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**BOROUGH COUNCIL
MINUTES – APRIL 16, 2007**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, April 16, 2007. The Meeting was called to order at 6:30 p.m. by Mayor O'Brien, followed by the Invocation given by Councilmember Grossman and the Pledge of Allegiance.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News and Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

Present were Councilmembers Dacey, Dyas, Grossman, Totin, Vahalla and Weber.

Also present were Mayor O'Brien, Borough Administrator Boerth, Acting Borough Attorney Bruce Samuels and Borough Clerk Lacina.

On a motion made by Council President Totin, seconded by Councilmember Weber, the Council retired to Closed Session.

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, New Jersey, that the public shall be excluded from the portion of the meeting to be held on April 16, 2007 at the Borough Hall at which the following subject matter will be discussed:

**NJ'S TAVERN FINAL DELIBERATION
LITIGATION**

BE IT FURTHER RESOLVED, that the discussion to be held by the Mayor and Council on such subject matter shall be disclosed to the public at the resolution of the respective matters.

Dated: April 16, 2007

The Council returned to Open Session at 7:10 p.m.

On a motion made by Council President Totin, seconded by Councilmember Dyas, the Council took a recess until 7:30 p.m.

APPROVAL OF THE MINUTES

On a motion made by Council President Totin, seconded by Councilmember Vahalla, the Regular Minutes of April 2, 2007 were approved.

ADMINISTRATION OF OATH OF OFFICE

OFFICER KEITH SWISTOCK

Mayor O'Brien then invited forward Officer Keith Swistock, along with her wife. Borough Attorney Samuels administered the Oath of Office. Councilmember Totin presented Officer Swistock his badge.

OFFICER KEVIN DOHERTY

Mayor O'Brien then invited forward Officer Kevin Doherty, along with his family. Borough Attorney Samuels administered the Oath of Office. Councilmember Totin presented Officer Doherty his badge.

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After the promotions, the Council took a five minute recess.

RESOLUTION NO. 2007-62

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Keith Swistock, be and he is hereby appointed as a Police Officer of the Police Department of the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law at the starting rate of Patrolman with said appointment being effective April 16, 2007.

Dated: April 16, 2007

RESOLUTION NO. 2007-63

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Kevin Doherty, be and he is hereby appointed as a Police Officer of the Police Department of the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with law at the starting rate of Patrolman with said appointment being effective April 16, 2007.

Dated: April 16, 2007

On a motion made by Council President Totin, seconded by Councilmember Dyas, with all in favor, the above Resolutions No. 2007-63 and No. 2007-64 were adopted.

ARBOR DAY PROCLAMATION

Mayor O'Brien noted the following proclamation would be presented during a tree planting ceremony on April 21st:

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, April 27, 2007 is recognized as "National Arbor Day" and is the 135th anniversary of the holiday; and

WHEREAS, "National Arbor Day" is now observed throughout the nation and the world; and

WHEREAS, the benefits of trees as part of a stable global environment are well recognized; and

WHEREAS, the special importance of trees in urban areas in reducing energy use and maintaining an awareness of the natural world is also evident; and

WHEREAS, the Borough of Metuchen is committed to preserving and renewing its numerous and beautiful trees which enhance the quality of life in our community;

NOW, THEREFORE, I, ED O'BRIEN, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, do proclaim April 27, 2007 as the 135th anniversary celebration of Arbor Day; and urge all the people of Metuchen to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Further, I urge all citizens to plant trees as a source of joy and spiritual renewal and to promote the well-being of this and future generations.

BE IT ALSO PROCLAIMED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, acknowledge the planting of a Willow Tree at Tommy's Pond Park on April 27, 2007 in recognition of "National Arbor Day" and affirm their commitment to protecting and enhancing the Borough's tree resources.

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Dated: April 16, 2007

SAFE KIDS WEEK

Mayor O'Brien then read the following proclamation into record:

WHEREAS, unintentional injury is the number one killer of children 14 and under; and

WHEREAS, each year, more than 5,000 children 14 and under die from unintentional injuries; and

WHEREAS, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer; and

WHEREAS, 90 percent of these injuries and deaths are preventable; and

WHEREAS, 41 percent of these deaths occur during "trauma season," the months of May, June, July and August; and

WHEREAS, the risk areas that show the greatest seasonal surge in deaths and injuries between May and August compared to the rest of the year are biking, drowning, pedestrian, motor vehicle occupants and falls; and

WHEREAS, Safe Kids Worldwide and Safe Kids New Jersey, led by the New Jersey State Safety Council promote childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, Safe Kids Worldwide, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2007, "Make it a Safe Kids Summer," which focuses on five of the deadliest warm-weather risk areas of motor vehicles, drownings, pedestrian, biking and falls; and

WHEREAS, Safe Kids New Jersey has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to educate families about summer safety.

NOW, THEREFORE, I, EDMUND O'BRIEN, Mayor of the Borough of Metuchen do hereby proclaim April 28 – May 6, 2007,

NATIONAL SAFE KIDS WEEK

in New Jersey and call upon all the residents of this city/town to join with me in supporting the efforts and activities of Safe Kids New Jersey to prevent childhood injury.

Dated: April 16, 2007

ORDINANCE NO. 2007-3

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2007-3.

Council President Totin made motion to receive and file the Affidavit, which was seconded by Councilmember Vahalla, with all in favor.

The Clerk read the Ordinance by title:

Ordinance No. 2007-3

BOND ORDINANCE APPROPRIATING \$1,677,100 AND AUTHORIZING \$1,377,500 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF

MIDDLESEX, NEW JERSEY

(This entire Ordinance can be found in Ordinance Book #2)

The Mayor opened the public hearing on this Ordinance.

Hearing no further comment, the Mayor closed the public portion.

On a motion made by Council President Totin, seconded by Councilmember Vahalla, this Ordinance was passed on second reading and ordered published according to law.

Roll Call Vote:

AYES - Councilmembers Dacey, Dyas, Grossman, Vahalla, Weber and Council President Totin.

NAYS - None.

ABSENT - None.

COMMUNICATIONS

CONSENT AGENDA

7. Letter from the American Legion Auxiliary Post #65 requesting permission to hold their annual Flea Market on Saturday, May 12, 2007, along with their "Poppy Days" throughout May 2007 – receive and approve.

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, Items No. 7 was received and approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Totin had no report.

Councilmember Weber noted the Environmental Commission will join the Recreation Commission and the Department of Public Works in celebrating Earth Day on April 21st. The event will begin at 9 a.m. at the Senior's Center; a light breakfast and lunch will be served to the participants.

Councilmember Weber also acknowledged the Metuchen Elks Lodge #1914 on their annual contribution list that totaled \$20,000 in donations and 1014 hours to various events.

Councilmember Weber noted the following local groups have been awarded grants from the Middlesex County Cultural and Heritage Commission and the NJ Council on the Arts:

Recreation Commission \$1,500
Cultural Arts Commission \$1,700
Metuchen Edison YMCA \$1,700

Councilmember Vahalla noted the Senior Citizen Commission has asked that there concerns over the meter bags on Center Street be forwarded to the Parking Authority.

Councilmember Vahalla also noted that the Seniors will be receiving funding from the CDBG grant that will be used for maintenance work at the Center. The Metuchen Seniors Inc. has graciously donated furniture to the Center to further the work.

Councilmember Grossmann noted the Cultural Arts Commission has planned four concerts for the

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summer series; further details will follow. The Commission has also planned the following trips: Bronx Botanical Gardens July 14th; Franklin Institute – August 6th and the Grounds for Sculpture – September 15th. In addition, Councilmember Grossman noted that a teen concert will be held at the Presbyterian Church on June 9th.

Councilmember Dyas noted the Shade Tree Committee has received a grant for a consultant to help plan a 5 year plan for the maintenance and replacement of borough shade trees.

Councilmember Dyas also noted the Fire Department has responded to 150 calls with 35 firefighters in 30 hours as a result of the nor'easter that began on April 15th. Councilmember Dyas commended the Fire Chief and the members on their tremendous efforts.

Councilmember Dacey noted the Recreation Commission had a meeting with members of the Board of Education and the Athletic Department regarding the use of Borough Fields. Councilmember Dacey noted that due to the delayed construction of the field at Metuchen High School, the Board will require the continued use of borough fields. The Board of Education has offered maintenance assistance through Board staff in an effort to alleviate the borough's constraints in maintaining the highly used fields.

The members of the Borough Council wished to express their sincere thanks to the Police Department, Fire Department, Department of Public Works, and the Auxiliary Police for their efforts during the nor'easter.

REPORTS OF OFFICERS

Mr. Samuels had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth noted the MeTV scroll announced the emergency information during the storm and noted the Office of Emergency Management, Jim Graziano, was able to access the board from his home computer to add the notification.

Mayor O'Brien noted that the information, along with the AM 1580 station, is included in most of the Metuchen Messenger issues.

REPORT OF THE MAYOR

Mayor O'Brien concurred with the Council, on the response of the emergency services during the storm. Mayor O'Brien noted the storm resulted in 5-8 inches of rain, which caused infiltration of the sanitary sewer system. The Mayor stated that during such a heavy rainfall, the infiltration and inflow is unavoidable.

The Mayor noted that residents should contact their personal insurance companies to inquire of recovery costs. Personal insurance companies will contact the Borough insurance company if warranted. The Mayor noted that after Hurricane Floyd, the borough did receive FEMA funding and the Borough will file an application if available this time. Mayor O'Brien stated that the public will be advised if personal recompense is available through FEMA.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Richard Plechner, 62 Oak Avenue, questioned if Memorial Park could be worked on before Memorial Day. Mr. Plechner noted the benches were in need of paint, the trees should be trimmed and some grass seed thrown down.

Mayor O'Brien noted the Department of Public Works always schedules park improvements before the parade.

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Councilmember Grossman noted that Boy Scout Troop #17 replaces the ribbons prior to the parade every year.

Hearing no further comment, the Mayor closed the public portion.

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2007-64

WHEREAS, bids were received by the Borough Clerk on April 10, 2007 for the 2007 Municipal Pool Maintenance for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Administrator on said bid; and

WHEREAS, the Finance Officer has determined that sufficient funds are available in the pool account in the amount of \$18,867.00, as evidenced by the Finance Officer's certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the 2007 Municipal Pool Maintenance for the Borough of Metuchen be and the same is hereby awarded to Aquatic Service, Inc., 170 Burlington Avenue, Spotswood, NJ 08884-1479.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for same.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized and directed to return the certified checks or bid bonds of the following successful bidder and the next lowest bidder:

1. Aquatic Services, Spotswood, NJ.
2. A&A Painting & Contracting, Highland Park, NJ

upon the receipt of a fully executed contract and other required documents.

Dated: April 16, 2007

RESOLUTION NO. 2007-65

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that Albert Hopping (Lic. # 002975) be and he is hereby appointed as the acting Plumbing Inspector/Plumbing Subcode Official for the Borough of Metuchen effective April 2, 2007 period of 90 days due to illness of the Borough's Plumbing Inspector/Plumbing Subcode Official Dennis Rhoades (Lic. # 001420); and

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

Dated: April 16, 2007

RESOLUTION NO. 2007-66

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 2007, effective April 16, 2007:

CAPITAL IMPROVEMENT FUND		72,500
SHADE TREE	OE	13,000
LIBRARY CONSORTIUM		2,500
LEAF BAG PROGRAM		22,000
UTILITIES		50,000
LIBRARY	SW	100,000
GROUP INSURANCE		200,000
TOTAL		460,000
POOL	OE	30,000

Dated: April 16, 2007

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RESOLUTION NO. 2007-67

Resolution – Refund of Sidewalk Escrow Fee #07-001 S

WHEREAS, Kimberly Galeota posted \$356.50 for curb, apron and sidewalk escrow fees,

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Kimberly Galeota,

NOW, THEREFORE, BE IT RESOLVED, that Kimberly Galeota be refunded \$356.50 from the Sidewalk Inspection Escrow account.

Dated: April 16, 2007

RESOLUTION NO. 2007-68

**RESOLUTION SUPPORTING LEGISLATION THE
“CLEAN RAILROADS ACT OF 2007”.**

WHEREAS, the Mayor and Council of the Borough of Metuchen have serious concerns about transporting solid waste by rail, especially safety and quality of life issues for the residents and communities who may be in the path of one of these trash trains; and

WHEREAS, the rail line has two high pressure gas pipelines buried within ten feet of the tracks causing concern about the effect increased traffic would cause in respect to metal fatigue from increased vibration; and

WHEREAS, Congressman Frank Pallone, Jr. will introduce legislation that is designated to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the support of the Borough of Metuchen for Congressman Pallone’s legislation which is designated to regulate the transport of waste materials by rail car

BE IT FURTHER RESOLVED that the levels of government including the Board of Chosen Freeholders of Middlesex County; the General Assembly and Senate of the State of New Jersey, the Governor of the State of New Jersey, representatives to the House of Representative and the Senate, as well as all State and Federal agencies be informed of the above.

Dated: April 16, 2007

RESOLUTION NO. 2007-69

BE IT RESOLVED, that Commerce Bank, at any one or more of its offices or branches, be and is hereby designated as the financial institution of and depository for the funds of the **Borough of Metuchen Sales and Use Tax Account**, which may be withdrawn on checks bearing the appropriate signatures of the Borough of Metuchen officials as shown on the actual Depositor’s Contract.

Dated: April 16, 2007

RESOLUTION NO. 2007-70

WHEREAS, on January 17, 2007 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by PT Consultants as the required Performance Guarantees for Street Opening #848– Ethel Place; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

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NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to PT Consultants, 415 Daretown Road, Elmer, NJ 08318 as recommended by the Director of Public Works.

Dated: April 16, 2007

On a motion made by Council President Totin, seconded by Councilmember Weber, with all in favor, the above Resolutions No. 2007-64 through No. 2007-70 were adopted.

Mr. Boerth noted that several companies were contacted for health insurance renewal quotes and only one response was received – our current carrier IDA.

Mr. Mike Atkinson, from Insurance Design Administrators, explained to the Council the choice of options for the renewal period. Mr. Atkinson recommended a renewal for Option III which increases the specific liability from \$35,000 to \$45,000. Mr. Atkinson noted the borough would pay an increase if the threshold was reached, rather than in monthly premiums.

Mr. Atkinson noted that the Borough renewal quotes are running better than the State Health Benefits Program; fixed costs have been flat and the renewal increase has been at 13%.

RESOLUTION NO. 2007-71

HEALTH INSURANCE THIRD PARTY ADMINISTRATOR AND NETWORK

WHEREAS, , the Borough Council of Metuchen adopted a self-insurance program for the Borough's Group Medical and Dental Coverage which shall renew effective on May 1, 2007; and

WHEREAS, this self-insurance program shall require a renewal of Insurance Design Administrators as the Third Party Administrator and the appointment of Qualcare as the Insurance Network for in-state members (Beech Street for out-of-state members) and QBE as Reinsurer; and

WHEREAS, Insurance Design Administrators, 169 Ramapo Village Road, Oakland, NJ shall continue to serve as the Third Party Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen do hereby authorize the appointment of the above stated for all currently existing medical and dental programs offered for Borough employees and retirees.

Dated: April 16, 2007

On a motion made by Council President Totin, seconded by Councilmember Weber, with all in favor, the above Resolution No. No. 2007-71 was adopted.

OTHER NEW BUSINESS

BILL RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the proper warrants be drawn and all bills paid totaling \$355,721.72.

Dated: April 16, 2007

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.

/s/ Rebecca Cuthbert, CFO

On a motion made by Council President Totin, seconded by Councilmember Weber, with all in favor, this Resolution was adopted.

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COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

The Mayor opened the public hearing.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Totin, seconded by Councilmember Weber, the meeting was adjourned at 8:25 p.m.

BOZENA LACINA, RMC
Municipal Clerk