



research this ordinance further and bring his opinion back to the governing body in order to amend this ordinance again.

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

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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.

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Mayor Fuhrmann read the following resolution:

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

**Consent Agenda 2009(O)**

**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 #194-09 and Resolution #195-09 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 #196-09 – Resolution #202-09

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

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Auditor Andy Hodulick indicated that the budget has been reduced by \$52,600, and we are required to amend the budget by resolution, which has to be approved by the State before we can have a budget hearing. We have scheduled the hearing to be held on September 22, at which time we can then adopt the budget. The amount to be raised by taxes has been reduced from \$10,680,959.84 to \$10,623,642.84.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #194-09**

BOROUGH OF MIDDLESEX  
MIDDLESEX COUNTY, NEW JERSEY

RESOLUTION TO AMEND BUDGET

**WHEREAS**, the local municipal budget for the year 2009 was approved on the 14th day of April, 2009, and

**WHEREAS**, the public hearing on said budget has been held as advertised, and

**WHEREAS**, it is desired to amend said approved budget,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the following amendments to the approved budget for the year 2009 be made

:

	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>		
Recorded Vote	(	(	(		
(Insert last names)	(	(	(		
	(				
	(		<u>Absent</u>		
	(		(		
	(		(		
				<u>From</u>	<u>To</u>
Current Fund - Anticipated Revenues:					
General Revenues					
3. Miscellaneous Revenues					
Section B: State Aid Without Offsetting Appropriations:					
Energy Receipts Tax				1,481,004.00	1,442,984.00
Supplemental Energy Receipts Tax				_____	_____
					38,020.00
Total Miscellaneous Revenues - Section B				_____	_____
				2,237,352.00	2,237,352.00
Section F: Special Items of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Offset with Appropriations:					
Clean Communities				16,951.59	_____
				_____	21,627.08
Total Miscellaneous Revenues - Section F				74,012.81	_____
				_____	78,688.30
Total Miscellaneous Revenues				3,788,739.70	_____
				_____	3,793,415.19
5. Subtotal General Revenues				5,169,577.70	#
				_____	5,174,253.19
6. Amount to be Raised by Taxes:					
(a) Local Tax for Municipal Purposes Including					

Reserve for Uncollected Taxes	10,680,959.84	<u>10,623,642.84</u>
7. TOTAL GENERAL REVENUES	<u>\$ 15,850,537.54</u>	<u>15,797,896.03</u>
Current Fund - Appropriations		
8. General Appropriations		
(A) Operations within "CAPS"		
Mayor and Council		
Salaries and Wages	12,000.00	11,800.00
Police		
Salaries and Wages	2,955,557.90	2,947,557.90
Public Defender		
Other Expenses	4,000.00	1.00
Supplemental Fire Services		
Other Expenses	7,304.00	32,304.00
Garbage and Trash Collection		
Salaries and Wages	648,896.00	633,896.00
Celebration of Public Events		
Other Expenses	10,000.00	5,000.00
Construction Code Inspection		
Salaries and Wages	241,522.00	<u>216,522.00</u>
Total Operations (Item 8A) within "CAPS"	<u>10,649,836.08</u>	<u>10,617,637.08</u>
-2-		
	<u>From</u>	<u>To</u>
Total Operations Including Contingent within "CAPS"	<u>10,657,836.08</u>	<u>10,625,637.08</u>
Detail:		
Salaries and Wages	6,130,913.90	6,082,713.90
Other Expenses	4,526,922.18	4,542,923.18
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	<u>11,446,334.58</u>	<u>11,414,135.58</u>

8. General Appropriations

(A) Operations Excluded from "CAPS"		
Public and Private Programs Offset by Revenues:		
Municipal Alliance on Alcoholism & Drug Abuse	20,473.00	17,355.00
Clean Communities	16,951.59	21,627.08
	<u>16,951.59</u>	<u>21,627.08</u>
Total Public and Private Programs Offset by Revenues	<u>80,601.81</u>	<u>82,159.30</u>
Total Operations-Excluded from "CAPS"	<u>2,342,677.54</u>	<u>2,344,235.03</u>
Detail:		
Salaries and Wages	286,664.00	286,664.00
Other Expenses	2,056,013.54	2,057,571.03
(C) Capital Improvements Excluded from "CAPS"		
Capital Improvement Fund	36,710.00	24,710.00
	<u>36,710.00</u>	<u>24,710.00</u>
Total Capital Improvements Excluded from "CAPS"	<u>36,710.00</u>	<u>24,710.00</u>
(D) Municipal Debt Service Excluded from "CAPS"		
Payment of Bond Anticipation Notes and Capital Notes	-	85,000.00
Interest on Bonds	164,557.01	79,557.01
	<u>164,557.01</u>	<u>79,557.01</u>
Total Municipal Debt Service Excluded from "CAPS"	<u>1,455,315.42</u>	<u>1,455,315.42</u>
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>3,834,702.96</u>	<u>3,824,260.45</u>
(O) Total General Appropriations- Excluded from "CAPS"	<u>3,834,702.96</u>	<u>3,824,260.45</u>
(L) Subtotal General Appropriations (Items (H-1) and (O))	<u>15,281,037.54</u>	<u>15,238,396.03</u>
(M) Reserve for Uncollected Taxes	<u>569,500.00</u>	<u>559,500.00</u>

9. TOTAL GENERAL APPROPRIATIONS

15,850,537.54

15,797,896.03

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the year 2009 local municipal budget so amended.

**BE IT FURTHER RESOLVED**, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A: 4-9, be published in the The Courier News in the issue of September 12, 2009, and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on September 22, 2009, at 7:00 o'clock p.m.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 8th day of September, 2009.

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

Councilwoman DeVuyst indicated that we received paperwork this evening at 7 P.M. and she is voting "no" because she did not have sufficient time to review this material.

Auditor Andy Hodulick indicated that in order for the Budget Amendment to be approved, a majority of the Council members must vote in favor. The CFO indicated that if the amendment is not approved tonight, we will be required to go out for a loan, as it delays the mailing of the tax bills, and we are required to pay our bills, including our monthly payment to both the school and the county. Councilwoman DeVuyst indicated that she would review the paperwork that was supplied to the Council this evening and the Mayor moved forward with the next resolution on the Agenda.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #195-09**

**RESOLUTION CONFIRMING ACTION TAKEN BY THE BOROUGH COUNCIL AT A SPECIAL MEETING HELD ON AUGUST 6, 2009 AUTHORIZING EMERGENCY REPAIRS TO BE DONE TO THE SEWER LINE LEADING FROM THE PROPERTY LOCATED AT 135-137 CHESTNUT STREET, MIDDLESEX, NEW JERSEY**

**WHEREAS**, it was brought to the attention of the Borough Council that the residence located at 135-37 Chestnut Street, Middlesex, New Jersey was not connected to an approved sewer disposal system; and

**WHEREAS**, a sewer back-up had occurred at this area previously, which had been investigated and confirmed by employees of the Borough; and

**WHEREAS**, this condition was observed by the Mayor and the Borough Administrator as well as by the Borough Attorney, all of whom confirmed the fact that a sewer back-up had occurred; and

**WHEREAS**, the problem had also been investigated by Kevin Sumner, the Borough's health officer, and by Angelo Rossi, the Borough's sewer inspector; and

**WHEREAS**, all parties investigating this situation concluded that an emergency condition existed and the Borough's health officer issued a report on August 6, 2009 confirming that failure to dispose properly of the sewage represented an emergency and a public health hazard; and

**WHEREAS**, based on the receipt of this information, and after discussing this matter with the Borough Attorney, the Borough Administrator determined that an emergency condition existed which threatened the public health of the Borough and he therefore recommended to the Mayor that a special meeting of the Council be scheduled in order to take action in connection with this problem; and

**WHEREAS**, the Mayor concurred that an emergency condition existed and therefore scheduled a special emergency meeting of the Council on August 6, 2009 to discuss this problem and to determine what action should be taken to alleviate the problem; and

**WHEREAS**, at this meeting, it was determined that the sewage back-up problem was being caused because the sewer lateral running from the property at 135-137 Chestnut Street, Middlesex, New Jersey was connected to an abandoned sewer line in the center of Chestnut Street rather than to the existing sewer line that had been constructed along the southerly side of Chestnut Street in 1937; and

**WHEREAS**, the Council decided at this meeting that the problem could be solved by connecting the property owner's sewer lateral to the Borough's existing sewer line and that this action should be taken as soon as possible to prevent any further health problems from arising; and

**WHEREAS**, N.J.S.A. 40a:11-6 deals with emergency contracts and provides as follows:

- (a) The official in charge of the agency wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent, a supervisor of the purchasing agent, or a designated representative of the governing body, as may be appropriate to the form of government, of the need for the performance of a contract, the nature of the emergency, the time of the occurrence and the need for invoking this section. If that person is satisfied that an emergency exists, that person shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergency needs. Such notification shall be reduced to writing and filed with the purchasing agent as soon as possible.
- (b) Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services

shall be entitled to be paid therefore and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.

**WHEREAS**, the law governing public contracts further provides under N.J.A.C. 5:34-6.1 as follows:

- (a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 shall be subject to the following requirements:
  - 1. An actual or imminent emergency must exist requiring the immediate deliver of the goods or the performance of the service.
  - 2. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase or any goods or services required by the contracting unit.

**WHEREAS**, the Borough Council determined at its meeting on August 6, 2009, based on the information that had been supplied to it that an emergency condition existed which justified the Council in taking immediate action in order to address the public health hazard that existed at that time; and

**WHEREAS**, the Council did take action at that meeting authorizing the repair of the sewer lateral and the connection of the sewer lateral to the Borough's existing sewer line located on the south side of chestnut Street to be done as soon as possible.

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

- 1. The Council hereby confirms that the action taken by the Council at its special meeting held on August 6, 2009 was correct and legally authorized because of the emergency condition that existed at that time and this resolution is being adopted to set forth the facts which justified emergency action being taken at that time.
- 2. This resolution shall take effect immediately.

Councilman Gorr made a motion to recess the public meeting, as a page of the resolution was not included in the Agenda submitted to the governing body.

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Council President Shueler moved to reconvene the public meeting. The Borough Clerk took the roll call:

Mayor	John Fuhrmann
Council President:	Bob Schueler
	Michael Class
	Debra DeVuyst
	Bob Edwards (absent)

Bob Gorr  
Michael Venuto (absent)

Attorney: Edward Johnson

Councilman Class made a motion to table Resolution #195-09 until the September 22, 2009 Public Meeting, seconded by Councilwoman DeVuyst and carried by the following roll call vote: Ayes: Members Class, DeVuyst, Gorr and Schueler. Nos.: None. Abstain: None.

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Councilwoman DeVuyst made a motion to reconsider Resolution #194-09 seconded by Council President Schueler and carried by the following roll call vote: Ayes: Members: Class, DeVuyst, Gorr, and Schueler. Nos.: None. Abstain: None.

Councilwoman DeVuyst stated that no matter what the topic is, if it is on the dais at 7 P.M. the night of the meeting, she will never vote on it. She knows that the CFO worked hard on all of these sheets, but the way our accounting system works it is very hard to keep all of this together, especially something as important as this is. She indicated that she would like the paperwork ahead of time.

Councilman Gorr made a motion to adopt Resolution #194-09 seconded by Council President Schueler and carried by the following roll call vote: Ayes: Members: Class, DeVuyst, Gorr, and Schueler. Nos.: None. Abstain: None.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #196-09**

**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 #
258/9	Dina Fornataro-Healey 334 Runyon Avenue	\$500.00	7760142540
197/15	Estate of Valerie Zanetti 443 Giles Avenue Mail check to: James Zanetti 161 Lenox Avenue Green Brook, NJ 08812	\$195.50	7760142515
85/1	Ralph S. Reilly 7 Green Brook Road	\$3,323.23	7760142490

including interest to date of refund.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #197-09**

The Tax Collector is hereby authorized to refund an overpayment of 3<sup>rd</sup> quarter 2009 property taxes due to an overpayment by the finance/mortgage company on the following properties:

<b>BLOCK/LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
12/11	Koberlein, John W 220 Stephenson Ave	\$1,237.62
22.02/14	Gleeson, Robin 802 Grandview St	\$ 290.49
27/14	Dudek, Peter & Trowbridge, June 424 No Lincoln Ave	\$ 252.46
71.B/2	Yoson, Beverly 55 Greenbrook Rd Mail to: 51 Greenbrook Rd	\$ 95.55
163/6	Bonney, Thomas & Crystal 308 Greene Ave	\$1,788.50
171/52	Rojas, Marvin & Cynthia 409 Decatur Ave	\$1,492.61
248/40	Kelly Construction LLC 925 Lincoln Blvd Mail to: 3 Kelly Court Green Brook, NJ 08812	\$ 303.80
266/2.C/C003A	Wielichoski, Catherine 3A Hanover Square	\$ 12.44
310/22	Mai, Maui & Dung 545 Voorhees Ave	\$1,311.36
332/17	Chirdon, Ermin J & Margaret A 389 Seneca Ave	\$ 133.70

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Mayor Fuhrmann read the following resolution:

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

**Resolution #198-09**

The Tax Collector is hereby authorized to refund 3<sup>rd</sup> quarter 2009 property taxes on the following properties. The finance/mortgage company overpaid.

<b>BLOCK/LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
167/24	Azevedo, Veronica 5 Daisy Place	\$2,283.04

Make check payable to and mail to: GMAC Mortgage  
3451 Hammond Avenue  
Waterloo, IA 50702

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Mayor Fuhrmann read the following resolution:

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

**Resolution #199-09**

The tax collector is hereby authorized to issue a check in the amount of \$8,072.25 to redeem tax sale certificate 2009-1720 and a check in the amount of \$100 for the premium, check is to be made payable to:

US Bank CUST CCTS Capital LLC  
Tax Lien Services Group  
2 Liberty Place – TLGS  
50 South 16<sup>th</sup> St., Suite 1950  
Philadelphia, PA 19102

The Certificate covered property located at 301 Harris Avenue., Block 187, Lot 1.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #200-09**

**WHEREAS**, the residents of Douglas Lane, between Mulberry Lane and Shearn Drive have requested to have a block party on September 6, 2009 between the hours of 12 p.m. and 10 p.m.; and

**WHEREAS**, the Mayor and Council verbally approved this block party at the September 1, 2009 Agenda Meeting; and

**WHEREAS**, all the additional 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 Douglas Lane, between Mulberry Lane and Shearn Drive to conduct a block party on September 6, 2009 between the hours of 12 p.m. and 10 p.m.
2. This resolution shall take effect immediately.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #201-09**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

Personnel

- DPW Employee

Negotiations

- PBA
- DPW

Potential Litigation

- Chestnut St.

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Mayor Fuhrmann read the following resolution:

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

**Resolution #202-09**

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.

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Mayor Fuhrmann proclaimed September, 2009 as National Ovarian Cancer Awareness month:

# **PROCLAMATION**

**WHEREAS**, Ovarian cancer is called the “silent killer” because its symptoms are often vague or subtle; and

**WHEREAS**, ovarian cancer is the fifth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States; and

**WHEREAS**, each year, more than 22,000 Americans are diagnosed with the disease and approximately 16,000 die from it; and

**WHEREAS**, if detected in its early stages, survival from ovarian cancer is 90-95 percent, yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

**WHEREAS**, the *Turn the Towns Teal* campaign was launched by Gail MacNeil during her 10 year battle with ovarian cancer; and

**WHEREAS**, The Kaleidoscope of Hope Foundation (KOH), the Atlantic Health System and the National Ovarian Cancer Coalition-Northern NJ (NOCC) are partnering to promote awareness of ovarian cancer through the *Turn the Towns Teal* campaign.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that they hereby declare September as Ovarian Cancer Awareness month and support *Turn the Towns Teal* awareness campaign.

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Mayor Fuhrmann opened the public portion of the meeting. Seeing that there was not any public participation, Mayor Fuhrmann closed the public portion of the meeting.

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Councilman Gorr moved to table the approval of the August 18, 2009 Agenda Meeting Minutes and the August 25, 2009 Regular Meeting Minutes until the September 22, 2009 Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

Councilman Gorr indicated that in March, 2009 a memo was handed out to the Mayor and Council regarding confirming purchase orders and this memo has been redistributed again for review.

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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.

Council President Schueler reconvened the Public Meeting, and as there was no further business to discuss, the meeting was adjourned by Councilwoman DeVuyst and seconded by Councilman Class and carried by a unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk