

BOROUGH OF METUCHEN COUNCIL MINUTES
SEPTEMBER 11, 2023
7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, September 11, 2023.

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

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on December 21, 2022, posted in Borough Hall, and on file in the Clerk's Office. All requirements of the Open Public Meetings Act have been satisfied.

Mayor Busch asked for a moment of silence to honor the victims of the September 11, 2001 attacks.

Mayor Busch asked all to rise for the Pledge of Allegiance.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Branch, Giamboi, Hyman, Kandel, and Council President Delia. 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 Giamboi, with all in favor, motion carried, 5-0.

Council President Delia added a Block Party-Street Closing approval for a September 30, 2023 Lexington Avenue event to the Communications Consent Agenda as item G.

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

Public Comment

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

A resident of 99 New Street came to ask about a letter he received on his windshield regarding parking change, and asked what opportunities there were for the public to provide feedback. Mayor Busch responded with what's currently being done downtown regarding parking management and added that the letter that was left on windshields was not a letter from the Borough but from a resident.

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 May 22, 2023, second by Councilmember Giamboi. Councilmember Kandel abstained from voting. With all others in favor, motion carried, 4-0.

Council President Delia made a motion to approve Borough Council Meeting Minutes of June 12, 2023, second by Councilmember Giamboi. 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-H, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

- A. Receive and Accept Pool Commission Meeting Minutes of June 14, 2022, August 9, 2022, October 11, 2022, and November 15, 2022

- B. Receive and Accept Senior Commission Meeting Minutes of June 14, 2023
- C. Receive and Accept Shade Tree Commission Meeting Minutes of August 1, 2023
- D. Receive and Approve Block Party-Street Closing for Columbia Avenue, September 30, 2023
- E. Receive and Approve Block Party-Street Closing for Hanson Avenue, September 30, 2023
- F. Receive and Approve Block Party-Street Closing for Summit Avenue, September 30, 2023
- G. Receive and Approve Block Party-Street Closing for Lexington Avenue, September 30, 2023

Ordinances – Public Hearing

Ord. 2023-24

ORDINANCE TO PREVENT PRIVATELY-OWNED SALT STORAGE STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER

Council President Delia asked that Ordinance 2023-24 be read by title only.

Ms. Zupan read Ordinance 2023-24 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 2023-24 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, Hyman, Kandel, Delia
Nays: None

Ordinance 2023-24 was adopted, 5-0.

ORDINANCE 2023-24

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

ORDINANCE TO PREVENT PRIVATELY-OWNED SALT STORAGE STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in **Metuchen** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. “Resident” means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Enforcement Official during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: \$1,000 per occurrence.

SECTION VII. Severability:

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

SECTION VIII. Effective Date:

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

Ord. 2023-25

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

Council President Delia asked that Ordinance 2023-25 be read by title only.

Ms. Zupan read Ordinance 2023-25 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-25.

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

Council President Delia made a motion to pass Ordinance 2023-25 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, Hyman, Kandel, Delia
Nays: None

Ordinance 2023-25 was adopted, 5-0.

[PDF of Ordinance 2023-25 will be inserted here]

Ord. 2023-26

ORDINANCE AMENDING CHAPTER 110
(LAND DEVELOPMENT) CONCERNING THE
DEFINITION OF HEIGHT OF STRUCTURE FOR
ANY DEVELOPMENT WITHIN THE
BOROUGH OF METUCHEN

Council President Delia asked that Ordinance 2023-26 be read by title only.

Ms. Zupan read Ordinance 2023-26 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-26.

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

Council President Delia made a motion to pass Ordinance 2023-26 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, Hyman, Kandel, Delia
Nays: None

Ordinance 2023-26 was adopted, 5-0.

ORDINANCE 2023-26

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

**AN ORDINANCE AMENDING CHAPTER 110 (LAND DEVELOPMENT)
CONCERNING THE DEFINITION OF HEIGHT OF STRUCTURE FOR ANY
DEVELOPMENT WITHIN THE BOROUGH OF METUCHEN**

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows:

SECTION 1. Section 110-4 (Definitions) in Article 1 (Title; Purpose; Definitions) in Part I (General Provisions) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

HEIGHT OF STRUCTURE

The vertical distance from grade plane to the highest roof surface. A grade plane shall be defined as a reference plane representing the average of the pre-construction grade or finished grade, whichever is lower in elevation, adjoining the structure at all exterior walls. Exceptions: see Section 110-109.

SECTION 2. Repealer. Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication

shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.

Ord. 2023-27

ORDINANCE AMENDING CHAPTER 56
(AMUSEMENT DEVICES) AND CERTAIN
SECTIONS OF CHAPTER 110 (LAND
DEVELOPMENT) CONCERNING THE
REGULATION OF AMUSEMENT GAMES,
DEVICES OR MACHINES, OTHER SIMILAR
AMUSEMENT ACTIVITIES, BREW PUBS,
BREWERIES, WINERIES, AND FLEXIBLE
SPACES IN CERTAIN BUSINESS DISTRICTS
WITHIN THE BOROUGH OF METUCHEN

Council President Delia asked that Ordinance 2023-27 be read by title only.

Ms. Zupan read Ordinance 2023-27 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-27.

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

Council President Delia made a motion to pass Ordinance 2023-27 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, Hyman, Kandel, Delia
Nays: None

Ordinance 2023-27 was adopted, 5-0.

ORDINANCE 2023-27

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

**ORDINANCE AMENDING CHAPTER 56 (AMUSEMENT DEVICES) AND CERTAIN
SECTIONS OF CHAPTER 110 (LAND DEVELOPMENT) CONCERNING THE
REGULATION OF AMUSEMENT GAMES, DEVICES OR MACHINES, OTHER
SIMILAR AMUSEMENT ACTIVITIES, BREW PUBS, BREWERIES, WINERIES, AND
FLEXIBLE SPACES IN CERTAIN BUSINESS DISTRICTS WITHIN THE BOROUGH
OF METUCHEN**

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows:

SECTION 1. Chapter 56 (Amusement Devices) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 56-1 Purpose.

This chapter is enacted for the purpose of licensing and regulating the location, placement operation, maintenance, storage or use of automatic amusement games, devices or machines and the proprietors who desire to own, operate, possess, maintain or invite for public use those games, devices or machines.

§ 56-2 License.

No person shall operate, maintain, possess or install in any store, building, public or quasi-public place where the public is invited, or wherein the public may enter, any automatic amusement game, device or machine unless such person or entity shall have first obtained a license for that purpose from the Mayor and Council of the borough.

§ 56-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTOMATIC AMUSEMENT, GAME, DEVICE OR MACHINE

Any game, device or machine, whether mechanical, electrical, electronic or digital, designed for operation by the public by the insertion of a coin, cash, debit card, credit card, or purchased token, player card, or mobile application for use as a game, entertainment or amusement, whether or not registering a score. The term shall include, but not be limited to, games, devices or machines such as pinball machines, skeeball machines, cranes/claw machines, basketball arcade, boxing arcade, air-hockey, rod-hockey, foosball, table tennis, billiard tables, pool tables, dartboards, mini bowling, dance arcade, laser maze, racing/gaming stations, motion simulators and other similar games, devices or machines designed to be representative of real games or activities. The term shall not include vending machines designed for the sale of a product which do not incorporate gaming or amusement features, any music vending device or machine, as separately defined herein, individual businesses or enclosed rooms for billiard tables, pool tables or bowling alleys, as separately regulated by Chapter 134, Poolrooms and Bowling Alleys, of the Borough Code, or individual businesses for virtual reality, escape rooms and other similar uses.

JUKEBOX

Any music vending device or machine which, upon the insertion of a coin, cash, debit card, credit card or purchased token, player card, or mobile application, may be operated for the playing of music, songs or other melodies or similar sounds.

§ 56-4 License issuance; term; fee; transfer.

- A. All licenses for the location, placement, operation, maintenance, storage or use of automatic amusement games, devices or machines as defined herein shall be issued to and in the name of the proprietor of the premises where the game, device or machine is to be installed, for one-year periods commencing January 1 and expiring December 31 at midnight.
- B. To offset anticipated administrative and inspection expenses and other expected costs, a licensing fee shall be imposed upon each proprietor and for each automatic amusement game, device or machine licensed in the following amounts:
 - (1) Jukeboxes: \$50 per year for each machine.

- (2) Proprietor's license:
 - (a) Fees for the first two (2) automatic amusement games, devices or machines: \$250 per year.
 - (b) Fees for each automatic amusement game, device or machine thereafter: \$75 per year.
- C. Any and all civic, fraternal, religious or other nonprofit organizations which are, or are entitled to be, exempt from taxation under federal or state law shall be required to apply for and obtain the necessary and appropriate licenses and shall comply with all other provisions of this chapter; provided, however, that the fee for these organizations for jukeboxes and other automatic amusement games, devices or machines shall be \$25 per year for each game, device or machine.
- D. No license shall be transferable or assigned to any other person, firm, partnership, corporation or association.
- E. Said license shall state the number of automatic amusement games, devices or machines, and the type of device, common title and identifying serial number of each individual game, device or machine which such proprietor shall be allowed to install, possess and/or operate on such premises, and which number shall not be exceeded at any time by the proprietor. Individual games, devices or machines shall be permitted to be transferred to a similar game, device or machine, provided that the proprietor shall advise the Municipal Clerk within 10 business days of its occurrence, with the type, common title and identifying serial number of the game, device or machine which is now installed, possessed or operated.
- F. In the case where the proprietor seeks to increase the number of automatic amusement games, devices or machines to be installed, possessed or operated, the proprietor shall file an amendment to the original application for a proprietor's license filed and surrender the original proprietor's license to the Municipal Clerk. The proprietor shall pay any additional fees in accordance with the fee schedule referred to herein.

§ 56-5 License application; investigation; appeal.

- A. All applications for a proprietor's license shall be accompanied by the required license fee and shall be made to the Municipal Clerk on forms provided by the Clerk, which shall require the completion of the following information:
 - (1) Name and address of the applicant; if the applicant is a corporation, the name and address of its principal officer, all persons or entities holding 10% or more of its shares and its registered agent.
 - (2) A certified statement as to whether the applicant or any individual possessing a legal or beneficial equity interest of 10% or more in the applicant has ever been convicted of any crime, criminal offense or disorderly persons act (other than motor vehicle offenses), as well as the violation of any local ordinance pertaining to gambling or lotteries and, if so, the date and place of the conviction or plea, the nature of the offense and the punishment or penalty imposed.
 - (3) The address and description of the premises for which the issuance of a proprietor's license is desired and the location where the licensed

automatic amusement games, devices or machines will be used, operated or stored.

- (4) A description of the nature of the principal business or occupation, if any, in which the proprietor is engaged at the premises, including a calculation of the gross floor area of the premises and the gross floor area occupied by the principal business or occupation of the proprietor.
 - (5) An inventory containing the common title and identifying serial number of each individual game, device or machine which such proprietor shall be allowed to install, possess and/or operate on such premises, and which shall be specified on the license.
 - (6) A scaled drawing of the interior of the premises of the proprietor showing the number and layout of the proposed automatic amusement games, devices or machines sought to be licensed, as well as fire egress routing, plumbing fixture count, and calculated occupant load.
- B. Upon receipt of an application completed in accordance with Subsection A, the Municipal Clerk shall refer the application to both the Chief of Police and the Zoning Official, who may defer to the Construction Code Official, who shall promptly commence whatever investigation of the applicant's business responsibility, moral character and ability to lawfully conduct the license activity, they consider necessary for the protection of the public, and review the scaled drawing to determine the occupant load, if construction permits and/or if a certificate of continued occupancy (CCO) is required. Both the Chief of Police and the Zoning Official shall communicate their findings in writing to the Municipal Clerk within 14 business days after a completed application has been filed. If both the Zoning Official and the Chief of Police decide that the applicant's character, prior conduct, business responsibility, compliance with this chapter and interior layout are satisfactory, the Municipal Clerk shall recommend the issuance of the license to the Mayor and Council. If either the Zoning Official or the Chief of Police finds that the application is unsatisfactory in accordance with the aforesaid criteria, the Municipal Clerk shall refuse to issue the license.
- C. In the event of a refusal to issue a license, the applicant may appeal to the Mayor and Council for a hearing by filing a notice in writing with the Municipal Clerk within 14 days after receiving notice of the refusal or denial. The Mayor and Council shall hold a hearing to review the determination on the grounds stated in the notice of appeal within 15 days after the filing of the appeal. Following the hearing, the Mayor and Council shall announce its decision no later than its next regular meeting and, if it denies the application, its decision shall include findings of fact and conclusions based thereon which state the grounds for its decision.

§ 56-6 Location.

- A. No license shall be issued for any premises containing one or more automatic amusement games, devices or machines kept, placed or exhibited for use or operation by the public and located within 500 feet of any other premises licensed pursuant to this chapter containing one or more automatic amusement games, devices or machines.

- B. Adequate space shall be provided for each automatic amusement game, device or machine to allow its use without overcrowding, as follows:
- (1) a minimum space of three (3) feet in front of the game, device or machine, in addition to a minimum unobstructed aisle width of four (4) feet.
 - (2) No game, device or machine shall be located within eight (8) feet of any doorway, hallway, passageway or other means of egress, including designated fire exits.
 - (3) Games, devices or machines shall be located in the same room as the primary use of the premises.

§ 56-7 Contents of Automatic Amusement Game, Device or Machine; Display.

Any automatic amusement game, device or machine licensed pursuant to this chapter shall contain their serial number and type of device, which shall be firmly attached at a conspicuous place on the device.

§ 56-8 Storage of Unlicensed Automatic Amusement Game, Device or Machine.

Any automatic amusement game, device or machine not licensed pursuant to this chapter shall not be kept on the premises in any areas to which the public is invited and has access.

§ 56-9 Revocation.

Any license heretofore granted pursuant to this chapter may be revoked by the Municipal Clerk or by the Mayor and Council for any of the following reasons:

- A. The violation of any of the provisions of this chapter.
- B. The proprietor has made a materially false statement on the application for license.
- C. Upon a determination by the Chief of Police that the proprietor has used or permitted to be used any automatic amusement game, device or machine licensed under this chapter for the purpose of gambling or individual wagering.
- D. Upon the conviction of the proprietor or any person owning 10% or more of the proprietor of a crime, criminal offense or disorderly persons offense, other than a motor vehicle violation.
- E. For good cause resulting from the operation, placement or location of the licensed automatic amusement games, devices or machines.

§ 56-10 Violations and penalties.

Any willful violation of the provisions of this chapter shall be subject to the penalties provided in Chapter 1, General Provisions, Article 1.

SECTION 2. Section 110-75 (B-1 Central Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-75 B-1 Central Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-1 Central Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- (5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (6) Brew pubs, distilleries and wineries.
- (7) Banks and other financial institutions, except drive-in banks.
- (8) Offices, except located on the ground floor of a building fronting on Main Street.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (10) Nursery schools and day-care centers.
- (11) Apartments, except located on the ground floor of a building.
- (12) Borough-operated public facilities.
- (13) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 3. Section 110-77 (B-3 Office Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-77 B-3 Office Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.
- (5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (6) Brew pubs, distilleries and wineries, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.

- (7) Banks and other financial institutions, except drive-in banks.
- (8) Offices.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (10) Funeral homes and mortuaries.
- (11) Nursery schools and day-care centers.
- (12) Social halls, clubs, lodges and places of public assembly.
- (13) Apartments, if located on upper floors above another permitted use at the ground level.
- (14) Affordable senior housing.
- (15) Borough-operated public facilities.

SECTION 4. Section 110-80 (D-1 Downtown Development District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-80 D-1 Downtown Development District.

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on New or Pearl Streets.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- (5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
- (6) Brew pubs, distilleries and wineries.
- (7) Banks and other financial institutions, except drive-in banks.
- (8) Offices.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (10) Nursery schools and day-care centers.
- (11) Apartments, except located fronting on Middlesex Avenue unless substantial buffering is provided.
- (12) Affordable senior housing.
- (13) Borough-operated public facilities.
- (14) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 5. Section 110-83 (LI Light Industrial District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-83 LI Light Industrial District.

A. (No Changes)

- B. (No Changes)
- C. (No Changes)
- D. Permitted conditional uses:
 - (1) Warehouse and mini-storage warehouses with individualized compartments pursuant to § 110-87W.
 - (2) Automotive repair establishments inclusive of detailing and customizing but not including body repair or painting, pursuant to § 110-87I.
 - (3) Machine shops pursuant to § 110-87M.
 - (4) (Reserved)
 - (5) Dance halls and discotheques, pursuant to § 110-87Q.
 - (6) Go-go dancing establishments and cabarets, pursuant to § 110-87R.
 - (7) Artist's body painting studios, tattoo shops, modeling studios and massage parlors, pursuant to § 110-87S.
 - (8) Adult bookstores, adult gift shops and adult motion-picture theaters, pursuant to § 110-87T.
 - (9) Wireless communications facilities pursuant to § 110-87X.
 - (10) Off-track betting parlor.
 - (11) For properties having required frontage on Middlesex Avenue, drive-in bank facilities, pursuant to § 110-87J.
 - (12) For properties not abutting a residential district, contractor's establishments.
 - (13) Class 3 Cannabis Wholesalers, provided that they are located on a lot fronting on Liberty Street, Aylin Street, Leonard Street or Norcross Avenue and comply with the requirements of Chapter 72, Article I, § 72-5C of the Code of the Borough of Metuchen
- E. (No Changes)

SECTION 6. Section 110-87 (Specific conditions) in Article 18 (Conditional Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-87 Specific conditions.

- A. (No Changes)
- B. (No Changes)
- C. (No Changes)
- D. (No Changes)
- E. (No Changes)
- F. (No Changes)
- G. (No Changes)
- H. (No Changes)
- I. (No Changes)

- J. (No Changes)
- K. (No Changes)
- L. (No Changes)
- M. (No Changes)
- N. (No Changes)
- O. (No Changes)
- P. (Reserved)
- Q. (No Changes)
- R. (No Changes)
- S. (No Changes)
- T. (No Changes)
- U. (No Changes)
- V. (No Changes)
- W. Warehouses.
 - (1) (No Changes)
 - (2) (No Changes)
 - (3) Warehouses shall not be used to store hazardous, toxic or corrosive substances as defined by the United States Environmental Protection Agency and/or New Jersey Department of Environmental Protection and Energy.
- X. Wireless communications facilities.
 - (1) (No Changes)
 - (2) (No Changes)
 - (3) (No Changes)
 - (4) (No Changes)
- Y. (No Changes)
- Z. (No Changes)
- AA. Downtown Gateway Overlay District.
 - (1) A Downtown Gateway Overlay District shall be a permitted conditional use. The permitted uses within a Downtown Gateway Overlay District shall be:
 - (a) Supermarkets, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.
 - (b) Retail shops and stores.

- (c) Personal service businesses.
- (d) Physical fitness studios.
- (e) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- (f) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
- (g) Brew pubs, distilleries and wineries.
- (h) Banks and other financial institutions, excluding drive-in banks.
- (i) Offices.
- (j) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- (k) Nursery schools and day-care centers.
- (l) Social halls, clubs, lodges and places of public assembly.
- (m) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.
- (n) Inns and hotels.
- (o) Borough-operated public facilities.
- (p) Massage and somatic therapy establishments.
- (q) Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.

- (2) (No Changes)
- (3) (No Changes)
- (4) (No Changes)

BB. (No Changes)

CC. (No Changes)

SECTION 7. Section 110-91 (Specific requirements) in Article 19 (Planned Unit Residential Developments (PURDs)) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

A. (No Changes)

B. (No Changes)

C. (No Changes)

D. (No Changes)

E. (No Changes)

F. Planned unit commercial development (PUCD) in D-1 District.

(1) (No Changes)

(2) (No Changes)

(3) The following are permitted uses within any PUCD:

(a) Permitted principal uses within a PUCD:

- [1] Common open space or public open space in the form of a public plaza.
- [2] Retail shops and stores.
- [3] Business and personal service businesses.
- [4] Physical fitness studios.

- [5] Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
 - [6] Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
 - [7] Banks and other financial institutions, except drive-in banks.
 - [8] Offices.
 - [9] Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
 - [10] Nursery schools and day-care centers.
 - [11] Apartments.
 - [12] Townhouses.
 - [13] Work-live units.
 - [14] Hotels.
 - [15] Borough-operated public facilities.
 - [16] Parking structures.
 - [17] Grocery stores with a gross floor area not exceeding 15,000 square feet.
 - [18] Massage and somatic therapy establishments.
 - [19] Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.
- (b) (No Changes)
- (4) (No Changes)

SECTION 8. Repealer. Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 9. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 10. Effective Date. This Ordinance shall take effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.

Ordinance- Introduction

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 made a motion that Ordinance 2023-28 be introduced and be taken up on first reading, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

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

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

Council President Delia moved that Ordinance 2023-28 be passed on first reading, be published according to law, and a public hearing be set down for Monday, October 2, 2023, second by Councilmember Giamboi.

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

Ordinance 2023-28 was passed on first reading, 5-0, and will be published according to law.

Report of Borough Administrator

Thank you to Ian Fawcett for volunteering to help fill the new planters that have been appearing downtown. Thank you also to our DPW who has been working extremely hard to keep up with all that's been going on over the summer and into the fall.

Reports of Councilmembers

Council President Delia reported on recent activity of the Traffic and Transportation Committee.

Councilmember Kandel reported on the Historic Preservation Committee, and the successful summer season of the Metuchen Municipal Pool. He thanked the Pool Commission for their hard work.

Councilmember Hyman reported on recent discussions of the Parade Commission, and on the success of the Metuchen CARES Overdoes Awareness Day event.

Councilmember Giamboi reported on the Environmental Commission and Shade Tree Commission. She also provided an update of recent Senior Center events.

Councilmember Branch reported on the RFP for the redesign of the Borough website, Halloween event sponsored by the Recreation Commission, and the upcoming Jazz Festival being presented in conjunction with the Arts Council.

Report of the Mayor

We have an exciting announcement coming up with respect to the Pocket Park. Edgar Field is on track to be completed by Thanksgiving, but as with many projects this is subject to change due to weather and other considerations. The renovation of the field is a massive undertaking, and the field is a sentimental place to many, but the new field will be a wonderful and safer place for all. Thank you to all who have been working hard to make this happen.

New Business Consent Agenda – Resolutions 2023-236 to 2023-247

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-236 to 2023-247, second by Councilmember Giamboi with all in favor, motion carried, 5-0.

RESOLUTION 2023-236

RESOLUTION AMENDING RESOLUTION 2023-221 AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING AND DESIGN TO PERFORM PROFESSIONAL ENVIRONMENTAL SERVICES

WHEREAS, by way of Resolution No. 2023-221, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough

Engineering services to Colliers Engineering & Design for the calendar year 2023 at a cost not to exceed thirty-five thousand dollars (\$35,000.00); and

WHEREAS, the Borough of Metuchen had identified the need for professional environmental services for Vidas Park pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS Colliers Engineering & Design, submitted a proposal dated August 2, 2023, to the Borough to render professional environmental services for a cost not to exceed eight thousand five hundred dollars and no cents (\$8,500.00); and

WHEREAS, the proposal was reviewed and evaluated, and a contract was awarded by way of Resolution 2023-221 for professional environmental services for Vidas Park be awarded to Colliers Engineering & Design of Holmdel, New Jersey consistent with the proposal submitted in an amount not to exceed eight thousand five hundred dollars and no cents (\$8,500.00); and

WHEREAS, the total amount of the previously submitted proposal is twenty thousand five hundred dollars and no cents (\$20,500.00) for the contract to Colliers Engineering & Design, of Holmdel, New Jersey to render professional environmental services for Vidas Park; and

WHEREAS the amended award for the cost for the proposed services shall not exceed twenty thousand five hundred dollars and no cents (\$20,500.00) 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 2023 Adopted Budget Appropriation Line Administrative & Executive, Professional Services 3-01-20-701-028.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that it hereby amends the previous contract award to Colliers Engineering & Design, 101 Crawfords Corner Road, Holmdel, NJ 07733 on the basis of the proposal dated August 2, 2023 to provide professional environmental services to the Borough of Metuchen for Vidas Park for a cost not to exceed twenty thousand five hundred dollars and no cents (\$20,500.00).

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 2023-237

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING AND DESIGN TO PERFORM PROFESSIONAL SUPPLEMENTAL EXPLORATON SERVICES

WHEREAS, by way of Resolution No. 2023-21, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Engineering services to Colliers Engineering & Design for the calendar year 2023 at a cost not to exceed thirty-five thousand dollars (\$35,000.00); and

WHEREAS, the Borough of Metuchen has identified the need for professional supplemental exploration services for proposed emergency services buildings and associated improvements pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS Colliers Engineering & Design, submitted a proposal dated August 24, 2023, to the Borough to render professional supplemental exploration services for a cost not to exceed nineteen thousand three hundred dollars and no cents (\$19,300.00); and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for professional supplemental exploration services for proposed emergency services buildings and associated improvements be awarded to Colliers Engineering & Design of Holmdel, 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 Colliers Engineering & Design, of Holmdel, New Jersey to render professional supplemental exploration services for proposed emergency services buildings and associated improvements; and

WHEREAS the cost for the proposed services shall not exceed nineteen thousand three hundred dollars and no cents (\$19,300.00) 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 Capital Bond Ordinance 2023-14, C-04-55-943-002.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that it hereby awards a contract to Colliers Engineering & Design, 101 Crawfords Corner Road, Holmdel, NJ 07733 on the basis of the proposal dated August 24, 2023 to provide professional supplemental exploration services for proposed emergency services buildings and associated improvements to the Borough of Metuchen for a cost not to exceed nineteen thousand three hundred dollars and no cents (\$19,300.00).

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 2023-238

RESOLUTION AUTHORIZING THE ENTRY INTO AND EXECUTION OF A LICENSE AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE COUNTY OF MIDDLESEX FOR THE KAHN’S BRIDGE REPLACEMENT PROJECT

WHEREAS, the County of Middlesex (the “County”) is the owner of property located in the Borough of Metuchen (the “Borough”), the Township of Edison, and the Township of Woodbridge known as the “Middlesex Greenway”; and

WHEREAS, a portion of the Middlesex Greenway is located on Block 109, Lot 1 and Block 43, Lots 4, 5, 7, and 8 on the tax maps of the Borough of Metuchen (the “Property”); and

WHEREAS, the Borough is in the process of replacing Kahn’s Bridge, which is a bridge over the Property located at Graham Avenue (the “Project”); and

WHEREAS, the Borough has requested assistance from the County and permission to perform certain work on the Property during the Project; and

WHEREAS, the County has drafted and requested that the Borough enter into a License Agreement granting the Borough a license under the terms and conditions of as outlined in this Agreement which is attached hereto; and

WHEREAS, the County wishes to grant a license under the terms and conditions set forth therein; and

WHEREAS, the Borough Engineer has reviewed the proposed License Agreement and found that the terms and conditions therein are acceptable and consistent with the Kahn’s Bridge Replacement Project; and

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to authorize and enter into a License Agreement with the County.

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 License Agreement between the County of Middlesex and the Borough of Metuchen for the Kahn’s Bridge Replacement Project; 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 and the License Agreement, including but not limited to the Mayor and Borough Clerk are hereby authorized to execute the License Agreement between the Borough of Metuchen and the County of Middlesex consistent with the form attached hereto and in a final form acceptable to the Mayor and Borough Administrator.

RESOLUTION 2023-239

RESOLUTION AMENDING RESOLUTION 2023-112 AUTHORIZING AWARD OF A CONTRACT FOR CHLORINE FOR METUCHEN MUNICIPAL POOL THROUGH ESCNJ

WHEREAS, by way of Resolution 2023-112, an award was made to purchase bulk liquid chlorine (Metered, Sodium Hypochlorite 12.5 %) for the Metuchen Municipal Pool in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

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

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

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

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

WHEREAS, the Chief Financial Officer's Certification of Funds previously authorized the

award for hypochlorite solutions (bulk sodium hypochlorite) for the Metuchen Municipal Pool in the amount not to exceed \$45,000.00 from the 2023 Temporary and 2023 adopted budget appropriation line item Pool Utility Other Expenses- Pool Chemicals 3-09-55-501-504; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in the exact amount of \$3,418.98 from the 2023 adopted pool utility budget appropriation line item Pool Utility Other Expenses- Pool Chemicals 3-09-55-501-504 for an adjusted not to exceed total of \$48,418.98.; and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Main Line Commercial Pools, Inc. for bulk liquid chlorine for the Metuchen Municipal Pool.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to amend the existing Purchase Order for Main Line Commercial Pools, Inc., 441 Feheley Drive, King of Prussia, PA 19406 in an amount not to exceed \$48,418.98.

RESOLUTION 2023-240

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

WHEREAS, NJS 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 \$3,304.48 National Opioid Settlement.

BE IT FURTHER RESOLVED that the like sum of \$3,304.48 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 \$3,304.48.

RESOLUTION 2023-241

**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 \$ 15,000.00 New Jersey Department of Environmental Protection, Stormwater Assistance Grant.

BE IT FURTHER RESOLVED that the like sum of \$ 15,000.00 is hereby appropriated under the caption New Jersey Department of Environmental Protection, Stormwater Assistance Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Department of Environmental Protection, Stormwater Assistance Grant in the amount of \$15,000.00.

RESOLUTION 2023-242

RESOLUTION AUTHORIZING AMENDING RESOLUTION 2023-113 AUTHORIZING THE AWARD FOR PARTS AND MAINTENANCE & REPAIR FOR VEHICLES THROUGH STATE CONTRACTS

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

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

WHEREAS, said state contract T0126 is in effect from March 18, 2016 through March 17, 2023, extended until March 17, 2024 and state contract T2760 is in effect from August 5, 2019 through August 4, 2023; extended until August 4, 2024; and

WHEREAS, State Contract T0126 has been extended through March 17, 2024, for OEM & non-OEM maintenance and repair services for light/medium duty vehicles; & State Contract T2760 OEM Automotive Parts and Accessories for Light Duty Vehicles Class 4 or Lower through August 4, 2024, and

WHEREAS, the maximum amount for vehicle parts and maintenance and repair for fleet vehicles for the Borough of Metuchen was awarded in an amount not to exceed \$12,000.00 and funds were anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as previously certified by the Chief Financial Officer and that there were sufficient funds for such award and were available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in an amount not to exceed an additional \$5,000.00 for vehicle parts and maintenance and repair for fleet vehicles for the Borough of Metuchen for an amended total not to \$17,000.00 and certifies the availability of funds from the 2023 Adopted Budget appropriation Streets and Roads, Vehicle Maintenance 3-01-26-765-025; and

WHEREAS, the authorization to purchase goods and services under these awards ends on December 31, 2023.

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law; and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to continue the approval of the existing Purchase Order previously issued as a result of Resolution 2023-113 to Malouf Ford Lincoln Inc., PO Box 7480, 2210 US Highway 1, North Brunswick, NJ, 08902, in an amount not to exceed \$17,000.00.

RESOLUTION 2023-243

RESOLUTION AMENDING RESOLUTION 2023-68 AUTHORIZING THE AWARD FOR MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES THROUGH STATE CONTRACT

WHEREAS, by way of Resolution 2023-68, an award was made for heavy duty truck maintenance and repair for Public Works fleet vehicles the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

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

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

WHEREAS, the maximum amount for the maintenance and repair for heavy duty trucks for the Borough of Metuchen was \$40,000.00 and funds are anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as certified by the Chief Financial Officer and that there were sufficient funds for such award and is available and is designated from Account number Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for these services as authorized previously by Resolution 2023-068; and

WHEREAS, the Chief Financial Officer authorizes an increase in the allowable funds in an amount not to exceed an additional \$20,000 from Streets & Roads-Vehicle Maintenance & Repair, 3-01-20-765-025 for an adjusted not to exceed total of \$60,000.00;; and

WHEREAS, the authorization to purchase goods and services under this award expires on November 20, 2023; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to amend the Purchase Order to Sanitation Truck Repair, Inc., 2301 Roosevelt Avenue, South Plainfield, NJ, 07080 for a total amount not to exceed sixty thousand dollars and no cents (\$60,000.00).

RESOLUTION 2023-244

**RESOLUTION AUTHORIZING THE REFUND OF
RECREATION TRUST PROGRAM FEE**

WHEREAS, the fees collected for attendance at various Borough of Metuchen Recreation Commission events and camps have been collected in 2023; and

WHEREAS, a registrant was unable to attend a Field Hockey Camp due to personal conflict; and

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

NOW THEREFORE BE IT RESOLVED that the Chief Finance Officer be authorized to process refunds in the amount of \$100.00 as described, from the Recreation Trust account.

Sarah Cosenza	Field Hockey Camp	\$100.00
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RESOLUTION 2023-245

**RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY
COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT &
PERIPHERALS - WIRELESS CAMERA SYSTEM - EDGAR FIELD**

WHEREAS, there exists a need for wireless cameras for parks in 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 a wireless camera system including labor and contract administration to SHI International Corp., with LTW, Inc. named as an awarded Partner Service as provided in the Bergen County New Jersey Cooperative Purchasing Alliance contract CK94, Bid 22-24 for the Borough of Metuchen is \$ 64,165.34 and is certified from Capital Bond Ordinance 2023-06, C-04-55-942-001; and

WHEREAS, the award for purchase of a wireless camera system including labor and contract administration to SHI International Corp; 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:

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 \$ 64,165.34.

RESOLUTION 2023-246

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>
07-00002	44/83	57 Van Buren Ave	Robert Rothman

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

RESOLUTION 2023-247

**RESOLUTION TO CANCEL AND REFUND 2023 TAXES
AS A RESULT OF COUNTY TAX APPEALS**

WHEREAS successful County Tax Appeal judgments were awarded to each of the block and lot parcels described below, changing the assessed values for 2023 as follows; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2023 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$66,383.45, and refund the resulting overpayments due to the successfully County tax appeal in the amount of \$3,787.64.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2023 Levy	Overpayment for Refund
127/22 C0230	230 Bridge Street	48,500	3,260.17	3,212.55	47.62
125.01/40.01	48 Sterling Court	68,200	4,584.40	4,584.40	
141.01/95.01	18 Rolfe Place	60,700	4,080.25	4,080.25	
105/5	344 Middlesex Ave	84,000	5,646.48	5,646.48	

120/29.02	26 Washington Place	55,400	3,723.99	3,723.99	
127/1.02 C0038	38 Bridge Street (Bldg A)	24,000	1,613.28	1,613.28	
141.01/95.03	99 Rose Street	64,700	4,349.13	4,349.13	
219/55	62 Spear Street	39,800	2,675.36	2,675.36	
91/17.01	552-566 Middlesex Ave	354,300	24,673.45	20,933.43	3,740.02
154/42	172 Rose Street	51,200	3,441.66	3,441.66	
98.01/5	217 Christol Street	51,600	3,468.55	3,468.55	
208/134	14 Tulsa Ave	72,400	4,866.73	4,866.72	

Other New Business

R2023-248

RESOLUTION AUTHORIZING THE PAYMENT
OF THE BILL LIST IN THE AMOUNT OF
\$2,200,475.19

Council President Delia made a motion to approve Resolution 2023-248, second by Councilmember Giamboi with all in favor, motion carried, 5-0.

RESOLUTION 2023-248

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 \$2,200,475.19.

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:

Lynn Bergner to the Senior Commission for the term ending 12/31/2025

Ken Sammond to the Middlesex County Peter J. Barnes Wildlife Preserve Commission for the term ending 12/31/2026

Council President Delia made a motion to accept the Mayor's recommendation of appointments, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

Mayor Busch recommended the appointment of Dorothy Giamboi to the Middlesex County Peter J. Barnes Wildlife Preserve Commission for the term ending 12/31/2026. Council President Delia made a motion to accept the appointment, second by Councilmember Hyman. Councilmember Giamboi abstained from voting, with all others in favor, motion carried, 4-0.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Giamboi, with all in favor, 5-0, the meeting was adjourned at 8:06 p.m.

Respectfully Submitted,

Borough Council Meeting
September 11, 2023

Deborah Zupan, RMC, Borough Clerk