Municipal Building
1200 Mountain Avenue

February 10, 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 (absent)
	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 #51-04

INTRODUCTION OF 2004 BUDGET

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2004.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2004;

BE IT FURTHER RESOLVED that said Budget be published in the Middlesex Chronicle, N.J. in the issue of February 21, 2004.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2004:

General Appropriations:	
Appropriations Within "CAPS" Municipal Purposes	$7,317,060.00
Appropriations Excluded from "CAPS" Municipal Purposes	5,052,641.07
Reserve for Uncollected Taxes – Based on Estimated 97+ Percent of Taxes Collections	609,000.00
Total General Appropriations	12,978,701.07
Less: Anticipated Revenues Other Than Current Property Taxes	4,988,132.16
Difference: Amount to be Raised by Taxes For Support of Municipal Budget: Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	$7,990,568.91

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on February 10, 2004.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on March 23, 2004 at 8:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2004 may be presented by taxpayers or other interested persons.

Mayor Dobies stated that a hearing will be held on this budget on March 23, 2004 and that the council has committed to ensure that the health and safety of the Fire Department will be

maintained. We are now at 13.50 points and the Council has a game plan and a lot of movement of funds is still being done. The critical dates for this budget is the March 23, 2004 Public Hearing and the results of our request for extraordinary aid.

Council President Hompesch moved for introduction seconded by Councilman D'Angelo and carried by the following roll call vote: Ayes: Members Colitti, D'Angelo, Hompesch, 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 #52-04

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 acquisition of various vehicles, the acquisition of computers and various equipment, the repair to the Office of Emergency Management building and the acquisition of various equipment for the estimated total cost of $446,300, with the amount of $423,985 debt authorized.

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

The Borough Clerk read Ordinance No. 1605-04 for introduction.

ORDINANCE NO. 1605-04

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF $446,300 THREFOR AND AUTHORIZING THE ISSUANCE OF $423,985 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

The Borough Clerk read Ordinance No. 1606-04 for introduction.

ORDINANCE #1606-04

AN ORDINANCE REQUIRING STATE PAYMENT OF SURVIVOR'S PENSION WHEN VOLUNTEER FIREFIGHTERS, OFFICE OF EMERGENCY MANAGEMENT OR RESCUE SQUAD WORKERS SUFFERS ACCIDENTAL DEATH ON DUTY

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

The Borough Clerk read Ordinance No. 1594-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1594-04

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

Mayor Dobies opened the public hearing on Ordinance No. 1594-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1594-04.

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

The Borough Clerk read Ordinance No. 1599-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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 BONDSS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mayor Dobies opened the public hearing on Ordinance No. 1599-04.

Angelo Porta, Runyan Avenue questioned the grant and what the money would be used for. He e-mailed the former Council members with a suggestion and thinks it should be addressed before there is an injury.

Councilman Mulcahy indicated that at this point it has not been determined what the money will be used for, but the Board of Education has met with members of the Council and they will decide how the money is allocated.

Seeing that there was no further public participation, Mayor Dobies closed the public hearing on Ordinance No. 1599-04.

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

The Borough Clerk read Ordinance No. 1600-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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

Mayor Dobies opened the public hearing on Ordinance No. 1600-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1600-04.

Councilman Mulcahy mentioned that when discussing the Fire Department's 100th Year Anniversary with Assistant Chief Lori Pinter, it was determined that the seeding of the soccer field would require approximately 12 months of rest. Because the 100th Anniversary is scheduled for June, 2005, the Council has approached the County for additional funds to be able to sod this field, which would only require 6 months of rest, and not interfere with the Fire Department's 100th Year Anniversary.

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

The Borough Clerk read Ordinance No. 1604-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1604-04

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

Mayor Dobies opened the public hearing on Ordinance No. 1604-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1604-04.

Council President Hompesch moved for adoption of Ordinance No. 1604-04 seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, 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(D)

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 #53-04 - Resolution #60-04

Council President Hompesch moved for adoption seconded by Councilman Mulcahy carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, 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 #53-04

AUTHORIZING THE SUBMISSION OF TEA-21 FUNDING APPLICATION

WHEREAS, the New Jersey Department of Transportation Enhancement Program provides funds to municipalities to foster more livable communities; and

WHEREAS, the Borough of Middlesex desires to seek funds from the Program for facilities for Safe Route Sidewalk Program in the vicinity of Borough Schools; and

WHEREAS, the Borough of Middlesex will be responsible for the maintenance of the facilities.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the application is hereby made to the Commissioner of Transportation for aid under the Transportation Enhancement Program (TE) for the facilities for Safe Route Sidewalk Program in the vicinity of Borough School.

BE IT FURTHER RESOLVED THAT:

1. Any aid received as a result of this application will only be used for eligible costs for a project comprised of the improvements as stated in each application; and

2. That if the applications are approved and accepted by the New Jersey Department of Transportation, the sponsor agrees to the agreement as stated in each application and provides the required long-term maintenance of the proposed improvements; and

3. The Mayor and the Clerk are hereby authorized to execute and attest to this resolution, application and Agreement.

The Borough Clerk read the following resolution:

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

Resolution #54-04

AUTHORIZING THE SUBMISSION OF TEA-21 FUNDING APPLICATION

WHEREAS, the New Jersey Department of Transportation Enhancement Program provides funds to municipalities to foster more livable communities, to enhance the travel experience and promote new transportation investment partnerships; and

WHEREAS, the Borough of Middlesex desires to seek funds from the Program for facilities for pedestrians and bicycles in the vicinity of Victor Crowell Park; and

WHEREAS, the Borough of Middlesex will be responsible for the maintenance of the facilities for pedestrians and bicycles in the vicinity of Victor Crowell Park.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the application is hereby made to the Commissioner of Transportation for aid under the Transportation Enhancement Program (TE) for the facilities for pedestrians and bicycles in the vicinity of Victor Crowell Park.

BE IT FURTHER RESOLVED THAT:

1 Any aid received as a result of this application will only be used for eligible costs for a project comprised of the improvements as stated in each application; and

2. That if the applications are approved and accepted by the New Jersey Department of Transportation, the sponsor agrees to the agreement as stated in each application and provides the required long-term maintenance of the proposed improvements; and

3. The Mayor and the Clerk are hereby authorized to execute and attest to this resolution, application and Agreement.

The Borough Clerk read the following resolution:

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

Resolution #55-04

WHEREAS, the four bids listed below were received on January 6, 2004 for the Streetscape Project for the Route 28 Business Corridor; and

Al Neto Contractors, Inc.	$235,455.00
LBD Contractors, Inc.	$245,041.00
Caro Corporation	$246,731.00
Marvec Construction Corporation	$299,243.80

WHEREAS, the Borough Engineer has reviewed the bids listed above and has recommended that the bid be awarded to Al Neto Contractors, Inc. who has submitted the lowest bid and has met all of the requirements of the specifications, and

WHEREAS, the bid included "if and where directed" items that were included in the bid evaluation but, pursuant to Section 00103B of the Instructions to Bidders, may or may not be incorporated into the project; and

WHEREAS, funding is inadequate to cover the entire quantity of "if and where directed" items included in the bid documents; and

WHEREAS, the elimination of certain "if and where directed" items to reflect the budget does not change the work shown on the drawings or the ranking of the bidders.

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

1. At the recommendation of the Borough Engineer, the Mayor and Council hereby award the bid for the Streetscape Project for the Route 28 Business Corridor to Al Neto Contractors, Inc., subject to the Department of Transportation approval.

2. The contract price authorized under this resolution is $223,155.00, based upon the deletion of four (4) trash receptacles, three (3) benches, one (1) concrete planter and

eight (8) pole banners from the "if and where directed" items set forth in the bid documents.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of $206,000.00 are available in Account No. 04-1582-00-1582-85 and $17,155.00 is available in Account No. 04-1582-00-1582-54.

The Borough Clerk read the following resolution:

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

Resolution #56-04

WHEREAS, Kupper Associates has provided to the Borough of Middlesex a proposal dated January 20, 2004 to provide engineering services during the construction phase of the Route 28 Business Corridor Streetscape Project; and

WHEREAS, these services include the following:

- Attendance at a preconstruction conference;
- General administration of the construction contract;
- Periodic site visits to observe construction progress and the quality of the work;
- Issuance of clarifications and interpretations;
- Preparation of change orders and work change directives;
- Review of shop drawings and submittals;
- Coordination with the Contractor and the borough on the design of the Gateway signs and the pole banners;
- Processing of applications for payment;
- Participation in a final inspection; and
- Preparation of Contractor's and NJDOT completion documents.

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 and Council hereby approve the proposal by Kupper Associates to provide the Borough of Middlesex with professional engineering services during the construction phase of the Route 28 Business Corridor Streetscape Project at a cost not to exceed $20,000.

2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-1582-00-1582-52.

The Borough Clerk read the following resolution:

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

Resolution #57-04

WHEREAS, the Borough of Middlesex annually enters into an Alliance Agreement with Middlesex County; and

WHEREAS, the County desires to provide the sum of $15,284 in the State funds, to be paid to the borough of Middlesex including $13,684 to be used for related municipal alliance related activities.

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 and Borough Clerk are hereby authorized to execute the 2004 Municipal Alliance Agreement with the County of Middlesex in the amount of $15,284.

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 #58-04

Hiring Richard L. Allen, 275 Edgewood Terrace, South Bound Brook, New Jersey as a substitute school crossing guard at $12.00 per hour effective immediately.

The Borough Clerk read the following resolution:

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

Resolution #59-04

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

Roads	
Other Expenses	$ 5,000.00
Garbage	
Other Expenses	$ 2,000.00
Middlesex Cty Utilities	
Other Expenses	$199,500.00
Administration	
Other Expenses	$ 2,500.00
Environmental	
Other Expenses	$ 500.00

The Borough Clerk read the following resolution:

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

Resolution #60-04

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.

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

Chester Sadowski, 206 Cedar Avenue indicated that we have had some good snow this past month and the fire hydrants in town are covered with snow and ice. He suggests that the Mayor and Council propose the Borough “adopt a fire hydrant” and that the residents that live in the houses with fire hydrants in front of their house should clean them.

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

Councilman D’Angelo requested that the minutes reflect his comments regarding the December 30, 2003 Special Meeting:

"The minutes of the meeting of 12/30/03 state that then Council President Sadowski said he researched several forms of municipal government and that he believed, I guess because of his research, that by taking away the Mayor's power to appoint to the Zoning Board and giving it to the Council, was a perfect example of checks and balances. But when the council voted to override the Mayor's veto at the meeting of 1/13/04 I asked to see the research and Council President Hompesch said no research was done.

I submit to the council that:

1. The reasoning for the first vote was misrepresented because apparently there was no research.
2. The term checks and balances is being misused here. That term illustrates the separations of powers in our federal government and how each branch executive (the mayor), and legislative (the council), and the judicial are designed to oversee not supersede each other.
3. Ignoring the election results and disrespecting the voters is not what we're here to do.

Knowing I cannot make a motion because of parliamentary procedures, I ask my republican colleagues who voted to override the Mayor's veto to introduce a resolution restoring that power back to where it belongs".

Councilwoman Thomasey indicated that she has mixed emotions and feels that the Council is not here for a power trip and is here to work together, no matter who has the authority to appoint or approve, but she believes that the governing body and the Mayor need to work together as a group and forget about power. Councilman D'Angelo stated that he agreed with Councilwoman Thomasey and that was why he asked for the motion.

Councilwoman Thomasey moved the approval of the December 30, 2003 Special Meeting Minutes, January 13, 2004 and January 20, 2004 Agenda Meeting Minutes and the January 27, 2004 Public Meeting Minutes seconded by Council President Hompesch and carried by a unanimous vote of Council.

Councilwoman Thomasey moved the approval of the January, 2004 Administrator's Monthly Report seconded Councilman Mulcahy and carried by unanimous vote of Council

Councilman D'Angelo moved the approval of the 2003 Annual Construction Report and the January, 2004 Construction Department Monthly Report and carried by a unanimous vote of Council.

Councilman D'Angelo indicated that the budget is divided into both inside of caps and outside of caps, and the Fire Department allotments are on the inside of caps allotment. There are 71 budget lines of which 18 of the lines have been cut, 33 remain flat and 20 of the 71 lines have been increased. The Fire Department has 3 lines out of the 20 that have been increased. The total for other expenses inside of caps have gone down and the amount of the fire department allotments have gone up. Councilman D'Angelo indicated that even through we are not going up as much as the Fire Department would want us to and we would like to, we are still at a 13.5 increase in the budget. The Mayor and Council will be reviewing the budget in the future.

Councilman Mulcahy moved the approval of the January, 2004 Police Report seconded by Council President Hompesch and carried by a unanimous vote of Council.

Mayor Dobies moved the appointment of Fred Worowski and Frank Ryan as alternates to the Shade Tree Commission.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk