

Municipal Building  
1200 Mountain Avenue

September 18, 2007

A special meeting of the Mayor and Council was held at the above place on the above date commencing at 8:00 p.m.

Mayor	Gerald D'Angelo
Council President:	Robert Gorr
	Ken DeVuyst (absent)
	Sean Kaplan
	Stefanie Quast
	Bob Schueler
	Michael Venuto

Attorney:	Edward Johnson
Administrator:	Ron Dobies

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Mayor D'Angelo opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Special Meeting Notice of September 13, 2007.

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The Borough Clerk read Ordinance No. 1722-07 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1722-07**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN PROPERTY KNOWN AS LOTS 12, 13 AND 14 IN BLOCK 226 ON THE MIDDLESEX BOROUGH TAX MAP, WHICH PROPERTY IS LOCATED ON ROCK LANE, AT THE CORNER OF ROCK LANE AND 6<sup>TH</sup> STREET AND CONTAINS APPROXIMATELY 6,000 SQUARE FEET OF LAND, WHICH LAND IS IN THE FLOOD ZONE WITH THE EXPRESS PURPOSE OF IMPOSING A CONSERVATION EASEMENT UPON SAID LAND TO GUARANTEE THAT SAID LAND WILL NOT BE DEVELOPED AT SOME FUTURE DATE**

Mayor D'Angelo opened the public hearing on Ordinance No. 1722-07. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1722-07.

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

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The Borough Clerk read Ordinance No. 1723-07 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1723-07**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF  
MIDDLESEX, ADOPTING THE REDEVELOPMENT PLAN FOR THE LINCOLN  
BOULEVARD REHABILITATION AREA**

Mayor D'Angelo opened the public hearing on Ordinance No. 1723-07.

T. J. Klein, Klein & Holmes questioned if the plan was updated on the borough website.

Mayor D'Angelo stated that the updated plan is accessible on the website.

Lois DeRitter, Whitney Drive questioned if there were any significant changes in the redevelopment plan since the last presentation and if part of the plan will affect the hill on Mountain Avenue.

Mayor D'Angelo indicated on the south side of Lincoln Boulevard (from Mountain Avenue to Raritan Avenue) the buildings would be 3 – 4 stories with a height of 48 feet. There will be 2 -3 story maximum requirements for the buildings backing up to the residential properties. The Mayor stated that from the Intersection of Mountain and Lincoln, in the area where it is backing up to the tracks, the plan allows for a maximum of 6 stories. In regard to the hill on Mountain Avenue, Mayor D'Angelo indicated that at this point the grading has not been addressed, as it does not have to be included in the redevelopment plan.

Seeing that there was no further public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1723-07.

Kevin McManimon, of McManimon & Scotland, Redevelopment Counsel, indicated that on August 22, 2007 the Planning Board recommended that the Mayor and Council adopt the June, 2007 Redevelopment Plan as presented, subject to the completion of those actions set forth in Paragraph 4B of the prior Planning Board resolution, requiring that the Mayor and Council “Obtain an Impact study determining what the population growth, due to the increased housing that “The Plan” provides, will have on taxes, schools and all Borough Services” and paragraph 4d thereof, requiring that the Mayor and Council “Obtain a report from the Borough Planner, as to the impact, if any, of “The Plan” upon the Housing Element and Fair Share Plan of the Borough of Middlesex, specifically as it relates to the Borough’s Affordable Housing obligation.

With regard to the recommendations by the Planning Board, Mr. McManimon indicated that although it was recommended that the Mayor and Council “obtain an impact study determining what the population growth, due to the increased housing that “The Plan” provides will have on taxes, schools and all Borough Services” he felt that we do not know what the project is going to include because the redevelopment plan is intended to be general, not specific. The Planning Board also requested that the Mayor and Council “obtain a report from the Borough Planner, as to the impact, if any, of “The Plan” upon the Housing Element and Fair Share Plan of the Borough of Middlesex, specifically as it relates to the borough’s Affordable Housing Obligation”. The Mayor and Council did not move forward on this recommendation, and Mr. McManimon stated that because of the uncertainty surrounding the regulations of the Affordable Housing requirements, it is not possible to know what the impact on the project in this area will have on the Borough affordable housing obligations. Also, there is expected to be new regulations promulgated by COAH governing the affordable housing requirements. Mr. McManimon indicated that without knowing what those requirements are now, it is impossible to know what the impact of a project in this area will have on the Borough’s affordable housing obligations. In

addition, he stated that because of where we are right now, it is not possible to know what the project will have on the affordable housing obligations, and as a result of that uncertainty, it is impossible for the planner to make that presentation to the Borough Council.

Kevin McManimon stated that the Planning Board understood and accepted the reasons why the Mayor and Council could not accept their recommendations, but they did not formally rescind them. Mr. McManimon indicated that because these recommendations were not formally rescinded, the governing body will need four affirmative votes of Council in order to adopt this Plan, and they must indicate why they are not following the recommendations of the Planning Board.

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

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Mayor D'Angelo 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 D'Angelo closed the public portion of the meeting on the consent agenda.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2007(P)**

**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 is not desirous of removing any resolutions from the 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 #239-07 – Resolution #240-07

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

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The Borough Clerk read the following resolution:

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

**Resolution #239-07**

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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The Borough Clerk read the following resolution:

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

**Resolution #240-07**

**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 as outlined in N.J.S.A. 10:4-12:

- (a) White Collar Contract
- (b) Construction Department

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Mayor D'Angelo opened the public portion of the meeting for comments or questions.

Frank Ryan, 303 Maple Street questioned if there was any update on the Spray Tech odor.

Borough Administrator indicated that Spray Tech had requested an extension to eliminate the odor and the Health Department and the Governing Body have sent letters to the DEP. The Mayor stated that he has not received any recent complaints, and the Borough can only document complaints, and then the county will come out to verify these complaints.

Frank Ryan indicated that he noticed on Lincoln Boulevard and Cedar Avenue people are buying homes and knocking them down and putting up 2 – 3 houses. Also, on the corner of Cedar and Lincoln the front of the property is all black topped. Mr. Ryan was of the impression that a certain amount of property is needed for a driveway and that there should be a certain distance between property owners. He was wondering if there was a way to prevent this?

Mayor D'Angelo stated that the builder would be required to come before the Planning Board and need to have a site plan and get the approval of the Board. The Construction Official stated that his records on this property have all been approved by the Board.

Frank Ryan also questioned the Getty Station on Route 28 because there are about 20 unregistered vehicles, and also across the street they are selling cars on the weekend at the corner of Route 28 and Hazelwood Avenue.

Borough Administrator indicated that the Code Enforcer and Construction Official have issued warnings and will look further into this matter.

Ed Szaro, 651 Harris Avenue questioned if anyone had followed up on the road where concrete has been poured on Cedar Avenue. The Construction Official indicated that Weldon had already

cooperated with the complaints of stones on the road and the clogging of the catch basins. Mayor D'Angelo requested that the Construction Official follow up with Weldon to power wash the road where the concrete stain was located. The Construction Official also mentioned that the water company has required that the homeowner on the corner of Cedar Avenue install their water meter on the curb line and now there have been problems with the meter being damaged by vehicles. The Construction Official was directed to notify the Borough Water Company representative regarding this problem.

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

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

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk

