

4/21/08

**BOROUGH COUNCIL  
MINUTES – APRIL 21, 2008**

**REGULAR MEETING**

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, April 21, 2008. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla, 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 Cammarano, Dacey, Dyas, Morrison, Waldron and Weber.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Frizell, and Borough Clerk Lacina.

**APPROVAL OF THE MINUTES**

On a motion made by Council President Dyas, seconded by Councilmember Weber, the Regular Minutes of April 7, 2008 were approved.

**ORDINANCE NO. 2008-6**

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2008-6.

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

The Clerk read the Ordinance by title:

**Ordinance No. 2008-6            AN ORDINANCE AMENDING CHAPTER 185 OF THE  
CODE OF THE BOROUGH OF METUCHEN ENTITLED  
"MOTOR VEHICLES AND TRAFFIC" BY AMENDING §  
185-11. STOPPING OR STANDING PROHIBITED DURING  
CERTAIN HOURS ON CERTAIN STREETS.**

(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 Dyas, seconded by Councilmember Dacey, this Ordinance was passed on second reading and ordered published according to law.

**Roll Call Vote:**

AYES -            Councilmembers Cammarano, Dacey, Morrison, Waldron, Weber and Council  
President Dyas.

NAYS -            None.

ABSENT -        None.

4/21/08

**ORDINANCE NO. 2008-7**

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2008-7 .

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

The Clerk read the Ordinance by title:

**Ordinance No. 2008-7            BOND ORDINANCE APPROPRIATING \$1,312,500  
AND AUTHORIZING \$1,014,125 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 Dyas, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

**Roll Call Vote:**

AYES -            Councilmembers Cammarano, Dacey, Morrison, Waldron, Weber and Council President Dyas.

NAYS -            None.

ABSENT -        None.

**ORDINANCE NO. 2008-8**

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2008-8 .

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

The Clerk read the Ordinance by title:

**Ordinance No. 2008-8            BOND ORDINANCE PROVIDING FOR POOL  
IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF  
METUCHEN, NEW JERSEY, APPROPRIATING \$300,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$300,000 BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING PART OF SUCH APPROPRIATION.**

(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 Dyas, seconded by Councilmember Weber, this Ordinance

4/21/08

was passed on second reading and ordered published according to law.

**Roll Call Vote:**

AYES - Councilmembers Cammarano, Dacey, Morrison, Waldron, Weber and Council President Dyas.

NAYS - None.

ABSENT - None.

**ORDINANCE NO. 2008-9**

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2008-9 .

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

The Clerk read the Ordinance by title:

**Ordinance No. 2008-9            AN ORDINANCE TO AMEND THE CODE OF THE  
BOROUGH OF METUCHEN, CHAPTER 37 THEREOF,  
ENTITLED POLICE DEPARTMENT, TO CREATE THE  
POSITION OF LIEUTENANT**

(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 Dyas, seconded by Councilmember Weber, this Ordinance was passed on second reading and ordered published according to law.

**Roll Call Vote:**

AYES - Councilmembers Cammarano, Dacey, Morrison, Waldron, Weber and Council President Dyas.

NAYS - None.

ABSENT - None.

**DISCUSSION ON HEALTH INSURANCE PROPOSAL**

Mr. Boerth noted that the Borough of Metuchen is self-insured for the purpose of health insurance and the renewal costs are comprised of two components – specific costs (administrative) and aggregate premiums (directly related to previous year’s actual claims). Mr. Boerth noted that the current Third Party Administrator Insurance Design Administrators (IDA) has recommended that QBE for the Reinsurer and Viant as the Out of State Network (Viant have taken over previous carrier Beech Street). Mr. Boerth noted that there is no increase to the administrative fee portion of the renewal.

Mr. Boerth stated that IDA has presented the Borough with an option of two network providers: the current carrier Qualcare and a combination of HCPC and CHN as an alternative. Mr. Boerth stated that he has prepared a chart that denotes the various options available to the Borough which could include a change to the specific stop aggregate and corridor limits. Mr. Boerth stated that there is a potential of an \$8,000 savings in this year’s premiums with a change to the new network of HCPC and CHN.

**4/21/08**

Mr. Boerth stated that his memo did not make a recommendation of network as that is the decision of the Council.

Councilmember Dacey questioned why only one carrier for reinsurance was offered.

Mr. Mike Atkinson of IDA noted that 10-11 providers were sent requests for proposals and only 2 viable responses were received. Mr. Atkinson noted the current carrier has done a good job in paying the claims on time and has paid the Borough \$100,000 in reimbursements this year.

Councilmember Morrison questioned if any companies were willing to work with a financing program.

Mr. Atkinson noted that an aggregating combination is a "rolling accounting feature" that allows for fixed number for the year and divides it by twelve. The Borough takes its chances that it will remain within those limits and benefits with a low premium.

Mr. Boerth questioned if that was allowable under New Jersey finance law and noted that the Borough does not have those kinds of cash reserves to allow for that type of investment plan.

Mr. Boerth noted that in previous years the Borough did have a traditional insurance plan, then a pool and then self insurance became the most financially viable option. Mr. Boerth stated that self-insurance work well the first few years, but an aging employee population and retirees have caught up with the claims' tracking that affects the renewal rates.

Mr. Atkinson noted that the Borough's specific plan is very difficult to market in the traditional insurance market and that self-insurance has been providing great renewal rates for the past few years.

Mr. Boerth noted that the Borough's renewal rates have come in better than the State Health Benefit's Plan (SHBP) for the past few years.

Council President Dyas questioned if the Borough should rethink the self-insured plan.

Councilmember Dacey noted that the Borough's specific plan is very difficult to duplicate in the traditional or pooled markets and the Borough must contractually provide an equal to or better than plan.

Mr. Boerth noted that the Borough's plan is better than the State Health Benefits Plan and less expensive than the SHBP.

Councilmember Dacey noted the SHBP has reduced their plan from several HMO's to one (1) in an effort to cut costs. However, those savings will be short lived as the premiums will catch up with the claims tracking in January of next year.

Mr. Atkinson noted that the Borough's plan average's out to \$1,100 per employee per month and the SHBP averages to \$1,500.

Mr. Boerth then explained for the Council that the "corridor" is an annual one time added expense assumed by the Borough on one individual or a number of individuals before the reinsurance takes effect and it reduces the reinsurance premium.

Mr. Eisenberg from Qualcare then made a brief presentation on how his network is able to provide better and more savings.

After a discussion of the Council, it was the decision of the Council to proceed with the renewal of the health insurance with Insurance Design Administrators as the Third Party Administrator, Viant as the Out of State Network and QBE as the reinsurer.

**COMMUNICATIONS**  
**CONSENT AGENDA**

8. Receive the minutes of the following meetings:
  - Parking Authority – March 18, 2008
  - Shade Tree Commission – March 10, 2008
  - Traffic and Transportation – October & December 2007
9. Letter from Robert Harrison requesting permission to hold a Block Party for Bounty Street on Monday, May 26, 2008 – receive and approve.

On a motion made by Council President Dyas, seconded by Councilmember Dacey, with all in favor, Items No. 8 and No. 9 were received and/or approved.

**OTHER COMMUNICATIONS**

None.

**REPORTS OF THE COUNCILMEMBERS**

Council President Dyas noted the Traffic and Transportation Commission had met and one resident of Mason Drive attended the meeting. Police Chief Keane has also attended with the Police department's Traffic Officer to explain the options of traffic counts and enforcement.

Council President Dyas also noted that the ordinance to establish the Lieutenant position for night-time supervision in the Police Department will be very beneficial as Police Captain Robe Retenberg has been accepted to the FBI Academy.

Councilmember Weber noted the Middlesex County Health Department would host a Health Expo at Menlo Mall on August 26<sup>th</sup> to showcase the many different services that are offered by the department.

Councilmember Waldron noted that Orchard Street had been partially paved as part of a developer's agreement and questioned if the remainder of the street could be finished with an upcoming road program.

Mayor Vahalla noted that Orchard Street was not on this current year road program and doubted that the road could be worked into the already tight budget.

Councilmember Waldron offered his congratulations to the winners of the Board of Education Elections, Mr. Flaherty, Mr. Benderly and Ms. Gibson and thanked Ms. Duffy for her years of service to the Board of Education and community.

Councilmember Waldron noted the Environmental Commission join the Shade Tree Commission in the Arbor Day Celebration on Friday, April 24<sup>th</sup> at 4p.m. at the Edgar School Field. The Commission would host a tree planting generously donated by the Metuchen YMCA.

Councilmember Waldron then noted the Environmental Commission would then host their Earth Day Celebration on Saturday, April 25<sup>th</sup> with several clean up projects beginning with a meet-up at the Senior Citizen Center at 10 a.m.

Councilmember Waldron also reminded that the Chamber of Commerce has permitted dogs to walk in this year's Memorial Days Parade. Registrations are being accepted through the Chamber of Commerce by May 1<sup>st</sup>.

Councilmember Waldron also complimented the electronic recycling program that was held the day after the Townwide Garage Sale weekend that allowed for bulk pick of electronic items not sold that are recyclable.

**4/21/08**

Councilmember Waldron congratulated Environmental Commission member Pat Donahue on her acceptance to the National Oceanic Atmospheric Association study aboard the vessel *Rainier* this summer to explore the coast of Alaska.

Councilmember Waldron then reported the Board of Health has discussed the possibility of publishing in the newspaper the results of the health inspections at local eateries. Councilmember Waldron noted that the publication would be an incentive for the eateries to keep satisfactory.

Councilmember Dacey suggested the reports be put on the website and save the expense of publishing in the newspaper just like New York City currently does with their restaurants and health inspector's reports.

Councilmember Morrison thanked the First Aid Squad for their participation and support at the Little League Parade and their continued support at the monthly Cruise Nights. Councilmember Morrison noted that Squad will also participate in the Memorial Day Parade. Councilmember Morrison noted the First Aid Squad is currently looking for new members, not only emergency personnel, but also auxiliary members and administrative assistance. The Squad also has a list of items that it desperately needs either through supplies or donations and is grateful for any help:

Furnace; generator; portable suction units for each ambulance; defibulator; EMS pagers; garage door openers and mobile .

Councilmember Morrison announced that the Rotary Club and the First Presbyterian Church will be collecting old bicycles to be sent over seas for needy children. The collection will be held on may 10<sup>th</sup> from 9 am- 12 pm. Along with the bicycles a donation of \$10 is requested to defray the cost of shipment and help repair any broken bikes.

Councilmember Dacey noted that the Municipal Pool applications are being accepted and opening weekend is Memorial Day.

Councilmember Dacey noted the Recreation Commission would also be participating in the Earth Day Celebration and the clean up would be focused on the brook at Myrtle Park, dismal swamp and the Colonial Cemetery.

Councilmember Dacey thanked the Chief for contacting the resident that signed the petition for the Central Avenue speeding that was submitted to the Mayor and Council.

Councilmember Cammarano noted that the Development Commission had submitted their report on the special meeting that was held on the proposed indoor recreation facilities on March 31<sup>st</sup>. Councilmember Cammarano thanked all the members of all the boards and commissions who participated and noted the reports would be discussed at a later date.

### **REPORTS OF OFFICERS**

Mr. Frizell had no report.

### **REPORT OF THE BOROUGH ADMINISTRATOR**

Mr. Boerth noted that on April 8<sup>th</sup> a forced main sewer collapsed on Orchard Avenue as a result of Edison Township doing maintenance work on their portion of the sewer line. No back-up or sewer problems were reported in Metuchen and Mr. Boerth thanked DPW Director Fred Hall, Superintendent Steve Kanaszka and DPW employees Tony Sellers, John Calamussa and Scott Roudy for their work.

### **REPORT OF THE MAYOR**

Mayor Vahalla noted the Governing Body, in addition to the report of the Development Commission, had also received letter from the two developers of the indoor recreation proposals requesting the Borough to reassess the zoning on their respective lots. The Mayor noted that the matter would be discussed at the next meeting.

Mayor Vahalla also noted the Borough has filed a Discretionary Aid application requesting \$200,000. The mayor noted that the local assembly members would be contacted on our behalf hoping to further the application's cause.

Mayor Vahalla also noted that the Borough would be applying for an Open Space Grant for Charles Field to further the improvements there.

**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. 2008-78**

**RESOLUTION AUTHORIZING EXEMPTION FROM MANDATORY RECYCLING PROGRAM IN THE BOROUGH OF METUCHEN.**

**WHEREAS**, Chapter 160-5 of the Code of the Borough of Metuchen entitled Solid Waste - Mandatory Recycling provides for an exemption for commercial, industrial or institutional premises within the Borough making written application; and

**WHEREAS**, certain premises have made a request for an exemption from source separation requirements of the code; and

**WHEREAS**, the following premises have satisfied the Recycling Coordinator of the Borough that their private waste hauler complies with the ordinance and recommends said exemption:

<u>PREMISE</u>	<u>ADDRESS</u>	<u>VALID DATES</u>
-Express Automotive Towing, Inc	2 Prospect Street	April 21, 2008 – March 31,2011

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the above listed premises are hereby exempt from the requirements of the Mandatory Recycling Program.

Dated: April 21, 2008

**RESOLUTION NO. 2008-79**

**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 2008, effective April 21, 2008:

ADMINISTRATION	SW	30,000
MAYOR & COUNCIL	SW	2,000
CLERK	SW	13,000
FINANCIAL ADMINISTRATION	SW	36,000
TAX ASSESSMENT	SW	10,000
LEGAL	SW	9,000
COLLECTION OF TAXES	OE	2,000
METV	SW	15,000
ZONING	SW	13,000
CONSTRUCTION	SW	20,000
INSURANCE		500,000
POLICE	SW	600,000
POLICE	OE	10,000
EDISON FIRST AID CONTRACT		17,000
UNIFORM FIRE SAFETY		6,000

4/21/08

PROSECUTOR	SW	3,000
PUBLIC WORKS	SW	50,000
STREETS & ROADS	SW	80,000
AUDIT FEES		37,000
BUILDINGS & GROUNDS	SW	15,000
SEWER	SW	30,000
SEWER	OE	20,000
GARBAGE & TRASH	SW	100,000
RECYCLING	SW	3,000
FORESTRY	SW	20,000
SHADE TREE		25,000
SENIOR CITIZEN BUS	SW	10,000
SENIOR CITIZEN CENTER	SW	10,000
RECREATION	SW	30,000
PARKS & PLAYGROUNDS	SW	20,000
LIBRARY		140,000
INTERLOCAL LEAF BAG PROGRAM		24,000
SOCIAL SECURITY		70,000
COURT	SW	20,000
		<b>1,990,000</b>
POOL	OE	<b>30,000</b>

Dated: April 21, 2008

**RESOLUTION NO. 2008-80**

**WHEREAS**, the Code of the Borough of Metuchen § 37-35 provides for the establishment of overall ranking list for the promotion from patrol officer to Sergeant; and

**WHEREAS**, such listing was established in November 2005 and remained in effect until November 2007 for such purposes;

**WHEREAS**, the Code of the Borough of Metuchen § 37-35 also provides for the ability of the Borough Council to extend such list for purposes of promotion,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Metuchen that the overall ranking list established for the promotion of police officer to Sergeant is hereby extended and deemed effective for the period from November 2007 until November 2009.

Dated: April 21, 2008

**RESOLUTION NO. 2008-81**

**Resolution – Refund of Sidewalk Escrow Fee #08-003 S**

**WHEREAS**, Brian DelaCruz posted \$491.50 for curb, apron and sidewalk escrow fees,

**WHEREAS**, the Planning Board Secretary has requested that the escrow fees be refunded to Brian DelaCruz,

**NOW, THEREFORE, BE IT RESOLVED**, that Brian DelaCruz be refunded \$491.50 from the Sidewalk Inspection Escrow account.

Dated: April 21, 2008

4/21/08

**RESOLUTION NO. 2008-82**

**WHEREAS**, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificate on the following property:

<b><u>Cert #</u></b>	<b><u>Block/Lot</u></b>	<b><u>Address</u></b>	<b><u>Lienholder</u></b>
<b>040004</b>	<b>46/1</b>	<b>25 Liberty Street</b>	<b>MDSass</b>

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel this lien from the municipal records.

Dated: April 21, 2008

On a motion made by Council President Dyas, seconded by Councilmember Dacey, with all in favor, the above Resolutions No. 2008-55 and No. 2008-78 through No. 2008-82 were adopted.

**RESOLUTION NO. 2008-83**

**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, 2008; and

**WHEREAS**, this self-insurance program shall require a/an [renewal/appointment] of Insurance Design Administrators as the Third Party Administrator and the appointment of Qualcare as the Insurance Network for in-state members (\_Viant\_ for out-of-state members) and QBE as Reinsurer; and

**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 21, 2008

Councilmember Morrison stated that he felt that the matter required further attention and that a special meeting should be called to discuss the matter next Monday.

After a brief discussion, it was the decision of the Council to keep the matter on the agenda at this time and to have the health insurance discussion brought before Council at an earlier date for next year's renewals.

Council President Dyas made motion to adopt Resolution N. 2008-83. The motion was seconded by Councilmember Dacey; the above Resolutions No. 2008-83 was adopted.

AYES - Councilmembers Cammarano, Dacey, Dyas, Waldron and Weber.

NAYS - Councilmember Morrison.

**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 \$3,5005,127.26.

Dated: April 21, 2008

**4/21/08**

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 Dyas, seconded by Councilmember Dacey, 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 Dyas, seconded by Councilmember Waldron, the meeting was adjourned at 9:00 p.m.

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BOZENA LACINA, RMC  
Municipal Clerk