

Municipal Building  
1200 Mountain Avenue

February 12, 2008

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

Attorney:	Edward Johnson
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Mayor D'Angelo opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of December 28, 2007.

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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.

Rich Thomasey, 109 Greene Avenue questioned if the Mayor could explain each individual resolution on the consent agenda.

Mayor D'Angelo indicated that he would be glad to explain any specific resolution on the consent agenda that he was questioning. The Mayor also stated that in regard to the resolution that will be added to the agenda and adopted this evening, it only will name Mr. Pinelli as a redeveloper, and that Mr. Pinelli is still required to go before the Planning Board.

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 Ordinance No. 1730-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1730-08**

**AN ORDINANCE AMENDING ORDINANCE #709 OF THE CODE OF THE BOROUGH OF MIDDLESEX IN ORDER TO CONTROL THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY**

Mayor D'Angelo opened the public hearing on Ordinance No. 1730-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1730-08.

Councilman Schueler moved for adoption seconded by Councilman Gorr and carried by the following roll call votes: Ayes: Members Edwards, Gorr, and Schueler. 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:

**Consent Agenda 2007(D)**

**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 #44-08 – Resolution #47-08  
Resolution #49-08 – Resolution #57-08

Councilman Edwards moved for adoption seconded by Councilman Schueler and carried by the following roll call votes: Ayes: Members Edwards, Gorr, and Schueler. 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 #44-08**

The Tax Collector is hereby authorized to refund 2007 taxes based on a Tax Court of New Jersey judgment on the following property:

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
361/4	Bako Realty Co. 60 Baekeland Avenue	\$ 6,700.00

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

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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 #45-08**

“A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2008 BUDGET”

Amend Temporary Budget to cancel Temporary Budget appropriation in Administration and increase the funds in the Municipal Clerks Temporary Budget.

GENERAL GOVERNMENT OPERATIONS:

Administrative & Executive

Salary & Wage	-\$10,004
Other Expenses	-\$16,000

Municipal Clerk

Salary & Wage	\$10,004
Other Expenses	\$16,000

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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 #46-08**

**WHEREAS**, the Borough of Middlesex annually enters into an Alliance Agreement with Middlesex County; and

**WHEREAS**, the County desires to provide the sum of \$15,284 from State funds, to be paid to the Borough of Middlesex to be used for municipal alliance related activities.

**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 2008 Municipal Alliance Agreement with the County of Middlesex in the amount of \$15,284 to be used for municipal alliance related activities.
2. This resolution shall take effect immediately.

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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 #47-08**

**WHEREAS**, bids were received on January 10, 2008 for the Sanitary Sewer Rehabilitation Phase II Contract A for the Pipe Lining and Manhole Repair; and

**WHEREAS**, three bids were received for this project:

Allstate Power-Vac	\$420,718.00
Reynolds Inliner, LLC	\$558,015.00

AM-Liner East

\$634,306.00

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

1. At the recommendation of the Borough Engineer and Attorney, the Governing Body hereby awards the contract for the Sanitary Sewer Rehabilitation Phase II Contract A for the Pipe Lining and Manhole Repair to Allstate Power-Vac in the amount of \$420,718.00
2. Award of this contract is subject to the approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance and approval by the NJDEP.
3. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED** that the Chief Financial Officer hereby certifies that the funds in the amount of \$420,718.00 are available in Account No. 04-1611-00-1611-60.

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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 #49-08**

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

End Zone	(3) Amusement Machines	\$300.00
425 Bound Brook Road	(1) Pool Table	\$100.00
	(1) Music Machine	\$ 25.00
Ellery's Bar & Grill	(5) Amusement Machines	\$500.00
701 Lincoln Boulevard	(1) Music Machine	\$ 25.00
American Legion Post 306	(1) Pool Table	\$100.00
707 Legion Place		
Tim Kerwin's Bar	(5) Amusement Machines	\$500.00
353 Bound Brook Road	(1) Music Machine	\$25.00
	<b>TOTAL</b>	<b>\$1575.00</b>

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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 #50-08**

**WHEREAS**, the Borough entered into a Ground Lease on July 11, 2000 with Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc.; and

**WHEREAS**, T-Mobile USA has requested approval to sublease the premises to MetroPCA New York LLC; and

**WHEREAS**, MetroPCA New York LLC will therefore be bound by the terms and conditions of the Lease.

**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 is hereby authorized to execute the Sublease with MetroPCA New York LLC.
2. This resolution shall take effect immediately.

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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 #51-08**

**WHEREAS**, bids were received on January 10, 2008 for the Sanitary Sewer Rehabilitation Phase II Contract B for the Pipe Bursting; and

**WHEREAS**, three bids were received for this project:

Penn Bower, Inc.	\$ 59,380.00
Marvec Construction Corp.	\$ 73,000.00
D&D Utility Contractors	\$135,175.00
Schilke Construction Co.	\$198,810.00
Metra Industries	\$291,960.00

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

1. At the recommendation of the Borough Engineer and Attorney, the Governing Body hereby awards the contract for the Sanitary Sewer Rehabilitation Phase II Contract B for the Pipe Bursting to Penn Bower, Inc. in the amount of \$59,380.00
2. Award of this contract is subject to the approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance and approval by the NJDEP.
3. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED** that the Chief Financial Officer hereby certifies that the funds in the amount of \$59,380.00 are available in Account No. 04-1611-00-1611-60.

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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 #52-08**

The Disbursing Officer is authorized to refund \$200.00 to OLMV for an error in payment for a Casino Night License. The check is to be made payable to the following:

Our Lady of Mt. Virgin Church  
OLMV HSA Account  
600 Harris Avenue  
Middlesex, NJ 08846

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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 #53-08**

**WHEREAS**, Bayer CropScience, Inc., Arcadis G & M, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

**WHEREAS**, Bayer CropScience, Inc., Arcadis G & M is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factor Lane; and

**WHEREAS**, Bayer CropScience, Inc., Arcadis G & M is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater.

**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 Bayer CropScience, Inc., Arcadis G & M, Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves Bayer CropScience, Inc., Arcadis G & M's temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad.
2. This resolution shall take effect immediately.

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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 #54-08**

**WHEREAS**, Hoff Brothers was issued a street opening permit on March 10, 2005; and

**WHEREAS**, Hoff Brothers deposited \$550.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 310 Melrose Avenue was inspected by the Department 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 Hoff Brothers LLC, 2504 Plainfield Avenue, Scotch Plains, NJ 07076, for refund of Street Opening Permit No. 2005-078.

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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 #55-08**

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 #56-08**

**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:

- (1) Personnel
- (2) Litigation

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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 #57-08**

**RESOLUTION OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX DESIGNATING 150 LINCOLN BOULEVARD, LLC AS THE CONDITIONAL REDEVELOPER OF A PORTION OF THE LINCOLN BOULEVARD REHABILITATION AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of rehabilitation; and

**WHEREAS**, on July 25, 2006, the Mayor and Council of the Borough of Middlesex, New Jersey (the “Borough”) adopted resolution # 179-06, entitled “Resolution Designating an Area in Need of Rehabilitation Along the West Portion of Lincoln Boulevard from the Bound Brook Border to 200 Feet East of it’s Intersection with Mountain Avenue and the South Portion of Mountain Avenue from it’s Intersection with Lincoln Boulevard to William Street in the Borough of Middlesex” (the “Designating Resolution”), which resolution designated said area as an area in need of rehabilitation (the “Rehabilitation Area”); and

**WHEREAS**, in the Designating Resolution, the Borough determined that the Rehabilitation Area met the criteria for an area in need of rehabilitation contained in the Redevelopment Law because more than half of the housing stock in the area is at least 50 years old; and

**WHEREAS**, in support of the Designating Resolution, A. Nelessen Associates, Inc. (“Nelessen”), planners retained by the Borough, prepared and submitted to the Borough Council, on March 6, 2006, a report (the “Nelessen Report”) describing the area under consideration and concluding that the area meets the criteria set forth in the Redevelopment Law for designation as an area in need of rehabilitation because more than half of the housing stock in the area is at least 50 years old; and

**WHEREAS**, the Nelessen Report included, as Appendix A thereto, a list of Lots and Blocks within the proposed area in need of rehabilitation and, as Appendix C thereto, a map depicting the area proposed to be included in the area in need of rehabilitation; and

**WHEREAS**, Appendix C to the Nelessen Report shows that Block 316, Lots 9 and 10 are intended to be included in the Rehabilitation Area, however, Appendix A to the Nelessen Report inadvertently omitted Block 316, Lots 9 and 10; and

**WHEREAS**, the Designating Resolution described the area to be designated as “the area along the west portion of Lincoln Boulevard and the south portion of Mountain Avenue including all lots along Lincoln Boulevard starting in the west at the municipal boundary with Bound Brook and continuing along Lincoln Boulevard to Mountain Avenue and ending shortly thereafter and the segment of Mountain Avenue as shown on the map in Appendix C attached to this Resolution”; and

**WHEREAS**, the Designating Resolution also provides that “All lots and blocks in the proposed Rehabilitation Area are listed in Schedule A attached to this Resolution”; and

**WHEREAS**, the map referred to in the Designating Resolution as Appendix C visually depicts the boundaries of the Rehabilitation Area and the parcels included therein; and

**WHEREAS**, the list of lots and blocks referred to in the Designating Resolution as Schedule A was intended to list all of the blocks and lots contained in the Rehabilitation Area depicted in Appendix C thereto and contained in the area described in the title of the Designating Resolution; and

**WHEREAS**, the Schedule A referred to in the Designating Resolution inadvertently omitted Block 316, Lots 9 and 10; and

**WHEREAS**, on September 27, 2006 and October 25, 2006, the Planning Board conducted hearings for the purposes of discussing the Lincoln Boulevard Redevelopment Plan for the Borough (the “Redevelopment Plan”), during which hearings, a representative from Nelessen presented and discussed a draft of the Redevelopment Plan; and

**WHEREAS**, on November 8, 2006, the Planning Board held an open discussion for the purpose of providing recommendations to the Mayor and Council concerning the adoption and implementation of the Redevelopment Plan; and

**WHEREAS**, the Planning Board, by resolution adopted on March 14, 2007, acknowledged its support for the adoption of the Redevelopment Plan, with certain recommendations and comments (the “Prior Planning Board Resolution”); and

**WHEREAS**, the Prior Planning Board Resolution provided, among other things, that certain modifications should be made to the Redevelopment Plan and that certain actions should be taken before adoption of the Redevelopment Plan; and

**WHEREAS**, in a report prepared by Nelessen dated May 4, 2007, entitled “Supplemental Amendment to Area in Need of Rehabilitation” and submitted to the Borough Council (the “Supplemental Nelessen Report”), Nelessen reports that Block 316, Lots 9 and 10 “have always intended to be part of the Plan, but were inadvertently omitted from the list of Block and Lots within the Entire Area in Need of Rehabilitation in Appendix A. . . .”; and

**WHEREAS**, the Supplemental Nelessen Report provides that Block 316, Lots 9 and 10 do not, by themselves, meet the criteria for an area in need of rehabilitation contained in N.J.S.A. 40A:12A-14 (the “Rehabilitation Criteria”); and

**WHEREAS**, the Supplemental Nelessen Report further provides that the overall area described in the body of the Designating Resolution and the title thereof does meet the Rehabilitation Criteria, allowing Block 316, Lots 9 and 10 to be incorporated as part of the overall Rehabilitation Area; and

**WHEREAS**, based on the Supplemental Nelessen Report, the Mayor and Council forwarded a resolution to the Planning Board for review pursuant to N.J.S.A. 12A:40A-14, which resolution provided for the amendment of Schedule A to the Designating Resolution clarifying that Block 316, Lots 9 and 10 were to be included in the Rehabilitation Area (the “Amending Resolution”); and

**WHEREAS**, at an August 8, 2007 meeting of the Planning Board, a representative from Nelessen testified that the omission of Block 316, Lots 9 and 10 from the list of blocks and lots included in the Rehabilitation Area was inadvertent and that such parcels were always intended to be included therein; and

**WHEREAS**, the Planning Board found that the Borough should amend Schedule A to the Designating Resolution to include Block 316, Lots 9 and 10 and, by resolution adopted August 8, 2007, the Planning Board recommended that the Mayor and Council adopt the Amending Resolution as presented; and

**WHEREAS**, by Resolution No. 217-07 adopted on August 14, 2007, the Mayor and Council amended Schedule A to the Designating Resolution to clarify that Block 316, Lots 9 and 10 are included in the Rehabilitation Area; and

**WHEREAS**, by Resolution No. 218-07 adopted on August 14, 2007, the Mayor and Council referred a revised version of the Lincoln Boulevard Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, during an August 22, 2007 Planning Board hearing, a representative from Nelessen presented the Redevelopment Plan, dated June 27, 2007 (the “June 2007 Redevelopment Plan”) and confirmed that the Redevelopment Plan incorporates all the recommendations and comments set forth in paragraphs 1 and 2 of the Prior Planning Board Resolution; and

**WHEREAS**, at such hearing, the representative from Nelessen testified that the June 2007 Redevelopment Plan incorporates the recommendation and comment set forth in paragraph 3 of the Prior Planning Board Resolution that “exception is taken as to the design standard proposed for the sidewalk street lighting as it is believed to be ‘too high’ and does not support the goal as expressed in Sec. 4.0 par G”; and

**WHEREAS**, at such hearing, the representative from Nelessen further testified that the June 2007 Redevelopment Plan does not incorporate the recommendation and comment set forth in paragraph 3 of the Prior Planning Board Resolution that “the Board finds that four story buildings do not ‘reflect the architectural design vocabulary of the Borough of Middlesex’” because it will be necessary to permit four story buildings, as well as the one six story building contemplated in the June 2007 Redevelopment Plan, in order to achieve the density of units necessary to stimulate the rehabilitation of the Rehabilitation Area; and

**WHEREAS**, at such hearing, the representative from Nelessen further testified that the recommended actions the Planning Board outlined in paragraphs 4a, 4c and 4e of the Prior Planning Board Resolution were in fact taken; and

**WHEREAS**, at such hearing, the representative from Nelessen further testified that in response to the paragraph 4b of the Prior Planning Board Resolution, in which the Planning Board 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”, Nelessen compiled data addressing such issues and will present same to the Mayor and Council prior to their final consideration of the June 2007 Redevelopment Plan, although Nelessen has not yet generated a report incorporating said data; and

**WHEREAS**, at such hearing, the representative from Nelessen further testified that it would be premature to undertake the action recommended in paragraph 4d of the Prior Planning Board Resolution, namely 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”, in light of uncertainty regarding the regulation of affordable housing requirements by the Council on Affordable Housing and uncertainty regarding the nature and scope of the improvements; and

**WHEREAS**, at such hearing, the representative from Nelessen further confirmed that all of the evidence presented to the Planning Board at earlier hearings regarding the Redevelopment Plan, and such evidence and testimony presented during the hearing conducted on the date hereof, applies to Block 316, Lots 9 and 10, as well as to all other properties in the Rehabilitation Area; and

**WHEREAS**, by resolution adopted 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”; and

**WHEREAS**, the Planning Board further resolved to withdraw the recommendation and comment set forth in paragraph 3 of the Prior Planning Board Resolution that states that “the Board finds that four story buildings do not ‘reflect the architectural design vocabulary of the Borough of Middlesex’”; and

**WHEREAS**, on September 18, 2007, the Mayor and Council determined that the June 2007 Redevelopment Plan is in the best interest of the Borough and finally adopted Resolution No. 1723-07, approving and adopting the June 2007 Redevelopment Plan; and

**WHEREAS**, thereafter, the Borough engaged in discussions with the owners of several properties located within the Rehabilitation Area, including 150 Lincoln Boulevard, LLC (hereinafter “150 Lincoln Boulevard”), the owner of Blocks 129, Lots 1 and 2 and Block 348, Lots 1, 2 and 3 (collectively, the “Project Site”); and

**WHEREAS**, 150 Lincoln Boulevard has expressed a desire to rehabilitate the Project Site in accordance with the Redevelopment Plan and 150 Lincoln Boulevard requested that the Borough designate it the redeveloper of the Project Site so that it may effectuate the rehabilitation of such properties; and

**WHEREAS**, after a review of 150 Lincoln Boulevard’s preliminary plans for the rehabilitation of the Project Site, the Mayor and Council have determined that said preliminary plans are consistent with the Redevelopment Plan and, further, that said plans meet the goals and objectives that the Borough have established for the Project Site; and

**WHEREAS**, the Borough wishes to engage in preliminary negotiations with 150 Lincoln Boulevard in furtherance of entering into a formal redevelopment agreement, with said preliminary negotiations to include the receipt and review of additional project specific information from 150 Lincoln Boulevard as may be requested.

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

1. 150 Lincoln Boulevard, with offices at 400 South Avenue, Middlesex, New Jersey 08846, is hereby conditionally designated as the redeveloper of the Project Site and has, at the sole and exclusive discretion of the Borough, the option to enter into preliminary negotiations for

a redevelopment agreement with the Borough for the designated properties located within the Rehabilitation Area.

2. The within designation is hereby made for a limited period of one hundred twenty (120) days, and is contingent upon 150 Lincoln Boulevard providing any additional project related information as may be requested by the Borough.

3. The within designation is further contingent upon 150 Lincoln Boulevard executing a written agreement to reimburse the Borough for any and all costs associated with the Borough's review of said additional material and any subsequent efforts involved in negotiating a formal redevelopment agreement between the Borough and 150 Lincoln Boulevard. Said costs shall include, but not be limited to, the cost of any and all professional consultants retained by the Borough to review said materials and/or assist the Borough in negotiations of a formal redevelopment agreement.

4. This resolution shall take effect immediately.

5. A copy of this resolution shall be available for public inspection at the offices of the Borough Clerk.

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

Rich Thomasey, 109 Greene Avenue brought up the security of the high school track and the repair of fencing. Mayor D'Angelo indicated that there is \$80,000 set aside in the capital budget for fence repair and replacement and the DPW will make recommendations of whether the fencing should be repaired or replaced throughout the town. Mr. Thomasey stated that the gate near the athletic track is in need of repair and could be repaired quickly. Mayor D'Angelo indicated that once the Turf Field Committee comes back with their recommendations for the football field area, he would be approaching the County for additional grant funds for this project.

Chris Ghanem, 437 Runyon Avenue questioned if there are any plans to repair the cracks on the tennis courts. Mayor D'Angelo explained that we have received a grant for \$500,000 in the summer of 2007 to replace the tennis courts, and we are awaiting an agreement with the Board of Education. The mayor also explained the proposed project for Mountain View Park which included the new lap pool, tennis courts and basketball courts.

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

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Councilman Schueler moved the approval of the January 1, 2008 Reorganization Meeting, and the January 8, 2008 and January 22, 2008 Agenda and Public Meeting Minutes seconded by Councilman Edwards and carried by a unanimous vote of Council.

Mayor D'Angelo moved the appointment of Mr. Daniel Gitler to the Shade Tree Commission seconded by Councilman Schueler and carried by a unanimous vote of Council.

Mayor D'Angelo made the following appointments:

**Administration, Legislation, License, Building and Grounds:**

Robert Edwards, Robert Gorr, Robert Schueler

**Finance, Taxation, Real Estate, Construction and Insurance Committee:**

Robert Gorr, Robert Edwards, Robert Schueler

**Fire, Office of Emergency Management, Board of Health and Welfare Committee:**

Michael Venuto, Ken DeVuyst, Sean Kaplan

**Police, Legal, Code Enforcement and Municipal Court Committee:**

Sean Kaplan, Ken DeVuyst, Michael Venuto

**Public Works, Parks, Sanitation and Garbage and Recycling:**

Ken DeVuyst, Sean Kaplan, Michael Venuto

**Recreation, Recreation Fields, Water and Light:**

Robert Schueler, Robert Gorr, Robert Edwards

A 2008 budget review was done for the out of cap items along with items requested by each department to be put in the capital budget. After this discussion, Mayor D'Angelo indicated that at this point in time we have an increase of 17.3 points, which amounts to a tax increase of \$159.89 per home assessed at \$100,000. Included in the increase of 17.3 points is the 5 points for the loss of discretionary aid and a 6 point increase in the MCUA (We are still in discussion with the MCUA regarding this increase). Mayor D'Angelo stated that we are in better shape then we have been in prior years, and will introduce the budget on March 4, 2008 at a Special Meeting.

Mayor D'Angelo indicated that we will be bringing in the department heads to go over the budget in the next four meetings, and then we should be able to make adjustments further.

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

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk

