

**BOROUGH OF METUCHEN COUNCIL MINUTES**  
**NOVEMBER 27, 2023**  
**7:30 PM**

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, November 27, 2023.

The Meeting was called to order at 7:31 p.m. by Mayor Busch.

Adequate Notice of this meeting has been given in accordance with the Open Public Meeting Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Home News Tribune and Star Ledger on 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 Pledge of Allegiance.

**Roll Call**

Mayor Busch asked for a roll call.

Present were Councilmembers Giamboi, Hirsch, Kandel, Council President Delia, and Mayor Busch. Councilmembers Branch and Hyman were absent, as was Borough Administrator Melissa Perilstein. Also present were 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 Giamboi, with all in favor, motion carried, 4-0.

Council President Delia added Ordinance 2023-31 to be introduced immediately following the public hearing for Ordinance 2023-30.

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, 4-0.

**Public Comment**

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

Mia Jose, 45 Edith Avenue, one of the striking nurses at Robert Wood Johnson University Hospital, requested that Council pass a resolution in support of the Safe Staffing bills that would benefit hospitals across the state. Ms. Jose stressed that safe staffing ratios are essential for the safety of both nurses and patients.

Carol Tanzi, a resident of Edison and one of the striking nurses at Robert Wood Johnson University Hospital, commented that the nurses have been without a paycheck since August 4 but are willing to make this personal sacrifice to advocate for patient safety.

A resident of 45 Victory Court, one of the striking nurses at Robert Wood Johnson University Hospital, spoke about his own experience in the ER when he had to wait five hours and still couldn't get proper care. He requested that Council pass a resolution in support of the Safe Staffing bills.

Jessica Hunsdon, a Highland Park resident, spoke in support of the striking nurses and pointed out that Highland Park has passed a resolution of support for the Safe Staffing bills, as have many other towns. Ms. Hunsdon urged Borough Council to pass a similar resolution.

Lioubov Smirnov, 26 Carpenter Place, one of the striking nurses at Robert Wood Johnson University Hospital, explained the pressures and dangers of working with insufficient staffing. Ms. Smirnov pointed out that forty percent of new nurses leave within the first year, and sixty percent leave by the second.

Stephanie Torres, a resident of New Brunswick and one of the striking nurses at Robert Wood Johnson University Hospital spoke about the importance of community support and requested that Council pass a resolution in support of the Safe Staffing bills.



**ORDINANCE 2023-30**

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

**ORDINANCE CREATING THE PROCESS FOR FILMING  
IN THE BOROUGH OF METUCHEN**

**WHEREAS**, the Borough of Metuchen is a desirable location for the filming of motion pictures and television programs; and

**WHEREAS**, such filing has the potential to disrupt the peace and tranquility of the residents of Metuchen; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen seek to minimize such disruptions by regulating such activities.

**NOW THEREFORE BE IT ORDANED** by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that it hereby amends the Code of the Borough of Metuchen creating Chapter 88 entitled, "Films and Motion Pictures" to state as follows:

**Chapter 88**

**FILMS AND MOTION PICTURES**

**§ 88-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**FAMILY VIDEOS AND PHOTOGRAPHY**

The filming or videotaping of motion pictures, intended solely for private use.

**FILMING**

All activity attendant to staging, taking or shooting motion pictures televisions shows or programs, videotaping either on film, videotape, computer based-program or other visual reproduction technology or similar recording medium, now known or hereafter created, for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The period of filming includes the set-up, time of filming and removal of all equipment. The provisions of this chapter shall not be deemed to include Family Videos and Photography and News Media within the Borough of Metuchen.

**MAJOR MOTION PICTURE**

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures;
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire;
- C. Paramount, including MTV Films and Nickelodeon Movie;
- D. 20th Century Fox, including Fox Searchlight;
- E. Sony/Columbia;

- F. Disney/Miramax;
- G. MGM United Artists;
- H. DreamWorks;
- I. Any film for which the budget is at least \$5,000,000;
- J. Recurrent weekly television series programming.

### **NEWS MEDIA**

The filming and/or videotaping stories by recognized by news gathering programs and organizations.

### **PUBLIC LANDS**

Any and every public street, highway, sidewalk, square, right of way, public park or playground or any other public place within the Borough which is within the jurisdiction and control of the Borough of Metuchen.

#### **§ 88-2. Permit required.**

A. No person or organization shall film or permit filming on public or private land within the Borough of Metuchen where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit, approved by the Borough Administrator, from the office of the Borough Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by borough officials at all times at the site of the filming.

B. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form consistent with this Chapter and approved by the Borough Clerk and Administrator and be accompanied by a permit fee in the amount established by this chapter in Section 12 herein.

C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough Clerk, upon approval of the Borough Administrator, may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

- D. No permit will be required by this Chapter if the following are met:
- (1) There will be five or fewer people on the set;
  - (2) No more than two cameras will be used in filming;
  - (3) No parking is requested or required;
  - (4) No audio or light stands are being used;
  - (5) No exclusive access is requested or required; and

(6) There will be no interference with the free passage of pedestrian and traffic over public lands.

**§ 88-3. Issuance of permits.**

A. No permits will be issued by the Borough Clerk unless applied for prior to ten (10) days before the requested shooting date; provided, however, that the Borough Administrator may waive the ten-day period if, in the Borough Administrator has judged that the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

B. All applications for permits shall include at least the following information:

- (1) The name, address and telephone number of the applicant;
- (2) The specific location of the property where filming, etc., is to take place;
- (3) Whether applicant is the owner or tenant in possession of the property;
- (4) The name address of the owner of the property, if the applicant is not the owner;
- (5) The written consent of the owner of the property;
- (6) The name, address and telephone number of the person or entity the applicant wishes to allow to film, etc;
- (7) The date/s the filming is to take place and the hours of filming;
- (8) The dates within the previous 12 months that any filming was conducted at this location;
- (9) A statement detailing whether stunts, firearms, pyrotechnics, open flames, vehicle crashes, or other hazardous materials are to be used;
- (10) A statement detailing whether any actors or crew members will wear costumes that resemble uniforms of any public personnel, including police and/or fire personnel;
- (11) Acknowledgement that the Borough of Metuchen shall receive credit on the project which shall read “Thank you to the Mayor, Borough Council, Officials, Employees and Residents of the Borough of Metuchen.”
- (12) A signed statement that the applicant acknowledges the conditions of the permit and, under the penalty of perjury, that all statements contained in the application are true and accurate; and
- (13) Any other information or documentation determined necessary for the consideration of the application.

B. No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:

- (1) Proof of insurance coverage as follows:
  - (a) For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

(b) For property damage for each occurrence in the aggregate amount of \$300,000.

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough of Metuchen from any and all liability, expense, claim or damages resulting from the use of public lands.

(3) The posting of cash deposit of \$500 or a maintenance bond of \$500 running in favor of the Borough and protecting and ensuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, laws and regulations will be followed. Within 21 days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.

(4) To the extent deemed necessary within the sole discretion of the Borough, the hiring of off-duty police officer/s for the times indicated on the permit.

C. The issuance of a Filming Permit contained herein is solely for filming and shall not provide the applicant with the exclusive use or permission for the use of Borough Fields and/or Properties. Said applicant shall be required to file a separate application and comply with all necessary requirements for said use of Borough Fields and/or Properties as provided in the Code of the Borough of Metuchen.

D. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Metuchen Police Department with respect thereto.

E. The Borough Administrator may immediately revoke a permit that has been granted, if the conditions of this Chapter and all applicable laws are not, or no longer, being met, or if the information supplied by the applicant becomes false and/or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public peace, health, safety or welfare. It shall be expressly acknowledged that the Borough Administrator shall have the right to revoke a permit if filming becomes detrimental to the public peace, health, safety or welfare without the Borough and/or Administrator including any liability whatsoever. In the event that a permit is revoked, the applicant shall have the same right of appeal to the Borough Council, as set forth in this Chapter, as if their application was denied.

**§ 88-4. Interference with public activity; notice of filming.**

A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given

written notice of the filming at least ten days prior to the requested shooting date and be informed that objections may be filed with the Borough Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted as part of the application to the Borough Clerk.

**§ 88-5. Filming in residential zones.**

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 10:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with Sections 2 and 3 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

**§ 88-6. Refusal to issue permit; employment of patrolmen and electrician.**

A. The Borough Administrator may refuse to issue a permit whenever it's determined, on the basis of objective facts and after a review of the application or a report thereon by the Police Department and/or by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the Borough reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

**§ 88-7. Appeals.**

A. Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief pursuant to Section 6 may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Administrator.

B. An appeal from the decision of the Borough Administrator shall be filed within 10 days of the Borough Administrator's decision. The Borough Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The Borough Council shall affirm, modify or reverse the decision of the Borough Administrator at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

**§ 88-8 Waiver of requirements of chapter by Borough Administrator**

The Borough Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Borough Administrator shall consider the following factors:

A. Traffic congestion caused at the location.

B. Applicant's ability to remove film-related and other vehicles and equipment off the public streets or other public property.

C. The nature and extent of when the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming.

D. The nature of the film shoot itself; e.g., indoor or outdoors; day or night; on public or private lands.

E. The nature and extent to which filming may adversely affect adjoining property owners' use and enjoyment of their property.

F. Prior experience of the film company/applicant with the Borough, if any.

**§ 88-9. Copies of permit; inspections.**

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Borough Inspectors and Officials to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Borough Inspectors/Officials.

**§ 88-10. Reimbursement of certain costs.**

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

**§ 88-11. Special regulations for major motion pictures.**

A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved by the Borough Administrator in their discretion following a favorable review of the factors set forth in Section 8

B. Any days necessary to be used for set-up and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in Section 8.

**§ 88-12. Fees**

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

Basic filming permit: \$150. Where an applicant requests a waiver of the provision of Section 3A requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$500.

Daily filming fee payable in addition to the basic filming permit shall be \$300 per day.



Daily filming fee payable for a major motion picture shall be \$1,000 per day.

Filming permit for nonprofit applicants filming for educational purposes (no daily rate required) shall be \$25.

**§ 88-13. Violations and penalties**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

**BE IT FURTHER ORDAINED** by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that all remaining sections of the Code of the Borough of Metuchen not amended or referenced herein shall not be affected thereby and shall remain in full force and effect; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

**Ordinance – Introduction**

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

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

Council President Delia moved that Ordinance 2023-31 be passed on first reading, be published according to law, and a public hearing be set down for Monday, December 11, 2023, second by Councilmember Giamboi.

Roll Call: Yeas: Giamboi, Hirsch, Kandel, Delia  
Nays: None

Ordinance 2023-31 was passed on first reading, 4-0, and will be published according to law.

Mayor Busch explained that this ordinance has to do with the acquisition of the gas station property next to the Forum Theater as part of the Arts District plan.

### **Reports of Councilmembers**

Council President Delia provided updates on behalf of Councilmember Branch, including several upcoming Recreation and Arts Council holiday programs. Council President Delia reminded people to shop downtown for holiday gifts.

Councilmember Kandel had no report.

Councilmember Hirsch reported on upcoming Library programs including an introduction to digital resources, reading to a therapy dog, a holiday concert, and English classes.

Councilmember Giamboi reported that the Environmental Commission would be participating in the 'Windows of Understanding' community art project. She also reported on Senior Center programs and classes.

### **Report of the Mayor**

There will be changes to the Fuce 5K, as the Fucile Foundation itself is changing. The Cookie Walk in December is still on and bakers are needed to help make the event a success. For those who are not familiar with it, the Fucile Foundation was created in honor of Michael Fucile who was tragically killed on his way to work over ten years ago and has helped many Metuchen families in need. Now the Foundation will be transitioning into a new organization to continue this work. More details will follow soon. Mayor Busch also encouraged everyone to see the Downtown Lights, which keep getting better each year.

### **New Business Consent Agenda – Resolutions 2023-284 and 2023-285**

Council President Delia moved to approve New Business Consent Agenda Resolutions 2023-284 and 2023-285, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

#### **RESOLUTION 2023-284**

##### **RESOLUTION APPOINTING FIREFIGHTER – BRIAN MCCORMICK**

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

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

#### **RESOLUTION 2023-285**

##### **RESOLUTION OF SUPPORT FROM THE BOROUGH OF METUCHEN TO SUBMIT AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AMERICAN RESCUE PLAN FIREFIGHTER GRANT**

**WHEREAS**, the Borough of Metuchen desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$40,000 to carry out a project to purchase personal protection equipment for the volunteer members of the Metuchen Fire Department.

**NOW, THEREFORE, BE IT RESOLVED:**

- 1) that the Borough of Metuchen does hereby authorize the application for such a grant; and

- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Metuchen and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Melissa Perilstein, Borough Administrator

Jonathan M. Busch, Mayor

**Other New Business**

R2023-286

RESOLUTION AUTHORIZING THE PAYMENT  
OF THE BILL LIST IN THE AMOUNT OF  
\$145,280.53

Council President Delia made a motion to approve Resolution 2023-286, second by Councilmember Giamboi with all in favor, motion carried, 4-0.

**RESOLUTION 2023-286**

**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 \$145,280.53.

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**

Council President Delia made a motion to adjourn the meeting, second by Councilmember Branch, with all in favor, 4-0, the meeting was adjourned at 8:19 p.m.

Respectfully Submitted,

Deborah Zupan, RMC, Borough Clerk