

BOROUGH OF METUCHEN COUNCIL MINUTES

May 8, 2023

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, May 8, 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 Hirsch, Hyman, Kandel, Rasmussen, Council President Delia, and Mayor Busch. Councilmember Branch 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.

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.

Public Comment

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

Walt Stochel, resident of Edison and Corresponding Secretary of the Metuchen-Edison Historical Society, presented a copy of the geophysical survey of the Metuchen Colonial Cemetery conducted in December 2022. The survey identified a number of potential burials, archeological features, and a disturbed area. Mr. Stochel spoke of the meaning and importance of these findings. The survey report can be found on the Borough website, www.metuchennj.org.

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 30, 2023, second by Councilmember Rasmussen. With all in favor, motion carried, 5-0.

Communications Consent Agenda – Items A - B

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

- A. Receive and Accept Block Party/Street Closing for Hampton Street, May 21, 2023
- B. Receive and Accept Block Party/Street Closing for Park Place, May 27, 2023

Report of Borough Administrator

No report.

Reports of Councilmembers

Council President Delia reported on the current placement of the Traffic and Transportation Committee’s ‘Slow Down in Our Town’ signs, and the successful Bike Rodeo that happened the previous weekend. He also reported that the Cannabis Subcommittee had met to begin reviewing applications.

Councilmember Rasmussen reported on the Shade Tree Commission’s Arbor Day Celebration, which went very well, and the recent efforts of the Environmental Commission’s ‘Weed Warriors.’

Councilmember Kandel reminded everyone that early registration for the pool is open, and that the Pool Commission would be meeting soon. He reported that the Historic Preservation Committee met recently with Mayor Busch regarding the preservation of historic structures in the Borough, and that the Committee posts informative historical preservation articles on their Facebook page. Councilmember Kandel reported several accidents that the Fire Department responded to and reminded drivers to avoid distracted driving. Finally, he highlighted firefighters’ involvement in recent volunteer events around the Borough.

Councilmember Hyman reported on the Parade Commissions’ planning efforts for the upcoming Memorial Day parade, and that Metuchen CARES would soon have an announcement to make. She also said she and Council President Delia would be at Beans and Bread on May 20 to speak with any interested residents.

Councilmember Hirsch reminded everyone that the library elevator project would begin the next morning. He reported on the upcoming exhibit at the Library Gallery, and several classes and events that are detailed on the Library’s website. The Library will be closed Memorial Day Weekend.

Report of the Mayor

Mayor Busch announced that the State will be helping us to put left turn signals at the intersection of Grove Avenue and Route 27, which will benefit area residents. He also shared that the plans for the pocket park on Main Street would be underway once the Borough accepted the property from Manasquan Bank.

New Business Consent Agenda – Resolutions 2023-146 to 2023-150

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-146 to 2023-150, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2023-146

RESOLUTION TO AMEND THE 2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE, BE IT RESOLVED that the following additional temporary emergency appropriations shall be made for the year 2023, effective May 8, 2023:

Police	OE	10,000.00
MeTV	OE	5,000.00
Senior Citizen Center	OE	2,000.00
Street Lighting		10,000.00
Utilities		10,000.00
County Health Services		15,000.00
Telephone		5,000.00
Landfill/Solid Waste Disposal		30,000.00

Court	OE	2,000.00
	TOTAL	\$89,000.00

RESOLUTION 2023-147

**RESOLUTION AUTHORIZING THE RENEWAL OF THE BOROUGH’S
 \$2,324,000 BOND ANTICIPATION NOTES, SERIES 2022A DATED
 OCTOBER 18, 2022, AND AUTHORIZING BOND ANTICIPATION NOTES
 IN THE SUM OF \$2,355,000 AUTHORIZED BY ONE BOND ORDINANCE
 HERETOFORE ADOPTED TO FINANCE VARIOUS CAPITAL
 IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF METUCHEN,
 COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR
 OTHER DETAILS OF SAID ISSUE**

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the “Borough”) has heretofore adopted bond ordinance numbered 2023-07 authorizing bonds to finance part of the costs of the construction and acquisition of various capital improvements in, by and for the Borough (the “Ordinance”); and

WHEREAS, the Borough has not previously funded all of the bonds authorized by the Ordinance; and

WHEREAS, the Borough has heretofore issued its Bond Anticipation Notes, Series 2022A dated October 18, 2022 in the aggregate principal amount of \$2,324,000 (the “Prior Notes”); and

WHEREAS, the Prior Notes mature on July 17, 2023 and it is desirable to renew the Prior Notes permitted by and pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the “Local Bond Law”); and

WHEREAS, it is advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said notes and for other financial reasons, to combine the notes authorized under the Ordinance and the Prior Notes to be renewed into one issue in an aggregate principal amount not exceeding \$4,679,000 (collectively, the “Notes”) pursuant to the Local Bond Law; and

WHEREAS, the Borough intends that the Prior Notes upon renewal will be deemed as “Qualified Tax-exempt Obligations” within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”) and that the portion of the Notes issued under the Ordinance will be treated as “Qualified Tax-exempt Obligations” within the meaning of Section 265(b)(3)(B) of the Code; now, therefore,

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

SECTION 1. That the Notes shall be issued as one issue and at such time as shall be determined by the Chief Financial Officer of the Borough (the “Chief Financial Officer”) and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue, redemption and maturity, such redemption price or prices, and such rate or rates of interest, as may be determined in the manner and in accordance with the terms of the Notice of Sale authorized to be published pursuant to Section 3 hereof and in accordance with the applicable provisions of the Local Bond Law. The Notes shall be entitled “Bond Anticipation Notes, Series 2023A” or any other designation determined by the Chief Financial Officer.

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as

attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to offer the Notes for public sale, to award the Notes and to determine in her discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale (the "Notice of Sale"). The Chief Financial Officer is further hereby authorized and directed to report in writing to the Borough Council at the next meeting succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser. The Notice of Sale shall comply in all respects with the applicable statutes relating thereto and shall be in substantially the form attached hereto as Exhibit B, with such additions, modifications or deletions as determined by the Chief Financial Officer. The Notice of Sale or summary thereof, as permitted by applicable law, may be published in The Bond Buyer at least once prior to the date of public sale. The Chief Financial Officer is also hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she is hereby authorized to distribute a form of "Proposal for Bond Anticipation Notes" (the "Proposal") in respect of the Notes which Proposal shall be the official form for submission of bids in accordance with the Notice of Sale, except for those Proposals which are submitted electronically pursuant to the terms and provisions of the Notice of Sale. Such Proposal shall be in the form approved by the Chief Financial Officer. The Chief Financial Officer be and she is hereby further authorized at her discretion to accept Proposals and complete the award of the Notes, pursuant to the terms and provisions of the Notice of Sale, by means of electronic media; provided that, with respect to the selection of the particular electronic media and the implementation of the procedures for the exercise thereof, the Chief Financial Officer shall consult with counsel and other applicable professional advisors to the Borough with respect thereto.

SECTION 5. That the Chief Financial Officer is hereby authorized to distribute a Preliminary Official Statement which provides certain information in connection with the issuance of the Notes. The Chief Financial Officer is hereby further authorized to disseminate the Preliminary Official Statement via electronic media, in addition to or in lieu of physical, printed media. The Chief Financial Officer shall cause a final Official Statement, with such additions, modifications and deletions to such Preliminary Official Statement as the Chief Financial Officer may approve, to be distributed in accordance with applicable law.

SECTION 6. That the Chief Financial Officer is hereby authorized and directed, as applicable, to approve, "deem final" in accordance with Rule 15c2-12 of the Securities and Exchange Commission and execute the Preliminary Official Statement of the Borough issued in connection with the Notes, the final Official Statement of the Borough issued in connection with the Notes, the Notice of Sale and the Continuing Disclosure Certificate and their use in connection with the sale of the Notes and is further authorized, as is the Clerk of the Borough, to execute all documents, including the Preliminary Official Statement, the final Official Statement and the Continuing Disclosure Certificate, necessary for the sale and delivery of said Notes.

SECTION 7. That the Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Notes which is to be rendered by the firm of McCarter & English, LLP (complete except for omission of its date) to be printed or referred to on the Notes, and at the time of the original delivery of payment for the Notes and when such written opinion is rendered, to cause the Clerk of the Borough to certify to the truth and correctness of such copy of opinion by executing on each of said Notes, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Notes are payable, and (b) to cause the applicable CUSIP number (if any) assigned for each of said Notes by CUSIP Global Services to be printed on each of the Notes.

SECTION 8. That the Borough hereby covenants to comply with the provisions of the Code applicable to the Notes and covenants not to take any action or to fail to take any action which would cause the interest on the Notes to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code. Further, the Borough will take all actions within its power

that are necessary to assure that interest on the Notes does not lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code.

SECTION 9. That the portion of the Prior Notes to be renewed will be “deemed designated” for purposes of Section 265(b)(3) of the Code (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax exempt interest). The portion of the Notes authorized pursuant to the Ordinance is hereby designated as “Qualified Tax Exempt Obligations” for purposes of Section 265(b)(3) of the Code. The Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such deemed designation or designation of the Notes.

SECTION 10. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 11. That the Mayor of the Borough, the Chief Financial Officer and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 12. That all actions, if any, taken by the Chief Financial Officer, the financial advisor to the Borough and bond counsel to the Borough prior to the date of adoption of this Resolution in connection with the issuance of the Notes are hereby ratified in all respects.

SECTION 13. That this resolution shall take effect immediately.

RESOLUTION 2023-148

RESOLUTION AUTHORIZING BID AWARD FOR FIRE APPARATUS SERVICE AND REPAIR

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 23, 2023 for 2023 Fire Apparatus Service & Repair; and

WHEREAS, one bid was received by the Borough Clerk submitted by Fire & Safety Services, 200 Ryan Street, South Plainfield, NJ 07080 for the Fire Apparatus Service and Repair for the Borough of Metuchen detailing hourly labor rates for standard repair, standard repair overtime, annual preventative maintenance, annual pump service, and annual aerial ladder preventative maintenance; and

WHEREAS, the bid was reviewed by the QPA for the Borough of Metuchen and has found that the bid appears to be reasonable and is in compliance with the Bid Specification and recommends the award of the contract to Fire & Safety Services for the 2022 Fire Apparatus Service & Repair contract; and

WHEREAS, the maximum amount of the purchase for Fire Apparatus Service and Repair for the Borough of Metuchen is \$17,500.00 and funds are anticipated to be available in the 2023 Temporary and 2023 Adopted Budget and that there is sufficient funds for such award of which \$ 17,500.00 is certified by the Chief Financial Officer from the 2023 Temporary Budget and will be available in the 2023 Adopted Budget, appropriation line Fire Department Vehicles Maintenance and Repair, 3-01-25-752-025, not to exceed \$17,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for Fire Apparatus Service and Repair be and the same is hereby awarded to Fire and Safety Services, 200 Ryan Street, South Plainfield, NJ 07080.

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized and directed to execute the contract for the same.

RESOLUTION 2023-149

**RESOLUTION AUTHORIZING CANCELLATION OF 2022 AND 2023
TAX OVERPAYMENTS**

WHEREAS, the following parcels have an overpayment of taxes,

Block	Lot	Qual	Address	Balance	Year/Quarter
131.01	6	C0307	165-307 Essex Ave	1,675.33	2022/Qtr 4
126.05	48		560 Wakefield Drive	2,863.50	2023/Qtr 1

NOW, THEREFORE, BE IT RESOLVED that the above listed tax overpayment balances be canceled, in the amount of \$4,538.83.

RESOLUTION 2023-150

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT
OF 2022 AND 2023 TAXES**

WHEREAS, the following has made an overpayment of taxes;

Name	Block/Lot	Address	Amount		Year
Joseph Doherty	154.04/16	8 Division Street	\$2,537.88	Tax overpayment	2022, 4th qtr
Joseph Doherty	154.04/16	8 Division Street	\$2,492.76	Tax overpayment	2023, 1st qtr
Ngo, Laetitia	210/17	25 Charles Street	\$2,626.79	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 \$7,657.43.

Other New Business

R2023-151

**RESOLUTION AUTHORIZING THE PAYMENT OF THE
BILL LIST IN THE AMOUNT OF \$4,750,811.78**

Council President Delia made a motion to approve Resolution 2023-151, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2023-151

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 \$4,750,811.78.

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.

Appointments

Mayor Busch recommended the following appointments:

Bernie Hetzel to the Parade Commission for term expiring 12/31/2024
Terry Kohl to the Parade Commission for term expiring 12/31/2024

Council President Delia made a motion to accept the recommendations of appointment, second by Councilmember Rasmussen, with all in favor, 5-0

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 7:57 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk