

2/06/06

**BOROUGH COUNCIL
MINUTES – FEBRUARY 6, 2006**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, February 6, 2006. The Meeting was called to order at 7:35 p.m. by Mayor O'Brien, followed by the Invocation given by Reverend Virgil Tolentino of St. Francis Cathedral 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, Grossman, Totin and Vahalla. Councilmember Dyas and Council President Weber were absent.

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 Acting Council President Totin, seconded by Councilmember Vahalla, the Regular Minutes of January 17, 2006 were approved.

ADMINISTRATION OF OATH OF OFFICE AND RESOLUTION OF APPOINTMENT TO:

SERGEANT MICHAEL KILKER

Mayor O'Brien then invited forward Sergeant Michael Kilker, along with his mother. Borough Attorney Frizell administered the Oath of Office. Councilmember Totin presented Sergeant Kilker his badge.

SERGEANT DAVID IRIZARRY

Mayor O'Brien then invited forward Sergeant David Irizarry, along with his family. Borough Attorney Frizell administered the Oath of Office. Councilmember Totin presented Sergeant Irizarry his badge.

OFFICER TIMOTHY HAYDUK

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

OFFICER NANCY PHIBBS

Mayor O'Brien then invited forward Officer Nancy Phibbs, along with her sister. Borough Attorney Frizell administered the Oath of Office. Councilmember Totin presented Officer Phibbs her badge.

OFFICER OCTAVIO TAPIA

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

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

2/06/06

RESOLUTION NO. 2006-44

WHEREAS, Officer Michael Kilker has successfully fulfilled the police promotion requirements for the position of Sergeant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the said Officer Michael Kilker is hereby promoted to the position of Sergeant effective as of February 6, 2006 .

Dated: February 6, 2006

RESOLUTION NO. 2006-45

WHEREAS, Officer David Irizarry has successfully fulfilled the police promotion requirements for the position of Sergeant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that the said Officer David Irizarry is hereby promoted to the position of Sergeant effective as of February 6, 2006 .

Dated: February 6, 2006

RESOLUTION NO. 2006-46

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Timothy Hayduk, 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 February 7, 2006.

Dated: February 6, 2006

RESOLUTION NO. 2006-47

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Nancy Phibbs, 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 February 7, 2006.

Dated: February 7, 2006

RESOLUTION NO. 2006-48

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Octavio Tapia, 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 February 7, 2006.

Dated: February 6, 2006

On a motion made by acting Council President Totin, seconded by Councilmember Vahalla, the above resolution of appointment No. 2006-44 through 2006-48 were adopted, with all in favor.

ORDINANCE NO. 2006-1

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2006-1.

2/06/06

Acting 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. 2006-1 An Ordinance To Amend The Code Of The Borough Of Metuchen, Chapter 87 Thereof, Entitled Fees, By Adding A New Article 12 To Establish Fees For Disposition Fees.

(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 Acting Council President Totin, seconded by Councilmember Vahalla, this Ordinance was passed on second reading and ordered published according to law.

AYES - Councilmembers Dacey, Grossman, Totin, and Vahalla.

NAYS - None.

ABSENT - Dyas and Weber.

ORDINANCE NO. 2006-2

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2006-2 .

Acting 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. 2006-2 An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank

(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 Acting Council President Totin, seconded by Councilmember Vahalla, this Ordinance was passed on second reading and ordered published according to law.

AYES - Councilmembers Dacey, Grossman, Totin, and Vahalla.

NAYS - None.

ABSENT - Dyas and Weber

ORDINANCE NO. 2006-3

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2006-3.

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

2/06/06

The Clerk read the Ordinance by title:

**Ordinance No. 2006-3 An Ordinance To Amend The Code Of The Borough Of
Metuchen, Chapter 87 Thereof, Entitled Fees, By Adding A New
Article 13 To Establish Fees For Tax Search Files Transmitted
Via E-Mail.**

(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 Acting Council President Totin, seconded by Councilmember Vahalla, this Ordinance was passed on second reading and ordered published according to law.

AYES - Councilmembers Dacey, Grossman, Totin, and Vahalla.

NAYS - None.

ABSENT - Dyas and Weber

COMMUNICATIONS
CONSENT AGENDA

None.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Councilmember Vahalla had no report

Acting Council President Totin presented the Library schedule of events for February. The Library would also hold a Blood Drive on February 21st from 2-7:30 p.m.

Councilmember Grossman noted the Cultural Arts Commission is in the process of planning their spring events.

Councilmember Grossman also noted the EMS is looking for volunteers. Interested persons can inquire at 906-9549 or membership@metuchenfas.org.

Councilmember Dacey noted the Recreation Commission has the following upcoming events planned:

- 2-17 – Daddy/Daughter Date Night
- 3-12 Metuchen Education Foundation Fundraiser
- 3-24 – Mother/Son Date Night
- 4-15 Easter Egg Hunt at the Edgar School
- 4-22 Earth Day

Councilmember Dacey also noted the Myrtle Park Synthetic Field will begin this week and will be completed by June 1st.

Councilmember Dacey noted the he has met with senior staff at the Department of Public Works and has gone over the important budgetary issues and will be meeting with the Mayor and Borough Administrator to discuss the departmental budget requests.

2/06/06

Councilmember Dacey stated that he had also met with Fire Chief Donnan to discuss the condition of the ladder truck. A recommendation will be going to the Mayor and Council to replace the aged ladder truck at this capital budget.

Councilmember Dacey then stated that he was pleased over the earlier promotions and appointments made to the Police Department.

REPORTS OF OFFICERS

Mr. Frizell noted that at the Mayor request, a "Pay to Play" process has begun with a draft listing of job description and qualification for the following Borough positions: Borough Attorney, Borough Planner, Borough Engineer, Borough Bond Counsel and Borough Auditor. Mr. Frizell stated that a draft resolution should be ready by the next meeting to detail the process.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor O'Brien noted the Development Commission would be holding a special meeting on February 28th to discuss the future of Downtown Development. The meeting would be held at the Senior Citizens Center at 7:30 p.m. and moderated by Jim Constantine.

Mayor O'Brien then noted that he along with , Marion Price, the Borough's HCD representative attended the County HCD meeting on February 4th. The Borough will be receiving \$62,100 in funding for the 2006-2007 funding cycle. The Borough will hold their public meeting on Wednesday, February 15th at 7 pm at Borough Hall.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Hearing no comment, the Mayor closed the public portion.

NEW BUSINESS

CONSENT AGENDA

RESOLUTION NO. 2006-37

RESOLUTION OPPOSING BILLS S-319 AND A-1030

WHEREAS, legislation pending, Senate 319 and Assembly 1030, would amend the NJ Employer-Employee Relations Act to prohibit the unilateral changing of the terms and conditions of employment by the public employer; and

WHEREAS, this would significantly jeopardize the delicate working balance in public sector negotiations and tip the scales in the union's favor; and

WHEREAS, when parties have reached genuine impasse and exhausted all other avenues of the negotiation process; and

WHEREAS, no resolution of outstanding issues have been achieved; and

WHEREAS, to avoid the continuing uneconomic existing practice and to preclude the union's ability to delay the conclusion of the process, the governing body may act upon administratively established procedure and impose its last, best offer or the recommendations of the fact finder; and

WHEREAS, the governing body recognizes that passage of S-319 and A-1030 would deprive public employers of a valuable management tool that was established by PERC and supported by the NJ Supreme Court;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Metuchen strenuously opposes S-319/A-1030 and urges the Legislature to provide local government officials with the management tools necessary to hold the line on spiraling employee related costs.

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Governor Corzine,

2/06/06

Senate President Codey, Assembly Majority Leader Roberts, members of your respective Trenton delegation and the NJ League of Municipalities.

Dated: February 6, 2006

RESOLUTION NO. 2006-38

WHEREAS, A&J Heating & Air Conditioning has requested a refund of the performance bond for various landscaping improvements on Block 167, Lot 4 – 67 Jonesdale Avenue; and

WHEREAS, the Zoning Officer has reported that the landscaping has been completed in an acceptable manner; and

WHEREAS, the Zoning Officer recommends the release of the performance guarantee in the amount of \$5,000.00 in cash; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amounts directed by the Zoning Officer.

Dated: February 6, 2006

RESOLUTION NO. 2006-39

WHEREAS, the Borough of Metuchen desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$25,000 to obtain tennis court lighting which will provide improved facilities for use by the residents of the Borough through a **Special Purpose Grant**,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of metuchen does hereby authorize the application for such a grant; and upon receipt of the fully executed agreement from the Department, does hereby authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Metuchen and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Borough are hereby authorized and directed to sign the application, and that they or their successors in said titles are authorized to sign an agreement, and any other document necessary in connection therewith.

Dated: February 6, 2006

RESOLUTION NO. 2006-40

WHEREAS, the Borough of Metuchen desires to apply for and obtain a grant from the New Jersey department of Community Affairs for approximately \$18,500 to install video conferencing equipment at the Borough of Metuchen through a **Special Purpose Grant**,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of metuchen does hereby authorize the application for such a grant; and upon receipt of the fully executed agreement from the Department, does hereby authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Metuchen and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Borough are hereby authorized and directed to sign the application, and that they or their successors in said titles are authorized to sign an agreement, and any other document necessary in connection therewith.

Dated: February 6, 2006

2/06/06

RESOLUTION NO. 2006-41

WHEREAS, on October 11, 2005 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by A. A. Absolute as the required Performance Guarantees for Street Opening #739 – 20 Buchanan Avenue; 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,

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 AA Absolute Construction Inc, 115 East 11th Street,, Roselle, NJ 07203 as recommended by the Director of Public Works.

Dated: February, 6, 2006

RESOLUTION NO. 2006-42

Resolution – Refund of Sidewalk Permit Fee #05-013S

WHEREAS, the Donna Thompson posted \$100.00 for sidewalk permit fees,

WHEREAS, the Planning Board Secretary has requested that the permit fee be refunded to Donna Thompson as the work is not going to be done at this time,

NOW, THEREFORE, BE IT RESOLVED, that Donna Thompson be refunded \$100.00.

Dated: February 6, 2006

RESOLUTION NO. 2006-43

WHEREAS, the Contract for the 2005 Road Program/East Chestnut Avenue Project has been approved in a contract between the Mayor and Council and Defino Contracting; and

WHEREAS, the net decrease to the Borough for Change Order #1 is **\$5,429.45**;

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 6, 2006

On a motion made by Acting Council President Totin, seconded by Councilmember Vahalla, with all in favor, the above Resolutions No. 2006-38 through No. 2006-43 were adopted.

OTHER NEW BUSINESS

2/06/06

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 \$3,003,919.05.

Dated: February 6, 2006

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 Acting Council President Totin, seconded by Councilmember Vahalla, with all in favor, this Resolution was adopted.

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 Weber, seconded by Councilmember Vahalla, the meeting was adjourned at 8:12 p.m.

BOZENA LACINA, RMC
Municipal Clerk