

Frank Ryan, 303 Maple Street expressed his concern that all the items on this capital budget were not needed and that nothing was cut. He stated that businesses are suffering, a lot of people are unemployed and he questioned when the council will say “no” to items and say that you have to make due. He feels that it looks like next year is going to be worse than this year.

Councilman Schueler made a motion for adoption seconded by Councilman Venuto.

Councilman Schueler made a motion to withdraw the prior motion to adopt the Bond Ordinance seconded by Councilman Venuto and carried by a unanimous vote of Council.

Councilman Schueler made a motion to reconsider tabling the Bond Ordinance seconded by Councilman Class and carried by the following roll call vote: Ayes: Members Class, DeVuyst, Schueler and Venuto Nos.: Gorr. Abstain: None.

The CFO will provide to Councilwoman DeVuyst information which she requested to review regarding all the borough’s bond ordinances that are outstanding.

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 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 #220-09 – Resolution #226-09

Councilwoman DeVuyst made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Members Class, DeVuyst, 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 #220-09

The tax collector is hereby authorized to issue a check in the amount of \$8,474.85 to redeem tax sale certificate 2009-1721 and a check in the amount of \$1,000 for the premium, check is to be made payable to:

US Bank As Custodian For:
MD Sass
Tax Lien Services Group
2 Liberty Place – TLSG
50 South 16th St., Suite 1950
Philadelphia, PA 19102

The Certificate covered property located at 100 Marlborough Avenue., Block 212, Lot 3.

Mayor Fuhrmann read the following resolution:

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

Resolution #221-09

The Tax Collector is hereby authorized to cancel 2008 Sanitary Sewer Use Charges on the following properties.

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>	<u>REASON</u>
62/19	Nick Conte 22 Dogwood Dr	\$454.49	sprinkler/pool
70.G/6	Joseph Bandelt 5 Locust Ave	\$413.28	sprinkler
75/4.A	Jose Castello 1116 Hazelwood Ave	\$344.29	sprinkler/pool
80/32	Michael Florczak 29 Orchard Rd	\$294.35	sprinkler/pool
81/14.A	William Hornchak 53 Greenbrook Rd	\$311.18	sprinkler
86.B/5	Peter Nobbs 145 Mulberry Ln	\$312.41	sprinkler
110/11	N. Tullman 319 Dorn Ave	\$310.03	meter problem
114/4	Patricia Collins	\$307.38	pipe leak

	246 Beechwood Ave		
114/13	Peter Stafelli 231 Hazelwood Ave	\$836.73	sprinkler
136/29	Pete Piperata 293 Lincoln Blvd	\$1,625.44	water co error
151/20	Tami Iuliano 11 Oswego Ave	\$494.06	pool leak
167.A/8	Josephine Brasile 20 Harris Ave	\$302.14	pipe leak
186/1	B & S Bagels (Main Land) 726 Union Ave	\$465.97	water co error
191/17	Michael Hnylycia 349 Edgeworth St	\$1,090.79	meter problem
258/22	Angelica Zagar 308 Runyon Ave	\$359.93	sprinkler/pool
305/1	Joseph O'Brien 587 Cook Ave	\$275.44	water co error
323/29	Donata Pirone 522 Clinton Ave	\$284.86	pipe leak
352/3	Lor-Pril Realty 140 Baekeland Ave	\$125.90	no city hookup

Mayor Fuhrmann read the following resolution:

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

Resolution #222-09

The Tax Collector is hereby authorized to amend 2009 3rd quarter taxes to \$1,727.30 and 4th quarter taxes to \$1,710.73 on Block 312, Lot 21/C001. The original mother property was subdivided into two properties and the first half 2009 taxes were paid on Block 312, Lot 21.

Mayor Fuhrmann read the following resolution:

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

Resolution #223-09

WHEREAS, Sadat Associates, Inc. has prepared an estimate for additional tasks and costs associated with the Vapor Intrusion Investigation and Interim Remedial Measures Design for the Middlesex Municipal Landfill; and

WHEREAS, the Council has verbally approved this proposal at their October 13, 2009 Regular Meeting; and

WHEREAS, these tasks include the items listed below for a total cost of \$46,110:

Task 1	MPC Confirmation Sampling	\$5,000
Task 2	Municipal Bldg. Confirmation Sampling	\$3,500
Task 3	Revised Vapor Intrusion Reporting	\$5,000
Task 4	Mtgs., Planning & Potential Remedial Action Discussion	\$20,000
Task 5	Interim Remedial Measure Design & Specification (If Necessary)	\$10,000
	Subtotal	\$43,500
	Direct Expenses (6%)	2,610
	TOTAL	\$46,110

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 from Sadat Associates, Inc. in the amount of \$46,110 for the additional tasks and costs associated with the Vapor Intrusion Investigation and Interim Remedial Measures Design for the Middlesex Municipal Landfill.
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 \$46,110 are available in Account No. 04-1476-00-1476-60.

Mayor Fuhrmann read the following resolution:

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

Resolution #224-09

The Tax Collector is hereby authorized to issue a check in the amount of \$21,777.13 to redeem tax sale certificate #2004-1656 and a check in the amount of \$1,600 for a tax sale premium, Block 318, Lot 7, 223 Mountain Avenue, check is to be made payable to:

Data Ventures I LLC (DVI)
3 Grove Farm Road
Pittstown, NJ 08867

Mayor Fuhrmann read the following resolution:

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

Resolution #225-09

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

- White Collar

Litigation

- Notice of Tort Claim – Chestnut Street

Personnel

- DPW Employee Complaint
- DPW Disciplinary Action
- Police Retirement

Mayor Fuhrmann read the following resolution:

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

Resolution #226-09

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.

Dana Perone, 408 Raritan Avenue questioned the proper policy or procedure on getting back to residents that have contacted the borough. She had a question in March about getting a parking permit and it was never addressed by council. She questioned if the

revised ordinance regarding parking of commercial vehicles had been accepted by the county and if it can be enforced.

Mayor Fuhrmann indicated that he does not believe that there is a written policy regarding questions at the public meeting, and if we don't have the answer at the meeting, they will get back to you. Ron Dobies will look to see if the County has approved this ordinance.

Ms. Perone complained about the amount of time that it took the Zoning Officer to contact her and if he has the required certifications. Also, she questioned if the NIS settlement is an enforceable resolution and settlement.

Mayor Fuhrmann indicated that John Kapp has received many compliments the way he handles his job. He is not required to hold a certification for Zoning Official, only the certification for Construction Official. In regard to the NIS settlement, the mayor indicated that he has read through the settlement agreement and there is a section that states that all disputes must go to the Superior Court of the State of New Jersey.

Ms. Perone also questioned the handicapped parking spot at NIS. She felt that they not only parked illegally, but they parked in violation. She stated that the Police Department told her that the police could not enforce this and issue a ticket, but she feels that we are in violation and an investigation needs to be done about what laws we enforce and what laws we don't. She requested that the Mayor get back to her about her questions and the handicapped parking issue.

Joseph Green, DPW employee spoke regarding the union contract and indicated that their contract was just ratified yesterday afternoon, and he thought it was private. He feels that the information about the agreement to enter with a zero percent increase was still in negotiations and they jumped the gun to release this information.

Bob Sherr, 212 Lucia Street stated that he hears what has been said regarding the DPW contract and questioned if they would fully disclose the terms of the contracts. He feels that this information is either public or not public, you cannot release part of it and withhold the rest.

Mayor Fuhrmann indicated on October 13, 2009 a resolution was passed authorizing the borough to enter into a new contract. The mayor signed this document and indicated that the council agreed to those terms, and he felt that we had a done deal.

Frank Ryan stated that he might not agree with everything DPW does but hopes that they take the zero percent increase because the town does not have money. Also today he drove by Burger Tubing and the shrubbery is still up to the roof. He questioned how long the gentlemen have to respond to the letter that he was sent. Mayor Fuhrmann stated that he will call him and let him know how many days he has and follow up with Jim Rinker.

John Hoffman, 455 Lincoln Boulevard questioned the \$500,000 reduction of the budget and why when discussing the reduction of the budget they did not release information to the newspaper about the pension deferral. He feels that some information is left out, for example the tax increase of \$92, which only included the municipal increase. Mr. Hoffman stated that he is tired of watching the taxes get increased and not getting

anything for it. His taxes have increased 66% in the last 11 years. He stated that he is glad that the police got a \$5,000,000 building, and now they are also getting \$40,000 more for equipment.

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

Councilwoman DeVuyst moved the approval of the September 22, 2009 Public Meeting Minutes, October 6, 2009 Agenda Meeting Minutes and October 13, 2009 Regular Meeting Minutes seconded by Councilman Class and carried by a unanimous vote of Council.

Councilman Schueler moved to table the approval of the August 11, 2009 Regular Meeting Minutes seconded by Councilman Venuto and carried by a unanimous vote of Council.

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

Frank Betts, the Borough Tax Assessor updated Council on the status of the Assessor's Department regarding ratables, tax appeals, and the borough tax map. As far as ratables and tax appeals are concerned, Mr. Betts indicated that usually ratables increase each year due to new constructions, alterations and alterations to new buildings being more than our tax appeals, but that has dried up in 2009. He indicated that tax appeals have increased and it is getting harder and harder to sustain the assessments. He foresees at best no real increase or decrease in ratables in 2010, and a potential decrease in 2011.

Mr. Betts also recommended that the Borough incorporate a line item in the 2010 budget for tax appeal refunds and recommend that the tax map be updated, as it has not been updated since 1999. Mr. Betts will provide to Kathy Anello an estimate of how much he would recommend be put in that line item in the budget and also provide council with an estimated cost for a new tax map.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

