

Municipal Building
1200 Mountain Avenue

February 11, 2003

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 (absent)
Council President	Bruce Sadowski
	Louis Curcio
	Colin Fowler (absent)
	Michael Hompesch
	Josephine Liana
	Garrett Mulcahy

Attorney:	George Hendricks
Administrator:	Joseph Manning

Council President Sadowski opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of January 7, 2003.

The Borough Clerk read Ordinance No. 1576-03 by title for introduction.

ORDINANCE NO. 1577-03

**“CAP” ORDINANCE TO EXCEED INDEX RATE: INDEX RATE LESS THAN 5%
LIMITATIONS FOR THE YEAR 2003**

Mr. Hompesch moved for introduction seconded by Mr. Curcio and carried by the following roll call vote: Ayes: Members Curcio, Hompesch, Liana, Mulcahy and Sadowski. 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 #45-03

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2003;

BE IT FURTHER RESOLVED that said Budget be published in the Middlesex Chronicle in the issue of February 20, 2003.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2003:

General Appropriations:

Appropriations Within "CAPS"	\$8,671,633.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	3,120,079.07
Municipal Purposes	
Reserve for Uncollected Taxes – Based on Estimated 97+ Percent of Taxes Collections	<u>609,000.00</u>
Total General Appropriations	12,400,712.07
Less: Anticipated Revenues Other Than Current Property Taxes	<u>4,963,558.04</u>
Difference: Amount to be Raised by Taxes For Support of Municipal Budget: Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	<u>\$7,437,154.03</u>

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 11, 2003.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on March 25, 2003 at 8:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2003 may be presented by taxpayers or other interested persons.

Mr. Hompesch moved for introduction seconded by Ms. Liana and carried by the following roll call vote: Ayes: Members Curcio, Hompesch, Liana, Mulcahy and Sadowski. Nos.: None. Abstain: None.

Council President Sadowski indicated that the budget process started at a 25 point increase and the Finance Committee has reduced this amount to a 12.2 cents increase. The Borough will now be submitting an application for Extraordinary Aid. A hearing on the budget is scheduled for March 25 at 8 P.M.

The Borough Clerk read Ordinance No. 1576-03 by title for introduction.

ORDINANCE NO. 1576-03

AN ORDINANCE TO SELL BLOCK 38, LOT 28 NEW STREET

Mr. Hompesch moved for introduction seconded by Mr. Curcio and carried by the following roll call vote: Ayes: Members Curcio, Hompesch, Liana, Mulcahy and Sadowski. 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 2003(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 for individual action 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 #46-03 - Resolution #59-03

Mr. Hompesch moved for adoption seconded by Mr. Mulcahy and carried by the following roll call vote: Ayes: Members Curcio, Hompesch, Liana, Mulcahy and Sadowski. 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 #46-03

Hiring William J. Healey, 514 Decatur Avenue, Middlesex, New Jersey as a substitute van driver for the Office on Aging at \$10.30 per hour, pending approval of his driving abstract.

The Borough Clerk read the following resolution:

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

Resolution #47-03

Appointing Anthony Patrick as Recycling Coordinator in the Middlesex Borough Recycling Center.

The Borough Clerk read the following resolution:

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

Resolution #48-03

The Tax Collector is hereby authorized to refund 2002 property taxes in the amount of \$1,664.56 and cancel 2003 property taxes in the amount of \$1,116.60 on Block 265, Lot 17.A, 112 Runyon Avenue. The property owner has been certified as being 100% permanently and totally disabled by the Department of Veterans Affairs effective April 10, 2002. The Borough of Middlesex received notification in January 2003. The refund check is to be made payable to:

Harry E. Jacobs
112 Runyon Avenue
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

Resolution #49-03

The Tax Collector is hereby authorized to refund 2002 added assessment taxes in the amount of \$283.80 and cancel 2003 added assessment taxes in the amount of \$141.90 on block 244, lot 1, 586 Denton Place. This is based upon a Middlesex County Tax Board judgment. The refund check should be made payable to:

William P Rose
586 Denton Place
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

Resolution #50-03

The Treasurer is hereby authorized to issue a check in the amount of \$100.00 for the following two applicants. These are refunds of deposits for Christmas Tree Licenses for 2002.

Mr. Clifford Johnson
550 Hollywood Avenue
P.O. Box 895
South Plainfield, NJ 07080

Barry Proctor
120 Jay Place
Middlesex, NJ 08846-1613

The Borough Clerk read the following resolution:

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

Resolution #51-03

A RESOLUTION TO PROVIDE TO AMEND THE TEMPORARY BUDGET FOR THE PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2003 BUDGET:

Garbage & Trash

Other Expenses	\$6,000.00
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Piscataway Sewer

Other Expenses	\$20,000.00
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Middlesex Cty Utilities

Other Expenses	\$70,000.00
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Sr.Bus Transportation

Other Expenses	\$2,000.00
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Solid Waste

Other Expenses	\$1,000.00
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Surety Bonds

Other Expenses	\$1,000.00
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Environmental

Other Expenses	\$500.00
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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 #52-03

WHEREAS, Jason and Meghan Dushinka received Building Permit No. 20030034 on January 15, 2003 to replace a window in their home at 540 Cook Avenue; and

WHEREAS, Jason & Meghan Dushinka submitted check #162 dated January 15, 2003, payable to the Borough of Middlesex in the amount of \$46.00 in payment of said Building Permit; and

WHEREAS, Jason Dushinka has requested refund of said fee since a permit was not required for said work.

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 \$46.00 in favor of Jason and Meghan Dushinka, 540 Cook Avenue, Middlesex, New Jersey 08846, for refund of fee for Building Permit #20030034.

The Borough Clerk read the following resolution:

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

Resolution #53-03

The following items have been submitted to the Middlesex County Housing & Community Development for approval:

Senior Coordinator Salary	\$14,000
Senior Van Driver Salary	\$17,500
Code Enforcement Officer Salary	\$ 9,000
Nutritional Program-Senior Citizens	\$10,000

Mountainview Park Extension (Passive Park)	\$30,000
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TOTAL:	\$80,500
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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 #54-03

**RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE
THE INDEMNIFICATION AGREEMENT FOR THE MIDDLESEX BOROUGH
POLICE DEPARTMENT'S ACCESS TO THE EAST BRUNSWICK POLICE TRAINING
FACILITY**

WHEREAS, in order for the Middlesex Borough Police Department to have access and use of the East Brunswick Police Training Facility an Indemnification Agreement must be executed by the Mayor and Borough Clerk.

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 Indemnification Agreement in order for the Middlesex Borough Police Department to have access to the East Brunswick Police Training Facility.
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 #55-03

WHEREAS, the Borough of Middlesex provides Internet access use to all Borough employees; and

WHEREAS, the Mayor and Council wish to incorporate the Internet Access Use Policy into the Borough Personnel Policy.

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 incorporating the Internet Access Use Policy into the Middlesex Borough Personnel Policy.
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 #56-03

Resolution Supporting S-478 and A-540 to Call A Constitutional Convention

Whereas, a basic tenet and founding principle of the United States of America hold that the "just powers" of a government rest on "the consent of the governed;" and

Whereas, ours has, therefore, been called "a government of the people, by the people and for the people;" and

Whereas, the people of this State have reserved to themselves, as part of their intrinsic sovereignty, the right to alter or reform the State Constitution and the statutes when the public good may require it; and

Whereas, the current system of property taxation in this State is regressive because it is not based on the ability to pay and is an inordinate burden on citizens and a disincentive to business investment; and

Whereas, there is a need to revise and amend the State Constitution and the statutes to lessen the dependence of local government on property taxes, reduce property taxes as a share of overall public revenue, and find alternative means of funding local government services; and

Whereas, the Legislature, when considering proposals for broad restructuring of revenue sources, recognizes that there is great political risk in making recommendations which the general public might perceive as increasing taxes; and

Whereas, it is, therefore, essential that the citizens of New Jersey are fully engaged in the effort to restructure taxes; and

Whereas, the most effective way to have maximum participation is a public vote on whether or not to proceed with a tax reform process and, if this question is approved, another vote by the public to ratify the recommendations for tax reform; and

Whereas, the convening of a constitutional convention for the purpose of recommending amendments to the New Jersey Constitution and changes to the statutes is the most appropriate method for building a consensus for, and implementing, reform; now, therefore,

Be It Resolved, that the governing body of the (city, town, township, borough or village) of (name of municipality) supports the effort to place before the electorate the question of calling a Constitutional Convention for the purpose of proposing property tax reform, as spelled out in S-478, sponsored by Senators John Adler and Robert Martin, and its companion measure, A-540, sponsored by Assemblymen Joe Roberts and George Geist; and further,

Be It Resolved, that we do all call on our fellow citizens to inform themselves about this issue, and to join in our efforts to advance the cause of property tax reform, through support for S-478 and A-540; and further,

Be It Resolved, that copies of this resolution be transmitted: to our State Legislators and to Governor McGreevey, urging them to act favorably on the Legislation, so that the voters may be able to express their will on Election Day, November 4, 2003; and to the New Jersey State

League of Municipalities.

The Borough Clerk read the following resolution:

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

Resolution #57-03

**AUTHORIZING THE BOROUGH OF MIDDLESEX TO ISSUE A RAFFLE LICENSE
TO OUR LADY OF MT. VIRGIN CHURCH**

The application for a Raffle License filed by Our Lady of Mt. Virgin Church, which has been approved by the Police Department and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fee as set by the State (RA 557).

The Borough Clerk read the following resolution:

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

Resolution #58-03

The Mayor and Council hereby approve the Department Head Performance Evaluation Form that was developed by the Borough Administrator.

The Borough Clerk read the following resolution:

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

Resolution #59-03

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 Proclamation recognizing years 2002 – 2011 as the “Bone and Joint Decade”.

PROCLAMATION

WHEREAS, one in every seven Americans suffers from a musculoskeletal impairment;
and

WHEREAS, bone and joint impairments are the number one chronic condition reported to physicians and are the leading cause of physical disability and severe long-term pain which deprives children of normal development; and

WHEREAS, one of the rarest musculoskeletal conditions is Fibrodysplasia Ossificans Progressiva (FOP), a genetic disorder in which bone forms in muscles, tendons, ligaments and

other connective tissues, which in time produces a “second skeleton” that immobilizes the joints of the body; and

WHEREAS, it is estimated that Fibrodysplasia Ossificans Progressiva affects only 2,500 people worldwide, 200 diagnosed cases in the United States, with less than 12 cases in New Jersey; and

WHEREAS, numerous countries and international organizations have joined together to increase public awareness of this devastating, rare genetic disorder and to promote research to find the cure for musculoskeletal impairments.

NOW, THEREFORE, I, Ronald S. Dobies, Mayor of the Borough of Middlesex, hereby proclaim the years 2002 through 2011 as

BONE AND JOINT DECADE

In the hope of generating increased public awareness of Fibrodysplasia Ossificans Progressiva and all musculoskeletal disorders and urge the medical community to pursue research in this important area, develop a treatment and discover a cure.

Council President Sadowski opened the public portion of the meeting for comments or questions.

Cliff Bowen, 233 Greene Avenue expressed how traumatic to the town the first start to the Victor Crowell Park project. A lot of money was wasted and he feels that we should find out why it happened. He would like something from this town to say this is what we learned and how are we going to correct it. He questioned the money remaining for the project and said that he would like closure to this matter.

Bruce indicated that he cannot answer for the past, but in the present we are aware of what is happening. Our first step was to bring an engineer that has the experience and we can now fall back on legal council regarding how we can recoup money or not pay everything that has been billed.

Joyce Kaack, 306 Raritan Avenue expressed how she opposed the “proposal” for a dog park on the Victor Crowell Park Extension on Raritan Avenue. Her concern involved the view of this park from her property on Raritan Avenue, the smell, and mosquitoes and as a taxpayer her concern regarding supplying an area for so few people to utilize. Ms. Kaack also was concerned with the newspaper notification, and suggested that notification come via the school system.

Mr. Orlando, 116 Walnut Street was concerned with the parking on Raritan Avenue as he feels that the traffic does not warrant 19 parking spaces. He is also concerned that the taxes are high enough without spending money for a dog park that will smell up the neighborhood.

Dana Perone, 408 Raritan Avenue is upset with the fact that the residents were not notified. She felt that they were told that this property was to be used for passive recreation. The traffic is atrocious on Raritan Avenue and the parking would become a problem. She feels that you should consider the people of the town and not their dogs.

Cindy Wolke-Weiss, 236 Raritan Avenue indicated that she has seen Raritan Avenue go from a slightly busy street to an extremely busy street. Although she is a big proponent of a dog park, she felt that Raritan Avenue is residential and it would be a dangerous location for this park.

Charles Moskowitz, 124 Chestnut Avenue wanted to know whose idea it was for a dog park, because if a dog gets loose someone is going to get bit and also someone will have to pick up the droppings. Mr. Moskowitz requested to poll the Council.

Councilman Curcio indicated that many questions have been raised tonight and the council will have to reconsider the dog park.

Councilman Hompesch and Mulcahy mentioned that when they were out campaigning many residents spoke of having a dog park and felt that it was a good idea. This input tonight would have an impact on the Council's final decision.

Councilwoman Liana indicated that she made the suggestion for a dog park after campaigning and hearing positive comments. The input this evening would weigh on her decision, and she feels that the council could look elsewhere for a dog park.

Barry Wolk-Weiss, 236 Raritan Avenue was in favor of a dog park, but wanted to know the downside of leaving the property as a passive park.

Bruce Sadowski indicated that we may have to consider another passive option for this area.

Frank Ryan, 303 Maple Street, was an original member of the Victor Crowell Park Committee and mentioned that the dog park is the least of our concern for Victor Crowell Park. He was pleased that everyone came out to the meeting tonight and feels that council will reconsider this dog park and bring it up with the Victor Crowell Park Committee.

Ann Burn, 300 Raritan Avenue had no idea that Raritan Avenue was part of the Victor Crowell Park renovation and feels that we do not need the dog park so close to a residential area.

Richard Kelly, 239 Raritan Avenue had concern with the traffic, the cleaning up at the dog park, the liability involved and also what would happen if this area were to flood again. He suggested that this dog park be put at Mountain View Park.

Cliff Bowen was in support of the dog park if handled correctly and felt that it could be an advantage to the community and to the dogs. If opposed to this park, he suggested that the residents come to meetings and protest.

Rich Kaack, 306 Raritan Avenue was not in favor of a dog park across the street from his home and felt that there was a lack of communication between the Borough and the residents. He feels that the area should be considered when making decisions.

Vincent Perciante, 12 Walnut Street remembers a dog park in Newark that had an 8 foot high fence. This park had a rusted fence that would catch leaves and the dogs would urinate on the rotted leaves, which would create an odor. He feels that more thought must be put into this decision for a park.

Council President Sadowski thanked everyone for coming to the meeting and stated that this proposal was not done behind closed doors. He apologized for the council not reaching out to the residents for their input. Based upon tonight's discussion, the dog park will probably not be put on Raritan Avenue. This will be discussed further by the Victor Crowell Park Committee on February 19th at 7:30 p.m.

Mr. Orlando wanted to know whether the money is going to come from Victor Crowell Park and if the taxes would go up.

Council President Sadowski indicated that there is money left over from the original project, and we have a grant for trails and pedestrian walkways. Corrections have to be made to this project and if we need to spend money for these corrections, we have an obligation to finish this project.

Seeing that there was no further public comments, Council President Sadowski closed the public portion of the meeting.

Mr. Curcio moved the approval of the January 21, 2003 Agenda Meeting Minutes, January 28, 2003 Public & Agenda Meeting Minutes and the February 4, 2003 Agenda Meeting seconded by Mr. Hompesch and carried by a unanimous vote.

Mr. Mulcahy moved the approval of the Court Report for the month of January, 2003 seconded by Mr. Hompesch and carried by a unanimous vote.

Mr. Sadowski moved the approval of the Construction Report for the month of January, 2003 seconded by Mr. Hompesch and carried by a unanimous vote.

There being no further business to discuss, the meeting was adjourned by Mr. Sadowski and seconded by Mr. Curcio and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

