BOROUGH OF METUCHEN COUNCIL MINUTES
March 4, 2024
7:30 PM

The Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on March 4, 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, Kandel, Council President Delia, and Mayor Busch. Councilmember Branch was absent. Also present were Melissa Perilstein, Borough Administrator, and Deborah Zupan, Borough Clerk. Borough Attorney Denis Murphy was absent; Louis Karp attended in his place.

Agenda Session

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

Council President Delia added Resolution 2024-108, authorizing an Executive Session to discuss matters involving attorney-client privilege, after the 'Appointments' portion of the meeting. Council President Delia also added Resolution 2024-109, introducing and approving the 2024 MDA Budget, to the New Business Consent Agenda.

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

Presentation - Metuchen Downtown Alliance 2024 Budget

Metuchen Downtown Alliance Director Dawn Mackey gave a presentation on the organization's proposed 2024 budget and answered Councilmember questions.

Public Comment

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

Seeing no one 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 17, 2024, second by Councilmember Giamboi. Councilmember Giamboi abstained from voting. With all others in favor, motion carried, 4-0.

Communications Consent Agenda – Items A - E

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

A. Receive and Accept Historic Preservation Committee Meeting Minutes of September 28, 2023 and November 30, 2023

B. Receive and Accept Library Board Meeting Minutes of January 9, 2024
C. Receive and Accept Parade Commission Meeting Minutes of September 12, 2023, October 18, 2023, and November 14, 2023
D. Receive and Accept Recreation Commission Meeting Minutes January 18, 2023 and February 6, 2023
E. Receive and Accept Shade Tree Commission Meeting Minutes of January 2, 2024

Ordinance – Public Hearing

Ord. 2025-06	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.

Mayor Busch opened the public hearing on Ordinance 2024-06.

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

Council President Delia made a motion to pass Ordinance 2024-06 on second reading and be published according to law, second by Councilmember Giamboi.

Mayor Busch asked for a roll call vote.

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

Ordinance 2024-06 was adopted, 5-0.

ORDINANCE 2024-06

Borough of Metuchen
County of Middlesex
State of New Jersey

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

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

WHEREAS, *N.J.S.A.* 40A:12-5(a) provides that any municipality, by ordinance, may provide for the acquisition of real property by purchase; and

WHEREAS, the Mayor and Council of the Borough of Metuchen, pursuant to *N.J.S.A.* 40A:12-5, have determined to acquire and purchase certain real estate, Block 132, Lot 10 through 27, and Lots 49 through 51, commonly known as 1 Safety Place ("the Property") to be used for municipal purposes for the site of a future Emergency Services Building and Outbuilding in the Borough of Metuchen; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-5(a)(1), and the Eminent Domain Act of 1971 *N.J.S.A.* 20:3-1 et seq. (the "Eminent Domain Act") the Borough is authorized to acquire the Property for a public purpose; and

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

WHEREAS, the Borough seeks to acquire title to the Property in order to complete the design and construction of the new Emergency Services Building and Outbuilding Project which shall include, among other things, space for the continued operations of the Metuchen Fire Department and the Metuchen EMS; and

WHEREAS, the Metuchen EMS wishes to convey the Property to the Borough of Metuchen in return for, among other things, short-term lease agreements for Metuchen EMS' continued operations and temporary location/s at the Borough's costs and expense and a long-term lease agreement between the Metuchen EMS and the Borough of Metuchen that would permit the Metuchen EMS to utilize a portion of the new Emergency Services Building and Outbuilding for its continued operations for a nominal cost to the Metuchen EMS; and

WHEREAS, the Borough of Metuchen has discussed the proposed acquisition with the Metuchen EMS and have negotiated and drafted the general terms and conditions of the sale and the Borough's acquisition, entitled "Agreement of Sale Between the Metuchen Safety Council, Inc. and the Borough of Metuchen" ("Agreement of Sale"); and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that the acquisition under the terms and conditions of the Agreement of Sale of the Property is in the best interest of the Borough of Metuchen for its future public use for among other things, the location of the Metuchen Fire Department and the Metuchen EMS.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of the Borough of Metuchen hereby authorize the acquisition and purchase of Block 132, Lots 10 through 27, and Lots 49 through 51 on the tax maps of the Borough of Metuchen, commonly known as 1 Safety Place, Metuchen, New Jersey according to the specific terms and condition of the Agreement of Sale negotiated by the Parties; and

BE IT FURTHER ORDAINED, by the Borough Council that the Mayor, and Borough Clerk are hereby authorized, directed and empowered to the execute the Agreement of Sale in the form consistent with the Agreement of Sale on file with the Borough Clerk and in a final form acceptable to the Mayor and Borough Administrator; and

BE IT FURTHER ORDAINED, that the Mayor, Borough Clerk, Borough Administrator, and Borough Attorney, and any other Borough officials and employees as directed by the Borough Administrator ("Authorized Persons") are hereby authorized, directed and empowered to carry out all necessary actions in order to effectuate and comply with the terms and provisions of the Agreement of Sale, and to take all other necessary action and execute any required documents in order to effect the purchase and acquisition and transfer of title of the Property to the Borough of Metuchen; and

BE IT FURTHER ORDAINED, that the Mayor, Borough Clerk, Borough Administrator, and Borough Attorney, and any other Borough officials and employees as directed by the Borough Administrator ("Authorized Persons") are hereby authorized, directed and empowered to negotiate, enter into such further lease agreements for a nominal amount with the Metuchen EMS for its continued location at 1 Safety Place until such time it is necessary for the Borough to take possession of the Property and for the temporary location/s of the Metuchen EMS' operations and for the Long Term Lease Agreement with the Metuchen EMS for Metuchen EMS to utilize a portion of the new Emergency Services Building and Outbuilding upon its completion for its continued operations for a nominal cost to the Metuchen EMS; and

BE IT FURTHER ORDAINED, by the Council of the Borough of Metuchen that any and all actions previously taken by the Authorized Persons in connection with the purchase and acquisition of the Property are hereby ratified and confirmed; and

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its final passage and publication as provided by law.

Ordinances - Introduction

Ord. 2025-07	ORDINANCE AMENDING CHAPTER 185 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, "VEHICLES AND TRAFFIC" AND TO UPDATE AND AMEND THE PARKING REGULATIONS FOR FIFTEEN (15) MINUTE PARKING AND FOR THE USE OF A MOBILE PAYMENT APPLICATION

Council President Delia asked that Ordinance 2024-07 be read by title only.

Ms. Zupan read Ordinance 2024-07 by title only.

Council President Delia moved that Ordinance 2024-07 be passed on first reading, published according to law, and a public hearing be set down for Monday, March 25, 2024, second by Councilmember Giamboi.

Council President Delia asked for a roll call vote.

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

Ordinance 2024-07 was passed on first reading, 5-0, and will be published according to law.

Ord. 2025-08	ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN AND THE COMPOSITION OF THE HUMAN RELATIONS COMMISSION

Council President Delia asked that Ordinance 2024-08 be read by title only.

Ms. Zupan read Ordinance 2024-08 by title only.

Council President Delia moved that Ordinance 2024-08 be passed on first reading, published according to law, and a public hearing be set down for Monday, March 25, 2024, second by Councilmember Giamboi.

Council President Delia asked for a roll call vote.

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

Ordinance 2024-08 was passed on first reading, 5-0, and will be published according to law.

Ord. 2025-09 ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES – POOL FEES

Council President Delia asked that Ordinance 2024-09 be read by title only.

Ms. Zupan read Ordinance 2024-09 by title only.

Council President Delia moved that Ordinance 2024-09 be passed on first reading, published according to law, and a public hearing be set down for Monday, March 25, 2024, second by Councilmember Giamboi.

Council President Delia asked for a roll call vote.

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

Ordinance 2024-09 was passed on first reading, 5-0, and will be published according to law.

Ord. 2024-10 ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2023-25

Council President Delia asked that Ordinance 2024-10 be read by title only.

Ms. Zupan read Ordinance 2024-10 by title only.

Council President Delia moved that Ordinance 2024-10 be passed on first reading, published according to law, and a public hearing be set down for Monday, March 25, 2024, second by Councilmember Giamboi.

Council President Delia asked for a roll call vote.

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

Ordinance 2024-10 was passed on first reading, 5-0, and will be published according to law.

Report of the Borough Administrator

The Borough Administrator had no report.

Reports Of Council Members

Council President Delia reported that the Metuchen Downtown Alliance's 'Game On' would be taking place the coming Saturday.

Councilmember Kandel reported that the Historic Preservation Committee would be celebrating Historic Preservation Month in May, showcasing residents' preservation efforts. He also reported that Pool registration would begin in early April and provided an update on recent Fire Company calls and activity. On behalf of Councilmember Branch, Councilmember Kandel reported that the Arts Council was busy planning 2024 events, including an upcoming jazz quartet performance at the Library. He also reported that the Recreation Commission would be hosting its annual Easter Egg Hunt on March 23, and shared information regarding summer camps.

Councilmember Jethwani reported on upcoming Library programs including an art exhibit and reception, their annual Makers Day, and a Women's History Month program. She also mentioned that all copies of the Metuchen Mirror are now available on the Library's website, and reminded everyone that this year's Town Wide Garage Sale benefits the Friends of the Metuchen Library.

Councilmember Hyman reported that the Board of Health would be meeting soon, and that the CARES Committee was continuing planning its breakfast for local civic leaders to discuss ideas for addressing addiction. She also reported that the Parade Commission has been busy preparing for the Memorial Day Parade, the theme of which is 'Honor and Remember.'

Councilmember Giamboi shared the many benefits of joining the Metuchen Senior Center and gave information regarding several upcoming programs. She reported that the Environmental Commission recently hosted an informative presentation on invasive plants and native species, as well as a talk about the habitat restoration in the Gulton remediation area.

Report of the Mayor

The Mayor had no report.

New Business Consent Agenda – Resolutions 2024-94 to 2024-106 and 2024-109

Council President Delia moved to approve New Business Consent Agenda Resolutions 2024-94 to 2024-106 and 2024-109, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

RESOLUTION 2024-94

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 March 4, 2024:

Office of Emergency Management	OE	5,000.00
Solid Waste Collection	OE	50,000.00
Group Insurance	OE	200,000.00
Other Insurance	OE	5,000.00
Streets & Roads	OE	10,000.00
Buildings & Grounds	OE	30,000.00
Recreation	OE	2,000.00
Utilities	OE	20,000.00
Social Security	OE	50,000.00
Interest on Bonds		90,000.00
	TOTAL	**462,000.00**

RESOLUTION 2024-95

RESOLUTION ACCEPTING NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS DESIGN AND DEVELOPMENT OF ARTS DISTRICT GRANT

WHEREAS, the State of New Jersey, Department of Community Affairs has allocated funds for the Design & Development of Arts District Grant; and

WHEREAS, the Borough of Metuchen, received an Award Contract from the New Jersey Department of Community Affairs Design & Development of Arts District Grant in the amount of $3,000,000.00; and

WHEREAS, Design & Development of Arts District Grant funds will be used for the design and development of Metuchen's Arts District.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of Metuchen, New Jersey, that the Governing Body does hereby accept the New Jersey Department

of Community Affairs Design & Development of Arts District Grant, executed on February 20, 2024, in the amount of $3,000,000.00.

BE IT FURTHER RESOLVED that the Mayor and Chief Executive Officer of the Borough of Metuchen, New Jersey be and hereby are authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of Metuchen, New Jersey, and the Borough of Metuchen, New Jersey does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

RESOLUTION 2024-96

RESOLUTION ACCEPTING NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS EMERGENCY SERVICES BUILDING GRANT

WHEREAS, the State of New Jersey, Department of Community Affairs has allocated funds for the construction of an emergency services building; and

WHEREAS, the Borough of Metuchen, received an Award Contract from the New Jersey Department of Community Affairs Emergency Services Building Project Grant in the amount of $2,000,000.00; and

WHEREAS, the Emergency Services Building Project Grant funds will be used for the construction of a new emergency services building.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of Metuchen, New Jersey, that the Governing Body does hereby accept the New Jersey Department of Community Affairs Emergency Services Building Project Grant, executed on February 20, 2024, in the amount of $2,000,000.00.

BE IT FURTHER RESOLVED that the Mayor and Chief Executive Officer of the Borough of Metuchen, New Jersey be and hereby are authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of Metuchen, New Jersey, and the Borough of Metuchen, New Jersey does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

RESOLUTION 2024-97

RESOLUTION ACCEPTING NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS POCKET PARK DEVELOPMENT GRANT

WHEREAS, the State of New Jersey, Department of Community Affairs has allocated funds for Pocket Park Development; and

WHEREAS, the Borough of Metuchen, received an Award Contract from the New Jersey Department of Community Affairs Pocket Park Development Project Grant in the amount of $250,000.00; and

WHEREAS, the Pocket Park Development Project Grant funds will be used for the development of the Thomas Mundy Peterson Pocket Park.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of Metuchen, New Jersey, that the Governing Body does hereby accept the New Jersey Department of Community Affairs Pocket Park Development Project Grant, executed on February 20, 2024, in the amount of $250,000.00.

BE IT FURTHER RESOLVED that the Mayor and Chief Executive Officer of the Borough of Metuchen, New Jersey be and hereby are authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of Metuchen, New Jersey, and the Borough of Metuchen, New Jersey does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

RESOLUTION 2024-98

RESOLUTION AUTHORIZING THE AWARD FOR MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES THROUGH STATE CONTRACT

WHEREAS, there exists a need for heavy duty truck maintenance and repair for Public Works fleet vehicles the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract T2108 –Maintenance & Repair for Heavy Duty Vehicles (Class 5 or higher, over 15,000 LB GVWR) NJ Master Blanket 89290; and

WHEREAS, said contract is in effect from July 21, 2015 through November 20, 2024; and

WHEREAS, the maximum amount for the maintenance and repair for heavy duty trucks for the Borough of Metuchen is $10,000.00 and funds are anticipated to be available in the 2024 Temporary budget and 2024 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 Appropriation Account Streets & Roads-Vehicle Maintenance & Repair, 4-01-20-765-025 for these services; and

WHEREAS, the authorization to purchase goods and services under this award expires on November 20, 2024; and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Sanitation Truck Repair, Inc., 2301 Roosevelt Avenue, South Plainfield, NJ, 07080.

RESOLUTION 2024-99

RESOLUTION AUTHORIZING SOMERSET COUNTY COOPERATIVE PRICING FOR ORIGINAL EQUIPMENT MANUFACTURED PARTS AND REPAIRS, HEAVY DUTY VEHICLES OVER 14,500 GVW – AIR BRAKE AND EQUIPMENT

WHEREAS, there exists a need to for original equipment manufactured parts and repairs, for Public Works heavy duty fleet vehicles over 14,500 GVW 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 original equipment manufactured parts and repairs, for heavy duty vehicles over 14,500 GVW , Open-ended Contract #CC-0129-23, Cooperative Pricing Bid #2-SOCCP, First Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, this award authorization does not include purchase of over the counter parts for heavy duty Public Works fleet vehicles; and

WHEREAS, said contract is the first year of a two-year contract for original equipment manufactured parts and repairs, for heavy duty vehicles over 14,500 GVW, Open-ended Contract #CC-0129-23, Co-operative Pricing Bid #2-SOCCP which was approved on December 12, 2023 by the Somerset County Board of County Commissioners is effective from December 12, 2023, to December 13, 2024; and

WHEREAS, the authorization to purchase under this award expires on December 13, 2024; and

WHEREAS, the maximum amount of the purchase original equipment manufactured parts and repairs, for Public Works heavy duty fleet vehicles over 14,500 GVW for the Borough of Metuchen is $40,000.00 and that there are sufficient funds for such award as certified from the 2024 Temporary Budget and 2024 Adopted Budget, designated from Streets & Roads-Vehicle

Maintenance & Repair, 4-01-26-765-025 for these services; 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:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Air Brake & Equipment, Truck/Auto & Equipment Warehouse, 225 Route 22 West, Hillside, NJ 07205-1832.

RESOLUTION 2024-100

REFUND OF OVERPAYMENT OF 2024 TAXES

WHEREAS, the following has made an overpayment of taxes:

Name	Block/Lot	Address	Amount		Year
Taegar, Sydney & Vargas, Maria	185.01/9	12 Bounty Street	$2,856.85	Duplicate tax payment	2024, 1st qtr

NOW, THEREFORE, BE IT RESOLVED that the above listed property owner or agent be refunded property taxes as described in the amount of $2,856.85.

RESOLUTION 2024-101

RESOLUTION TO TRANSFER 2023 TAX OVERPAYMENT DUE TO PARCELS AFFECTED BY SUBDIVISION, LAND BOUNDARY CHANGES OR COMBINING PARCELS

WHEREAS, Block 50, Lot 36 was affected by subdivision, boundary changes or combining parcels where parcels are being combined/eliminated; and

WHEREAS, payments for quarters one and two were made to Block 50, Lot 36, with the parcels subsequently eliminated as billable parcels at the time of certification of the extended tax duplicate for 2023; and

WHEREAS, to properly account for taxes billed and paid, the following transfers of payments is requested from the Tax Collector to be applied to Block 50, Lot 36.01.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to make transfer adjustments for 2023 tax payments on the following properties due to subdivision, boundary changes or combining parcels where parcels are being combined/eliminated, in the amount of $8,635.03.

Block/Lot/Qual	Address	Owner	Amount to Transfer	Quarter of Transfer
50/36	6 Plainfield Ave	Peter Haid	(4,317.52)	3/2023
50/36	6 Plainfield Ave	Peter Haid	(4,317.51)	4/2023
50/36.01	6 Plainfield Ave	Peter Haid	4,453.33	1/2024
50/36.01	6 Plainfield Ave	Peter Haid	4,181.70	2/2024

RESOLUTION 2024-102

RESOLUTION DECLARING AN EMERGENCY AND AUTHORIZING EMERGENCY CONTRACT PROCEDURES FOR THE REPAIR AND/OR REPLACEMENT OF A SECTION OF SANITARY SEWER LINE

WHEREAS, on February 25, 2024 a portion of sanitary sewer pipe within the Borough of Metuchen failed causing the need for remediation, repair and/or replacement to a portion of sanitary sewer infrastructure; and

WHEREAS, the Emergency Management Coordinator, as well as the Borough Administrator, have advised that until such time as the appropriate repairs are completed to the sanitary sewer system within the Borough, and is fully functional and is operating, delays in the sanitary sewer infrastructure repairs would cause an immediate health hazard; and

WHEREAS, the Emergency Management Coordinator and the Borough Administrator have recommended to the Mayor and Council and Qualified Purchasing Agent that an emergency declaration be made, with authorization to proceed with an emergent contract for the repair and/or replacement of a portion of sanitary sewer infrastructure and the need for the performance of a contract and delivery of goods and services and the need to invoke *N.J.S.A.* 40A:11-6.

NOW, THEREFORE, BE IT RESOLVED that due to the failure of a portion of sanitary sewer infrastructure within the Borough of Metuchen and the immediate health hazard caused thereby and the specific conditions expressed by the Emergency Management Coordinator and Borough Administrator, the Mayor and Council of the Borough of Metuchen hereby declares an emergency and authorizes the use of the emergency contract procedures of *N.J.S.A.* 40A:11-6 for the repair and/or replacement of the failed sanitary sewer infrastructure.

BE IT FURTHER RESOLVED by the Council of the Borough of Metuchen that it hereby authorizes the Mayor, Borough Clerk, Borough Administrator, Chief Financial Officer/Qualified Purchasing Agent, the Emergency Management Coordinator, Borough Engineer and all other Borough officials and employees to take all action necessary to procure an emergency contract/s for the repair and/or replacement of the affected sanitary sewer infrastructure in an expeditious fashion.

RESOLUTION 2024-103

RESOLUTION AUTHORIZING THE REFUND 2024 OF RECREATION TRUST PROGRAM FEES

WHEREAS, the fees collected for attendance at various Borough of Metuchen Recreation Commission events and camps have been collected in 2024; and

WHEREAS, the 2024 Recreation Family Skate program was cancelled due to low registration; and

WHEREAS, the fees collected are requested by the Recreation Director to be refunded, as detailed in the below schedule.

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer be authorized to process refunds in the amount of $84.00 as described, from the Recreation Trust account.

A Paul Stofa	168 Plainfield Ave, Metuchen	34.00
Efrat Shapira	111 Hollywood Ave, Metuchen	22.00
Marlyn Lazala	28 E Cedar St, Metuchen	14.00
David Sahib	9 W. Walnut St, Metuchen	14.00

RESOLUTION 2024-104

RESOLUTION SUPPORTING THE TEMPORARY CLOSURE OF A PORTION OF ORCHARD STREET AND IMPLEMENTATION OF A VEHICULAR DETOUR FOR THE COUNTY OF MIDDLESEX PROJECT TO REPLACE CULVERT 1C124 CARRYING ORCHARD STREET OVER THE TRIBUTARY TO MILL BROOK AT THE BORDER BETWEEN THE BOROUGH OF METUCHEN AND THE TOWNSHIP OF EDISON

WHEREAS, the Middlesex County Engineer's Office has elected to replace the existing culvert to meet current loading standards and to better accommodate pedestrians within the corridor; and

WHEREAS, temporarily closing a portion of Orchard Street while implementing a vehicular detour route to facilitate the replacement of the existing culvert structure will result in a shorter construction duration; and

WHEREAS, the temporary closure of a portion of Orchard Street and implementation of a vehicular detour route is proposed for an anticipated duration of 6 months; and

WHEREAS, the vehicular detour will require motorists heading to destinations west of the temporary closure of Orchard Street to remain on U.S. Route 1 southbound to the ramp for Main Street (CR 531) North and then continue north to Orchard Avenue; and

WHEREAS, the temporary closure of a portion of Orchard Street will require motorists to follow Main Street (CR 531) southbound for accessing U.S. Route 1 South and Interstate 287 North; and

WHEREAS, the temporary closure of a portion of Orchard Street and the vehicular detour route has been coordinated with the Borough of Metuchen Police Department and borough engineer.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Metuchen in the County of Middlesex, New Jersey supports the County of Middlesex Project and the temporary closure of a portion of Orchard Street and implementation of a vehicular detour to replace Culvert 1C124 carrying Orchard Street over the tributary to Mill Brook.

RESOLUTION 2024-105

REFUND OF OTHER FEES & PERMITS – BUILDING PERMIT #23-0356 SUNRUN INSTALLATION SERVICES, INC.

WHEREAS, Sunrun Installation Services, Inc., 21 Worlds Fair Drive, Somerset, NJ 08873, made payment on June 7, 2023, in the amount of $514.00 for an Electrical, Fire and Building Permit fee for the installation of solar panels to be performed at 40 Myrtle Avenue, Block 215, Lot 17, collected as anticipated revenue; and

WHEREAS, the homeowner no longer wishes to have the work performed; and

WHEREAS, the DCA *(State)* fees of $54.00 are non-refundable; and

WHEREAS, pursuant to Ordinance #2021-16 a 20% plan review fee of $92.00 shall be deducted from the total permit fee to be returned.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Chief Financial Officer is hereby authorized and directed to refund, from anticipated revenue to Sunrun Installation Services, Inc., 21 Worlds Fair Drive, Somerset, NJ 08873, in the amount of $368.00 for the Electrical, Fire and Building Permit fee.

RESOLUTION 2024-106

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR POLICE VEHICLE

WHEREAS, there exists a need for a vehicle for the Police Department in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through ESCNJ (65MCESCCPS) Contract# 23/24-11 which is in effect until December 14, 2025; and

WHEREAS, the awarded amounts of the State Contract purchase for one (I) 2024 Chevy Malibu RS, Base Vehicle, is $26,000.00; and

WHEREAS, additional vehicle add-ons that are not covered by State Contract in the amount of 1,908.00 are included in the authorization to purchase one (1) 2024 Chevrolet Malibu RS for a maximum amount not to exceed $27,815.00; and

WHEREAS, the Chief Financial Officer's Certification of Funds is made authorizing the award for one (1) 2024 Chevrolet Malibu RS from Forfeiture Trust T-15-56-858-858, not to exceed a grand total of $27,815.00;and

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

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

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Pellegrino Buick-GMC, 815 Black Horse Pike, Williamstown, NJ 08094.

RESOLUTION 2024-109

RESOLUTION INTRODUCING AND APPROVING THE SPECIAL IMPROVEMENT DISTRICT/METUCHEN DOWNTOWN ALLIANCE BUDGET FOR 2024

WHEREAS, by way of Ordinance No, 2016-10, the Borough of Metuchen created a Special Improvement District and designated the Metuchen Downtown Alliance as the District Management Corporation as defined in N.J.S.A. 40:56-66(c) for the Special Improvement District; and

WHEREAS, the Metuchen Downtown Alliance submitted to the Mayor and Council a proposed budget for the Year 2024 for consideration and approval; and

WHEREAS, the Mayor and Council of the Borough of Metuchen deem it in the best interest of the Borough to introduce and approve the Metuchen Downtown Alliance proposed budget for 2024 for the Special Improvement District, and to fix the time and place for the holding of a public hearing upon the budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Metuchen that the following statements of revenues and appropriations shall constitute the Metuchen Downtown Alliance Budget for the Special Improvement District for the Year 2024:

GENERAL REVENUE

Special Improvement District Contribution	$300,000.00
Borough Contribution	$ 75,000.00
Total General Revenue	$375,000.00

GENERAL APPROPRIATIONS

Total Program Expenses	$158,000.00
Total General and Administrative Expenses	$217,000.00
Total Appropriations	$375,000.00

BE IT FURTHER RESOLVED, that said Budget shall be published in the Home News Tribune prior to the public hearing to be conducted on April 8, 2024 at 7:30 p.m.

BE IT FURTHER RESOLVED, that at the public hearing on said Budget comments and objections to said Budget for the Year 2024 may be presented by Special Improvement District taxpayers, the Metuchen Downtown Alliance Members, or other interested persons or entities.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Metuchen that upon the final adoption of the Special Improvement District/Metuchen Downtown Alliance Budget set forth above, it shall constitute an appropriation for the purposes stated in the sums thereof as appropriations in the amount thereof.

Other New Business

Council President Delia moved to approve Resolution 2024-107 authorizing payment of the bill list in the amount of $7,133,552.49, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

RESOLUTION 2024-107

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 $7,133,552.49.

Appointments

Mayor Busch recommended the following appointments:

Lauren Cohn to Planning Board Member (formerly Alt. I) for unexpired term ending 12/31/2025
Shannan Foat-Gelber to Planning Board Alt. I (formerly Alt. II) for unexpired term ending 12/31/2026

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

Executive Session

Council President Delia moved to approve Resolution 2024-108 authorizing an Executive Session, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

RESOLUTION 2024-108

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION WHICH EXCLUDES THE PUBLIC

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Metuchen is of the opinion that such circumstances presently exist; and

WHEREAS, the Council of the Borough of Metuchen wishes to discuss:

Matters Involving Attorney-Client Privilege

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

At 9:22 p.m. Council President Delia made a motion to return to the Regular Meeting, second by Councilmember Giamboi, with all in favor, motion carried, 5-0.

Adjournment

Council President Delia made a motion to adjourn the meeting, second by Councilmember Giamboi, with all in favor, 5-0, the meeting was adjourned at 9:23 p.m.

Respectfully Submitted,

Deborah Zupan, RMC
Borough Clerk