

**BOROUGH OF METUCHEN COUNCIL MINUTES**  
**OCTOBER 2, 2023**  
**7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, October 2, 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.

Eagle Scouts Michael McNamara, Ethan Hong, Lenny Drumetski, and Keith McPherson were in attendance; Mayor Busch asked them to lead the Pledge of Allegiance.

Mayor Busch gave each of the Eagle Scouts in attendance an opportunity to speak briefly about their Eagle Scout projects. Councilmember Kandel described the project completed by Matthew Cincotta, who was unable to attend.

**Roll Call**

Mayor Busch asked for a roll call.

Present were Councilmembers Branch, Giamboi, Hirsch, Hyman, Kandel, and Council President Delia. 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 Giamboi, with all in favor, motion carried, 6-0.

With no action taken, Council President Delia made a motion to close the Agenda Session, second by Councilmember Giamboi, with all in favor, motion carried, 6-0.

**Public Comment**

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

Lynne Mueller and Grace Shackney, from Friends of the Metuchen Arts and the Metuchen Arts Council, respectively, thanked the Mayor and Council, Borough Administrator, Police, DPW, and all others who helped make the Metuchen portion of the recent Middlesex County Jazz Festival a success.

Paul Bradley, 22 Center Street, asked that the Mayor and Council consider ways to make local government more transparent, and spoke about what he sees as barriers to this transparency including the loss of a local newspaper and "governing by clique." Mayor Busch and Councilmembers Branch, Kandel, Giamboi offered responses to these comments.

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 June 26, 2023, second by Councilmember Giamboi. Councilmember Kandel abstained from voting. With all others in favor, motion carried, 5-0.

**Communications Consent Agenda – Items A-I**

Council President Delia made a motion to approve Communications Consent Agenda, Items A-I, second by Councilmember Giamboi, with all in favor, motion carried, 6-0.

- A. Receive and Accept Arts Council Meeting Minutes of July 17, 2023
- B. Receive and Accept Library Board Meeting Minutes of July 11, 2023

- C. Receive and Accept Pool Commission Meeting Minutes of December 13, 2022, January 10, 2023, February 21, 2023, and March 14, 2023
- D. Receive and Accept Senior Citizens Commission Meeting Minutes of September 13, 2023
- E. Receive and Approve Block Party-Street Closing for Clarendon Court, October 7, 2023
- F. Receive and Approve Block Party-Street Closing for Grant Court, October 14, 2023
- G. Receive and Approve Block Party-Street Closing for Home Street, October 28, 2023
- H. Receive and Approve Block Party-Street Closing for Kempson Place, November 4, 2023
- I. Receive and Approve Block Party-Street Closing for Spear Street, October 22, 2023

**Ordinance – Public Hearing**

Ord. 2023-28

ORDINANCE AMENDING CHAPTER 124,  
ENTITLED “PARKS AND RECREATION  
AREAS” CREATING ARTICLE 4, ENTITLED  
“PERMITS TO UTILIZE BOROUGH OF  
METUCHEN FIELDS”

Council President Delia asked that Ordinance 2023-28 be read by title only.

Ms. Zupan read Ordinance 2023-28 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-24.

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

Council President Delia made a motion to pass Ordinance 2023-28 on second reading and be published according to law, second by Councilmember Giamboi.

Mayor Busch asked for a roll call vote.

Roll Call: Yeas: Branch, Giamboi, Hirsch, Hyman, Kandel, Delia  
Nays: None

Ordinance 2023-28 was adopted, 6-0.

**ORDINANCE 2023-28**

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

**ORDINANCE AMENDING CHAPTER 124, ENTITLED “PARKS AND RECREATION AREAS” CREATING ARTICLE 4, ENTITLED “PERMITS TO UTILIZE BOROUGH OF METUCHEN FIELDS”**

**WHEREAS**, Chapter 124 of the Code of the Borough of Metuchen, entitled, “Parks and Recreation Areas” currently regulates Borough of Metuchen parks and recreation areas; and

**WHEREAS**, the Borough of Metuchen has determined that it is in the best interest of the Borough and the community to provide for the process for the public’s requests of the use of its sports fields; and

**WHEREAS**, upon the recommendation of the Recreation Director and the Borough Administrator, the Council of the Borough of Metuchen has determined that it is in the best interests of the Borough of Metuchen and the orderly use of Borough of Metuchen Sports Fields to create Article 4 of Chapter 124, entitled “Permits to Utilize Borough of Metuchen Fields”.

**NOW THEREFORE, BE IT ORDAINED** that the Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby amends the Code of the Borough of Metuchen and creates Article 4 of Chapter 124, entitled, Permits to Utilize Borough of Metuchen Fields to state as follows:

**ARTICLE 4**

**Permits to Utilize Borough of Metuchen Fields**

**§ 124-27 Permits to Utilize Borough of Metuchen Fields**

A. Prior to any organized use of, or the organization of an event to be conducted at, the baseball/softball/soccer fields and/or multi-purpose turf fields, regardless of the number of attendees, any individual or entity must obtain a permit for such use from the Borough of Metuchen. Except for the specific days and time frames wherein a permit for the exclusive use is issued by the Borough as provided for herein, the use of the baseball/softball/soccer fields and/or multi-purpose turf fields shall be open to the general public. Individuals and/or entities having a permit for use shall have the exclusive use of the permitted portions of the baseball/softball/soccer fields and/or multi-purpose turf fields during the allotted time of the permit issued. A separate permit shall be required for each location. Permits shall be issued for one (1) hour intervals for the following locations and fields:

1. Myrtle Park – Multi-Purpose Artificial Turf Field
2. Charles Park – Multi-Purpose Artificial Turf Field
3. Hampton Park – Grass Soccer Field
4. Hampton Park – Grass Baseball Field
5. Oakland Park – Grass Baseball Field
6. Oakland Park – Grass Softball Field
7. Vidas Park – Grass Baseball Field
8. Vidas Park - Grass Soccer/Football Field
9. Edgar Field – Multi-Purpose Turf Field.

B. Except by use of the Borough of Metuchen, the fields shall be used solely for the purposes of sports/athletic practices and/or competition. Permits may be granted for any other types of uses, at the sole discretion of the Borough, based upon the proposed use of the proposed field.

C. Permits shall be issued for one-hour intervals. Permits shall not be issued for the use of the fields beyond 9:00 p.m. Accordingly, the last available permit to be issued on any day shall be for the 9:00 p.m. through 10:00 p.m. time interval except for Sundays wherein the use of lights is not permitted and the last time a permit will be issued for Sundays will coincide with daylight hours.

**§ 124-28 Application for Permit for Use of Borough Fields**

- A. Application. The Borough Administrator, Borough Clerk, Recreation Director, Superintendent of Public Works, and Police Chief shall create and maintain an application for field usage which shall include but not be limited to the following:
1. The name and address of the applicant. In the event that the applicant is an organization or association, the names and addresses of the Officers and Directors. In addition, all nonprofit organizations must submit proof of their 501(c) status with their application for a permit.
  2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.

3. The date, and hours for which the permit is desired.
4. The specific field or portion thereof for which such permit is desired.
5. The proposed activity or program to be conducted on the field.
6. Estimated size and the number of participants and attendees (for traffic and safety).
7. Insurance certificate naming the Borough of Metuchen as additional insured as to the field usage for bodily injury and for property damage.
8. Security deposit, if required, as set forth below.
9. An agreement, in writing, whereby the applicant agrees to indemnify, defend and save harmless the Borough of Metuchen, its officers, employees, agents and volunteers, from any and all liability, expense, claim or damages resulting from the use of the baseball/softball/soccer fields and/or multi-purpose turf field.
10. If the applicant is a sports or recreation program, acknowledgement that a pre-approved waiver has been executed by each participant and/or his/her parent or guardian, expressly agreeing to indemnify and save the Borough of Metuchen, its officers, employees, agents and volunteers from any and all liability, expense, claim or damage resulting from the use of the baseball/softball fields and/or the multi-purpose turf field and participation in the sports or recreation program.
11. If any services are required by employees from the Borough of Metuchen, the cost of such employee/s and/or service is to be borne by the applicant as a cost of the field usage. The hourly rates for outside duty will be provided upon request by the Borough Administrator and an appropriate escrow amount shall be posted and will be billed to the escrow posted by the applicant.
12. Any other information which the Borough Administrator, Borough Clerk and/or the Recreation Director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

B. Miscellaneous requirements.

1. Applications can be obtained from the Borough Clerk and also returned to the Borough Clerk. The Borough Clerk will review for completeness (checklist provided). If application is incomplete it will be returned to the applicant and missing information identified. Upon submission of a complete application, the application shall be forwarded to the Recreation Director for consideration.
2. Applications for a permit for an event can be submitted up to one year in advance of the event date. Date selection will not be transferred upon request after approval is provided. All applications for a permit for the use of a field shall be submitted no later than 30 days prior to the requested use.
3. Rain dates will not be held in addition to the requested event date. Requests can be made for one rain date, in addition to the scheduled event date. The Recreation Director in consultation with the Borough Administrator will decide if a rain date can be approved on a case-by-case basis.
4. Applicants shall not advertise or promote, either in printed, digital or electronic format on the internet and/or social media platforms prior to obtaining a Field Use Permit. Premature advertising and/or promotion may be sole grounds for denial of the permit.
5. The within permits shall not apply to applications for the use of fields for purposes of a tournament, involving more than two (2) teams. Permits for

tournaments shall be made as a Special Event pursuant to Chapter 75 and the requirements of both this Article and Chapter 75 shall be met.

- C. Standards for issuance of a use permit by the Recreation Director in consultation with the Borough Administrator.
1. Generally, permits shall be issued on a first-come-first-served basis. However, the Recreation Director, in consultation with the Borough Administrator, shall have discretion in order to promote the equitable usage of the baseball/softball, soccer and multi-purpose turf fields by a wide variety of groups within the community.
  2. No applicant shall be denied a baseball/softball/soccer and/or multi-purpose turf field fields permit on account of his or her sex, affectional or sexual orientation, race, color, religion, natural origin, age, disability, ancestry, or atypical hereditary cellular or blood trait.
  3. It is the goal of the Borough of Metuchen to encourage the usage of its recreational fields by Metuchen based nonprofit groups when such uses do not interfere with the Borough-sponsored recreational programs. The Borough of Metuchen reserves the exclusive right to determine the eligibility of an organization or group and to assign prioritization to any application for the use of the baseball/softball/soccer fields and/or multi-purpose turf fields. These organizations whose aim and intended use are consistent with the general policy of widespread community use shall be considered eligible and prioritized as follows:
    - (a) Any recreation program sponsored by the Borough of Metuchen Recreation.
    - (b) Any recreation program sponsored by the Borough of Metuchen Board of Education.
    - (c) Members of the Metuchen Youth Sports Coalition, as established and maintained by the Recreation Director.
    - (d) Community recreation programs, which shall be construed to mean an organization, the majority (80%) of whose membership is domiciled in Metuchen.
    - (e) Borough of Metuchen residents.
    - (f) Area recreation programs shall be construed to mean an organization whose members reside in neighboring towns and at least 25% are Metuchen residents.
    - (g) Out-of-area recreation programs shall be construed to mean an organization that has less than 25% of its members residing in Metuchen.
    - (h) Middlesex County residents.
    - (i) Nonresidents.
    - (j) Profit organizations and For Profit recreation programs.
- C. Additional standards and consideration for the issuance of a use permit shall include the following findings:
- (a) That the proposed activity or use of the field/park will not unreasonably interfere with or detract from the general public enjoyment of the park.
  - (b) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - (c) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

- (d) That the proposed activity will not entail extraordinary or burdensome expense of police operation by the Borough of Metuchen.
- (e) That the proposed activity will not result in a breach of this article, another ordinance, or law, or may be adverse to the public interest, to public health and/or safety, or the protection of persons and/or property.
- (f) That the field desired have not been reserved for other use at the date and hour requested in the application.
- (g) That the proposed activity or use of the field will not unreasonably interfere or conflict with a Borough event, or Borough sponsored event, whether at the specific field or some other location within the Borough. Borough events and Borough sponsored events shall have priority over all applications for use of the Metuchen fields.

D. Fees. Permits for use of Borough Fields shall only be issued upon submission of an application and approval by the Recreation Director in consultation with the Borough Administrator. The fees for the use of the fields shall be non-refundable and on an hourly basis and in the amounts as follows:

<b>METUCHEN MULTI-PURPOSE ARTIFICIAL TURF FIELDS (Myrtle Park, Charles Park and Edgar Field)</b>			
	<b>Metuchen Resident (80% of resident participants) and/or Metuchen Based Non-Profit Organization (located in Metuchen)</b>	<b>Metuchen Based for Profit Organization and Non-Resident and/or Non-Resident Non-Profit Organization</b>	<b>Non-Resident for Profit Organization</b>
<b>Weekday</b>	\$50.00 per hour	\$75.00 per hour	\$100.00 per hour
<b>Weekend</b>	\$75.00 per hour	\$100.00 per hour	\$125.00 per hour
<b>Use of Lights*</b>	\$20.00 per hour	\$20.00 per hour	\$20.00 per hour
<b>*There are no lights located at Edgar Field</b>			

<b>METUCHEN BASEBALL, SOFTBALL, SOCCER/FOOTBALL GRASS FIELDS (Hampton Park, Oakland Park and Vidas Park)</b>			
	<b>Metuchen Resident (80% of resident participants) and/or Metuchen Based Non-Profit Organization (located in Metuchen)</b>	<b>Metuchen Based for Profit Organization and Non-Resident and/or Non-Resident Non-Profit Organization</b>	<b>Non-Resident for Profit Organization</b>
<b>Weekday</b>	\$25.00 per hour	\$50.00 per hour	\$75.00 per hour
<b>Weekend</b>	\$50.00 per hour	\$75.00 per hour	\$100.00 per hour

E. Security Deposit - Permits shall only be issued for use of baseball/softball/soccer and/or multi-purpose turf fields upon submission of a security deposit of \$250.00. The security deposit is to guarantee that the baseball/softball/soccer and/or multi-purpose turf fields and surrounding areas are properly cleaned after their usage and not damaged. The deposit shall be returned to the applicant after it has been determined that baseball/softball/soccer and multi-purpose turf fields and the surrounding areas were properly cleaned by the applicant and/or attendees and left in an acceptable condition. In the event that the baseball/softball/soccer and/or multi-purpose turf fields and/or surrounding areas are not properly cleaned after their usage or there is damage to the permitted premises, the applicant shall be charged the cost of the clean-up and/or damage to the field/s. Upon notice to the applicant, the Borough shall deduct that cost from the security deposit and return the balance to the permit holder. In the event there is not sufficient deposit to pay for the work or damage, the permit holder shall be responsible for payment of any excess amount and

shall not be permitted to receive any additional permits until payment is made. The Borough may also pursue any legal remedies it may have in such a situation. If deemed appropriate, the Recreation Director may waive or reduce the security deposit requirement for established nonprofit and school organizations and other applicant that have demonstrated through past experience proper maintenance and clean-up of the fields after the usage.

- F. The Recreation Director in consultation with the Borough Administrator may approve a permit with modifications or special conditions as the Recreation Director and/or the Borough Administrator deems necessary under the circumstances. Some examples of the conditions which the Borough Administrator may require at the applicant's sole cost and expense include but are not limited to the provision of on-site event security coverage or traffic control which must be provided by the Metuchen Police Department.
- H. Notwithstanding any other section, the Borough shall refuse to issue a permit if the Finance Department notes that the applicant or any principal, director or officer of the applicant and/or the sponsored entity has an outstanding and unpaid debt to the Borough including a debt relating to a special event regardless of whether such debt was incurred through another organization or legal entity in relation to the use of a field and/or a special event.

#### **§ 124-29. Permit regulations**

Any person, group or organization, which has received a permit ("Users"), shall be responsible for seeing that the following conditions are adhered to:

A. Users shall be solely responsible for cleaning up and maintaining the fields and surrounding areas during and upon the conclusion of an event, whether formal or informal. The Department of Public Works of the Borough of Metuchen shall not be responsible for the cleanup or maintenance of the field both during and after its use. Failure to maintain and/or clean up will result in the loss or deduction of the security deposit. Users are responsible to leave the fields clean and ready for the next user as they found it and are to inspect the field and remove anything left by their players or spectators, such as trash, mouth guards, athletic tape, or equipment. In the event that a user has left the field without cleaning up, a cleaning fee will be charged to that person, group or organization.

B. Any physical damage caused by the user or its participants or attendees will be the responsibility of the applicant for all such damages. No further usage of the Borough fields will be permitted until that charge is paid in full.

C. Users are responsible for the conduct and behavior of players and their spectators on the field or courts.

D. If a user finds a problem, defect or unclean conditions on the field or courts, they must notify the Borough Administrator immediately.

E. The Borough reserves the right, in its sole discretion, to close the baseball/softball/soccer fields and/or multi-purpose turf field for any reason whatsoever, including but not limited to the weather and/or proposed weather conditions or resulting conditions to protect the health, welfare and safety of the Borough residents, employees, agents, volunteers and visitors and to adequately protect and maintain the baseball/softball/soccer fields and/or multi-purpose turf fields. In the event that the Borough determines to close the field, it shall provide notice to the permit holder of such closure and in such an event, the permit issued by the Borough shall no longer be valid for the specific date and time of such closure.

F. Despite the aforementioned permit fees being nonrefundable, in the event that it rains or snows on the date for which the permit for the use of the Field was issued and the field is closed by the Borough and the applicant is unable to utilize the field on said date, the applicant shall be credited the permit fee towards the subsequent application for a permit for the use of the

field. However, a credit for the permit fee shall be nontransferable and shall expire within one year from the date on which the permit was issued.

G. In the event of thunder/lightning, the presence of even distant thunder warrants leaving the field, the field should be clear for 30 minutes after the last bolt of lightning or clap of thunder. 30/30 lightening rule: At a count of 30 seconds between seeing a strike and hearing thunder or signs of an approaching storm, users are to leave the field. Normal activity should not be resumed until 30 minutes after the last thunder clap is heard.

H. Any training equipment, such as portable lights, blocking sleds, lacrosse nets, soccer goals, soccer free kick mannequin walls, etc., must be pre-approved by the Recreation Director.

I. Marking, painting or taping the field or courts is strictly prohibited.

J. Rockets or fireworks are prohibited on the fields.

K. Any and all glass containers are prohibited on the fields.

L. The use of alcohol, any tobacco and/or cannabis products is prohibited throughout Metuchen Parks.

M. Users shall comply with all laws, regulations and Borough Ordinances including but not limited to those set forth in Chapter 124 of the Code of the Borough of Metuchen. Authorized users are responsible for notifying their participants and guests of these policies. Failure to do so may forfeit their permission to use the field.

N. It is strictly understood that the Borough of Metuchen and its agents, owners, members, employees, volunteers, etc., are not liable, and may not be held responsible, for any loss before, during or after the applicant's use of the facilities. In addition, these groups are not responsible for any theft or loss at any time.

