

Municipal Building
1200 Mountain Avenue

August 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
Council President:

Gerald D'Angelo
Robert Gorr
Ken DeVuyst
Bob Edwards
Sean Kaplan
Bob Schueler
Michael Venuto

Attorney: Edward Johnson - Absent

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 noted that there will be Fishing Derby in Victor Crowell Park on August 23rd. Chief Financial Officer, Andrea Corcoran reviewed Resolution #188-08 a resolution to amend the 2008 budget. The changes included the \$100,000 extraordinary aid from the State of New Jersey as well as a 2% reduction in current fund appropriations for each department.

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

Betty Platten, 4 Hooker Place asked for a more detailed explanation for Resolution #192-08 – Approval from the Governing Body to enter into a Memorandum of Agreement with the DEP for oversight environmental remediation on 900 South Avenue and Resolution #193-08 – Redeem Tax Sale Certificate for Block 102, Lot 21

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

The Borough Clerk read the following resolution:

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

Resolution #188-08
Resolution to Amend the Budget
(See Attached)

Councilman Schueler moved for adoption 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 Ordinance No. 1740-08 by title for introduction.

ORDINANCE NO. 1740-08

AN ORDINANCE AMENDING ORDINANCE NO. 794 ADOPTED ON MAY 23, 1978, ESTABLISHING CONTROLS AND REGULATIONS FOR THE REMOVAL OF SOIL, AND FOR EROSION AND SEDIMENT CONTROL PURPOSES BY PROVIDING FOR ALL PERMITS IN CONNECTION WITH THE ORDINANCE TO BE OBTAINED DIRECTLY FROM THE FREEHOLD SOIL CONSERVATION DISTRICT RATHER THAN FROM THE BOROUGH OF MIDDLESEX AND FOR REQUIRING ALL FEES, MAINTENANCE AND INSPECTION AND ENFORCEMENT OF THE ORDINANCE TO BE HANDLED BY THE FREEHOLD SOIL CONSERVATION DISTRICT RATHER THAN BY LOCAL OFFICIALS OF THE BOROUGH OF MIDDLESEX

Councilman Schueler moved for introduction 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 Ordinance No. 1741-08 by title for introduction.

ORDINANCE NO. 1741-08

AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

Councilman Schueler moved for introduction 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 Ordinance No. 1742-08 by title for introduction.

ORDINANCE NO. 1742-08

A LOAN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2008 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$550,000, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2008 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY

Councilman Schueler moved for introduction 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 Ordinance No. 1739-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1739-08

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX – CHAPTER 359, STREET AND SIDEWALKS, ARTICLE I EXCAVATION

Mayor D'Angelo opened the public hearing on Ordinance No. 1739-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1739-08.

Councilman Schueler moved for adoption 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(N)

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 are not desirous of removing any items from this 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.

Councilman Schueler moved for adoption seconded by Councilman DeVuyst 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 #189-08

“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 (\$4,052.25) 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 up as follows:

Infrastructure Principal & Interest	(\$4,052.25)
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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 #190-08

WHEREAS, the residents of Greenlawn Avenue, between George Street and Oak Drive wish to conduct a block party on August 23, 2008 between the hours of 12 p.m. and 7 p.m.; and

WHEREAS, all the designated officials have been given approval for this block party.

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 Governing Body hereby grants the residents of Greenlawn Avenue between George Street and Oak Drive permission to conduct a block party on August 23, 2008 between the hours of 12 p.m. and 7 p.m..
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 #191-08

WHEREAS, bids were received on July 30, 2008 for one (1) New 2008 Four Wheel Drive Parallel Lift Tool carrier Wheel Loader Backhoe; and

WHEREAS, there were three bids received:

Jesco, Inc. 118 St. Nicholas Avenue South Plainfield, NJ 07080	\$89,111.00 No exceptions
Trico Equipment Services LLC 551 No. Harding Highway Vineland, NJ 08360	\$81,933.00 29 exceptions
Foley, Inc. 855 Centennial Avenue Piscataway, NJ 08855	\$91,692.00 19 exceptions

(see attachment for explanation of exceptions)

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 Superintendent of Public Works, the Governing Body hereby awards the contract for the one (1) New 2008 Four Wheel Drive

Parallel Lift Tool Carrier Wheel Loader Backhoe to Jesco, Inc. in the amount of \$89,111.00.

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 \$89,111.00 are available in Account No. 04-1736-00-1736-72.

The Borough Clerk read the following resolution:

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

Resolution #192-08

WHEREAS, the Borough of Middlesex is interested in entering into a Memorandum of Agreement with the Department of Environmental Protection for oversight environmental remediation on Block 269, Lot 1 a/k/a 900 South Avenue., Middlesex, NJ.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate officials are authorized to file an application for a Memorandum of Agreement with the Department of Environmental Protection for oversight environmental remediation in connection with Block 269, Lot 1 a/k/a 900 South Avenue, Middlesex, NJ.

The Borough Clerk read the following resolution:

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

Resolution #193-08

The Tax Collector is hereby authorized to issue a check in the amount of \$271.65 to redeem tax sale certificate #2007-1688, Block 102, Lot 21, Lucia Street, check is to be made payable to:

Chun T. Li
9 Maljim Court
Wayne, NJ 07470

The Borough Clerk read the following resolution:

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

Resolution #194-08

WHEREAS, quotes were received to supply and install cable and all related connectivity for the existing municipal building; and

WHEREAS, the Purchasing Agent received a quote of \$21,328.60 for the installation of 84 cat6 cables, with 6 additional cables for fax/pots lines from Network Cabling Inc., P.O. Box 1092, Jackson, New Jersey. Network Cabling Inc.'s State Contract Number is A42299.

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

1. Network Cabling Inc., P.O. Box 1092, Jackson, New Jersey is hereby awarded the contract for the installation of 84 cat6 cables, with 6 additional cables for fax/pots lines under State Contract Number A42299 in the amount of \$21,328.60.
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 \$21,328.60 are available in Account No. 04-1687-00-1687-89.

The Borough Clerk read the following resolution:

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

Resolution #195-08

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 #196-08

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 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.

- Contract for New Phone/Data System

Personnel

- Constructional Official

Litigation

- Dobies v. Borough of Middlesex
Docket No. MID-L-783-08

Potential Litigation

- Galek v. Borough of Middlesex & Imparato

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 Schueler moved the approval of the June 24, 2008 Public and Agenda Meeting Minutes seconded by Council President Gorr and carried by a unanimous vote of Council.

Council President Gorr moved the approval of the July 8, 2008 Public and Agenda Meeting Minutes seconded by Councilman DeVuyst and carried by a unanimous vote of Council.

Councilman Schueler moved the approval of the May, 2008 and June, 2008 Municipal Court Report seconded by Council President Gorr and carried by a unanimous vote of Council.

Councilman Schueler moved the approval of the May, 2008 Police Department Report seconded by Council President Gorr 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 Council President Gorr and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

