

Municipal Building
1200 Mountain Avenue

January 27, 2004

A public meeting of the Mayor and Council was held at the above place on the above date commencing at 8:00 p.m.

Mayor	Ronald S. Dobies
Council President	Michael Hompesch
	Giancarlo Colitti
	Jerry D’Angelo
	Josephine Liana
	Garrett Mulcahy
	Laura Thomasey

Attorney:	George Hendricks
Administrator:	Joseph Manning

Mayor Dobies opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of January 6, 2004.

The Borough Clerk read the following resolution:

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

Resolution #49-04

TEMPORARY CAPITAL BUDGET RESOLUTION

WHEREAS, the local capital budget has not been adopted for the year 2004; and

WHEREAS, it is desired to file a temporary capital budget for the year 2004 prior to adoption of the capital budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the temporary capital budget be amended for the installation of new sidewalks, crosswalks and pedestrian signs at various locations for the estimated total cost of \$307,000, with the amount of \$304,000 debt authorized.

Council President Hompesch moved for adoption seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. 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 #50-04

TEMPORARY CAPITAL BUDGET RESOLUTION

WHEREAS, the local capital budget has not been adopted for the year 2004; and

WHEREAS, it is desired to file a temporary capital budget for the year 2004 prior to adoption of the capital budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the temporary capital budget be amended for improvement and/or development of soccer fields for the estimated total cost of \$272,000, with the amount of \$270,000 debt authorized.

Council President Hompesch moved for adoption seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1594-04 by title for introduction.

ORDINANCE NO. 1594-04

AN ORDINANCE ENTITLED “AN ORDINANCE TO AMEND ORDINANCE NO. 1455-99 – THE SWIM POOL ORDINANCE OF THE BOROUGH OF MIDDLESEX

Council President Hompesch moved for introduction of Ordinance No. 1594-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1599-04 by title for introduction.

ORDINANCE NO. 1599-04

BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF NEW SIDEWALKS, CROSSWALKS AND PEDESTRIAN SIGNS AT VARIOUS LOCATIONS IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING \$307,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$304,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President Hompesch moved for introduction of Ordinance No. 1599-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1600-04 by title for introduction.

ORDINANCE NO. 1600-04

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AND/OR THE DEVELOPMENT OF SOCCER FIELDS IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING \$272,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$270,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President Hompesch moved for introduction of Ordinance No. 1600-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1604-04 by title for introduction.

ORDINANCE NO. 1604-04

AN ORDINANCE TO AMEND CHAPTER 8-2 – BOARD OF HEALTH COMPOSITION; TERM; VACANCIES

Council President Hompesch moved for introduction of Ordinance No. 1604-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1595-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1595-04

AN ORDINANCE TO AMEND ORDINANCE ENTITLED SHADE TREE COMMISSION, CHAPTER 100

Mayor Dobies opened the public hearing on Ordinance No. 1595-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1595-04.

Council President Hompesch moved for adoption of Ordinance No. 1595-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1596-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1596-04

AN ORDINANCE TO AMEND ORDINANCE ENTITLED PROPERTY MAINTENANCE CODE, CHAPTER 54 SECTION 54-9(A)

Mayor Dobies opened the public hearing on Ordinance No. 1596-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1596-04.

Council President Hompesch moved for introduction of Ordinance No. 1596-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1597-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1597-04

AN ORDINANCE TO AMEND ORDINANCE 1560-02 REGULATING THE USE OF MOUNTAIN VIEW PARK, SETTING A SCHEDULE OF FEES FOR USE THEREOF, AND ALSO FOR REGULATING PARKING THEREIN

Mayor Dobies opened the public hearing on Ordinance No. 1597-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1597-04.

Council President Hompesch moved for adoption of Ordinance No. 1597-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1598-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1598-04

AN ORDINANCE TO AMEND ORDINANCE #1523-01 ESTABLISHING FEES FOR THE ISSUANCE OF MARRIAGE CERTIFICATES, BIRTH CERTIFICATES AND DEATH CERTIFICATES BY THE REGISTRAR OF VITAL STATISTICS OF THE BOROUGH OF MIDDLESEX

Mayor Dobies opened the public hearing on Ordinance No. 1598-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1598-04.

Council President Hompesch moved for introduction of Ordinance No. 1598-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1601-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1601-04

AN ORDINANCE ADOPTING A CODIFICATION AND RENUMBERING OF THE ORDINANCES OF THE BOARD OF HEALTH OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE

Mayor Dobies opened the public hearing on Ordinance No. 1601-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1601-04.

Council President Hompesch moved for adoption of Ordinance No. 1601-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1602-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1602-04

AN ORDINANCE ADOPTING A CODIFICATION AND RENUMBERING OF THE ORDINANCES OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE

Mayor Dobies opened the public hearing on Ordinance No. 1602-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1602-04.

Council President Hompesch moved for introduction of Ordinance No. 1602-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. 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:

Consent Agenda 2004(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 is not desirous of removing any resolutions from the 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 #43-04 - Resolution #46-04
Resolution #48-04

Council President Hompesch moved for adoption seconded by Councilman Mulcahy carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. 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 #43-04

The Treasurer is hereby authorized to refund amusement renewal fee for three games and one jukebox removed from Tim Kerwin's in the amount of \$325.00 payable to:

C.IC. Corporation
1011 Route 22 East
Mountainside, N.J. 07092-2806

The Borough Clerk read the following resolution:

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

Resolution #44-04

WHEREAS, Sharon Dumont applied for and received Building Permit No. 20030488 on 7/7/03 to install air conditioning at 525 Cook Avenue; and

WHEREAS, Sharon Dumont submitted Check #1270 dated 7/7/03, payable to the Borough of Middlesex in the amount of \$205.00 in payment of said Building Permit; and

WHEREAS, Sharon Dumont and Raymond & Mary Horan, as homeowners, have requested refund of said fee since the work was not done and the job was cancelled; and

WHEREAS, 5:23-2.27 of the Uniform Construction Code provides that plan review fees which are 20% of the Building Permit fee are not refundable; and

WHEREAS, DCA Training Fees are not refundable; and

WHEREAS, the Building Permit fee was \$193.00 and the Training Fee was \$12.00.

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 \$154.40 in favor of Sharon Dumont, 525 Cook Avenue, Middlesex, NJ 08846, for refund of fee for Building Permit #20030488.

The Borough Clerk read the following resolution:

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

Resolution #45-04

A RESOLUTION TO PROVIDE TO AMEND THE TEMPORARY BUDGET FOR THE PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2004 BUDGET:

Shade Tree

Other Expenses	\$6,000.00
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The Borough Clerk read the following resolution:

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

Resolution #46-04

AUTHORIZING CHANGE ORDER #1 IN CONNECTION WITH THE BOUND BROOK ROAD PUMP STATION CONSTRUCTION

WHEREAS, Cothery Construction was awarded the bid for the Bound Brook Road Pump Station Improvements on June 24, 2003 in the amount of \$94,040; and

WHEREAS, Change Order #1 consists of an upgrade to the existing 10 amp circuit breaker for the comminutor to a 20 amp breaker in the amount of \$390.00.

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 order is hereby approved.

Original Contract Sum:	\$94,040.00
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Change Order #1	\$390.00
Contract Sum Increased by this Change Order	\$390.00

New Contract Sum:	\$94,430.00
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NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that the funds are available in Account No. 04-1564-00-1564-60.

The Borough Clerk read the following resolution:

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

Resolution #48-04

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 #47-04

WHEREAS, the Borough of Middlesex has been approved to receive a grant from the New Jersey Transportation Trust Fund Authority Act for \$50,000 for a bikeway; and

WHEREAS, it is necessary for the Borough Engineer and Borough Administrator to file for an extension of time until November 21, 2004 in order to insure that the \$50,000 allotment remains available for this project.

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 Borough Engineer and/or Borough Administrator is hereby authorized to file for an extension for the grant for \$50,000 in order to insure that this allotment remains available for this project for the FY 1999 Bikeway Project from the New Jersey Transportation Trust Fund Authority.
2. This resolution shall take effect immediately.

Council President Hompesch moved for adoption seconded by Councilman Mulcahy carried by the following roll call votes: Ayes: Members Colitti, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: D'Angelo.

Mayor Dobies opened the public portion of the meeting for comments or questions.

Bob Schueler, 58 Marlborough Avenue questioned Ordinance No. 1594-04 and when it would be adopted.

Frank Ryan questioned why the Code Enforcer had not done anything regarding the property across from the intersection of Route 28 and Raritan Avenue and the clutter of dump trucks, Christmas trees, used cars and blocks of concrete that is there. He also noted that when traveling down Route 28 at the intersection of Harris/Shepherd Avenue there are school buses, limousines, used cars, tow trucks and monstrous sheds behind the homes. Mr. Ryan questioned if this area is zoned for these vehicles and buildings.

Mayor Dobies indicated that Ordinance No. 1596-04 which was adopted this evening will address all unregistered vehicles in the Borough.

Frank Ryan also questioned the lot behind the Fire house, which is in the back of Prospect Place. He questioned if the usage of this lot is in a permitted zone

Councilwoman Liana indicated that the State offered the owner of this property on Prospect Place \$22,000 when the Prospect Place properties were being purchased and the owner refused to sell. The owner now leases this property to Mr. Guiliano. The Borough Administrator and Zoning Official will check to see if this property is zoned for these temporary structures.

Seeing that there were no further comments or questions, Mayor Dobies closed the public portion of the meeting.

Councilwoman Thomasey moved the approval of the December 2, 2003, December 9, 2003 and December 16, 2003 Agenda Meeting Minutes and the December 16, 2003, January 6, 2004 and January 13, 2004 Public Meeting Minutes seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Councilwoman Thomasey moved the approval of the Office on Aging Report seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Councilman Mulcahy moved the approval of the December, 2003 Court Report seconded by Council President Hompesch and carried by a unanimous vote of Council.

Councilman Mulcahy moved the approval of the December, 2003 Police Report seconded by Council President Hompesch and carried by a unanimous vote of Council.

Councilman D'Angelo moved to table the approval of the 2003 Annual Construction Report seconded by Councilwoman Thomasey and carried by a unanimous vote of Council.

Councilman Colitti moved to approve the acceptance of the resignation of Peter Carroll from Lincoln Hose Co. #1 effective January 19, 2004 and the appointment of Dave Thul as Chaplain and Andrew Castaldo, Jr. as Safety Officer for 2004 seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Councilman D'Angelo, Councilman Mulcahy and Borough Clerk Kathy Anello attended the Special Meeting of the Swim Pool Commission regarding the membership fee increase. Councilman D'Angelo reported that the Commission agreed with the Council's recommendations and submitted the ordinance for introduction which reflects the resident's fee will remain stable and the out of town resident's fee will be increased in order to recoup the \$25,000 line item in their budget.

Councilwoman Liana attended a session at the League of Municipalities where she was told that as of 2002 the Council could adopt an ordinance or resolution which would require state payment of survivor's pension when volunteer firefighters, office of emergency management or rescue squad workers suffer accidental death on duty. Borough Administrator will provide all background information to Council at the next Agenda Meeting.

There being no further business to discuss, the meeting was adjourned by Councilman D'Angelo and seconded by Councilwoman Liana and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

