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**BOROUGH COUNCIL
MINUTES – MAY 16, 2005**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, May 16, 2005. The Meeting was called to order at p.m. by Mayor O'Brien, followed by the Invocation given by Councilmember Dyas 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 Dyas, Grossman, Price, Totin, Vahalla and Weber.

Also present were Mayor O'Brien, Borough Administrator Boerth, Borough Attorney Frizell, Borough Engineer David Hoder, Borough Planner Jim Constantine and Borough Clerk Lacina.

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, New Jersey, that the public shall be excluded from the portion of the meeting to be held on May 16, 2005 at the Borough Hall at which the following subject matter will be discussed:

PERSONNEL

BE IT FURTHER RESOLVED, that the discussion to be held by the Mayor and Council on such subject matter shall be disclosed to the public at the resolution of the respective matters.

Dated: May 16, 2005

APPROVAL OF THE MINUTES

On a motion made by Council President Dyas, seconded by Councilmember Totin, the Regular Minutes of May 2, 2005 were approved.

CENTRAL AVENUE CORRIDOR CONCEPT PRESENTATION

Mayor O'Brien noted that the Borough last considered plans for Central Avenue in September 2002. This presentation would allow the resident to preview the intended improvements and make comments and suggestions. Mayor O'Brien noted that the Borough would attempt to implement as many as the improvements as possible with the grant funds that are available.

Mayor O'Brien then redirected the meeting to Borough Engineer David Hoder, Borough Planner Jim Constantine and Planner Carlos Rodriguez to present the concept plan.

Mr. Hoder noted the intention of the entire plan is for traffic calming and pedestrian improvements. The area being considered is Central Avenue between Durham Avenue and Liberty Street.

Mr. Hoder explained the plan looks to replace the current street lights are more than 25 years old and to bring the corners of certain intersections closer together to make a shorter walk for pedestrians. The traffic signal replacements would actually be part of the Phase Two, for which grant funding has been applied for.

Mr. Hoder noted that the shade trees in the area would be supplemented, replace some sidewalks and install handicap curb cuts. The goal is to make the area a safer pedestrian zone and implement traffic calming measures to insure pedestrian safety.

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Mr. Hoder stated the Borough was intending on bidding out the project to begin this summer.

Judy Reid, 330 Central Avenue, questioned if benches like the ones downtown would be installed.

Mayor O'Brien noted that the benches along Main Street were provided through private donations and the Chamber of Commerce would be notified that the Central Avenue residents were interested in having benches.

Bernadette Schwalje, 257 Central Avenue, requested that trash containers be placed along Central Avenue. Ms. Schwalje noted that trash generated from the pizza parlor and convenience store gets thrown all over the street. Ms. Schwalje also asked if the Victorian style street lights could be added to the project

Mayor O'Brien noted that trash containers could be provided immediately and did not have to be included into the project list. Mayor O'Brien noted the Borough had applied to the County for funding to get five Metuchen style street lamps for Central Avenue.

Mr. Silagyi, 301 Central Avenue complained that his sidewalks were damaged when the Borough ran sewer lines down Central Avenue several years and replaced with poor concrete. The sidewalks have since begun to disintegrate and countless complaints to the Borough have gone unanswered. Mr. Silagyi noted that his home was one block passed the project scope. He noted his request for the Borough to properly replace the sidewalk in front of his home.

Mayor O'Brien noted the project scope was for Central Avenue, but the Borough would do everything possible to assist Mr. Silagyi with his sidewalk.

Dan Lebar, 581 Middlesex Avenue, noted that the corner of Central and Durham had only one crosswalk available for school children and the sight lines at that corner were dangerous. Mr. Lebar urged the engineers to look into that problem carefully and not create further sightline problems and blind spots.

Mr. Lebar also commented that the FedEx truck and the USPS truck use the space in front of the Brainy Borough Post Office to service their drop boxes. Mr. Lebar noted the courtyard plan for the Post Office should be cleared with the Post Office first.

Dolores Cussamano, 35 Forrest Street, noted that the worst speeding problems are from north to south. Ms. Cusumanno noted that it is impossible to make a left hand turn onto Central Avenue.

Mayor O'Brien noted that part of the plan was to create speed table and lighted crosswalks to calm traffic flow.

Ms. Schwalje suggested the lighted crosswalk be placed directly in front of the convenience store since that receives the greatest foot traffic.

Mr. Hoder stated that the state requires the crosswalks to be placed at corners.

Ms. Schwalje noted that corner at Liberty sees heavy traffic and would be difficult to get pedestrians across.

Councilmember Dyas questioned if a round-a-bout was still being considered for Central.

Mr. Constantine noted that a study was done with traffic cones and a traffic safety officer to predict flow with a round-about and the results did not suggest a round-about would not be effective. Mr. Constantine noted the study could be repeated before the job is bid.

Mr. Weiss, 227 Central Avenue, noted the corner of Central and Copperfield has drainage issues which causes severe flooding with little rain. Mr. Weiss asked that matter to be addressed in the project.

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Hearing no further comment, the Mayor closed the public portion and thanked the residents and professionals.

RESOLUTION HONORING EAGLE SCOUTS BARAK MALKIN & ANDREW PALLADINO

WHEREAS, Andrew Palladino, a member of Metuchen's Troop 17 will be awarded the rank of Eagle at a special Eagle Court of Honor; and

WHEREAS, Eagle Scout is the highest rank which can be earned by a Boy Scout and is achieved by less than 2% of all scouts; and

WHEREAS, Andrew's Eagle Scout Project involves Community Service such that, Andrew chose a citizenship project to beautify Kamp Kiddie Keep Well, a residential camp for underprivileged children; and

WHEREAS, Andrew's project consisted of planting trees along sloping hills to help prevent soil erosion and also to provide shade for the campers and repairing and repainting worn out wooden benches,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen do hereby commend and honor Andrew Palladino, for his fulfillment of the requirements for the rank of Eagle and for his selfless dedication to the Community which holds him as an example of the fine youth that exists in our community.

Dated: May 16, 2005

WHEREAS, Barak Malkin, a member of Metuchen's Troop 17 will be awarded the rank of Eagle at a special Eagle Court of Honor; and

WHEREAS, Eagle Scout is the highest rank which can be earned by a Boy Scout and is achieved by less than 2% of all scouts; and

WHEREAS, Barak's Eagle Scout Project involves Community Service such that, Barak chose a citizenship project to assist the St. James Soup Kitchen and Elijah's Promise stock their food pantry; and

WHEREAS, Barak's project consisted of arranging a benefit concert to which the cost of admission was one can of food. The "proceeds" were then donated to the St. James Soup Kitchen and Elijah's Promise.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen do hereby commend and honor Barak Malkin for his fulfillment of the requirements for the rank of Eagle and for his selfless dedication to the Community which holds him as an example of the fine youth that exists in our community.

Dated: May 16, 2005

COMMUNICATIONS
CONSENT AGENDA

5. Letter from Daria Kuschenko requesting permission to hold a Block Party on Bisset Place on Saturday, June 25, 2005 – receive and approve.
6. Letter from Belinda Lijeron requesting permission to hold Block Party on Edith Avenue on Saturday, June 25, 2005 – receive and approve.

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7. Letter from Robert Harrison requesting permission to hold Block Party on Bounty Street on Sunday, May 29, 2005 – receive and approve.

On a motion made by Council President Vahalla, seconded by Councilmember Weber, with all in favor, Items No. 5 through No. 7 were received and/or approved.

OTHER COMMUNICATIONS

None.

REPORTS OF THE COUNCILMEMBERS

Council President Vahalla thanked all the volunteers who participated in the “Toothprints” program, with special thanks to Dr. and Mrs. Winters and the Police Department. The program will be continued at Dr. Winters Main Street office, by appointment, at cost.

Councilmember Weber had no report.

Councilmember Totin provided the schedule of events for the library for the remainder of May.

Councilmember Totin also made motion to appoint Dorothy Winhold as full member of the Board of Health. This motion was seconded by Councilmember Dyas, with all in favor.

Councilmember Price noted the Development Commission and Boy Scouts would be planting flowers at the bump-out downtown and at Borough Hall on Saturday, May 21st.

Councilmember Price also reminded the public that the Memorial Day Parade would be held on Monday, May 30 beginning at 10 am

Councilmember Grossman noted the Cultural Arts Classic Movie Night would be held on Thursday, May 26th at 7:30 and showing “North by Northwest”.

Councilmember Grossman noted the First Aid Squad was inviting the public to an Open House after the Memorial Dyas Parade which would showcase their new rescue vehicle which was purchased through donations. The Squad would also be collecting for “Operation Shoebox”- donations for the military serving in Iraq. Lists of acceptable items are posted throughout the downtown.

Councilmember Grossman noted the cable TV Advisory Board was reviewing a new service available for MeTv- a public message notice.

Councilmember Grossman also noted the Municipal Pool would be opening Memorial Day weekend.

Councilmember Grossman then made motion to appoint Kathy Stankiewicz to the Pool Commission. This motion was seconded by Councilmember Dyas, with all in favor.

Councilmember Dyas thanked the Fire Departments who participated in the funeral for former Chief Mike Radcliffe, along with all the residents who paid their respects.

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 noted that he had forwarded to the Council for their review an e-mail from a resident requesting support of the "Kyoto Rules". The matter could be addressed at the next meeting

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. 2005-98

WHEREAS, the Contract for the South Main Street Intersection Improvements has been approved in a contract between the Mayor and Council and Marvec Construction; and

WHEREAS, the net decrease to the Borough for Change Order #1 is \$29,530.71;

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: May 16, 2005

RESOLUTION NO. 2005-99

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the any previously adopted Policy and Procedure covering the Family Medical Act be replaced by the attached Policy and Procedure Covering the Family Medical Leave Act

Dated: May 16, 2005

RESOLUTION NO. 2005-100

BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the previously adopted Policy and Procedure covering the Omnibus Transportation Act be replaced by the attached Policy and Procedure Covering the Federal Transit Authority Drug and Alcohol Regulations, in accordance with 49CFR Part 40 and Part 655.

Dated: May 16, 2005

RESOLUTION NO. 2005-101

WHEREAS, there exists a need for vehicle for the Fire Chief in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-53130; and

WHEREAS, the maximum amount of the purchase of a 2005 Dodge Durango in the Borough of Metuchen is 22,059.84 and funds will be available in the 2005 capital budget as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Warnock Fleet Sales, 175 Route 10 East, East Hanover, NJ 07936

Dated: May 16, 2005

RESOLUTION NO. 2005-102

WHEREAS, Paydar Construction LLC has requested a refund of the performance bond for various landscaping improvements on Block 84, Lot 26 – 152 Central 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: May 16, 2005

RESOLUTION NO. 2005-103

WHEREAS, Center Street Development has requested a refund of the performance bond for various site improvements on Block 85, Lot 85, 71 Center Street; and

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

WHEREAS, the Borough Engineer recommends the release of the performance guarantee in the amount of \$4,240.41 in cash and the surety bond in the amount of \$38,163.69; 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, pending the submission of a two-year maintenance bond and payment of any outstanding fees

Dated: May 16, 2005

Resolution No. 2005-104

Refund of 2005 Taxes

WHEREAS, the following has made an overpayment for 2005 taxes,

Name	Block/Lot	Address	Amount	Year
M/M Karl Kuehnrich	B204 L31	6 Carpenter Place	\$1,642.86	2005/3rd

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WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed person as described be refunded 2005 taxes in the amount of \$1,642.86.

Dated: May 16, 2005

RESOLUTION NO. 2005-105

RESOLUTION COMBINING BONDS AGGREGATING THE SUM OF \$1,895,600 AUTHORIZED BY THREE BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, NEW JERSEY, INTO ONE CONSOLIDATED ISSUE OF BOND ANTICIPATION NOTES, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE.

WHEREAS, the Borough Council of the Borough of Metuchen, County of Middlesex, New Jersey (the "Borough") has heretofore adopted bond ordinances number 02-1, 01-5 and 05-4 authorizing bonds to finance part of the costs of the construction and acquisition of various capital improvements in, by and for the Borough; and

WHEREAS, the Borough has not previously funded all of the bond anticipation notes authorized to be issued pursuant to such bond ordinances; and

WHEREAS, it is desirable to issue bond anticipation notes pursuant to said bond ordinances in an aggregate principal amount of \$1,895,600 and it is advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said notes and for other financial reasons, to combine the notes authorized under said bond ordinances into one consolidated issue in the aggregate principal amount of \$1,895,600 (the "Notes") pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law"); now, therefore,

BE IT RESOLVED by the BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, in the County of Middlesex, New Jersey as follows:

SECTION 1. That the Notes shall be issued as one issue and at such time as shall be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The Notes shall be entitled "Bond Anticipation Notes, Series 2005A" or any other designation determined by the Chief Financial Officer.

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she hereby is authorized to take all actions necessary to sell the Notes from time to time at public or private sale in such amounts as she may determine at not less than par and to deliver the same from time to time to the purchasers

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thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Chief Financial Officer be and she hereby is authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. That the Notes are hereby designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). The Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such designation of the Notes.

SECTION 8. That the Mayor of the Borough, the Chief Financial Officer and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 9. That this resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

Dated: May 16, 2005

RESOLUTION NO. 2005-106

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 2005, effective May 16, 2005:

2005 TEMPORARY BUDGET	AMENDMENT
Admin & Executive OE	40,000.00
Mayor & Council OE	500.00
Audit Fees OE	20,000.00
Collection of Taxes OE	7,000.00
Assessment of Taxes OE	2,200.00
Legal OE	10,000.00
METV OE	6,000.00
Planning Board S&W	2,000.00
Planning Board OE	5,000.00
Board of Adjustment OE	1,000.00
Police Department OE	20,000.00
Fire Department OE	30,000.00
Public Works Administration OE	2,000.00
Garbage & Trash Removal OE	8,000.00

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Forestry OE	1,300.00
Shade Tree	6,000.00
Recreation OE	20,650.00
Parks & Playgrounds OE	5,000.00
Utilities & Bulk Purchases	60,000.00
Landfill/Solid Waste Disposal	300,000.00
Social Security	50,000.00
Capital Improvement Fund	64,900.00
TOTAL	661,500.00

Dated: May 16, 2005

RESOLUTION NO. 2005-107

WHEREAS, the Borough of Metuchen desires to participate in a grant program by submitting an application to the New Jersey Department of Justice Office of Community Oriented Policing Services (COPS) to help improve police officials communication technology to operate across agencies and jurisdictions in real time,

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

- 1) The Borough of Metuchen is hereby authorized to participate in the "COPS" Technology Grants 2005; and
- 2) The Chief of Police be and is hereby designated to serve as the coordinator of the Program on behalf of the Borough of Metuchen and in cooperation with the Department of Justice, Office of Community Oriented Policing Services.

Dated: May 16, 2005

RESOLUTION NO. 2005-108

WHEREAS, there exists a need for office furniture in the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-89166; and

WHEREAS, the maximum amount of the purchase of office furniture for the Borough of Metuchen is \$135,573.02 and funds will be available in the 2005 budget as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

2. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Wright-Line Inc., Dept CH 10444, Palatine, IL 60055-0444

Dated: May 16, 2005

On a motion made by Council President Vahalla, seconded by Councilmember Dyas, with all in favor, the above Resolutions No. 2005-98 through No. 2005-108 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 \$3,499,233.04.

Dated: May 16, 2005

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 Vahalla, seconded by Councilmember Dyas, with all in favor, this Resolution was adopted.

ORDINANCE NO. 2005-8

Council President Vahalla made motion to introduce and take up on first reading Ordinance No. 2005-8, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2005-8 AN ORDINANCE AMENDING CHAPTER 185 OF THE
CODE OF THE BOROUGH OF METUCHEN ENTITLED
“MOTOR VEHICLES AND TRAFFIC” TO AMEND A
STREET OR PART THEREOF FROM §185-12A PARKING
TIME LIMITED ON CERTAIN STREETS.**

Council President Vahalla moved this Ordinance be passed on first reading, published according to law, and public hearing set down for June 6, 2005. This motion was seconded by Councilmember Dyas.

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

NAYS - None.

ORDINANCE NO. 2005-9

Council President Vahalla made motion to introduce and take up on first reading Ordinance No. 2005-9, which was seconded by Councilmember Totin, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2005-9 AN ORDINANCE TO RELEASE, VACATE AND
a EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO
 PORTION OF BLOOMFIELD DRIVE.**

Council President Vahalla moved this Ordinance be passed on first reading, published according to law, and public hearing set down for June 6, 2005. This motion was seconded by Councilmember Totin.

AYES - Councilmembers Dyas, Grossman, Price, Totin, Weber and Council President

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Vahalla.

NAYS - None.

ORDINANCE NO. 2005-10

Council President Vahalla made motion to introduce and take up on first reading Ordinance No. 2005-10, which was seconded by Councilmember Weber, with all in favor.

The Clerk read the following Ordinance by title:

**Ordinance No. 2005-10 AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF METUCHEN, CHAPTER 185 THEREOF
ENTITLED VEHICLES AND TRAFFIC §185-14 PARKING
PROHIBITED AT ALL TIMES ON CERTAIN STREETS.**

Council President Vahalla moved this Ordinance be passed on first reading, published according to law, and public hearing set down for June 6, 2005. This motion was seconded by Councilmember Dyas.

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

NAYS - None.

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 Vahalla, seconded by Councilmember Weber, the meeting was adjourned at 8:55 p.m.

BOZENA LACINA, RMC
Municipal Clerk