

Municipal Building  
1200 Mountain Avenue

December 8, 2009

A regular meeting of the Mayor and Council was held at the above place on the above date commencing at 7:00 p.m.

Mayor  
Council President: Robert Sherr  
Bob Schueler  
Michael Class  
Debra DeVuyst  
Bob Gorr

Attorney: Edward Johnson (late)

---

Mayor Sherr opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of December 31, 2008.

---

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

Seeing that there were no public comments, Mayor Sherr closed the public portion of the meeting on the consent agenda.

---

Mayor Sherr read the following resolution:

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

**Consent Agenda 2009(R)**

**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 desirous of removing Resolution #250-09 and Resolution #253-09 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 #240-09 – Resolution #249-09  
Resolution #251-09 – Resolution #252-09

Councilman Class made a motion for approval, seconded by Councilwoman DeVuyst and carried by the following roll call vote: Ayes: Members Class, DeVuyst, Gorr 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 #240-09**

**WHEREAS**, a contract was awarded to DeFino Contracting on September 23, 2008 for the Greenbrook Road Resurfacing in the amount of \$312,125.00; and

**WHEREAS**, Change Order No. 1 consists of a reduction of \$15,000.00 for as-built quantities and also includes an addition of \$13,905 for Driveway As-built Amounts, Police Traffic Directors, Police Administration Fee and Traffic Markings, and Self-Adhering Pavement Membrane, which brings the new contract sum to a total of \$311,030.00; and

**WHEREAS**, Change Order No. 2 includes a reduction of \$63,021.60 for as-built quantities and brings the new contract sum to a total of \$248,008.40.

**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:	\$312,125.00
Change Order #1	\$( 1,095.00)
Change Order #2	\$( 63,021.60)
<b>NEW CONTRACT SUM:</b>	<b>\$248,008.40</b>

**NOW FURTHER BE IT RESOLVED**, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-1643-00-1643-84 and 04-1736-00-1736-84.

---

Mayor Sherr read the following resolution:

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

**Resolution #241-09**

At the recommendation of the Police Chief, the governing body hereby declares the 2001 Mitsubishi Galant, 4 dr., Vin No. 4A3AA 46G81 E1915 19 surplus.

---

Mayor Sherr read the following resolution:

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

**Resolution #242-09**

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, N.J. HEALTH BENEFITS PLANS**

**WHEREAS**, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

**WHEREAS**, certain retired employees of the Borough have applied for reimbursement.

**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 checks, charged against Insurance (1) Group Insurance for Employees for \$578.40 from the period July through December, 2009, as follows:

Robert H. Agans  
16 Marlborough Avenue  
Middlesex, NJ 08846

Archie J. Blood, Jr.  
54 Lincoln Avenue  
Barnegat, NJ 08005

Anthony DiBartolomio  
4714 Southern Trail  
Myrtle Beach, SC 29579

Angeline DiBartolomio  
4714 Southern Trail  
Myrtle Beach, SC 29579

Earl S. Thompson  
6525 41 Avenue North  
St. Petersburg, FL 33709-4907

Robert Heisch  
150 Harris Avenue  
Middlesex, NJ 08846

Hellal Hanania  
448 Runyon Avenue  
Middlesex, NJ 08846

Margaret Hanania  
448 Runyon Avenue  
Middlesex, NJ 08846

Charlie Nash  
213 Melrose Avenue  
Middlesex, NJ 08846

Diane Nash  
213 Melrose Avenue  
Middlesex, NJ 08846

Lorraine Smith  
5602 Gold Ct.  
New Bern, NC 28560-9747

John Giuliano  
339 Second Street  
Middlesex, NJ 08846

Jerome Nowak  
6544 North Kennedy Avenue  
Fresno, CA 93710

Arthur Roberts  
305 Harris Avenue  
Middlesex, NJ 08846

---

Mayor Sherr read the following resolution:

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

**Resolution #243-09**

The Tax Collector is hereby authorized to cancel added/omitted assessment taxes for 4<sup>th</sup> quarter 2009 in the amount of \$2567.73 on Block 86.D, Lot 7, 12 Shearn Drive. This cancellation is per the recommendation of the Tax Assessor.

---

Mayor Sherr read the following resolution:

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

**Resolution #244-09**

The Tax Collector is hereby authorized to refund 3<sup>rd</sup> quarter 2009 property taxes in the amount of \$1,237.27 and to cancel 4<sup>th</sup> quarter 2009 property taxes in the amount of \$1,225.41 and 1<sup>st</sup>/2<sup>nd</sup> quarter 2010 property taxes in the amount of \$2,388.22 on Block 70.H, Lot 9. The homeowner has been certified as 100% totally disabled during wartime service by the Department of Veteran Affairs.

---

Mayor Sherr read the following resolution:

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

**Resolution #245-09**

The Tax Collector is hereby authorized to refund an overpayment of 4<sup>th</sup> quarter 2009 property taxes due to an overpayment by the finance/mortgage company on the following properties:

<b>BLOCK/LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
1/4	Hughes, William B Jr & Patricia M 18 Rolling Rd	\$ 18.61
78/8	Gilroy, Sherry Z 29 Louis Ave	\$ 14.14
86/15	Hansen, Robert Louis & Tina Marie 15 Princeton Dr	\$ 22.60
140/7	Imbriaco Jr, Robert A & Antanina 419 D St	\$ 11.79
207/21	Coyle, William M & Susan L.B. 545 Edgeworth St	\$ 14.93
283/43	Gibson, Gloria Jean 720 Pershing Ave	\$ 18.74

---

Mayor Sherr read the following resolution:

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

**Resolution #246-09**

The Tax Collector is hereby authorized to refund 4<sup>th</sup> quarter 2009 property taxes on the following properties. The finance/mortgage company overpaid.

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
167/23	Perko, Edward & Carol Lee 7 Daisy Place	\$2,538.21
22/3.14	Ruivo, Helder & Maria 523 Grandview Street	\$2,279.74

Make check payable to and mail to: First American Tax Outsourcing  
1 First American Way  
Westlake, TX 76262

---

Mayor Sherr read the following resolution:

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

**Resolution #247-09**

Resolution – Budget transfers for the current budget of 2009:

<b>ACCOUNT NAME:</b>	<b>TO:</b>	<b>FROM:</b>
Police O/E	17,000.00	
Police S/W		17,000.00

---

Mayor Sherr read the following resolution:

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

**Resolution #248-09**

The Middlesex Swim Pool Commission would like to leave \$3,001.00 in the Snack Bar Account for the 2010 swim pool season.

---

Mayor Sherr read the following resolution:

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

**Resolution #249-09**

Resolution – Budget transfers for the current budget of 2009:

ACCOUNT NAME:	TO:	FROM:
Construction S/W	\$ 500.00	
Electricity O/E	\$31,500.00	
Street Lighting	\$11,000.00	
Construction O/E		\$ 500.00
Insurance Group		\$ 6,500.00
Solid Waste S/W		\$ 5,000.00
Diesel O/E		\$10,000.00
Gasoline O/E		\$10,000.00
Legal Services O/E		\$11,000.00

---

Mayor Sherr read the following resolution:

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

**Resolution #251-09**

**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.

**EXECUTIVE SESSION**

Negotiations

- White Collar Negotiation
- PBA

Personnel

- Administrative Salaries

---

Mayor Sherr read the following resolution:

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

**Resolution #252-09**

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.

---

Mayor Sherr read the following resolution:

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

**Resolution #250-09**

The Treasurer is hereby authorized to pay Piscataway Township 50% of the charges for the Sanitary Sewer billings for the year 2009 in the amount of \$99,242.18, per the following itemization:

Quarter	Total Billing	50% Amount
1 <sup>st</sup> 2009	\$61,695.05	\$30,847.53
2 <sup>nd</sup> 2009	\$47,719.11	\$23,859.56
3 <sup>rd</sup> 2009	\$45,638.78	\$22,819.39
4 <sup>th</sup> 2009	\$43,431.39	\$21,715.70

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

---

Mayor Sherr read the following resolution:

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

**Resolution #253-09**

The governing body hereby rejects all RFP's that were received on December 2, 2009 at 2 P.M. for the Zoning/Planning Board Attorney, Zoning/Planning Board Engineer and Zoning Board Professional Planner as they would like to substantially revise the specifications for the goods and services.

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

---

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

---

Mayor Sherr read the resignation letter dated December 3, 2009 from Councilman Bob Edwards to Borough Clerk Kathleen Anello which stated the following:

“As a result of a recent procurement of employment which has taken me out of state, I find it difficult to meet the requirements to continue in office. Therefore, consider this as my resignation from the position of Councilman.

It has been an honor to serve the residents of Middlesex.”

Councilman Class moved to accept the resignation of Councilman Edwards seconded by Councilwoman DeVuyst and carried by a unanimous vote of Council.

Councilman Gorr moved to table the approval of the August 11, 2009 Regular Meeting Minutes, and the 2009 Closed Session Meeting Minutes seconded by Councilman Class and carried by a unanimous vote of Council.

Councilman Schueler moved the approval of the October 20, 2009 Agenda Meeting Minutes, October 27, 2009 Regular Meeting Minutes, and the November 10, 2009 Regular Meeting Minutes seconded by Councilman Class and carried by a unanimous vote of Council.

Councilman Gorr moved the approval of the November, 2009 Treasurer's Report seconded by Councilman Class and carried by a unanimous vote of Council.

Mayor Sherr stated that “two weeks ago an incident in town took place, and I want to commend the action of Chief Benson and the Police Department, the Fire Department, OEM, Rescue Squad, the County and the FBI for their interaction at that incident. They did a great job in protecting the public safety of our community.”

---

There being no further business to discuss, Mayor Sherr recessed the meeting to closed session seconded by Councilman Class and carried by unanimous vote of Council.

Mayor Sherr reconvened the Public Meeting, and before adjourning the following items were mentioned:

1. J.H. Reid's Public Hearing will take place on December 15<sup>th</sup> at 6 p.m. in the Middlesex County Freeholder chambers.
2. The December 15<sup>th</sup> Agenda Meeting time will be changed from 7 p.m. to 8 p.m. to ensure that a quorum will be present.
3. Tree lighting will take place on Saturday, December 12 at 6 p.m..

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

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk