

Municipal Building
1200 Mountain Avenue

February 24, 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:

John Fuhrmann
Bob Schueler
Michael Class
Debra DeVuyst
Bob Edwards
Bob Gorr
Michael Venuto

Attorney: Edward Johnson

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 thanked the Police Department, DPW, Fire Department and OEM for all of their assistance during the latest wind storm.

The Borough Clerk read Ordinance No. 1738-09 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1738-09

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX –
CHAPTER 407, SECTION 23(A) PARKING OF COMMERCIAL VEHICLES AND
CHAPTER 407, SECTION 25 VIOLATIONS AND PENALTIES**

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. 1738-09.

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

The Borough Clerk read Ordinance No. 1745-09 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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**

Mayor Fuhrmann opened the public hearing on Ordinance No. 1745-09. Seeing that there was no public participation, Mayor Fuhrmann closed the public hearing on Ordinance No. 1745-09.

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

Mayor Fuhrmann also announced that at the Special Meeting on February 14 a resolution was approved to have Councilman Gorr and Jim Rinker to work with Protection Plus to create a plan and install a fire protection system at a cost not to exceed \$35,000. This was approved due to the fact that the Borough had been cited for two violations for our alarm system and we were given a 30 day extension to resolve this matter by the Fire Official. Mayor Fuhrmann indicated that this situation should be remedied in less than 4 – 6 weeks.

Mayor Fuhrmann also explained Resolution #61-09 regarding the possible lay-off of all Borough Employees due to the fact that the economic situation seems to become worse and worse every day. We are awaiting the governor's financial budget to be given to the legislature on March 10. Mayor Fuhrmann feels that this is the worst case scenario, and we hope that this will not happen.

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.

Councilwoman DeVuyst moved to remove Resolution #59-09 from the Consent Agenda seconded by Councilman Class and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

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

Consent Agenda 2009(D)

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 No. 59-09 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 #53-09 – Resolution #58-09
Resolution #60-09 – Resolution #63-09

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members Class, DeVuyst, Edwards, Gorr, Schueler and Venuto. 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 #53-09

The treasurer hereby authorizes the refund of \$100.00 to the American Legion, 707 Legion Place, Middlesex, New Jersey for overpayment of their 2009 Amusement License.

The Borough Clerk read the following resolution:

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

Resolution #54-09

WHEREAS, Bell Heating & Air Conditioning applied for and received Permit No. 20090025 on January 16, 2009, to do work at 234 Oak Drive; and

WHEREAS, Check No. 7895 dated January 16, 2009, payable to the Borough of Middlesex, was submitted in the amount of \$227.00 in payment of said permit; and

WHEREAS, the homeowner was overcharged in the amount of \$40.00 for said permit.

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 \$40.00 in favor of Carmela Mitterando, 234 Oak Drive, Middlesex, NJ 08846, for refund of fee for the overcharged portion of Permit No. 20090025.

The Borough Clerk read the following resolution:

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

Resolution #55-09

Resolution – Budget transfers from 2008 reserves to cover increase in Piscataway Sewer charges for the 4th Quarter of 2008:

| ACCOUNT NAME: | TO: | FROM: |
|----------------------|--------------|-------------|
| Piscataway Sewer O/E | \$ 39,074.64 | |
| Police S/W | | \$39,074.64 |

The Borough Clerk read the following resolution:

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

Resolution #56-09

“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 \$17,500.00 to increase the temporary budget:

Roads O/E \$15,000.00

Bd of Adjustment O/E \$ 2,500.00

The Borough Clerk read the following resolution:

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

Resolution #57-09

Hiring Katie Bird as Swim Pool Commission Secretary effective January 1, 2009 at an annual salary of \$7,393.36.

The Borough Clerk read the following resolution:

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

Resolution #58-09

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

| | | |
|--------------------------|------------------------|------------------|
| End Zone | (3) Amusement Machines | \$300.00 |
| 425 Bound Brook Road | (1) Pool Table | \$100.00 |
| | (1) Music Machine | \$ 25.00 |
| Ellery's Bar & Grill | (4) Amusement Machines | \$400.00 |
| 701 Lincoln Boulevard | (1) Music Machine | \$ 25.00 |
| American Legion Post 306 | (1) Pool Table | \$100.00 |
| 707 Legion Place | (1) Amusement Machine | \$100.00 |
| Tim Kerwin's Bar | (5) Amusement Machines | \$500.00 |
| 353 Bound Brook Road | (1) Music Machine | \$25.00 |
| | TOTAL | \$1575.00 |

The Borough Clerk read the following resolution:

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

Resolution #60-09

RESOLUTION ESTABLISHING A WAGE FREEZE ON SALARIES FOR ALL NON-UNION EMPLOYEES

WHEREAS, the Mayor and Council are in the midst of trying to establish a budget for the year 2009 and are required to establish an amount to be raised by taxation which will not exceed 4% over the amount that was raised during 2008; and

WHEREAS, at the present time, the proposed budget being reviewed by the Governing Body is over the cap rate of 4%, which is allowed by state law and therefore the Governing Body must reduce the amount to be raised by taxation in its proposed budget; and

WHEREAS, in order to do so, the Governing Body has determined to establish a Wage Freeze on salaries for all non-union employees.

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

1. There is now imposed upon the non-union employees of the Borough a wage freeze on salaries and no increases shall be given to any non-union employees until such time as the Governing Body has finalized its budget and at that time, the Governing Body will then determine if the wage freeze should be removed.
2. 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 #61-09

DETERMINING THAT THE BOROUGH MAY BE REQUIRED TO LAY-OFF EMPLOYEES WITHIN THE NEXT 90 DAYS

WHEREAS, the Mayor and Council are in the midst of trying to establish a budget for the year 2009 and are required to establish an amount to be raised by taxation which will not exceed 4% over the amount that was raised during 2008; and

WHEREAS, at the present time, the proposed budget being reviewed by the Governing Body is over the cap rate of 4% which is allowed by state law and therefore the governing Body must reduce the amount to be raised by taxation in its proposed budget; and

WHEREAS, in order to do so, the Governing Body may be required to lay-off employees in order to stay within the cap rate allowed by law in New Jersey.

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

1. All employees of the Borough shall be given written notice that the Borough may be required within the next 90 days to lay-off employees in order to stay within the cap rate allowed by the State of New Jersey.
2. 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 #62-09

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 #63-09

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.

Litigation

- Christopher Obschinetz v. Maple Shade Township and various New Jersey Municipal Entities

Negotiations

- DPW – Uniform Allowance

Personnel

- Construction Official/Building Sub-Code Official Position
 - Employee Reprimand
-

The Borough Clerk read the following resolution:

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

Resolution #59-09

RESOLUTION SUPPORTING REDEVELOPMENT STUDY AT THE MIDDLESEX MUNICIPAL LANDFILL

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Governing Body has authorized the Planning Board to undertake a preliminary investigation to determine whether a portion of the Middlesex Municipal Landfill, including Block 219, Lot 2, Mountain Avenue (the "Property") is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property.

WHEREAS, the Borough of Middlesex is applying from the Hazardous Discharge Site Fund for funding for the assessment and investigation of the Middlesex Municipal Landfill in order to determine the extent or the existence of any hazardous substance or hazardous waste.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Borough of Middlesex is committed to the redevelopment of the Middlesex Municipal Landfill for the purpose of recreation/conservation and finds that a realistic opportunity exists for the redevelopment of the Middlesex Municipal Landfill within a three year period after the completion of the remediation of this site either through the planned redevelopment project or for recreation and conservation purposes.

Council President Schueler moved for adoption seconded by Councilman Edwards and carried by the following roll call votes: Ayes: Members Edwards, Gorr, Schueler and Venuto. Nos.: DeVuyst. Abstain: Class.

The Borough Clerk proclaimed the month of March as "Women's History Month"

**PROCLAMATION
MARCH, 2009 – WOMEN'S HISTORY MONTH**

WHEREAS, New Jersey women of every race, class and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

WHEREAS, New Jersey women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- Identify, implement, measure and coordinate programs that address the needs of NJ women.
- Engage in continuous study and research on issues affecting NJ women and their families; develop policy papers and legislative recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body in the Borough of Middlesex, State of New Jersey, that March, 2009 is designated as "Women's History Month" under the National Women History Project's 2009 theme: Women Taking the Lead to Save our Planet.

Mayor Fuhrmann opened the public portion of the meeting.

Frank Ryan, 303 Maple Street spoke on the Victor Crowell Park Dam and the fact that there is not dirt on the dam. He recommended that maintenance be done to this area. Mr. Ryan also spoke of the ponding where the homes were removed on Raritan Avenue. He mentioned that for the last two years there is no grass in the area further south past the drainage ditch and questioned why we have the fence around the dam.

Bill Moore questioned the new rotating meeting schedule that the governing body discussed and may consider following for the Regular and Agenda Meetings.

Joe Greene spoke regarding the possible borough lay offs and which departments would be affected.

Bob Sherr, 212 Lucia Street wanted to know if the wage freeze is part of the committees and commissions and suggested that the committees and commissions should consider operating on a smaller budget.

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

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

Councilman Edwards moved the approval of the September 23, 2009 Regular Meeting Minutes as amended to change the last page of the minutes so that the second to last paragraph shall read "Discussion ensued regarding these items and Mayor D'Angelo left the public meeting abruptly. Council President Gorr conducted the meeting from that point forward" seconded by Councilman Venuto and carried by a unanimous vote of Council.

Councilwoman DeVuyst moved to table the February 3, 2009 Agenda Meeting Minutes seconded by Councilman Class and carried by a unanimous vote of Council.

Council President Schueler moved the approval of Christopher Martin and Richard Paul Sluke as members of the Middlesex Fire Department seconded by Councilman Gorr and carried by a unanimous vote of Council.

Council President Schueler moved to remove Lori Pinter as a member of the Middlesex Fire Department seconded by Councilman Gorr and carried by a unanimous vote of Council.

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

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

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

