

Municipal Building
1200 Mountain Avenue

March 25, 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	Chris Bennett
Council President:	Robert Gorr	
	Ken DeVuyst	Stefanny Parreno
	Bob Edwards	
	Sean Kaplan	Melissa Abourashed
	Bob Schueler	Leigh Nevitt
	Michael Venuto	Jessica Marren
Attorney:	Edward Johnson	Megan Hill

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.

The Borough Clerk read Ordinance No. 1734-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1734-08

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

The Mayor opened a public hearing on Ordinance No. 1734-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance 1734-08.

Councilman Schueler moved for adoption 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 saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1732-08

AN ORDINANCE AMENDING THE RECYCLING ORDINANCE OF THE BOROUGH OF MIDDLESEX

The Mayor opened a public hearing on Ordinance No. 1732-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance 1732-08.

Councilman Schueler moved for adoption 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.

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 was no public participation, Mayor D'Angelo closed the public portion of the meeting for discussion on the public 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 2007(F)

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 #88-08 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 #83-08 – Resolution #87-08
Resolution #89-08 – Resolution #90-08

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 #83-08

WHEREAS, Friendly Electric applied for and received Electrical Permit No. 20080067 on February 5, 2008, to do electrical work at 11 Fitzsimmons Avenue; and

WHEREAS, Check No. 2630 dated February 5, 2008, payable to the Borough of Middlesex, was submitted in the amount of \$126.00 in payment of said Electrical Permit; and

WHEREAS, Friendly Electric was overcharged in the amount of \$40.00 for said permit; and

WHEREAS, Friendly Electric has requested refund of said \$40.00.

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 \$40.00 in favor of Friendly Electric, P.O. Box 77, Milltown, New Jersey 08850, for refund of fee for the overcharged portion of Permit #20080067.

The Borough Clerk read the following resolution:

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

Resolution #84-08

WHEREAS, T&M Associates has provided a proposal dated February 26, 2008 for professional engineering services for the Greenbrook Road Resurfacing Project; and

WHEREAS, the services involved in this proposal are included in the following tasks:

- (A) Task I: Design Phase
- (B) Task II: Bidding Phase
- (C) Task III: Construction Phase – Contract Administration and Construction Observation.

WHEREAS, T&M Associates has proposed a budget fee of \$55,000 for this proposal.

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 Governing Body hereby approves the proposal by T&M Associates for the professional engineering services for the Greenbrook Road Resurfacing Project in an amount not to exceed \$55,000.
- 2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$55,000 are available in the following accounts:

Account No. 04-1493-00-1493-52	\$ 7,000.00
Account No. 04-1525-00-1525-52	\$ 4,000.00
Account No. 04-1548-00-1548-52	\$24,000.00
Account No. 04-1562-00-1562-52	\$20,000.00

The Borough Clerk read the following resolution:

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

Resolution #85-08

Authorizing the Mayor and Borough Clerk to execute the Agreement with the County of Middlesex with regard to the 2007 Open Space and Recreation Bicycle/Pedestrian Grant Program.

The Borough Clerk read the following resolution:

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

Resolution #86-08

WHEREAS, Jeffrey Buccellato was issued a street opening permit on December 14, 2006; and

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

WHEREAS, said roadway at 200-202 Runyon 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 Jeffrey Buccellato, 39 Ridge Road, Green Brook, NJ 08812, for refund of Street Opening Permit No. 2006-011.

The Borough Clerk read the following resolution:

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

Resolution #87-08

**RESOLUTION RETAINING DENNIS FACKELMAN THE MUNICIPAL COURT
JUDGE IN THE BOROUGH OF MIDDLESEX**

WHEREAS, NJSA 2B:12-4 provides that a municipality must appoint a municipal court judge for a three year term; and

WHEREAS, the term of the present municipal court judge expired on January 1, 2008; and

WHEREAS, the governing body wishes to retain the services of Dennis Fackelman as the municipal magistrate for the Borough of Middlesex for three year term commencing as of January 1, 2008; and

WHEREAS, the local public contract law NJSA 40A:11-1 et seq., requires that the resolution authorizing the award of the contract for professional services without competitive bids must be publicly advertised.

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

1. The Borough of Middlesex hereby retains the services of Dennis Fackelman, as a municipal Judge for the Borough of Middlesex at a fee set forth in the salary ordinance.
 2. This contract is made without competitive bidding as a “professional service” under the provisions of the local public contract law, because of the qualitative nature of the position.
 3. 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 #89-08

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 #90-08

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) Litigation
- (2) Personnel

The Borough Clerk read the following resolution:

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

Resolution #91-08

WHEREAS, the Mayor and Council wish to retain the (5) five temporary/seasonal sanitation laborers employed at the Department of Public Works; and

WHEREAS, the laborers employed since January 1, 2008 are now going to be retained through December 31, 2008.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that the (5) five temporary/seasonal sanitation laborers be retained retroactive from January 1, 2008 through December 31, 2008.

Councilman Edwards moved to amend Resolution #91-08 to include an ending date of December 31, 2008 seconded by Councilman Kaplan and carried by the following roll call vote. Ayes: Edwards, Gorr, Kaplan, Venuto. Nos: DeVuyst, Schueler. Abstain: None.

Councilman Edwards moved to adopt Resolution #91-08 as amended seconded by Councilman Venuto and carried by the following roll call vote. Ayes: Edwards, Gorr, Kaplan, Schueler, Venuto. Nos: DeVuyst. Abstain: None

The Borough Clerk proclaimed the week of March 24, 2008 as Elk's Youth Week.

***PROCLAMATION
ELK'S YOUTH WEEK
MARCH 24, 2008***

WHEREAS, the Benevolent and Protective Order of Elks has designated the week of March 24, 2008 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 Gerald D'Angelo, Mayor of the Borough of Middlesex do hereby proclaim the week of March 24, 2008 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 D'Angelo opened the public portion of the meeting. Seeing that there was no public participation, Mayor D'Angelo closed the public portion of the meeting.

Councilman Kaplan moved the approval of the February 26, 2008 Public Meeting Minutes and March 11, 2008 Public and Agenda Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

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

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

Councilman Venuto moved the acceptance of Timothy O'Neil and Jason Stukes as members of the Middlesex Fire Department seconded by Councilman Kaplan and carried by a unanimous vote of Council.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

