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

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, March 5, 2007. The Meeting was called to order at 6:00 p.m. by Mayor O'Brien, followed by the Invocation given by Councilmember Weber 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 Vahalla, the Regular Minutes of February 20, 2007 were approved.

RESOLUTION HONORING ROBERT MOHR, POSTHUMOUSLY

Councilmember Weber read the following resolution and presented such to Mrs. Dorothy Mohr and family:

**PARKING AUTHORITY OF THE BOROUGH OF METUCHEN
CONCURRENT RESOLUTION HONORING ROBERT W. MOHR, POSTHUMOUSLY**

WHEREAS, Robert W. Mohr resided in the Borough of Metuchen for 51 years and was a graduate of Metuchen High School, and

WHEREAS, Mr. Mohr honorably served his country in the United States Army, and

WHEREAS, Mr. Mohr served the community for 31 years as a member of the Washington Hose Company of the Metuchen Volunteer Fire Department, and

WHEREAS, Mr. Mohr served as Chief of the Metuchen Fire Department from 1985 to 1987, and

WHEREAS, Mr. Mohr served as the Fire Official for the Borough of Metuchen for 14 years performing fire inspections and promoting fire safety, and

WHEREAS, Mr. Mohr was also active in the community as a member of the Metuchen Elks Club for 14 years, a member of the Edison Moose Club and a member of the American Legion Fugel Hummer Post 65 Metuchen for 15 years, and

WHEREAS, Mr. Mohr devoted his career to the Parking Authority of the Borough of Metuchen for 42 years, retiring as Executive Director in 2003, and

WHEREAS, during his many years with the Parking Authority, Mr. Mohr took great pride in the parking lots and facilities of the Authority and in particular the Authority Headquarters at 25 Pearl Street, and

WHEREAS, the Commissioners of the Parking Authority, the members of the Borough Council, and the entire community of Metuchen were saddened to learn of the death of Robert W. Mohr on July 21, 2006 and seek to recognize his contributions as a tireless public servant, and

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WHEREAS, it is fitting and proper that the Commissioners and the Borough Council honor Robert W. Mohr for his outstanding contributions to the Borough of Metuchen,

NOW, THEREFORE, BE IT RESOLVED by the Parking Authority of the Borough of Metuchen, the Borough Council concurring, that the Commissioners and the members of the Council by this Resolution honor Robert W. Mohr posthumously for his outstanding contributions to the Borough of Metuchen, and

BE IT FURTHER RESOLVED that the Parking Authority Headquarters at 25 Pearl Street shall from this day forward be known as the Robert W. Mohr Metuchen Parking Authority Building and the Executive Director of the Authority is hereby authorized to commemorate that designation with a dedication ceremony and an appropriate plaque, and

BE IT FURTHER RESOLVED that a copy of this concurrent Resolution shall be presented to Dorothy Mohr.

Dated: March 5, 2007

RESOLUTION HONORING BOROUGH EMPLOYEES FOR 20+ YEARS OF SERVICE

WHEREAS, it has come to the attention of the Mayor and Council, that several longtime and faithful employees of the Borough of Metuchen, have completed twenty years plus with the Borough; and

WHEREAS, during their years of service, they have performed their jobs in a commendable and responsible manner; and

WHEREAS, the Borough of Metuchen and the residents have benefited from the many years of service provided by these employees and their community spirit has enriched our town and many lives;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen, hereby recognize and further commend these employees for their tireless and dedicated service to the community; your efforts have enriched us generously because a community possesses no greater treasure than the dedicated service of its people.

BE IT FURTHER RESOLVED that the Mayor and Council, on behalf of the residents of Metuchen, do hereby extend their gratitude and appreciation and offer their best wishes of good health, happiness and success in the years ahead.

Dated: March 5, 2007

Mayor O'Brien read the above resolution and presented a personalized copy to the employees in attendance. The following lists the employees honored:

Library

Carol Klein 22 years
Melody Kokola 21 years
years
Hsi Hsi Chung 21 years
Susan Gavin 20 years

Tax

Evelyn Buhoski 21 years
Anne Marie Jones 20

Court

Bobbie Stone 26 years

Seniors

Alice Fleming 25 years

Crossing Guards

Public Works

Fred Hall 27 years

Kathleen Haganey
Mildred Reeder

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Steve Kanaszka 21 years
Public Works (continued)

Police

Bill Szalagyi 29 years
Mike Ihnat 22 years
Dan Hall 22 years
James Finnerty 22 years
Tom Eosso 36 years
Ben High 22 years
Ed Conroy 26 years
Glen White 22 years
Anthony Sellers 20 years
Wayne Wright 40 years

Ted Ayotte 23 years
Tony Carro 21 years
John Franklin 22 years
Jim Keane 27 years
Ed Mosko 21 years
Steve Wilczynski 23 years
Lucille Thomas 21 years

ORDINANCE NO. 2007-2

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2007-2.

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. 2007-2 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 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.

INTRODUCTION OF 2007 MUNICIPAL BUDGET

Municipal Budget for the Borough of Metuchen, County of Middlesex, for the fiscal year 2007:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2007

BE IT FURTHER RESOLVED, that the said Budget shall be published in the Home News Tribune in the issue of March 29, 2007.

The Governing Body of the Borough of Metuchen does hereby approve the following as the Budget for the year 2007:

General Appropriations for:

1.	Appropriations within "CAPS"	
	(a) Municipal purposes	\$9,882,840.30
2.	Appropriations excluded from "CAPS"	
	(a) Municipal Purposes	3,781,964.16
	Total General Appropriations Excluded from Caps	3,781,964.16
3.	Reserve for Uncollected Taxes	584,457.86
4.	Total General Appropriations	14,249,262.32
5.	Less: Anticipated Revenue	6,130,659.35
6.	Difference: Amount to be raised by taxes	
	For support of Municipal Budget	
	(a) Local Tax for Municipal Purposes including	
	Reserve for Uncollected Taxes	8,118,602.97

Notice is hereby given that the Budget and tax resolution was approved by the Governing Body of the Borough of Metuchen, County of Middlesex on March 5, 2007.

A hearing on the budget and tax resolution will be held at Borough Hall on May 7, 2007 at 7:30 p.m., at which time and place objections to said budget and tax resolution for the year 2007 may be presented by taxpayers or other interested persons.

On a motion made by Council President Totin, seconded by Councilmember Weber, this budget was approved.

AYES: Councilmembers Dacey, Dyas, Grossman, Totin, Vahalla and Weber.

NAYS: None.

ABSENT: None.

Mayor O'Brien noted that as the introduced budget stands, there is a 7.4 cent increase for municipal purposes. The Mayor noted that the Borough will not have their final aid numbers until late summer.

Councilmember Vahalla suggested the Borough review current fees to see if that couldn't help offset the budget increase.

COMMUNICATIONS
CONSENT AGENDA

7. Receive the minutes of the following meetings:
- Development Commission – January 3, 2007
 - Environmental Commission – November 2006 & January 2007
 - Parking Authority – January 23, 2007

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

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Totin presented the Library schedule of events.

Councilmember Weber noted the Environmental Commission is currently reviewing several projects.

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Councilmember Vahalla noted the Senior Citizen Commission had organized and elected John Gazda as Chair.

Councilmember Vahalla noted the Youth Service Board was working on the proposal for the next grant submission.

Councilmember Vahalla noted that Metuchen Pulls Together would be a *Fire Engine Pull* on June 9th. The organization will use the proceeds for the general crisis fund for Metuchen residents.

Councilmember Dyas had no report.

Councilmember Dacey noted that the budget as introduced has the following highlights: the Fire Department LoSAP program will be at 5%; the Shade Tree Commission will get increased funding for plantings; Parks has received extra funding for general maintenance; and the HVAC maintenance for all buildings will be included.

Councilmember Dacey noted that the Board of Education will be receiving less funding this year and Governor Corzine has stated that some program may be zero-lined and others reduced.

Councilmember Dacey noted that no residents had contacted him between meetings to discuss the budget. Councilmember Dacey noted it is important to review the budget as a community. Councilmember Dacey noted that his own property tax increase for last year was \$700 and the same is possible for this year. Councilmember noted the budget should be examined to because how long can the residents afford these increases, especially those on fixed income. Councilmember Dacey noted that with the demands for tax relief, along with the Governor's budget restrictions, the Borough will have problems in the next few years. However, Councilmember Dacey noted the view should be to long range planning and not just solving immediate problems and concerns.

REPORTS OF OFFICERS

Mr. Frizell had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor O'Brien stated that although the budget is introduced now, final adoption will not be until state aid figures are released. The Mayor encouraged inspection of the budget. The Mayor noted that the Borough "skated by" this year being able to introduce a balanced budget. As of February 20th, the borough was \$25,000 over CAP. However, the Mayor noted that the County granted the Borough an extension to post new assessments and arranged for the tax assessor from North Brunswick to do the work for the Borough. The Mayor noted that 91 added assessments were posted giving the Borough \$40,000 in ratables that could be applied to the budget. The Local Finance Board also instructed the Borough to add in \$35,000 for extraordinary aid. The Mayor noted that the figures will be re-examined in April, once health insurance costs come in. The Borough has built in 13% and the increases have been cheaper than the State Health Benefits Plan in all years. The Mayor noted that once those numbers come in, the second police vacancy can be revisited.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Joe Ernest, local PBA #60 President, questioned if the Borough appropriated surplus into the budget.

Mayor O'Brien noted the Borough did appropriate \$1 million from surplus into the budget. The

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Mayor noted that the State will not consider an extraordinary aid application if surplus is not used.

Mr. Ernest questioned if the legislation had been signed into law.

The Mayor stated that as yet it had not been signed by the Governor. However, the Mayor noted that the Local Finance Board has instructed the Borough to appropriate a 2% increase for aid.

Mr. Ernest stated that issue at hand seems to focus on certain departments.

The Mayor granted that the Borough is a sum of its parts, but noted the Police Department is the single most expensive department in the budget.

Mr. Ernest stated that the averaged homeowner only pays \$598 for the police portion of the budget.

Mayor O'Brien noted the issue will come to the forefront when fiscal town start planning their budgets as they will be the first to implement the new 4% CAPS. The exceptions will be brought within CAPS other than pensions, reserve for uncollected taxes and debt service. The exceptions that were previously outside CAPS will now be limited by a 3.5% increase.

Mayor O'Brien stated that the amount available to the Borough in the CAP bank shows how frugal the community has been. Those funds were available to use this year.

Councilmember Dacey noted the Borough also benefited from the added assessments and the 2% increase.

Mayor O'Brien noted that the two vacated police officers positions are included in the budget as introduced. And although the Borough may be able to fill the vacancies this year, the problem will be sustaining them next year.

Council President Totin noted the Police Chief has been advised to replace one officer at this time. The second officer will be considered once health insurance figures come in.

Mayor O'Brien noted the Borough has incurred serious health care claims this years and the renewals are based on the previous year. The Mayor noted that negotiations with unions regarding health care costs is likely.

Councilmember Vahalla also suggested the Borough review the current fee structures and consider increases to offset the budget situation.

Mayor O'Brien noted that while every dime counts, there are pro and cons to those types of increases. The Mayor noted the Borough would require substantial increases and added revenues that would carry over and allow a buffer. The Mayor also stated that the lack of significant assessment has left the ratable base stagnant for the last 3-4 years. Mayor O'Brien noted the Stop & Shop property will have a positive impact on the ratables.

Councilmember Dacey noted the effort should also be made with the PBA lobby in Trenton. Councilmember Dacey also suggested the PBA work with the Police Chief to figure out a plan to stem the rapid turn over in the department.

Mr. Ernest stated that he would not address that matter during the meeting as it would be part of the negotiation discussions with Mr. Boerth.

David Sachs, Wakefield Drive, noted that he had received the 2006 budget as promised; however, the 2007 budget was not made available until Friday, March 2nd. Mr. Sachs stated that after a brief review, it was decided that it will be necessary to file an OPRA request for more detailed information.

Suzanne Andrews, East Chestnut, stated that she had extended herself to the Council for budget review and was not contacted and the budget was not made available until March 2nd. Ms. Andrews questioned a \$200,000 line item for Administrative & Executive OE.

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Mr. Boerth noted that line items is distributed between professional service contracts and legal fees.

Ms., Andrews noted that another line item seems to address legal fees.

Mr. Boerth stated that line item is distributed between different contracts.

Ms. Andrews questioned if a detailed listing of the line items could be made available so that the matter could be addressed at the next meeting.

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Mayor O'Brien noted the budget would be available through the Clerk and to the Library.

Ms. Andrews questioned a Legal Fees line item on page 12.

Mayor O'Brien noted that line item was under the Tax Assessment page and was appropriated for legal fees in tax appeal matters.

Council president Totin suggested Ms. Andrews make an appointment with Mr. Boerth to further review specific line items so that Mr. Boerth can have the necessary supporting documents available to answer her questions.

Mayor O'Brien stated that this form is the official budget document required by the state. Every municipality presents their budget on this form for state review.

Ms. Andrews questioned if further detail was prohibited.

Mayor O'Brien noted that no alterations could be made to the required budget document.

Ms. Andrews noted there was an increase to the Police Department's budget even though there are two less officers.

Mayor O'Brien noted the Police Officers have certain salary steps that are contractual and that figure is compounded with longevity payments. Mayor O'Brien noted that the salary for both the vacancies was included in the budget. The Mayor reminded that the Borough would be filling one vacancy now and revisit the other when the insurance increases came in.

Ms. Andrews questioned again that the salary for both officers was included.

Mayor O'Brien stated that both the salaries were appropriated. However, the Borough would not consent to filling the vacancies if the positions could not be sustained for next year.

Councilmember Dyas then revisited an earlier question and pointed out that the \$50,000 for legal costs under tax assessment was the appropriated figure and if Ms. Andrews followed the line she would have seen that in 2006 the same was appropriated and on \$31,000 used.

Mayor O'Brien reiterated the suggestion that the detailed information that Ms. Andrews was looking for could be obtained from Mr. Boerth.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2007-53

WHEREAS, Tilbor Realty, LLC has requested a refund of the performance bond for various improvements on Block 114, Lots 42.01, 47, et. al. – 551 Middlesex Avenue; and

WHEREAS, the Borough Engineer has reported that the contract has been completed in an acceptable manner; and

WHEREAS, the Borough Engineer recommends the full release of the performance guarantee in the amount of \$8,521.62 in cash and the surety bond in the amount of \$76,694.58, pending the posting of a two-year maintenance bond in the amount of \$10,652.03 and the payment of \$1,000 in escrow fees for final inspection; and; 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 Project Engineer, payment of any outstanding fees plus accumulated interest to Tilbor Realty, LLC, pending the above conditions.

Dated: March 5, 2007

RESOLUTION NO. 2007-54

WHEREAS, on August 16, 2005 in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Barton Landscaping, Inc as the required Performance Guarantees for Street Opening #760 and #761 – 48 and 50 McCoy 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 Barton Landscaping, Inc., 949 New Durham Road, Edison, NJ 08817 as recommended by the Director of Public Works.

Dated: March 5, 2007

RESOLUTION NO. 2007-55

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 March 5, 2007:

MAYOR & COUNCIL	OE	1,000
CLERK	OE	200
PUBLIC WORKS	OE	500
PLANNING BOARD	OE	500
GROUP INSURANCE	OE	210,000
OTHER INSURANCE	OE	3,200
FIRE DEPARTMENT	OE	10,000
POLICE DEPARTMENT	OE	45,000
ROAD REPAIRS & MAINTENANCE	OE	10,000
UTILITIES & BULK PURCHASES		20,000
GARBAGE & TRASH REMOVAL	OE	3,000
SHADE TREE		5,000
PARKS & PLAYGROUNDS	OE	14,000
SENIOR CITIZEN CENTER	OE	2,000
LIBRARY CONSORTIUM		2,000
MUNICIPAL COURT	OE	1,000
LANDFILL/SOLID WASTE		22,000
OFFICE OF EMERGENCY MGMT	S&W	2,000
	TOTAL	351,400

Dated: March 5, 2007

RESOLUTION NO 2007-56

WHEREAS, there are unexpended balances in various 2006 appropriation reserve accounts not required for the balance of 2006; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be approved:

APPROPRIATION	TRANSFER IN	TRANSFER OUT
ADMINISTRATIVE & EXECUTIVE OE	9,070.00	
CONSTRUCTION OE	2,000.00	
ASSESSOR OE	560.00	
FINANCE S & W	370.00	
PLANNING OE	700.00	
ZONING OE	190.00	
UTILITIES & BULK PURCHASES		
- TELEPHONE	310.00	
- GASOLINE & DIESEL FUEL	1,900.00	
RECYCLING OE	13,500.00	
SOCIAL SECURITY	3,400.00	
ELECTIONS OE		2,290.00
ASSESSOR S & W		2,600.00
PLANNING S & W		6,200.00
CONSTRUCTION S & W		10,800.00
ZONING S & W		340.00
PUBLIC WORKS S & W		9,770.00
TOTALS	32,000.00	32,000.00

Dated: March 5, 2007

RESOLUTION NO. 2007-57
RESOLUTION – REFUND ESCROW BALANCES

WHEREAS, the Planning Board Secretary has requested that the following escrow accounts be closed and balances be refunded to the depositors,

WHEREAS, the Planning Board Secretary has contacted the Borough Engineer, Planning Board Attorney and Borough Planner for authorization to release the funds and determine the projects closed,

WHEREAS, the Planning Board Secretary has provided a list to the Chief Finance Officer with the sign-offs from the professionals previously named, that the following escrow projects are completed and closed, and that no further billing from the professionals for these projects will be paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector be instructed to refund, in the amounts indicated, the following escrow balances to the depositors, as the projects have been determined to be closed:

<u>ESCROW ACCOUNT</u>	<u>AMOUNT</u>	<u>DEPOSITOR</u>
02-598 E	112.00`	Mark Camera 12 Sylvan Avenue

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04-671 E	284.43	Igor Khaitov 88 Maple Avenue
05-695 E	501.92	Robert & Barbara McManus 400 Midland Avenue
06-729 E	736.63	Michael Swartz 2 Prospect Street
06-734 E	796.63	Pamela Schleck 15 Washington Place
06-741 E	700.38	Ken McPherson 20 New Street

Dated: March 5, 2007

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, the above Resolutions No. 2007-53 through No. 2007-57 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 \$2,803,506.04.

Dated: March 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.

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 Vahalla, the meeting was adjourned at 7:20 p.m.

BOZENA LACINA, RMC
Municipal Clerk