

## **BOROUGH OF METUCHEN COUNCIL MINUTES**

**May 23, 2022**

**7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, May 23, 2022.

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

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on January 7, 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, Kandel, Koskoski, Rasmussen, Council President Delia, and Mayor Busch. Councilmember Hirsch was absent. Also present were Denis Murphy, Borough Attorney, Melissa Perilstein, Borough Administrator, and Deborah Zupan, Acting Borough Clerk.

### **Agenda Session**

Council President Delia made a motion to open the Agenda Session, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia pulled resolution R2022-128 from the New Business Consent Agenda to be voted on separately.

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

### **Public Comment**

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

Linda LaStella, 214 Amboy Avenue, commented on the lack of communication from the Borough to the Public regarding the status of the Forum Theater project, and that updates should be regularly shared with the community. Ms. LaStella also spoke about the lack of opportunities community members have to share information with each other, particularly with the limitation of storefront posters and banners over Main Street. Ms. LaStella asked that the Mayor and Council creatively address these communications issues for the benefit of the community.

Anya Bansal, a student at J.P. Stevens High School in Edison, stated that she was speaking in favor of Metuchen passing a resolution supporting the New Jersey 'Green Amendment.' Ms. Bansal explained the need for, purpose, and potential environmental benefits to be gained from the passage of the Green Amendment.

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 April 11, 2022, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

### **Communication Consent Agenda – Items A - F**

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

- A. Receive and Accept Environmental Commission Meeting Minutes of 03.16.2022
- B. Receive and Accept Municipal Alliance Meeting Minutes of 11.11.2021 and 01.13.2022
- C. Receive and Accept Planning Board Meeting Minutes of 12.09.2021 and 02.17.2022
- D. Receive and Accept Zoning Board Meeting Minutes of 01.13.2022 and 02.10.2022
- E. Receive and Accept resignation of Thomas Mullins Jr. from the Municipal Alliance Committee
- F. Receive and Accept resignations of Judith Sisko and Catherine McCartin from the Zoning Board

**Ordinances – Public Hearing**

Ordinance 2022-08

BOND ORDINANCE APPROPRIATING  
\$4,064,000 AND AUTHORIZING \$2,324,400  
BONDS OR NOTES OF THE BOROUGH FOR  
VARIOUS IMPROVEMENTS AND PURPOSES  
AUTHORIZED TO BE UNDERTAKEN BY THE  
BOROUGH OF METUCHEN, IN THE COUNTY  
OF MIDDLESEX, NEW JERSEY

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-08 had been published one time in the Home News Tribune according to law on May 12, 2022.

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

Council President Delia asked that Ordinance 2022-08 be read by title only.

Ms. Zupan read Ordinance 2022-08 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-08.

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

Council President Delia made a motion to pass Ordinance 2022-08 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-08 was adopted, 5-0.

**BOND ORDINANCE 2022-08**

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

**BOND ORDINANCE APPROPRIATING \$4,064,000 AND AUTHORIZING  
\$2,324,400 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS  
IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE  
UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY  
OF MIDDLESEX, NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF  
MIDDLESEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively  
concurring), AS FOLLOWS:

**Section 1.** The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the “Borough”). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$4,064,000, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$203,220.34 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes, (ii) contribution from Elizabethtown Gas for road paving in the amount of \$242,379.66, and (iii) grants from the New Jersey Department of Transportation totaling the amount of \$1,294,000 (the items in clauses (ii) and (iii) collectively, the “Grants”).

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$4,064,000 appropriation not provided for by application hereunder of said down payment and the Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,324,400 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the “Local Bond Law”). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,324,400 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) the acquisition of a garbage truck, pick-up truck, sewer utility truck and tree utility truck; (ii) park and recreation improvements to parks; (iii) digitization of records; (iv) fire department SCBA cylinder replacement/upgrade; (v) acquisition of two police vehicles, rifle suppressors, breathalyzer unit and fingerprinting equipment; (vi) replacement of Kahn’s Crossing Graham Avenue pedestrian crossing bridge; (vii) streetscape improvements to Pearl Street and New Street; (viii) overlay, drainage improvement and reconstruction of Woodside Avenue, Rose Street, Lowell Avenue, Douglass Drive, Dolores Drive, Michael Drive, Lynn Circle and Robert Circle; (ix) curb/sidewalk repair and/or ADA concrete/curbing improvements of various streets, including without limitation, Woodside Avenue, Rose Street, Lowell Avenue, Douglass Drive, Dolores Drive, Michael Drive, Lynn Circle and Robert Circle; and (x) overlay and/or reconstruction of Metuchen Parking Authority Halsey Street lot, including all work and materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$2,324,400.

(c) The estimated cost of said purposes is \$4,064,000 which represents the initial appropriation made by the Borough. The excess of the appropriation of \$4,064,000 over the estimated maximum amount of bonds or notes to be issued therefor is the amount of the Grants and the down payment for said purposes.

**Section 4.** The following matters are hereby determined, declared, recited, and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 8.21 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,324,400, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$495,250 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

**Section 5.** Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including without limitation the Grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

**Section 6.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

**Section 7.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

**Section 8.** The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$2,324,400. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

**Section 9.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Ordinance 2022-09

ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A LONG-TERM TAX EXEMPTION WITH 212 DURHAM URBAN RENEWAL, LLC FOR BLOCK 37, LOT 7.01, 7.02, 17.01, AND A PORTION OF LOTS 5.12 AND 16.02, AND BLOCK 42, LOTS 1, 2, 3, 4, 5, 6, AND 7, ALONG WITH THE FORMER GULTON STREET ROW IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-09 had been published one time in the Home News Tribune according to law on May 12, 2022.

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

Council President Delia asked that Ordinance 2022-09 be read by title only.

Ms. Zupan read Ordinance 2022-09 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-09.

Chuck Lopez, 31 Dolores Drive, spoke in support of the ordinance and the positive things this development will do for the Borough.

Angela Sielski, 180 Norris Avenue, spoke in support of the ordinance, particularly the positive effect this development will have on property values in the surrounding area.

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

Council President Delia made a motion to pass Ordinance 2022-09 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-09 was adopted, 5-0.

**ORDINANCE 2022-09**

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

**ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A LONG-TERM TAX EXEMPTION WITH 212 DURHAM URBAN RENEWAL, LLC FOR BLOCK 37, LOT 7.01, 7.02, 17.01, AND A PORTION OF LOTS 5.12 AND 16.02, AND BLOCK 42, LOTS 1, 2, 3, 4, 5, 6, AND 7, ALONG WITH THE FORMER GULTON STREET ROW IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**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 an “Area in Need of Redevelopment” (the “Redevelopment Area” or “Property”) 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 “Redevelopment Plan dated May 26, 2020”); and

**WHEREAS**, by way of Ordinance No. 2021-19, adopted on September 13, 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.; 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 superseded all previously adopted redevelopment plans for the Redevelopment Area (as amended, the “Redevelopment Plan”); and

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, the Borough of Metuchen intends to enter into a Redevelopment Agreement (the “Redevelopment Agreement”), designating the 212 Durham Urban Renewal, LLC (the “URE”) as redeveloper of 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 (“Project Area”), and setting forth the terms and conditions to which the Project Area is to be redeveloped by URE, who proposes the construction of a five (5) story building with up to two hundred and seventy-two (272) residential units, fifteen percent (15%) of which shall be affordable housing units, and associated amenities which may include a business center, conference room, fitness center, clubrooms, game room, outdoor patio and dining area, and other amenities, together with landscaping, parking areas and a walking path and any and all other buildings, structures, improvements, site preparation work and amenities necessary for the implementation and completion of the same (the “Residential Project Improvements”); and

**WHEREAS**, pursuant to the Redevelopment Agreement, the Entity has agreed to undertake financing, construction and completion of the Project Improvements, the obtaining of all Governmental Approvals (as defined in the Redevelopment Agreement), the site preparation of the Property and such other obligations as is set forth in the Redevelopment Agreement (the “Project”); and

**WHEREAS**, under the Redevelopment Agreement, the Project shall include the construction of certain open space and recreation facilities as part of the creation of a southern gateway to the Peter J. Barnes III Wildlife Preserve on property known as Block 37, Lots 5.05, 5.22, 6, 13, 14, 15.01, 16.03, 17.02 and portions of Lots 5.12, 16.02, identified as “Prop. County Parcel” and consisting of approximately ± 18.7 acres, as shown on the “Existing vs. Proposed Lot Exhibit” prepared by Bohler Engineering, dated 04/28/2021 and attached hereto as Exhibit A, along with Block 37, Lot 5.03, pursuant to a three-party agreement to be entered into between the Borough, the Redeveloper and the County of Middlesex, a portion of which shall be financed with governmental bonds; and

**WHEREAS**, in order to effectuate the development, financing, and renovation of the Project, the Borough Council have agreed to enter into a Financial Agreement (the “Financial Agreement”) with URE, substantially in the form attached hereto as Exhibit B, authorizing a long-term tax exemption pursuant to the Long Term Tax Exemption Law (“LTTEL”), N.J.S.A. 40A:20-1, et seq. for the Project Area and the Residential Project Improvements; and

**WHEREAS**, pursuant to the requirements of the LTTEL, the URE provided the Borough with the information required by Section 8 of the LTTEL in the form of an application for long-term tax exemption (the “Application”); and

**WHEREAS**, such information in the Application provided the Borough with the basis for determining to execute the Financial Agreement; and

**WHEREAS**, the Mayor and Borough Council find that the relevant benefits of the redevelopment of the Property and the undertaking of the Project outweigh the loss, if any, of property tax revenue in granting the long-term tax exemption; and

**WHEREAS**, the Borough Council has determined that the assistance provided to the Project pursuant to the Financial Agreement is a significant inducement for the URE to proceed with the Project; and

**WHEREAS**, the Borough and the URE have agreed to execute a Financial Agreement.

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

**Section 1.** The foregoing recitals are incorporated herein by reference as if fully set forth at length.

**Section 2.** That the Application for long-term tax exemption filed by 212 Durham Urban Renewal, LLC hereby be granted; and

**Section 3.** That the Financial Agreement be approved and that the Mayor and/or Borough Administrator and the Borough Clerk are hereby authorized to execute the Financial Agreement, upon the review and approval of its final form by the Borough Administrator, Borough Solicitor and Borough Redevelopment Counsel, which such final form will be on file with the Borough Clerk.

**Section 4.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** In the event any clause, section or paragraph of the ordinance and/or the Financial Agreement is deemed invalid or unenforceable for any reason, it is the intent of the Borough Council that the balance of the Ordinance and/or Financial Agreement remain in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

**Section 6.** This Ordinance shall take effect immediately after final adoption in accordance with law.

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Ordinance 2022-10

CAPITAL ORDINANCE AMENDING  
ORDINANCE 2022-03 FINALLY ADOPTED ON  
MARCH 14, 2022 BY THE BOROUGH OF  
METUCHEN, IN THE COUNTY OF  
MIDDLESEX, STATE OF NEW JERSEY, IN  
ORDER TO PROVIDE FOR A CHANGE IN THE  
IMPROVEMENTS AUTHORIZED BY SUCH  
ORDINANCE AND AN INCREASE OF THE  
APPROPRIATION AUTHORIZED BY SUCH  
ORDINANCE

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

Ms. Zupan presented the affidavit of publication stating that said Ordinance 2022-10 had been published one time in the Home News Tribune according to law on May 12, 2022.

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

Council President Delia asked that Ordinance 2022-10 be read by title only.

Ms. Zupan read Ordinance 2022-10 by title only.

Mayor Busch opened the public hearing on Ordinance 2022-10.

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

Council President Delia made a motion to pass Ordinance 2022-10 on second reading and be published according to law, second by Councilmember Rasmussen.

Mayor Busch asked for a roll call vote.

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

Ordinance 2022-10 was adopted, 5-0.

**ORDINANCE 2022-10**

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

**CAPITAL ORDINANCE AMENDING ORDINANCE 2022-03 FINALLY ADOPTED ON  
MARCH 14, 2022 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF  
MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE  
IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE AND AN  
INCREASE OF THE APPROPRIATION AUTHORIZED BY SUCH ORDINANCE**

**WHEREAS**, the Borough Council (the “Council”) of the Borough of Metuchen, in the County of Middlesex, New Jersey (the “Borough”) has heretofore adopted on March 14, 2022 ordinance 2022-03 (the “Original Ordinance”) which appropriated the sum of \$510,000 from the Capital Improvement Fund of the Borough for the purpose of financing the costs of the acquisition of the property located at 98 Essex Avenue in the Borough (the “Property”); and

**WHEREAS**, Council of the Borough has determined that there is also a need to appropriate additional moneys for the demolition of the existing structures located on the Property after the Borough acquires the Property; and

**WHEREAS**, the Borough has determined to appropriate additional capital improvement funds in the amount of \$100,000 towards the costs of the acquisition of the Property and the demolition of the existing structures located thereon.

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**Section 1.** The Borough is hereby authorized to acquire the Property and demolish the existing structures located thereon.

**Section 2.** The Borough hereby appropriates the additional sum of \$100,000.00 from the Capital Improvement Fund for the purpose of financing the costs of the acquisition of the Property and the demolition of the existing structures located thereon so that the total appropriation under the Original Ordinance as amended by this ordinance shall be \$610,000.00.

**Section 3.** The acquisition of the Property and the demolition of the existing structures located thereon described in Section 1 of this ordinance are lawful capital purposes of the Borough, and no part of the cost thereof has been or shall be assessed against property specially benefited thereby.

**Section 4.** The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Clerk of the Borough and are available for public inspection.

**Section 5.** All other details of the Original Ordinance shall remain the same.

**Section 6.** This ordinance shall take effect after final adoption and publication as required by applicable law.

### **Ordinances - Introduction**

Ordinance 2022-11

CALENDAR YEAR 2022 ORDINANCE TO  
EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

Council President Delia made a motion that Ordinance 2022-11 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked that Ordinance 2022-11 be read by title only.

Ms. Zupan read Ordinance 2022-11 by title only.

Council President Delia moved that Ordinance 2022-11 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 13, 2022, second by Councilmember Rasmussen.



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

Ordinance 2022-11 was passed on first reading, 5-0, and will be published according to law.

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Ordinance 2022-12

ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF BOROUGH OF METUCHEN AMENDING THE BOROUGH OF METUCHEN CODE OF ORDINANCES TO REPEAL CHAPTER 110, PART III, ARTICLE 24, SECTIONS 110-113 TO 110-124; TO ADOPT A NEW CHAPTER 110, PART III, ARTICLE 24, SECTIONS 110-113 TO 110-124; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Council President Delia made a motion that Ordinance 2022-12 be introduced and be taken up on first reading, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

Council President Delia asked that Ordinance 2022-12 be read by title only.

Ms. Zupan read Ordinance 2022-12 by title only.

Council President Delia moved that Ordinance 2022-12 be passed on first reading, be published according to law, and a public hearing be set down for Monday, June 13, 2022, second by Councilmember Rasmussen.

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

Ordinance 2022-12 was passed on first reading, 5-0, and will be published according to law.

### **Report of Borough Administrator**

No report.

### **Reports of Councilmembers**

Council President Delia

- The Accessibility Committee scheduled to meet this week has been canceled.
- The TV and Technology Committee will meet this Thursday evening at Borough Hall.
- The Memorial Day Parade will take place this coming Monday at 10 a.m.

Councilmember Rasmussen

- The Environmental Commission has rescheduled the postponed Earth Day celebration to Saturday June 18 from 9 a.m. to 12 p.m.
- The Senior Commission will meet on June 8 at 4 p.m. at the Senior Center.

Councilmember Koskoski

- No report.

Councilmember Kandel

- The Historic Preservation Committee has created a fantastic video highlighting Metuchen's historic structure, as well as the need to preserve these buildings.

- As liaison to the Fire Department, I am happy that the Borough has acquired the property at 98 Essex Avenue so that work on the new Emergency Services Center can go forward.

Councilmember Branch

- No report.

### **Report of the Mayor**

The upcoming Memorial Day Parade represents the first time the Borough has run the event, and we are very excited to do so, hopefully for years to come.

### **Proclamation**

Mayor Busch spoke regarding the retirement of Police Chief Irizarry, presented him with a plaque commemorating his service, and read the following proclamation:

***WHEREAS**, Dave Irizarry began his police career in 1990 with the Middlesex County Sheriff's Department; and*

***WHEREAS**, Dave Irizarry joined the Metuchen Police Department in January of 1992; and*

***WHEREAS**, In June of 2001, Dave Irizarry was assigned to the Detective Bureau. In February of 2006 he was promoted to Sergeant and assigned as the Detective Sergeant. In May of 2008 Dave Irizarry was promoted to Lieutenant of Patrol; and*

***WHEREAS**, Dave Irizarry graduated from the 243rd Session of the FBI National Academy in Quantico, Virginia in December of 2010; and*

***WHEREAS**, in June 2011 Dave Irizarry was promoted to Captain of Operations; and*

***WHEREAS**, Dave Irizarry was promoted to Chief of Police in February 2015; and*

***WHEREAS**, Dave Irizarry was elected President of the Middlesex County Association of Chiefs of Police for three consecutive years, from 2019 to 2021; and*

***WHEREAS**, after over thirty years of service to the Borough of Metuchen and its residents, Dave Irizarry will officially retire as of June 1, 2022.*

***NOW THEREFORE BE IT RESOLVED**, that the Mayor, Borough Council, and the residents of the Borough of Metuchen do hereby jointly recognize and further commend Dave Irizarry for his tireless and dedicated service to the community. Your efforts have enriched us greatly.*

***BE IT FURTHER RESOLVED**, that the Mayor, Borough Council, and the Police Department, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation and offer their best wishes of good health, happiness, and success in the years ahead.*

### **Resolution 2022-128**

Council President Delia made a motion to approve Resolution 2022-128, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

### **RESOLUTION 2022-128**

**RESOLUTION OF THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY  
AUTHORIZING EXECUTION OF 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. (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**, 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; and

**WHEREAS**, as part of the residential component, the Redeveloper proposes to acquire Lot A and to develop the same with 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, and which may include a business center, conference room, fitness center, clubrooms, game room, outdoor patio and dining area, and other amenities, together with landscaping, parking areas and a walking path and any and all other buildings, structures, improvements, site preparation work and amenities necessary for the implementation and completion of the same, as depicted on the preliminary site plan entitled “Overall Site Layout Plan,” prepared by Bohler Engineering, dated March 10, 2022, and on the preliminary building layout plan and building renderings, prepared by JDAVIS, dated March 22, 2022; and

**WHEREAS**, as part of the open space component, the existing owner of Lot B intends to sell Lot B to Middlesex County for open space purposes, and Redeveloper proposes to construct certain recreational improvements on that certain portion of Lot B outlined in red on the concept

plan entitled “Rendering Exhibit,” prepared by Bohler Engineering, dated March 10, 2022, as required to be constructed by Redeveloper 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 Borough Council has negotiated a Redevelopment Agreement with Redeveloper (the “Redevelopment Agreement”) setting forth the parties’ respective obligations regarding the residential component and open space component of the project; and

**WHEREAS**, the Borough Council considers it to be in the best interest of the Borough to designate 212 Durham Urban Renewal, LLC as the Redeveloper of the Project Area and to enter into the Redevelopment Agreement with the Redeveloper with respect to the Redevelopment Area.

**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 Redevelopment Agreement between the Borough of Metuchen and 212 Durham Urban Renewal, LLC.
2. That the Borough Council does hereby designate 212 Durham Urban Renewal, LLC as redeveloper of the 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, upon acquisition of the Gulton Street right-of-way by 212 Durham Urban Renewal, LLC.
3. That the Borough Council does hereby authorize the Mayor and/or Borough Administrator and the Borough Clerk to execute said Redevelopment 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.

**New Business Consent Agenda – Resolutions 2022-129 to 2022-139**

Council President Delia moved to approve New Business Consent Agenda Resolutions 2022-129 to 2022-139, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

**RESOLUTION 2022-129**

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF THE PROVISION OF EMERGENCY MEDICAL SERVICES TO THE BOROUGH OF METUCHEN**

**WHEREAS**, the New Jersey 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 the procurement of specific goods and or services; and

**WHEREAS**, the New Jersey Local Public Contracts Law *N.J.S.A. 40A:11-4.1(f)* specifically permits the Borough of Metuchen to utilize competitive contracting for the procurement of “emergency medical services” (“EMS”); and

**WHEREAS**, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking and weighing of criteria, including costs set forth in a Request for Proposal prepared by the Borough; and

**WHEREAS**, the Borough wishes to initiate competitive contracting for the procurement of EMS services; and

**WHEREAS**, *N.J.S.A.40A: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 for the procurement of the specialized goods or services enumerated in *N.J.S.A.* 40A:11-4.1 to be contracted for.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen that it hereby authorizes the use of the competitive contracting process for the procurement for the provision of emergency management services (EMS) services to the Borough of Metuchen in conformance with *N.J.S.A.* 40A:11-4.1 *et seq*; and

**BE IT FURTHER RESOLVED**, that it hereby authorizes, the Borough Administrator, Acting Borough Clerk and Chief Financial Officer and all other the appropriate Borough officials to take all necessary action to initiate the competitive contracting process for the procurement for the provision of emergency management services (EMS) services to the Borough of Metuchen.

**RESOLUTION 2022-130**

**RESOLUTION TO AMEND THE 2022 TEMPORARY BUDGET**

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

**NOW THEREFORE BE IT RESOLVED**, those the following additional temporary emergency appropriations shall be made for the year 2022, effective May 23, 2022:

Police	OE	5,000.00
Senior Center	OE	2,000.00
Court	OE	1,000.00
Group Insurance		200,000.00
Fire Hydrants		50,000.00
FICA		30,000.00
	<b>TOTAL</b>	<b>288,000.00</b>

**RESOLUTION 2022-131**

**RESOLUTION CERTIFYING THE 2022-2023 BOARD OF EDUCATION BUDGET**

**WHEREAS**, the 2022-2023 school budget for the school district Borough of Metuchen was approved as follows:

General Fund	\$40,542,826
Debt Service	\$ 2,265,501
Total Approved	\$42,808,327

**WHEREAS**, the balance to be raised for the school district taxes on account of the 2021-2022 school tax levy is \$21,009,945.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, that the school district tax levy for the calendar year 2022 be established as follows:

January 1, 2022 to June 30, 2022 (balance of 2021-2022 levy)	\$21,009,945
July 1, 2022 to December 31, 2022 (one-half of 2022-2023 levy)	\$21,404,164
Amount to be raised for school district taxes in 2022	\$42,414,110

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the Middlesex County Board of Taxation.

**RESOLUTION 2022-132**

**RESOLUTION AUTHORIZING PURCHASE FROM BERGEN COUNTY  
COOPERATIVE PURCHASING ALLIANCE COMPUTER EQUIPMENT &  
PERIPHERALS – CAMERAS AND TOUGHBOOKS**

**WHEREAS** there exists a need for audio and video equipment for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

**WHEREAS**, this can be purchased through the Bergen County New Jersey Cooperative Purchasing Alliance Contract CK04, Bid # 19-34 Computer Equipment & Peripherals, effective for the contract period June 5, 2021, through June 4, 2022, pursuant to the provisions of N.J.S.A. 40A:11-11 (5); and

**WHEREAS**, Bergen County, lead public agency for the #CK04 New Jersey Cooperative Purchasing Alliance awarded by resolution #306-21 open ended contract, Bid #19-34 on May 5, 2021; and

**WHEREAS** this authorization of award ends on June 5, 2022; and,

**WHEREAS** the maximum amount of award for purchase of call station/cameras and Toughbooks through awarded vendor SHI International Corp. for the Borough of Metuchen is \$ 31,491.66 and is certified from Capital Ordinance 2021-11, C-04-55-937-003; and

**WHEREAS** the award for purchase of call station/cameras and Toughbooks for the Borough of Metuchen is made to SHI International Corp; and,

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to SHI International Corp., 290 Davidson Avenue, Somerset, NJ 08873, in an amount not to exceed \$ 31,491.66.

**RESOLUTION 2022-133**

**RESOLUTION AUTHORIZING CHANGE ORDER #1 AND #2 CONTRACT INCREASES  
FOR FIELDTURF USA, INC. – MYRTLE FIELD RE-TURFING**

**WHEREAS**, a Myrtle Field re-turfing project has been approved in a contract between the Mayor and Council and FieldTurf USA, Inc.; and

**WHEREAS**, on March 11, 2021, FieldTurf, with Collier Engineering review, submitted an email to the Borough approving Change Order #1 and #2 increases to the Borough in the amount of \$20,072.50 and \$12,677.50; and

**WHEREAS**, the total increase to the Borough for Change Order #1 and #2 is \$32,750.00.

**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 #2.

**RESOLUTION 2022-134**

**REFUND OF OVERPAYMENT OF 2021 AND 2022 TAXES**

**WHEREAS**, the following have made an overpayment of taxes:

Name	Block/Lot	Address	Amount		Year
Subramanian, Sriram	85/21.01 C021	114 Central Ave	\$2,730.38	Tax overpayment	4th qtr. 2021
Navy Federal Credit Union	175/2	112 Oakland Avenue	\$4,046.25	Tax overpayment by mortgage-100% exempt	1 <sup>st</sup> qtr. 2022
Navy Federal Credit Union	175/2	112 Oakland Avenue	\$4,046.25	Tax overpayment by mortgage-100% exempt	2nd qtr. 2022

**NOW THEREFORE BE IT RESOLVED**, that the above listed property owners or agents be refunded property taxes as described in the amount of \$10,822.88.

**RESOLUTION 2022-135**

**RESOLUTION FOR LIEN REDEMPTION**

**WHEREAS**, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
17-00006	116/34	16 Pearl Street	US Bank BV002 Reo Blocker

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

**RESOLUTION 2022-136**

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN  
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED  
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

**WHEREAS**, the Middlesex County Board of Taxation has not adopted the Middlesex County Budget for 2022, and the Borough of Metuchen Tax Collector will be unable to mail the Borough's 2022 tax bills on a timely basis; and

**WHEREAS**, the Borough of Metuchen Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range, and the range of permitted estimated tax levies.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Metuchen, in the County of Middlesex, and State of New Jersey on the 23rd of May 2022, as follows:

1. The Metuchen Borough Tax Collector is hereby authorized and directed to prepare, and issue estimated tax bills for the Borough for the third installment of 2022 taxes. The Tax Collector shall proceed on May 24th, 2022, and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire regular estimated tax levy for 2022 is hereby set at \$69,324,595.62.
3. The Special Improvement District tax levy for those properties designated as in the Special Improvement District is hereby set at \$250,000.00.

4. In accordance with law the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

#### **RESOLUTION 2022-137**

### **RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS TO PARTICIPATE IN ‘COPS IN SHOPS’ FFY 2022**

**WHEREAS**, the Borough of Metuchen applied for grant funds through grant # AL-22-45-05-03 to participate in ‘Cops In Shops FFY 2022’; and

**WHEREAS**, by way of correspondence dated April 1, 2022, the New Jersey Division of Alcoholic Beverage Control (‘ABC’) advised the Borough that it has allocated one thousand, four hundred and forty dollars (\$1440.00) for the assignment of officers to the ‘Cops in Shops’ detail during the Summer Shore Initiative for the Borough of Metuchen; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough to authorize the application and acceptance of the grant fund through grant # AL-22-45-05-03 for the ‘Cops in Shops’ FFY 2022.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen hereby authorizes the application and acceptance of the ‘Cops in Shops’ grant funds for FFY 2022 in the amount of one thousand, four hundred and forty dollars (\$1440.00) for the assignment of officers to the ‘Cops in Shops’ detail during the Summer Shore Initiative for the Borough of Metuchen; and

**BE IT FURTHER RESOLVED**, that the Council further authorizes the Mayor and other appropriate Borough Officials to execute any and all documents, including but not limited to a grant agreement and any other documents necessary in order to effectuate the acceptance of the grant and the terms and conditions thereof.

#### **RESOLUTION 2022-138**

### **RESOLUTION IN SUPPORT OF ‘GREEN AMENDMENT’ TO THE NEW JERSEY STATE CONSTITUTION**

**WHEREAS**, the right of New Jerseyans to clean water, air and a healthy environment is not given any protection in the State of New Jersey's Constitution; and

**WHEREAS**, while New Jersey used to be known as an environmental leader in terms of passing legislation to require remediation of contaminated sites, generation and use of alternative forms of energy, recycling of certain materials at a high level, and numerous other environmental topics, there are still thousands of sites where the soil needs to be cleaned up and which contaminants continue to migrate down into and pollute groundwater, brownfields that need to be put to productive use, public drinking water supplies and school water systems that need to be rid of lead, solvents and chemicals, and places where the air is still unhealthy especially when ozone peaks in the summer heat, with the American Lung Association noting that eleven of New Jersey's 21 counties received an F rating from the group when comparing smog levels to health-based air quality standards; and

**WHEREAS**, it is not unusual for New Jerseyans to wake up to news from the media with headlines and stories describing the threat to our public health, including, recently:

- Toxic Secrets: NJ community faces high rates of cancer, rare illnesses, February 14, 2018, NorthJersey.com
- 1 in 5 in New Jersey Drink Water Contaminated with PFOA, USA Today, July 26, 2017
- Study Finds About 100 Super Polluters Are Fouling the Air We Breathe, My Central Jersey, October 11, 2016



- Dirty Little Secrets: New Jersey's Poorest Live Surrounded by Contamination, WNYC, December, 9, 2015
- Tom's River Cancer Cluster Still a Mystery Despite 20 Years of Studies, NJ.com, February 6, 2015
- NOAA: New Jersey Will See an Increase in Nuisance Flooding in 2017, WHYY, June 15, 2017; and
- 

**WHEREAS**, the biggest threat to New Jersey's environment is climate change, which impacts the Jersey shore, and may result in eventual loss of our barrier islands, loss of habitat and wetlands, detrimental changes to coastal living including erosion and accretion of land, which will impair titles and property rights, impairment of fishing, boating, seafood production and tourism, impairment of our shore-based tourism economy, and property damage, death and injuries from more severe storms and flooding influenced by rising sea level and warmer waters, and by more frequent and heavier rainfall; and

**WHEREAS**, a clean and healthy environment is directly related to one's health, and longevity; and

**WHEREAS**, according to a recent poll of 811 adults across New Jersey by Fairleigh Dickinson University's "PublicMind" poll, the majority (71%) of adults asked "strongly agree" that the right to clean air and clean water should be protected by the State Constitution in a manner similar to the rights of free speech, freedom of religion and other protections, and an additional 12 % of adults polled "agree" with that statement, with only 14% disagreeing with the statement (6% disagree, 8% strongly disagree); and

**WHEREAS**, in that poll, the "strongly agree" sentiment runs across all demographics, with women (75%) agreeing somewhat more strongly than men (66%), people of color agreeing (78%) more than white people (67%), and residents of northern New Jersey counties agreeing more strongly (74%) than residents of central New Jersey (73%) and southern New Jersey (64%); and

**WHEREAS**, in recognition of these facts, a bi-partisan bill has recently been introduced in the New Jersey Senate co-sponsored by Senators Greenstein-D, and Bateman-R (SCR 30), which states that:

1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

#### PROPOSED AMENDMENT

Amend Article I by adding a new paragraph 24 to read as follows:

24. (a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State's public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

"There shall be printed on each official ballot to be used at the general election, the following:

- a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (a) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (a) in the square opposite the word "No."

- b. In every municipality the following question:

**CONSTITUTIONAL AMENDMENT TO ENSURE THE PEOPLE'S ENVIRONMENTAL RIGHTS**

"Do you approve amending the Constitution to grant every person the right to a clean and healthy environment? The amendment would also require the State to protect public natural resources."; and

**WHEREAS**, the interpretative statement to the proposed Constitutional amendment states that: "This amendment provides that every person has a constitutional right to a clean environment. This includes the right to clean air, pure water, and healthy habitats. The amendment would require the State to preserve public natural resources. The State would also be required to prevent others from destroying or damaging public natural resources."; and

**WHEREAS**, if the Resolution (SCR 30) is passed by the Senate and then the Assembly, and if it is agreed to by the voters in a public question ballot referendum, this "green amendment" will be added to the Bill of Rights of New Jersey State Constitution; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen recognize that clean water, air, and a healthy environment will help to protect the health and enhance the quality of lives of residents of Middlesex County, our rivers, and beautiful and legendary parks system, and help attract more business and more opportunity to the County and its residents.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Metuchen hereby support SCR 30 and its counterpart in the Assembly ACR 80; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Metuchen encourage its legislative delegation to support ACR 80 and SCR 30 for full passage by the Assembly and Senate so that the voters of our great State and great County may choose whether to add the right to a clean and healthy environment to the Bill of Rights of the New Jersey State Constitution; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the municipality's State Legislative Delegation.

#### **RESOLUTION 2022-139**

#### **RESOLUTION APPROVING APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS**

**WHEREAS**, the Mayor of Metuchen has recommended that the following individuals be appointed to the following Borough of Metuchen Board, Committee, or Commission.

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of Metuchen hereby confirms the appointment to the following listed Borough of Metuchen Board, Committee, or Commission.

Iris Delgado, Member, Zoning Board of Adjustment, unexpired term ending 12/31/2025  
John Schuchman, Member, Zoning Board of Adjustment, unexpired term ending 12/31/2024  
Jonathan Capp, Alternate I, Zoning Board of Adjustment, unexpired term ending 12/31/2025

**Other New Business**

Council President Delia made a motion to approve Resolution 2022-140, authorizing the payment of the Bill List in the amount of \$4,085,717.00, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

**RESOLUTION 2022-140**

**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 \$4,085,717.00.

**Adjournment**

Council President Delia made a motion to adjourn the meeting, second by Councilmember Rasmussen, with all in favor, 5-0, the meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Deborah Zupan, RMC  
Borough Clerk