

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

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

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

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

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Branch, Giamboi, Hirsch, Hyman, Council President Delia, and Mayor Busch. Councilmember Kandel was absent. Also present were Borough Administrator Melissa Perilstein, Borough Clerk Deborah Zupan, and Borough Attorney Denis Murphy.

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

As this was Dan Hirsch's last meeting as a Councilmember, Mayor Busch spoke about his time on Council and all Councilmember Hirsch has given to the community. Other Councilmembers and the Borough Administrator expressed their admiration and gratitude as well.

As Jay Muldoon, Director of Economic Development, was retiring, Mayor Busch spoke of his many contributions and accomplishments over the years. The Councilmembers and the Borough Administrator expressed their admiration and gratitude as well. Mayor Busch invited former Mayor Pete Cammarano to speak as well. Mr. Muldoon spoke about his career and experiences working for the Borough and expressed his gratitude to many of those he has worked with.

Agenda Session

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

Council President Delia added Resolution 2023-304 to the New Business Consent Agenda.

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

Public Comment

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

Daryl Nielwocki, 44 Delaware Avenue, spoke on behalf of his neighbors regarding the trees along the railway line in Oakland Park and noted that many trees had been taking down, adding to noise and air pollution in the area. Additionally, some of the maintenance the Borough has done on the paths has cut back on vegetation. Mr. Nielwocki requested that the Borough maintain the character and vegetation of the park for the benefit of all. He provided handouts to the Mayor and Council detailing some suggestions.

Chris Collicutt, 70 Maple Avenue, stated that both he and his wife are striking nurses from Robert Wood Johnson University Hospital. He spoke about the strike and the importance of safe staff to patient ratios. He requested that Council pass a resolution in support of the Safe Staffing bills before the State Legislature. Mr. Collicutt spoke about his experiences as a nurse during the COVID pandemic, and how the service and sacrifices of healthcare workers during that time seems to have been forgotten.

Todd Pagel, 313 Midland Avenue, commented on the contributions Jay Muldoon had made to the Borough, particularly regarding pedestrian and bicycle safety. Mr. Pagel also took the

opportunity to applaud the Borough regarding parking, specifically the convenience of the parking app and the ability to pay for parking by credit card.

Ashley, an Edison resident, one of the striking nurses from Robert Wood Johnson University Hospital, spoke about the importance of the safety of both nurses and patients, and requested that Council pass a resolution in support of the Safe Staffing bills.

Seeing no one else wishing to speak, Mayor Busch closed the Public Comment. Mayor Busch remarked that he and the Council have respect and appreciation for nurses and are concerned about safe staffing levels. He stated that he has discussed the issue with State representatives, but that passing a municipal resolution when municipal input has not been asked for would not have an impact. Mayor Busch reiterated his support for the nurses but stated that Metuchen would not be passing a resolution as requested.

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of October 2, 2023, second by Councilmember Giamboi. Councilmember Hyman abstained from voting. With all others in favor, motion carried, 4-0.

Council President Delia made a motion to approve Borough Council Meeting Minutes of October 23, 2023, second by Councilmember Giamboi. With all in favor, motion carried, 5-0.

Communications Consent Agenda – Item A

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

- A. Receive and Accept Library Board Meeting Minutes of November 14, 2023

Ordinance – Public Hearing

Ord. 2023-31	ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 183.2, LOT 5.2 (304 MAIN STREET) IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 40A:12A-8 and N.J.S.A. 20:3-1, ET SEQ.
--------------	--

Council President Delia asked that Ordinance 2023-31 be read by title only.

Ms. Zupan read Ordinance 2023-31 by title only.

Mayor Busch opened the public hearing on Ordinance 2023-31.

Todd Pagel, 313 Midland Avenue, commended the Council for finally taking this step to acquire and improve the property.

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

Council President Delia made a motion to pass Ordinance 2023-31 on second reading and be published according to law, second by Councilmember Giamboi.

Mayor Busch asked for a roll call vote.

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

Ordinance 2023-31 was adopted, 5-0.

Reports of Councilmembers

Council President Delia had no report.

Councilmember Hyman noted that, while the Winter Holiday Parade had to be canceled for the second year in a row, the Parade Commission should be congratulated on successfully rescheduling the tree lighting, and for holding a beautiful menorah lighting as well. She also reported that the CARES Committee would soon be starting work on Project Graduation 2024.

Councilmember Giamboi reported that Senior Center registration would begin in January for the new year. She encouraged any potential members to come visit the Senior Center.

Councilmember Branch reported on several upcoming Recreation holiday programs involving Santa who, Councilmember Branch assured everyone, definitely exists. He also reported that the Arts Council was in the process of planning its 2024 calendar, and he thanked all who attended the Human Relations Commission’s Human Rights Day event.

Councilmember Hirsch reported on upcoming Library programs and resources and reminded residents to support the Metuchen EMS during their annual donation drive. Councilmember Hirsch then spoke about his time on Council, expressing his gratitude for the opportunity to serve the community he has called home for over thirty years. He thanked his wife, Deborah, for her support, and thanked several members of Borough staff, Council, and the Mayor for all their hard work and commitment to the Borough. Councilmember Hirsch concluded by asking everyone listening to support Metuchen in whatever way they can, whether it be by donating, volunteering, or getting involved.

New Business Consent Agenda – Resolutions 2023-287 to 2023-302 and 2023-304

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-287 to 2023-302 and 2023-304, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

RESOLUTION 2023-287

RESOLUTION FOR 2023 BUDGET TRANSFERS

WHEREAS, there are unexpended balances in various 2023 appropriation accounts not required for the balance of 2023; 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
Police	OE		5,000.00
Office of Emergency Management	S&W		4,500.00
Police	S&W	9,500.00	
Buildings & Grounds	OE		6,000.00
Sewers	S&W		6,000.00
FICA			5,000.00
Parks & Playgrounds	S&W		2,000.00
Planning	S&W	10,000.00	

Financial Administration	S&W	9,000.00	
Forestry	OE	6,000.00	
Buildings & Grounds	OE		6,000.00
TOTALS		\$34,500.00	\$34,500.00

RESOLUTION 2023-288

RESOLUTION TO CANCEL 2023 BUDGET APPROPRIATIONS

WHEREAS, the following Current Fund budget appropriation balances remain unexpended; and

Interest on Bonds	\$283.99
Interest on Notes	\$23,315.74

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the above listed unexpended balances totaling \$23,599.73 be cancelled to the Current Fund.

RESOLUTION 2023-289

RESOLUTION AUTHORIZING CANCELLATION OF FUNDED CAPITAL ORDINANCE BALANCES

WHEREAS, there existed various funded capital improvement projects with remaining balances available for cancellation, and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Capital Fund Balance;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Jersey, that the following funded capital ordinance balances be cancelled to Fund Balance in the amount of \$470,277.20.

Ordinance		Balance
00-7	Various	2,680.50
02-1/04-11	Construct Munic Bldg	848.72
03-9	Tea-21	1,499.83
04-5	Various	195.52
05-4	Various	251.45
06-05	Various	594.98
07-3	Various	224.97
08-7	Various	1,029.70
10-3	Various	3,816.21
11-7	Various	10,134.49
12-4	Various	1,703.78
13-9	Various	4,973.20
14-9	Various	54,977.37
16-17	Various	34,199.42

17-17	Various	71,991.50
18-12	Various	51,494.53
19-10	Various	229,661.03

RESOLUTION 2023-290

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR DEVELOPERS' FEES - HOUSING TRUST FUNDS
PL 1985 C.222 AND NJS 52:27D-320**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Metuchen provides for receipt of Developers Fees - Housing Trust Funds (PL 1985 c.222 and NJS 52:27D-320) by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Developers Fees - Housing Trust Funds (PL 1985 c.222 and NJS 52:27D-320) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Metuchen, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the future Developers Fees - Housing Trust Funds (P L 1985 c.222 and NJS 52:27D-320) in accordance with NJSA 40A:12A-3
2. The Clerk of the Borough of Metuchen, County of Middlesex name is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION 2023-291

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR OLDER AMERICANS ACT - PROGRAM CONTRIBUTIONS
NJSA 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Metuchen provides for receipt of Older Americans Act - Program Contributions (NJSA 40A:5-29) by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Older Americans Act - Program Contributions (NJSA 40A:5-29) which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Metuchen, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the future Older Americans Act - Program Contributions (NJSA 40A:5-29) in accordance with NJSA 40A:12A-3
2. The Clerk of the Borough of Metuchen, County of Middlesex name is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION 2023-292

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL
OFFICERS LFN 2000-14**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Metuchen provides for receipt of Outside Employment of Off- Duty Municipal Officers LFN 2000-14 by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Outside Employment of Off-Duty Municipal Officers LFN 2000-14 which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Metuchen, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the future Outside Employment of Off-Duty Municipal Officers LFN 2000-14 in accordance with NJSA 40A:12A-3
2. The Clerk of the Borough of Metuchen, County of Middlesex name is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION 2023-293

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2023 in the sum of \$7,000.00, which is now available from the State of New Jersey Highway Traffic Safety 2023 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant 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 State of New Jersey Highway Traffic Safety 2023 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey Highway Traffic Safety 2023 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant in the amount of \$7,000.00.

RESOLUTION 2023-294

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

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

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

NOW, THEREFORE, BE IT RESOLVED., that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2023 in the sum of \$841.75 National Opioid Settlement.

BE IT FURTHER RESOLVED that the like sum of \$841.75 is hereby appropriated under the caption National Opioid Settlement; and

BE IT FURTHER RESOLVED that the above is the result of funds from National Opioid Settlement Fund in the amount of \$841.75.

RESOLUTION 2023-295

**RESOLUTION AUTHORIZING CHANGE ORDER #1 AND FINAL PRICE INCREASE
FOR CLASS 5-8 CHASSIS WITH RELATED EQUIPMENT**

WHEREAS, by way of Resolution 2021-267, the Mayor and Council of the Borough approved the award for a Peterbilt 520 Tandem Axel Dual Drive cab and chassis to meet specifications for mounting a Labrie automated side loader; and

WHEREAS, the award was made to Hunter Jersey Peterbilt through Sourcewell, formerly known as the National Joint Powers Alliance (NJPA) a National Cooperative Purchasing Program, contract #060920-PMC in an amount not to exceed \$168,480.00; and

WHEREAS, on November 8, 2023, Hunter Jersey Peterbilt submitted a revised invoice to the Borough with an increase in the amount of **\$11,296.00** global supply chain surcharge; and

WHEREAS, the increase to the Borough for Final Change Order is **\$11,296.00**, changing the total award to \$179,776.00 with funds available in the 2021 Capital Bond Ordinance, Account C-04-55-937-001 as certified by the Chief Finance Officer and that there are sufficient funds for such award in the amount not to exceed one hundred seventy nine thousand seven hundred seventy six dollars and no cents (\$179,776.00).

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 Final Change Order.

RESOLUTION 2023-297

**RESOLUTION AUTHORIZING THE INTERLOCAL AGREEMENT WITH
MIDDLESEX COUNTY FOR PUBLIC HEALTH SERVICES**

WHEREAS, the County has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 *et seq.* to provide an array of public health services; and

WHEREAS, the Borough of Metuchen is desirous of contracting with the County for by the County to the Municipality health services of a technical and professional nature as more fully set forth below:

1. The County shall provide properly licensed personnel within the territorial jurisdiction of the Borough of Metuchen, to carry out the following public health activities:
 - a. ADMINISTRATION
 - b. HEALTH EDUCATION
 - c. COUNTY ENVIRONMENTAL HEALTH ACT (CEHA)
ENVIRONMENTAL PROGRAMS
 - d. PUBLIC HEALTH NURSING
 - e. PUBLIC HEALTH INSPECTION
 - f. EPIDEMIOLOGY AND BIOTERRORISM
2. All of the above-mentioned activities shall be provided in accordance with the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey as set forth in N.J.A.C. Title 8:52-1.1 *et seq.* and the regulations promulgated under the County Environmental Health Act (CEHA) N.J.A.C. 7:1H *et seq.*
3. In addition to the above public health services, the County will continue to provide specialized grant services.
4. The term of this contract shall be for two (2) years commencing on January 1, 2024 and terminating December 31, 2025, unless terminated earlier as provided for hereinafter.
5. The base cost for the provision of the aforesaid health services shall be as follows:
2024 - \$59,713.90
2025 - \$60,908.17

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the County of Middlesex for the provision of public health services as outlined in the said agreement.

RESOLUTION 2023-298

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR
BOILER REPLACEMENT SERVICES AT BOROUGH HALL THROUGH HUNTERDON
COUNTY EDUCATIONAL SERVICE COMMISSION
COOPERATIVE PURCHASING PROGRAM**

WHEREAS, there exists a need to contract for replacement of a boiler at the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, boiler replacement services can be purchased through Hunterdon County Educational Service Commission Cooperative Purchasing Program contract award HCESC-SER-21C Boiler Services, awarded for the term November 2, 2023 through November 2, 2024; and

WHEREAS, purchase of goods and services - boiler services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C. 5:34-1 et seq and is subject to vendor compliance with N.J.A.C. 10:5-31 et seq, **N.J.S.A. 34:11-56.25 et seq. New Jersey State Prevailing Wage Act** and N.J.A.C. 17-27; and,

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase McCloskey Mechanical Contractors, Inc. from the Capital Bond Ordinance 2020-14, C-04-55-936-007 in an amount not to exceed sixty nine thousand seven hundred nine dollars and no cents (\$69,709.00); and

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to McCloskey Mechanical Contractors, Inc. for boiler replacement services for the Borough of Metuchen.

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to McCloskey Mechanical Contractors, Inc., 445 Lower Landing Road, Blackwood, NJ 08012.

RESOLUTION 2023-299

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PAINTING SERVICES AT BOROUGH HALL THROUGH HUNTERDON COUNTY EDUCATIONAL SERVICE COMMISSION COOPERATIVE PURCHASING PROGRAM

WHEREAS, there exists a need to contract for painting services at the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, painting services can be purchased through Hunterdon County Educational Service Commission Cooperative Purchasing Program contract award HCESC-SER-20E Painting Services Bid, awarded for the term November 2, 2022 through November 2, 2024; and

WHEREAS, purchase of goods and services - painting services is permitted through cooperative purchasing in accordance with 40A:11-11 of the Local Public Contracts Law and N.J.A.C. 5:34-1 et seq and is subject to vendor compliance with 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 to purchase GPC, Inc from the Capital Bond Ordinance 2023-07, C-04-55-939-007 in an amount not to exceed sixty one thousand six hundred ten dollars and sixty six cents (\$61,610.66).

WHEREAS, this procurement is awarded under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to GPC, Inc. for painting services for the Borough of Metuchen.

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to GPC, Inc., 20 E. Willow Street, Milburn, NJ 07041.

RESOLUTION 2023-300

**RESOLUTION AUTHORIZING SOMERSET COUNTY COOPERATIVE CONTRACT
FOR EQUIPMENT AND TOOL RENTAL**

WHEREAS, there exists a need to rent equipment for the operation of sewer pump station(s) in the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, equipment and tool rental can be purchased through Bid #2-Scoop-Contract #CC-0028-22 year two Equipment & Tool Rental; and

WHEREAS, the term of the contract is from October 25, 2023 to November 24, 2023, awarded as the first year of a two year contract; and

WHEREAS, the authorization for purchases under this award expires on November 8, 2024; and

WHEREAS, this award authorization expires on December 31, 2023; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to rent equipment and tools for the operation of Borough pump station(s) in an amount not to exceed \$10,584.00 for the remainder of the year 2023 from the 2023 Adopted Budget Appropriation line item Sewers, Equipment Maintenance & Repair 3-01-26-773-026 in the amount of \$10,584.00; and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846.

RESOLUTION 2023-301

RESOLUTION AUTHORIZING STATE CONTRACT FOR BODY WORN CAMERAS

WHEREAS, there exists a need to purchase body worn cameras, related data storage and related equipment for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract 17-FLEET-000738, T0106-Law Enforcement Firearms Equipment and Supplies, which is in effect from April 16, 2019 through May 13, 2024 13, 2024, awarded to Axon Enterprise, Inc.; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase body worn cameras, related data storage and related equipment in an amount not to exceed two hundred eight thousand five hundred seventy five dollars and seventy cents (\$208,575.70) from a Department of Law & Public Safety Grant-Body Cameras G-02-41-713-304 in the amount of \$9,707.50 and Capital Bond Ordinance 2021-11, C-04-55-937-006 in the amount of \$198,868.20; and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Axon Enterprise, Inc, 17800 N. 85th Street, Scottsdale, AZ 85255.

RESOLUTION 2023-302

**RESOLUTION AUTHORIZING RELEASE OF LANDSCAPING/ENGINEERING BOND
62 CHARLES STREET, LANDSCAPING/ENGINEERING ONLY KATHLEEN MILLER -
PGL2112811**

WHEREAS, the Borough Zoning Officer, in an email dated November 29th, 2023, has received confirmation from the Borough Engineer, Robert M. Mannix that the engineering conditions have been satisfied; and

WHEREAS, Thomas J. DiMartino, Zoning Officer, has confirmed the compliance of all landscaping conditions and has recommended the full release of the Landscaping and Engineering Performance Guarantee in the amount of a cash bond of \$4,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Borough Clerk is hereby authorized and directed to release said Landscaping and Engineering Performance Bonds of a cash bond in the amount \$4,000.00 as recommended and directed by the Borough Zoning Officer to Kathleen Miller, 62 Charles Street, Metuchen, NJ 08840.

BE IT FURTHER RESOLVED that no maintenance bond is required to be posted.

RESOLUTION 2023-304

**RESOLUTION AUTHORIZING THE EXECUTION OF A SITE ACCESS
AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND THE METUCHEN
SAFETY COUNCIL, INC FOR ACCESS TO THE PROPERTY LOCATED AT BLOCK
132, LOTS 10 THROUGH 27 AND LOTS 49 THROUGH 51**

WHEREAS, the Metuchen Safety Council Inc (“Metuchen EMS”) is the owner of property located at Block 132, Lots 10 through 27, and Lots 49 through 51 as shown on the tax map of the Borough of Metuchen, NJ 08840 (the “Property”); and

WHEREAS, the Borough of Metuchen is in the process of the design and construction of a new Emergency Services Building and Outbuilding Project to be located at 1 Safety Place, Metuchen, New Jersey and which is anticipated to include the Metuchen EMS Property; and

WHEREAS, the Borough of Metuchen and the Metuchen EMS are in the process of negotiating the terms and conditions of the transfer of ownership of the Property, currently owned by the Metuchen EMS to the Borough of Metuchen; and

WHEREAS, as part of the Borough of Metuchen’s due diligence, the Borough has determined it necessary and appropriate to request, and the Metuchen EMS has agreed to provide under certain terms and conditions, to the Borough and its representatives and consultants with site access for any and all necessary inspection and testing of the Property prior to entering into a final agreement for the transfer of ownership of the Property from the Metuchen EMS to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the entry into and the execution of an Access Agreement between the Metuchen Safety Council, Inc. and the Borough of Metuchen to permit the Borough, its employees, agents and consultants access on the Metuchen EMS' Property located at Block 132, Lots 10 through 27, and Lots 49 through 51 as shown on the tax map of the Borough of Metuchen, NJ 08840.

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, and any other employee and/or official are authorized and directed to take any further action necessary to effectuate this Resolution, including but not limited to the Mayor's execution of a Site Access Agreement between the Metuchen Safety Council, Inc. and the Borough of Metuchen in the form acceptable to the Mayor and Borough Administrator.

Other New Business

R2023-303

RESOLUTION AUTHORIZING THE PAYMENT
OF THE BILL LIST IN THE AMOUNT OF
\$5,015,097.30

Council President Delia made a motion to approve Resolution 2023-303, second by Councilmember Giamboi with all in favor, motion carried, 5-0.

RESOLUTION 2023-303

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 \$5,015,097.30.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Adjournment

Councilmember Hirsch made a motion to adjourn the meeting, second by Councilmember Branch, with all in favor, 5-0, the meeting was adjourned at 8:41 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk