

Municipal Building
1200 Mountain Avenue

April 14, 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	John Fuhrmann
Council President:	Bob Schueler
	Michael Class
	Debra DeVuyst
	Bob Edwards
	Bob Gorr
	Michael Venuto (absent)

Attorney:	Edward Johnson
Borough Clerk:	Kathleen Anello

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.

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

Mayor Fuhrmann read Ordinance No. 1746-09 for introduction.

ORDINANCE NO. 1746-09

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

Council President Schueler moved for introduction 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 was opposed to this and attended Assemblyman Green's Meeting and questioned state representatives what would happen if we requested to go over the cap. She was told that if you take the pension deferral you would get extraordinary aid, but they are not going to look kindly at any town that requested to go over the cap. Her concern is that you are asking the state to spend more money than you are allowed.

The Borough Clerk read the following resolution:

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

Resolution #94-09

**Resolution of Borough of Middlesex
Making Application to the Local Finance Board for
a Reduced Pension Contribution
Pursuant to N.J.S.A. 43:15A-24(c) and/or
N.J.S.A. 43:16A-15(9)**

WHEREAS, the Borough Council of the Borough of Middlesex in the County of Middlesex desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

- *Police and Fire Retirement System in the amount of \$ 301,189.00*
- *Public Employee Retirement System in the amount of \$117,964.00; and,*

WHEREAS, the Borough Council has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

WHEREAS, the Borough Council determined that it needs to pay the reduced contribution and said determination is in the public interest:

1. *The inability of the Borough of Middlesex to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability.*
2. *In order to provide a more stable tax rate; and*

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

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for P.F.R.S. in the amount of \$301,189.00 and P.E.R.S. in the amount of \$117,964.00, pursuant to N.J.S.A. 43:15A-24(c) and N.J.S.A. 43:16A-15(9) et. seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Middlesex are hereby authorized to submit such application and to represent the Borough of Middlesex in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Borough of Middlesex, is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Borough of Middlesex is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

Council President Schueler moved for introduction seconded by Councilman Gorr 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 #86-09

INTRODUCTION OF 2009 BUDGET

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2009.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2009;

BE IT FURTHER RESOLVED that said Budget be published in the Courier News in the issue of May 28, 2009.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2009:

General Appropriations:

Appropriations Within "CAPS" Municipal Purposes	\$11,446,334.58
Appropriations Excluded from "CAPS" Municipal Purposes	3,834,702.96
Reserve for Uncollected Taxes – Based on Estimated 98+ Percent of Taxes Collections	<u>569,500.00</u>
Total General Appropriations	15,850,537.54
Less: Anticipated Revenues Other Than Current Property Taxes	<u>5,169,577.70</u>

Difference: Amount to be Raised by Taxes
For Support of Municipal Budget:
Local Tax for Municipal Purposes Including

Reserve for Uncollected Taxes

\$10,680,959.84

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and the Borough Council of the Borough of Middlesex, County of Middlesex on April 14, 2009.

A hearing on the Budget and Tax Resolution will be held at Municipal Building on June 9, 2009 at 8 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by Taxpayers or other interested persons.

Mayor Fuhrmann indicated that the governing body is not 100% comfortable with this budget. We are trying to reduce the amount of \$10,680,959.84, and we are hoping that extraordinary aid will do that. At this point a house assessed at \$100,000 would have an increase of \$102.00, which does not include any increase by the Board of Education or the County. We now have a 10.2 increase, and the Council will go back to the table to reduce further. The hearing for the budget is scheduled for June 9, 2009 at 8 P.M. Mayor Fuhrmann stated that you can obtain the introduced budget on the borough website.

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

The Borough Clerk read Ordinance No. 1747-09 for introduction.

ORDINANCE NO. 1747-09

AN ORDINANCE TO AMEND NUMBER 1735-08 TO ALLOW NOT ONLY THE MIDDLESEX BOROUGH RESCUE SQUAD TO SOLICIT CONTRIBUTIONS FROM MOTORISTS BUT TO ALSO ALLOW THE MIDDLESEX BOROUGH FIRE DEPARTMENT AND THE MIDDLESEX BOROUGH OFFICE OF EMERGENCY MANAGEMENT TO ALSO SOLICIT CONTRIBUTIONS FROM MOTORISTS AT VARIOUS LOCATIONS IN THE BOROUGH PURSUANT TO AUTHORIZATION GIVEN BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER SECTION 16:40-1.1 OF THE NEW JERSEY ADMINISTRATIVE CODE, SUBJECT TO THE MIDDLESEX BOROUGH RESCUE SQUAD, MIDDLESEX BOROUGH FIRE DEPARTMENT AND THE MIDDLESEX BOROUGH OFFICE OF EMERGENCY MANAGEMENT OBTAINING A "CHARITABLE SOLICITATION PERMIT" FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

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

The Borough Clerk read Ordinance No. 1748-09 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1748-09

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

Mayor Fuhrmann opened the public hearing on Ordinance No. 1738-09. Seeing that there was no public participation, Mayor Fuhrmann closed the public hearing on Ordinance No. 1748-09.

Councilman Gorr moved for adoption seconded by Councilman Edwards 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(F)

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 Nos. 100-09, Resolution No. 102-09 and Resolution No. 104-09 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 #95-09 – Resolution #99-09
Resolution #101-09
Resolution #103-09
Resolution #105-09

Councilman Class moved for adoption seconded by Councilwoman DeVuyst 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 #95-09

WHEREAS, four bids were received on March 31, 2009 for the proposal for tree pruning, tree removal and stump grinding; and

WHEREAS, listed below are the bids received for this project:

	Woodland	Predator	M&A	Elite
Item #1 Tree Pruning	169.00	110.00	170.00	180.00
Item #2 Tree Pruning O/T	239.00	140.00	200.00	270.00
Item #3 Tree Removal	169.00	110.00	170.00	180.00

Item #4 Tree Removal O/T	239.00	140.00	200.00	270.00
Item #5 Stump Grinding	3.49	3.00	5.00	5.00
Item #6 Stump Grinding O/T	4.98	5.00	5.00	7.50
Item #7 Daily Rate	776.00	880.00	1000.00	1440.00

WHEREAS, the Purchasing Agent and the Shade Tree Commission recommends that Predator Tree Service LLC of Green Brook, New Jersey, be awarded this contract for the amounts listed above.

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

1. At the recommendation of the Purchasing Agent and the Shade Tree Commission, the Mayor and Council hereby award the bid for the proposal for tree pruning, tree removal and stump grinding to Predator Tree Service LLC of Green Brook, New Jersey for the period of 1/1/2009 – 12/31/2010, subject to the appropriation of funds in the 2009 and 2010 budget.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies funds are appropriated in the 2009 and 2010 temporary budgets and final appropriations will be determined in the adopted budget.

The Borough Clerk read the following resolution:

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

Resolution #96-09

Authorizing the Mayor and Borough Clerk to execute the 2009 Municipal Alliance contracts with the County of Middlesex which provide funds to the Drug Alliance to allow them to continue to deliver successful substance abuse prevention programs in the Borough.

The Borough Clerk read the following resolution:

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

Resolution #97-09

“A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2009 BUDGET”

Amend Temporary Budget in the amount of \$17,331.00 to increase the temporary budget:

Live scan Fingerprint	\$17,331.00
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The Borough Clerk read the following resolution:

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

Resolution #98-09

Authorizing the Mayor and Borough Clerk to execute the "Amendment to the Interlocal Services Agreement by and between the Borough of Middlesex and the Middlesex County Improvement Authority" to allow the Authority to obtain re-imbusement of the Borough's legal costs from the Brownfields Grant given by the United States Environmental Protection Agency. The legal costs are in reference to obtaining access to the property, which is subject to this grant, and are in the amounts of \$11,916.00 and \$2,061.88.

The Borough Clerk read the following resolution:

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

Resolution #99-09

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL GRANTS RECEIVABLE AND GRANT APPROPRIATION RESERVE BALANCES AS APPROPRIATE

WHEREAS, the Chief Financial Officer has informed the Borough Council of the need to cancel grants receivable and grant appropriation reserve balances prior to year end; and

WHEREAS, the grants are complete and the receivable and appropriation balances are no longer needed to be maintained on the books and records of the Borough of Middlesex; and

WHEREAS, the Chief Financial Officer recommends that the following adjustments to the books and records of the Borough of Middlesex be made.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Middlesex that \$3,748.50 of grants receivable and \$119,279.81 of grant appropriation reserves be cancelled.

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst 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 #101-09

The Borough Clerk is hereby authorized to declare as surplus the following items:

1. Police Department VHS Radio Orbacom System
2. The Following Telephone:

MODEL	SERIAL NO.		# OF PHONES
M7310			
	950900	9412	1
	961100	9520	12
	961100	9522	4
	930800		1
	960819	9802	1
	970717	9901	1
	980219	9908	1
	990708		1
	920800		1
	960603	9712	1
	960600	9450	2
	970300	9535	1
	Unknown Numbers		3
	NNTM60GB2NVK		1
	NNTM60G6ZRN3		1
	NNTM60G6MKUX		1
	NNTM60GC9MIF		1
	NNTM60GC9LYY		1
	NNTM60GDKP6G		1
	NNTM60G2YRT3		1
	NNTM60GDGKGX		1
	NNTMENT6XHXR		1
	NNTM6038Z8Y7		1
	NNTM60GCLAUH		1
	NNTM2932AU2V		1
	NNTMENT786GJ		1
	NNTM040DTBEZ		1
	NNTM60G92SST		1
	NNTMHPGOCD9F		1
	NNTM60G6CDTY		1
	NNTM60GC9LY4		1

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst 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 #103-09

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.

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst 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 #105-09

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A COPS
GRANT PROGRAM**

WHEREAS, the Borough Council wishes to file an application for a COPS Grant to allow the Borough to hire police officers; and

WHEREAS, as a condition of the Grant, the Borough must agree that it will not use funds obtained through the Grant to supplant State, Local or other funds that otherwise would be made available for the purposes of the Grant; and

WHEREAS, if the awarded Grant contains a retention requirement, the Borough agrees that it will retain the increased officer staffing level and/or the increased officer deployment level, as applicable, with State or Local funds for a minimum of twelve (12) months following the expiration of the Grant period; and

WHEREAS, if the Grant is approved, the Grant will provide funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to create and preserve jobs, and to increase their community police and capacity and crime-prevention efforts; and

WHEREAS, the Council is aware that, all Grant recipients must retain any Grant funded officer positions awarded for at least twelve (12) months after the thirty-six (36) months of federal funding has ended for each position; and

WHEREAS, the Borough is also aware that it is required to affirm in its Grant Application that the Borough plans to retain any additional officer positions awarded following the expiration of the Grant, and identify their planned sources of retention funding; and

WHEREAS, the Borough Council is further aware that, if the Borough receives a COPS Grant, the Borough must comply with all of the data tracking, collection and reporting requirements under the American Recovery and Reinvestment Act (ARRA); and

WHEREAS, the Grants through this program cover 100% of the approved entry-level salary and fringe benefits of each newly hired and/or rehired full-time sworn career law enforcement officer over three (3) years (thirty-six months) and there is no local match or cap on the amount of funding that can be requested but Grant funding under this program will be based on the Borough's current entry-level salary and fringe benefits for full-time sworn officers and any additional cost for higher than entry-level salaries and fringe benefits would be the responsibility of the Borough; and

WHEREAS, the Borough is aware of the fact that the requirement for continued local funding, beyond the thirty-six (36) month Grant period, raises obvious cap issues

which have not been answered as of this date which may be a problem in future years with respect to maintaining budgets within the allowable cap if the State of New Jersey does not adopt rules and regulations and laws which provide cap relief for this type of funding; and

WHEREAS, understanding all of these problems, the Borough Council nevertheless wishes to proceed with filing the application for a Grant under this COPS Program.

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

1. The Borough Council does hereby determine that a Grant application for a COPS Grant should be filed on behalf of the Borough by Captain Craig Young and the Mayor and the Borough Clerk are hereby authorized and directed to sign whatever application forms may be required for applying for this Grant.
2. This resolution shall take effect immediately.

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst 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 #100-09

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
279/42	Thomas Griffin	\$ 67.25	7760142503
	818-820 Voorhees Ave	\$134.25	7760142504
313/61	Thomas Griffin	\$ 8.00	7760142528
	556-558 Voorhees Ave	\$ 42.75	7760142529
	Mail Check To: 206 First St Middlesex, NJ 08846		
132/1	Pumping Services, Inc.	\$32,804.51	7760142493
	201 Lincoln Blvd	\$ 341.40	7760142443
	Mail Check To: P O Box 117 Middlesex, NJ 08846		

339/13.01 & 13.02	William Vogt	\$5,718.26	7760142505
	215 Cedar Ave/393 Lincoln	\$ 38.27	7760142315
		\$ 92.83	7760142406

Mail Check To: 375 Lincoln Blvd
Middlesex, NJ 08846

including interest to date of refund.

Councilwoman DeVuyst moved to amend the above resolution seconded by Council President Schueler and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr and Schueler. Nos.: None. Abstain: None.

Councilman Edwards moved to adopt the resolution as amended 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 #102-09

The Mayor and Council hereby approve the following rotating Meeting Schedule for a 90 day period effective May 1, 2009:

May 5, 2009	Agenda Meeting – 7PM
May 12, 2009	Public Meeting – 8PM
May 19, 2009	Committee Meeting
May 26, 2009	Agenda Meeting – 7PM
June 2, 2009	NO MEETING – PRIMARY ELECTION
June 9, 2009	Public Meeting – 8PM
June 16, 2009	Committee Meeting
June 23, 2009	Agenda Meeting – 7PM
June 30, 2009	NO MEETING
July 7, 2009	Public Meeting – 8PM
July 14, 2009	Agenda Meeting – 7PM
July 21, 2009	Committee Meeting
July 28, 2009	Public Meeting – 8PM

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

The Borough Clerk read the following resolution:

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

Resolution #104-09

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

- DPW

Council President Schueler moved to remove this resolution from the Agenda seconded by Councilman Edwards and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr and Schueler. Nos.: None. Abstain: None.

The Borough Clerk proclaimed April 24, 2009 as "Arbor Day"

**PROCLAMATION
Arbor Day – April 24, 2009**

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, JOHN FUHRMANN, Mayor of the Borough of Middlesex, do hereby proclaim April 24, 2009, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Mayor Fuhrmann opened the public portion of the meeting.

Rich Rutkowski, 211 Maple Street thanked Mayor Fuhrmann for stepping in as Mayor, as he indicated that it has been a difficult time. Mr. Rutkowski mentioned that Raritan Avenue is deplorable, with all the liter all over the place and a shopping cart in the brook. He feels that we are talking about laying off and not hiring, and we have good town workers, but he feels that we need to get the people we have to work.

Frank Ryan, 303 Maple Street stated that last meeting we spoke of community service workers and that Bedminister uses community service workers all of the time. Frank indicated that since 1999 there was talk about bank stabilization at Victor Crowell Park and getting grass to grow on the slopes. He wants to know why the priorities were reversed when the former Mayor was here. He does not understand why we went with lighting and not 100 pounds of grass seed on the slopes. When you look at the park now there is not a bit of grass on the slopes and there is no dirt on the dam. Everything that was done is in the water. He thinks that we should come up with a game plan of what we are going to do to improve the park. Mayor Fuhrmann asked Frank what he felt we should do and Frank Ryan indicated that we need a maintenance program of grass seed and fertilizers. He feels that for over 9 years we spend \$1,000,000 and Victor Crowell Park is sloping into the stream. The Mayor suggested that a council committee should be formed to make some recommendations for the council to review.

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

Councilman Edwards moved the approval of the March 10, 2009 Public Meeting Minutes seconded by Council President Schueler and carried by a unanimous vote of the Council.

Councilman Edwards moved the approval of the March 17, 2009 Special Meeting Minutes and the March 24, 2009 Public & Agenda Meeting Minutes seconded by Council President Schueler and carried by a unanimous vote of the Council. (Councilman Gorr abstained – absent)

Councilman Class tabled the approval of the February & March, 2009 Municipal Court Report seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Class tabled the approval of the February, 2009 Police Department Report seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Gorr requested through the Chair of the Governing Body a vote to have an investigation take place as soon as possible to investigate the following alleged statements.

On the Agenda Meeting at April 7th Jim Bacon Delegate for Local 181 for all the men and woman of the Middlesex Police Department requested to make a statement for the record.

The State of Investigation:

In the past we always enjoyed the support of the Mayor and Council and unfortunately that is not the case now.

Recently one of our Councilman was discussing budgetary issues with a resident of the borough.

This Councilman expressed to the resident his frustration that the Council has no influence on the school budget due to the actions of the previous administration.

This Councilman went on to insure the resident that the school board was untouchable, the council tended to flex their muscles with the Police Department. Unknown to him, he was speaking to the wife of one of our police officers in town.

Again, we are shocked and highly disappointed of this governing body would want to flex their muscles on the back of the Police Department.

Councilman Gorr made a motion to have an investigation conducted seconded by Councilman Edwards and discussion ensued.

Council President Schueler stated that we have a motion on the table and a second on that motion and he now calls the question. Mayor Fuhrmann asked for a second on Council President Schueler's motion and stated that we need 2/3 vote and it was carried by the following roll call vote: Ayes: Members Edwards, Gorr and Schueler. Nos.: Class. Abstain: DeVuyst.

Councilman Gorr made a motion to have the borough attorney advise if the Borough Prosecutor or County Prosecutor should handle the investigation seconded by Councilman Edwards and carried by the following roll call vote: Ayes: Members DeVuyst, Edwards, Gorr and Schueler. Nos.: Class. Abstain: None.

Councilman Edwards moved to have the Middlesex Borough Prosecutor's Office proceed with the investigation seconded by Councilman Gorr and discussion ensued.

Councilman Class questioned if this is an ethics violation?

Mayor Fuhrmann indicated that we have two things going on. We have a code of conduct and a code of ethics. The ordinance tells you what you can do and what you can't do, but we are going into unchartered territory and there doesn't seem to be remedial action, they are silent when there is a violation of the code. The Mayor indicated that if it was allegedly said is true it casts dispersion on the council as a whole and you can find language that defines that. That type of comment or remark is inappropriate.

Mayor Fuhrmann opened the meeting to the public:

Amy Pileggi, 608 Clinton Avenue said that she was here for that night that all the police came and she followed up and doesn't think the quote was in the newspaper. She feels that as a taxpayer, this matter should be researched first to see if there is any merit and if any rules were broken before any taxpayer's money is spent.

Mayor Fuhrmann stated that we do have a Code of Conduct and a Code of Ethics and the remarks are inappropriate and cast dispersion by the governing body. He doesn't think it is inappropriate, and feels that we are displeased when a member of the body violates these codes. We do have to maintain the integrity of both the Code of Conduct and the Code of Ethics.

Mayor Fuhrmann closed the public portion of the meeting.

Councilwoman DeVuyst made a motion to table until the April 28, 2009 meeting seconded by Councilman Class and carried by the following roll call vote: Ayes: Members Class and DeVuyst. Nos.: Edwards, Gorr and Schueler. Abstain: None. The motion to table the discussion until April 28, 2009 died.

Councilman Gorr moved to amend the original motion to postpone the investigation until we get a detailed response from Ed Johnson as to how we should proceed regarding these statements and report to the Mayor and Council in a timely fashion seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Edwards, Gorr and Schueler. Nos.: None. Abstain: Class and DeVuyst.

A vote was taken on the original motion as amended seconded by Council President Schueler and carried by the following roll call vote: Ayes: Members Edwards, Gorr and Schueler. Nos.: None. Abstain: Class and DeVuyst.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

