

Municipal Building
1200 Mountain Avenue

February 10, 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.

The Borough Clerk read Ordinance No. 1738-09 by title for introduction.

ORDINANCE NO. 1738-09

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

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

The Borough Clerk read Ordinance No. 1745-09 by title for introduction.

ORDINANCE NO. 1745-09

**AN ORDINANCE AUTHORIZING THE BOROUGH TO CHARGE A FLAT
ADMINISTRATIVE FEE OF 10% OF THE BILLABLE CHARGE FOR THE USE OF
POLICE PERSONNEL AND OR POLICE VEHICLES ON EXTRA DUTY JOBS**

Councilman Class moved for introduction seconded by Councilwoman DeVuyst 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(C)

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. 45-09 and #47-09 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 #42-09 – Resolution #44-09
Resolution #46-09
Resolution #48-09 – Resolution #52-09

Council President Schueler moved for adoption seconded by Councilman Class and carried by the following roll call votes: 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 #42-09

The Tax Collector is hereby authorized to refund the 2007 NJ Homestead Rebate on the following property. The check was sent to the Borough of Middlesex from the State of New Jersey due to the homeowner's taxes being delinquent for 2007. The taxes have since been paid.

BLOCK/LOT	NAME & ADDRESS	AMOUNT
190/19	Hamilton, Daniel J & Jeanne M 340 Lorraine Avenue	\$ 943.81

The Borough Clerk read the following resolution:

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

Resolution #43-09

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2009 Grant Funds:

Senior Coordinator Salary	\$18,605
Senior Van Driver Salary	\$ 7,500
Code Enforcement Officer Salary	\$ 7,500
Nutritional Program - Senior Citizens	\$10,000
Cook Field Lighting	\$20,295
	<hr/>
	\$63,900

The Borough Clerk read the following resolution:

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

Resolution #44-09

WHEREAS, the U.S. Army Corps of Engineers. is providing a copy of the Temporary Discharge Approval Application for groundwater generated from the remediation activities at the Middlesex Sampling Plant be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, the U.S. Army Corps of Engineers is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via the Borough of Middlesex's wastewater collection system; and

WHEREAS, the U.S. Army Corps of Engineers is required to have the Borough's approval on a yearly basis for the temporary discharge approval, and a renewal application shall be submitted to the MCUA prior to the expiration date set forth in the Temporary Discharge Approval Application.

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. At the request of the U.S. Army Corps of Engineers, Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater generated from the remediation activities at the Middlesex Sampling Plant.
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 #46-09

Authorizing the Mayor and Borough Clerk to execute the Settlement Agreement and Release in connection with Michele Galek v. Middlesex Borough. The confidentiality and terms of this agreement are not for public disclosure.

The Borough Clerk read the following resolution:

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

Resolution #48-09

WHEREAS, Mary Ann Schamberger was hired as the Acting Secretary to the Board of Health on November 25, 2008 by Resolution #252-08 at an annual salary of \$2497.00; and

WHEREAS, the Board of Health Secretary officially resigned from this position effective December 31, 2008.

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

1. Mary Ann Schamberger is hereby appointed Secretary to the Board of Health effective immediately at an annual salary of \$2497.00.
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 #49-09

WHEREAS, Linda Chismar was hired as the Acting Secretary to the Shade Tree Commission on November 25, 2008 by Resolution #253-08 at an annual salary of \$2328.00; and

WHEREAS, the Shade Tree Secretary officially resigned from this position effective December 31, 2008.

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

1. Linda Chismar is hereby appointed Secretary to the Shade Tree Commission effective immediately at an annual salary of \$2328.00.
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 #50-09

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND

APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

The Borough Clerk read the following resolution:

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

Resolution #51-09

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.

Negotiations

- DPW
- Police

Litigation

- Galek vs. Middlesex Borough
 - Landfill
-

The Borough Clerk read the following resolution:

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

Resolution #52-09

RESOLUTION OPPOSING ASSEMBLY BILL NO. 3686 WHICH PROPOSES THE TRANSFER OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE TO THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES

WHEREAS, The Borough of Middlesex desires to oppose Assembly Bill No. 3686 sponsored by Assemblywoman Sheila Y. Oliver, Assemblywoman Connie Wagner and Assemblywoman Eleese Evans, which proposes the transfer of the Governor's Council on Alcoholism and Drug Abuse (GCADA) and control of the Drug Enforcement Demand Reduction Fund (DEDR) to the New Jersey Department of Human Services; and

WHEREAS, the Borough of Middlesex has been advised and believes that Assembly Bill No. 3686 is not in the public interest as it would dramatically diminish, if not eliminate, the role of the Municipal Alliances to Prevent Substance Abuse which is an invaluable community program and an effective asset for the development and implementation of "grass roots" local programs for the prevention of alcohol and drug abuse; and

WHEREAS, the Borough of Middlesex opposes the transfer of the Governor's Council on Alcoholism and Drug Abuse (GCADA) and control of the Drug Enforcement Demand Reduction Fund (DEDR) to the New Jersey Department of Human Services as the consequences of those actions as likely to diminish or eliminate a date-driven, evidence producing drug and alcohol prevention program that already effectively uses the efforts and expertise of dedicated local volunteers; and

WHEREAS, the Borough of Middlesex hereby opposes Assembly Bill No. 3686.

NOW, THEREFORE, LET IT BE RESOLVED that the Borough of Middlesex through this Resolution strongly opposes and objects to Assembly Bill No. 3686 sponsored by Assemblywoman Sheila Y. Oliver, Assembly woman Connie Wagner and Assemblywoman Eleese Evans which Bill proposes the transfer of the Governor's

Council on Alcoholism and Drug Abuse (GCADA) and control of the Drug Enforcement Demand Reduction Fund (DEDR) to the New Jersey Department of Human Services; and

LET IT BE FURTHER RESOLVED that a certified copy of this resolution shall be sent to Governor John S. Corzine, Senate President Richard J. Codey, Senate Minority Leader Leonard Lance, Senator Christopher "Kip" Bateman, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, Assemblyman Peter J. Biondi, Assemblywoman Denise Coyle, and all state legislators representing legislative districts within municipalities in the County of Middlesex.

The Borough Clerk read the following resolution:

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

Resolution #45-09

Hiring George Navarro, 11 Hampton Gardens, Middlesex, New Jersey as a Temporary Sanitation Laborer for the Borough of Middlesex effective immediately at \$12 per hour, 30 hours per week, pending a satisfactory physical.

Hiring Kevin Vannostrand, 505 Lincoln Boulevard, Middlesex, New Jersey as a Temporary/Seasonal Sanitation Laborer for the Borough of Middlesex effective immediately at \$12 per hour, 30 hours per week, pending a satisfactory physical.

Hiring Frank Veglatte, Jr., 17 Hurley Avenue, North Plainfield, New Jersey as a Temporary/Seasonal Sanitation Laborer for the Borough of Middlesex effective immediately at \$12 per hour, 30 hours per week, pending a satisfactory physical.

Hiring Keith Vannostrand, 505 Lincoln Boulevard, Middlesex, New Jersey as a Temporary/Seasonal Sanitation Laborer for the Borough of Middlesex effective immediately at \$12 per hour, 30 hours per week, pending a satisfactory physical.

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

The Borough Clerk read the following resolution:

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

Resolution #47-09

RESOLUTION AUTHORIZING THE BOROUGH OF MIDDLESEX TO ENTER INTO AN INTER-LOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND THE BOROUGH OF DUNELLEN FOR THE PURCHASE OF A "BUCKET TRUCK"

WHEREAS, the Borough of Dunellen has adopted an Ordinance to provide funds in order to purchase a "bucket truck" so that the Borough of Dunellen does not have to rent equipment when it is necessary for Borough employees to trim trees, clean-out gutters, install signs and do other work which require the use of an arial lift; and

WHEREAS, the Borough of Dunellen has asked the Borough of Middlesex if it wishes to join with Dunellen in connection with the purchase of this equipment, with the understanding that the Borough of Dunellen would pay 60% of the cost for the vehicle and the Borough of Middlesex would pay 40% of the cost for the vehicle; and

WHEREAS, the vehicle would be registered by the Borough of Dunellen in the name of the Borough of Dunellen and the Borough of Dunellen would pay for the cost of insurance for the vehicle; and

WHEREAS, if the Borough of Middlesex were to share the use of the "bucket truck" with the Borough of Dunellen, the Borough would not have to purchase a similar vehicle and would not have to establish an area for the machine to be located and would not have to be responsible for the care and maintenance of the vehicle; and

WHEREAS, by sharing services with the Borough of Dunellen and by the two (2) municipalities sharing the use of the vehicle, there would be savings involved with both municipalities; and

WHEREAS, the Public Works Supervisor for the Borough of Middlesex has indicated to the Governing Body that there is a need for such a vehicle by the Public Works Department of the Borough of Middlesex; and

WHEREAS, the Governing Body of the Borough of Middlesex has determined that it is in the public interest to enter into an Inter-Local Services Agreement with the Borough of Dunellen so that the Borough of Middlesex may share in the use of the "bucket truck" with the Borough of Dunellen.

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

1. Pursuant to the authority provided by the Municipal Inter-Local Services Act, N.J.S.A. 40:8A-1 et seq., the Mayor and Council of the Borough of Middlesex determines that it is in the public interest to enter into an Inter-Local Services Agreement with the Borough of Dunellen for the purpose of sharing services with the Borough of Dunellen in connection with the purchase of a "bucket truck". The Borough of Middlesex may share the use of the "bucket truck" with the Borough of Dunellen.
2. The Borough of Middlesex agrees to pay 40% of the purchase price for the "bucket truck" which shall be purchased by the Borough of Dunellen and the Borough of Dunellen agrees that the Borough of Dunellen will share the use of the "bucket truck" with the Borough of Middlesex so that the Borough will have the truck available for projects in the Borough of Middlesex and it is understood that the truck will be registered in the name of the Borough of Dunellen and the Borough of Dunellen will be responsible for the maintenance and upkeep of the truck and for the payment of insurance covering the truck. The truck will be housed at the Municipal Complex in the Borough of Dunellen and the Borough of Dunellen will maintain a maintenance log and will ensure that the truck is properly maintained and serviced on a regular basis.
3. The Mayor and Borough Clerk are hereby authorized and directed to execute and attest on behalf of the Borough of Middlesex an Inter-Local Agreement for said purpose, which Agreement shall be in a form approved by the Borough Attorney.
4. This resolution shall take effect immediately.

Council President Schueler moved to table Resolution #47-09 until the March 31, 2009 Public Meeting seconded by Councilman Edwards 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. Seeing that there was no public participation, Mayor Fuhrmann closed the public portion of the meeting.

Councilman Edwards moved the approval of the January 1, 2009 Reorganization Meeting, the January 20 & January 22, 2009 Special Meeting Minutes, the January 27, 2009 Special Meeting Minutes and the January 27, 2009 Public & Agenda Meeting Minutes seconded by Council President Schueler and carried by a unanimous vote of the Council.

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

Councilman Class moved the approval of the December, 2008 Municipal Court Report seconded by Councilman Edwards and carried by a unanimous vote of Council.

Council President Schueler stated that the Girl Scouts Lincoln Day Pilgrimage will held this Sunday, February 15, 2008 at 1 PM.

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