

Municipal Building
1200 Mountain Avenue

February 26, 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.

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| Mayor | Gerald D'Angelo |
| Council President: | Robert Gorr |
| | Ken DeVuyst |
| | Bob Edwards |
| | Sean Kaplan |
| | Bob Schueler |
| | Michael Venuto |

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| 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.

Mayor D'Angelo opened the public portion of the meeting for discussion regarding any of the resolutions on the public consent agenda.

Dana Perone indicated that she noticed on the Agenda a committee was working on the "No Parking Ordinances". She stated that in 1994 the Mayor and Council adopted an ordinance that prohibits parking of commercial vehicles on residential streets and now the police are not enforcing this ordinance. She feels that the wrong ordinance number is printed on the sign. She spoke with Captain Young, and he is making the police aware that it is a ticketable sign and we have a discrepancy. She requested a new sign be put up with the proper ordinance number.

Seeing that there were no public comments, Mayor D'Angelo closed the public portion of the meeting on the consent agenda.

Mayor D'Angelo indicated that the Borough is presently \$34,000 under cap, and there is presently a 15 point tax increase. Eleven of the points include the 5 points for the extraordinary aid and 6 points for the increase in the MUA. The Mayor stated that we will introduce the budget on March 11, 2008 and all numbers will be determined by March 4.

DPW Superintendent attended the meeting to discuss his budget, along with the \$100,000 road improvements targeted for 2008 and the status of the DPW vehicles. Also discussed were the backstops and fencing being repaired and replaced and the advantages of having the part time employees.

Mayor D'Angelo stated that the representative from LOSAP will attend the March 11, 2008 meeting for a 7 PM presentation.

No Parking Ordinances – Inconsistencies, Fee Schedule – Councilman Kaplan indicated that the Committee has met and Construction Official has given recommendations on the sign ordinance and it will be typed at.

Councilman Kaplan of the Traffic Safety Committee went and spoke with the Police Department regarding three traffic related issues which included: Greenbrook Road/Ramsey Road, Union Avenue/Shearn Drive, and Drake Avenue/Sheridan Avenue. Recommendations from the Police Chief will be discussed at the March 4, 2008 Agenda Meeting.

Parker Fire House has put a request in to the Borough regarding repaving of their parking lot. Councilman Venuto will look at the area that they would like repaved on Monday and Mayor D'Angelo will also go out to look at their request.

Parker Fire House has also requested financial aid for the replacement of their roof. They have signed a contract with Orlando Development Corp. to replace this roof at a cost of \$45,393.00. The Chief Financial Officer has contacted our Auditor, and he indicated that we are unable to bond to help the fire house because we do not have a lease with them for this facility. The only way to help Parker Fire House would be to give them a contribution out of the current budget. Mayor D'Angelo indicated that issues with giving a contribution to the fire house would include: how other fire houses will react to this aid, will other fire houses look for this aid in the future and also the fact that this would have a direct impact on the budget. At this point our budget is only \$34,000 under cap. Mayor requested that the Council think about this request and it will be discussed at the March 4, 2008 Agenda Meeting.

Councilman Schueler gave an update from the Board of Education, and they have agreed to preserve the tennis courts in the future and are looking for a possible interlocal agreement so that the courts will always remain at the new location. Also, they would like to ask the Swim Pool Commission for a contribution to the Board of Education to repair the High School parking lot used by the Swim Pool. The Swim Pool Commission will review this request.

The Borough Clerk read Ordinance No. 1731-08 by title for introduction.

ORDINANCE NO. 1731-08

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

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

The Borough Clerk read Ordinance No. 1732-08 by title for introduction.

ORDINANCE NO. 1732-08

AN ORDINANCE AMENDING THE RECYCLING ORDINANCE OF THE BOROUGH OF MIDDLESEX

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

The Borough Clerk read Ordinance No. 1733-08 by title for introduction.

ORDINANCE NO. 1733-08

**AN ORDINANCE AMENDING CHAPTER 68, OFFICERS AND EMPLOYEES TO
RESCIND ARTICLE X BOROUGH ADMINISTRATOR IN THE CODE OF THE
BOROUGH OF MIDDLESEX**

Councilman Schueler moved to table the introduction of this ordinance seconded by Councilman Gorr and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards, Gorr, Kaplan, 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:

Consent Agenda 2007(E)

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 desirous of removing Resolution #60-08 from the Consent 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 #58-08 – Resolution #59-08
Resolution #61-08 – Resolution #69-08

Councilman Edwards moved for adoption seconded by Councilman Schueler and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards, Gorr, Kaplan, 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 #58-08

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

A Temporary Budget in the amount of \$161,000.00 to provide for the payment of claims and salaries including debt service payments between the first day of January 2008 and the adoption of the 2008 budget be set ups as follows:

Middlesex County Utility Authority

161,000.00

Parks & Playgrounds – O/E

3,000.00

TOTAL

164,000.00

The Borough Clerk read the following resolution:

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

Resolution #59-08

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS BOROUGH ATTORNEY TO RUDERMAN & GLICKMAN, ESQS.

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Ruderman & Glickman, 675 Morris Ave., Springfield, New Jersey 07081 as the Labor Attorney for the Borough of Middlesex for the period from January 1, 2008 to 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 as follows:

1. Ruderman & Glickman, 675 Morris Ave., Springfield, New Jersey 07081 is hereby appointed as the Labor Attorney for the Borough of Middlesex for the period from January 1, 2008 through December 31, 2008 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
 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.
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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 #61-08

WHEREAS, Middlesex County has entered into a contract with a paint recycling/disposal vendor to provide for the removal and recycling/disposal of paint and paint related products; and

WHEREAS, the Borough of Middlesex desires to continue to be included in this paint drop-off program; and

WHEREAS, in order to continue with this program it is necessary for the Mayor and Borough to execute the Inter-local Service Agreement with Middlesex County.

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 renewal of the Paint Collection Program Inter-local Service Agreement with Middlesex County.
 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 #62-08

WHEREAS, bids were received on February 14, 2008 for (1) Public Safety Console; and

WHEREAS, the one bid listed below was received:

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|----------------------------------|-------------|
| Communications Specialists, Inc. | \$32,948.00 |
| 11C Harts Lane | |
| East Brunswick, NJ 08816 | |

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 Police Captain, the Governing Body hereby awards the contract for the Public Safety Console to Communications Specialists, Inc. in the amount of \$32,948.00.
2. 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 \$32,948 are available in Account No. 04-1718-00-1718-60.

The Borough Clerk read the following resolution:

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

Resolution #63-08

WHEREAS, on January 1, 2002 Middlesex County (Division of Solid Waste Management) began a new program to partially fund the proper removal of chlorofluorocarbons and other ozone depleting compounds from household appliances; and

WHEREAS, the County began providing partial funding for up to a 3 year period to municipalities for each appliance from which CFCs are properly recovered; and

WHEREAS, as the current agreement expired on December 31, 2007, in order to continue in this program the Borough must execute an interlocal service agreement with Middlesex County covering the CFC Recovery Reimbursement Program.

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 renewal of the Interlocal Service Agreement with Middlesex County covering the CFC Recovery Reimbursement Program.
 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 #64-08

The following items have been submitted to the Middlesex County Housing & Community Development for approval:

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|---------------------------------------|--------------------|
| Senior Coordinator Salary | \$24,000 |
| Senior Van Driver Salary | \$ 7,500 |
| Code Enforcement Officer Salary | \$ 9,000 |
| Nutritional Program – Senior Citizens | \$10,000 |
| Recreation/ Senior Center | \$20,000 |
| Handicapped Door | |
| HVAC – Recreation/Senior Center | \$6,371.80 |
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| | \$76,871.80 |
| Remainder of 2006 Funds | |
| In Account CD6634` | \$12,971.80 |
| 2008 HUD Funds | \$63,900 |

The Borough Clerk read the following resolution:

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

Resolution #65-08

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 2008

WHEREAS, in order for the Middlesex Borough Police Department to have access and use of the East Brunswick Police Training facility in 2008 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 2008.
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 #66-08

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.

The Borough Clerk read the following resolution:

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

Resolution #67-08

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

The Borough Clerk read the following resolution:

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

Resolution #68-08

The Mayor and Council hereby approve a stipend of \$2,500 for Tony Patrick, as the Recycling Coordinator, effective January 1, 2008.

The Borough Clerk read the following resolution:

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

Resolution #69-08

The Mayor and Council hereby approve Jim Ianetti as the Lead Park Person for the Parks Department in the Department of Public Works effective January 1, 2008.

The Borough Clerk read the following resolution:

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

Resolution #60-08

WHEREAS, Monmouth Construction, LLC was awarded the contract for the New Police Headquarters Building on October 17, 2006 in the amount of \$3,638,000.00; and

WHEREAS, Change Order #1, Change Order #2 and Change Order #3 are outlined in Resolution #140-07, which reflects a \$59,986 decrease in the total amount of the Contract and which brings the new contract sum to a total of \$3,578,014.00; and

WHEREAS, Change Order #4 consists of an increase of \$3,122.10 for the Sanyo Ductless Split System Units and a credit of \$3,840.00 for stone, which brings the new contract sum for this project to \$3,577,296.10; and

WHEREAS, Change Order #5 consists of an increase of \$801.00 for additional work required to provide a compressed air line to the Evidence Processing Room and which brings the new contract sum to a total of \$3,578,097.10; and

WHEREAS, Change Order #6 consists of an increase of \$10,454.00 for additional conduits inside the new building as required for the building telephone, data and technology and which brings the new contract sum to a total of \$3,588,551.10; and

WHEREAS, Change Order #7 consists of an increase of \$725.00 for revised hose bibs in the cell area requested by the Department of Corrections and which brings the new contract sum to a total of \$3,589,276.10; and

WHEREAS, Change Order #8 consists of an increase of \$115,587 for the conduits from the New Police Building to the existing Borough Hall via Mountain Avenue and which brings the new contract sum to a total of \$3,704,863.10; and

WHEREAS, Change Order #9 consists of an increase of \$34,372.00 for additional work required on the secondary power conduits as required by PSE&G and which brings the new contract sum to a total of \$3,739,235.10; and

WHEREAS, Change Order #10 consists of an increase of \$29,802.00 for Fire Alarm Upgrades and which brings the new contract sum to a total of 3,769,037.10; and

WHEREAS, Change Order #11 consists of a credit of \$2,799.00 for the elimination of the entrance swing arm gate for the Middlesex Police Department, which brings the new contract sum to a total of \$3,766,238.10, and

WHEREAS, Change Order #12 consists of an increase of \$7,682.00 for fencing and which bring the new contract sum to a total of \$3,773,920.10; and

WHEREAS, Change Order #13 consists of an increase of \$120,033.00 for telephone equipment for the Police Building and Borough Hall and which brings the new contract sum to a total of \$3,893,953.10; and

WHEREAS, Change Order #14 has been eliminated; and

WHEREAS, Change Order #15 consists of an increase of \$3,792.00 for the CCTV Rack for the Security System Equipment for the Police Building and which brings the new contract sum to a total of \$3,897,745.10; and

WHEREAS, Change Order #16 consists of an increase of \$840.00 for the hard duct air outlets and which brings the new contract sum to a total of \$3,898,585.10; and

WHEREAS, Change Order #17 consists of an increase of \$7,130.00 for the hardware changes for the security which brings the new contract sum to a total of \$3,905,715.10; and

WHEREAS, Change Order #18 consists of an increase of \$4,944.00 for the door modifications which brings the new contract sum to a total of \$3,910,659.10; and

WHEREAS, Change Order #19 consists of an increase of \$62,404.00 for a complete UPS System for the critical technology and security system and equipment for the Police Building and which brings the new contract sum to a total of \$3,973,063.10; and

WHEREAS, Change Order #20 consists of an increase of \$9,500.00 for an additional ductless split system for the electrical room and which brings the new contract sum to a total of \$3,982,563.10; and

WHEREAS, Change Order #21 consists of an increase of \$3,213.00 for replacement of the base cabinetry in the staff room, armory and processing room and which brings the new contract sum to a total of \$3,985,776.10; and

WHEREAS, Change Order #22 consists of an increase of \$1,349.00 for two field constructed draft inducer ducts at the two rooftop units in the roof pit area and which brings the new contract sum to a total of \$3,987,125.10.

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.

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| Original Contract Sum: | \$3,638,000.00 |
| Change Order #1 | \$ 3,014.00 |
| Change Order #2 | \$ 0 |
| Change Order #3 | \$ (63,000.00) |
| Change Order #4 | \$ (717.90) |
| Change Order #5 | \$ 801.00 |
| Change Order #6 | \$ 10,454.00 |
| Change Order #7 | \$ 725.00 |
| Change Order #8 | \$ 115,587.00 |
| Change Order #9 | \$ 34,372.00 |
| Change Order #10 | \$ 29,802.00 |

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|--------------------------|-----------------------|
| Change Order #11 | \$ (2,799.00) |
| Change Order #12 | \$ 7,682.00 |
| Change Order #13 | \$ 120,033.00 |
| Change Order #14 | n/a |
| Change Order #15 | \$ 3,792.00 |
| Change Order #16 | \$ 840.00 |
| Change Order #17 | 7,130.00 |
| Change Order #18 | \$ 4,944.00 |
| Change Order #19 | \$ 62,404.00 |
| Change Order #20 | \$ 9,500.00 |
| Change Order #21 | \$ 3,213.00 |
| Change Order #22 | \$ 1,349.00 |
| NEW CONTRACT SUM: | \$3,987,125.10 |

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-1686-00-1686-60.

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

Mayor D'Angelo opened the public portion of the meeting.

Chief Winters stated that there were 21 firefighters that have attended the Fire/Police School and they need to be sworn in. Mayor D'Angelo suggested that they could either be sworn in or if they would like they could just fill in the oaths of office. Chief Winters stated that the firefighters would fill out the oath of office.

Chief Winters stated that he met with Councilman Venuto and Councilman Gorr regarding Fire Department purchases. The Fire Department has requested that they need two new sets of turnout gear for new firefighters, 25 pagers, 50 sets of gloves, new hoods, a new trailer mounting bracket, and refrigerator for the hazmat trailer. Chief Winters indicated that quotes have been provided. Also, the Water Company has donated a van to be used by the Fire Police and they are awaiting to see if PSE&G will also donate a vehicle. Councilman Venuto has provided a copy of the quotes to the Borough Clerk to circulate to the Council for a consensus on these purchases.

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

Council President Gorr moved the approval of the February 12, 2008 Agenda and Public Meeting Minutes seconded by Councilman Edwards and carried by a unanimous vote of Council.

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

Councilman Kaplan moved the approval of the January, 2008 Police Department Report seconded by Councilman Edwards and carried by a unanimous vote of Council.

Councilman Venuto moved the acceptance of Steven Tarbous and Joshua Sullivan to the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of Council.

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

