

BOROUGH OF METUCHEN COUNCIL MINUTES

December 12, 2022

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, December 12, 2022.

The Meeting was called to order at 7:31 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 September 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 all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Branch, Hirsch, Kandel, Koskoski, and Mayor Busch. Councilmember Rasmussen 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 Kandel, with all in favor, motion carried, 5-0.

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

Presentation of Award to Councilmember Koskoski

Mayor Busch spoke in praise of Councilmember Koskoski and her accomplishments, and thanked her for all she has done for him and for the Borough. The Councilmembers present and Borough Administrator Melissa Perilstein also spoke about their experiences with Councilmember Koskoski and thanked her. Mayor Busch presented Councilmember Koskoski with an award honoring her time as a Councilmember.

Public Comment

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

Alan Trzuskoski, an Edison resident, stated he was hoping for an update on the retail cannabis license selection process, as he hopes to be opening dispensary in Metuchen.

Mayor Busch stated that the application would be available early in 2023.

Paul Bradley, 22 Center Street, thanked the Mayor and Council for their past year of hard work.

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 October 24, 2022, second by Councilmember Kandel. Councilmember Hirsch abstained from voting. With all others in favor, motion carried, 4-0.

Communications Consent Agenda – Items A - C

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

- 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 Rebecca Greenbaum from the Human Relations Commission

Ordinances – Public Hearing

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

Council President Delia asked Ms. Zupan, Borough Clerk, to present the affidavit of publication.

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-22 had been published one time in the Home News Tribune according to law on November 17, 2022.

Council President Delia moved that the affidavit of publication be received and filed, second by Councilmember Kandel, with all in favor, the motion carried, 5-0.

Council President Delia asked that Ordinance 2022-22 be read by title only.

Ms. Zupan read Ordinance 2022-22 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-22.

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

Council President Delia made a motion to pass Ordinance 2022-22 on second reading and be published according to law, second by Councilmember Kandel.

Mayor Busch asked for a roll call vote.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Delia
Nays: None

Ordinance 2022-22 was adopted, 5-0.

Ordinance 2022-23

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

Council President Delia asked Ms. Zupan, Borough Clerk, to present the affidavit of publication.

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-23 had been published one time in the Home News Tribune according to law on November 17, 2022.

Council President Delia moved that the affidavit of publication be received and filed, second by Councilmember Kandel, with all in favor, the motion carried, 5-0.

Council President Delia asked that Ordinance 2022-23 be read by title only.

Ms. Zupan read Ordinance 2022-23 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-23.

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

Council President Delia made a motion to pass Ordinance 2022-23 on second reading and be published according to law, second by Councilmember Kandel.

Mayor Busch asked for a roll call vote.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Delia
Nays: None

Ordinance 2022-23 was adopted, 5-0.

Ordinance 2022-24

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

Council President Delia asked Ms. Zupan, Borough Clerk, to present the affidavit of publication.

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-24 had been published one time in the Home News Tribune according to law on November 17, 2022.

Council President Delia moved that the affidavit of publication be received and filed, second by Councilmember Kandel, with all in favor, the motion carried, 5-0.

Council President Delia asked that Ordinance 2022-24 be read by title only.

Ms. Zupan read Ordinance 2022-24 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-24.

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

Council President Delia made a motion to pass Ordinance 2022-24 on second reading and be published according to law, second by Councilmember Kandel.

Mayor Busch asked for a roll call vote.

Roll Call: Yeas: Branch, Hirsch, Kandel, Koskoski, Delia
Nays: None

Ordinance 2022-24 was adopted, 5-0.

Report of Borough Administrator

No report.

Reports of Councilmembers

Council President Delia

- Two MDA Executive Board members will be leaving as their terms are up; Eric Berger and Mo Atzbi. We appreciate their hard work and all they have done to grow the organization.
- The 'Slow Down in Our Town' signs will be gone for the winter but will return in the Spring. It's been a successful campaign and we look forward to continuing it.
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Councilmember Kandel

- Discussions have continued regarding the new Emergency Services Center; a lot of progress had been made recently. Expect news about this project to be shared at the Reorganization Meeting.

Councilmember Hirsch

- The Pool Commission meeting will be held on December 13 at 8 p.m.
- The Parade Commission invites the public to attend the Menorah lighting at the plaza on Sunday, December 18 at 4 p.m.

Councilmember Branch

- No report.

Report of the Mayor

It's been a wonderful holiday season, and I hope everyone is enjoying the Metuchen Lights as much as I am. It started as something to help uplift the community during COVID, which it certainly did; one business owner recently shared that she chose Metuchen for her business partly because of because of the Metuchen Lights. We're getting closer to March, when we'll find out if Metuchen will be the town to take home the Downtown Main Street USA award, which only two other New Jersey towns have won. It's a great time to be from Metuchen and we hope you're sharing in this excitement.

Reports of Councilmembers (continued)

Councilmember Koskoski gave the following speech, as this was her last meeting on Council:

I have mixed emotions about ending my term. But the overriding emotion I have is one of gratitude. I'm grateful to the people who encouraged me to run back in 2016, there were many, Beatice Moskowitz, Jim Graziano, Pete Cammarano, Mayor Busch, Jay Muldoon, Allison Inserro and of course you Dorothy. I remember you coming into the shop to talk me into it. Without their encouragement, I would not have thought to pursue this on my own.

I'm grateful to the good people of Metuchen for electing me. Twice! And giving me the opportunity to move some important projects forward, to help shape policy and keep things moving in the right direction.

I'm thankful for the opportunity to live and lead in a community that has such amazing civic minded people who donate their time and talent to work on the various commissions, committees and emergency services.

You bring so many wonderful events to life, you look out for your neighbors and help us in our times of greatest need. It has been a pleasure to work with you all.

I'm grateful to the dedicated employees of this borough, our Police force, our DPW and all the folks at borough hall who protect us, make our borough safe and beautiful and help us with the not so glamorous facts of everyday life like dog licenses and building permits and garbage disposal. I appreciate the work you do and how helpful you try to be even with my weirdest requests. I have reached out to every department for assistance over the years and whether it was the police, DPW, Finance, Zoning really all of you, You've been so helpful and taught me so many things about how the borough runs.

You know when you run for an office like this, you think you have an idea of how the work gets done since you watch the meetings and keep on top of the issues maybe like in my case, you've volunteered for a commission or two.. But then you win seat and you really get to work and see just how multifaceted this job is. On the fly, you have to become versed in things like waste water disposal, traffic engineering, zoning and building, pandemics, and just so many things and it can be a bit overwhelming. But it helps to have a great team of people to work with and I'm so fortunate that right from the beginning I got to work with the best. Thank you to Ron Grayzel who was my chair buddy to begin with. He taught me so much about how things work and how to get things done and when the time came, encouraged me to pursue Council President.

The members of this council have changed over the years but what hasn't changed is the many ways, in which we learned from each other, challenge each other and really help each other figure out the best ways to keep Metuchen moving forward. I want to thank Allison Inserro, Sheri Rose Ruben, Jay Muldoon, Todd Page and Reed Liebfried for working with me on so many different issues and projects and sharing your experience and expertise with me when I first started this job.

The current iteration of the council is literally a dream team for a borough like ours. You really could not find more dedicated people to be leading our town. Joel, I feel a little responsible for persuading you to run but I'm not sorry about it, you really bring the level of discourse up several notches with your intellect and creative problem solving. Thank you for the opportunity to work with you for even this brief time. Tyler, I will never be tired of debating with you and want to thank you for helping me see to issues from several angles. Dan, where would I be without your strong analytic and math skills. I appreciate you always being willing to patiently explain the math to this mathematically challenged human.

Dorothy, I'm not sure I would even be here if it wasn't for your encouragement. You are the poster child for dedication to this borough. Whenever I don't feel like doing something, I always think, What would Dorothy do? Dorothy will put on her best outfit and be out the door to help in whatever way she can. Thank you for teaching me that half the challenge is just showing which you do, and have done unfailingly for many years for the people of Metuchen.

Jason, I feel like when I was Council President, I kind of put you in the position of my chief of staff. We have worked on so many things together that range from pedestrian safety to cannabis and everything in between. I remember this one time when I found that loop hole for lowering the speed limit which would help us avoid a traffic study and I called you up with this unreasonable request to create a map which included the distance between all traffic lights in town. You didn't even hesitate and like 20 minutes later, sent me the map that help us make the change. I really value and appreciate the working relationship we cultivated over the years. Metuchen is lucky to have you leading the charge.

Melissa, though we haven't worked together for too long, it's kind of hard to imagine a time before you. You joined us right at the beginning of the Pandemic and truly had a trial by fire. Though those times were rough and scary, having you as a leader on the team made all the difference. And it was just a precursor to what a wonderful working relationship we would have. I will always appreciate your good common sense, your candid opinions and willingness to talk through the issues.

Mayor Busch, I don't even know what to say you. Metuchen is truly fortunate to have a leader like you. I love working with you, our many phone conversations and debates, the setbacks and the accomplishments. It's all been such a gift. I have always been so impressed by your vision for this town and what you have been able to accomplish. I feel so fortunate that I've been able to be on this journey with you and that I could help in some small measure. I look forward to all the good things yet to come.

Deb, though you've been our borough clerk for a short time, you have been my friend for a long time. You encouraged me to seek this position and then have been there every step of the way. As a friend, business partner and finally borough coworker, I want you to know how much I value

our friendship and our ability to be in several working relationships and still maintain our amazing friendship.

And last but not least. I want to thank my family. My husband, Pete has always been my champion. He believes in me even when I don't believe in me and has always encouraged me to pursue my goals. When you have a family and a position like this, your family also serves by freeing you up to do the job. So thank you to Pete, Ian and Sandy for your encouragement and help in making it all work. I must also thank my mom, sister, brother and his family for picking up the slack in my personal life so I could attend to the duties of council. I love you all.

Madam Curie said one never notices what has been done. One can only see what remains to be done. So thank you for reminding me that I had an impact and about all the good work we did together. And though, there remains plenty to do, I know that this team, with the addition of Lisa Wolf-Hyman is the team to get it done.

Let me end by saying, that I'm truly grateful for the opportunity to serve. Though it's a challenging position for sure, between the learning curve, the personalities, the crap on social media, the issues and negotiations, it has been a very rewarding experience. Hillary Clinton said Do all the good you can for all the people you can, in all the ways you can, as long as you can. Though I'm saying farewell to council, I know I will continue to find ways to serve Metuchen.

Thank you.

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

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-234 to 2022-254, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

RESOLUTION 2022-234

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.

RESOLUTION 2022-235

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

RESOLUTION 2022-236

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.

RESOLUTION 2022-237

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

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.

RESOLUTION 2022-238

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

RESOLUTION 2022-239

**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-Condemnation 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.

RESOLUTION 2022-240

**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:

1. 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.

RESOLUTION 2022-241

**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.

RESOLUTION 2022-242

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.

RESOLUTION 2022-243

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.

RESOLUTION 2022-244

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.

RESOLUTION 2022-245

**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.

RESOLUTION 2022-246

**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.

RESOLUTION 2022-247

**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.

RESOLUTION 2022-248

**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.

RESOLUTION 2022-249

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.

RESOLUTION 2022-250

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.

RESOLUTION 2022-251

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

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 N.J.S.A. 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.

RESOLUTION 2022-252

**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**

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.

RESOLUTION 2022-253

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)

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.

RESOLUTION 2022-254

**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**

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-Condemnation 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 ± 7.8 acres, and a proposed “Lot B” identified as “Prop. County Parcel” but excluding Block 37, Lot 5.03 and consisting of approximately ± 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.

Other New Business

Council President Delia made a motion to approve Resolution 2022-255 , authorizing the payment of the Bill List in the amount of \$4,651,143.62, second by Councilmember Kandel, with all in favor, motion carried, 5-0.

RESOLUTION 2022-255

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.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Kandel, with all in favor, 5-0, the meeting was adjourned at 8:19 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk