BOROUGH OF METUCHEN COUNCIL MINUTES
February 12, 2024
7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on February 12, 2024.

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 published in the Home News Tribune on December 19, 2023, 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 for all to rise for the flag salute.

Roll Call

Mayor Busch asked for a roll call.

Present were Councilmembers Giamboi, Hyman, Jethwani, Delia, and Mayor Busch. Councilmembers Branch and Kandel were 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 Giamboi, with all in favor, motion carried, 4-0.

With no 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.

Presentations

Presentations on the future Emergency Services Center were given by representatives from H2M, Emergency Services Center Architect, and Colliers Project Leaders, Emergency Services Center Construction Management.

Public Comment

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

Daniel Acosta, 209 High Street, commented that he is looking forward to the completion of the Grove Avenue Bike Lane project but at the same time is concerned about safety, especially for Metuchen High School students. Mr. Acosta urged Council to do whatever could be done to protect the safety of cyclists and suggested various was to adjust drivers' behaviors

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

Borough Council Meeting Minutes

Council President Delia made a motion to approve Borough Council Meeting Minutes of January 1, 2024, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

Communications Consent Agenda – Items A - D

Council President Delia made a motion to approve Communications Consent Agenda Items A through D, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

A. Receive and Accept Arts Council Meeting Minutes of November 20, 2023
B. Receive and Accept Historic Preservation Committee Meeting Minutes of July 27, 2023 and August 24, 2023

C. Receive and Accept Parade Commission Meeting Minutes of August 24, 2023, June 20, 2023, and August 15, 2023
D. Receive and Accept Zoning Board Meeting Minutes of October 12, 2023 and November 9, 2023

Ordinance - Introduction

Ord. 2024-06	ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY BLOCK 132, LOTS 10 THROUGH 27, AND LOTS 49 THROUGH 51, COMMONLY KNOWN AS 1 SAFETY PLACE FROM METUCHEN SAFETY COUNCIL, INC. ("METUCHEN EMS") FOR THE CONSTRUCTION OF A NEW EMERGENCY SERVICES BUILDING AND OUTBUILDING PROJECT

Council President Delia asked that Ordinance 2024-06 be read by title only.

Ms. Zupan read Ordinance 2024-06 by title only.

Council President Delia moved that Ordinance 2024-06 be passed on first reading, published according to law, and a public hearing be set down for Monday, March 4, 2024, second by Councilmember Giamboi.

Council President Delia asked for a roll call vote.

Roll Call:	Yeas:	Giamboi, Hyman, Jethwani, Delia
	Nays:	None

Ordinance 2024-06 was passed on first reading, 4-0, and will be published according to law.

Reports Of Council Members

Council President Delia reported on recent and upcoming MDA events including their Valentine's Day celebration and promotions, and a Lunar New Year celebration. He also reported that the February Traffic and Transportation Committee meeting had been canceled.

Councilmember Jethwani reported on upcoming Library events including the annual Local History Day and a collage workshop. She also reminded residents of the availability of the Seed Library and mentioned that the Library was seeking a part-time bookkeeper.

Councilmember Hyman reported that the Board of Health would be hosting a screening of a Bike Safety film, and that the Parade Commission was seeking participants for the Memorial Day Parade. She also mentioned that the CARES Committee was working to plan a community leaders' breakfast to discuss how different groups can work together with CARES.

Councilmember Giamboi reported that the Shade Tress Commission met last week and reminded homeowners that this year's tree plantings will take place in the fall. She also highlighted the many benefits of joining the Senior Center and encouraged local seniors to join. Regarding the anticipated upcoming snow, Councilmember Giamboi reminded residents to use pet-friendly salt.

Report of the Borough Administrator

Melissa Perilstein reminded residents that on February 22 at 1:00 p.m. in Council Chambers there will be a meeting regarding the 2024 Housing and Community Development Grant. Residents are invited to come and give suggestions for the use of these funds.

Report of the Mayor

Mayor Busch noted that we're expecting snow and that he's been in touch with Police, Public Works, and the Superintendent of Schools to assure we'll be ready. He reminded residents that they must clear their sidewalks and asked that they help their elderly and less-able neighbors when

possible. Mayor Busch also stressed the importance of removing cars from the road when there's an impending storm so Public Works can plow the more efficiently.

New Business Consent Agenda – Resolutions 2024-80 to 2024-92

Council President Delia moved to approve New Business Consent Agenda Resolutions 2024-80 to 2024-92, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

RESOLUTION 2024-80

RESOLUTION TO AMEND THE 2024 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 2024, effective February 12, 2024:

METV	OE	40,000.00
Zoning	OE	(30,000.00)
Group Insurance	OE	200,000.00
Public Works Administration	OE	3,500.00
Streets & Roads	OE	60,000.00
Buildings & Grounds	OE	30,000.00
Recycling	OE	20,000.00
Board of Health	OE	600.00
Parks & Playgrounds	OE	5,000.00
Municipal Court	OE	4,000.00
	TOTAL	**333,100.00**

RESOLUTION 2024-81

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR BOROUGH ARTS DISTRICT REDEVELOPMENT COUNSEL

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Borough Arts District Redevelopment Counsel as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Requests for Qualifications were received on February 7, 2024 and reviewed by the Chief Financial Officer/Qualified Purchasing Agent, and Borough Clerk; and

WHEREAS, the Chief Financial Officer anticipates that the value of the services rendered will exceed $5,000; and

WHEREAS, the anticipated term of this contract is the calendar year 2024; and

WHEREAS, the maximum amount of the contract shall not exceed $50,000.00 and the Chief Financial Officer has certified that there is sufficient funds for such contract and is available and is designated from Middlesex County Arts & History Capital Grant Account number G-02-41-760-310 for these services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of Hoagland Longo, Moran, Dunst & Doukas, LLP, 40 Paterson Street, New Brunswick, NJ 08901.

2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.

3. Notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2024-82

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR BOROUGH BOND COUNSEL FOR THE NJEIT FINANCING FOR THE METUCHEN PUMP HOUSE

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Borough Bond Counsel for the NJEIT Financing for the Metuchen Pump House as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Requests for Qualifications were received on February 7,2024 and reviewed by the Chief Financial Officer/Qualified Purchase Agent, and Borough Clerk; and

WHEREAS, the Chief Financial Officer anticipates that the value of the services rendered will exceed $5,000; and

WHEREAS, the maximum amount of the contract shall not exceed $15,000.00, and the Chief Finance Officer has certified that there are sufficient funds for such contract and is available and is designated from Capital Bond Ordinance 2020-04, C-04-55-935-002 for these services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the firm of Wilentz, Goldman & Spitzer, 90 Woodbridge Center Dr., P.O. Box 10, Suite 900, Woodbridge, NJ 07095

2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.

3. Notice of this action shall be printed once in The Home News Tribune.

RESOLUTION 2024- 83

RESOLUTION AUTHORIZING AWARD OF A WINDOW CONTRACT FOR BROADCAST AND STREAMING SERVICES FOR PLANNING BOARD MEETINGS

WHEREAS, there exists a need to broadcast and stream services for planning board meetings in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Borough of Metuchen has solicited quotes for broadcast and stream services for planning board meetings using a fair and open process, with vendor solicitations issued and two written quotes returned; and

WHEREAS, the amount for broadcast and stream services for planning board meetings is under the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq, but above $17,500.00; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for broadcast and stream services for planning board meetings in the amount not to exceed $30,000.00 and is available from the 2024 Temporary Budget and the 2024 Adopted Budget from appropriation line METV Freelance/Videography Services 4-01-20-716-104 ; and

WHEREAS, this procurement is awarded as a window contract under N.J.S.A. 19:44A20.4 et seq. using a fair and open process to Nautical Media Group, who submitted the lowest, compliant

quote for broadcast and streaming services for planning board meetings 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 Nautical Media Group, 48 Grove Avenue, Metuchen, NJ, 08840

RESOLUTION 2024-84

RESOLUTION AUTHORIZING THE 1ST EXTENSION OF THE AWARD AND EXECUTION OF A CONTRACT FOR CONSULTANT SERVICES

WHEREAS, the Borough of Metuchen issued a competitive contract bid notice for recruitment and general management consultant services for the Borough of Metuchen; and

WHEREAS, by way of Resolution 2023-156 and Resolution 2023-224, the Borough of Metuchen authorized an award of contract for recruitment and general management consultant services to JPM Advisors LLC, d/b/a Jersey Professional Management for $155,000.00 for the calendar year 2023; and

WHEREAS, the contract between the Borough of Metuchen and Jersey Professional Management contained a term of one year and the Borough reserved the right to extend the term for two (1) one year periods pursuant to N.J.S.A. 40A:11-15; and

WHEREAS, the Borough of Metuchen has determined that the management consultant services provided by Jersey Professional Management were performed in an effective and efficient manner and that the Borough wishes to extend the term of the contract between the Borough of Metuchen and Jersey Professional Management for a first extension for the calendar year of 2024: and

WHEREAS, the maximum amount approved for the provision of Recruitment and General Management Consultant Services for the Borough of Metuchen is $156,000.00 and funds are available in the 2024 Temporary and 2024 Adopted Budget, Account Public Works Administration, Professional Services 4-01-26-764-028 as certified by the Chief Financial Officer and that there are sufficient funds for such award in the amount not to exceed $156,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the extension of competitive contract for Recruitment and General Management Consultant Services the calendar year 2024 to Jersey Professional Management for an amount not to exceed One Hundred Fifty-six Thousand Dollars and no Cents ($156,000.00).

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement or amendment to the existing agreement, if necessary, with Jersey Professional Management, 16 Pearl Street, Suite 210, Metuchen, NJ 08840, consistent with the terms of the within Resolution, the current agreement and the proposal submitted to the Borough; and

BE IT FURTHER RESOLVED that the Borough Administrator, and other officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the award and implementation of the contract awarded herein; and

BE IT FURTHER RESOLVED that the within contract was awarded pursuant to a "Fair and Open Process" pursuant to New Jersey Local Unit Pay-To-Play Law (N.J.S.A. 19:44A-20.4, et. seq.).

RESOLUTION 2024-85

RESOLUTION AUTHORIZING 2ND EXTENSION OF CONTRACT - PARTIAL 1ST QUARTER 2024 FOR JANITORIAL SERVICES TO AAA FACILITIES SOLUTIONS LLC

WHEREAS, the Borough of Metuchen issued a competitive contract bid notice for Janitorial services utilizing a fair and open process wherein sealed bids were received on March 1, 2022; and

WHEREAS, by way of Resolution No. 2022-97, the Borough of Metuchen authorized an award of contract for Janitorial services to AAA Facilities Solutions LLC for the calendar year 2022 in an amount not to exceed Thirty-four Thousand Eight Hundred Fifty Dollars ($34,850.00); and

WHEREAS, the contract between the Borough and AAA Facilities Solutions LLC contained a term of one year and the Borough reserved the option to extend the term for two (1) year periods pursuant to N.J.S.A. 40A:11-15; and

WHEREAS, by way of Resolution 2023-136, the Borough of Metuchen authorized the first extension of the contract for Janitorial Services to AAA Facilities Solutions LLC for the calendar year of 2023; and

WHEREAS, the Borough of Metuchen intends to solicit for janitorial services by competitive contract process in the first quarter of 2024; and

WHEREAS, for the first quarter of 2024, has determined that the janitorial services of AAA Facilities Solutions LLC for the Borough be extended with the term of contract between the Borough of Metuchen and AAA Facilities Solutions LLC for a second partial extension for the first quarter of calendar year 2024; and

WHEREAS, the maximum amount for Janitorial Services for the Borough of Metuchen is $8,712.50 and that the Chief Financial Officer certifies that there are sufficient funds for such award and is available and is designated from 2024 Temporary Budget and 2024 Adopted Budget Current Fund appropriation Buildings and Grounds Contractual Services 4-01-26-772-109, and Library Building Maintenance 4-01-29-800-024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the partial extension of competitive contract for Janitorial Services to AAA Facilities Solutions LLC for the first quarter of calendar year 2024 for an amount not to exceed total amount not to exceed Eight Thousand Seven Hundred Twelve Dollars and Fifty Cents ($ 8,712.50).

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement or amendment to the existing agreement, if necessary, with AAA Facilities Solutions, LLC, 111 Kinderkamack Road, Suite 300B, River Edge, NJ 07661 consistent with the terms of the within Resolution, the current agreement and the proposal submitted to the Borough; and

BE IT FURTHER RESOLVED that the Borough Administrator, and other officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the award and implementation of the contract awarded herein; and

BE IT FURTHER RESOLVED, that the within contract was awarded pursuant to a "Fair and Open Process" pursuant to New Jersey Local Unit Pay-To-Play Law (N.J.S.A. 19:44A-20.4, et. seq.).

RESOLUTION 2024-86

RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN TO ENTER INTO THE MONMOUTH-OCEAN EDUCATIONAL SERVICES COOPERATIVE PRICING SYSTEM (MOESCCPS)

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Metuchen desires to become a member of the Monmouth-Ocean County Educational Services Commission Cooperative Pricing System (MOESC) #289-MOESC**,** a Cooperative Pricing System for the purchase of goods and services under the lead agency Monmouth-Ocean County Educational Services Commission, hereinafter referred to as the "Lead Agency ", effective July 1, 2023 and, that such membership shall be active thereafter of the system, unless the Borough of Metuchen elects to formally withdraw from the system; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Qualified Purchasing Agent on behalf of the Borough of Metuchen is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency; and

WHEREAS, the lead agency 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 of the State of New Jersey; and

WHEREAS, this resolution shall take effect immediately upon passage.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for such membership.

2. Three (3) certified copy of this Resolution and three (3) executed copies of the Agreement shall be submitted to Monmouth-Ocean County Educational Services Commission, 900 Green Grove Road, Tinton Falls, New Jersey, 07712.

RESOLUTION 2024 -87

RESOLUTION OF SUPPORT OF THE BOROUGH OF METCUHEN ENDORSING THE APPLICATION OF DASCO SOLUTIONS, LLC TO THE CANNABIS REGULATORY COMMISSION FOR A CLASS 5 CANNABIS RETAIL LICENSE SUBJECT TO THE CONDITIONS OF THE PLANNING BOARD RESOLUTION OF APPROVAL, THE REDEVELOPMENT PLAN, REDEVELOPMENT AGREEMENT AND CODE OF THE BOROUGH OF METUCHEN

WHEREAS, on or October 24, 2022, the Borough of Metuchen adopted Ordinance 2022-19, which allowed for, *inter alia*, three (3) Class 5 Cannabis Retail License to operate within certain locations within the Borough; and

WHEREAS, Ordinance 2022-19 also provided that in order to operate a Class 5 Retail Cannabis establishment, a license must be issued by the Borough Council, as well as the State of New Jersey Cannabis Regulatory Commission; and

WHEREAS, Ordinance 2022-19 also set forth the local process to obtain a conditional license to be issued by the Borough Council, Ordinance 2022-19 (Section § 72-7(A)), provided for the issuance of a Request for Proposals and for the public advertisement for applicants seeking a license to submit an application for review and consideration; Section § 72-7(D)

authorized the creation of a Cannabis Subcommittee which is to review submissions and/or proposals for any cannabis license and issue a Letter of Endorsement to the successful candidate/s who are required to meet a minimum score; Thereafter, the candidate/s who are issued a Letter of Endorsement are entitled to proceed with an application to the appropriate Land Use Board for their review and consideration; and upon receiving the appropriate land use approval, the applicants are forwarded to the Borough Council for the review and approval of a conditional municipal license; and

WHEREAS, at the February 13, 2023 Mayor and Council meeting, the members of the Cannabis Subcommittee, not specifically designated in Ordinance 2022-19, were appointed; and

WHEREAS, on March 2, 2023, the Borough of Metuchen issued and advertised a Request for Class 5 Cannabis Retail Business Applications ("RFA") which provided for responses to be provided by April 6, 2023; and

WHEREAS, the Borough received seven (7) responses from interested entities, including a response from Dasco Solutions, LLC; and

WHEREAS, the Cannabis Subcommittee reviewed and evaluated the responses pursuant to the criteria established in the RFA and reported its findings to the Mayor and Council on May 22, 2023; and

WHEREAS, by letter dated May 18, 2023, the Cannabis Subcommittee issued its Letter of Endorsement to Dasco Solutions in order for Dasco Solutions to proceed to file an application with the Planning Board for review and consideration; and

WHEREAS, Dasco Solutions filed an application with the Planning Board for review and consideration for Preliminary and Final Major Site Plan Approval, conditional use approval and waiver of submission requirements; and

WHEREAS, by way of Resolution dated January 5, 2024, the Planning Board of the Borough of Metuchen granted Dasco Solutions Preliminary and Final Site Plan Approval, conditional use approval and waiver of submission requirements subject to various terms and conditions; and

WHEREAS, pursuant to Ordinance No 2022-19, Dasco Solutions has requested the Borough of Metuchen and its Council provide Dasco a Resolution of Support endorsing Dasco Solutions' application for a Class 5 Cannabis Retail License to the New Jersey Cannabis Regulatory Commission along with the required zoning certification letter; and

WHEREAS, the Council of the Borough of Metuchen have determined that it is in the best interest of the Borough to adopt a Resolution of Support endorsing Dasco Solutions' application for a Class 5 Cannabis Retail License to the New Jersey Cannabis Regulatory Commission and the issuance of a conditional municipal license subject to its compliance with all of the terms, conditions and requirements of the Planning Board Resolution, Redevelopment Plan, and Redevelopment Agreement, all local ordinances and receipt of all necessary approvals to conduct operations therefore; and

WHEREAS, the Borough of Metuchen has imposed a limit on the number of licensed Class 5 Cannabis Retail Licenses that can operate in the Borough, and the issuance of a license to Dasco by the State of New Jersey Cannabis Regulatory Commission ("CRC") would not exceed that limit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that the Borough hereby approves a conditional municipal license for a Class 5 Cannabis Retail Establishment to Dasco Solutions subject to its compliance with all of the terms, conditions and requirements of the Planning Board Resolution, Redevelopment Plan, and Redevelopment Agreement, all local ordinances and receipt of all necessary approvals to conduct operations therefore; and

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Borough supports the Dasco Solutions Class 5 Cannabis Retail License application to the Cannabis Regulatory Commission, subject to its compliance with all of the terms, conditions and

requirements of the Planning Board Resolution, Redevelopment Plan, and Redevelopment Agreement, all local ordinances and receipt of all necessary approvals to conduct operations therefore; and

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that the Council is satisfied with Dasco's proposed business location contained in its application to the Borough as suitable for its proposed cannabis retail activities, subject to its compliance all of the terms, conditions and requirements of the Planning Board Resolution, Redevelopment Plan, and Redevelopment Agreement, all local ordinances and receipt of all necessary approvals to conduct operations therefore; and

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that Dasco Solutions ability to operate its proposed cannabis retail business is subject to: (1) Dasco Solutions' receipt of a Class 5 Cannabis Retail License from the New Jersey Cannabis Regulatory Commission; and (2) Dasco Solutions' compliance with all of the terms, conditions and requirements of the Planning Board Resolution, Redevelopment Plan, and Redevelopment Agreement, all local ordinances and receipt of all necessary approvals to conduct operations therefore; and

BE IT FURTHER RESOLVED by the Council of the Borough or Metuchen that it hereby authorizes the Mayor, Borough Administrator, and any other employees and/or officials to take any action necessary to effectuate this Resolution, including but not limited to the issuance of the appropriate Zoning Certification pursuant to N.J.A.C. 17:30-7.8(a)(4).

RESOLUTION 2024-88

RESOLUTION OF REFERRAL OF THE PROPOSED EMERGENCY SERVICES CENTER AND OUTBUILDING PROJECT PLAN AND DESIGN TO THE BOROUGH OF METUCHEN PLANNING BOARD FOR REVIEW, RECOMMENDATIONS AND REPORT TO THE MAYOR AND COUNCIL

WHEREAS, the Borough is in the process of the design and construction of a new Emergency Services Center and Outbuilding Project to be located at 1 Safety Place, Metuchen, New Jersey for among other things a new location for the Metuchen Fire Department and Metuchen EMS; and

WHEREAS, the Borough has retained H2M Architects as professional consultant for the design and construction of a new Emergency Services Center and Outbuilding Project to be located at 1 Safety Place, Metuchen, New Jersey; and

WHEREAS, H2M Architects has presented the proposed Emergency Services Center and Outbuilding Project Plan and Design to the Mayor and Council at its public meeting on February 12, 2024; and

WHEREAS, pursuant to *N.J.S.A.* 40:55D-26(b), *N.J.S.A.* 40:55D-31 and § 110-200(G) of the Code of the Borough of Metuchen, the Mayor and Council hereby refer the proposed Emergency Services Center and Outbuilding Project Plan and Design to the Borough of Metuchen Planning Board for review and recommendation in conjunction with the Master Plan and to make a report to the Mayor and Council relating to same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that it hereby refers the proposed Emergency Services Center and Outbuilding Project Plan and Design, pursuant to *N.J.S.A.* 40:55D-26(b), *N.J.S.A.* 4055D-31, and § 110-200(G) of the Code of the Borough of Metuchen to the Borough of Metuchen Planning Board for review, recommendations and to make a report to the Mayor and Council relating to the same; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, and any other employees and/or officials are authorized and directed to take any further action necessary to effectuate this Resolution, including but not limited to the preparation of any necessary documentation and presentation of the proposed Emergency Services Center and Outbuilding Project Plan and Design to the Planning Board.

RESOLUTION 2024-89

RESOLUTION AUTHORIZING THE MUNIICPAL SERVICES AGREEMENTS PURSUANT TO N.J.S.A. 40:67-23.2

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto (the Act), provide in pertinent part that a municipality, in lieu of providing certain municipal services to a qualified private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, the Borough of Metuchen has determined it is in the best interest of the Borough for certain qualified private communities, as defined under the Act and determined b the Borough, to reimburse the qualified communities for municipal services at a rate not to exceed the cost that would have been incurred by the Borough in providing those services directly in lieu of the Borough rendering said services to the qualified private communities; and

WHEREAS, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement, with an effective date of January 1, 2023, to provide for the reimbursement to certain qualified private communities throughout the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby approves the Municipal Services Agreement and authorizes the entry into and the execution of the Municipal Services Agreement with qualified private communities with the Borough of Metuchen as determined by the Borough Administrator and Borough Chief Financial Officer, in a final form to be approved by the Borough Administrator and the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein, with an effective date of January 1, 2023; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, and any other employees and/or officials are authorized and directed to take any further action necessary to effectuate this Resolution, and the executed Municipal Services Agreements including but not limited to the Mayor and Borough Clerk's execution of the Municipal Services Agreements and for the Chief Financial Officer's issuance of reimbursements thereto.

RESOLUTION 2024-90

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF METUCHEN AND METUCHEN GARDENS HOMEOWNERS CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto (the Act), provide in pertinent part that a municipality, in lieu of providing certain municipal services to a qualified private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, Metuchen Gardens Homeowners Condominium Association, Inc. ("Metuchen Gardens") is a condominium association established pursuant to the New Jersey Condominium Act, *N.J.S.A.* 46:8B-1 et seq. and by a Master Deed and Declaration of Restrictive Covenants and By-Laws which were recorded in the Office of the Middlesex County Clerk on or about May 7, 1981 in Deed Book 3188 at page 626, et seq.; and

WHEREAS, pursuant to the Municipal Services Act, *N.J.S.A.* 40:67-23.2 (hereinafter referred to as "the Act") by way of correspondence dated July 15, 2021, legal counsel for Metuchen Gardens requested that the Borough enter into a municipal services agreement with Metuchen Gardens for the provision of reimbursement of municipal services; and

WHEREAS, on or about April 25, 2022, legal counsel forwarded to the Borough a draft Complaint seeking, inter alia, the provision of reimbursement of municipal services from the Borough; and

WHEREAS, the Borough of Metuchen and Metuchen Gardens have negotiated a mutually acceptable formula for the Borough's reimbursement of Metuchen Gardens in lieu of the Borough rendering said services to Metuchen Gardens for the years 2021 and 2022 as well as 2023 and moving forward, which amounts shall not exceed the cost that would have been incurred by the Borough in providing those services directly to Metuchen Gardens; and

WHEREAS, the Borough and Metuchen Gardens have negotiated the terms and conditions for an agreement for the reimbursement for the 2021 and 2022 calendar years in an amount not to exceed $23,566.72 upon submission of the necessary documentation; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to enter into an agreement for the reimbursements to Metuchen Gardens for 2021 and 2022; and

WHEREAS, the Chief Financial Officer has certified the necessary funds for the reimbursement contained herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that it hereby approves and authorizes the execution of an Agreement between the Borough of Metuchen and Metuchen Gardens relating to the reimbursement in lieu of the provision municipal services to Metuchen Gardens, for the 2021 and 2022 calendar years, in a final form to be approved by the Borough Administrator and the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, and any other employees and/or officials are authorized and directed to take any further action necessary to effectuate this Resolution, and the executed Agreement between the Borough of Metuchen and Metuchen Gardens including but not limited to the Mayor and Borough Clerk's execution of the Agreements and for the Chief Financial Officer's issuance of reimbursements thereto.

RESOLUTION 2024-91

RESOLUTION AUTHORIZING THE REFUND OF 2023 POOL PARTY FEES

WHEREAS, those listed below have requested a refund of the 2023 pool party booking deposits due to double booking during the 2023 pool season:

Janet Suss:	14 Concord Ave, Metuchen	$50.00
Maria Fulham:	116 Main St, Metuchen	$50.00

WHEREAS, the Pool Commission approved the membership refund as noted in the October 10, 2023 Pool Meeting minutes.

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer be authorized to process a refund as described in the amount of $100.00, from the Pool Utility Fund.

RESOLUTION 2024-92

RESOLUTION AUTHORIZING RELEASE OF LANDSCAPING AND ENGINEERING PERFOMANCE BOND 156 DURHAM AVENUE LANDMARK INSPIRED PROPERTIES - PG 15-1073

WHEREAS, the Zoning Board Engineer, Robert Mannix of Colliers Engineering, and the Zoning Board Planner, Chris Cosenza of LRK made an inspection on the above- referenced

property on or around, June 16, 2023 and have deemed that the outstanding insufficiencies regarding site engineering and landscaping have been rectified; and

WHEREAS, Thomas J. DiMartino, Zoning Officer, has confirmed the compliance of all engineering and landscaping conditions and has recommended the full release of the Landscaping and Engineering Performance Guarantee in the amount of a cash bond of $3868.20, back to the Applicant, Landmark Inspired Properties, 156 Durham Avenue, Metuchen, NJ, 08840.

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 Performance Bond in the amount of $3868.20 as recommended and directed by the Borough Zoning Officer to Landmark Inspired Properties, 156 Durham Avenue, Metuchen, NJ, 08840.

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

Other New Business

Council President Delia moved to approve Resolution 2024-93 authorizing payment of the bill list in the amount of $2,457,091.49, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

RESOLUTION 2024-93

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 $2,457,091.49.

Appointments

Mayor Busch recommended the following appointments:

Amy Dees to the Shade Tree Commission for the unexpired term ending 12/31/2024
Lauren Pletzner to the CARES Committee for the term ending 12/31/2026

Council President Delia made a motion to accept the recommendations of appointment, second by Councilmember Giamboi, with all in favor, motion carried, 4-0.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Giamboi, with all in favor, 4-0, the meeting was adjourned at 8:12 p.m.

Respectfully Submitted,

Deborah Zupan, RMC
Borough Clerk