56-859-859 for these services of which **\$18,000.00** is certified from the 2023 Temporary Budget and 2023 Adopted Budget and **\$2,000.00** from the designated Trust Funds; and

**WHEREAS**, the vendor chosen for award for purchase of Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid is W.B. Mason Co., Inc.,59 Centre Street, Brockton, MA, and B2B Supplies USA LLC dba

Printing Supplies USA LLC, 10 Schalks Crossing Road, Ste 501A-301, Plainsboro, NJ 08536 for the period of June 1, 2023, through December 31, 2023; and

**WHEREAS**, the County of Somerset, New Jersey 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.

**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 W.B. Mason Co., Inc., 59 Centre Street, Brockton, MA.

#### **RESOLUTION 2023-179**

#### **RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR INFRASTRUCTURE-FREE LICENSE PLATE READER SUBSCRIPTION SERVICE**

**WHEREAS**, there exists a need to contract for a subscription services for infrastructure-free license plate readers including installation in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, the Borough of Metuchen has solicited quotes for an infrastructure-free license plate reader subscription service including installation using a fair and open process, with two vendor solicitations received; and

**WHEREAS**, the amount for the infrastructure-free license plate reader subscription service including installation 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

**WHEREAS**, the Chief Financial Officer's Certification of Funds is made authorizing the award for an infrastructure-free license plate reader subscription service including installation in the amount not to exceed \$21,400.00 from the Forfeiture Trust, Account Number T-15-56-858-858 for a two year subscription; and

**WHEREAS**, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Flock Safety, who submitted the lowest, compliant quote for the infrastructure-free license plate reader subscription service including installation 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 Flock Group/Flock Safety, 1170 Howell Mill Road NW, Suite 210, Atlanta, GA, 30318.

#### **RESOLUTION 2023-180**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF A BUCKET TRUCK WITH OVERCENTER ARTICULATING AERIAL DEVICE WITH RELATED EQUIPMENT THROUGH SOURCEWELL, FORMALLY KNOWN AS THE NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139**

**WHEREAS**, there is a need for the Borough of Metuchen for the purchase of a bucket truck with an overcenter articulating aerial device and related equipment; and

**WHEREAS**, the Borough of Metuchen as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of Sourcewell,

formally known as National Joint Powers Alliance Cooperative, 202 12<sup>th</sup> Street NE, PO Box 219, Staples, MN 56479 pursuant to the provision of P.L. 2011, c. 139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

**WHEREAS**, the maximum amount of the purchase of an Altec Bucket Truck with Overcenter Articulating Aerial Device with related equipment for the Borough of Metuchen is \$238,472.00 and funds are available in the 2022 Capital Bond Ordinance 2022-08, Account C-04-55-938-001 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount of \$238,472.00: and

**WHEREAS**, Altec Industries, Inc. has been awarded the contract for Bucket Trucks and Aerial Devices under Sourcewell Category: Digger Derricks, Bucket Trucks & Utility Equipment, Contract #110421-ALT, effective January 12, 2022, and expires on December 27, 2025; and

**WHEREAS**, the Superintendent of Public Works and Borough Administrator recommend the utilization of this contract.

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

The Chief Financial Officer and the Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Altec Industries, Inc. , 210 Inverness Center Drive, Birmingham, AL 35242.

**RESOLUTION 2023-181**

**RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT & PERIPHERALS – CSAV SYSTEMS AND DIGITAL SIGNAGE**

**WHEREAS**, there exists a need for CSAV systems and a digital signage system for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through the Bergen County New Jersey Cooperative Purchasing Alliance Contract CK04, Bid # 22-24 Computer Equipment & Peripherals, effective for the contract period June 5, 2022, through June 4, 2024, pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

**WHEREAS**, Bergen County, lead public agency for the #CK04 New Jersey Cooperative Purchasing Alliance awarded by resolution #472-22 open ended contract, Bid #22-24 on June 1, 2022; and

**WHEREAS**, this authorization of award ends on June 4, 2024; and

**WHEREAS**, the maximum amount of award for purchase of two CSAV system and a digital sign system and related peripherals through awarded vendor SHI International Corp. for the Borough of Metuchen is \$ 37,752.62 and is certified from Capital Bond Ordinance 2023-07, C-04-55-939-010; and

**WHEREAS**, the County of Bergen, New Jersey 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.

**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 SHI International Corp., 290 Davidson Avenue, Somerset, NJ 08873, in an amount not to exceed \$ 37,752.62.

**RESOLUTION 2023-182**

**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>
20-00004	100/33.04	590 Main Street LUMENTUM CUST	ATCF II NJ LLC,

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

**RESOLUTION 2023-183**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2022 TAXES**

**WHEREAS**, the following has made an overpayment of taxes:

Name	Block/Lot	Address	Amount		Year
Yoo, Justin & Nam, Gahyun	16/19.01	423 Grove Street	\$3,655.43	Tax overpayment	2022, 3rd 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 \$3,655.43.

**RESOLUTION 2023-184**

**RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY  
COOPERATIVE PRICING UNLEADED GASOLINE, 87 OCTANE-YEAR TWO OF  
TWO YEAR CONTRACT**

**WHEREAS**, there exists a need to purchase unleaded gasoline for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through the Somerset County Cooperative Unleaded Gasoline, 87 Octane, Open-ended Contract #CC-0045-22, Co-operative Pricing Bid #2-SOCCP pursuant to the provisions of NJ.S.A. 40A:11-11 (5); and

**WHEREAS**, Somerset County Cooperative awarded the second year of a two-year contract #CC-0045-22 awarded on May 23, 2023; and

**WHEREAS**, this authorization to purchase under this award ends on December 31, 2023; and,

**WHEREAS**, the maximum amount of the purchase of Unleaded Gasoline, 87 Octane fuel for the Borough of Metuchen is \$ 50,000.00 and is certified from the 2023 Temporary

Budget and 2023 Adopted Budget, designated from Diesel and Gasoline Fuel Account Number 3-01-31-821-074; and

**WHEREAS**, the vendor chosen for award for purchase of Unleaded Gasoline, 87 Octane Fuel is National Fuel Oil, Inc., for the period of May 24 , 2023, through December 31, 2023 ; and,

**WHEREAS**, the County of Somerset, New Jersey shall be responsible for complying with the provisions of the Local Public Contracts Law (NJ.S.A. 40A:1 1-1 et seq.) and all other provisions of the revised statutes.

**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 National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103, in an amount not to exceed \$ 50,000.00.

**Other New Business**

R2023-185

RESOLUTION AUTHORIZING THE PAYMENT  
OF THE BILL LIST IN THE AMOUNT OF  
\$1,077,199.34

Council President Delia made a motion to approve Resolution 2023-185, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

**RESOLUTION 2023-185**

**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 **\$1,077,199.34**.

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 8:27 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk