

Municipal Building
1200 Mountain Avenue

May 12, 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

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 indicated that he attended the SWAC meeting with Council President Schueler, and Councilwoman DeVuyst and recommended our representative vote no on J.H. Reid. As a result of this meeting, we will have a public hearing in the evening in front of Richard Hill and the Council, in which any interested resident can attend to express their feelings against J.H. Reid. Mr. Hill will have a transcription of the public hearing which will be forwarded to the Board of Freeholders for review. In the meantime J.H. Reid has agreed to have a sound test with everything going. The Mayor urged all interested parties to attend this hearing. A resolution to take official action against J.H. Reid will be put on the May 26, 2009 agenda.

Mayor Fuhrmann read Ordinance No. 1749-09 for introduction.

ORDINANCE NO. 1749-09

AN ORDINANCE TO ESTABLISH AN ABANDONED RESIDENTIAL PROPERTY REGISTRATION PROGRAM AS A MECHANISM TO PROTECT RESIDENTIAL NEIGHBORHOODS FROM BECOMING BLIGHTED THROUGH THE LACK OF MAINTENANCE AND SECURITY OF ABANDONED PROPERTIES

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

Mayor Fuhrmann read Ordinance No. 1750-09 for introduction.

ORDINANCE NO. 1750-09

AN ORDINANCE SUPPLEMENTING THE CODE OF THE BOROUGH OF MIDDLESEX TO RESTRICT LIGHT SOURCES FACING NEIGHBORING PROPERTY

Councilman Edwards 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

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.

The Borough Clerk read the following resolution:

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

Consent Agenda 2009(H)

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. 110-09 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 #112-09 – Resolution #124-09

Council President Schueler made a motion for approval, seconded by Councilman Gorr and carried by the following roll call vote: 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 #112-09

**RESOLUTION APPROVING ESTIMATED
TAX LEVY FOR THE CALENDAR YEAR 2009**

WHEREAS, the Borough of Middlesex, Middlesex County, New Jersey has applied to the State of New Jersey for extraordinary aid in conjunction with its calendar year 2009 budget; and

WHEREAS, due to various circumstances, the State of New Jersey has not set forth the final determination as to the allocation of extraordinary aid for the local units that have applied; and

WHEREAS, the delay in the aid determination has delayed the final adoption of the Borough's 2009 municipal budget, necessitating the issuance of estimated tax bills; and

WHEREAS, the issuance of estimated tax bills requires a resolution of the governing body.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex that estimated tax bills are hereby authorized at 103.60% of last year's levy reflecting an Estimated Tax Levy of \$36,320,569.89 for the calendar year 2009.

BE IT FURTHER RESOLVED that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Middlesex County Board of Taxation.

The Borough Clerk read the following resolution:

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

Resolution #113-09

WHEREAS, the residents of Edwards Avenue, between Stella Place and Whitney Drive, have requested to have a block party on June 20, 30, 2009 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have been given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of Edwards Avenue, between Stella Place and Whitney Drive, to conduct a block party on June 20, 2009 between the hours of 11 a.m. and 11 p.m.
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 #114-09

WHEREAS, the residents of 342 Fairview Avenue, between Osceola Avenue and Clinton Avenue have requested to have a block party on May 24, 2009 between the hours of 3 p.m. and 9 p.m.; and

WHEREAS, all the designated officials have been given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents at 342 Fairview Avenue, between Osceola Avenue and Clinton Avenue, to conduct a block party on May 24, 2009 between the hours of 3 p.m. and 9 p.m.
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 #115-09

WHEREAS, Police Officer Matthew Tripp is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, Chief Benson has recommended Police Officer Matthew Tripp be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Matthew Tripp be and is hereby advanced in grade to Patrolman Class "D" effective May 14, 2009 at an annual salary of \$57,049.

The Borough Clerk read the following resolution:

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

Resolution #116-09

WHEREAS, Police Officer Marc Arancio is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, Chief Benson has recommended Police Officer Marc Arancio be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Marc Arancio be and is hereby advanced in grade to Patrolman Class "D" effective May 14, 2009 at an annual salary of \$57,049.00.

The Borough Clerk read the following resolution:

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

Resolution #117-09

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 #
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246/1 New Evergreen Development \$101.25 7760142366
 Lincoln Blvd

Mail check to: 929 Washington Avenue
Green Brook, NJ 08812

including interest to date of refund.

The Borough Clerk read the following resolution:

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

Resolution #118-09

WHEREAS, the Mayor and Council wish to hire Michael Giordano, 6 Berry Hill Court, North Plainfield, New Jersey as a temporary/seasonal sanitation laborers employed at the Department of Public Works for thirty hours per week at \$12.00 per hour; and

WHEREAS, this employment is pending a satisfactory physical.

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

1. The Governing Body hereby hires Michael Giordano as a temporary/seasonal laborer employed at the Department of Public Works for thirty hours per week at \$12.00 per hour, pending a satisfactory physical.
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 #119-09

WHEREAS, the Mayor and Council wish to hire Jayson Stopper, 178 Albert Street, North Plainfield, New Jersey as a temporary/seasonal sanitation laborers employed at the Department of Public Works for thirty hours per week at \$12.00 per hour; and

WHEREAS, this employment is pending a satisfactory physical.

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

1. The Governing Body hereby hires Jayson Stopper as a temporary/seasonal laborer employed at the Department of Public Works for thirty hours per week at \$12.00 per hour, pending a satisfactory physical and background check.
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 #120-09

Approving the proposal from Key-Tech of Keyport, New Jersey to do twenty (20) pavement cores for a cost of \$1,200 in order to assess the cracking problem that has occurred on Beechwood Avenue.

The Chief Financial Officer hereby certifies funds in the amount of \$1,200 are available in Account No. 04-1715-00-1715-84.

The Borough Clerk read the following resolution:

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

Resolution #121-09

Approving the proposal by T&M Associates to update the Drug Free Zone Map required by the County Prosecutor's Office. This proposal includes (1) digitally creating a new map in the amount of \$1,700 and Updating the previous map in the amount of \$1,700.

The Chief Financial Officer hereby certifies funds in the amount of \$3,400 are available in Account Nos. 01-2010-30-4182-101 (\$750.00) and 01-2010-20-1652-112 (\$2,650.00).

The Borough Clerk read the following resolution:

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

Resolution #122-09

WHEREAS, bids were received on March 24, 2009 for the Sanitary Sewer Rehabilitation Phase II Contract C for the Bound Brook Road Pumping Station Upgrades; and

WHEREAS, five bids were received for this project:

DeMaio Electric	\$176,400.00
CFM Construction	\$189,800.00
Pact Two	\$263,800.00
Navka Construction	\$437,400.00
B&B Construction	\$546,000.00

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

1. At the recommendation of the Borough Engineer and Attorney, the Governing Body hereby awards the contract for the Sanitary Sewer Rehabilitation Phase II Contract C for the Bound Brook Road Pumping Station Upgrades to DeMaio Electric in the amount of \$176,400.00.
2. Award of this contract is subject to the approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance and approval by the NJDEP.

3. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds in the amount of \$176,400.00 are available in Account No. 04-1611-00-1611-60.

The Borough Clerk read the following resolution:

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

Resolution #123-09

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

- PBA & DPW Negotiations
- Landfill

The Borough Clerk read the following resolution:

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

Resolution #124-09

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 proclaimed April, 2009 as "Older Americans Month"

PROCLAMATION
May, 2009 – Older Americans Month

WHEREAS, May, 2009 has been designated National Older Americans Month; and

WHEREAS, the Administration on Aging has designated “Living Today for a Better Tomorrow” as the theme for Older Americans Month; and

WHEREAS, Middlesex Borough recognizes the value and contributions of our older citizens.

NOW THEREFORE, I, JOHN FUHRMANN, Mayor of the Borough of Middlesex, hereby proclaim May, 2009 to be Older Americans Month and urge citizens of this community to honor and celebrate this special event.

Mayor Fuhrmann opened the public portion of the meeting.

Bob Sherr, 212 Lucia Street is concerned that both ordinances which were introduced tonight do not state how they will be enforced and who will enforce them. Mr. Sherr also recommended that regarding the J.H. Reid property, he feels that it would be important to contact our county freeholders as soon as possible.

Betty Platten, 4 Hooker Avenue questioned if the Council is planning to have more meetings to bring the 10.5 point increase in the budget down, the DPW negotiations and the Police Department negotiations. She also would like to see the Mayor and Council work harder to get the budget reduced.

Frank Ryan, 303 Maple Street questioned if there was any progress made regarding Raritan Avenue, the manholes which were marked by Piscataway and the Guard rail on Route 28 and Raritan Avenue. Mr. Ryan also requested that the poison ivy be removed from the Berger building and the trees and brush on the property on A Street and the long grass. Mr. Ryan also discussed Spray Tec and the importance of having citizens call when they smell the odor. He also is concerned about deferring the pension and the burden this will put on our children.

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

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

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

Councilman Gorr indicated that the Finance Committee met on Thursday and discussed the DOT Grant and the roads proposed. The recommendation of the Committee is to move forward with T&M filing the application for Mountain Avenue from Route 28 to Lincoln Boulevard. The Committee would like the engineer to provide a cost breakdown. Councilman Schueler moved the approval of the filing for the grant application seconded by Councilman Class and carried by a unanimous vote of Council.

Councilman Gorr also stated that the Finance Committee is presently working on the current budget as well as looking at the future year’s budget.

Mayor received a request from OLMV to hang a banner regarding their annual carnival on Marlborough Avenue. Councilman Schueler approved this request seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Mayor stated that additional HUD Stimulus money is available. Linda Chismar will send out a list of projects to the Council that were discussed with the HUD Chairman and/or members of the committee. This construction project must be given to the County by Friday, and will have a 120 day turn around once award of the money is made.

Mayor informed Council that the County has given us verbal approval to extend our County Grant for Mountain View Park Tennis Courts/basketball courts for 24 months.

Raritan Avenue milling will be done on Thursday & Friday the weeks of May 18 and May 25 and striping will be done on June 1 and 2. Construction will take place between 7 a.m. – 3:30 p.m.

Councilman Edwards stated for the record that “On April 7, 2009, Officer Jim Bacon of the Middlesex Borough Police Department addressed the Governing Body with regards to an action committed by one of the Councilmen of Middlesex Borough. While discussing budgetary issues with a resident of the borough who turned out to be the wife of a police officer, this Councilman used terms which I find derogatory and degrading to police officer in this town. Since Officer Bacon’s report did not specifically name the Councilman, I feel compelled to verbalize my feelings in this matter. Therefore, I wish it to be known here and now and for the record that it was not me who used less than professional judgment and terms in discussing budgetary matters with a resident of Middlesex Borough. Further, I am willing to take a polygraph test to affirm my declaration of innocence.”

Councilman Gorr stated that he would also like to include his name on Mr. Edwards’ statement.

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

