

Municipal Building
1200 Mountain Avenue

November 24, 2009

A regular meeting of the Mayor and Council was held at the above place on the above date commencing at 7:00 p.m.

Mayor
Council President: Robert Sherr
Bob Schueler (absent)
Michael Class
Debra DeVuyst
Bob Edwards (absent)
Bob Gorr

Attorney: Edward Johnson

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

Mayor Sherr 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, Mayor Sherr closed the public portion of the meeting on the consent agenda.

Mayor Sherr read the following resolution:

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

Consent Agenda 2009(R)

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 are not desirous of removing any resolutions 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 #235-09 – Resolution #239-09

Councilman Class made a motion for approval, seconded by Councilwoman DeVuyst and carried by the following roll call vote: Ayes: Members Class, DeVuyst, and Gorr. Nos.: None. Abstain: None.

Mayor Sherr read the following resolution:

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

Resolution #235-09

WHEREAS, Beechwood Heights Fire Co. 2 applied to the Construction Office for a Zoning Permit to erect a deck at 118 Union Avenue; and

WHEREAS, Beechwood Heights Fire Co. 2 submitted \$50 on Check #6213 on September 1, 2009 in payment of said Zoning Permit; and

WHEREAS, the Governing Body agreed on Resolution #205-09 to waive all permit fees for this project at Block 127, Lot 4.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$50.00 in favor of Beechwood Heights Fire Co. No. 2, 118 Union Avenue, Middlesex, NJ 08846, for refund of fee for Zoning Permit #Z-2009-095.

Mayor Sherr read the following resolution:

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

Resolution #236-09

Approving Ms. Gitler's request to hold an Astronomy Program at John J. Haverstick Memorial Park for the residents of Middlesex Borough on December 12, 2009 and February 19, 2010 from 6:30 p.m. – 11:30 p.m.

Mayor Sherr read the following resolution:

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

Resolution #237-09

WHEREAS, the Middlesex Senior's Club was incorporated in the year 1968 under the name "Senior Citizens Center of Middlesex Borough"; and

WHEREAS, the Middlesex Senior's Club is hereby making an application for a Special Senior Citizens Bingo and Raffle License and has filed with the Municipal Clerk where the games are to be held and operated; and

WHEREAS, this license shall be valid for a period of two years; and

WHEREAS, the proceeds are distributed to the participants and also to subsidize the club luncheons, purchasing equipment, donations to the Rescue Squad and other charitable organizations; and

WHEREAS, a copy of the Treasurer's report is filed with the Director of Office on Aging.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby grants a license to the

Middlesex Senior's Club in accordance with NJSA 5:8-1 and NJAC 13.47-3.6 regulations.

Mayor Sherr read the following resolution:

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

Resolution #238-09

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.

EXECUTIVE SESSION

Negotiations

- PBA

Personnel

- Disciplinary Action - DPW

Mayor Sherr read the following resolution:

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

Resolution #239-09

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.

Mayor Sherr read the following proclamation declaring November, 2009 as "Pancreatic Cancer Awareness Month"

PROCLAMATION

WHEREAS, over 42,000 people will be diagnosed with pancreatic cancer this year in the United States and over 35,000 will die from the disease; and

WHEREAS, pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the United States; and

WHEREAS, 76 percent of pancreatic cancer patients die within the first year of their diagnosis and 95 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 30 years; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of those diagnosed with metastasis disease is only three to six months; and

WHEREAS, incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups; and

WHEREAS, the Federal Government invests less money in pancreatic cancer research than it does in any of the other leading cancer killers; and

WHEREAS, the good health and well being of the residents of Middlesex Borough are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Middlesex Borough and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Middlesex Borough support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Middlesex designate the month of November, 2009 as "Pancreatic Cancer Awareness Month in the Borough of Middlesex.

Mayor Sherr opened the public portion of the meeting.

Frank Ryan, 303 Maple Street commented on his concerns of the violations on Lincoln Boulevard, as there are at least five locations that are selling cars at businesses with no plates on the vehicles. He requested that if we do not have a policy, could we put something on the books. Mayor Sherr indicated that currently we do have a policy, and we are looking at it right now.

Mr. Ryan also stated although the leaves have fallen off the trees at Burger Tubing, he will come back in May to discuss this property, as it is in shambles. He feels that if a violation occurs, you are looking that they get a 5 – 10 day period and if no action is taken something should be done. Mayor Sherr indicated this is something that is currently being developed.

Mr. Ryan also discussed the hours at the recycling center, and the fact that it is open at 6 am in the morning, when it is still dark. Also, he thinks that we should consider opening the recycling center on Mondays and close it for 3 other days during the week. Possibly he suggested have the center open at 12 noon and then the manpower at the center could be used in other areas during the morning.

Mike Florczak, 29 Orchard Road and Max Beckerman, 33 Orchard Road came in to discuss the sewer incident from October when the raw sewage backed up and was pumped into their basements. Both of these residents have been rejected by their insurance company and they indicated that they are still waiting for an answer from the town. The Board of Health has advised them that the paneling has to be removed because it was soaked. Max Beckerman stated that if anyone in his family gets sick related to this incident he will file a lawsuit for 100 times the cost of this problem.

Mayor Sherr indicated that the borough submitted this claim to the paving company and they rejected the claim, it was then turned over to the MCMJIF for damages. The contractor indicated that they would take another look at this matter after it was submitted to the MCMJIF and it is reviewed by them. Mayor Sherr stated that the Borough will get back to both Mr. Beckerman and Mr. Florczak when we hear further on this matter.

Mr. Florczak stated that he was disappointed that Mr. Dobies was not at the meeting, because he stood in his basement along with Mayor Fuhrmann and said that the basement was a disaster and that “we have to get people to help immediately”. Mr. Florczyk stated that he has put \$3,000 plus out of his pocket and still waiting for answers.

Attorney Johnson stated that you should take care of what has to be done to protect your family and the borough will do what we can do. The borough can only do certain things and they have contacted the contractor and our insurance carrier. The Mayor does not have the authority to take care of the situation.

John Hein, 352 Seneca Avenue questioned the status of the capital budget ordinance. Mayor Sherr indicated that several councilmen had questions about items in the ordinance and if monies could be taken from old ordinances to cover some of these items. Also, because there were not sufficient votes to move the ordinance forward, it will probably be carried over until next year’s capital budget and will be addressed next year as early as possible.

Frank Oliver, President of the Rescue Squad indicated that in the capital budget the squad was looking to replace the extracation equipment, which vehicle is out of commission because they cannot replace the equipment needed. He stated that the residents purchased this equipment and requested that they please try to expedite this as they are shorthanded on emergency vehicles. Mayor Sherr indicated that we will take

those concerns under consideration and will be taking capital budget requests early next year.

Seeing that there was no further public participation, Mayor Sherr closed the public portion of the meeting.

Mayor Sherr read the resignation letter dated November 19, 2009 from Councilman Michael Venuto to Borough Clerk Kathleen Anello which stated the following:

"I Michael Venuto, am resigning as Middlesex Borough Councilman effective immediately. This is due to personal issues in my life which will not allow me to fulfill my obligations to Middlesex Borough. I would like to thank all the members of Council I did serve with and to thank the residents of Middlesex for serving them."

Councilwoman DeVuyst moved to accept the resignation of Councilman Venuto seconded by Councilman Gorr and carried by a unanimous vote of Council.

Councilman Class moved to table the approval of the August 11, 2009 Regular Meeting Minutes, October 20, 2009 Agenda Meeting Minutes and 2009 Closed Session Meeting Minutes seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Class moved the approval of the September and October, 2009 Police Department Monthly Report seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Class moved the approval of the October, 2009 Municipal Court Report seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Gorr moved the approval of the September and October, 2009 Treasurer's Report seconded by Councilman Class and carried by a unanimous vote of Council.

Mayor Sherr appointed Councilman Gorr to the Fire, Office of Emergency Management and Board of Health Council Committee replacing Councilman Venuto.

Mayor Sherr appointed Councilman Class to the Recreation, Recreation Fields, Water and Light Committee replacing Councilman Venuto.

Mayor Sherr appointed Councilwoman DeVuyst to the Police, Legal, Code Enforcement, and Municipal Court Committee replacing Councilman Venuto.

Mayor Sherr appointed Council President Schueler, Councilman Class and Councilwoman DeVuyst to a Committee to review the RFP's for 2010.

There being no further business to discuss, Mayor Sherr recessed the meeting to closed session seconded by Councilman Class and carried by unanimous vote of Council.

Mayor Sherr reconvened the Public Meeting, and as there was no further business to discuss, the meeting was adjourned by Councilman Class and seconded by Councilman Gorr and carried by a unanimous vote of Council.

Respectfully submitted,

Linda Chismar, RMC
Deputy Clerk