

Municipal Building
1200 Mountain Avenue

March 24, 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	Jamie Primeau
Council President:	Bob Schueler	Danielle Rudnick
	Michael Class	
	Debra DeVuyst	Michael Colacci
	Bob Edwards (absent)	
	Bob Gorr (absent)	Gregory Macher
	Michael Venuto (absent)	Rebecca Schueler
Attorney:	Edward Johnson	Mary Chismar
Borough Clerk:	Kathleen Anello	Brittany Glen

Mayor Fuhrmann opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of December 31, 2008.

Mayor Fuhrmann welcomed the Middlesex High School students who attended the meeting on behalf of Middlesex Elks Youth Week and represent members of the governing body.

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 Ordinance No. 1746-09 for introduction.

ORDINANCE NO. 1746-09

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Councilman Schueler moved for introduction and seeing that there was not a second the motion was not considered.

Discussion was held on this ordinance, which was out of order. Councilwoman DeVuyst stated that she is opposed to this ordinance and her concern is that this ordinance is not essential, that the budget meetings were not fruitful, and she feels that we must mandate that every department cut their budget and become more efficient in order to reduce the budget. She feels residents have the right to attend regularly scheduled meetings and attend the budget introduction, which was scheduled to be on this evenings agenda. She would like to see the proposed budget and last year's budget put on the website.

She feels that we cannot ask the state to increase our spending and next week ask them for a pension deferral, as it will only increase our debt and she is opposed to it.

Mayor Fuhrmann indicated that one option for the budget is defer 50% of our pension payments. We did not receive any information on the budget addressing the pension deferral until about 2:30 pm on Monday. The Mayor and Council decided it would not be a good idea to introduce tonight because there were uncertainties and have planned a special executive budget workshop meeting for Tuesday, March 31, to discuss personnel issues in the budget. On Monday they learned that if the Borough is going to apply for aid, we have to do the pension deferral as well. The Mayor feels that the budget is too serious a matter to start a discussion at 8:45 tonight, as this would not be in the best interest of anyone.

Councilman Class made a motion to table Ordinance No. 1746-09 to the April 14, 2009 Public Meeting, seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

The Borough Clerk read Ordinance No. 1748-09 for introduction.

ORDINANCE NO. 1748-09

ORDINANCE RESCINDING A PORTION OF SECTION 3 OF AN ORDINANCE ENTITLED "AN ORDINANCE RELATING TO THE MORALS, PEACE AND GOOD ORDER OF THE BOROUGH OF MIDDLESEX AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF"

Council President Schueler moved for introduction seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #87-09

RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE INDEMNIFICATION AGREEMENT FOR THE MIDDLESEX BOROUGH POLICE DEPARTMENT'S ACCESS TO THE EAST BRUNSWICK POLICE TRAINING FACILITY IN 2009

WHEREAS, in order for the Middlesex Borough Police Department to have access and use of the East Brunswick Police Training facility in 2009 an Indemnification Agreement must be executed by the Mayor and Borough Clerk.

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 Mayor and Borough Clerk are hereby authorized to execute the Indemnification Agreement in order for the Middlesex Borough Police

Department to have access to the East Brunswick Police Training Facility in 2009.

2. This resolution shall take effect immediately.

Councilwoman DeVuyst moved for adoption seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #88-09

WHEREAS, Tung Nguyen was issued a street opening permit on 8/8/08; and

WHEREAS, Tung Nguyen deposited \$550.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 404 Second Street was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

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 a check in the amount of \$550.00 in favor of Tung Nguyen, 404 Second Street, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2008-007.

Councilwoman DeVuyst moved for adoption seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #89-09

WHEREAS, Penn Bower, Inc. was awarded the contract for the Sanitary Sewer Rehabilitation Phase II Contract B for the Pipe Bursting on February 12, 2008 in the amount of \$59,380.00; and

WHEREAS, Change Order #1, is outlined in Resolution #220-08, which reflects an \$18,326.43 increase in the total amount of the Contract and which brings the new contract sum to a total of \$77,706.43; and

WHEREAS, Change Order #2 consists of an increase of \$565.00 for Police Traffic Directors and which brings the new contract sum to a total of \$78,271.43.

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 orders are hereby approved.

Original Contract Sum:	\$59,380.00
Change Order #1	\$18,326.43
Change Order #2	\$ 565.00
NEW CONTRACT SUM:	\$78,271.43

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

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #90-09

The Tax Collector is hereby authorized to refund 2008 taxes based on Tax Court of New Jersey judgment on the following property:

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>	<u>YEAR</u>
340/20.A	Oldbrich, Josef & Hildegard 276-278 Lincoln Blvd	\$3,511.00	2008
340/24.A	Oldbrich, Josef & Hildegard 280-2 Lincoln Blvd	\$3,511.00	2008

The check is to be made payable to: Daniel G. Keough, Trustee
783 Springfield Avenue
Summit, NJ 07901-2332

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #91-09

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS BOROUGH ATTORNEY AND LABOR ATTORNEY TO EDWARD J. JOHNSON, JR., P.A.

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Edward J. Johnson, Esq., whose office is located at 1 Greenbrook Road, Middlesex, NJ 08846 as the Borough Attorney and Labor Attorney for the Borough of Middlesex for the period from January 1, 2009 to December 31, 2009;

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

1. Edward J. Johnson, Esq., having his office located at 1 Greenbrook Road, of Middlesex New Jersey is hereby appointed as the Borough Attorney and Labor Attorney for the Borough of Middlesex for the period from January 1, 2009 through December 31, 2009 at an annual salary of \$60,000, subject to the reduction of fees paid to Mark Ruderman in Resolution #71-09. Additional compensation shall be paid at the rate of \$175.00 per hour for legal research, preparing extraordinary and or Ordinances, handling tax appeals to the N.J. Tax Court and handling litigation matters, and the Attorney shall be paid \$750 per day or a portion hereof for attendance at Court, Administrative and or Tax Board hearings.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Council President Schueler made a motion to approve Resolution #91-09 seconded by Councilman Class. Councilwoman DeVuyst is concerned that we originally agreed on an annual salary of \$60,000, and that we were to reduce his salary based on the amount of charges that we paid Mark Ruderman.

Council President Schueler made a motion to amend the resolution to include that Attorney Johnson be paid \$60,000 subject to the reduction of fees paid to Mark Ruderman in Resolution #71-09 seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Council Schueler made a motion to approve the resolution as amended, seconded by Councilwoman DeVuyst 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 #92-09

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.

Council President Schueler moved for adoption seconded by Councilwoman DeVuyst and carried by the following roll call votes: Ayes: Members Class, DeVuyst, 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 #93-09

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

- Former Administrator Dobies' Request Letter
- Employee Disability Unused Vacation

Pension Deferrals – Possible Layoffs/Furloughs
Finance Chair Report - Requisitions

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

The Borough Clerk proclaimed the week of March 23, 2009 as "Girl Scout Week"

**PROCLAMATION
Elk's Youth Week
March 23-27, 2009**

WHEREAS, the Benevolent and Protective Order of Elks has designated the week of March 23, 2009 as Elk's Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition to their services to Community, State and Nation; and

WHEREAS, Middlesex Elks 1488 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW THEREFORE, I John A. Fuhrmann, Mayor of the Borough of Middlesex do hereby proclaim the week of March 23, 2009 as Elk's Youth Week and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

Mayor Fuhrmann opened the public portion of the meeting.

Marion Spilatro, Giles Avenue is concerned what procedures we were going to follow to make cuts. By deferring a portion of the pension it may cost us more in the end. She hopes council does not use that as an option to cut expenses in the budget and that all departments make a cut in their budget.

The Mayor indicated that the budget will be introduced no later than April 15 and a public hearing will be held to discuss and address all your questions. The Mayor indicated that deferment of the pension will be discussed at the March 31, 2009 meeting and he explained how the deferment of the pension would work.

Bill Moore, Barbara Place wanted a status of the farmer's market. Mr. Moore also would like to see all departments take a cut in their budgets and once a week garbage pick up.

Mike McGinley, 8 Douglas Lane complained about the taxes and that the public should not be excluded from budget workshop meetings. He also felt that the Police Department should not have any cuts because their primary function is safety in the streets. He has lived in town 35 years and always felt safe and secure, but what surrounds our town indicates that we should keep the police at the highest level. He suggested cuts in recycling center hours and reducing the amount of people on the garbage truck. Also, he feels that if you cut people your employees will get injured. He also mentioned the school board budget and that employees that make over \$150,000 per year at the School are getting raises. The Mayor stated that he met with the President and Vice President of the School Board, and they have a 1.9% budget increase this year, which would reflect a \$65 increase on an average home.

Councilman Class stated that you can contact your council people through the website and the budget will be put on the website.

Jeff D'Ambrosia, 17 First Street stated that you cannot run a town on borrowed money. He has been at meetings where we have deferred payments and borrowing money is not a solution. He suggested that we should suspend buying equipment and maintain our equipment.

Frank Ryan, 303 Maple Street thanked the students that attended the meeting on behalf of Elk's week and stated that he hopes that they keep attending the meetings and being a part of the system. Mr. Ryan spoke with regard to deferring the pension and that 2010 does come around quickly and he will have to pay if we defer the pension.

Mr. Ryan also questioned the status of J.H. Reid and when is the next scheduled meeting. The Mayor said that we went back because of the concern of the noise and dust and they were supposed to run a test for sound and dust. At this time the April meeting has been postponed until May. The town is doing everything it can and came together to perform within reasonable guidelines. The Mayor will keep Frank posted of any changes.

Frank Ryan questioned Spray Tech and called the Health Department and spoke with Nancy Lanner and was told by the State that they are now required to start from zero and take complaints and go out for smells and document. There will be another 3 – 4 years before the State gets involved again.

Frank Ryan also questioned the papers that solicitors throw in the driveway in town and make the town look messy. The Borough Clerk will reach out to the distributor, but the Borough Attorney feel that if you stop the solicitors from throwing these papers around the town you are violating rights, and there is question as to the constitutionality of the ordinance that is presently in our code.

Amy Pileggi, 608 Clinton Avenue questioned if it was possible to see last year's budget. She also noticed in the paper that the Borough has not received any money for public safety from Obama's stimulus package and was concerned who is lobbying for the Borough to get the money. The Mayor indicated that he will be attending a meeting with Assemblyman Green and State Representatives on Friday about what stimulus money could flow through Middlesex Borough. Ms. Pileggi also questioned if we needed to defer the pension in order to apply for aid, and the Mayor indicate that we would have to.

Adrienne Sviderskis Carroll, 604 Clinton Avenue, requested a copy of last year's budget and feels the pension loan is not an option, but limiting garbage collection is an option. She also stated that she has lived in her home for 4 ½ years and her taxes have doubled. Ms. Sviderskis complained that a major portion of her tax dollars are going to the school system, and they are not helping with her son that has a disability. She feels that speaking with the Board of Education is like speaking on deaf ears. She would also like the Council to look at the departments that truly need the money.

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

Mayor Fuhrmann moved the approval of the March 3, 2009 and March 10, 2009 Agenda Meeting Minutes seconded by Council President Schueler and carried by a unanimous vote of the Council.

Council President Schueler moved the approval of James Singer, III to the Middlesex Fire Department seconded by Councilman Class and carried by a unanimous vote of Council.

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

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