

Municipal Building
1200 Mountain Avenue

June 9, 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 (absent)
Debra DeVuyst
Bob Edwards
Bob Gorr
Michael Venuto (absent)

Attorney: Edward Johnson (late)

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.

Auditor Andy Hodulick attended the meeting and indicated that the budget had been introduced on April 14, 2009 and sent to the state for review. The Auditor indicated that tonight the required public hearing will be held, and we will await any information on our application for extraordinary aid before the budget will be adopted. The present budget totals approximately \$15,850,000. The council approved deferring the pension in the amount of \$419,000. The total amount to be raised by taxes for support of the municipal budget is up from \$10,146,968.77 in 2008 to \$10,680,959.84 this year, an approximate 5.26% increase over last year.

Mayor Fuhrmann opened the public hearing on the budget.

Bill Moore, 165 Barbara Place questioned how much was cut in the departments, the amount of cuts, if it is possible for a flat tax increase and if the Finance Committee will be revisiting the budget for additional reductions. Mayor Fuhrmann indicated that we cut a total of \$267,000 from the budget, which included cuts in the Fire Department, Recreation, DPW and the Police Department. Also cut was the Salary Adjustment Line. The governing body has approved a wage freeze for non-union employees. If the budget were approved as introduced, without any aid, we would be at 10.2% increase or \$102.00 on a house assessed at \$100,000. We have been successful over the last three years with aid, and if the governing body could negotiate a reasonable union contract with the PBA and DPW, we could hope for more of a reduction. With regard to a zero increase, the Mayor does not think it is possible to have a flat tax increase, and it wouldn't be in the best interest of the community. The mayor does feel that there will be more cuts in the budget.

Mike Hompesch, 5 Kalman Court is concerned with a 10.2% increase, because that included deferring the pension payments. Mr. Hompesch asked how much we deferred and what the payment plan would be. He feels that in reality we have an 18 point increase. Mr. Hompesch is of the opinion that we should not be trying to reduce the budget in July, but feels that we should look into reducing staff, especially the recycling center hours and redistribute the work staff to benefit us. Mr. Hompesch also questioned the surplus as compared to last year's and why anticipated revenues were down from 4.5 million to 3.7 million Mr. Hodulick explained how the surplus is generated and how the anticipated revenues were reduced. He also mentioned that this year we would be unable to apply for extraordinary aid if we did not defer the pension payment.

Seeing no further comments or questions, Mayor Fuhrmann closed the public portion on the budget hearing.

Mayor Fuhrmann read Ordinance No. 1749-09 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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**

Mayor Fuhrmann opened the public hearing on Ordinance No. 1749-09.

Lisa Giacone, 121 Chestnut Street indicated that she has two properties by her home that are privately owned, and because they are not owned by a bank they are not covered by this ordinance. She also mentioned that her parents live on Mountain Avenue next to JenTec and the maintenance of that property has been neglected.

John Sweeney, 1106 Dorn Avenue questioned why this ordinance was being done as he felt that the existing property maintenance ordinance covers what this additional ordinance will do.

Sean Kaplan, 916 Dorn Avenue questioned when we would be setting up the fees for the Middlesex Residential property.

Seeing that there was no further public participation, Mayor Fuhrmann closed the public hearing on Ordinance No. 1749-09.

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

Mayor Fuhrmann read Ordinance No. 1750-09 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1750-09

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

Mayor Fuhrmann opened the public hearing on Ordinance No. 1750-09.

Bob Sherr, 212 Lucia Place feels that it will be difficult to enforce this ordinance and would suggest that the Council consider assigning the enforcement of this ordinance to the Board of Health, as they have the meters needed and they are also on 24 hour call. He does not know how many complaints you are getting with regard to this lighting, but feels that the governing body should take that into consideration before putting it on the books.

Betty Platten, 4 Hooker Road stated that her first thought with this ordinance was about the new lighting that was to be installed at Cook Field and how this ordinance will be enforced.

Seeing that there was no further public participation, Mayor Fuhrmann closed the public hearing on Ordinance No. 1750-09.

Councilman Schueler moved to postpone the adoption of this ordinance until the July 14, 2009 Meeting seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members 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 further 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(I)

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 #125-09, Resolution #126-09, Resolution #131-09, Resolution #139-09 and Resolution #142-09 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 #127-09 – Resolution #130-09
Resolution #132-09 - Resolution #138-09
Resolution #140-09 – Resolution #141-09

Council President Schueler made a motion for approval, seconded by Councilwoman DeVuyst and carried by the following roll call vote: Ayes: Members 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 #125-09

RESOLUTION OPPOSING THE PROPOSED EXPANSION OF THE EXISTING J.H. REID ON-SITE RECYCLING SITE TO ALLOW FOR CONCRETE CRUSHING TO BE DONE AT THE SITE

WHEREAS, The Borough of Middlesex has been advised by the Middlesex County Solid Waste Advisory Council that J.H. Reid On-Site Recycling, Inc. has filed a request for administrative action to expand its facility operations located at 172 Baekeland Avenue, on property known as Lot 1 in Block 341 on the Middlesex Borough Tax Map to include a concrete crushing operation; and

WHEREAS, the site on which this facility is located is on the Middlesex/Piscataway municipal border and adjoins property located in the Township of Piscataway; and

WHEREAS, solid waste management plans adopted by the Districts and approved by the N.J.D.E.P. preempt Municipal Zoning Ordinance which require compliance with local regulations; and

WHEREAS, the rationale for providing preemption to the State is because the Solid Waste Management Act constitutes “a comprehensive plan on the part of the State to control all facets of the solid waste industry”; and

WHEREAS, the proposed use of this site does not require Site Plan approval from the Borough of Middlesex ; and

WHEREAS, N.J.S.A. 13:1E-21(b)(3) states that a Site Plan must be submitted to the commissioner when determining suitable locations of solid waste facilities; and

WHEREAS, the statute mandates that consideration of local land use policies be considered by the commissioner, although it does not appear to contemplate the participation of municipalities in locating the facility; and

WHEREAS, the proposed Site Plan may and should be reviewed by the local fire marshal, since the fire marshal does have jurisdiction as required by N.J.A.C. 7:26A-3.8; and

WHEREAS, the Borough of Middlesex should have the right to obtain a copy of the proposed Site Plan in order that they may submit an intelligent comment to the Division of Solid Waste Management with respect to the proposed application; and

WHEREAS, complaints have been submitted to the Governing Body of the Borough of Middlesex by many of the residents of the Borough about the proposed expansion of the use at the Middlesex Site to allow for the construction and use of a concrete crushing operation at this site; and

WHEREAS, the Governing Body of the Borough of Middlesex has serious concerns with regard to the impacts that such an operation will have on the Borough with respect to increased traffic on Possumtown Road and Baekeland Avenue, with respect to the deteriorated condition of the Baekeland Avenue cart way, as well as health concerns from the dust which will be created by the operation, noise levels and odors that will be emanating from the site; and

WHEREAS, for the past several years, residents of the Borough have been complaining about the manner of operations of the site which is presently disposing of wood products based on the noise emanating from the site which makes it difficult for them to conduct daily activities at their homes; and

WHEREAS, despite these numerous protests and complaints, there has been very little improvement of conditions at the site; and

WHEREAS, since J.H. Reid On-Site Recycling, Inc. has not been able to manage the present operations properly, they should not be allowed to expand the operations to include a concrete crushing device on the site; and

WHEREAS, there are already concrete crushing devices established throughout Middlesex County at the following facilities:

1. Bayshore Recycling, 75 Crows Mill Road, Woodbridge, NJ
2. Clayton Block, 1025 Route 1 South, Edison, NJ
3. Clean Earth of Carteret, 24 Middlesex Avenue, Carteret, NJ
4. South Brunswick Recycling Materials Inc., Route 130, South Brunswick, NJ
5. Stavola Old Bridge Materials, Water Works Road, Old Bridge, NJ
6. Tilcon New York, Foot of Crows Mill Road, Keasbey, NJ; and

WHEREAS, based on the fact that there are already 6 concrete crushing facilities located in Middlesex County there would be no need for a concrete crushing facility to be established at this location in the Borough of Middlesex; and

WHEREAS, be it resolved by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

1. The Governing Body of the Borough of Middlesex hereby opposes the proposed expansion of the present use on the property owned by J.H. Reid On-Site Recycling Inc. located at 172 Baekeland Avenue, Middlesex, New Jersey to include a concrete crushing operation to be established on this site.
2. The Governing Body requests that a copy of the proposed Site Plan be submitted both to the Borough of Middlesex and to the Township of Piscataway so that both municipalities may have the opportunity to review the Site Plan and to have the Site Plan reviewed by the Borough's Fire Department in order to determine whether the proposed Site Plan meets requirements of the fire safety rules and regulations of the Borough and of the Township.
3. This Resolution shall take effect immediately.

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

Councilwoman DeVuyst made a motion to request the Middlesex Board of Chosen Freeholders or J.H. Reid provide sufficient funds to retain the services of an engineer to do studies of the concrete crushing operations at the J.H. Reid facility in Middlesex seconded by Councilman Gorr and carried by the following roll call vote: Ayes: Members 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 #143-09

Requesting the Middlesex Board of Chosen Freeholders or J.H. Reid to Provide Sufficient Funds to Retain the Services of an Engineer to do Studies of the Concrete Crushing Operation at the J.H. Reid Facility in Middlesex

WHEREAS, J.H. Reid is proposing to expand its operation at the Middlesex facility to include crushing concrete; and

WHEREAS, the Governing Body of the Borough of Middlesex would like to retain the services of a professional engineer to review the proposed concrete crushing operation and to make an unbiased report setting forth the pros and cons involved in allowing an expansion of the proposed existing use; and

WHEREAS, the Governing Body may not utilize the services of the Municipal Engineer because the borough's municipal engineer is the engineer representing J.H. Reid and therefore cannot represent the Borough; and

WHEREAS, the Governing Body would like J.H. Reid and/or the County of Middlesex to provide the funding to the Borough to allow the Borough to retain the services of a professional engineer for this purpose.

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 does hereby request J.H. Reid and/or the Middlesex County Board of Chosen Freeholders to provide sufficient funds to the Borough of Middlesex to enable the Borough to retain the services of a professional engineer to prepare an unbiased report setting forth the pros and cons involved in allowing an expansion of the proposed concrete crushing use of the J.H. Reid facility in Middlesex Borough.
2. This resolution shall take effect immediately.

Councilwoman DeVuyst made a motion for approval, seconded by Councilman Edwards and carried by the following roll call vote: Ayes: Members 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 #126-09

RESOLUTION AUTHORIZING THE BOROUGH OF MIDDLESEX TO ENTER INTO A SETTLEMENT AGREEMENT WITH NATIONAL INDUSTRIAL SUPPLY, LLC AND RALPH AND DANA PERONE

WHEREAS, There are presently five (5) lawsuits which have been instituted involving the Borough of Middlesex and National Industrial Supply, LLC and Ralph and Dana Perone; and

WHEREAS, the parties involved in this litigation have agreed to settle and by virtue of the settlement, all litigation between the parties will be terminated; and

WHEREAS, as part of the settlement agreement, the Borough of Middlesex will pay to Ralph and Dana Perone the sum of \$5,000.00, to apply toward legal expenses incurred by them with respect to these various lawsuits, said money to be paid by the Borough's insurance carrier; and

WHEREAS, the payment of this money by the Borough does not in any way imply that the Borough is liable for any damages or that the Borough has done any wrong doing in connection with the allegations made in the various complaints; and

WHEREAS, the settlement of these various suits will result in the Borough being able to save legal expenses and will result in all possibility of liability being extinguished with respect to the Borough; and

WHEREAS, the Governing Body is of the opinion that it is to the best interest of the Borough to settle these various lawsuits for the sum of \$5,000.00; and

NOW THEREFORE be it resolved by the Mayor and Council of the Borough of Middlesex as follows:

1. The Governing Body hereby determines that it is in the best interest of the Borough of Middlesex to settle the five (5) lawsuits which have been instituted against the Borough and to pay to Ralph and Dana Perone the sum of \$5,000.00 as settlement in connection with these various lawsuits.
2. The Mayor and Borough Clerk are hereby authorized and directed to sign the settlement agreement, a copy of which is attached hereto and made a part of this Resolution.
3. This Resolution shall take effect immediately.

Council President Schueler made a motion to postpone adoption of this resolution until the June 23, 2009 Agenda Meeting seconded by Councilwoman DeVuyst and carried by the following roll call vote: Ayes: Members 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 #127-09

RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND THE COUNTY OF MIDDLESEX AND OTHER PARTICIPATING LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY OF MIDDLESEX TO CREATE AND PARTICIPATE IN "THE MIDDLESEX COUNTY LAW ENFORCEMENT INFORMATION SHARING SYSTEM"

WHEREAS, The County of Middlesex has created a "Middlesex County Law Enforcement Information Sharing System" that will enhance the sharing of law enforcement services and information, which system is the Middlesex County segment of the statewide system known as New Jersey Data Exchange (NJDEX), which is designed to promote the sharing of law enforcement services and information on a statewide basis; and

WHEREAS, the parties to the agreement are the County of Middlesex, the Middlesex County Sheriff's Department, the Middlesex County Prosecutor's Office, the Middlesex County Department of Corrections and substantially all of the municipalities located in the County of Middlesex; and

WHEREAS, participating agencies are required to employ rigorous procedures to assure that the privacy of all information is adequately provided for, and that information shall only be used for law enforcement, criminal justice and other lawful purposes; and

WHEREAS, the project will consist of customized applications based on internet technology which will enable participating law enforcement agencies to access shared data via a secured internet connection, utilizing a log-on and password provided to them by the County; and

WHEREAS, the data that is subject to the agreement shall be used to enhance the participating law enforcement agency's ability to deliver law enforcement services to its constituents, to improve the participating agency's ability to investigate crimes or offenses, to make the participating agency more efficient and to improve officer's safety; and

WHEREAS, the sharing of information will provide for more effective inter-agency communications and will promote interoperability and cooperation between agencies that are presently on different computerized records and dispatch systems, as well as allow the relaying of urgent and timely information; and

WHEREAS, the sharing of this information enhances the proficiency and safety of participating agencies through real time, field unit-to-unit, and information exchange interoperability; and

WHEREAS, the system is intended for use when the exchange of law enforcement information, statistics and messages, will enhance the safety and

effectiveness of personnel dealing with an incident, investigating a crime or offense, or when providing a law enforcement service to the community; and

WHEREAS, the system is not to be used to deliver personal information or messages or to obtain information which will be used for personal or non-law enforcement purposes; and

WHEREAS, each agency which elects to participate in this system will maintain ownership of and will be solely responsible for the content, accuracy, timeliness and updating of the information that it posts to the system database and all such information shall remain the property of the posting agency; and

WHEREAS, each participating agency agrees to permit other authorized users of the system to view that data, information and messages for the purpose of furthering the law enforcement mission and goals; and

WHEREAS, by enabling the sharing of law enforcement data across multiple jurisdictions, the County shall provide a valuable service to its constituents by reducing a known criminal's ability to evade police identification and detection; and

WHEREAS, misuse of information that is maintained in or provided to the system can have severe repercussions and the intentional misuse of such information can also violate various criminal statutes, which safeguards are provided in order to maintain a secure system; and

WHEREAS, the County has agreed to assume all costs and expenses for obtaining the equipment that is initially required to establish this system; and

WHEREAS, once the system has been installed, every participating law enforcement agency shall, at its sole cost and expense, be responsible for all charges which are incurred as a result of its use of the system; and

WHEREAS, each participating agency shall also be responsible for a prorated portion of the software maintenance cost, beginning in the first year of operation; and

WHEREAS, the overall operational control and administration of the system will be the responsibility of the Middlesex County Information Technology Department, with oversight by the Middlesex County Prosecutor's Office; and

WHEREAS, each participating agency shall appoint a liaison officer, whose duties are set forth in the agreement; and

WHEREAS, the agreement further provides that the parties to the agreement, under the direction of the prosecutor, will formulate committee/committees to make recommendations to the prosecutor and system's manager in connection with the operation of the system; and

WHEREAS, the agreement provides that the parties to the agreement shall defend, indemnify, protect and save harmless the County, all other parties and their agents, servants and employees from and against all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claim to arise out of any negligent act or omissions of the party, its agents, servants, employees and subcontractors in the performance of this agreement; and

WHEREAS, the agreement provides that any party may withdraw from this agreement upon sixty (60) days notice in writing or the County of Middlesex may terminate this agreement upon thirty (30) days notice to all parties; and

WHEREAS, the Governing Body has determined that it is in the best interest of the residents and taxpayers of the Borough of Middlesex for the Borough to enter into this proposed agreement with the County of Middlesex so that the Borough can participate in the "Middlesex County Law Enforcement Information Sharing System";

NOW THEREFORE be it resolved by the Council of the Borough of Middlesex as follows:

1. The Borough is hereby authorized to enter into an agreement with the County of Middlesex and the participating law enforcement agencies within the County of

- Middlesex to create and participate in the "Middlesex County Law Enforcement Information Sharing System".
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement on behalf of the Borough.
 3. 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 #128-09

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MOUNTAIN AVENUE PROJECT

WHEREAS, the New Jersey Department of Transportation (NJDOT) is accepting applications for Municipal Aid projects, and NJDOT will provide financial assistance to municipalities for transportation infrastructure improvements which are selected through the grant application process; and

WHEREAS, Mountain Avenue is in need of resurfacing from Lincoln Boulevard to Union Avenue (Route 28).

NOW, THEREFORE, BE IT RESOLVED that the Council of Middlesex Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Middlesex Borough-00365 to the New Jersey Department of Transportation on behalf of Middlesex Borough.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Middlesex and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Borough Clerk read the following resolution:

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

Resolution #129-09

WHEREAS, the residents of the 500 block of Clinton Avenue, between Seneca Avenue and Greenlawn Avenue have requested to have a block party on June 20, 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 the 500 block of Clinton Avenue, between Seneca Avenue and Greenlawn Avenue, 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 #130-09

"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 \$64,972.04 to increase the temporary budget:

The Borough Clerk read the following resolution:

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

Resolution #131-09

Rescinding Resolution #102-09 Creating a Rotating Meeting Schedule for a 90 Day Period which was adopted by the Governing Body at the April 14, 2009 Regular Meeting.

No motion was made on this resolution; therefore, Resolution #102-09 remains in force which created a Rotating Meeting Schedule for a 90 Day Period.

The Borough Clerk read the following resolution:

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

Resolution #132-09

WHEREAS, N.J.S.A. 2C:35-7.1 provides enhanced penalties for drug related offenses within 500 feet of a public housing facility, public park, or a public building; and

WHEREAS, said statute further provides that in a prosecution under that section, a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of the area on or within 500 feet of a public housing facility, the area in or within 500 feet of a public park, or the area in or within 500 feet of a public building, or a true copy of such map, shall upon proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas, provided that the governing body of the municipality has adopted a resolution or ordinance approving the map as official finding and record of the location and boundaries of the area or areas on or within 500 feet of a public housing facility, a public park, or a public building; and

WHEREAS, Len Miller, the borough engineer, has prepared a map entitled, "Borough of Middlesex, Middlesex County, New Jersey, Drug Free Zones, May 2009"; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex that the Borough of Middlesex does hereby approve the map heretofore described as the official finding and record of the location and boundaries of the area or areas on or within 500 feet of a public housing facility, a public park, or a public building within the Borough of Middlesex; and

BE IT FURTHER RESOLVED that a copy of this resolution together with a copy of the map be provided to the Office of the Middlesex County Prosecutor.

The Borough Clerk read the following resolution:

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

Resolution #133-09

WHEREAS, N.J.S.A. 2C:35-7 provides enhanced penalties for drug related offenses within 1,000 feet of any school property used for school purposes; and

WHEREAS, said statute further provides that in a prosecution under that section, a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or a true copy of such map, shall, upon proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas, provided that the governing body of the municipality has adopted a resolution or ordinance approving the map as official finding and record of the location and boundaries of the area or areas on or within 1000 feet of the school property; and

WHEREAS, Len Miller, the borough engineer, has prepared a map entitled, "Borough of Middlesex, Middlesex County, New Jersey, Drug Free Zones, May 2009"; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex that the Borough of Middlesex does hereby approve the map heretofore described as the official finding and record of the location and boundaries of the area or areas on or within 1,000 feet of school property within the Borough of Middlesex; and

BE IT FURTHER RESOLVED that a copy of this resolution together with a copy of the map be provided to the Office of the Middlesex County Prosecutor.

The Borough Clerk read the following resolution:

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

Resolution #134-09

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 \$578.40 from the period January through June, 2009, as follows:

Robert H. Agans
16 Marlborough Avenue
Middlesex, NJ 08846

Archie J. Blood, Jr.
54 Lincoln Avenue
Barnegat, NJ 08005

Anthony DiBartolomio
4714 Southern Trail
Myrtle Beach, SC 29579

Angeline DiBartolomio
4714 Southern Trail
Myrtle Beach, SC 29579

Earl S. Thompson
6525 41 Avenue North
St. Petersburg, FL 33709-4907

Robert Heisch
150 Harris Avenue
Middlesex, NJ 08846

Hellal Hanania
448 Runyon Avenue
Middlesex, NJ 08846

Margaret Hanania
448 Runyon Avenue
Middlesex, NJ 08846

Charlie Nash
213 Melrose Avenue
Middlesex, NJ 08846

Diane Nash
213 Melrose Avenue
Middlesex, NJ 08846

Lorraine Smith
5602 Gold Ct.
New Bern, NC 28560-9747

John Giuliano
339 Second Street
Middlesex, NJ 08846

Jerome Nowak
6544 North Kennedy Avenue
Fresno, CA 93710

Arthur Roberts
305 Harris Avenue
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

Resolution #135-09

The application for renewal of Liquor Licenses for the year 2009-2010 which have been approved by the Police Department, Fire Department, Board of Health and Construction Official be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

R&C Lettiere, Inc. t/a Endzone Lounge 425 Bound Brook Road	1211-33-001-003
Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-002
Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
Rikjo Liquors, Inc. t/a Middlesex Liquor Store 708 Union Avenue	1211-44-005-002
Timothy Kerwin's Inc. 353 Bound Brook Road	1211-33-009-002
OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
Vilaverdense t/a Vincenzo's Restaurant 665 Bound Brook Road	1211-33-012-004
John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001
Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001
Pearldhyan, Inc. 657 Lincoln Boulevard	1211-44-006-003
Ellery's Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002
Nicwar LLC 275 Lincoln Boulevard	1211-33-002-007

The Borough Clerk read the following resolution:

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

Resolution #136-09

WHEREAS, Allstate Power-Vac was awarded the contract for the Sanitary Sewer Rehabilitation Phase II Contract A for the Pipe Lining and Manhole Repair on February 12, 2008 in the amount of \$420,718.00; and

WHEREAS, Change Order #1, is for a credit of \$642.41 for modifications and adjustments to the contract for various items and which bring the total contract amount for this project to \$420,075.59.

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 change order is hereby approved.

Original Contract Sum:	\$420,718.00
Change Order #1	\$ (642.41)
NEW CONTRACT SUM:	\$420,075.59

The Borough Clerk read the following resolution:

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

Resolution #137-09

“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 \$16,000.00 to increase the temporary budget:

Clean Community	\$16,000.00
Office of Emergency Mgmt-S/W	2,000.00

The Borough Clerk read the following resolution:

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

Resolution #138-09

The Governing Body hereby approves the purchase of two ADA Door Renovations for the former Police Office and the electrical wiring required to install these doors in the amount of:

Doors	\$15,665.00	The MacKenzie Group Inc. Garwood, NJ
Wiring	\$ 875.00	Ronson Electric, Inc. Middlesex, NJ
TOTAL	16,540.00	

Funding for these ADA Door Renovations, along with the electrical wiring for the installation of the doors will be allocated from the HUD Economic Stimulus Package (CDBG-R) Middlesex “Urban County” CDBG Program.

The Borough Clerk read the following resolution:

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

Resolution #139-09

In compliance with the "Open Public Meeting Law" P.L. 1975 C231, the following schedule is set for the meetings of Mayor and Council effective immediately:

June 16, 23	October 6, 13, 20, 27
July 7, 14, 21, 28	November 10, 24
August 4, 11, 18, 25	December 1, 8, 15, 22
September 1, 8, 15, 22	

Agenda meetings commence at 7:00 p.m. on the first and third Tuesday of the month in concurrence with the above dates.

Regular meetings commence at 7:00 p.m. on the second and fourth Tuesday of the month in concurrence with the above dates.

This resolution becomes invalid, due to the fact that Resolution #131-09 was not adopted by the governing body.

The Borough Clerk read the following resolution:

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

Resolution #140-09

The Tax Collector is hereby authorized to refund \$5,627.06 and \$100 on Block 33, Lot 13, 299 Fulton Street. This property was sold at the June 1, 2009 tax sale and the property owner came in on June 4, 2009 to pay the taxes. The check should be made payable to:

US Bank CUST for CCTS Capital, LLC
Tax Lien Service Group
2 Liberty Place
50 South 16th Street, Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #141-09

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

- Police Department Disability

The Borough Clerk read the following resolution:

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

Resolution #142-09

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.

Councilwoman DeVuyst made a motion to pay the entire bill list with the exception of the Bill in the amount of \$61,695.05 for Piscataway Sewer seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Members DeVuyst, Edwards Gorr and Schueler. Nos.: None. Abstain: None.

Councilman Schueler made a motion to adopted Resolution #124-09 as amended seconded by Councilman Gorr and carried by the following roll call vote: Ayes: Members DeVuyst, Edwards, Gorr and Schueler. Nos.: None. Abstain: None.

Councilman Gorr voted on the payment of claims, but did not get into any discussion with regard to the Piscataway Sewer Bill.

The Borough Clerk proclaimed June, 2009 as "Myasthenia Gravis Awareness Month"

PROCLAMATION

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded, "to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care;" and

WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW, THEREFORE, I, JOHN FUHRMANN, Mayor of the Borough of Middlesex, County of Middlesex and State of New Jersey do hereby proclaim the month of

JUNE, 2009

AS

MYASTHENIA GRAVIS AWARENESS MONTH

In New Jersey.

Mayor Fuhrmann indicated that the Council will hold a Special Meeting on June 16, 2009 and will have discussions at the meeting with Mark Ruderman, Sadat Associates and Len Miller of T&M.

Council President Schueler stated that scheduled for discussion under Committee Reports was Summer Hours for Administrative Personnel. Council President Schueler apologized to the employees that attended the meeting, as he thought the Committee was prepared to make their recommendations on the Summer Hours, but it was an error on his part for putting this on the Agenda. He also apologized to Councilman Edwards for putting him in a bad position.

Mayor Fuhrmann opened the public portion of the meeting.

Cindy Chomen, Representative for the White Collar Union stated that it is in their contract that summer hours has been going on for the last 9 years, and she would like to know why they were taking away this benefit. She feels that this could be a grievance, and she will be informing her union representative.

Dina Fornataro, Recreation Director questioned when the next Committee Meeting will be held and when the employees will have an answer. She stated that this has been past practice from Memorial Day to Labor Day, and it does not affect our salary, only the building hours. She does not understand why the Council can't vote tonight on the summer hours.

Tonya Hubosky, Tax Collector feels that as a group this is disrespectful to the employees, as we have come for 2 weeks in a row and this has not been discussed. She stated that the employees make up the time with their lunch hours, and that last Friday there was only one person in the building and the phone never rang. She feels that the residents are used to the building being closed at 1:30 pm on Friday in the summer. She is of the opinion that the employees get no respect, the morale is horrible and wants to know why we can't get an answer on summer hours from anyone.

Sheila Fuhrmann, Director of the Office on Aging indicated that when she is asked to prepare a report to the Council or her liaison she does it in a timely fashion. She does not disrespect the governing body. We are supposed to be partners, not adversaries. If you expect us to do work for you that makes you look good, why can't you do it in a timely fashion. She would like the council to try to make a decision, because it will be Thanksgiving, and we will be talking about summer hours. The employees are looking for an honest answer and a little respect. All of the employees are your faces and represent the governing body, and you cannot give us the courtesy of meeting and giving a report in a timely fashion, which she feels is a disrespectful attitude. She stated that we will continue to do our jobs and do the things that are asked, and we ask the same courtesy from you.

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

Councilman Edwards moved the approval of the April 28, 2008 and May 5, 2009 Agenda Meeting Minutes, February 14, 2009 Special Meeting Minutes and April 14, 2009, April

28, 2009 and May 12, 2009 Regular Meeting Minutes seconded by Councilman Gorr and carried by a unanimous vote of Council.

Council President Schueler moved the approval of the April, 2009 Municipal Court Report seconded by Councilman Edwards and carried by a unanimous vote of Council.

Council President Schueler moved the approval of the April, 2009 Police Department Report seconded by Councilman Edwards and carried by a unanimous vote of Council.

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

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk