

ORDINANCE 2022-22

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

**ORDINANCE AMENDING § 162-4 OF THE CODE OF THE BOROUGH OF
METUCHEN AMENDING THE COMPOSITION OF THE BOARD OF TRUSTEES OF
THE DESIGNATED DISTRICT MANAGEMENT CORPORATION - THE METUCHEN
DOWNTOWN ALLIANCE**

WHEREAS, the Borough of Metuchen has created and designated a Special Business Improvement Zone; and

WHEREAS the Borough of Metuchen designated the “Metuchen Downtown Alliance,” a NJ Non-Profit Corporation as the District Management Corporation relating to the Special Business Improvement District and set forth the composition of the Board of Trustees of District Management Corporation in § 162-4 of the Code of the Brough of Metuchen; and

WHEREAS, the Metuchen Downtown Alliance Board of Trustees have met and voted to amend the membership of its Board of Trustees and has requested the Mayor and Council of the Borough to amend § 162-4 of the Code of the Borough of Metuchen to reflect the change in the composition of the membership of the Board of Trustees replacing the member of the Metuchen Area Chamber of Commerce Board of Directors and Board member of the Metuchen Parking Authority with an additional representative of the District Businesses and an additional Metuchen resident who does not own commercial real estate and/or operate a business in the District and who is not on the Borough Council nor employed by the Borough; and

WHEREAS, the Council of the Borough of Metuchen have determined, based upon the request of the Board of Trustees of the Metuchen Downtown Alliance to amend § 162-4 of the Code of the Borough of Metuchen to reflect the change in the composition of the membership of the Board of Trustees of the District Management Corporation – the Metuchen Downtown Alliance accordingly.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 162-4 of the Code of the Borough of Metuchen to state as follows:

§ 162-4 Composition of District Management Corporation.

A. General powers. The business and affairs of the District Management Corporation shall be managed by a Board of Trustees which may exercise all powers of the Corporation and perform all lawful acts for a corporation pursuant to the laws of the state of New Jersey governing "not for profit" corporations.

B. Number, selection and tenure of trustees. The Corporation shall be governed by a Board of Trustees consisting of 13 voting members and one ex-officio non-voting member. The 13 voting members shall consist of:

(1) Four representatives of District owners. "District owner" shall be defined as an owner of real estate within the District. A "District owner" may or may not operate a business within the District in order to be considered a "District owner";

(2) Five representatives of District Businesses. "District business" shall be defined as a person, corporation or other business entity operating a business within the District. A "District business" may or may not own real estate within the District in order to be considered a "District business";

(3) One member of the Borough Council of Metuchen appointed by the Mayor with the advice and consent of the Borough Council,

(4) Two Metuchen residents who do not own commercial real estate and/or operate a business in the District and who are not on the Borough Council nor employed by the Borough;

(5) One member of the Metuchen Arts Council to be appointed by and serves at the pleasure of the Metuchen Arts Council.

In addition, to the 13 voting members, there shall be two ex-officio members of the Board with all powers and authority of a regular Board member, however, shall not be entitled to vote on matters: (1) the Administrator of the Borough of Metuchen or his/her designee, and (2) one member of the Metuchen Parking Authority to be appointed by and serves at the pleasure of the Metuchen Parking Authority.

In the event that any category(ies) of a voting Board member cannot be filled for any reason whatsoever, the District Management Corporation shall set forth in its bylaws, the terms and methods to fill all seats on the Board of Trustees.

C. Terms and appointment of Board of Trustees. The District Management Corporation shall provide for, in its bylaws, the terms and appointment or election of the four District owners, five District businesses and the two Metuchen resident voting members of the Board of Trustees.

The initial appointments and terms thereof to the Board of Trustees shall be as set forth in the Borough Code. It shall not be necessary for the initial composition of the Board of Trustees to be in full compliance with Section 162-4B above. However, after the initial appointments and expiration of terms, the composition of the Board shall be comprised as set forth in Section 162-4B above.

BE IT FURTHER ORDAINED that the seats of the members of the Board of Trustees created herein shall be filled pursuant to the bylaws of the District Management Corporation – Metuchen Downtown Alliance as if a vacancy was created in each of the membership classification.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

Introduction: November 14, 2022

Date of Publication: November 17, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
MOTION	DELIA			SECOND		RASMUSSEN			
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 14, 2022.

Deborah Zupan, RMC
Borough Clerk

Adopted: December 12, 2022
 Date of Publication: December 15, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN				X
MOTION	DELIA			SECOND		KANDEL			
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on December 12, 2022.

 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor