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**BOROUGH COUNCIL
MINUTES – FEBRUARY 5, 2007**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, February 5, 2007. The Meeting was called to order at 6:01 p.m. by Mayor O'Brien, followed by the Invocation given by Councilmember Vahalla 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, Borough Attorney Frizell, and Borough Clerk Lacina.

APPROVAL OF THE MINUTES

On a motion made by Council President Totin, seconded by Councilmember Dyas, the Regular Minutes of January 16, 2007 were approved.

COMMUNICATIONS
CONSENT AGENDA

- 3 Receive the minutes of the following meetings:
 - Parking Authority – November 21, 2006 and December 19, 2006
 - Traffic and Transportation – December 13, 2006
- 4 Letter from Mt. Zion Chapter 116, OES requesting permission to hold their annual “indoor Flea Market” on Saturday, February 24, 2007 – receive and approve.
- 5 Raffle Application – Kids in Production – approve.
- 5A. Raffle Application – Metuchen Parent Teacher Council – approve.**

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, Items No. 3 through No. 5A were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Totin presented the Library schedule of events for the beginning of February. Council President Totin also noted the Library Board had re-elected Christopher Blejwas as Chairman.

Councilmember Weber noted the Environmental Commission had selected Mark Herzberg as their Chairman.

Councilmember Weber noted the Development Commission had also reorganized and selected Jack Altman as their Chairman.

Councilmember Vahalla noted the Youth Service Board selected Eric Wong as the Chairman.

Councilmember Grossman noted the Cultural Arts Commission is planning their late winter/early spring activities. Further information would follow.

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Councilmember Dyas had no report.

Councilmember Dacey noted the Recreation Commission held their Annual Daddy –Daughter Date Night. Councilmember Dacey thanked all the Commissioners who make the dance an enjoyable and highly successful event.

Councilmember Dacey also noted that NJ Transit has replaced 20 bike lockers at the Metuchen train station platform. Rental of the bike lockers can be made through the Parking Authority.

Councilmember Dacey then thanked Metuchen Savings Bank for their support in providing half of the funding needed for the new scoreboard at Myrtle Field.

REPORTS OF OFFICERS

Mr. Frizell noted that the Council would add Resolution No. 2007-45 to the agenda, that would be read into record, to approve the lease of the cell tower site.

Mr. Frizell also noted that the State of New Jersey has delayed certifying municipalities in 3rd round proceedings until such time as new regulations can be drafted.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor O'Brien noted that announced that the Borough of Metuchen would be holding their Housing and Community Development (HCD) meeting for consideration of projects for the Community Development Block Grant (CDBG) funds on Monday, February 12th at 7:00 p.m.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Joe Ernest, PBA Local 60 President, questioned if the Borough operated their meeting according to the Roberts Rule of Order as he felt that he did not receive the allowable speaking time at the last meeting.

Mayor O'Brien stated that Mr. Ernest should make his comment and requested the comments be addressed to the Chair.

Mr. Ernest questioned if Police Commissioner Totin had received his letter that was put in her mailbox at Borough Hall in mid January.

Mayor O'Brien stated she had.

Councilmember Totin stated that she had only received it on February 2nd and stated that her response was forthcoming.

Mr. Ernest questioned if the Police Commissioner was familiar with the crime index.

Mayor O'Brien could not answer that question for Councilmember Totin but stated that he was familiar with the numbers. The Mayor stated that he was aware that burglaries were reduced. The Mayor stated that the PBA has been kept apprised of the recent budget matters.

Mr. Ernest noted that the PBA is very concerned over the refusal to replace vacancies in the Police Department.

Mayor O'Brien noted that no decision could be made until the state clarifies funding.

Councilmember Totin stated that she was aware that legislation slated to be voted upon that night could make final decision on where the Borough was going with the matter. Councilmember Totin the impetus of the letter was not replacing officers.

Mayor O'Brien noted the Council never stated they would not, but rather could not and submit an unbalanced budget which would be illegal.

Mayor O'Brien noted the principal issue at this time is whether or not health insurance would be taken out from inside the "CAPS". Mayor O'Brien noted that other towns are in the similar predicament – Edison has nine vacancies and has only replaced three; Princeton has laid off 4 officers and Perth Amboy laid off eight.

Mr. Ernest stated that the concerns extends to the Borough recent record of not replacing employees who chose to leave. In recent years the employee base has been reduced by 10.

Mayor O'Brien stated that within the last few years the Borough has a tax problem but never a "CAP" problem. The Mayor explained that part of the reduction was when the Department of Public Works went from manned trucks to automated trucks. Mayor O'Brien again stated that the Borough is not saying they won't replace the officers. However, at this time the Borough must await state action as to the status of the funding source.

Mr. Ernest noted that the Borough is in a \$700,000 deficit.

Mayor O'Brien stated that he never said the Borough was in a deficit, rather the problem is bringing the health insurance inside "CAPS". The Mayor noted that S-20 would allow the municipalities to increase health insurance cost according to the State Health Benefits increases. The Mayor stated the Borough has every intent on replacing the officers if health insurance does not remain inside of "CAPS".

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2007-40

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
04-00007	64/18	50 Finch Street	R. Rothman
040003	40/12	318 Durham Avenue	Crusader Servicing

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel these liens from the municipal records.

Dated: February 5, 2007

RESOLUTION NO. 2007-41

A RESOLUTION IN SUPPORT OF LEGISLATION ENSURING THE SAFETY AND WELFARE OF THE DISABLED AND TO ENCOURAGE ENFORCEMENT OF SUCH LEGISLATION

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WHEREAS, the Borough Council of the Borough of Metuchen recognizes the need for legislation to strengthen safety requirements for the transportation of passengers who are disabled; and

WHEREAS, two bills have been introduced in the Assembly, A3459 and A3538 which would require a disabled passenger who is transported in certain types of vehicles, to be secured in both a wheelchair securement and occupant securement device, and also require that all individuals that transport or assist in the transportation of disabled persons to receive formal training from the Division of Disability Services in New Jersey Department of Humans Services; and

WHEREAS, THE Borough council wishes to urge the early passage of said legislation,

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that it does hereby urge the early passage of Assembly Bills A3459 and A3538 which will improve the health, welfare and safety of disabled individuals and hereby strongly encourages that the Legislature of the State of New Jersey make every effort to promulgate such legislation within the State of New Jersey.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to Governor Corzine, to our State Senator and to our representatives in the General Assembly.

Dated: February 5, 2007

RESOLUTION NO. 2007-42

WHEREAS, the Contract for the Myrtle Park Synthetic Field has been approved in a contract between the Mayor and Council and Dakota Excavating ; and

WHEREAS, the net increase to the Borough for Change Order #2 shall not exceed \$4,850.00; and

WHEREAS, the Finance Officer has determined that sufficient funds are available in the capital account as evidenced by the Finance Officer's certification;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order 2.

Dated: February 5, 2007

RESOLUTION NO. 2007-43

WHEREAS, the Borough Council of the Borough of Metuchen has received the resignation of Officer Donald Heck from the Metuchen Police Department, effective February 5, 2007; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that the resignation of Officer Donald Heck Police Department, effective February 5, 2007 is hereby accepted.

Dated: February 5, 2007

RESOLUTION NO. 2007-44

WHEREAS, the Contract for the **2006 Road Program** has been approved in a contract between the Mayor and Council and **Defino Contracting** ; and

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WHEREAS, the net increase to the Borough for Change Order #1 shall not exceed \$18,757.00; and

WHEREAS, the Finance Officer has determined that sufficient funds are available in the capital account as evidenced by the Finance Officer's certification;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order 1.

Dated: February 5, 2007

RESOLUTION NO. 2007-45

WHEREAS, the Borough of Metuchen owns parcel of vacant land in Block 49, Lots 3,4, 40, & 40.1, part of the Jersey Avenue Public Works property, in Metuchen, New Jersey, which was determined by the Mayor and Council as suitable for cellular tower use; and

WHEREAS, the property was offered for lease pursuant to the terms and conditions of a ground lease prepared by the Borough Attorney; and

WHEREAS, Verizon Wireless submitted the only bid at a fair market price of \$2,000, per month, as the initial rent for the property,

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

- (1) that the bid of \$2,000 per month submitted by Verizon Wireless is hereby accepted; and
- (2) that the parcel of vacant land in Block , Lot , be leased to Verizon Wireless, pursuant to the lease terms set forth in the Lease; and
- (3) that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary to transfer title.

Dated: February 5, 2007

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, the above Resolutions No. 2007-40 through No. 2007-45 were 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 **\$6,994,045.67**.

Dated: February 5, 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 Dyas, with all in favor, this Resolution was adopted.

ORDINANCE NO. 2007-1

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Council President Totin made motion to introduce and take up on first reading Ordinance No. 2007-1, which was seconded by Councilmember Vahalla, with all in favor.

The Clerk read the following Ordinance by title:

Ordinance No. 2007-1 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN BY ADDING A NEW SECTION TO CHAPTER 95 ENTITLED "GAMES OF CHANCE"

Council President Totin moved this Ordinance be passed on first reading, published according to law, and public hearing set down for February 20, 2007. This motion was seconded by Councilmember Dyas.

Roll Call Vote:

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

NAYS - None.

COMMENTS FROM THE PUBLIC ON NEW BUSINESS MATTERS ONLY

The Mayor opened the public hearing.

The Mayor noted that the Hearing for the NJ's Liquor License had been postponed at the counsel for the defendant was ill. The Mayor noted that that NJ's also has pending charges issued by the Alcoholic beverage Commission (ABC) and that Mr. Frizell was asked to look into the matter. The charges pending by the ABC are much more serious than the Borough's and it may be beneficial to hear our charges after the ABC hears theirs.

The Mayor noted the Borough would tentatively schedule the hearing for February 20th.

An Edison resident then questioned the Mayor about the current deficit and the possibility of consolidation. The resident noted that he sits on the Finance Board and stated that consolidation would have a major impact including the safety.

Mayor O'Brien stated at last hearing, the Legislature has not pursued the issue of forced consolidation. A committee has been established to make recommendations but no penalties would be weighed against town who refuse to consolidate. The Mayor noted the main issue at this time is the "CAP" exceptions.

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

On a motion made by Council President Totin, seconded by Councilmember Vahalla, the meeting was adjourned at 6:40 p.m.

BOZENA LACINA, RMC
Municipal Clerk