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**BOROUGH COUNCIL
MINUTES – JUNE 6, 2005**

REGULAR MEETING

A Regular Meeting of the Borough Council was held in the Council Chambers of the Borough Hall on Monday, June 6, 2005. The Meeting was called to order at 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 Dyas, Price, Totin, Vahalla and Weber.
Councilmember Grossman was absent.

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

APPROVAL OF THE MINUTES

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

**ADMINISTRATION OF OATH OF OFFICE TO OFFICER MICHAEL MEAWAD
RESOLUTION NO. 2005-109**

RESOLUTION 2005-109

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Michael B. Meawad be appointed as a police Officer for the Borough of Metuchen.

BE IT FURTHER RESOLVED that the appointment shall commence immediately

Dated: June 6, 2005

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

On a motion made by Council President Vahalla, seconded by Councilmember Totin, with all in favor, Resolution No. 2005-109 was adopted.

ORDINANCE NO. 2005-7

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2005-7.

Council President Vahalla 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. 2005-7 AN ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF METUCHEN, CHAPTER 185, ENTITLED
VEHICLES AND TRAFFIC, SECTION 185-34 –
HANDICAPPED PARKING , TO ADD A DESIGNATED
LOCATION**

(This entire Ordinance can be found in Ordinance Book #2)

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The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Vahalla, seconded by Councilmember Dyas, this Ordinance was passed on second reading and ordered published according to law.

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

NAYS - None.

ABSENT - Councilmember Grossman.

ORDINANCE NO. 2005-8

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2005-8.

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

The Clerk read the 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

(This entire Ordinance can be found in Ordinance Book #2)

The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Vahalla, seconded by Councilmember Totin, this Ordinance was passed on second reading and ordered published according to law.

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

NAYS - None.

ABSENT - Councilmember Grossman.

ORDINANCE NO. 2005-9

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2005-9.

Council President Vahalla 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. 2005-9

AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF BLOOMFIELD DRIVE.

(This entire Ordinance can be found in Ordinance Book #2)

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The Mayor opened the public hearing on this Ordinance.

Gerald Moore, 47 Finch Street, questioned if would be able to access the rear of his property from Bloomfield Drive, as he does now.

After reviewing the map, the Mayor stated that Mr. Moore would be entitled to 17 feet of real property that run alongside the length of his lot. The Mayor stated that he assumed that would be sufficient room to maneuver a car into his property from Bloomfield Drive.

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

On a motion made by Council President Vahalla, seconded by Councilmember Dyas, this Ordinance was passed on second reading and ordered published according to law.

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

NAYS - None.

ABSENT - Councilmember Grossman.

ORDINANCE NO. 2005-10

The Borough Clerk presented an Affidavit of Publication for Ordinance No.2005-10.

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

The Clerk read the 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**

(This entire Ordinance can be found in Ordinance Book #2)

The Mayor opened the public hearing on this Ordinance.

Hearing no comment, the Mayor closed the public portion.

On a motion made by Council President Vahalla, seconded by Councilmember Dyas, this Ordinance was passed on second reading and ordered published according to law.

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

NAYS - None.

ABSENT - Councilmember Grossman.

PROCLAMATION – MYASTHENIA GRAVIS MONTH

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. (MGFA), is a non-profit organization which was founded “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care.” This disease affects citizens of New Jersey more than any other

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muscular disorder; and

WHEREAS, it is fitting to recognize the many physicians who, in their total dedication and untiring effort to treat this disease and search for answers, have never lost sight of their primary goal – conquest;

NOW, THEREFORE, I, EDMUND O'BRIEN, MAYOR OF THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY do hereby proclaim the month of June 2005 as:

MYASTHENIA GRAVIS AWARENESS MONTH

in the Borough of Metuchen and call upon all citizens to join in fighting one of America's most crippling weaknesses and aid to better assist many of our fellow Myasthenics throughout the state of New Jersey.

Dated: June 6, 2005

COMMUNICATIONS
CONSENT AGENDA

9. Receive the minutes of the following meetings:
 - Environmental Commission – February 16, 2005; March 16, 2005; and
April 20, 2005
 - Parking Authority – April 19, 2005
10. Letter from Metuchen Little League requesting permission to hold their Annual Little League Picnic on June 19, 2005 – receive and approve.
11. Letter from Metuchen Lions Club requesting permission to hold their semi-annual Flea Market on June 18, 2005 – receive and approve.

On a motion made by Council President Vahalla, seconded by Councilmember Totin, with all in favor, Items No. 9 through No. 11 were received and/or approved.

OTHER COMMUNICATIONS

12. Report of the Chief Financial Officer as to the Award of Notes – receive.

On a motion made by Council President Vahalla, seconded by Councilmember Weber, with all in favor, Item No. 12 was received.

REPORTS OF THE COUNCILMEMBERS

Council President Vahalla noted the Youth Service Board had another successful fundraiser at the Edgar School. Proceeds from the event would aid in matching the grant.

Councilmember Weber noted the Environmental Commission is pleased with the tree plantings at the Municipal Pool

Councilmember Weber noted the Parking Authority was reviewing their budget and estimating their contribution to the Borough at \$700,000. The Parking Authority is also looking into replacing the meters at the Penn Avenue lot with commuter friendly meters that accept credit and debit cards. The Authority is looking into the possibility of getting NJ Transit to split the cost of the meters, since they do received half of the proceeds of those meters.

Councilmember Totin noted the Police Department is conducting a traffic study on Woodside Avenue, noting the Mayor would address the matter in his report. Councilmember Totin also reported the Police Department was participating in the state-wide two-week "Click It or Ticket" campaign.

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Councilmember Totin also reported the Police Department has ordered their new communications system which was funded through a Domestic Preparedness Grant.

Councilmember Price thanked the Chamber of Commerce for the donations of flowers for the downtown business district. Councilmember price also thanked the Development Commission members and other volunteers who spent their weekend planting the flowers.

Councilmember Price noted the 2005 Spring Street fair would be held on June 12 from 11 am – 4 pm.

Councilmember Dyas thanked all those who participated in the Annual Memorial Day Parade, again making it event very successful.

REPORTS OF OFFICERS

Mr. Frizell noted the case of John Charles Allen v. Metuchen which alleged a poorly designed back stop at Vidas Field had been dismissed.

Mr. Frizell also noted the case of Metuchen v. metuchen I LLC would start trial on Wednesday.

REPORT OF THE BOROUGH ADMINISTRATOR

Mr. Boerth had no report.

REPORT OF THE MAYOR

Mayor O'Brien noted that on June 7th the Borough would be hosting the state-wide Transit Village meeting. Fifteen participating communities would be attending the meeting at which Metuchen will be focused on as a pilot community for receiving more grant funding.

Mayor O'Brien also noted the Borough is conducting a traffic safety study on Woodside Avenue as a result of a very serious car accident earlier this spring. The Police Department initiated the study with educational warnings and will now begin to issue summons.

Mayor O'Brien then asked the Council to consider a building dedication for September 2005. After a brief discussion, it was the consensus of the Council to plan the dedication ceremony for September.

Mayor O'Brien also noted that Middlesex County would hold a dedication ceremony for the Greenway Trailhead on Middlesex Avenue on June 13th at 10 am.

The Mayor then reported the following streets would be included in the 2005 Interlocal with Middlesex County for milling and paving which would be awarded this evening: Christol Street; Dellwood Road; Elm Avenue; Herold Place; Home Street and Tulsa Avenue. The work for East Chestnut Avenue and Burr Drive would be awarded separately.

COMMENTS FROM THE PUBLIC

The Mayor opened the meeting to public comment.

Dolores Anderson, 79 Hampton Street, requested a Watch Children and Speed Limit sign be placed on Hampton Street. Ms. Anderson noted that parking is allowed on both sides of the street and between the church and the ball park, the street sees a fair amount of pedestrians. Ms Anderson also noted that the dog walkers allow their pets to run unleashed in the park and are not responsible about picking up after their pets, making an unsanitary condition for the ball players.

Mayor O'Brien thanked Ms. Anderson for bringing the problems to our attention and noted the matters would be referred to the proper Departments.

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

NEW BUSINESS
CONSENT AGENDA

RESOLUTION NO. 2005-110

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Raymond Rich has been elected to be a permanent member of the Eagle Hook and Ladder Company of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Raymond Rich be and he is hereby elected, approved, and confirmed as a permanent member of the Eagle Hook and Ladder Company for the Fire Department of the Borough of Metuchen.

Dated: June 6, 2005

RESOLUTION NO. 2005-111

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Jeff D. Fisher has been elected to be a permanent member of the Washington Hose Company of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Jeff D. Fisher be and he is hereby elected, approved, and confirmed as a permanent member of the Washington Hose Company for the Fire Department of the Borough of Metuchen.

Dated: June 6, 2005

RESOLUTION NO. 2005-112

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Andrew Coleman has been elected to be a permanent member of the Washington Hose Company of the Metuchen Fire Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Andrew Coleman be and he is hereby elected, approved, and confirmed as a permanent member of the Washington Hose Company for the Fire Department of the Borough of Metuchen.

Dated: June 6, 2005

RESOLUTION NO. 2005-113

WHEREAS, the Mayor and Borough Council have been notified by Robert Donnan, Chief of the Metuchen Fire Department, that Darrin Bisogno has been elected to be a member of the Eagle Hook and Ladder Company of the Metuchen Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Metuchen that in accordance with Chapter 8 of the Code of the Borough of Metuchen, Darrin Bisogno be and he is hereby elected, approved, and confirmed as a member of the Eagle Hook and Ladder Company for the Fire Department of the Borough of Metuchen.

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Dated: June 6, 2005

RESOLUTION NO. 2005-114

RESOLUTION TO CANCEL 2004 AND 2005 TAXES

WHEREAS, a duplication of the improvement value of Block 127 Lot 22 C-255, 255 Bridge Street increased the assessed value by 99,000 for the calculation of the 2004 taxes and 2005 preliminary taxes, and

WHEREAS, tax assessor erroneously increased the 2004 taxes and 2005 preliminary taxes by added 99,000 in improvements, and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2004 tax billings and 2005 preliminary tax billings on Block 127 Lot 22 C-255, in the amount of \$3,524.40 for 2004 taxes, and \$3,524.40 for 2005 preliminary taxes.

Dated: June 6, 2005

RESOLUTION NO. 2005-115

RESOLUTION TO CANCEL 2005 TAXES

WHEREAS, successful State Tax Court Appeal judgments were awarded to Block 152 Lot 25.2 and Block 152 Lot 25.3,

WHEREAS, the assessed values changed in 2003 by \$326,600 reduction in assessment for Block 152 Lot 25.2 and by a \$223,400 reduction in assessment for Block 152 Lot 25.3, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2005 preliminary tax billings on Block 152 Lot 25.2 and Block 152 Lot 25.3 due to the successful State Tax Court Appeals including amendments, in the amount of \$9,790.00.

Dated: June 6, 2005

RESOLUTION NO. 2005-116

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Metuchen that Ronald Maryak (Lic. # 007667) be and he is hereby appointed as the acting Electrical Inspector/Electrical Subcode Official for the Borough of Metuchen; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

Dated: June 6, 2005

RESOLUTION NO. 2005-117

Refund of 2003 and 2005 Taxes

WHEREAS, the following have made an overpayment for 2003 and 2005 taxes,

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Name	Block/Lot	Address	Amount	Year
Patricia Birmingham	B5.1 L9	75 Mason Drive	\$2,413.68	2005/3rd
Diane Irizarry	B141 L76	12 Newman Street	\$535.68 \$1,278.93	2003/3 rd 2005/3rd

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 persons as described be refunded 2005 taxes in the amount of \$3,692.61, and be refunded 2003 taxes in the amount of \$535.68.

Dated: June 6, 2005

RESOLUTION NO. 2005-118

WHEREAS, bids were received, by the Borough Engineer on June 6, 2005 for the Burr Drive Storm Sewer Lining project; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Engineer on said bids; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the capital account in the amount of \$20,500, as evidenced by the Finance Officer's conditional certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the Burr Drive Storm Sewer Lining be and the same is hereby awarded to Allstate Power Vac Inc., 928 Hazelwood Avenue, Rahway, NJ 07065.

BE IT FURTHER RESOLVED that the Borough Engineer is hereby authorized and directed to return the certified check or bid bond of the successful bidder and the next lowest bidder:

1. Allstate Power Vac, Rahway, NJ
2. Intercounty Paving, Hackettstown, NJ

is to be returned upon the receipt of a fully executed contract and other required documents.

Dated: June 6, 2005

RESOLUTION NO. 2005-119

WHEREAS, bids were received by the Borough Engineer on June 6, 2005 for the 2005 NJDOT Funded Roadway Improvements for the Borough of Metuchen; and

WHEREAS, the Borough Council has reviewed the recommendation made by the Borough Engineer on said bids; and

WHEREAS, the Finance Officer has determined that sufficient funds will be available in the capital account in the amount of \$379,848.19 as evidenced by the Finance Officer's certification,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey that the contract for the NJDOT Funded 2005 Roadway Improvements Project be and the same is hereby Defino Contracting Co., Inc. 28 Industrial Drive, Cliffwood Beach, NJ 07735 on their bid subject to the approval of the NJDOT

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for same.

BE IT FURTHER RESOLVED that the certified check or bid bond of the successful bidder and the next lowest bidder:

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1. Defino, Cliffwood Beach, NJ
2. Mark Paving Co., Kearney, NJ

upon the receipt of a fully executed contract and other required documents.

Dated: June 6, 2005

RESOLUTION NO. 2005-120

**Withhold Special Assessment Installments
not yet due from Tax Sale:**

WHEREAS, N.J.S.A. 54:5-22 provides for the governing body to determine that any subsequent installments for benefits for municipal improvements that come due, due to the default in the payment of any installment, or in the payment of any other municipal lien, may direct the tax collector to withhold from tax sale the subsequent installments not yet due.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby direct the tax collector to withhold from the 2005 Tax Sale the subsequent installments not yet due on the following:

Block	Lot	Address	Assessed To
45.1	13	120 Liberty Street	Salvatore G. & Angela Roberto, Sr.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the tax collector and the affected property owner.

Dated: June 6, 2005

RESOLUTION NO. 2005-121

WHEREAS, the Borough of Metuchen is desirous of milling and repaving certain roadways in the municipality; and

WHEREAS, the County of Middlesex recognizes the desirability of milling and repaving certain roadways in the municipality; and

WHEREAS, the above mentioned parties in discharge of their public duties are desirous of jointly providing for the improvements for Christol Street, Dellwood Road, Elm Avenue, Herold Place, Home Street and Tulsa Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the Mayor and Borough Clerk are hereby authorized and directed to enter into a cost sharing agreement (as per the attached) with the County of Middlesex for milling and repaving certain roadways.

Dated: June 6, 2005

On a motion made by Council President Vahalla, seconded by Councilmember Totin, with all in favor, the above Resolutions No. 2005-110 through No. 2005-121 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 \$1,642,426.47.

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Dated: June 6, 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.

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 Dyas, the meeting was adjourned at 8:20 p.m.

BOZENA LACINA, RMC
Municipal Clerk