

Municipal Building
1200 Mountain Avenue

September 9, 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
	Bob Edwards
	Sean Kaplan (absent)
	Bob Schueler
	Michael Venuto (absent)
Attorney:	Edward Johnson

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 meeting for any discussion regarding any of the items on the Agenda.

Ron Fasanello, 300 Beechwood Avenue expressed concern about what was being built across from his home because all of the trees were removed from the property. He was of the opinion that DEP permission was not obtained and permits were not obtained for this property.

Mayor D'Angelo stated that he believed Jeff Buccelato acquired the property four-five weeks ago. The mayor indicated that we do have a tree ordinance in town, which affects developers cutting down trees, however, it has been deemed unenforceable and it is presently being appealed. We also have a Shade Tree Commission that governs borough trees only, and the borough would be responsible for those trees. The Mayor indicated that this property was clear cut to the brook and many of the neighbors were happy that it was cleaned up. The Mayor went down to the property after the rain and said the property going back to the brook was in bad shape and one tree looked like it had fallen on its side on the bank of the brook and that was of concern to the Mayor. The Mayor was also concerned with the absence of the silt fencing. Mayor D'Angelo read to the council Construction Official Matt's Imparato's synopsis on this matter. Mr. Imparato indicated that Mr. Buccelato did not legally own the property until August 12, and he had inspected the property prior to the closing and Mr. Buccelato explained his intentions for the property. Mr. Imparato had walked the entire lot and saw the tree on the bank was where it was prior to Mr. Buccelato purchasing the property. Mr. Imparato indicated in his letter that when Mr. Buccelato cleared the area, he did not knock the tree down in the rear of the property. Matt Imparato again inspected on September 8 and asked Mr. Buccelato to put up a silt fence. The permits have been given to Mr. Buccelato, and the DEP will meet with Jeff Buccelato at the site on September 11.

Jeff Buccelato, 313 Beechwood Avenue stated that the dirt on the ground is virgin top soil, and he wanted to take the trees down because he intends to build a nice home to meet the area. Also, he stated that the trees were rat infested. Mr. Buccelato submitted his soil erosion permit today to the Construction Office, and has already received his demolition permit. When the house is demolished, he intends to obtain the building permit. He has been in town for 32 years and intends to build a nice 4000 square foot one family house. Mr. Buccelato apologized for the silt fence, but he believes he has a right to cut the trees. Mr. Buccelato will be meeting on Thursday at his property with the DEP.

Mayor D'Angelo closed the public portion of the meeting regarding discussion of any items on the agenda.

The Deputy Clerk read Ordinance No. 1740-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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

Mayor D'Angelo stated that he had second thoughts on this ordinance about obtaining the permits from the Freehold Soil Conservation District rather than in-house. He requested that council consider tabling this ordinance and going back to review it further.

Councilman Schueler moved to table Ordinance No. 1740-08 seconded by Councilman Edwards and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards Gorr, and Schueler. Nos.: None. Abstain: None.

The Deputy Clerk read Ordinance No. 1741-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1741-08

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

Mayor D'Angelo opened the public hearing on Ordinance No. 1741-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1741-08.

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

The Deputy Clerk read Ordinance No. 1742-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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 DeVuyst thought that there was still some justification needed from the Fire Department that this truck is unserviceable and has to be replaced. He has an undated memo from the Fire Department, but feels that given the reality of finances, he questions replacing these vehicles after 20 years. He has researched and found that we should be maintaining records which record maintenance activity, which he feels has not been done. Councilman DeVuyst feels that he was absent from the meeting when discussing purchasing the fire truck and was told that there was an agreement to research getting the truck and that they were going to put financing in place pending justification. Councilman DeVuyst questioned if the Mayor has received information that this truck has met the end of its life span.

The Mayor feels that the truck has been discussed for 9 months and several weeks ago we introduced the ordinance without any questions. The Mayor indicated that when discussing the capital budget items for 2007, we made it clear that it will be purchased in 2008. There has been plenty of time to do the research, and he question why you are asking questions at this point in time, as the Fire Chief has also been available at the meetings to answer questions.

Council President Gorr indicated that the Mayor asked the Fire Chief last week why the truck needs to be replaced. There was a meeting and the Fire Department did come in with specifications and then they were looking to find out what kind of financing was available to meet the needs of the public. They came to a decision at that time that the MCIA was the best with the lowest interest rate. At that meeting the Mayor asked the Fire Chief for more justification, but he

feels they need a more elaborate reason why the truck has to be replaced, so they can justify this to the taxpayers.

Mayor D'Angelo indicated that we need to make a decision tonite if they want to finance through the MCIA and have the money available for this truck. If the Borough does not access the money through the MCIA, we would need the \$25,000 for the CIF payment on the vehicle. If the Council would like further justification from the Fire Department, this ordinance can be adopted tonite and if you don't access the money, you would not be required to pay it back.

Mayor D'Angelo opened the public hearing on Ordinance No. 1742-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1742-08.

Councilman Edwards moved for adoption seconded by Councilman Schueler and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards, Gorr, and Schueler. 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 were no further public comments, Mayor D'Angelo closed the public portion of the meeting on the consent agenda.

The Deputy Clerk read the following resolution:

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

Consent Agenda 2007(O)

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.

Resolution #204-08 – Resolution #211-08

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

The Deputy Clerk read the following resolution:

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

Resolution #204-08

The Tax Collector is hereby authorized to refund an overpayment of 3rd quarter 2008 property taxes due to an overpayment by the finance/mortgage company on the following property:

Block/Lot	Name & Address	Amount
209/12	Petito, Nancy P. 21 Sycamore Road	\$67.44

The Deputy Clerk read the following resolution:

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

Resolution #205-08

The Borough Clerk hereby declares as surplus the following inventory:

1995	Ford Bronco –Serial No. WB10418A7XZC65222
1995	Volvo 31 Yard Packer – Serial No. 4V20CFMEISN694895

The Deputy Clerk read the following resolution:

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

Resolution #206-08

RESOLUTION SUPPORTING REDEVELOPMENT STUDY AT MIDDLESEX MUNICIPAL LANDFILL

WHEREAS, the Governing Body, in an ordinance adopted on June 1, 2005, authorized the redevelopment of the Borough of Middlesex Landfill site (Block 219 Lot 2) for recreational activities and open space and that the future use of said landfill would be restricted to such uses; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property.

WHEREAS, Middlesex Borough is applying from the Hazardous Discharge Site Fund for funding for the assessment and investigation of the Middlesex Municipal Landfill in order to determine the extent or the existence of any hazardous substance or hazardous waste.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex Borough, State of New Jersey, that the Borough of Middlesex is committed to the redevelopment of the Middlesex Municipal Landfill for the purpose of recreation/conservation and finds that a realistic opportunity exists for the redevelopment of the Middlesex Municipal Landfill within a three year period after the completion of the remediation of this site either through the planned redevelopment project or for recreation and conservation purposes.

The Deputy Clerk read the following resolution:

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

Resolution #207-08

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
309/22	Jack DeAngelis 643 Drake Ave	\$347.75	7760142465
300/39	Jack DeAngelis 12 Marlborough Ave	\$221.25	7760142450
300/39.01	Jack DeAngelis 509 Giles Ave	\$ 96.00	7760142482
300/39.02	Jack DeAngelis 12 Marlborough Ave	\$ 93.75	7760142483
	Checks to be mailed to: P.O. Box 8 Middlesex, NJ 08846		
209/45	Betty Volker 20 Sycamore Rd	\$750.00	7760142530

including interest to date of refund.

The Deputy Clerk read the following resolution:

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

Resolution #208-08

The Tax Collector is hereby authorized to issue a check in the amount of \$5,569.97 to redeem tax sale certificate #2008-1704, Block 266, Lot 2.C/C004A, 4A Hanover Square, check is to be made payable to:

Plymouth Park Tax Services, LLC
P.O. Box 2288
Morristown, NJ 07962-2288

The Deputy Clerk read the following resolution:

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

Resolution #209-08

At the request of the Police Chief, the governing body hereby accepts the resignation of Patricia Zaher as a School Crossing Guard and Police Matron and also the resignation of Jayne Campbell as a School Crossing Guard.

The Deputy Clerk read the following resolution:

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

Resolution #210-08

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 Deputy Clerk read the following resolution:

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

Resolution #211-08

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.

Personnel

- DPW Employee – Disciplinary Action

Potential Litigation

- Galek v. Borough of Middlesex & Imperato

Mayor D'Angelo reminded the public that there will be a 911 Memorial Service on September 11, 2008 at Victor Crowell Park at 7:30 p.m. In case of inclement weather, the service will be held in the High School Auditorium.

Mayor D'Angelo also extended condolences on behalf of the governing body to the family of the Borough Clerk, Kathleen Anello on the death of her father.

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

Chief Winters questioned if the borough could close the Recycling Center on October 11 for the Fire Department to hold an open house. Council agreed that this event could be held, but that the Recycling Center would remain open, and they both could coexist.

Debbie DeVuyst, 73 Ramsey Road thanked the Mayor for the information he gave her on the grants received by the borough. She questioned why we had applied for more extraordinary aid in the past and questioned if because we only applied for \$400,000 this year, is that why we only received \$100,000. Mayor D'Angelo explained the extraordinary aid for the last three years and his reasoning for applying for only \$400,000 this year which was less than what we applied for in previous years. He also explained to Ms. DeVuyst how the reduction in the Board of Education budget impacts our budget. Ms. DeVuyst also questioned why the shared service with Dunellen was not listed on the extraordinary aid application this year, and Mayor D'Angelo indicated that this application was submitted prior to the shared service discussion.

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

The Deputy Clerk proclaimed September, 2008 as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION

WHEREAS, the Borough of Middlesex is pleased to join Friends of Addiction Recovery-New Jersey, National Council on Alcoholism and Drug Dependence – New Jersey in observing September, 2008 as National Alcohol and Drug Addiction Recovery Month with this year's theme being Recovery Voices Count! Real People, Real Recovery; and

WHEREAS, addiction is a major public health challenge that can be treated and managed effectively; and

WHEREAS, barriers to accessing treatment and other recovery support services that can help heal the lives, families, and our community are a significant problem for our neighbors, friends, co-workers and families affected by addiction; and

WHEREAS, Middlesex Borough is committed to supporting individuals who are in recovery, family members, friends, allies and other supporters in overcoming the stigma of alcohol and drug addiction, and to honor and celebrate recovery; and

WHEREAS, individuals in long-term recovery from alcohol and drug addiction are a reality in Middlesex Borough, and recovery has changed the lives of thousands of New Jersey citizens and should be honored and celebrated; and

WHEREAS, the addiction recovery community will be celebrating and honoring recovery from addiction publicly at the Seventh Annual Rally for Recovery on Saturday, September 27, 2008 at Liberty State Park.

NOW, THEREFORE, I, Gerald D'Angelo, Mayor of Middlesex Borough do hereby proclaim September, 2008 as National Alcohol and Drug Addiction Recovery Month in Middlesex Borough and urge all residents to come out to this Recovery Celebration to show the power and strength of recovery from addiction in our borough.

Mayor D'Angelo moved the approval of the July 22, 2008 Public and Agenda Meeting Minutes seconded by Council President Gorr and carried by the following roll call votes: Ayes: Members DeVuyst and Gorr. Nos.: None. Abstain: Edwards and Schueler.

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

Councilman Schueler moved the approval of the July, 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,

Linda Chismar, RMC
Deputy Clerk

