

**BOROUGH OF MIDDLESEX
PUBLIC MEETING
AGENDA**

APRIL 27, 2010

1. **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 annual notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

2. **SALUTE TO FLAG.**

3. **ROLL CALL:**

Class [] DiMura [] DeVuyst [] First [] Paff [] Schueler []
Mayor Sherr []

4. Resolution #119-10 Authorizing the Governing Body to go into Closed Session to discuss certain matters which are exempted from the Public
 1. Memorandum of Agreement – DPW
 2. White Collar Union Contract
 3. Memorandum of Agreement – Chief Benson
 4. Police Negotiations

5. **PROCLAMATIONS:**
April 30, 2010 – Arbor Day

6. **PUBLIC HEARINGS**

ORDINANCE NO. 1759-10 (second reading/adoption)
AN ORDINANCE REGARDING THE 2010 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A:4-45.14.

Motion to adopt Ordinance No. 1759-10, second, discussion, roll call

ORDINANCE NO. 1760-10 (second reading/adoption)
AN ORDINANCE RESCINDING CHAPTER 224 OF THE CODE OF THE BOROUGH OF MIDDLESEX ENTITLED 'FLOOD DAMAGE PREVENTION' AND REPLACING IT WITH THE REVISED FLOOD DAMAGE PREVENTION ORDINANCE

Motion to adopt Ordinance No. 1760-10, second, discussion, roll call

7. **ADOPTION OF MINUTES:**

1. April 13, 2010 Public & Agenda Meeting Minutes

8. **PRESENTATIONS:**

9. COMMUNICATIONS/APPOINTMENTS

1. Victor Crowell Park Committee

10. REPORTS - STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
2. Recreation/Recreation Fields/Water & Light
 1. Recreation Fee Schedule
3. Fire/OEM/Board of Health/Rescue Squad
 1. Fire Department Request - Carnival
4. Public Works/Parks/Sanitation/Recycling
 1. Interlocal Agreement – Curbside Recycling
 2. Approval of the March, 2010 DPW Report
5. Police/Legal/Code Enforcement/Municipal Court
 1. Approval of the March, 2010 Police Department Report
 2. Helicopter Landing – Reflective paint/wind sock
 3. 2010 County Tax Board Appeals/2010 Tax Court Appeals
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds

11. REPORTS – OTHER:

1. Attorney
 - (a) 138 Bound Brook Road
 - (b) Negotiation of Piscataway Sewer Charges
 - (c) Landlord Registration Ordinance
 - (d) Rent Control
 - (e) Middlesex Borough Sewer User Charges

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group.

12. COMMENTS ON AGENDA ITEMS

13. NEW BUSINESS:

**ORDINANCE NO. 1761-10 (Ordinance for introduction)
AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF
VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE
THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND
OTHER PUBLIC WAYS IN THE BOROUGH OF MIDDLESEX, MIDDLESEX**

**COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND
OTHER COMMUNICATION FACILITIES AND PRESCRIBING THE
CONDITIONS THEREOF.**

EXPLANATION: This ordinance gives approval for Verizon New Jersey Inc. and its successors and assigns the use of the various public streets, roads, avenues, highways and other public ways in the borough for its local and through lines and other communication facilities.

14. CONSENT AGENDA/RESOLUTIONS: Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. Resolution #99-10 Resolution from Sprint Nextel requesting consent to permit any of the tenant's affiliates to participate in the use of the site through the issuance of a sublease or sublicense agreement.
2. Resolution #100-10 Resolution from T-Mobile requesting approval to sublease the premises to Clear Wireless LLC.
3. Resolution #105-10 Resolution accepting the retirement of Captain Kevin Reilly from the Police Department effective May 1, 2010.
4. Resolution #106-10 Resolution refunding escrow monies to close the escrow account for Block 125, Lot 3.
5. Resolution #107-10 Resolution refunding Street Opening Permit No. 2008-001.
6. Resolution #108-10 Resolution hiring Playground Counselors for the Summer Playground Program.
7. Resolution #109-10 Resolution refunding Street Opening Permit No. 2009-006.
8. Resolution #110-10 Resolution accepting the resignation of Laurie Orth from the Clerk's Office effective April 26, 2010.
9. Resolution #111-10 Resolution accepting the retirement of Cindy Chomen from the Police Department effective July 1, 2010.
10. Resolution #112-10 Resolution appointing GR Murray Insurance Agency as the "Risk Management Consultant" for the Borough of Middlesex

11. Resolution #113-10 Resolution Approving a Block Party for June 26, 2010 from 11am to 11pm on Edwards Avenue, between Stella Place and Whitney Drive.
 12. Resolution #114-10 Resolution Approving a Block Party for May 30, 2010 from 1pm to 10pm on Osceola Avenue, between Fairview Avenue and Clinton Avenue.
 13. Resolution #115-10 Authorizing the Mayor and Borough Clerk to execute the Memorandum of Agreement with the Local 255, United Service Workers, IUJAT (Public Works Employees Contract)
 14. Resolution #116-10 Authorizing the Mayor and Borough Clerk to execute the White Collar Employees Contract with the Local 255, United Service Workers of America, AFL-CIO, CLC effective January 1, 2010 – December 31, 2011.
 15. Resolution #117-10 Resolution accepting the resignation of John Kapp as Zoning Official.
- 15. NON-CONSENT AGENDA/RESOLUTIONS:** Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.
1. Resolution #118-10 Pay all Claims
- 16. DISCUSSION ON AGENDA WORKSHOP ITEMS**
- a. Landfill HDRS Meeting at the NJDEP
 - b. Kennel License - Camp Bow Wow
 - c. Newfields/Factory Lane – Raising the flow limit
 - d. Tattoo License Fee
 - e. Site Access at the Library for Cablevision
 - f. Defeated School Board Budget
 - g. Notice – Touch-A-Truck Event rescheduled for May 16, 2010
- 17. PRIVILEGE OF THE FLOOR**
- 18. EXECUTIVE SESSION**
1. Planning & Zoning Board Clerk
 2. Whalen vs. Borough of Middlesex
 3. Jim Rinker – Fire Official
 4. Update on restructuring/Personnel (Part time, Police, Administration)
 5. Notice – PERC Grievance Hearing – July 26, 2010
- 19. ADJOURNMENT.** The next meeting will be on May 11, 2010

