

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 26, 2010**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 5, 2010 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor Robert Sherr
Council President: Debbie DeVuyst
Michael Class
Michael DiMura
Jeffrey First
Michael Paff
Robert Schueler

Attorney: Mike Cresitello

Councilman First moved the approval of the January 3, 2010 Reorganization Meeting Minutes seconded by Council President DeVuyst and carried by a unanimous of vote of Council.

COMMUNICATIONS/APPOINTMENTS

Councilman Schueler moved the approval of the Lincoln Day Pilgrimage seconded by Councilman DiMura and carried by a unanimous vote of Council.

Mayor Sherr appointed Robert May to the Recreation Commission to replace Ron DiMura for a term which expires 12/31/12.

Mayor Sherr removed Bob Gorr from the Municipal Budget Review Committee.

Mayor Sherr appointed Michael Mastroserio to the Municipal Budget Review Committee for a term which expires 12/31/10.

Mayor Sherr appointed Councilman First as the liaison to the Safety Committee for the Garden State Municipal Joint Insurance Fund.

Mayor Sherr appointed Councilman Paff as the liaison to the Economic Revitalization Committee.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – None Reported

2. Recreation/Recreation Fields/Water & Light – None Reported
3. Fire/OEM/Board of Health/Rescue Squad – None Reported
4. Public Works/Parks/Sanitation/Recycling – None Reported
5. Police/Legal/Code Enforcement/Municipal Court – Councilman Paff moved to accept the December, 2009 Police Department Monthly Report seconded by Councilman Class and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – None Reported

REPORTS – OTHER:

1. Engineer – None
2. Attorney - Lease Agreement – 138 Bound Brook Road – Attorney Cresitello discussed the Lease Agreement for the old “Uncle Miltie’s” property. This lease is now up for renewal, as the prior lease was from 2000. Mr. Cresitello has some concerns about the lease because he understands from the attorney for the tenant that they are in arrears with their rent. The attorney recommended that we not speak on this lease until we get paid our rent, at which time we will renegotiate the terms of the lease. This municipal property is located on the side and back of the lot which was once “Uncle Miltie’s” property. Attorney Cresitello will report back on this matter at the February 2, 2010 Agenda Meeting.
3. Administrator - None

UNFINISHED BUSINESS: – None

NEW BUSINESS:

Mayor Sherr Ordinance No. 1755-10 by title for introduction.

ORDINANCE NO. 1755-10

**AN ORDINANCE AMENDING THE CODE OF MIDDLESEX BOROUGH,
CHAPTER 367-3, MUNICIPAL SWIMMING POOL, SCHEDULE OF FEES,
SECTION 367-3A(1), 367-3A(2), 367-3A(4), 367-3A(5), 367-3A(7)(a),
367-3A(7)(b) AND 367-3A(7)(c) TO REFLECT AN INCREASE IN
MEMBERSHIP FEES AND GUEST CHARGES**

Councilman Schueler moved for introduction seconded by Councilman Class and carried by the following roll call votes: Ayes: Members Class, DeVuyst, DiMura, First, Paff and Schueler. Nos.: None. Abstain: None.

Mayor Sherr read the following resolution:

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

Consent Agenda 2010(C)

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 resolutions 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 #38-10
Resolution 43-10 - Resolution #50-10

Councilman Class made a motion for approval, seconded by Council President DeVuyst and carried by the following roll call vote: Ayes: Members Class, DeVuyst, DiMura, First, Paff and Schueler. Nos.: None. Abstain: None.

Mayor Sherr read the following resolution:

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

Resolution #38-10

The Tax Collector is hereby authorized to amend and/or cancel 2009 Sanitary Sewer Use Charges on the following properties. This is due to an error in the calculations received from New Jersey American Water:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
131/2	Veolia 125 Factory Lane	\$56,078.75 from \$92,618.24
144/21	John C Murphy 400 E St	\$1,197.99 cancel
179/4	Moorehouse Kapusta 570 Union Ave #B	\$ 466.67 from \$3,272.06
204/1	Middlesex Village Marlborough Avenue	\$33,161.07 from 44,971.02

Councilman Class made a motion to table Resolution #38-10, seconded by Council President DeVuyst and carried by the following roll call vote: Ayes: Members Class, DiMura, DeVuyst, First, Paff, and Schueler. Nos.: None. Abstain: None.

Mayor Sherr read the following resolution:

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

Resolution #43-10

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2008 Audit, according to the Local Finance Board Directive 92-15.

Mayor Sherr read the following resolution:

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

Resolution #44-10

**A RESOLUTION APPOINTING
FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER
FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, Middlesex Borough is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for Middlesex Borough to have representation on the Board of Commissioners for Fund year January 1, 2010 to December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED on this 26th day of January, 2010 by the Borough Council of Middlesex Borough, County of Middlesex, State of New Jersey that:

1. Andrea Corcoran is hereby appointed as Fund Commissioner representing Middlesex Borough on the Garden State Municipal Joint Insurance Fund Board of Commissioners.
2. Kathleen Anello is hereby appointed as Alternate Fund Commissioner representing Middlesex Borough on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

Mayor Sherr read the following resolution:

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

Resolution #45-10

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 #
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246/1.01	New Evergreen Development Lincoln Blvd	\$116.75	7760142420
246/1.01	New Evergreen Development Lincoln Blvd	\$1633.77	7760142484

Mail check to: 180 Market St
Kenilworth, NJ 07033

including interest to date of refund.

Mayor Sherr read the following resolution:

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

Resolution #46-10

WHEREAS, the State of New Jersey, Division of Local Government Services, requires an annual resolution by Municipalities, that raise school taxes on a school year basis, and have a deferred portion of that levy at the beginning and end of a calendar year, and

WHEREAS, in a Municipality whose deferred school taxes increase from year to year, that Municipality is to set forth the reasons and facts for the increases; and

WHEREAS, the Deferred School Taxes, for the Borough of Middlesex Board of Education has increased from January 1, 2009 to December 31, 2009 by \$203,582.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the reasons for this increase is the levy for the school year July 1, 2009 to June 30, 2010 has increased by \$411,235.00 from the previous school year levy, and

BE IT FURTHER RESOLVED that the increase in the deferred school tax amount from January 1, 2010 to December 31, 2010 is beneficial to the financial position of the Borough for 2009; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services, the Borough's Chief Finance Officer and the Borough Auditor.

Mayor Sherr read the following resolution:

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

Resolution #47-10

Authorizing the Treasurer to refund the \$100.00 deposit to American Concrete & Masonry Co., 550 Hollywood Avenue, South Plainfield, New Jersey for a Christmas Tree Permit. The property where the sale was held has been inspected by our Code Enforcer and has been properly cleaned to meet the license requirements.

Mayor Sherr read the following resolution:

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

Resolution #48-10

WHEREAS, bids were advertised on November 30, 2009 for Middlesex Presbyterian Church Subslab Depressurization System; and

WHEREAS, one bid listed below was received:

RAdata, Inc.	\$26,800
27 Ironia Road	
Flanders, NJ 07836	

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 Sadat Associates, Inc., the Governing Body hereby awards the contract for the Middlesex Presbyterian Church Subslab Depressurization System to RAdata, Inc. in the amount of \$26,800.
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 \$26,800 are available in Account No. 04-1476-00-1476-60.

Mayor Sherr read the following resolution:

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

Resolution #49-10

WHEREAS, the contract for the Sanitary Sewer Rehabilitation Phase II Contract C for the Bound Brook Road Pumping Station Upgrades was awarded to DeMaio Electric on May 12, 2009 in the amount of \$176,400; and

WHEREAS, this contract included a \$30,000 "Miscellaneous Work Allowance" which was intended to address any additional or unforeseen work that may arise; and

WHEREAS, Change Order #1, in the amount of \$36,619.22 includes: Replacement of Suction Piping (\$17,102.74), Replacement Comminutor (\$17,489.27) and Main Circuit Breaker Improvements (\$2,027.21); and which increases the amount of the contract by \$6,619.22; and

WHEREAS, Change Order #2, in the amount of \$7,626.34 includes the new fence and posts; and which increases the amount of the contract by a total of \$14,245.56.

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.

Original Contract Sum: \$176,400.00

Change Order #1 6,619.22

Change Order #2 7,626.34

NEW CONTRACT SUM: \$190,645.56

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that \$14,245.56 is available in Account No. 04-1611-00-1611-60.

Mayor Sherr read the following resolution:

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

Resolution #50-10

RESOLUTION SUPPORTING REDEVELOPMENT STUDY AT THE MIDDLESEX MUNICIPAL LANDFILL

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Governing Body has authorized the Planning Board to undertake a preliminary investigation to determine whether a portion of the Middlesex Municipal Landfill, including Block 219, Lot 2, Mountain Avenue (the "Property") is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; 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; and

WHEREAS, the Borough of Middlesex 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; and

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

- (1) 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

- (2) The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Hazardous Discharge Site Remediation Fund Grant Application
- (3) This resolution shall take effect immediately.

NON-CONSENT AGENDA/RESOLUTIONS:

Mayor Sherr read the following resolution:

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

Resolution #51-10

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.

Councilman Class made a motion for approval, seconded by Councilman First and carried by the following roll call vote: Ayes: Members Class, DeVuyst, DiMura, First, Paff, and Schueler. Nos.: None. Abstain: None.

Mayor Sherr read the following resolution:

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

Resolution #52-10

Resolution – Budget transfers for the reserve budget of 2009 to cover cost for 2009 Audit and 2009 Un-audited Financials:

ACCOUNT NAME:	TO:	FROM:
Auditing	\$ 47,950.00	
Police S/W		\$12,000.00
Solid Waste S/W		\$ 6,000.00
Garbage S/W		\$16,000.00
Parks S/W		\$ 8,000.00
Municipal Court S/W		\$ 5,950.00

Councilman Schueler made a motion for approval, seconded by Council President DeVuyst and carried by the following roll call vote: Ayes: Members Class, DeVuyst, DiMura, First, Paff, and Schueler. Nos.: None. Abstain: None.

PUBLIC PORTION

Mayor Sherr opened the public portion of the meeting.

Jeff D'Ambrosia, 317 First Street commented concerning 138 Bound Brook Road and questioned if we have the records to prove all the arrearages on this property. He also questioned if other properties fall under the same situation. Attorney Cresitello will be checking into matter and all of the other properties that are leased from the borough.

Frank Ryan, 303 Maple Street spoke regarding the two properties across from Raritan Avenue on Route 28. He questioned the car that was "for sale" at the Tarot Card Reader's property. He also questioned the lot at 165 Union Avenue, as in the past he was told that this was a garden center. He stated that this lot that he was told was a garden center has heavy equipment and debris all around. Mr. Ryan requested that the Mayor check to see what this property was classified as and if dump trucks and trailers are allowed on the lot.

Mr. Ryan read in the newspaper that two Middlesex County parks were given up to \$8,000,000 in grant money to be renovated and requested that the borough petition for more money to work on our parks.

Seeing that there was no public participation, Mayor Sherr closed the public portion of the meeting.

ADJOURNMENT

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

Respectfully submitted,

Linda Chismar, RMC
Deputy Clerk