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**BOROUGH COUNCIL
MINUTES – MARCH 19, 2007**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, March 19, 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, Acting Borough Attorney Bruce Samuels, and Borough Clerk Lacina.

On a motion made by Council President Totin, seconded by Councilmember Dyas, the Council retired to Closed Session at 6:01 p.m.

The Council returned to Open Session at 7:05 p.m.

APPROVAL OF THE MINUTES

On a motion made by Council President Totin, seconded by Councilmember Weber, the Regular Minutes of March 5, 2007 were approved.

DISCUSSION OF 2007 CAPITAL BUDGET

Mayor O'Brien noted that this discussion and approval of the Capital Budget portion of the 2007 budget would allow the Borough to get a jump start on the various projects. The Mayor noted that in previous years it was discovered that certain projects, such as the road program, received a better response when published early.

Mr. Boerth noted the various departments had submitted their requests and the following items were incorporated into the 2007 capital program: Department of Public Works – automated garbage truck, cans for the automated program, jet/vactor truck, Jersey Pump Station roof replacement; a small tractor for the parks, field rake and drag for the artificial field maintenance; Police Department – 4/wheel drive vehicle and additional in-car cameras; Fire Department – protective gear, fire hose and appliances, hydraulic rescue tools and respiratory equipment; Library - a new roof; MeTV - equipment upgrades; and the Parking Authority – dump trucks and meters. Mr. Boerth stated that the road program is included along with the splitting of the computer system server for the Police Department and Borough Administration.

Mayor O'Brien noted the Council has had an opportunity to review the material since late January.

Council President Totin questioned if the Library roof repairs were based on engineering estimates to ensure the Library roof gets done this year.

Mr. Boerth stated the Borough has an engineer's estimate for the project and has included extra to accommodate increases. The Borough will attempt to keep the contour of the roof original to the building so that the cost will be kept down. Mr. Boerth stated that no closure of the Library is anticipated.

Councilmember Vahalla noted that MeTV requested \$89,000 and only \$32,000 was budgeted and questioned if their upgrades from analog to digital could be done.

Mr. Boerth stated that would start the process and it would be a continuing effort.

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Councilmember Vahalla questioned if the meters for the Parking Authority had the electronic eye, like found at the shore communities, to reset once the original car had left.

Mayor O'Brien stated that these meters did not have an electronic eye.

Councilmember Weber noted that the Parking Authority would meet this week and the electronic eye meter would be brought to their attention, as parking meters pay for themselves relatively quickly. Councilmember Weber noted that the only glitch could be their reliability and enforceability.

On a motion made by Council President Totin, seconded by Councilmember Vahalla, with all in favor, the 2007 Capital Budget was approved for the commencement of projects.

COMMUNICATIONS **CONSENT AGENDA**

4. Receive the minutes of the following meetings:
 - Planning Board – April 20, 2006; May 18, 2006; June 15, 2006;
January 4, 2007; February 1, 2007
 - Senior Citizen Commission – December 13, 2006
 - Traffic and Transportation Committee – January 10, 2007

On a motion made by Council President Totin, seconded by Councilmember Weber, with all in favor, Item No. 4 was received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Totin noted the Council was under the impression that police officer interviews would be held tonight and requested Mr. Boerth make the necessary arrangements for next meeting.

Council President Totin then provided the Library schedule of events.

Councilmember Weber noted the Environmental Commission has received information from Ann Sardone on the Gulton property and the changed overlay. Since the Borough is in current litigation with the owner, Councilmember Weber noted the matter could not be expanded on and thanked Ms. Sardone for her work.

Councilmember Weber also thanked Environmental Commissioner Brian Weeks for his work on the air-quality testing at the Metuchen High School during their present construction.

Councilmember Vahalla noted the Sav-a Life campaign has approached the Metuchen High School to present a program for the prevention of alcohol abuse. The High School is also sponsoring two walks: March to Save Darfur and the MS Walk. Councilmember Vahalla noted that both are good causes and noted that further information is available at the High School.

Councilmember Dyas noted the Traffic and Transportation Commission had recently completed a sign survey of the borough. The signs were photographed and catalogued. The final report recommends removal of several signs. Thanks were given to Dan Lebar and Tom Hansen for the extraordinary amount of time that went into this project. The report has been reviewed by the traffic safety officer and is awaiting final comment.

Councilmember Dacey noted the Recreation Commission will host the Mother/Son dance on March 23rd. Councilmember Dacey also noted the Myrtle Park Improvements are underway and parking is limited. The Recreation Commission will tour the fields at their next meeting.

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Councilmember Dacey thanked the Department of Public Works for a job well done after the last snow storm.

Councilmember Grossman noted the Cultural Arts Commission is currently planning their spring and summer events, more information will be available for the next meeting report.

REPORTS OF OFFICERS

Mr. Samuels had no report.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth noted the Myrtle Park improvements have begun and the first items on the list are landscaping, fencing and drainage.

REPORT OF THE MAYOR

Mayor O'Brien appointed Andrew Ehrlichson to the Planning Board to fill the unexpired term of Jack Belowich.

Mayor O'Brien then noted that the Routes 287/27 interchange project has a preliminary concept plan completed by Maser Consulting. The plan has been provided to Edison and the Borough will look to make a public presentation at an upcoming Council meeting. The Mayor reminded that the funding for the report was made through the settlement received from Edison Township and the developer of the Walmart site. The Mayor noted the plan now has to get through New Jersey Department of Transportation, as well as approval from the Federal Highway Administration. Mayor O'Brien stated the project is not expected to come to fruition for a few years.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Gary Schaeffer (minor) and his friends, East Chestnut Avenue, presented a petition in support of replacing police officers.

Mayor O'Brien accepted the petition on behalf of the Borough and noted the Borough would be interviewing for one position at the next meeting.

Joe Ernest, PBA Local #60 President, questioned if any health insurance increase over 4% could be considered an exception.

Mayor O'Brien noted that the difference between the State Health Benefit Plan and the Borough's increase was allowable as an exception.

Mr. Ernest questioned what health insurance increase figures would the Borough Council be looking for to authorize the replacement of the second officer.

Mayor O'Brien stated that the Borough could not reveal those figures, as the process is a negotiation between the Borough and the health insurance provider.

Mr. Ernest noted that he would request a meeting with Mr. Boerth to discuss those figure privately.

Mr. Ernest then questioned how much of the capital program was funded through grants.

Mr. Boerth stated that grant projects are not included in the capital program, only items that need to be bonded for.

Mr. Ernest then questioned what figure represented the 5% the Borough had to have as down payment.

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Mr. Boerth stated the Borough's down payment was \$72,500.

Pat DiMeglio, Home Street, noted her support to return the Police Department to 28 members.

An unidentified resident questioned if the budget figure was at Council's discretion.

Mayor O'Brien noted that the Borough could only submit a balanced budget that did not exceed the appropriations CAP of 3.5% on certain items. The Mayor noted that this year the Borough had to take into account that health insurance increases would be subject to that CAP. Mayor O'Brien noted that for this reason, the Council felt it prudent to delay the hiring of the second officer to ensure that the funds would be available to carry that position into the next budget.

The unidentified resident stated that it was irresponsible to place the residents in jeopardy by leaving the Police Department understaffed.

Mayor O'Brien noted that this is a matter the Borough did not have discretion over. The budget figures for this year are only marginally affected. The Mayor stated that legislators and the Governor's office should be contacted.

The unidentified residents questioned why two couldn't be hired now.

Council President Totin stated the Council has agreed to hire one now and the second, if feasible, after the health insurance figures come in.

Mayor O'Brien stated that the effect of this legislation will cascade through the county and noted that many residents are in support of property tax relief.

The unidentified resident noted his concern over potential crime increases due to a reduced force.

Mayor O'Brien noted the Council was ready to interview candidates today; however, the Police Chief did not have the information ready. The Mayor noted that the Police Chief had also stated the reduction does not pose a public safety risk. The Mayor noted that the residents will be forced to make a decision on the importance of certain governmental functions and something has to give.

David Sachs, Wakefield Drive, noted the DCA report recommended the Borough Police Department be staffed between 29-31 officers. Mr. Sachs stated that had the Borough acted on the recommendations, a loss of two officers would have brought the force down to 28 now.

Mayor O'Brien noted the DCA report made several recommendations including schedule changes, which the PBA President is not mentioning at this time.

Mr. Sachs questioned if the report recommended 28-31.

Mayor O'Brien stated that the report did not say that *not* bringing up the force would place the community at risk.

Mr. Sachs stated that the Council's decision not to implement the recommendations has caused the force to dip below sufficient staffing and made a bad situation worse.

Mayor O'Brien stated the DCA report was a complex document and not a mandatory public safety statement. The Mayor noted the report did not say that the Borough was understaffed and had the Borough brought the ranks up according to the report, lay-off may have had to be made.

Mr. Sachs noted the 4% CAP is made on existing figures whether the Borough has 28 or 30 officers.

Mr. Ernest questioned if the Mayor had gone to Trenton to review the DCA report in February 2005?

The Mayor noted he had.

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Mr. Ernest questioned the Mayor if he had stated to the DCA officials that the DCA report would "kill us in negotiations." Mr. Ernest also questioned if he had told Mr. Boerth to delay the negotiations and take the contract to arbitration.

Mayor O'Brien stated he did not and questioned the Borough Administrator on the issue.

Mr. Boerth stated that he did not recall.

Mayor O'Brien stated that any conversation that may have occurred was private.

Mr. Ernest stated that he was in the rotunda waiting to see Mr. Boerth and overheard such conversation and noted that it was basically confirmed in Friday's meeting with Mr. Boerth.

Mr. Ernest also stated that the Borough's surplus was \$715,000 in 2005 and \$1.2 million in 2006, there could not be a problem having 28 officers today.

Mayor O'Brien noted the surplus can only be used toward tax relief.

David Irizarry, Police Detective Sergeant, noted that he was compiling the backgrounds for the police officer candidates and was told that the Mayor had informed Chief Keane that the interviews could not be done because Tax Assessor interviews and the NJ's hearing would be held tonight.

Mayor O'Brien stated that he never informed the Chief of that.

Charlotte Teachen, 24 Amboy Avenue, stated that the "blame game" is not the issue here and noted that she had moved to Metuchen for the small town community environment. Ms. Teachen stated that although it is tough to keep up with taxes, she has never complained. Ms. Teachen noted that the difference is in the community. Ms. Teachen noted that she only became aware of the police situation last week and came to the meeting to voice her support for a 28 member squad.

Suzanne Andrews, East Chestnut, stated that she has 258 signatures on her petition. Ms. Andrews thanked Mr. Boerth for spending the time to review the budget with her and Mr. Sachs. Ms. Andrews stated that she is now convinced that the issue is not budgetary and the Borough can afford to have a 28 member force. Ms. Andrews noted that the Borough has allocated \$1.7 million for health insurance costs, a \$200,000 increase from last year and state aid has not even been figured in. Ms. Andrews stated that although the Borough hasn't received their allocation yet, it is highly unlikely the Borough would get nothing.

Mayor O'Brien stated that he was not that optimistic and noted the appropriations line at the state level has been cut in half. The Mayor noted the application has been completed and the Borough will submit for extraordinary aid. The Mayor reminded that those funds also can only be used for tax relief and not for operations.

Ms. Andrews noted the residents are in favor of a 28 member force. Ms. Andrews noted that over the weekend a situation presented itself and there was one officer on duty. Ms. Andrews stated that although mutual aid is offered by Edison, an extended response time could be detrimental to any situation.

Ms. Andrews stated that it is her opinion this issue is being used as a "dangling carrot" during negotiations. Ms. Andrews noted that the Borough Code itself (Article 1 37-1) requires the Council to have 28 officers.

Mayor O'Brien noted the Borough Attorney will review that section of the Code. The Mayor stated that the Council is not attempting to eliminate officers. Mayor O'Brien also noted that the Council cannot promise that lay-offs will not happen. Mayor O'Brien stated the Council was attempting to take prudent budgetary action to ensure the Borough could afford the 2 officers.

Ms. Andrews stated that the 2007 budget includes the salaries for the two officers.

Mayor O'Brien stated the Borough agreed to hire one officer now, with the additional \$35,000 of

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state aid that has been promised and the added assessments. The Mayor reiterated that the second would be considered once health insurance numbers come in.

Councilmember Vahalla noted that the Borough has already expended it's allotted overtime for 2007 in the first three months. Councilmember Vahalla then proposed to hire both officers at this time, noting the new officers would save in overtime costs. Councilmember Vahalla also suggested charging a nominal fee for bulk pick-up, as is done in other communities, to help boost revenue.

Councilmember Vahalla then made formal motion to hire two officers at this time. The motion was seconded by Councilmember Dyas.

Councilmember Weber stated that the overtime budget was a surprise. Councilmember Weber noted he would support the hiring of the two officers at this time. Councilmember Weber stated that whatever issues arise in the future, they will be addressed at that time.

Council President Totin noted that freeze was not the Council attempting to reduce the ranks. Council President Totin noted that the tide of events in Trenton resulted in the freeze: the state did not restore health insurance to the exceptions list and the 4% CAP to provide tax relief. Council President Totin noted that Councilmember Dacey had noted at the last meeting that his taxes increased \$700 last year and were expected to do the same this year. Council President Totin noted that for many residents that is a big deal. Council President noted the real fear is the legislation coming out of Trenton. Council President Totin stated the Council wanted to wait until the health insurance figures came in to ensure the Borough could afford both officers. Council President Totin noted that the Council agreed to replace one as soon as the added assessment and extra state aid was confirmed.

Councilmember Dacey noted that while he does support the motion overall and appreciates the community involvement, this is not the end of the issue. Councilmember Dacey noted his disappointment that there were no candidates to interview tonight and noted he hopes this matter will spur the PBA and the Chief to work together to stem the turnover trend in the Department. Councilmember Dacey noted that this was an opportunity to collectively discuss the budget and although the Borough has "snuck by" this year, the issue will return in the next budget. Councilmember Dacey noted that the debate will most likely be permanent since the trend in Trenton is for tax relief. Councilmember Dacey noted the Borough needed to work on a plan for the future. Councilmember Dacey thanked Ms. Andrews for her time in reviewing the budget and urged the residents to stay focused on the budget matters, both municipal and school board.

Councilmember Dacey noted that although it is easy to get up and say something to make the public applaud, governing is difficult. Councilmember Dacey urged the public to continue this discussion with the legislators and the Governor.

Councilmember Weber voiced his regret the issue became so divisive and agreed the discussion was not over.

Councilmember Dyas noted the Council would work with the Police and the Chief to keep officers. Councilmember Dyas noted they all leave for better opportunities – greener pastures.

Councilmember Vahalla repeated his motion to hire the two officers immediately and called for a vote. This motion was seconded by Councilmember Dyas, with all in favor.

Mr. Ernest then noted that page 24 of the DCA report provides a current table of organization and shows the cost for a 29 member squad and a the ideal 31 member squad.

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

NEW BUSINESS
CONSENT AGENDA

None.

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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 \$865,748.10.

Dated: March 19, 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 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 Totin, seconded by Councilmember Vahalla, the meeting was adjourned at 8:30 p.m.

BOZENA LACINA, RMC
Municipal Clerk