O. The Borough of Metuchen and its agents, employees and officers shall not be held liable for failure to perform or fulfill its contractual obligation for any reason within or beyond their control and shall not be held liable for damages, loss or injury for any reason within or beyond their control.

P. The permit shall not be transferred or assigned. The permit holder or designated representative must be present whenever the field is in use during the time of its permit. The permit holder must be in possession of the permit and the permit must be posted in public view.

Q. No alcoholic beverages and/or smoking is permitted at any time by anyone during the use of the fields, including the team players and spectators. The permit holder shall be responsible for enforcing this condition.

R. The permit holder shall be responsible for any and all illegal acts by spectators and team members, including the opposing team.

S. The permit holder shall be responsible for ensuring that team members and spectators adhere to no-parking regulations at and near the field in use.

T. All payments to the Borough are required within 48 hours after notification of approved usage. In no event shall a permit be issued prior to the Borough's receipt of payment.

U. No refunds will be issued for unused time.

V. The Borough Administrator, Recreation Director and/or Chief of Police may impose any such conditions reasonably calculated to reduce or minimize dangers and hazards to vehicle or pedestrian traffic and the public health, safety, and welfare, including but not limited to the required presence of off-duty Metuchen police officers being required during said scheduled event, the cost of which shall be borne by the applicant pursuant to the costs established by Borough ordinance. In addition, the applicant may request the presence of an off-duty Metuchen police officer(s) during such a scheduled event, the costs of which shall be borne by the applicant pursuant to the costs established by Borough ordinance.

W. Revocation. The Borough Administrator, Recreation Director and/or the Chief of Police or their designee shall have the authority to revoke a permit if there is reasonable grounds to believe that the holding or continuation of the use of the field:

(1) Poses a danger to the health and safety of any person;

(2) Poses a danger to property;

(3) Is not in the public interest; or



(4) Is in contravention of this article, rule or policy of the Borough or for the failure to comply with a condition of the permit.

X. To the extent permissible, in the case of a revocation prior to the date and time of the proposed event, the Borough official shall immediately inform the permit holder or the permit representatives of the revocation and the reasons for it by means of contacting the permit holder at the address or at the telephone number provided in the permit application. Nothing herein shall limit the Borough's right to revoke a permit during the course of the event if determined by the Borough official that the above criteria apply. In such a case, the Borough official shall immediately advise the designated supervisor of the event of the revocation and the event shall be immediately terminated and the organization, entity, and/or the sponsored entity shall forfeit its deposit.

Y. Repairs for damages, maintenance and/or cleanup shall be calculated at a minimum of \$65 per man-hour plus the cost of materials. Additional costs may be deemed necessary by the Borough based upon the nature of repairs and/or replacements. Failure to pay within 30 days will require forfeit of the deposit. In the event that the security deposit is insufficient to cover the costs to the Borough and the permittee and/or the sponsored entity fails to make a timely payment therefor, an action by Borough to recover the fees will be instituted and the permittee and/or the sponsored entity will be responsible for all collection costs, including attorneys' fees, and disqualification from consideration for issuance of future permits.

**§ 124-30. Enforcement.**

A. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director, and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

B. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall have the authority to eject from the Borough Fields any person or persons acting in violation of this article.

C. The Borough Administrator, Police Chief, Fire Chief or their designee, the Recreation Director and/or the Superintendent of Public Works or their designee and all members of the Metuchen Police Department shall have the authority to seize and confiscate any property, thing or device on the Borough Field used in violation of this article.

**§ 124-31. Violations and penalties.**

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, be punished by a fine and be subject to penalties as provided in Chapter 1, General Provisions, Article 1, as well as restitution payable to the Borough of Metuchen for any monies expended by the Borough to rectify damages caused by acts of the accused.

**§ 124-32. Severability and Repealer.**

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

All ordinances or parts of Ordinances of the Borough of Metuchen in conflict with or inconsistent with the provisions of this Article, including but not limited to those set forth in § 87-20 are hereby repealed and amended to the extent of such inconsistency.

**§ 124-33. When effective.**

This article shall be in full force and effect from and after its adoption and any publication as may be required by law.

**Report of Borough Administrator**

No report.

**Reports of Councilmembers**

Council President Delia reported on the Metuchen Downtown Alliance's October events, including an appearance of James "Murr" Murray and the "Downtown Rumble" wrestling event. He thanked MDA Executive Director Dawn Mackey for her efforts to bring the business YesterCades to Metuchen. YesterCades is scheduled to open in early 2024.

Councilmember Kandel reported on this year's Fire Department Open House and on Fire Prevention Week, the theme of which is "Cooking Safety Begins with You."

Councilmember Hyman reported on Metuchen CARES' efforts to get the word out regarding their resources and events and noted that a new Committee Member will be appointed this evening. She also reported on the Parade Commission's plans, including a proposed new route, for the Winter Holiday Parade.

Councilmember Hirsch reported on upcoming Library events including the Book Sale, Community Health Fair, and a retirement planning workshop. He also noted that the Library has a newly designed website.

Councilmember Giamboi reported that the Shade Tree Commission and Environmental Commission would be meeting soon.

Councilmember Branch thanked the Arts Council, volunteers, and sponsors involved with the successful JazzFest. He also reported on the Recreation Commission's upcoming Halloween events.

**Report of the Mayor**

We're very excited about the opening of the pocket park, the future site of the Thomas Mundy Peterson Park. The park is the result of an extraordinary effort by our Borough Administrator, DPW, and the Metuchen Downtown Alliance. By watching the way residents are using the park we can make decisions on what the community needs, and how to make changes moving forward.

**New Business Consent Agenda – Resolutions 2023-249 to 2023-255**

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-249 to 2023-255, second by Councilmember Giamboi with all in favor, motion carried, 6-0.

**RESOLUTION 2023-249**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION  
NJSA 40A:4-87**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2023 in the sum of \$2,328.19 National Opioid Settlement.

**BE IT FURTHER RESOLVED** that the like sum of \$ 2,328.19 is hereby appropriated under the caption National Opioid Settlement; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from National Opioid Settlement Fund in the amount of \$ 2,328.19.

**RESOLUTION 2023-250**

**RESOLUTION AMENDING CERTAIN POSITIONS AND SALARIES FOR  
CALENDAR YEAR 2023**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 2023-25 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2023, as follows:

**POSITIONS:**

A.	Councilmembers	\$ 5,000/yr.
	Council President	\$ 6,500/yr.
	Mayor	\$ 10,000/yr.
	C-3 Sanitary Sewer Collection System Operator	\$ 6,000/yr.
	Office of Emergency Management Director	\$15,000/yr.
	Office of Emergency Management Deputy Coordinator	\$1,500.00/yr.
	Municipal Judge	\$35,000/yr.
	Public Defender	\$22,500/yr.
	Police Auxiliary Officer-dependent on number of officers	\$500.00 to \$1,000.00/yr.

**FULL TIME/PART TIME OFFICERS AND EMPLOYEES:**

3.0% increase on 2022 base salary/hourly rate or 2023 adjusted base salary/hourly rate:

Administrative Assistant  
Administrative Manager  
TACO/Administrative Officer  
Court Administrator

Deputy Court Administrator  
Violations Clerk  
PT Violations Clerk  
Borough Administrator  
Director of Economic Development  
Director of Special Projects  
Director of Recreation/Senior Services  
Borough Clerk  
Program Coordinator of Recreation/Senior Services  
Public Works Superintendent  
Public Works Supervisor  
Chief Financial Officer/Tax Collector/QPA  
Senior Finance Specialist  
Finance Specialist  
Finance Clerk  
Janitor  
Multi-Media & Communication Director  
Enforcement Official  
Bus Driver  
School Crossing Guard  
PT Clerk Office Assistant  
PT Janitor, Firehouse  
Police Aide  
Fire Official (Fire Prevention)  
Fire Inspectors (Fire Prevention)  
Parking Enforcement Officer

**CONSTRUCTION INSPECTORS/OFFICIALS:**

3.0% increase on 2022 base salary

Construction Official  
Plumbing Inspector  
Electrical Inspector  
Fire Inspector  
Building Inspector  
Plumbing Subcode Official  
Electrical Subcode Official  
Fire Subcode Official  
Building Subcode Official  
Alternate Subcode Official  
Alternate Inspector

**RECREATIONAL PROGRAMS AND SEASONAL EMPLOYEES – Rates as Listed with no Percentage Increase:**

Cooking Director	\$ 40.00/hr.
Tennis Director	\$ 75.00/hr.
Tennis Instructor	\$ 12.93/hr.
Art Director	\$ 50.00/hr.
Soccer Camp Director	\$ 35.00/hr.
Soccer Counselor	\$ 12.93/hr.
Soccer Trainer	\$ 20.00/hr.
Track Camp Director	\$ 30.00/hr.
Track Advisor	\$ 25.00/hr.

Track Specialist	\$ 20.00/hr.
Basketball Director	\$ 30.00/hr.
Junior Referee	\$ 12.93/hr.
Basketball Referee	\$ 25.00/hr.
Recreation Assistant	\$ 12.93/hr.
Camp Director	\$ 35.00/hr.
Assistant Camp Director	\$ 25.00/hr.
Camp Counselor	\$ 12.93/hr.
Umpire	\$ 30.00/hr.
Field Hockey Director	\$ 30.00/hr.
Field Hockey Coach	\$ 20.00/hr.
Field Hockey Referees	\$ 14.13/hr.

**BOROUGH SEASONAL PER DIEM EMPLOYEES: - Rates as Listed with no Percentage Increase**

Public Works Summer Help	\$ 15.00/hr.
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**SEASONAL EMPLOYEES/POOL: - Rates as Listed with no Percentage Increase**

Pool Manager	\$12,000.00/season
Assistant Manager	\$6,800.00 to 8,000.00 /season
Aquatics Director	\$3,000.00/season
Head Swim Team Coach*	\$2,200.00/season
Assistant Swim Team Coach	\$1,000.00/season
Swim Team Assistant	\$ 750.00/season
Head Diving Coach	\$1,500.00/season
Assistant Diving Coach	\$1,100.00/season
Activities Director	\$ 3,000.00/season
Head Lifeguard	\$ 14.63/hr.
Lifeguard	\$ 13.08/hr.
Head Gate Attendant	\$ 13.08/hr.
Gate Attendant	\$ 12.93/hr.
Head Maintenance	\$ 13.63/hr.
Maintenance	\$ 12.93/hr.
Swim Instructor	\$ 12.93/hr.
Pre-season	\$ 12.93/hr.

\*Position not filled when Aquatics Director position is filled and acts as Head Coach

**LIBRARY PERSONNEL - Salary adjustment and increase per Library Board**

- FT Library Assistant
- FT Senior Library Assistant
- FT Principal Library Assistant
- FT Librarian (Youth Services)
- FT Librarian (Adult/Youth Services)
- FT Librarian (Adult/User Services)
- FT Senior Librarian (Youth/User Services)
- FT Senior Librarian (Adult/User Services)
- FT Librarian
- FT Principal Librarian
- FT Library Director

PT Library Bookkeeper  
PT Library Assistant  
PT Senior Library Assistant  
PT Library Page  
PT Librarian  
PT Senior Librarian (Youth Services)  
PT Librarian (Youth Services)  
PT Senior Librarian  
PT Library Children's Services Specialist  
PT Library Technical Services Assistant  
PT Library Technology Assistant

**BE IT FURTHER RESOLVED**, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups; and

**BE IT FURTHER RESOLVED**, that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same range.

**RESOLUTION 2023-251**

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CME ASSOCIATES, TO PERFORM WASTEWATER ENGINEERING SERVICES FOR SHARED OPERATIONS FOR JERSEY AVENUE PUMP STATION**

**WHEREAS**, the Borough of Metuchen has identified the need for Professional Engineering services of a Borough Wastewater Engineer; and

**WHEREAS**, by way of Resolution No. 2023-29, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Wastewater Engineering services to CME Associates for the calendar year 2023 at a cost not to exceed five thousand five hundred dollars and no cents (\$5,500.00); and

**WHEREAS**, the Borough of Metuchen has identified the need for engineering services related to the preparation of a Shared Operational Agreement between the Borough and the Township of Edison for the operation of the Jersey Avenue Pump Station pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

**WHEREAS**, CME Associates, submitted a proposal dated September 15, 2023, to the Borough to render engineering services related to the preparation of a Shared Operational Agreement between the Borough and the Township of Edison for the operation of the Jersey Avenue Pump Station for a cost not to exceed nine thousand eight hundred ninety-eight dollars and no cents (\$9,898.00); and

**WHEREAS**, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for engineering services for the preparation of a Shared Operational Agreement between the Borough and the Township of Edison for the operation of the Jersey Avenue Pump Station be awarded to CME Associates of Parlin, New Jersey consistent with the proposal submitted; and

**WHEREAS**, the Council of the Borough of Metuchen have reviewed the proposal and have determined it is in the best interest of Metuchen to award a contract to CME Associates, of

Parlin, New Jersey to render engineering services for the preparation of a Shared Operational Agreement; and

**WHEREAS** the cost for the proposed services shall not exceed nine thousand eight hundred ninety-eight dollars and no cents (\$9,898.00) without further approval by the Mayor and Borough Council; 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 2022-04/2021-06/2022-06 Capital Bond Ordinance C-04-55-936-002.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Metuchen that it hereby awards a contract to CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859 on the basis of the proposal dated September 15, 2023 to provide professional engineering services to the Borough of Metuchen for the preparation of a Shared Operational Agreement between the Borough and the Township of Edison for the operation of the Jersey Avenue Pump Station for a cost not to exceed nine thousand eight hundred ninety-eight dollars and no cents (\$9,898.00).

**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 2023-252**

#### **RESOLUTION AMENDING RESOLUTION 2023-21 AWARD OF CONTRACT FOR BOROUGH ENGINEER**

**WHEREAS**, the Borough of Metuchen has a need to amend Resolution 2023-21 previously awarded for Borough Engineer as an amendment to a contract previously awarded, using a non-fair and open, now known as required disclosure process pursuant to the provisions of <N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the anticipated term of this contract is the calendar year 2023; and

**WHEREAS**, the original agreement stipulated that the maximum amount of the contract shall not exceed \$ 35,000.00; and

**WHEREAS**, the Borough deemed it necessary to dedicate an additional \$20,000 for continued services; and

**WHEREAS**, the maximum amount of the contract is amended and shall not exceed fifty-five thousand dollars and no cents **\$ 55,000.00** and the Chief Financial Officer has certified that there are sufficient funds for such contract and are available and is designated from 2023 Adopted Budget Administrative and Executive, Professional Services appropriation line 3-01-20-701-028 for these services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to increase the available funds for engineering services from the firm Colliers Engineering and Design., 101 Crawfords Corner Road, Suite 3400, Holmdel, NJ 07733.

**RESOLUTION 2023-253**

**RESOLUTION AMENDING RESOLUTION 2023-25 AWARD OF CONTRACT FOR  
BOROUGH PLANNER**

**WHEREAS**, the Borough of Metuchen has a need to amend Resolution 2023-25 previously awarded for Borough Planner as an amendment to a contract previously awarded, using a non-fair and open, now known as required disclosure process pursuant to the provisions of <N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the anticipated term of this contract is the calendar year 2023; and

**WHEREAS**, the original agreement stipulated that the maximum amount of the contract shall not exceed \$ 25,000.00; and

**WHEREAS**, the Borough deemed it necessary to dedicate an additional \$10,000 for continued services; and

**WHEREAS**, the maximum amount of the contract is amended and shall not exceed thirty-five thousand dollars and no cents **\$ 35,000.00** and the Chief Financial Officer has certified that there are sufficient funds for such contract and are available and is designated from 2023 Adopted Budget Administrative and Executive, Professional Services appropriation line 3-01-20-701-028 for these services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to increase the available funds for planning services from the firm LRK, Inc., 217 Nassau Street, Princeton, NJ 08542.

**RESOLUTION 2023-254**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR TREE  
TRIMMING, PRUNING, AND REMOVAL SERVICES**

**WHEREAS**, there exists a need for tree removal services for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS** this can be purchased through State Contract # T0465, 18-DPP-00645, which is in effect until December 31, 2023, awarded to Rich Tree Service, Inc, Vendor V00003986; and

**WHEREAS**, the maximum amount of the purchase of removal of trees for the Borough of Metuchen is \$ 30,264.67 and that there are sufficient funds for such award of which \$ 30,264.67 as certified by the Chief Financial Officer from the 2023 Adopted Budget, from Current Budget Account, Forestry, Professional Services, 3-01-26-777-028; 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 Rich Tree Service, Inc., 325 Bergen Street, South Plainfield, NJ 07080

**RESOLUTION 2023-255**

**RESOLUTION AUTHORIZING SPECIAL LEGAL COUNSEL TO FORECLOSE CERTAIN PROPERTY FOR DELINQUENT TAXES**

**WHEREAS**, the Tax Collector of the Borough of Metuchen has prepared and presented to the Borough Council of the Borough of Metuchen an In Rem Foreclosure List; and

**WHEREAS**, the In Rem Foreclosure list includes Schedule Numbers One through Two; and

**WHEREAS**, N.J.S.A.54:5-104.35 provides in pertinent that the Governing Body may by Resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act [L.1948, c.96].

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, and the State of New Jersey that William P. Opel, Esquire of Mcmanimon, Scotland & Baumann, 75 Livingston Ave, Roseland, NJ 07068 is hereby authorized to foreclose the property schedule as noted below on the In Rem Foreclosure List, a copy of which is attached hereto and made a part hereof.

Cert #	Block/Lot	Property Name
12-00007	132/48	Robert White
1500007	132/48	Robert White

**Other New Business**

R2023-256	RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$9,182,984.58
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Council President Delia made a motion to approve Resolution 2023-256, second by Councilmember Giamboi with all in favor, motion carried, 6-0.

**RESOLUTION 2023-256**

**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 \$9,182,984.58.

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 appointment of Jason Winhold to the Metuchen CARES Committee for the term ending 12/31/2025.

Council President Delia made a motion to accept the Mayor's recommendation of appointment, second by Councilmember Giamboi, with all in favor, motion carried, 6-0.

**Executive Session**

Council President Delia made a motion to approve Resolution 2023-257, authorizing an Executive Session, with all in favor, motion carried, 6-0. Executive Session began at 8:05 p.m.

R2023-257

RESOLUTION AUTHORIZING AN EXECUTIVE  
SESSION WHICH EXCLUDES THE PUBLIC –  
ATTORNEY CLIENT PRIVILEGE AND  
PERSONNEL MATTERS

Council President Delia made a motion to return to the Regular Meeting at 8:28 p.m., with all in favor, motion carried, 6-0.

**Adjournment**

Council President Delia made a motion to adjourn the meeting, second by Councilmember Branch, with all in favor, 6-0, the meeting was adjourned at 8:29 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk