

Municipal Building
1200 Mountain Avenue

July 28, 2009

A regular meeting of the Mayor and Council was held at the above place on the above date commencing at 7:00 p.m.

Mayor John Fuhrmann
Council President: Bob Schueler
Michael Class
Debra DeVuyst
Bob Edwards (late)
Bob Gorr
Michael Venuto (late)

Attorney: Edward Johnson (absent)

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.

Councilwoman DeVuyst made a motion to rescind Resolution #144-09 to fill the currently vacant Borough Administrator position by appointing Ronald S. Dobies as Borough Administrator for a term and at a salary to be subject to a contract being approved by the Governing Body and by Ronald S. Dobies adopted at the borough of Middlesex Council Meeting on Tuesday, June 23, 2009, pending an Ethical Standards Board review of the facts surrounding this resolution, specifically conflicts of interest on behalf of the parties involved, the potential disclosure of confidential information and procedural errors made leading up to and after the approval of this resolution seconded by Councilman Class and carried by the following vote: Ayes: Class and DeVuyst. No: Gorr, Edwards and Schueler. Abstain: None.

Council President Scheuler made a motion to go into Executive Session to discuss the contract for Ronald S. Dobies seconded by Councilman Class and carried by the following vote: Ayes: Class, Edwards, Gorr and Schueler. No: DeVuyst. Abstain: None.

The Regular Meeting Resumed and Mayor Fuhrmann opened the public portion of the meeting for discussion regarding any of the resolutions on the public consent agenda.

Ken DeVuyst, 73 Ramsey Road stated that he was part of the Council with Councilman Venuto, Gorr and Schueler a year and a half ago and stated that at that time he was aware of their feelings regarding Ron Dobies' ability as Borough Administrator and wanted to know what has changed since then to cause them to change their opinion.

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(L)

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 #167-09 and Resolution #173-09 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 # 168-09 – Resolution #172-09
Resolution #174-09 – Resolution #176-09

Council President Schueler made a motion for approval, seconded by Councilwoman Venuto and carried by the following roll call vote: 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 #167-09

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT ON BEHALF OF THE BOROUGH RETAINING THE SERVICES OF RONALD S. DOBIES AS BOROUGH ADMINISTRATOR

WHEREAS, the Borough Council previously adopted a Resolution retaining Ronald S. Dobies as Borough Administrator subject to a satisfactory contract being agreed upon between the parties; and

WHEREAS, the parties have agreed upon terms and conditions that are satisfactory to both parties and a contract has been prepared incorporating the terms and conditions of said contract; and

WHEREAS, the Borough Council wishes to proceed to enter into a contract with Ronald S. Dobies in order to retain his services as Borough Administrator.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract between the Borough of Middlesex and Ronald S. Dobies retaining the services of Ronald S. Dobies as Borough Administrator, a copy of which contract is attached hereto and made a part hereof.
2. This resolution shall take effect immediately.

Councilwoman DeVuyst feels that adopting this resolution this evening is a big mistake. She stated that as indicated in our Code Book we are required to have an Ethics Committee and haven't had one in years. She has received information that she believes this is an ethics violation and a conflict of interest of all parties involved and a potential disclosure of confidential information and procedural errors. She has requested this evening that the Mayor put an Ethics Board together, and she has a packet with information that she would like the Ethics Board review and give their opinion. She feels that if we go through with this resolution this evening and the Ethics Board finds what she is thinking, we could be subjected to a lawsuit. It is her recommendation to have this resolution rescinded or tabled this evening.

Councilman Class supports Councilwoman DeVuyst and thinks we should take our time and go to the Ethics Board and explore every possibility. Also, he feels for next year's budget we should allot money in the budget for an administrator and advertise and find the best candidate for the Borough. If it is Ron Dobies, so be it, but we should find the best candidate, not the one that will do it for the least amount of money. He feels we need to protect the Borough and the citizens from lawsuits, and procedure wise we have to follow this perfectly, so we do not get sued by the same party again.

Council President Schueler indicated that he takes ethic issues very seriously. He stated that we asked Councilwoman DeVuyst to tell us what they are about and by right she does not have to disclose this based on our Code Book. Unless we have all the information, he feels that we cannot let the situation linger when there is no concrete evidence to move otherwise.

Councilwoman DeVuyst indicated that according to our Code Book when someone submits to the Ethics Board it should be confidential, so that nothing is compromised, and that is why she is not divulging information, she is merely following our Code Book.

Mayor Fuhrmann stated that he has known Ron Dobies for 30 years and worked with him on Council and campaigns. He does not think hiring Ron Dobies for the Borough Administrator is the appropriate thing. He is not so sure that the abilities of mayor as a policy setter translate into a good borough administrator. If he is awarded the position,

the Mayor indicated that he will be able to work with him, as he worked in the past, but he knows that there is baggage that comes with the appointment and it is unsettling to a lot of the people of the Borough of Middlesex. If he were a councilperson he would vote no.

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

The Borough Clerk read the following resolution:

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

Resolution #173-09

POLICE BASE AND ANTENNA FOR NEW REPEATER SYSTEM

Approving the location of the police base and antenna to be placed in the municipal building in the OEM instead of the new police building as well a \$150 for a component for the relay system and additional labor cost to put the police component from old rack to new rack at a cost not to exceed in total for both \$500.00.

Councilman Class made a motion to table Resolution #173-09 until the August 11, 2009 Regular Meeting seconded by Council President Schueler 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:

Resolution #168-09

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 #
22.01/10	Zhang Wei Gang 6 Nursery Lane	\$500.00	7760142354

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 #169-09

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 #
149/1	R R Irrigation Co Inc 283 Lincoln Blvd	\$750.00	7760142334

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 #170-09

Authorizing the Mayor and Borough Clerk to execute a Right of Entry to the Army Corps of Engineers for the Middlesex Municipal Landfill FUSRAP Site, Block 318 Lot 1 and

Block 318 Lot 47 for the purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metal contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed thirty-six (36) months and beginning on the date of execution of the executed document.

The Borough Clerk read the following resolution:

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

Resolution #171-09

PARTICIPATION IN NEW JERSEY BOARD OF PUBLIC UTILITIES LOCAL GOVERNMENT ENERGY AUDIT PROGRAM

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing body of the Borough of Middlesex has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Borough of Middlesex, are served by a New Jersey regulated public utility, and that the Borough of Middlesex has not already reserved \$100,000 in the Program this year as of this application; and

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and

WHEREAS, upon acceptance into the Program, the Borough of Middlesex will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Borough of Middlesex understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

The Borough Clerk read the following resolution:

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

Resolution #172-09

COOK FIELD IMPROVEMENTS

WHEREAS, the Mayor met with representatives from Pop Warner on July 8, 2009 regarding improvements to Cook Field; and

WHEREAS, the Mayor brought these improvements before the council at the meeting on July 21, 2009 for their review and approval; and

WHEREAS, the proposal is for Pop Warner to provide the required supplies (except as noted) and for the Borough to supply manpower to make the specific repairs/improvements; and

WHEREAS, the following is a list of the items:

I. Snack Shack Building

- A. Borough to repair/replace the copper water supply lines to the sink in the Snack Shack that apparently froze and split in several locations. Pop Warner will provide the necessary plumbing supplies.
- B. Borough to install a hose fitting to the end to the copper pipe protruding from the woman's bathroom through the front wall of the building (currently leaking on the sidewalk) and replace the existing shut-off valve. Pop Warner will provide the necessary plumbing supplies.
- C. Borough to install new sinks and extend the toilet stall partition walls (wood) by approximately 10"-12" in both bathrooms. Pop Warner will supply the sinks, plumbing supplies and wood.
- D. Borough to paint the inside of both bathrooms (ceilings, walls, and floors). Pop Warner will supply the paint.
- E. Borough to pain the exterior of the building. Pop Warner will supply the paint.

II. Bleachers

- A. Borough to inspect and replace all necessary wooden seat and foot boards and paint the new boards. The Borough will supply the wood. Pop Warner will supply the paint.

III. Storage Container

- A. Pop Warner would like to purchase a steel storage container to be installed on the east side of the field house, directly behind the bleachers. The container will be screened by the bleachers and painted the same color blue as the bleachers and filed house. A roll-up door will be installed on the container so as to coordinate with the door on the west side of the field house. Pop Warner will be responsible for maintenance of the container. The size of the container will be approximately 8'x8'x20' and sit on grade. The Borough will prepare (level) the pad site prior to installation. The Planning Board endorsed the plan for the lights and the storage container.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Governing Body hereby approves of the Cook Field project pursuant to a letter by the Planning Board Attorney endorsing lights and storage container.

The Borough Clerk read the following resolution:

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

Resolution #174-09

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

- Contract for Ron Dobies
- Staffing for Zoning and Planning Board Application Procedures

The Borough Clerk read the following resolution:

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

Resolution #175-09

"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 \$5,000.00 to increase the temporary budget:

Bldg & Grds O/E

\$5,000.00

The Borough Clerk read the following resolution:

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

Resolution #176-09

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Mayor Fuhrmann opened the public portion of the meeting.

Betty Platten, 4 Hooker Street stated that "she was appalled that Councilwoman DeVuyst accused me of writing information discussed in private session".

I attended the July 7th public meeting where Councilwoman DeVuyst stated she felt Council Attorney Johnson wouldn't have the administrator contract written in the town's best interest. And therefore wanted the council's personnel Attorney to write the contract.

I stand by my letter to the editor of July 16. I e-mailed Council President Schueler proof of the Courier receiving my letter on July 11, which is way before the meeting of July 14th where according to Mrs. DeVuyst this was discussed in private. This accusation seems to be a stepping stone for her to start accusing her fellow Council people, the Mayor and the Boro Clerk of leaking private information.

Asking questions, as stated by Mrs. DeVuyst, is not the problem here. Questioning the integrity of people who have devotedly served Middlesex for over 30 years is a problem. How does Councilwoman DeVuyst's mistrust of Boro Attorney Ed Johnson help the taxpayers? How does having another attorney draw up the contract for so much as hour help the taxpayers? Mayor, how much does the personnel attorney charge an hour?

The position of Council Member is to help keep Middlesex a better place to live now and in the future.

My statement to Councilwoman DeVuyst is questioning the integrity and loyalty of people, who have helped make Middlesex a better place to live, is not helping the future of the town.

This witch hunt of the town's employees has got to stop now. Get on with town business that will help the taxpayer, not hamper it"!

Bob Sherr, 212 Lucia Street stated that we have to be critical about the way the governing body went about the process of rehiring Mr. Dobies. It has been brought up at a time which is ½ way through the year and the budget has not been adopted. He feels the way it was handled was inappropriate and thinks it is difficult for anyone to work for a salary of \$1. If it was that important it should have been addressed in your 2009 budget. Mr. Sherr feels that it is not open and transparent to the public of Middlesex and thinks it is a disservice, as it was handled poorly.

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

Councilman Edwards moved to table the approval of the July 7, 2009 Agenda Meeting Minutes and the July 14, 2009 Regular Meeting Minutes until the August 11, 2009 Regular Meeting seconded by Councilman Venuto and carried by a unanimous vote of Council.

Council President Schueler moved the acceptance of Gregory Macher as a member of the Beechwood Fire House seconded by Councilman Venuto and carried by a unanimous vote of Council.

Council President Schueler congratulated Ken Pukas, Sr. on attaining the status of "Life Member" of the Middlesex Fire Department.

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

Councilman Gorr distributed the 2009 Capital Budget for review by the Governing Body and stated that it will be discussed at a future meeting.

There being no further business to discuss, Mayor Fuhrmann recessed the meeting to closed session to discuss the Staffing for the Zoning and Planning Board Application Procedures seconded by Councilman Edwards and carried by unanimous vote of Council.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk