

**BOROUGH COUNCIL AGENDA
REGULAR MEETING DECEMBER 12, 2022
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Public Comment

Borough Council Meeting Minutes

Approval of Borough Council Meeting Minutes of October 24, 2022

Communications Consent Agenda – Items A- C

- A. Receive and Accept Environmental Commission Meeting Minutes of September 21 and October 19, 2022
- B. Receive and Accept Library Board Meeting Minutes of October 11, 2022
- C. Receive and Accept Resignation of Resignation of Rebecca Greenbaum from the Human Relations Commission

Ordinances – Public Hearings

Ordinance 2022-22

ORDINANCE AMENDING § 162-4 OF THE CODE OF THE BOROUGH OF METUCHEN AMENDING THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION - THE METUCHEN DOWNTOWN ALLIANCE

Ordinance 2022-23

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, CERTAIN APPLICATION, LICENSE AND PERMIT FEES

Ordinance 2022-24

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, CERTAIN APPLICATION, REGISTRATION, LICENSE AND PERMIT FEES

Report Of the Borough Administrator

Reports Of Council Members

Council President Delia
Councilmember Rasmussen
Councilmember Koskoski
Councilmember Kandel
Councilmember Hirsch
Councilmember Branch

Report of the Mayor

New Business Consent Agenda – Resolutions 2022-234 to 2022-254

R2022-234	RESOLUTION APPOINTING FIREFIGHTER – MICHAEL MIRANDA
R2022-235	RESOLUTION AUTHORIZING BID AWARD FOR REPLACEMENT OF KAHN’S CROSSING PEDESTRIAN BRIDGE
R2022-236	RESOLUTION AUTHORIZING POOL MAINTENANCE CONTRACT CHANGE ORDER
R2022-237	RESOLUTION AUTHORIZING THE TRANSFER OF VARIOUS CDBG FUNDS IN THE AMOUNT OF \$23,608.58 AND AUTHORIING THE REQUEST OF SAID FUNDS FROM THE COUNTY OF MIDDLESEX TO BE USED FOR METUCHEN LIBRARY ELEVATOR RENOVATIONS
R2022-238	RESOLUTION AUTHORIZING RESERVE TRANSFERS
R2022-239	RESOLUTION OF THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE COUNTY OF MIDDLESEX FOR OPEN SPACE FUNDING
R2022-240	RESOLUTION AUTHORIZING AWARD OF A STATE CONTRACT FOR LIBRARY ELEVATOR REPAIRS AND UPGRADES

- R2022-241 RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING PROCESS FOR THE PROCUREMENT OF WEBSITE DESIGN/REDESIGN SERVICES FOR THE BOROUGH OF METUCHEN
- R2022-242 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – CLEAN COMMUNITIES
- R2022-243 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – CLICK IT OR TICKET
- R2022-244 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – FIREFIGHTER GRANT
- R2022-245 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – MUNICIPAL ALLIANCE
- R2022-246 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – MUNICIPAL ALLIANCE YOUTH LEADERSHIP
- R2022-247 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – NATIONAL OPIOID SETTLEMENT 1
- R2022-248 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – NATIONAL OPIOID SETTLEMENT 2
- R2022-249 RESOLUTION FOR LIEN REDEMPTIONS
- R2022-250 RESOLUTION AUTHORIZING CANCELLATION OF 2021 And 2022 TAX OVERPAYMENTS
- R2022-251 RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING FOR RED DYED #2 DIESEL FUEL (ULTRA LOW SULFUR DIESEL), RED DYED WINTER BLEND DIESEL AND FUEL OIL

R2022-252 RESOLUTION AUTHORIZING SETTLEMENT OF THE 2021 & 2022 TAX APPEALS ENTITLED RIC METUCHEN, LLC v. BOROUGH OF METUCHEN, DOCKET NOS.: 010120-2021 & 007783-2022, BLOCK 116, LOT 34 COMMONLY KNOWN AS 16 PEARL STREET

R2022-253 RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR A METUCHEN RECREATION PROGRAM CONCESSION CONTRACT AS A "CONCESSION" THROUGH THE USE OF COMPETITIVE CONTRACTING PURSUANT TO N.J.S.A. 40A:11-4.1(j)

R2022-254 RESOLUTION OF THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT WITH 212 DURHAM URBAN RENEWAL, LLC FOR BLOCK 37, LOTS 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 AND 17.02; BLOCK 42, LOTS 1-7

Other New Business

R2022-255 RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$4,651,143.62

Adjournment

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

ORDINANCE 2022-22

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

**ORDINANCE AMENDING § 162-4 OF THE CODE OF THE BOROUGH OF
METUCHEN AMENDING THE COMPOSITION OF THE BOARD OF TRUSTEES OF
THE DESIGNATED DISTRICT MANAGEMENT CORPORATION - THE METUCHEN
DOWNTOWN ALLIANCE**

WHEREAS, the Borough of Metuchen has created and designated a Special Business Improvement Zone; and

WHEREAS the Borough of Metuchen designated the “Metuchen Downtown Alliance,” a NJ Non-Profit Corporation as the District Management Corporation relating to the Special Business Improvement District and set forth the composition of the Board of Trustees of District Management Corporation in § 162-4 of the Code of the Brough of Metuchen; and

WHEREAS, the Metuchen Downtown Alliance Board of Trustees have met and voted to amend the membership of its Board of Trustees and has requested the Mayor and Council of the Borough to amend § 162-4 of the Code of the Borough of Metuchen to reflect the change in the composition of the membership of the Board of Trustees replacing the member of the Metuchen Area Chamber of Commerce Board of Directors and Board member of the Metuchen Parking Authority with an additional representative of the District Businesses and an additional Metuchen resident who does not own commercial real estate and/or operate a business in the District and who is not on the Borough Council nor employed by the Borough; and

WHEREAS, the Council of the Borough of Metuchen have determined, based upon the request of the Board of Trustees of the Metuchen Downtown Alliance to amend § 162-4 of the Code of the Borough of Metuchen to reflect the change in the composition of the membership of the Board of Trustees of the District Management Corporation – the Metuchen Downtown Alliance accordingly.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 162-4 of the Code of the Borough of Metuchen to state as follows:

§ 162-4 Composition of District Management Corporation.

A. General powers. The business and affairs of the District Management Corporation shall be managed by a Board of Trustees which may exercise all powers of the Corporation and perform all lawful acts for a corporation pursuant to the laws of the state of New Jersey governing "not for profit" corporations.

B. Number, selection and tenure of trustees. The Corporation shall be governed by a Board of Trustees consisting of 13 voting members and one ex-officio non-voting member. The 13 voting members shall consist of:

(1) Four representatives of District owners. "District owner" shall be defined as an owner of real estate within the District. A "District owner" may or may not operate a business within the District in order to be considered a "District owner";

(2) ~~Four~~ Five representatives of District Businesses. "District business" shall be defined as a person, corporation or other business entity operating a business within the District. A "District business" may or may not own real estate within the District in order to be considered a "District business";

(3) One member of the Borough Council of Metuchen appointed by the Mayor with the advice and consent of the Borough Council,

~~(4) One member of the Metuchen Area Chamber of Commerce Board of Directors to be appointed by and serves at the pleasure of the Metuchen Area Chamber of Commerce Board of Directors;~~

~~(45) One~~ Two Metuchen residents who does not own commercial real estate and/or operate a business in the District and who ~~is~~ are not on the Borough Council nor employed by the Borough;

~~(56) One member of the Metuchen Arts Council to be appointed by and serves at the pleasure of the Metuchen Arts Council;~~ and

~~(7) One board member of the Metuchen Parking Authority to be appointed by and serves at the pleasure of the Metuchen Parking Authority.~~

In addition, to the 13 voting members, ~~there shall be two ex-officio members of the Board with all powers and authority of a regular Board member, however, shall not be entitled to vote on matters: (1) the Administrator of the Borough of Metuchen or his/her designee, and (2) one member of the Metuchen Parking Authority to be appointed by and serves at the pleasure of the Metuchen Parking Authority shall be an ex-officio member of the Board with all powers and authority of a regular Board member, however, shall not be entitled to vote on matters.~~

In the event that any category(ies) of a voting Board member cannot be filled for any reason whatsoever, the District Management Corporation shall set forth in its bylaws, the terms and methods to fill all seats on the Board of Trustees.

C. Terms and appointment of Board of Trustees. The District Management Corporation shall provide for, in its bylaws, the terms and appointment or election of the four District owners, ~~four~~ five District businesses and the two Metuchen resident voting members of the Board of Trustees.

The initial appointments and terms thereof to the Board of Trustees shall be as set forth in the Borough Code. It shall not be necessary for the initial composition of the Board of Trustees to be in full compliance with Section 162-4B above. However, after the initial appointments and expiration of terms, the composition of the Board shall be comprised as set forth in Section 162-4B above.

BE IT FURTHER ORDAINED that the seats of the members of the Board of Trustees created herein shall be filled pursuant to the bylaws of the District Management Corporation – Metuchen Downtown Alliance as if a vacancy was created in each of the membership classification.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

Introduction: November 14, 2022

Date of Publication: November 17, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
MOTION	DELIA			SECOND		RASMUSSEN			
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 14, 2022.

Deborah Zupan, RMC
Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2022-23

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, CERTAIN APPLICATION, LICENSE AND PERMIT FEES

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

Section 1.

Section **87-20** of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change/delete the permit fees to read as follows:

§ 87-20 – Fees Established.

Program	Fee
Baseball camp/T-ball camp	
5 days, 1 hour per day	\$79
4 days, 2 hours per day	\$175
Winter Basketball Boys	\$ 50
Bulldog baseball camp	\$150 - \$180
Bulldog T-ball camp	\$90
Recreation Basketball	\$80
Track Camp	\$110 - \$125
Basketball camp	\$189
1 st Play Basketball	\$175
Basketball Youth League	\$20
Travel Basketball League	\$189
Bowling program	
10-week session	\$80
12-week session	\$94
Flag football	\$165
Summer field hockey	\$100
Field Hockey Mini Camp	\$50 per session
Fall field hockey	\$80
Field Hockey Travel	\$150
Indoor hockey	\$65
Golf camp	\$119

Program	Fee
Golf Lesson	\$177-\$200
Kinder Karate	\$15 per hour
Lacrosse camp	\$189 - \$200
Bulldog soccer camp	\$140 - \$150
Bulldog Travel camp	\$130 - \$140
Bulldog Mini Soccer Camp	\$60 - \$75
Indoor soccer	\$15
Indoor Soccer Training	\$100
Men's softball	\$350
Tennis lessons	\$80 - \$100
Tennis camp	\$177 - \$200
Vacation Tennis Camp	\$189 – 5-day Program
Parent and Me Squirts	\$145-\$180
Kiddie Sports Camp (flag football/T-ball)	\$65
Sports Squirts	\$145-\$200
Multi-Sports Camp – 5 Day	\$195 - \$255
Multi-Sports Camp – 4 Day	\$155 - \$200
Vacation Sports Camps	
2-day	\$75
4-day	\$175
Adult Fitness Program	\$60 – \$120, depending on number of sessions
Fields	
Turf Field Rental	
Noncommercial	\$75 - \$100 per session
Commercial	\$100 - \$250 per session
Art Classes	\$60 - \$75
Art Attack	\$150 for 1 session; \$275 for 2 sessions
Chess Programs	
Lessons	\$15 per lesson
Camp	\$200
Cooking Clinic	\$22 per session; \$80 per four sessions
Kids Cooking Class	\$70
Baking/Cooking Class	\$150 - \$250
Junior Engineering/Elementary Engineering	\$140
Computer Coding	\$150
Coding	\$200

Program	Fee
Garden Tour	\$20-\$25
Lego Flix/Action Movie Flix/Mind Craft Movie Flix	
Multimedia Workshops	
Action Movie Flix	\$190
Minecraft Movie Flix	\$175
Lego Flix	\$175
Programs – Any Two Classes	\$340
Clay Project – Individuals	\$35
Couples	\$30/ea.
Family	\$55 for 3 people/\$65 for 4 or more people
Mural Project – clay tiles	\$25
Mural Project – small tile	\$10
Music Camp	\$295
Musical Theater Camp	\$310
Early Bird Discount	\$20
Ponyshare (1-hour session, 5 days)	\$180
Science Camps	\$145 - \$260
Stage Sword	\$160
Theater Camp	\$170 - \$185
Watercolors/Cartooning	\$80
Special Events	
Bus Trips	\$50 - \$200, specific amount to be determined by the Recreation Director based on the total cost of the trip to the Borough
Country Fair Booth	\$1 (two tries)
Parent-Child Events	\$25 - \$75 \$100.00
Family Fishing ‘N Fun	\$2
Halloween Poster Painting	\$8.00
Pumpkin Float	\$12
Flag Football Camp	\$150
USSI Tennis – Spring/Fall	\$169 - \$199 Weekly
USSI Tennis – Summer	\$115 - \$199
Spring Break Tennis	\$135 - \$150
USSI Soccer	\$185- \$200
Yoga/Art	\$100/ \$125
Artist Showcase	\$20

Program	Fee
Songwriters Workshop	\$10
Photography Course	\$150-\$170
Lollipopland Camp	\$150
Track Camp	\$110
Movie/Flix Camp	\$160/\$290
Adult Photography	\$240
Challenge Island Camp	\$225
Doggie Boot Camp	\$120
Young Rembrandts	\$103 - \$150
Zumbani	\$120
What the Scoop Camp	\$150
Jazz Events	\$10 - \$25
Children’s Book Writing	\$125
Branding/Art Appreciation	\$30 per session - \$90 per series
Long Exposure/Photography	\$35 per session - \$110 per series
Scientific Explorations in Art	\$100
48-Hour Film Festival	\$35
Songwriting 101	\$85
Portrait Photography	\$70
Improv and Acting for Youth	\$75 per hr. session - \$100 per 75 min. sessions
Metuchen Jazz Educational Series	\$10
Translations	\$70
Birth Story	\$25
Improv for Life	\$100
Puppet and Poetry	\$60
Medieval Illumination Techniques	\$40
MAX CLASSES – based on session and series	
Individual Session	\$10 - \$50
Multiple Sessions	\$51 - \$300
Ice Skating Adult	\$8
Ice Skating Child	\$6

This ordinance shall become effective upon publication after final adoption.

Introduction: November 14, 2022
 Date of Publication: November 17, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
X - INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 14, 2022.

 Deborah Zupan, RMC
 Borough Clerk

Adopted:
 Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X - INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

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 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

ORDINANCE 2022-24

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

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF
METUCHEN, VARIOUS CHAPTERS, CERTAIN APPLICATION,
REGISTRATION, LICENSE AND PERMIT FEES**

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

Section 1.

Section **87-23** of Chapter 87, **Fees, Article 14 – Senior Citizen Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change/delete the registration and permit fees to read as follows:

§ 87-23 Fees established.

- A. There shall be an annual registration fee for the period January 1 to December 31, for non-resident senior citizens (age sixty (60) and over) in the amount of \$ ~~30.00~~60.00 per person. The payment of the annual registration fee shall be required prior to the participation and/or use by any non-resident senior citizen of the Metuchen Senior Center or participation in any program, event and/or service offered at the Metuchen Senior Center. The payment of such registration fee shall be in addition to any costs or fee established by the Borough for the participation in an event, service or program.
- B. The payment of the annual registration fee shall not provide a non-resident senior any right or entitlement to any or all of the benefits, programs, assistance and services offered by the Borough of Metuchen to the Borough of Metuchen Senior Citizens. The payment of the above annual registration fee set forth above shall be solely for the eligibility to participate in events, programs and services offered at the Metuchen Senior Citizen Center and shall not be a guarantee, license or entitlement to any services offered by the Borough of Metuchen.
- C. Senior Citizen Program Fees. In addition to those fees established above, fees are established for participation in the following programs:

Program	Fee
Senior Center sponsored luncheons	\$5.00 to 10.00 <u>\$20.00</u> (dependent upon the costs of luncheon)

Atlantic City chartered bus trips \$20.00 to ~~\$40.00~~\$150.00 (dependent upon cost of bus rental)

BE IT FURTHER ORDAINED, by the Council of the Borough of Metuchen that it hereby authorizes and directs the Metuchen Seniors Commission in coordination with the Borough Administrator and the Director of ~~the Metuchen Senior Center~~Recreation/ Senior Services to establish practices and procedures relating to the collection, enforcement and monitoring of the annual registration fee for non-resident seniors, including but not limited to providing notice to the seniors, the creation of an application for non-resident seniors, and the pro-ration of the annual registration fee; ~~when applicable which will be equal to 50% of the full-year membership for members joining after June 30~~, and the fees to be charged for the programs, services and events in accordance with the aforementioned guidelines; and

BE IT FURTHER ORDAINED that if any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that this ordinance shall take effect after passage and publication as required by law, except that the annual registration fee for non-resident seniors shall become effective January 1, ~~2017~~2023.

Introduction: November 14, 2022
 Date of Publication: November 17, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
MOTION	DELIA			SECOND			RASMUSSEN		
X - INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 14, 2022.

 Deborah Zupan, RMC
 Borough Clerk

Adopted:
Date of Publication:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

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Deborah Zupan, RMC
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

RESOLUTION 2022-234

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

RESOLUTION APPOINTING FIREFIGHTER

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that **Michael Miranda** has been approved to be a permanent member of the Metuchen Fire Department.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, **Michael Miranda** be and hereby is elected, approved, and confirmed as a permanent member of the Fire Department of the Borough of Metuchen.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-235

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

**RESOLUTION AUTHORIZING BID AWARD FOR REPLACEMENT OF KAHN’S CROSSING
PEDESTRIAN BRIDGE**

WHEREAS, nine (9) bids were received by the Borough Clerk, Borough Engineer, Qualified Purchasing Agent, and Borough Administrator on or before December 7, 2022, for the Replacement of Kahn’s Crossing Pedestrian Bridge for the Borough of Metuchen: and

WHEREAS, the Borough Council has reviewed the letter of recommendation made by the Borough Engineer on said bid, dated December 7, 2022; and

WHEREAS, the maximum amount of award for the Replacement of Kahn’s Crossing Pedestrian Bridge is \$383,975.00. Funds are available in the 2022 Capital Bond Ordinance 2022-08 as certified by the Chief Finance Officer. Sufficient funds are designated from Capital Bond Ordinance 2022-08, Account C-04-55-938-010 – DOT LADF Kahn’s Crossing in the amount of \$302,000.00, and C-04-55-938-011 in the amount of \$81,975.00.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the Replacement of Kahn’s Crossing Pedestrian Bridge be and the same is hereby awarded to lowest responsible bidder, Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ 07065.

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

BE IT FURTHER RESOLVED, that the certified check or bid bond of the successful bidder and the next lowest bidders be returned upon the receipt of a fully executed contract and other required documents to:

- 1. Capela., 20 Tranquility Court, Southampton, NJ 08088
- 2. SDW Construction, Inc., 251 Tennent Road, Morganville, NJ 07751
- 3. State Line Construction Co. Inc., 225 Pacific Street, Newark, NJ 07114

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-236

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

RESOLUTION AUTHORIZING POOL MAINTENANCE CONTRACT CHANGE ORDER

WHEREAS, by way of Resolution No. 2021-102, the Borough of Metuchen authorized an award of contract for Municipal Pool Maintenance Contract services to Aquatic Service, Inc. for the calendar year 2021 in an amount not to exceed Thirty-five Thousand Two Hundred Forty-one Dollars and Twenty Cents (\$35,241.20) for work in specification of de-winterizing and winterization of pools, and emergency service with the contract minimum of Eight Thousand Five Hundred Twenty-one Dollars and Seventy-five Cents (\$8,521.75); and

WHEREAS, the contract between the Borough and Aquatic Service, Inc. contained a term of one year and the Borough reserved the option to extend the term for one (1) year periods pursuant to *N.J.S.A. 40A:11-15*; and

WHEREAS, the additional work of an emergent nature was required to be done at the Metuchen Municipal Pool for Change Order #1 and final in the amount of \$20,403.13; and

WHEREAS, the change order exceeds 20% of the awarded contract for emergency service; and

WHEREAS, the Borough Engineer has provided a memo noting the factual circumstances which justify the additional work, which is attached to this resolution, as required by *N.J.A.C. 5:30-11.1 et seq.*

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1 and final.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-237

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

RESOLUTION AUTHORIZING THE TRANSFER OF VARIOUS CDBG FUNDS IN THE AMOUNT OF \$23,608.58 AND AUTHORIING THE REQUEST OF SAID FUNDS FROM THE COUNTY OF MIDDLESEX TO BE USED FOR METUCHEN LIBRARY ELEVATOR RENOVATIONS

WHEREAS, the County reports the following Community Development Block Grant program balances:

CD1726 ADA Municipal Building	\$378.74
CD1921 Senior Center Renovations	<u>\$23,229.84</u>
TOTAL	\$23,608.58

WHEREAS, this amount is surplus and is not needed for the original purpose; and

WHEREAS, funds are needed for the Borough of Metuchen’s Library elevator renovations.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, County of Middlesex, and State of New Jersey that it hereby approves the transfer of County grant funds in the amount of \$23,608.58 as described above and hereby changes the use of purchase to Metuchen’s Library Elevator Renovations and as such authorizes the request of said funds from the County of Middlesex.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

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Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-

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

RESOLUTION AUTHORIZING RESERVE TRANSFERS

WHEREAS, there are unexpended balances in various 2022 appropriation accounts not required for the balance of 2022; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts.

NOW THEREFORE BE IT RESOLVED, that the following transfers be approved:

Appropriation		From	To
Gasoline & Diesel Fuel	OE	15,000.00	
Administration & Executive	S&W	30,000.00	
METV	OE	23,000.00	
Police	S&W	40,000.00	
Emergency Management	OE		3,000.00
Buildings & Grounds	OE		90,000.00
Utilities			15,000.00
TOTALS		108,000.00	108,000.00

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-239

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

**RESOLUTION OF THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY
AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE
COUNTY OF MIDDLESEX FOR OPEN SPACE FUNDING**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), as amended and supplemented, provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and

WHEREAS, by way of Resolution 2015-226, adopted on September 8, 2015, the Mayor and Council of the Borough of Metuchen (the “Borough Council”) designated Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7; and Block 66, Lots 1-3 as a “Non-Condensation Area in Need of Redevelopment” (the “Redevelopment Area”) in accordance with the Redevelopment Law; and

WHEREAS, by way of Resolution 2020-50, adopted on February 3, 2020, Borough Council formally declared the entirety of the Borough as an “Area in Need of Rehabilitation” (the “Boroughwide Rehabilitation Area”); and

WHEREAS, by way of Ordinance 2020-10, adopted on May 11, 2020, the Borough Council adopted a redevelopment plan entitled “Redevelopment Plan for Rehabilitation Area in the Borough of Metuchen March 2020,” as amended or supplemented (the “2020 Redevelopment Plan”); and

WHEREAS, by way of Ordinance No. 2021-19, adopted on September 27, 2021, the Borough Council adopted in accordance with the Local Redevelopment and Housing Law a more specific redevelopment plan for the Redevelopment Area, entitled, “Gulton Tract Redevelopment Plan,” prepared by LRK, Inc. which superseded the 2020 Redevelopment Plan in its entirety, as it relates to the Redevelopment Area (the “2021 Redevelopment Plan”); and

WHEREAS, by way of Ordinance No. 2022-04, adopted on March 28, 2022, the Borough Council adopted the “Amended Gulton Tract Redevelopment Plan,” prepared by LRK, Inc., dated March 11, 2022, which amends the 2021 Redevelopment Plan for the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Borough to arrange or contract with a redeveloper for the planning, construction, or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or rehabilitation; and

WHEREAS, on June 8, 2022, the Borough entered into a Redevelopment Agreement (“Redevelopment Agreement”) with 212 Durham Urban Renewal, LLC (“Redeveloper”) to redevelop a portion of the Redevelopment Area known as Block 37, Lots 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7 together with the existing Gulton Street right-of-way (“Project Area”); and

WHEREAS, the Project Area will be subdivided to create two (2) lots consisting of approximately \pm 7.8 acres (“Residential Parcel”) and approximately \pm 14.79 acres (“Open Space Parcel”); and

WHEREAS, the Redeveloper proposes to undertake a project consisting of: (1) a residential component, containing a five (5) story single structure with up to two hundred and seventy-two (272) residential units, fifteen percent (15%) of which shall consist of affordable housing units on the Residential Parcel (“Residential Project Component”), and (2) an open space component, wherein Redeveloper proposes to construct certain recreational improvements (“Recreational Improvements”) on the Open Space Parcel, including ADA compliant pathways, a parking area, observation platform and tower, benches and landscaping improvements (“Open Space Component”) and to contribute \$500,000 towards the same; and

WHEREAS, by way of Resolution #96-1478, the County of Middlesex (“County”) has created an Open Space and Farmland Preservation Trust Fund, pursuant to N.J.S.A. 40:12-10 et seq. and N.J.S.A. 40:12-16 et seq. (“County Trust Fund”) and the Borough has submitted a proposal to the County seeking monies to fund the remaining costs of construction of the Recreational Improvements; and

WHEREAS, the County has indicated to the Borough that it intends to approve disbursement of \$600,000 to the Borough from the County Trust Fund as a grant to be used to fund the Recreational Improvements (“Grant Funds”), and as a condition of receipt of the Grant Funds, the Borough is required to enter into the attached Grant Agreement with the County; and

WHEREAS, the Borough Council considers it to be in the best interest of the Borough to enter into the Grant Agreement with the County and accept the Grant Funds.

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

1. That the Borough Council does hereby authorize the execution of the attached Grant Agreement with the County, conditioned on the County’s authorization of the grant and authority to execute the attached Grant Agreement..
2. That the Borough Council does hereby authorize the Mayor and/or Borough Administrator and the Borough Clerk to execute said Grant Agreement on behalf of the Borough of Metuchen, subject to the approval of the Borough Administrator, Borough Auditor, Borough Solicitor, and Borough Redevelopment Counsel.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, Borough Clerk

Jonathan Busch, Mayor

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-240

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

**RESOLUTION AUTHORIZING AWARD OF A STATE CONTRACT FOR LIBRARY
ELEVATOR REPAIRS AND UPGRADES**

WHEREAS, there exists a need for repairs and upgrades to the Metuchen Library elevator in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract T2946-Elevator Maintenance, Repair, Testing, and Inspection Services awarded to Schindler Elevator Corporation Vendor V00004530; and

WHEREAS, said contracts are in effect from March 1, 2020, through February 28, 2023; and

WHEREAS, the amount to complete the repair and upgrades to the Library elevator is subject to vendor compliance with the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for the Metuchen Library elevator repairs and upgrades in the amount not to exceed \$288,600.00 from the Community Development Block Grants (CDBG) in the amount of \$209,770.58 and 2022 Adopted Budget Appropriation Buildings & Grounds, Building & Maintenance 2-01-26-772-024 in the amount of \$78,829.42; and

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

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

- The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Schindler Elevator Corporation, 20 Whippany Road, Morristown, NJ 07960.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-241

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

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING
PROCESS FOR THE PROCUREMENT OF WEBSITE DESIGN/REDESIGN
SERVICES FOR THE BOROUGH OF METUCHEN**

WHEREAS, the Borough of Metuchen has determined that it is in the best interest of the Borough to modernize the Borough's current website and improve the digital experience for residents and the general public in order to promote the Borough's overall objectives of transparency and the provision of municipal services in the most cost effective and "resident friendly" fashion; and

WHEREAS, the Borough of Metuchen has determined that it is necessary to retain the services of a qualified entity to design/redesign the Borough's website to include a simple, straightforward design that enables users to browse with ease, quickly locate the information they are looking for, get answers to their frequently asked questions and obtain the services and/or information they need with minimal effort; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-4.1 et seq.*, provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and or services, under certain circumstances upon approval of the Division of Local Government Services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking and weighing of criteria as well as cost; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-4.1*, the Borough has determined to seek to procure the Website Design/Redesign services through the use of competitive contracting through a Request for Proposals and to award a contract for the services based upon price and other factors considered; and

WHEREAS, pursuant to *N.J.S.A. 40A:11A-4.1(k)*, the Borough requested and received approval from the Department of Community Affairs, Division of Local Government Services to utilize competitive contracting instead of competitive bidding for the procurement of the Website Design/Redesign Services; and

WHEREAS, the Borough wishes to initiate the competitive contracting process for procurement of Website Design/Redesign Services for the Borough of Metuchen; and

WHEREAS, *N.J.S.A.11-4-3(a)* requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive

contracting each time specialized goods or services enumerated in *N.J.S.A. 40A:11-4.1* are desired to be contracted.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Metuchen that it hereby authorizes the Borough Administrator and all other Borough officials and employees to initiate competitive contracting process for the procurement of a qualified entity for the Borough’s Website Design/Redesign Project for the Borough of Metuchen in conformance with *N.J.S.A. 40A:11-4.1 et seq.*

BE IT FURTHER RESOLVED, that the Borough Administrator, and other officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE			AB- ABSENT		NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-242

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

**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 2022 in the sum of \$28,925.24, which is now available from the New Jersey Solid Waste Administration, for a Clean Communities Grant in the amount of \$28,925.24.

BE IT FURTHER RESOLVED, that the like sum of \$ 28,925.24 is hereby appropriated under the caption New Jersey Solid Waste Administration for a Clean Communities Grant.

BE IT FURTHER RESOLVED, that the above is the result of funds from New Jersey Solid Waste Administration for a Clean Communities Grant in the amount of \$28,925.24.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-243

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

**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 2022 in the sum of \$7,000.00, which is now available from the State of New Jersey Division Department of Law and Public Safety, Click it or Ticket in the amount of \$7,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$7,000.00 is hereby appropriated under the caption Click it or Ticket Grant.

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey Department of Law and Public Safety, Click it or Ticket in the amount of \$7,000.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-244

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

**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 2022 in the sum of \$33,000.00, which is now available from the State of New Jersey Department of Community Affairs, American Rescue Plan Firefighter Grant in the amount of \$33,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$33,000.00 is hereby appropriated under the caption American Rescue Plan Firefighter Grant.

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey Department of Community Affairs, American Rescue Plan Firefighter Grant in the amount of \$33,000.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-245

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

**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 2022 in the sum of \$7,688.00, which is now available from Governor’s Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse for a 2022 Municipal Alliance Grant for alcoholism and drug abuse prevention in the amount of \$7,688.00, with a Borough match in the amount of \$1,922.00.

BE IT FURTHER RESOLVED, that the like sum of \$7,688.00 is hereby appropriated under the caption Municipal Alliance for a 2022 Municipal Alliance Grant; and \$1,922.00 as the Borough match.

BE IT FURTHER RESOLVED, that the above is the result of funds from Governor’s Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse for a 2022 Municipal Alliance Grant in the amount of \$7,688.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC

Borough Clerk

RESOLUTION 2022-246

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

**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 2022 in the sum of \$5,000.00.00, which is now available from Governor’s Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse-Youth Leadership for a 2022 Municipal Alliance Grant for alcoholism and drug abuse prevention-youth leadership in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption Municipal Alliance for a 2022 Municipal Alliance Grant-Youth Leadership.

BE IT FURTHER RESOLVED, that the above is the result of funds from Governor’s Council on Alcoholism and Drug Abuse for Prevention of Alcoholism and Drug Abuse for a 2022 Municipal Alliance Grant-Youth Leadership in the amount of \$5,000.00.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-247

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

**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 2022 in the sum of \$3,409.72 National Opioid Settlement-Janssen Settlement, which is now available from the National Opioid Settlement Fund in the amount of \$3,409.72.

BE IT FURTHER RESOLVED, that the like sum of \$3,409.72 is hereby appropriated under the caption National Opioid Settlement.

BE IT FURTHER RESOLVED, that the above is the result of funds from National Opioid Settlement Fund in the amount of \$3,409.72.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-248

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

**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 2022 in the sum of \$3,566.08 National Opioid Settlement-Janssen Settlement, which is now available from the National Opioid Settlement Fund in the amount of \$3,566.08,

BE IT FURTHER RESOLVED, that the like sum of \$3,566.08 is hereby appropriated under the caption National Opioid Settlement.

BE IT FURTHER RESOLVED, that the above is the result of funds from National Opioid Settlement Fund in the amount of \$3,566.08.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

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Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-249

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

RESOLUTION FOR LIEN REDEMPTIONS

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

Cert #	Block/Lot	Address	Lienholder
19-00004	218/11.01	20 Main Street	MBS Realty One LLC
20-00005	122/21	40 Hillside Avenue	ACTF II NJ LLC, Lumentum Cust

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

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-250

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

**RESOLUTION AUTHORIZING CANCELLATION OF 2021 and 2022 TAX
OVERPAYMENTS**

WHEREAS, the following parcels have an overpayment of taxes;

Block	Lot	Qual	Address	Balance	Year/Quarter
3.	10.02		11 Miller Drive	10.00-	2021/Qtr 1
3.	180		29 Miller Drive	2,303.63-	2021/Qtr 1
14.	51		206 Mason Drive	2,779.71-	2021/Qtr 2
17.	82		172 Norris Avenue	645.49-	2021/Qtr 2
44.02	31		36 Forrest Street	237.49-	2021/Qtr 4
44.02	41		65 Forrest Street	14.58-	2021/Qtr 1
45.	34		74 Forrest Street	428.93-	2021/Qtr 4
50.	12		56 Plainfield Avenue	2,304.40	2021/Qtr 3
51.02	5		326 Central Avenue	81.39-	2021/Qtr 4
51.08	35.02		120 Harvard Avenue	230.37-	2021/Qtr 1
56	7		145 Center Street	310.19-	2021/Qtr 2
56.	10.		141 Center Street	3,102.21-	2021/Qtr 2
59.	9.		72 Maple Avenue	53.13-	2021/Qtr 4
67.			64 John Street	54.03-	2021/Qtr 1
67.	55.		49 Smith Street	3,455.44-	2021/Qtr 2
85.01	1.	-C0052--	84 Central Avenue	2,771.56-	2021/Qtr 4
93	25		5B Mayfield Place	157.88-	2021/Qtr 4
98.	36.		2 Chestnut Lane	5,144.77-	2021/Qtr 1
98.	36.01		E. Chestnut Avenue	15.36-	2021/Qtr 2
100.	4.		43 Linden Avenue	4,146.53-	2021/Qtr 1
100.	38.01		23 Elm Avenue	613.52-	2021/Qtr 2
117.	14		89 Highland Avenue	2,984.10-	2021/Qtr 3
117.	43		33 Highland Avenue	754.55-	2021/Qtr 2
118.	24.01		426-428 Main Street	12.03-	2021/Qtr 4
125.01	32.		84 Rector Street	2,511.60-	2021/Qtr 3
125.01	39.04		345 Middlesex Avenue	4,607.25-	2021/Qtr 1
126.	119.		46 Brockton Court	3,455.44-	2021/Qtr 1
126.03	56.		54 Concord Avenue	2,841.14-	2021/Qtr 1
126.03	56.		54 Concord Avenue	2,929.93-	2021/Qtr 4
126.03	58.		68 Concord Avenue	2,979.36-	2021/Qtr 1
130.01	36.		61 Prospect Street	1,769.19-	2021/Qtr 1
149.	51.02		51 Graham Avenue	613.45-	2021/Qtr 4
151.	25.		215 Main Street	2,303.62-	2021/Qtr 2
153.	4.	-C2805--	7 Kate Lane	1,127.24-	2021/Qtr 2
153.	4.	-C2805--	7 Kate Lane	1,142.29-	2022/Qtr 1

153.01	2.	-C1204--	271 Rose Street	1,396.49-	2021/Qtr 3
153.01	2.	-C1303--	285 Rose Street	87.41-	2021/Qtr 4
154.02	9.		13 Sylvan Avenue	1,156.81-	2021/Qtr 4
155.	23.		5 Poets Lane	2,866.58-	2021/Qtr 4
159.	3.		45 Brunswick Avenue	2,914.10-	2021/Qtr 4
159.	35.		109 Main Street	2,138.06-	2021/Qtr 4
160.01	2.		3 Juniper Street	2,272.91-	2021/Qtr 1
176.	59.		83 Upland Avenue	2,917.93-	2021/Qtr 1
177.	10.01		37 Upland Avenue	2,687.56-	2021/Qtr 2
185.	61.01		1664 Amboy Avenue	539.44-	2021/Qtr 4
195.	11.		20 Sidney Place	2,994.72-	2021/Qtr 1
195.	29.	-C0101--	1 Irongate	751.05-	2021/Qtr 2
195.	29.	-C0702--	37 Irongate	16.09-	2021/Qtr 1
195.	29.	-C0803--	43 Irongate	2,709.39-	2021/Qtr 3
196.	40.		14 McCoy Avenue	2,776.64-	2021/Qtr 1
197.	61.	-C0104--	239D Amboy Avenue	30.00-	2021/Qtr 3
201.	5.01		5 James Place	2,303.63-	2021/Qtr 1
204.	18.02		25 Ethel Place	2,543.00-	2021/Qtr 3
211.	66.07		61 E. Walnut Avenue	4,117.75-	2021/Qtr 4
217.	35.		48 Hickory Street	660.38-	2021/Qtr 1
217.	35.		48 Hickory Street	2,671.97-	2021/Qtr 3
224.	60.		139 Hazelwood Avenue	2,303.63-	2021/Qtr 1

NOW THEREFORE BE IT RESOLVED, that the above listed tax overpayment balances be canceled, in the amount of \$101,747.34.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

RESOLUTION 2022-251

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

RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY COOPERATIVE PRICING FOR RED DYED #2 DIESEL FUEL (ULTRA LOW SULFUR DIESEL), RED DYED WINTER BLEND DIESEL AND FUEL OIL

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

WHEREAS, this can be purchased through the Somerset County Cooperative Red Dyed #2 Diesel Fuel (Ultra Low Sulfur Diesel), Red Dyed Winter Blend Diesel and Fuel Oil, Open-ended Contract #CC-0036-21, Cooperative Pricing Bid #2-SOCCP, Second Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is the second year of a two-year contract for Red Dyed #2 Diesel Fuel (Ultra Low Sulfur Diesel), Red Dyed Winter Blend Diesel and Fuel Oil, Open-ended Contract #CC-0036-21, Co-operative Pricing Bid #2-SOCCP which was approved on October 25, 2022 by the Somerset County Board of County Commissioners is effective from November 9, 2022, to November 8, 2023, with the authorization to purchase diesel fuel under this resolution of award until December 31, 2022; and

WHEREAS, the maximum amount of the purchase of Red Dyed #2 Diesel Fuel (Ultra Low Sulfur Diesel), Red Dyed Winter Blend Diesel and Fuel Oil for the Borough of Metuchen is \$40,000 and that there are sufficient funds for such award as certified from the 2022 Adopted Budget, designated from Diesel and Gasoline Fuel Account Number 2-01-31-821-074; and

WHEREAS, the vendor chosen for award for purchase of Red Dyed #2 Diesel Fuel (Ultra Low Sulfur Diesel), Red Dyed Winter Blend Diesel and Fuel Oil is National Fuel Oil, Inc. for the period of November 9 1, 2022, through December 31, 2022; and

WHEREAS, the County of Somerset, New Jersey shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and

directed to approve and forward a Purchase Order to National Fuel Oil Inc., 175 Orange Street, Newark, NJ 07103.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

RESOLUTION 2022-252

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

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2021 & 2022 TAX
APPEALS ENTITLED RIC METUCHEN, LLC v. BOROUGH OF METUCHEN,
DOCKET NOS.: 010120-2021 & 007783-2022, BLOCK 116, LOT 34
COMMONLY KNOWN AS 16 PEARL STREET**

WHEREAS, appeals of the real property tax assessment for tax years 2021 & 2022 involving Block 116, Lot 34 have been filed by the taxpayer, RIC Metuchen, LLC, and

WHEREAS, the Borough of Metuchen desires to settle the tax appeals for the tax years 2021 & 2022 and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and

WHEREAS, settlement of said matter as more fully set forth below is in the best interests of the Borough of Metuchen.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the tax appeal settlement for the property and tax years herein is hereby authorized as follows:

1. Settlement of the 2021 & 2022 tax appeals are hereby authorized as follows:

Block 116, Lot 34

Year 2021

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 222,000	\$ 222,000	
Improvements	\$ 613,000	\$ 613,000	WITHDRAWN
Total	\$ 835,000	\$ 835,000	

Year 2022

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 222,000	\$ 222,000	\$ 222,000
Improvements	\$ 613,000	\$ 613,000	\$ 328,000
Total	\$ 835,000	\$ 835,000	\$ 550,000

2. The parties have agreed that the property's 2023 total assessment shall be \$550,000.

3. The Mayor, Borough Clerk and Special Tax Counsel are hereby authorized and directed to execute and deliver such agreements, pleadings stipulations or other documentation as is reasonably necessary and/or appropriate to memorialize the settlement authorized herein.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-253

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

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR A
METUCHEN RECREATION PROGRAM CONCESSION CONTRACT AS A
“CONCESSION” THROUGH THE USE OF COMPETITIVE CONTRACTING
PURSUANT TO N.J.S.A. 40A:11-4.1(j)**

WHEREAS, the Borough of Metuchen (“Borough”), residents of the Borough of Metuchen will benefit from the ability participate in Recreation programs that are all-inclusive from fee collection to providing of the recreation program(s) administered and approved by the Metuchen Director of Recreation and Senior Service at the Borough of Metuchen locations; and

WHEREAS, the Borough has considered and balanced the benefits of the private provision of select Recreation Program(s) Concession services against the potential for risks involved in awarding a contract for such services; and

WHEREAS, the Borough intends to issue a request for competitive contracting proposals and potentially award a concession contract to a vendor who can successfully manage and provide select Recreation Program(s) for the Borough; and

WHEREAS, the award of the Metuchen Recreation Program(s) Concession Services contract shall be based upon the most advantageous proposal, price and other factors considered pursuant to *N.J.S.A. 40A:11-4.1* and *N.J.A.C. 5:34-9.4(g)*; and

WHEREAS, the Borough estimates that it will not incur any direct costs as a result of the Metuchen Recreation Concessions Services Contract and will merely offer the use of Borough facilities, coordinated by the Director of Recreation and Senior Services at the Metuchen sites for select Recreation Program(s), with the requirement of a percentage of fees collected for each program by the concessionaire due back to the Borough Recreation Trust Fund.

NOW THEREFORE BE IT RESOLVED, that the Borough Council hereby authorizes the procurement of the Metuchen Recreation Program Services Concessions contract as a concession pursuant to *N.J.S.A. 40A:11A-1, et seq.*, *N.J.A.C. 5:34-9.4*.

BE IT FURTHER RESOLVED, that the Borough Council hereby authorizes the Administrator, with the assistance of the Borough’s legal counsel, and all other Borough Officials and employees, to prepare all documents and take all action pursuant to law necessary to engage in the competitive contracting process, including but not limited to the issuance of a Request for Proposals to identify and recommend an award of contract for the Metuchen Recreation Program Services Concessions Contract for the Borough.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-254

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

**RESOLUTION OF THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY
AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO
REDEVELOPMENT AGREEMENT WITH 212 DURHAM URBAN RENEWAL, LLC
FOR BLOCK 37, LOTS 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 AND
17.02; BLOCK 42, LOTS 1-7**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as **WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), as amended and supplemented, provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and

WHEREAS, by way of Resolution 2015-226, adopted on September 8, 2015, the Mayor and Council of the Borough of Metuchen (the “Borough Council”) designated Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7; and Block 66, Lots 1-3 as a “Non-Condensation Area in Need of Redevelopment” (the “Redevelopment Area”) in accordance with the Redevelopment Law; and

WHEREAS, by way of Resolution 2020-50, adopted on February 3, 2020, Borough Council formally declared the entirety of the Borough as an “Area in Need of Rehabilitation” (the “Boroughwide Rehabilitation Area”); and

WHEREAS, by way of Ordinance 2020-10, adopted on May 11, 2020, the Borough Council adopted a redevelopment plan entitled “Redevelopment Plan for Rehabilitation Area in the Borough of Metuchen March 2020,” as amended or supplemented (the “2020 Redevelopment Plan”); and

WHEREAS, by way of Ordinance No. 2021-19, adopted on September 27, 2021, the Borough Council adopted in accordance with the Local Redevelopment and Housing Law a more specific redevelopment plan for the Redevelopment Area, entitled, “Gulton Tract Redevelopment Plan,” prepared by LRK, Inc. which superseded the 2020 Redevelopment Plan in its entirety, as it relates to the Redevelopment Area (the “2021 Redevelopment Plan”); and

WHEREAS, by way of Ordinance No. 2022-04, adopted on March 28, 2022, the Borough Council adopted the “Amended Gulton Tract Redevelopment Plan,” prepared by LRK, Inc., dated March 11, 2022, which amends the 2021 Redevelopment Plan for the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Borough to arrange or contract with a redeveloper for the planning, construction, or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or rehabilitation; and

WHEREAS, on June 8, 2022, the Borough and the Redeveloper entered into a Redevelopment Agreement pursuant to which the Redeveloper proposes to a project consisting of two components, a residential component and an open space component on a portion of the Redevelopment Area consisting of Block 37, Lots 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7, together with the existing Gulton Street right-of-way (“Redevelopment Agreement”); and

WHEREAS, 212 Durham Urban Renewal, LLC (“Redeveloper”) proposes to redevelop a portion of the Redevelopment Area known as Block 37, Lots 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7 together with the existing Gulton Street right-of-way (“Project Area”); and

WHEREAS, Redeveloper, with the consent of the owner, proposes to subdivide the Project Area to create two (2) lots consisting of a proposed “Lot A” identified as “Prop. Development Parcel” consisting of approximately \pm 7.8 acres, and a proposed “Lot B” identified as “Prop. County Parcel” but excluding Block 37, Lot 5.03 and consisting of approximately \pm 14.79 acres, all as shown on the “Existing vs. Proposed Lot Exhibit” prepared by Bohler Engineering, dated 04/28/2021; and

WHEREAS, the Redeveloper proposes to undertake a project consisting of two components, a residential component and an open space component in accordance with the Redevelopment Agreement; and

WHEREAS, under the Redevelopment Agreement, as part of the open space component, Redeveloper is required to construct certain recreational improvements on a portion of Lot B pursuant to an agreement to be negotiated between the Redeveloper, Middlesex County and the Borough as part of the creation of a southern gateway to the Peter J. Barnes III Wildlife Preserve; and

WHEREAS, the Redeveloper and Borough have decided that in lieu of entering into a separate agreement, it is in the best interest of the parties to amend the Redevelopment Agreement to set clarify the parties’ respective obligations with regard to the open space component and the construction of the recreational improvements on Lot B; and

WHEREAS, the Borough Council considers it to be in the best interest of the Borough to enter into a First Amendment to the Redevelopment Agreement with the Redeveloper with respect to the open space component.

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

1. That the Borough Council does hereby authorize the execution of a First Amendment to Redevelopment Agreement between the Borough of Metuchen and 212 Durham Urban Renewal, LLC, setting forth the respective obligations of the Borough and the Redeveloper with regard to the open space component and the construction of recreational improvements on a portion of Lot B.

2. That the Borough Council does hereby authorize the Mayor and/or Borough Administrator and the Borough Clerk to execute said First Amendment on behalf of the Borough of Metuchen, subject to the approval of the Borough Administrator, Borough Auditor, Borough Solicitor, and Borough Redevelopment Counsel as to the final form.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, Borough Clerk

Jonathan Busch, Mayor

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk

RESOLUTION 2022-255

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

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn, and all bills be paid totaling \$4,651,143.62.

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.

Rebecca Cuthbert, CFO

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					KANDEL				
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
MOTION					SECOND				
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

Deborah Zupan, RMC
Borough Clerk