

BOROUGH OF METUCHEN COUNCIL MINUTES

January 9, 2023

7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, January 9, 2023

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

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

Mayor Busch asked all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Hirsch, Hyman, Kandel, Rasmussen, Council President Delia, and Mayor Busch. Councilmember Branch 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 Rasmussen, 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 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.

Belinda Coakes, 5 Plainfield Avenue, presented a petition to change the truck route in the Borough and spoke about the need for such a change.

Paul Bradley, 22 Center Street, expressed how thankful he felt that Council President Delia is the Liaison for the Traffic and Transportation Committee, on which Mr. Bradley serves. He praised Council President Delia for providing meaningful support and insight.

Rand Milton, a resident of Bridgewater, commented that he represents a company that is hoping to open a Class 5 Cannabis Retail store in Metuchen and had questions about the application process.

Seeing no one else wishing to speak, Mayor Busch closed the Public Comment.

Communications Consent Agenda – Items A - B

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

- A. Receive and Accept Library Board Meeting Minutes of December 15, 2022
- B. Receive and Accept Shade Tree Commission Meeting Minutes of November 1, 2022

Ordinances – Introduction

Ordinance 2023-01

ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, "POLICE DEPARTMENT" TO AMEND THE COMPOSITION OF THE POLICE DEPARTMENT AND PROMOTIONAL AND APPOINTMENT PROCESS

Council President Delia made a motion that Ordinance 2023-01 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 2023-01 be read by title only.

Ms. Zupan read Ordinance 2023-01 by title only.

Council President Delia moved that Ordinance 2023-01 be passed on first reading, be published according to law, and a public hearing be set down for Monday, January 30, 2023, second by Councilmember Rasmussen.

Roll Call: Yeas: Hirsch, Hyman, Kandel, Rasmussen, Delia
 Nays: None

Ordinance 2023-01 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 reported on recent activities of the Metuchen Downtown Alliance, including the very successful Bollywood-themed New Year event celebrating Kavi Sharma, the American Girl Doll from Metuchen.

Councilmember Rasmussen reported on the Shade Tree Commission and Environmental Commission.

Councilmember Kandel reported that he was looking forward to attending his first meeting as Pool Commission Liaison.

Councilmember Hyman reported that she was looking forward to working with the Parade Commission as liaison.

Councilmember Hirsch had no report.

Report of the Mayor

Mayor Busch reposted that he was honored to attend the dedication of Edgar Middle School as a Blue Ribbon award winner. On a related note, work will begin this year on Edgar Field as a related resolution will hopefully be adopted this evening.

New Business Consent Agenda – Resolutions 2023-50 to 2023-64

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-50 to 2023-64, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

RESOLUTION 2023-50

RESOLUTION TO AMEND THE 2023 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, that the following additional temporary emergency appropriations shall be made for the year 2023, effective January 9, 2023:

Administrative & Executive OE	.	75,000.00
Buildings & Grounds OE		75,000.00
Streets & Roads OE		80,000.00
	TOTAL	\$230,000.00

RESOLUTION 2023-51

**RESOLUTION AMENDING CERTAIN POSITIONS AND SALARIES FOR
CALENDAR YEAR 2023**

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the pay of each officer and employee whose pay range is established under Ordinance 2022-18 and amendments thereto and who is not covered by a collective bargaining agreement is hereby set for the calendar year commencing January 1, 2023, as follows:

FULL TIME POLICE COMMAND STAFF:

3.0% increase on 2022 base salary:

Police Chief
Police Captain
Police Lieutenant

BE IT FURTHER RESOLVED, that no officer or employee shall be paid at a rate which is above the maximum rate for any salary range in any of the aforementioned groups.

BE IT FURTHER RESOLVED, that unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same range.

RESOLUTION 2023-52

**RESOLUTION AUTHORIZING THE CONTINUATION OF A
PROFESSIONAL SERVICES CONTRACT TO LRK, TO PERFORM
PLANNING AND ZONING TRANSITIONAL SERVICES**

WHEREAS, the Borough of Metuchen has identified the need for Professional Planning services of a Borough Planner; and

WHEREAS, by way of Resolution No. 2023-25, the Borough of Metuchen awarded a required disclosure contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* for Borough Planner services to LRK for the calendar year 2023 at a cost not to exceed twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the Borough of Metuchen is in need of additional professional planning and zoning technical services for the Office of Planning and Zoning; and

WHEREAS, LRK, submitted a proposal dated August 8, 2022, to the Borough to render transition services for the Office of Planning and Zoning for a cost not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00) for the remainder of the calendar year 2022; and

WHEREAS, a contract for additional professional planning and zoning transitional services consistent with the proposal submitted was awarded by way of Resolution 2022-194; and

WHEREAS, the need for additional professional planning and zoning transitional services continues into 2023;

WHEREAS, the additional professional planning and zoning transitional services are continued for the period January through May of 2023 at a cost not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00) without further approval by the Mayor and Borough Council; and

WHEREAS, this contract is awarded as a “required disclosure (non-fair and open) contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

WHEREAS, the Chief Financial Officer's Certification of Funds has certified that there are sufficient funds for such contract and is available and is designated from the 2023 Temporary and 2023 Adopted Budget Appropriation Line Administrative & Executive, Professional Services 3-01-20-701-028 for these services.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby awards a continuation of the contract to LRK for additional professional planning and zoning transitional services, 217 Nassau Street, Princeton, NJ 08542 on the basis of the proposal dated August 8, 2022, to provide additional professional planning and zoning transitional services funded in an amount not to exceed thirty-nine thousand six hundred dollars and no cents (\$39,600.00).

BE IT FURTHER RESOLVED, that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the execution of an Agreement in the form acceptable in contents by the Mayor and Council President.

RESOLUTION 2023-53

RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR AUTOMOTIVE PARTS & ACCESSORIES

WHEREAS, there exists a need to purchase automotive parts and accessories for fleet management and repairs of Borough vehicles for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, automotive parts and accessories can be purchased through ESCNJ 20/21-38 Automotive Parts & Accessories; and

WHEREAS, the term of the contract is from November 20, 2020 to November 19, 2022, with a contract extension through November 19, 2023; and

WHEREAS, the authorization for purchases under this award expires on November 19, 2023; and

WHEREAS, the Chief Financial Officer’s certification of funds is made authorizing the award to purchase automotive parts and accessories in an amount not to exceed \$32,000 for the year 2023 from the 2023 Temporary Budget and 2023 Adopted budget appropriation line item Streets & Roads, Vehicle Maintenance 3-01-26-765-025 in the amount of \$32,000.00; and

WHEREAS, ESCNJ 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 Parts Authority, 3 Dakota Drive, Suite 110, New Hyde Park, New York, 11042.

RESOLUTION 2023-54

**RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR
INTERNET ACCESS – WINDOW CONTRACT**

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

WHEREAS, there exists a need for upgraded internet access which is available through ESCNJ 20/21-45 NJDRLAP Internet Access & Data Transmission Services, Category C – Independent Services through Cablevision Lightpath NJ LLC; and

WHEREAS, the term of the contract is five years with a maximum amount of the contract cost per year at \$650.00 per month for 6 addresses and dedicated internet at 500 Mb for the Borough of Metuchen, is \$7,800.00; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase internet access and data transmission services, Category C – Independent Services in an amount not to exceed \$7,800 per year, for the year 2023 from the 2023 Temporary Budget and 2023 Adopted Budget appropriation line item 3-01-31-821-076 in the amount of \$7,800.00; and

WHEREAS, years two through five are subject to funds being made available in each year's adopted budget; and

WHEREAS, ESCNJ 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 Cablevision Lightpath LLC, One Court Square West, Long Island City, New York, 11120.

RESOLUTION 2023-55

**RESOLUTION AUTHORIZING THE PURCHASE OF FACILITIES
MAINTENANCE AND REPAIR OPERATIONAL AND INDUSTRIAL
SUPPLIES THROUGH STATE CONTRACT**

WHEREAS, there exists a need to tools, supplies related to facilities maintenance and repair and custodial/industrial supplies for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract M0002 – Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies, 19-FLEET-00566 and 19-FLEET-00677 awarded to Grainger, Vendor number V00003164; and

WHEREAS, said contracts are in effect from September 1, 2018 through June 30, 2023; and

WHEREAS, the maximum amount of the purchase of tools, supplies related to facilities maintenance and repair and custodial/industrial supplies for the Borough of Metuchen is \$18,000.00 and funds are anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as certified by the Chief Financial Officer and that there is sufficient funds for such award and is available and is designated from Account number Buildings & Grounds, Building and Maintenance 3-01-26-772-024 and Account number Buildings & Grounds, Janitorial Supplies 3-01-26772-035 for these goods; and

WHEREAS, the authorization to purchase under this award expires on June 30, 2023; and

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

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

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to the Grainger, 1001 Hadley Road, South Plainfield, NJ 07080.

RESOLUTION 2023-56

RESOLUTION AUTHORIZING THE PURCHASE OF TIRES THROUGH STATE CONTRACT

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

WHEREAS, this can be purchased through State Contract M8000 – Tires, Tubes & Services and 19-FLEET-0708 NATCOOP/NJCOOP Bridgestone Americas Inc. V00043503 through Distributor V00014185, F&S Tire Corp and 20-FLEET-00948 NATCOOP/NJCOOP The Goodyear Tire & Rubber Company V00000828 through Distributor V00014185 F & S Tire Corp.; and

WHEREAS, said contracts are in effect from April 1, 2019 through March 31, 2024; and

WHEREAS, the maximum amount of the purchase of tires for the Borough of Metuchen is \$45,000.00 and funds are anticipated to be available in the 2023 Temporary budget and 2023 Adopted budget as certified by the Chief Financial Officer and that there is sufficient funds for such award and is available and is designated from Account number Garbage & Trash, Tires 3-01-20-774-185 in the amount of \$35,000.00 and from Account number Fire Department, Vehicle Maintenance 3-01-25-752-025 in the amount of \$10,000.00 for these services; 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:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to the Bridgestone Americas, Inc., and The Goodyear Tire & Rubber company Distributor, F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817.

RESOLUTION 2023-57

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR ROCK SALT AND TREATED SALT

WHEREAS, there exists a need to purchase treated rock salt for use during inclement weather for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS this can be purchased through State Contract # T0213, 20-FLEET-01519, which is in effect until June 30, 2024, awarded to Morton Salt, Inc.; and

WHEREAS, the maximum amount of the purchase of treated rock salt and treated salt for the Borough of Metuchen is \$ 25,000.00 and that there are sufficient funds for such award of which \$ 25,000.00 as certified by the Chief Financial Officer from the 2023 Temporary Budget and 2023 Adopted Budget, from Current Budget Account, Streets and Roads, Snow Control Materials, 3-01-26-765-176; 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 Morton Salt, Inc, 444 West Lake Street Suite 3000, Chicago, IL 60606.

RESOLUTION 2023-58

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING & DESIGN TO PERFORM ENGINEERING SERVICES FOR EDGAR PARK TURF FIELD

WHEREAS, the Borough of Metuchen has identified the need for Professional Engineering services of a Borough Engineer; and

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

WHEREAS, the Borough of Metuchen has identified the need for engineering and design services for Edgar Park Turf Field pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS Colliers Engineering & Design, submitted a proposal dated November 22, 2022, to the Borough to render engineering services for the Edgar Park Turf Field Project for a cost not to exceed four hundred thirteen thousand seven hundred fifty dollars and no cents (\$413,750.00); and

WHEREAS, the proposal was reviewed and evaluated, and it is the recommendation of the Borough Administrator that a contract for engineering services for the Edgar Park Turf Field Project be awarded to Colliers Engineering & Design of Red Bank, New Jersey consistent with the proposal submitted; and

WHEREAS, the Council of the Borough of Metuchen have reviewed the proposal and have determined it is in the best interest of Metuchen to award a contract to Colliers Engineering & Design, of Red Bank, New Jersey to render engineering services for the Edgar Park Turf Field Project; and

WHEREAS the cost for the proposed services shall not exceed four hundred thirteen thousand seven hundred fifty dollars and no cents (\$413,750.00) without further approval by the Mayor and Borough Council; and

WHEREAS, this contract is awarded as a “required disclosure (non-fair and open) contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

WHEREAS, the Chief Financial Officer's Certification of Funds has certified that there are sufficient funds for such contract and is available and is designated from the State of New Jersey Department of Education Grant along with the shared services agreement between the Borough of Metuchen and the Metuchen Board of Education appropriation line G-02-41-788-313.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that it hereby awards a contract to Colliers Engineering & Design, 331 Newman Springs Road, Suite 203, Red Bank, NJ 07701 on the basis of the proposal dated November 22, 2022 to provide professional engineering services to the Borough of Metuchen for the Edgar Park Turf Field Project, funded by a grant in an amount not to exceed four hundred thirteen thousand seven hundred fifty dollars and no cents (\$413,750.00).

BE IT FURTHER RESOLVED, that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the execution of an Agreement in the form acceptable in contents by the Mayor and Council President.

RESOLUTION 2023-59

**RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY
COOPERATIVE PRICING FOR OFFICE SUPPLIES, FURNITURE & EQUIPMENT,
PRINTER INK CARTRIDGE & TONER, JUST-IN-TIME, DESKTOP DELIVERY,
OPEN END, CATALOGUE BID**

WHEREAS there exists a need to purchase office supplies, furniture & equipment, and electronic & technology supplies and 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 Award #CC-0001-22, Cooperative Pricing Bid #2-SOCCP Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid, First Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is the first year of a two-year contract for Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid Open End Contract #CC-0001-22, Co-operative Pricing Bid #2-SOCCP which was approved on May 31, 2022 by the Somerset County Board of County Commissioners is effective from May 31, 2022, to May 31, 2023, with the authorization to purchase Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid under this resolution of award until May 31, 2023; and

WHEREAS, the authorization to purchase under this award expires on May 31, 2023; and

WHEREAS, the maximum amount of the purchase of Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid for the Borough of Metuchen is \$33,000 and that there are sufficient funds for such award as certified from the 2023 Temporary Budget and 2023 Adopted Budget, designated from 2023 Temporary Budget and 2023 Adopted Budget Account numbers 3-01-20-701-036, 3-01-20-704-280, 3-01-20-708-036, 3-01-20-710-036, 3-01-21-721-283, 3-01-22-725-036, 3-01-25-745-036, 3-01-26-764-036, 3-01-26-772-035, 3-01-27-785-036, 3-01-27-791-036, 3-01-28-795-168, 3-01-43-490-036, 3-09-55-501-505, Trust Account Line Senior Center Trust T-16-56-861-861 and Recreation Trust T-22-56-859-859 for these services of which **\$28,000.00** is certified from the 2023 Temporary Budget and 2023 Adopted Budget and **\$2,000.00** from the designated Trust Funds; and

WHEREAS, the vendor chosen for award for purchase of Office Supplies, Furniture & Equipment, Printer Ink Cartridge & Toner, Just-In-Time, Desktop Delivery, Open End, Catalogue Bid is W.B. Mason Co., Inc., 59 Centre Street, Brockton, MA, and B2B Supplies USA LLC dba Printing Supplies USA LLC, 10 Schalks Crossing Road, Ste 501A-301, Plainsboro, NJ 08536 for the period of January 9, 2023, through May 31, 2023; 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 W.B. Mason Co., Inc., 59 Centre Street, Brockton, MA.

RESOLUTION 2023-60

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

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

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

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

WHEREAS, the authorization to purchase under this award expires on November 8, 2023; 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 \$50,000 and that there are sufficient funds for such award as certified from the 2023 Temporary Budget and 2023 Adopted Budget, designated from Diesel and Gasoline Fuel Account Number 3-01-31-821-074; 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 January 9, 2023, through December 31, 2023; 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 2023-61

**RESOLUTION AUTHORIZING PURCHASE FROM SOMERSET COUNTY
COOPERATIVE PRICING UNLEADED GASOLINE, 87 OCTANE**

WHEREAS, there exists a need to purchase unleaded gasoline 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 Unleaded Gasoline, 87 Octane, Open-ended Contract #CC-0045-22, Co-operative Pricing Bid #2-SOCCP pursuant to the provisions of NJ.S.A. 40A:11-11 (5); and

WHEREAS, Somerset County Cooperative awarded the first year of a two-year contract #CC-0045-22 awarded on May 31, 2022; and

WHEREAS, this authorization to purchase under this award ends on May 31, 2023; and

WHEREAS, the maximum amount of the purchase of Unleaded Gasoline, 87 Octane fuel for the Borough of Metuchen is \$ 50,000.00 and is certified from the 2023 Temporary Budget and 2023 Adopted Budget, designated from Diesel and Gasoline Fuel Account Number 3-01-31-821-074; and

WHEREAS, the vendor chosen for award for purchase of Unleaded Gasoline, 87 Octane Fuel is National Fuel Oil, Inc., for the period of January 1, 2023, through May 31, 2023 ; and

WHEREAS, the County of Somerset, New Jersey shall be responsible for complying with the provisions of the Local Public Contracts Law (NJ.S.A. 40A:1 1-1 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:

- I. 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, in an amount not to exceed \$50,000.00.

RESOLUTION 2023-62

**RESOLUTION AUTHORIZING A COST-SHARING AGREEMENT BETWEEN
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE
BOROUGH OF METUCHEN FOR A TRAFFIC CONTROL SIGNAL AT
ROUTE 27 AND GROVE AVENUE**

WHEREAS, a traffic condition exists at the intersection of Route 27 and Grove Ave in the Borough of Metuchen, in the County of Middlesex, which requires the modification of the existing traffic signal system; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to modify the existing traffic signal system at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to the modification of said existing traffic signal system.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk of the said Borough of Metuchen be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the Borough of Metuchen, be and hereby are authorized to execute said Agreement.

RESOLUTION 2023-63

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU)
BY AND BETWEEN THE COUNTY OF MIDDLESEX COUNTY AND THE
BOROUGH OF METUCHEN FOR USE OF PUBLIC SAFETY AND HEALTH
SPECIALIZED EQUIPMENT**

WHEREAS, the County of Middlesex Department of Public Safety and Health is interested in supporting municipalities and government entities within the County of Middlesex in their efforts to serve, protect, and provide for the safety and welfare of its citizens and visitors by ensuring that said municipalities and government entities have access to state-of-the-art equipment owned by and in the possession of the County of Middlesex Department of Public Safety and Health; and

WHEREAS, specialized equipment has been purchased for and by the County of Middlesex with funding derived from its Federal, State, County and local partners that will support our collective efforts to provide for the safety and welfare of its citizens and visitors; and

WHEREAS, the Middlesex County Department of Public Safety and Health concurs that the strategic deployment of specialized equipment based upon need and risk assessment is a significant step in reaching the goal of providing for the safety and welfare of the citizens of Middlesex County; and

WHEREAS, the Director of the Middlesex County Department of Public Safety and Health, with the approval and/or consensus of the respective County officials to which the specialized equipment is assigned, reserves the right to approve the loaning of said specialized equipment to a specific municipality or entity that enters into this MOU, as well as the right to re-direct the assignment of specialized equipment previously committed for use by one municipality or entity for a particular event to a different municipality or entity based upon need and risk assessment; and

WHEREAS, any municipality or entity that wishes to be considered to have this specialized equipment made available for use within their respective jurisdictional area, hereinafter referred to as "participating municipality or entity", is hereby required to execute and comply with all aspects of this MOU.

NOW THEREFORE BE IT RESOLVED, that the parties of this MOU agree that the PREAMBLE above is included herein and shall have full force and binding effect and that the specialized equipment will be made available for use on as as-needed, priority basis, as determined solely by the Middlesex Department of Public Safety and Health, subject to the following provisions:

- A. EQUIPMENT AND TRAINING
 1. Specialized equipment shall, at the discretion of the Director of Public Safety and Health, with the approval of the County agency that has management control over said equipment, be made available for use exclusively by participating municipality or entity. Criteria for receiving the designation as a participating municipality or entity includes, but is not limited to, execution of this MOU, requisite training, and the provision of all requisite documentation and insurance information prior to the equipment being loaned to said agencies.
 2. Unless otherwise agreed to by the designated County official, specialized equipment shall be operated and utilized solely by authorized personnel employed by the participating municipality or entity and may not be loaned out to or given to another municipality or entity without the express authorization of the designated County

official. Said personnel must successfully complete the established training requirements for the use/operation of said equipment. The training shall be administered by a designated staff member of the County of Middlesex.

3. The participating municipality or entity assume full responsibility for the security, proper care, and maintenance of said equipment while it is in their possession. To the extent that the intended use of the specialized equipment is anticipated to cause more than normal wear and tear such that there will be a material decrease in the anticipated useful life of the specialized equipment, the County of Middlesex reserves the right to impose a reasonable fee upon the participating municipality or entity for the use of said equipment. The participating municipality or entity agrees to return the equipment to the designated County official immediately upon conclusion of the event or by the agreed upon date, whichever is earlier. Additionally, the County of Middlesex also reserves the right to impose a late fee in case specialized equipment that is in high demand by other law enforcement agencies is not returned prior to the agreed upon date of return (as set forth in B. (3) below), and the County of Middlesex has not agreed to any extensions of time. The amount of the late fee shall be agreed to prior to the release of said equipment by the County to the participating municipality or entity.

B. DEPLOYMENT

1. Specialized equipment will be stored at a designated County facility and will be made available to participating municipality or entity for use on an "as-needed, priority basis", subject to availability and requisite approval.
2. The participating municipality or entity hereby agrees to properly store and provide the requisite security of the specialized equipment while it is in their possession, and to take reasonable steps to prevent damage to same.
3. The participating municipality or entity hereby agrees to provide individual formal written requests to the Middlesex County Director of Public Safety and Health for each event in which the use of specialized equipment is sought. The request shall contain a detailed explanation describing the equipment being requested, the event in which it is to be employed, the reason it is needed, and the intended duration (dates/times) that it will be needed.
4. The participating municipality or entity hereby agrees to provide proof of insurance via a Certificate of Insurance with either each request submitted, or for a calendar year if the Certificate of Insurance is applicable to the type of equipment the agency is seeking to utilize. The participating municipality or entity shall always carry and maintain during the period of use the following insurance coverage with an insurance company or companies acceptable to the County, with limits not less than those shown below. A Certificate of Insurance shall be filed with the County prior to commencement of use.
 - a. Commercial General Liability (CGL): Coverage for all operations including, but not limited to, contractual, products and completed operations, and personal injury with limits no less than \$1,000,000 per occurrence/\$2,000,000 aggregate. The County of Middlesex, its officers, officials, employees, and volunteers shall be included as an additional insured.
 - b. Automobile Liability: Coverage for all owned, non-owned and hired vehicles with limits not less than \$1,000,000 per occurrence, combined single limits (CSL) or its equivalent.
 - c. Workers Compensation: As required by the State of New Jersey and Employers Liability with limits not less than \$1,000,000 per accident for bodily injury or disease.

- d. Property Insurance (equipment): Coverage insuring against all risk of loss to real or personal property of County while in User's care, custody, and control with limits not less than \$1,000,000 per occurrence/\$2,000,000 aggregate.

Additional Insurance Provisions

- Any combination of primary and umbrella/ excess may be used to satisfy the Limits.
 - Primary Coverage: The Certificate of Insurance should indicate that all insurance coverage's will be provided on a primary, non-contributory basis as respects to the County of Middlesex, its officers, officials, employees, and volunteers for all coverages except Workers Compensation.
 - Notice of Cancellation: Each Insurance Policy required above shall provide that coverage shall not be cancelled, except with notice to the Entity, which in this case is the Middlesex Department of Public Safety and Health.
 - Special Risks: The County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
5. The participating municipality or entity is responsible for conducting a visual and operational inspection of the specialized equipment at the time of the pickup. The participating municipality or entity agrees to document/report any damage or non-operational equipment directly to the designated County representative prior to taking custody of said equipment.
 6. The participating municipality or entity hereby agrees to report directly to the designated County representative any damage incurred to the specialized equipment, as well as non- functional equipment, while said equipment was in their custody and control.
 7. The participating municipality or entity hereby agrees to immediately report any non-functioning or malfunctioning components of the specialized equipment directly to the designee of the County of Middlesex.
 8. The participating municipality or entity hereby agrees to assume responsibility for reimbursing the County for the full costs for the repairs for any damages that occur to the specialized equipment while said equipment is in their custody, or that was not reported at the time of pickup. This clause will be waived if it is determined by the designated County representative that the damage/equipment failure was not the fault of the participating municipality or entity or its personnel.
 9. The participating municipality or entity hereby agrees to return specialized equipment that is equipped with a fuel tank with a full tank of fuel. In the event the participating municipality or entity fails to do so, the participating municipality or entity shall be required to reimburse the County for cost of the fuel to fill the tank (at the rate per gallon in which the County pays for fuel) as well as an additional service fee of \$25.00.
 10. While the County will typically transport the specialized equipment, in the event that County personnel are unavailable or unable to do so, the participating municipality or entity hereby agrees to provide the proper means to transport the specialized equipment to and from the designated County storage facility.
 11. The participating municipality or entity hereby agrees to confer with the OEM Police Bureau personnel concerning deployment of any specialized equipment during events that are deemed confidential, sensitive, high-profile, or controversial in nature.

C. INDEMNIFICATION

To the fullest extent permitted by law, the participating municipality or entity shall save, protect, indemnify, and save harmless the County of Middlesex, County Prosecutor, their elected officials, officers, and employees from any and all injuries to persons, deaths or damages to property or claims for injuries to persons, death or damages to property arising out of the participating municipality or entity's use of the specialized equipment including when the active or passive negligence of the County is alleged or proven.

D. SUPERSEDE

This MOU supersedes any prior executed MOUs in respect to specialized equipment.

E. COUNTERPARTS

This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This MOU shall become effective as to each participating municipality or entity upon the execution of the agreement by that participating municipality or entity and upon receipt of the requisite proof of insurance.

RESOLUTION 2023-64

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2022 TAX APPEAL ENTITLED 552-566 MIDDLESEX AVE ACQUISITION, LLC v. BOROUGH OF METUCHEN, DOCKET NO.: 005229-2022, BLOCK 91, LOT 17.01 COMMONLY KNOWN AS 552-566 MIDDLESEX AVENUE

WHEREAS, appeals of the real property tax assessment for tax year 2022 involving Block 91, Lot 17.01 have been filed by the taxpayer, 552-566 Middlesex Ave Acquisition, LLC; and

WHEREAS, the Borough of Metuchen desires to settle the tax appeal for the tax year 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 2022 tax appeal is hereby authorized as follows:

Block 91, Lot 17.01

Year 2022

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 450,000		\$ 450,000
Improvements	\$ 675,000	N/A	\$ 389,400
Total	\$ 1,125,000		\$ 839,400

2. The parties have agreed that the property's 2023 total assessment shall be \$770,700.

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.

Appointments

Mayor Busch recommended the following appointments:

Appoint Karen Alexander to the Library Board for the term ending December 31, 2027
Appoint Carol Gaffney to the Arts Council for the unexpired term ending December 31, 2023
Appoint Rebecca Sabreen to the Shade Tree Commission for the term ending December 31, 2027

Council President Delia made a motion to accept the recommendations of appointments, second by Councilmember Rasmussen, with all in favor, motion carried, 5-0.

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 7:54 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk