

Municipal Building
1200 Mountain Avenue

October 14, 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
	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 meeting to the public for any comments.

Eugene Storch, 401 Fairview Avenue read about the purchase of a new fire truck and was furious about spending the money on this equipment. After hearing the Agenda Meeting, he stated that he agrees with this purchase, because he worked with Mack Truck and he understands the problems that the Fire Department has had with their vehicle. He also is in favor of keeping strict maintenance records for the new vehicle, as with proper records you can find the problem and solve it.

Mayor D'Angelo indicated that part of the problem we are having is that for years the fire department hasn't been held to any type of standard and this governing body is trying to justify the work. Because it has not been demanded in the past, it is hard to bring records forth. The governing body is sending a message that the records have to be kept up and have to be different whether a vehicle is purchased or refurbished. It is not only for the council justification, it is for the taxpayers ultimately and to be sure that records for a piece of equipment which cost \$500,000 are kept properly. The Mayor indicated that hopefully, the fire department will be keeping better records with the understanding that they will have to be accountable.

Chet Sadowski, Cedar Avenue questioned the tax bill and also mentioned that someone is blowing leaves in the street. He also stated that the asphalt around the 2 manholes on the corner of Cedar Avenue and Lincoln Boulevard is all chopped. Mayor D'Angelo will send the DPW Superintendent to look at the problem.

Gloria Rogers informed the Borough Clerk before she left the public meeting that she wanted it noted that she was in favor of the new fire truck.

Councilman Kaplan made a motion to remove Ordinance No. 1740-08 from the table seconded by Council President Gorr and carried by a unanimous vote of council.

The Borough 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 opened the public hearing on Ordinance No. 1740-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1740-08.

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

The Borough Clerk read Ordinance No. 1743-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1743-08

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX – CHAPTER 407, VEHICLES AND TRAFFIC, SECTION 18(A) FURTHER RESTRICTIONS

Mayor D'Angelo opened the public hearing on Ordinance No. 1743-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1743-08.

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

The Borough Clerk read Ordinance No. 1744-08 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1744-08

**AN ORDINANCE RESCINDING CHAPTER 334 OF THE CODE OF THE BOROUGH
OF MIDDLESEX ENTITLED SEX OFFENDER RESIDENCY RESTRICTION**

Mayor D'Angelo opened the public hearing on Ordinance No. 1744-08. Seeing that there was no public participation, Mayor D'Angelo closed the public hearing on Ordinance No. 1744-08.

Councilman DeVuyst moved for adoption seconded by Councilman Kaplan and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards Gorr, Kaplan 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 Borough Clerk read the following resolution:

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

Consent Agenda 2008(P)

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 #224-08 – Resolution #230-08

Councilman Kaplan moved for adoption seconded by Councilman Edwards and carried by the following roll call votes: Ayes: Members DeVuyst, Edwards, Gorr, Kaplan, and Schueler. 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 #224-08

The Chief Financial Officer is hereby authorized to cancel the following encumbrances for unused monies from Capital Ordinances in the total amount of \$34,010.77:

Date	PO #	Vendor Name	Amount	Ordinance #
3/10/05	34811	T&M Associates	\$ 2,197.00	#1410 – Roads
5/25/06	37725	T&M Associates	\$ 1,646.00	#1472 – Roads
8/31/04	33587	MJ Hoag	\$ 265.52	#1474 – VC Park

11/23/99	810	Sadat	\$ 3,038.30	#1476 – Landfill
10/17/03	31545	Sadat	\$ 19.68	#1476 – Landfill
5/27/04	32923	Sadat	\$ 1,623.84	#1476 – Landfill
7/13/05	35653	Sadat	\$ 19.26	#1476 – Landfill
7/17/06	38100	Sadat	\$ 399.10	#1476 – Landfill
12/15/06	39128	Sadat	\$ 8,379.69	#1476 – Landfill
6/14/07	40301	T&M Associates	\$ 23.54	#1476 – Landfill
6/3/05	35390	T&M Associates	\$ 11.42	#1524 – VC Park
7/1/04	33149	IOD	\$ 1,000.00	#1544 – Imprv.Bldgs
10/5/04	33849	Country View	\$ 350.00	#1544 – Imprv.Bldgs
12/6/04	34246	MJ Hoag	\$ 3,465.08	#1545 – VC Park
7/18/05	35668	Campbell	\$ 486.00	#1562 – Various
7/13/05	35655	T&M Associates	\$ 1,071.66	#1571 – Bikeway
9/16/03	31334	Communications	\$ 688.00	#1582 – Various
9/24/04	33789	Thomas Steph	\$ 800.00	#1582 – Various
9/24/04	33793	Ram Termite	\$ 250.00	#1582 – Various
8/15/05	35898	T&M Associates	\$ 1,000.00	#1582 – Various
2/10/05	34622	T&M Associates	\$ 1,247.50	#1582 – Various
8/19/05	35948	Stavola	\$ 68.40	#1582 – Various
2/10/05	34624	T&M Associates	\$ 14.97	#1609 – South
6/29/05	35586	T&M Associates	\$ 598.05	#1623 – Rt28
6/15/05	35489	T&M Associates	\$ 1,232.84	#1643 – Various
6/15/05	35491	T&M Associates	\$ 2,695.17	#1643 – Various
5/11/06	37638	T&M Associates	\$ 1,419.75	#1643 – Various

The Borough Clerk read the following resolution:

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

Resolution #225-08

The Chief Financial Officer is hereby authorized to cancel the 5% freeze on the Fire Department budget for 2008 in the amount of \$5,536.85.

The Borough Clerk read the following resolution:

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

Resolution #226-08

WHEREAS, Jeffrey Buccellato was issued a street opening permit on 9/12/07; 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 643 Voorhees 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. 2007-004.

The Borough Clerk read the following resolution:

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

Resolution #227-08

WHEREAS, E thru Z Equities LLC was issued a street opening permit on 11/29/07; and

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

WHEREAS, said roadway at 661 Harris Avenue, Block 308, Lot 31, 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 Satellite Builders LLC, 192 Rt. 22 West, Suite 1R, Greenbrook, NJ 08812, for refund of Street Opening Permit No. 2007-007.

The Borough Clerk read the following resolution:

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

Resolution #228-08

WHEREAS, the Mayor and Council desires to enter into a Soil Erosion and Sediment Control Program with the Freehold Soil Conservation District; and

WHEREAS, the Mayor is required to execute this Agreement immediately following the adoption of the Ordinance which establishes the responsibilities of the District and the Municipality to implement the State approved soil erosion and sediment control ordinance of the Borough in accordance with the Soil Erosion and Sediment Control Act, NJSA 4:24-39 et seq. and the Standards and Rules promulgated pursuant to the Act.

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 Agreement in order to enter into a Soil Erosion and Sediment Control Program with the Freehold Soil Conservation District.
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 #229-08

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 #230-08

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.

Potential Litigation

- Galek v. Borough of Middlesex & Imparato
- Dobies v. Borough of Middlesex

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.

Council President Gorr moved to table the approval of the August 12, 2008 Public Meeting Minutes, September 2, 2008 Special & Agenda Meeting Minutes and the September 9, 2008 Public Meeting Minutes until the October 28, 2008 Public Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

Council President Gorr reported on the Hazardous Materials Billback & Cost Recovery Fee Report stating that the County Health Department has a fee schedule for incidents in the borough to be covered by Middlesex County Health Department for the recovery of costs in case the hazardous material unit gets called out. The fee schedule associated with that was passed by resolution by the County Freeholders and this addresses the police cars, fire department vehicles, ambulances, light trucks, heavy rescue vehicles and even some personnel. Effective March, 2007 there is a recovery form that the local OEM has to complete which enables the municipality to recoup funds if there is an incident. One person is responsible to report to the County Health Department to recover the costs and monitor the reimbursement. Council President Gorr will follow up with Jack Costa (OEM) to be sure that an individual is designated to monitor this reporting.

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

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

Mayor D'Angelo moved the appointment of Michael Conahan to the Planning Board seconded by Councilman Kaplan and carried by a unanimous vote of Council.

Mayor D'Angelo informed Council that the dedication of the Special Needs Playground scheduled for October 15, 1008 has been canceled and he will notify Council when it has been rescheduled.

Mayor D'Angelo recessed the meeting to go into Executive Session, seconded by Councilman Schueler 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