

Municipal Building
1200 Mountain Avenue

August 25, 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: John Fuhrmann
 Bob Schueler
 Michael Class
 Debra DeVuyst
 Bob Edwards
 Bob Gorr
 Michael Venuto (absent)

Attorney: Edward Johnson
Administrator: Ron Dobies (absent)

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

The Regular Meeting Resumed and Mayor Fuhrmann opened the public portion of the meeting for discussion regarding any of the resolutions on the public consent agenda.

Seeing that there were no further public comments, Mayor Fuhrmann closed the public portion of the meeting on the consent agenda.

Mayor Fuhrmann read Ordinance No. 1751-09 for introduction:

ORDINANCE NO. 1751-09

AN ORDINANCE RESCINDING A PORTION OF SECTION 3 AND ALL OF SECTION 5 OF AN ORDINANCE ENTITLED "AN ORDINANCE RELATING TO THE MORALES, PEACE AND GOOD ORDER OF THE BOROUGH OF MIDDLESEX AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF"

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

Mayor Fuhrmann read the following resolution:

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

Consent Agenda 2009(N)

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 desirous of removing Resolution #167-09 and Resolution #173-09 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 # 185-09 – Resolution #193-09

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

Mayor Fuhrmann read the following resolution:

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

Resolution #185-09

The tax collector is hereby authorized to issue a check in the amount of \$14,461.79 to redeem tax sale certificate 2009-1718 and a check in the amount of \$7,000 for the premium, check is to be made payable to:

Royal Tax Lien Services, LLC
179 Washington Lane
Jenkintown, PA 19046

The Certificate covered property located at 120 Giles Avenue., Block 173, Lot 43.02.

Mayor Fuhrmann read the following resolution:

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

Resolution #186-09

The Tax Collector is hereby authorized to issue a check in the amount of \$9,476.03 to redeem tax sale certificate #2009-1724 and a check in the amount of \$100 for a tax sale premium, Block 244, Lot 14, 210 So Lincoln Avenue, check is to be made payable to:

Royal Tax Lien Services, LLC
179 Washington Lane
Jenkintown, PA 19046

Mayor Fuhrmann read the following resolution:

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

Resolution #187-09

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR
CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, N.J.
HEALTH BENEFITS PLANS**

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

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 checks, charged against Insurance (1) Group Insurance for Employees for \$96.40 from the period January 2009, as follows:

Estate of Edward W. Meyer(Prorated 1 Month)
18 Hickory Court
Middlesex, NJ 08846

Mayor Fuhrmann read the following resolution:

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

Resolution #188-09

The Mayor and Council hereby accept Officer Michael Rocca's disability retirement effective July 1, 2009 and agree to reimburse him the amount of \$15,609.09 for the following benefits.

17 unused vacation days (\$313.37)	\$ 5,327.29
226.75 hours of comp time (\$39.17 per hour)	\$ 8,881.80
Uniform allowance	<u>\$ 1,400.00</u>

Total \$ 15,609.09

Mayor Fuhrmann read the following resolution:

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

Resolution #189-09

**"A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF
CLAIMS UNTIL THE ADOPTION OF THE 2009 BUDGET**

A Temporary Budget in the amount of \$163,006.00 to provide for the payment of claims and salaries including debt service payments between the first day of January 2009 and the adoption of the 2009 budget be set up as follows:

GENERAL GOVERNMENT OPERATIONS:

Mayor & Council		
	Salary & Wage	1,000
	Other Expenses	-0-
Municipal Clerk		
	Salary & Wage	-0-
	Other Expenses	10,000
Rescue Squad Rental		1,800
Printing & Advertising		-0-
Postage – All Departments		3,000
Election		-0-
Assessment of Taxes		
	Salary & Wage	-0-
	Other Expenses	-0-
Maintenance of Tax Map		-0-
Collection of Taxes		
	Salary & Wage	5,000
	Other Expenses	-0-
Financial Administration		
	Salary & Wage	5,000
	Other Expenses	-0-
Legal Services & Costs		
	Salary & Wage	-0-
	Other Expenses	-0-
Engineering Services		-0-
Public Bldgs & Grounds		
	Salary & Wage	-0-
	Other Expenses	-0-
Planning Board		-0-
Board of Adjustment		-0-

Shade Tree Commission		
	Salary & Wage	100
	Other Expenses	-0-
Rent Control Board		
	Salary & Wage	-0-
	Other Expenses	-0-
Maintenance of Communication		-0-
Housing & Community Development		
	Salary & Wage	-0-
	Other Expenses	-0-
Insurances		
	Group Insurance Plan	-0-
	Workers Compensation	-0-
	Surety Bonds	-0-
	Temporary Disability	2,000
	Long Term Disability	2,000
	Other Insurances	-0-
PUBLIC SAFETY:		
Fire Department		
	Other Expenses	-0-
Police Department		
	Salary & Wage	-0-
	Other Expenses	-0-
Juvenile Conference Committee		
	Salary & Wage	100
Uniform Fire Safety		
	Salary & Wage	-0-
	Other Expenses	-0-
Emergency Management		
	Other Expenses	-0-

Road Repair & Maintenance		
	Salary & Wage	-0-
	Other Expenses	10,000
Sewer Systems		
	Salary & Wage	5,000
	Other Expenses	-0-
Solid Waste Management		
	Salary & Wage	-0-
	Other Expenses	-0-
Recycling Programs		
	Salary & Wage	-0-
	Other Expenses	-0-
Garbage & Trash Removal		
	Salary & Wage	-0-
	Other Expenses	10,000
Sanitary Landfill		25,000
Prosecutor's Office		
	Salary & Wage	1,000
	Other Expenses	-0-
Board of Health		
	Salary & Wage	500
	Other Expenses	-0-
RECREATION & EDUCATION		
Parks & Playgrounds		
	Salary & Wage	-0-
	Other Expenses	3,000
Board of Recreation Commissioners		
	Salary & Wage	5,000
	Other Expenses	5,000

Senior Citizen Bus Transportation

Salary & Wage	-0-
Other Expenses	-0-

Senior Coordinator

Other Expenses	-0-
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Senior Nutrition

Salary & Wage	-0-
Other Expenses	-0-

Medical Transport

Salary & Wage	1,000
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Title III Clerk

Salary & Wage	5,000
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Uniform Construction Code

Salary & Wage	-0-
Other Expenses	-0-

Utilities – All Departments

Gasoline	-0-
Fuel Oil	-0-
Electricity	10,000
Telephone	-0-
Natural Gas	5,000
Street Lighting	10,000
Fire Hydrants	-0-
Water	-0-

Contingent

-0-

Municipal Court

Salary & Wage	-0-
Other Expenses	-0-

Celebration Public Events
Deduction

(5,000)

County Curbside

-0-

Animal Control

5,000

Beautification	500
STATURATORY EXPENDITURES:	
PERS.	-0-
PFRS	-0-
Social Security	-0-
Pension – Firemen’s Widow (N.J.S.A.43:12-28.1)	-0-
TOTAL	126,000
Stormwater Management	
Salary & Wage	-0-
Other Expenses	-0-
Maintenance of Free Public Library	25,000
Middlesex County Utility Authority	-0-
Piscataway Sewerage Authority	-0-
Middlesex County Drug Alliance	-0-
Clean Grant	-0-
Older Americans	12,006
Capital Improvement	
Bond Anticipation Note	-0-
Bond Anticipation Interest	-0-
Municipal Debt Service	
Bond Principal	-0-
Bond Interest	-0-
Green Acres Loan	-0-
Infrastructure Principal & Interest	-0-
Hazardous Loan	-0-

TOTAL	163,006
DEDICATED SWIMMING POOL UTILITY BUDGET	
Swim Pool Utility	
Salary & Wage	25,000
Other Expenses	25,000
TOTAL	50,000

Mayor Fuhrmann read the following resolution:

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

Resolution #190-09

Amending Resolution #162-09, a Resolution which Determines that an error was made in applying an Added Assessment covering the period from January 1, 2008 through September 29, 2008 to Property owned by Satellite Builders, L.L.C. for 2008 and Directing Reimbursement of the Sum of \$5,681.01 to be paid to Satellite Builders, L.L.C. to state that payment be made as soon as possible.

The Chief Financial Officer hereby certifies that funds in the amount of \$5,681.01 are available in Account No. 01-2056-00-0000-001.

Mayor Fuhrmann read the following resolution:

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

Resolution #191-09

The tax collector is hereby authorized to issue a check in the amount of \$8,716.33, to redeem tax sale certificate 2009-1723, check is to be made payable to:

Plymouth Park Tax Services, LLC
PPTS Lock Box
P O Box 5822
New York, NY 10087-5822

The Certificate covered property located at 176 First Street, Block 231, Lot 32.

Mayor Fuhrmann read the following resolution:

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

Resolution #192-09

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.

Negotiations

- PBA
- DPW

Potential Litigation

- Chestnut St.

Mayor Fuhrmann read the following resolution:

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

Resolution #193-09

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 Fuhrmann opened the public portion of the meeting.

John Ellery, 704 Voorhees Avenue indicated that he would like to be considered for reimbursement for his sewer problems from 2006, since the borough has hired people to take care of another resident's sewer problem in town. He had a similar incident with his sewer and would like to meet with the Sewer Department or Council so that he can also be reimbursed for the Street Opening Permit and also for the charges he incurred with regard to sewer work.

Frank Ryan, 303 Maple Street circulated pictures to council of various violations on Route 28, and indicated that it look like a used car lot. People are continually selling cars without license plates. He also mentioned the overgrowth at the Berger Tubing building. Mr. Ryan brought pictures of the unregistered cars, and Mayor Fuhrmann indicated that he would refer them to the Code Enforcer tomorrow to address. Also, he mentioned that the fence at the dam at Victor Crowell Park is coming down and it is dangerous, and questioned whether it should it be removed.

Frank Ryan also questioned the Courier News article that mentioned that “a lot of people do not recycle” which adds more volume to the waste. Mr. Ryan is concerned that if these residents don’t recycle, why can’t the DPW employees notify Jerry Schaefer, and he could handle this by ticketing the resident. He feels that there should be more marketing done in regard to town wide recycling. Mayor Fuhrmann stated that we have to refocus on those that do not recycle when we require them to do so.

Mr. Ryan mentioned that years ago the town switched from picking up the leaves to bagging, and at that time the Council was quoted as saying “it was going to save time and it would allow us to clean catch basins and free up manpower” and he wants to know if we utilized that time? We now bag our leaves and will be going to once a week garbage pick up in the fall, which will allow for more time. Mayor Fuhrmann indicated that the once a week garbage in the fall allows us to use men to pick up leaves, collect bags and clean catch basins. The Colgate Report will address these issues.

Also, Frank Ryan followed up on Ed Johnson’s story about Middlesex regarding the Lincoln Statue and stated that there are only 7 of these statutes in existence. He mentioned that it is very unique to the town, and we are lucky to have it.

John Fuhrmann indicated that not long ago there was an application to develop that corner of Lincoln Boulevard and that the love of the statute held the development back from moving forward, and he suggested that maybe we can get it on an historical registry.

Joseph Green, DPW employee, stated that because of the Clean Water Act the DPW was required to pick up the leaves in bags. He personally feels that it is a cost saving of time and money, not having to use all the equipment to pick up the bags. He does not know what the dollar savings are, but he feels that it does save on manpower and equipment.

Katharine Harmer, 202 Walnut Street commended the DPW and thanked the mayor for not privatizing garbage collection. She feels that when the community has control over garbage, it makes for a cleaner town. She also stated that if the borough were to revert to using stickers for bulk, residents have a tendency to all bring their bulk to homes that have requested a pick up. She also suggested that we stick with once a week garbage pick up.

Jeff D’Ambrosia, 317 First Street questioned if the DPW costs are being tracked and who is doing this. He would like to see if our town is running the most optimal way possible. He feels that we need very careful cost tracking/analysis.

Dorothy Staats, 823 Lincoln Boulevard, requested the Council’s permission to train her dog at Mt. View Park, and would need a 40’ x 50’ area in order to do this dog obedience training. Borough Attorney indicated that the Council would have to agree to amend the present ordinance, which now requires animals in all parks to be on a leash. Councilman Edwards will look into this matter and it will be discussed further at the September 1, 2009 Agenda Meeting.

Dennis Reilly, 430 Voorhees Avenue, questioned that if the town were to go to once a week garbage pick up, will our taxes be reduced. He questioned why we would do that if

we will be losing a service and not saving money? Mayor Fuhrmann indicated that the Colgate Report will be presented this evening which may answer his questions.

Mike Bogdan, 428 North Lincoln Avenue questioned what would be done with once a week garbage, if we have a holiday, because then he would be required to wait 7 days for another pick up. He also stated that if we had a snowstorm, we could have to wait 2 weeks for a pick up.

Albert Lowande, 308 Anthony Avenue, commended the Borough DPW and urged that the Council not make vast changes with the department. He has lived in the borough 50 years and he has no complaints.

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

Councilman Edwards moved to approval of the August 4, 2009 Agenda Meeting Minutes seconded by Councilman Gorr and carried by a unanimous vote of Council.

Councilman Edwards moved the approval of the July 28, 2009 Regular Meeting Minutes and the August 6, 2009 Emergency Meeting Minutes as amended seconded by Councilman Gorr and carried by a unanimous vote of Council.

On behalf of the DPW Committee, Councilwoman DeVuyst presented the Colgate Report. A motion was made by Councilman Gorr, and seconded by Councilman Edwards to enter this report in its entirety in the Public Meeting Minutes.

Colgate Committee Report August 25, 2009 Regular Meeting

During the July 7, 2009 agenda meeting, a discussion took place concerning the renewal of the Middlesex County Utility Authority's (MCUA) contract for the receipt and disposal of brush, leaves and grass. Additionally, the cost effectiveness of our current garbage collection system and the possible cost savings to be realized from the privatization of garbage collection was also discussed. As a result of this discussion, Mayor John Fuhrmann appointed a committee to study costs and effectiveness of the existing system versus that of privatization. Appointed to serve on this committee, referred to as the Colgate Committee, were Councilman Robert Gorr, Councilman Robert Edwards and Councilwoman Debra DeVuyst, the Department of Public Works (DPW) Liaison, who will serve as the committee chairperson.

In preparation for the research into this topic, data and information was gathered from our DPW Superintendent Jerry Schafer, sanitation workers, private garbage hauling companies, previous studies regarding this issue, Middlesex County's Waste Management Records, New Jersey's Department of Environmental Protection (NJDEP) Solid Waste Department Reports/Studies on Solid Waste trends and our own Borough's budgets and expenses, both past and current.

At this time, the Colgate Committee would like to clarify that during this study of privatization of garbage collection and disposal, there was no intent to privatize the

collection and disposal to the extent that our Borough residents will be incurring an additional garbage collection fee apart from the municipal tax they already pay. The committee's intent is to investigate ways in which garbage collection and disposal services can continue to be provided by the Borough in the best and most cost-effective manner. Foremost in the committee's considerations was to determine how any changes would affect our residents and our dedicated DPW employees.

Cost Effectiveness

Preliminary figures using the services of a private garbage collection service indicated a possible savings to the Borough of \$ 16.66 per household, or \$ 75,000.00 in total. Further research, which included information provided by the State of New Jersey's Division of Solid Waste (NJDSW), indicated that the manner in which this savings was calculated may result in a margin of error as high as 24%. Therefore the appropriate statistical information has not been gathered and will require an extended analysis using daily route audit forms and a full cost accounting. The NJDSW has various tools and forms to assist in this audit. This is not something that can be done quickly and could possibly take up to one year to gather sufficient data.

Recycling as an Integral Part of a Cost Effective Waste Collection System

One interesting quote noted in NJDSW literature states, "Recycling success creates the rationale for reducing the frequency of garbage collection. Garbage justifiably can be collected less frequently because strong recycling and waste reductions can reduce the weight of household garbage by as much as 25% to 35%."

The Middlesex County Improvement Authority's (MCIA) first quarter 2009 recycling tonnage report shows our borough has the 3rd lowest recycling tonnage reported, leaving only Jamesburg and Helmetta at a lower tonnage. The MCIA annual report also states that the county would like to realize a 60% recycling rate from all towns. Middlesex Borough is averaging 40 to 45%, while most other towns are around the 60 to 80% recycling tonnage rate. We are in contrast to other towns in the county with our gross disposal tonnage as well, second only to Edison as the highest in the county. Many towns have eliminated grass clipping collection altogether. Per our county coordinator Mr. Hill, participation from our Borough was the lowest in the county for their annual paper shredding event.

DPW workers have confirmed that many of our residents, our school system, our playing fields, our parks and carnivals are not recycling as required by our own ordinance. This illustrates a lack of commitment to recycling efforts and permits recyclables to enter our regular garbage stream at an excessive rate. Garbage tipping fees cost \$ 56.00 to \$ 74.00 per ton. One of the Borough's largest budget line items is tipping fees, currently at \$ 320,000.00 per year. As noted in the NJDSW literature, a strong recycling program can save up to 25% to 35% on these tipping fees, a potential savings to our Borough of \$ 80,000.00 per year.

The Borough currently contracts with MCUA for recycling collection and pays a set rate per household, as opposed to a fee per ton. By renewing the collection contract with the MCUA and increasing our commitment to recycling by enforcement of our recycling

ordinance, the Borough would not experience a cost increase for the collection of recyclables and would realize a cost savings through a reduction in garbage tonnage and in turn a reduction in tipping fees.

Committee Recommendations

Based upon the findings cited above, the committee recommends the following:

1. Continue our current garbage pick-up provided by our DPW's Sanitation Department
2. Continue our Fall one day a week pick-up of garbage during leaf season
3. Renew our commitment to recycling by enforcing our recycling ordinance and working towards a goal of reducing garbage/solid waste tonnage and increasing recycling tonnage.
4. Meet with school district representatives regarding recycling programs within the schools and informing them of state school model programs
5. Promote and educate our residents regarding the benefits of the "Cut It and Leave It" program following the state and county model information
6. Discuss State Model Route Audit and Cost Accounting with DPW Superintendent for further study to ensure the services are implemented in the most cost effective manner.
7. The committee continue discussions regarding the recommendation in other areas for possible savings from the DPW Superintendent and DPW employees
8. Promote and make our residents aware of all state and county programs and rebates e.g. the state's current Refrigerator/Freezer Recycling Program that eliminates the cost of disposal and pays the unit's owner \$ 30.00, and the county's upcoming Paper Shredding Event on 9/26/09 at the recycling center behind borough hall.
9. Discuss expanding relevant programs and educating our residents with information and updates provided more frequently on the Public Works portion of our Borough Web-Site concerning all of the issues mentioned in this report.
10. Post Notices on important recycling dates or information on our electronic board.

Respectfully Submitted,
Colgate Committee Chair Councilwoman DeVuyst
And Committee Members

Councilman Edwards reported that the last Time Clock presentation was made to the remaining department heads and all their questions were answered.

Councilman Gorr indicated that there will be a Special Executive Budget Meeting held on August 27, 2009 at 7 PM in the Public Library. Also the Finance Committee is looking to adopt the 2009 Budget in mid September, and start working on the 2010 Budget in late September.

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

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

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

Respectfully submitted,

Linda Chismar, RMC
Deputy Clerk