

Municipal Building
1200 Mountain Avenue

January 13, 2009

A regular meeting of the Mayor and Council was held at the above place on the above date commencing at 8:00 p.m.

Mayor
Council President:

Bob Schueler
Michael Class
Debra DeVuyst
Bob Edwards
Bob Gorr
Michael Venuto (absent)

Attorney: Edward Johnson

Council President Schueler opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of December 31, 2008.

Council President Schueler recognized the Director of the Office on Aging, Sheila Fuhrmann for her achievement in successfully completing the Senior Service Management Program.

The Borough Clerk read Ordinance No. 1745-09 for introduction.

ORDINANCE #1745-09

AN ORDINANCE AUTHORIZING THE BOROUGH TO CHARGE A FLAT ADMINISTRATIVE FEE OF 10% OF THE BILLABLE CHARGE FOR THE USE OF POLICE PERSONNEL AND/OR POLICE VEHICLES ON EXTRA DUTY JOBS

Councilwoman DeVuyst moved to amend the ordinance to include that the 10% billable charge be put in a trust for the repair or replacement of police vehicles seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr, and Schueler. Nos.: None. Abstain: None.

Councilman Gorr moved to table the ordinance as amended until the January 27, 2009 Regular Meeting to refer this matter to the Police Chief seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr and Schueler. Nos.: None. Abstain: None.

Council President Schueler opened the public portion of the meeting for discussion regarding any of the resolutions on the public consent agenda.

Seeing that there were no public comments, Council President Schueler closed the public portion of the meeting on the consent agenda.

Councilwoman DeVuyst moved to remove Resolution #31-09 from the consent agenda seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr, and Schueler. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2009(B)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex desirous of removing Resolution #31-09 from this Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #28-09 – Resolution #30-09
Resolution #32-09 – Resolution #34-09

Councilwoman DeVuyst moved for adoption seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr, and Schueler. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #28-09

The Tax Collector is hereby authorized to issue a check in the amount of \$20,722.54 to redeem tax sale certificate #2006-1680, Block 127, Lot 31, 125 Prospect Place, check is to be made payable to:

U.S. Bank as Custodian for MD Sass
Attn: Tax Lien Services Group
2 Liberty Place – TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #29-09

The Tax Collector is hereby authorized to issue a check in the amount of \$7,535.81 to redeem tax sale certificate #2008-1709, Block 301, Lot 19, 538 Howard Avenue, check is to be made payable to:

Stuart Lasher
P O Box 83
Milltown, NJ 08850-0083

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #30-09

RESOLUTION APPOINTING MICHAEL VENUTO AS REPRESENTATIVE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2009

WHEREAS, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2009; and

WHEREAS, the Borough of Middlesex is authorized to have a representative appointed to this Committee, one to be appointed by the Mayor and one to be appointed by the Governing Body; and

WHEREAS, the Mayor has appointed Charles Corcoran as his appointed representative to the Housing and Community Development Committee for 2009.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. The Governing Body does hereby appoint Michael Venuto as its representative to the Middlesex County Housing & Community Development Committee.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2009.
3. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #31-09

WHEREAS, T&M Associates has provided a proposal dated November 20, 2008 for professional engineering services for the Sewer Rehabilitation Phase II Project – Contract C – Bound Brook Road Pumping Station Upgrades; and

WHEREAS, the services involved in this proposal are included in the following tasks:

- (A) Contract Administration
- (B) Field Observations

WHEREAS, T&M Associates has proposed a budget fee of \$45,000 for this proposal.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Governing Body hereby approves the proposal by T&M Associates for the professional engineering services for the Sewer Rehabilitation Phase II Project – Contract C – Bound Brook Road Pumping Station Upgrades in an amount not to exceed \$45,000.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$45,000 are available in the following accounts:

Account No. 04-1590-00-1590-52	\$18,000.00
Account No. 04-1590-00-1590-54	\$19,000.00
Account No. 04-1611-00-1611-54	\$ 8,000.00

Council President Schueler moved for adoption seconded by Councilman Edwards and carried by the following roll call votes: Ayes: Members Class, Edwards, Gorr and Schueler. Nos.: DeVuyst. Abstain: None.

Councilwoman DeVuyst indicated that she voted against this resolution as T&M was hired as our general engineering service, and she feels that this does not fall under general engineering. She stated that she would like to go out to bid for this project. Council President Schueler stated that T & M has been involved in Contract A and B on this project which is being funded through the infrastructure trust fund.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #32-09

The application for renewal of Towing Licenses for the year 2008 for D&J Auto Body, Dick Hart's Auto Body, Lincoln Auto Body, Tierno's Auto Body and Auto Enhancement & Auto Body Shop, Inc. have been approved by the Police Department and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #33-09

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #34-09

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

Personnel

- Disciplinary Action – Recreation Dept.
- Disability – Unused Vacation

Council President Schueler opened the public portion of the meeting.

Tony Cole, 246 Oak Drive, Vice President of the Board of Education reminded the Council that it is budget time again, and we are going to work diligently to keep the budget in prospective and ask for the Council's support. Mr. Cole encouraged the Middlesex Borough residents to come to the Board of Education meetings to participate in the budget process.

Mr. Cole also discussed the Ordinance that was introduced this evening regarding "Authorizing the Borough to Charge a Flat Administrative fee of 10% of the billable charge for the use of police personnel and/or police vehicles on extra duty jobs" and recommended that the Borough consider charging a flat fee instead of the 10%.

Ed Winters, 1 Fitzsimmons Avenue was upset that the public was asked to leave the Council Chambers at 7 PM when the council went into closed session for approximately 1 hour. Council President Schueler appreciated Mr. Winters' comments, but stated that

two employees were called in to attend the meeting and in all fairness to them we wanted to conduct the private business first and resolve this matter.

Andy Castaldo, Fire Chief questioned when the fire police radios were going to be discussed. Council President Schueler indicated that we are waiting for a report from Councilman Venuto on this matter.

Seeing that there was no further public participation, Council President Schueler closed the public portion of the meeting.

Councilman Edwards moved the approval of the December 23, 2008 Public & Agenda Meeting Minutes and the December 30, 2008 Special Meeting seconded by Councilman Gorr and carried by a majority vote of the Council. (Councilman Class abstained).

Councilman Edwards moved the approval of the January 6, 2009 Special Meeting Minutes seconded by Councilman Gorr and carried by a unanimous vote of Council.

Council President Schueler moved the appointment of Melissa Fedosh as a member of the Board of Health for a term which expires December 31, 2012.

Councilman Edwards moved the appointment of Anthony Mendel as a member of the Zoning Board of Adjustments for a term which expires on December 31, 2009 seconded by Councilman Gorr and carried by a unanimous vote of Council.

Councilman Class moved the approval of the December, 2008 Municipal Court Report seconded by Councilman Edwards and carried by a unanimous vote of Council.

Borough Clerk Kathleen Anello announced the names of the three candidates which were submitted to her by the Democratic Committee to fill the vacant Mayoral Seat. The three candidates selected were Sean Kaplan, Bob Schueler and John Fuhrmann.

Councilman Edwards acknowledged the presence of the three candidates and requested their approval of this nomination. Each candidate was present to indicate that they accepted this nomination.

Councilwoman DeVuyst requested that these candidates provide a resume for each of the Council to view and Councilman Class requested that he would like each candidate to prepare comments about their views with regard to the Mayoral seat. Council agreed that a Special Meeting will be set up next week for each candidate to speak.

Council President Schueler stated that the Department of Energy Meeting has been rescheduled for February 3 between the hours of 10:30 a.m. and 1:30 p.m.

The Borough Clerk indicated that an invitation has been sent out to Council by Jerry Green's Office for an inauguration celebration and anyone on Council that wishes to attend should contact the Clerk's Office.

Council President Schueler stated that Mr. Borsellino, the developer for the Lincoln Boulevard town center wants to come to the meeting to move forward with his plans. Council President Schueler recommended that Kevin McManimon attend this meeting and schedule it for either January 27, 2009 or February 3, 2009 in order to move

forward. Councilwoman DeVuyst suggested the Lincoln Boulevard Steering Committee be invited to attend this meeting.

There being no further business to discuss, the meeting was adjourned by Councilman Edwards and seconded by Councilman Gorr and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk