Municipal Building
1200 Mountain Avenue

February 24, 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 (absent – sick) |
| Council President | Michael Hompesch |
| | Giancarlo Colitti |
| | Jerry D'Angelo |
| | Josephine Liana |
| | Garrett Mulcahy |
| | Laura Thomasey |
| Attorney: | George Hendricks |
| Administrator: | Joseph Manning |

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

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The Borough Clerk read Ordinance No. 1603-04 for introduction.

**ORDINANCE NO. 1603-04**

**BOND ORDINANCE AMENDING SECTION 3(A) OF BOND ORDINANCE NUMBERED 1582-03 OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FINALLY ADOPTED MAY 27, 2003 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT**

Councilman D'Angelo moved for introduction 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.

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The Borough Clerk ready Ordinance No. 1607-04 for introduction.

**ORDINANCE #1607-04**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1474-99 OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FINALLY ADOPTED JULY 13, 1999 IN ORDER TO AMEND THE SECTION 20 COSTS**

Councilman D'Angelo moved for introduction 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.

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The Borough Clerk ready Ordinance No. 1608-04 for introduction.

**ORDINANCE #1608-04**

**AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE**

Councilman Mulcahy moved for introduction 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.

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The Borough Clerk read Ordinance No. 1605-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 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 THEREFOR AND AUTHORIZING THE ISSUANCE OF $423,985 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Council President Hompesch opened the Public Hearing on Ordinance No. 1605-04.

Angelo Porta, Runyon Avenue asked various questions on the capital improvements in this ordinance.

Seeing that there was no further public participation, Council President Hompesch closed the public hearing on Ordinance No. 1605-04.

Councilman D'Angelo 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.

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The Borough Clerk read Ordinance No. 1606-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**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 opened the Public Hearing on Ordinance No. 1606-04. Seeing that there was no public participation, Council President Hompesch closed the public hearing on Ordinance No. 1606-04.

Councilwoman Liana indicated that during a meeting at the League of Municipalities in November this survivor's pension benefit was brought to her attention, and she was informed that if the Borough were to pass this ordinance the State would in turn pay the $15,000 pension benefit to the survivor of the volunteer.

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

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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:

**Consent Agenda 2004(E)**

**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 #61-04 - Resolution #82-04

Councilman 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.

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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 #61-04**

**THIS RESOLUTION AUTHORIZES THE SPECIAL TAX ATTORNEY FOR THE BOROUGH TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED ALAN B. DOUGLAS VS. MIDDLESEX BOROUGH, TAX COURT OF NEW JERSEY, DOCKET NOS. 004105-2001, 003804-2002 AND 005096-2003.**

**WHEREAS,** Alan B. Douglas, the owner of the office condominium unit known as Unit C002C in Block 86, Lot 6.01 on the Middlesex Borough Tax Assessment Maps, filed an appeal of his 2001, 2002 and 2003 tax assessments in the Tax Court of New Jersey, Docket Nos. 004105-2001, 003804-2002 and 005096-2003; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex reviewed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

**WHEREAS,** an acceptable settlement of the aforesaid tax appeals have been negotiated in which the tax payer accepts a reduction of the total tax assessment levied upon Alan B. Douglas's property located on Unit C002C in Block 86, Lot 6.01; and

**WHEREAS**, the 2001 total tax assessment, based upon said reduction, will be $76,500 instead of $81,600 for Unit C002C in Block 86, Lot 6.01; and

**WHEREAS**, the 2002 total tax assessment, based upon said reduction, will be $72,500 instead of $81,600 for Unit C002C in Block 86, Lot 6.01; and

**WHEREAS**, the 2003 total tax assessment, based upon said reduction, will be $66,200 instead of $81,600 for Unit C002C in Block 86, Lot 6.01; and

**WHEREAS**, the 2004 total tax assessment, has been adjusted by the Borough Tax Assessor to the total amount of $53,500 for Unit C002C in Block 86, Lot 6.01; and

**WHEREAS**, the taxpayer, Alan B. Douglas, agrees to waive interest and accept credits in lieu of refunds; and

**WHEREAS**, the settlement also provides that Alan B. Douglas waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of those rights; and

**WHEREAS,** the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex leaves the allocation between the land and improvements of the aforesaid 2001, 2002, 2003 and 2004 tax assessment for Unit C002C in Block 86, Lot 6.01 to the Middlesex Borough Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

**WHEREAS,** the aforesaid reductions have no general application to other properties within the Borough of Middlesex as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex will make this settlement with Alan B. Douglas, without prejudice to its dealings with any other Middlesex Borough taxpayer's request for tax assessment reduction;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. The Middlesex Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a $76,500 total tax assessment for the 2001 tax year, a $72,500 total tax assessment for the 2002 tax year, a $66,200 total tax assessment for the 2003 tax year, and a $53,500 total tax assessment for the 2004 tax year, for Unit C002C in Block 86, Lot 6.01 which is most beneficial to the Borough of Middlesex and advise the Borough Special Tax Attorney of that allocation.

2. The Borough Special Tax Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of Alan B. Douglas, Docket Nos.004105-2001, 003804-

2002 and 005096-2003, which reduces the total tax assessment on Unit C002C in Block 86, Lot 6.01 to $76,500 for the 2001 tax year, $72,500 for the 2002 tax year, to $66,200 for the 2003 tax year, to $53,500 for the 2004 tax year; all at allocations between land and improvements as established by the Middlesex Borough Tax Assessor; which further provides that the taxpayer, Alan B. Douglas, agrees to waive interest and accept credits in lieu of refunds for the taxes overpaid in the 2001, 2002 and 2003 tax year; which further provides that Alan B. Douglas waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of that right; which further provides that the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation.

3. The settlement outlined above shall be without prejudice to the Borough of Middlesex dealings with any other Borough taxpayer's request for tax assessment reductions.

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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 #62-04**

**THIS RESOLUTION AUTHORIZES THE SPECIAL TAX ATTORNEY FOR THE BOROUGH TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED SHERMAN C. POTTER VS. MIDDLESEX BOROUGH, TAX COURT OF NEW JERSEY, DOCKET NOS. 004106-2001, 003801-2002 AND 005094-2003.**

**WHEREAS,** Sherman C. Potter, the owner of the office condominium units known as Units C001B and C001C in Block 86, Lot 6.01 on the Middlesex Borough Tax Assessment Maps, filed an appeal of his 2001, 2002 and 2003 tax assessments in the Tax Court of New Jersey, Docket Nos.004106-2001, 003801-2002 and 005094-2003; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex reviewed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

**WHEREAS,** an acceptable settlement of the aforesaid tax appeals have been negotiated in which the tax payer accepts a reduction of the total tax assessment levied upon Sherman C. Potter's property located on Units C001B and C001C in Block 86, Lot 6.01; and

**WHEREAS**, the 2001 total tax assessment, based upon said reduction, will be $71,400 instead of $84,000 for Unit C001B in Block 86, Lot 6.01; and

**WHEREAS**, the 2001 total tax assessment, based upon said reduction, will be $71,400 instead of $87,700 for Unit C001C in Block 86, Lot 6.01; and

**WHEREAS**, the 2002 total tax assessment, based upon said reduction, will be $67,600 instead of $84,000 for Unit C001B in Block 86, Lot 6.01; and

**WHEREAS**, the 2002 total tax assessment, based upon said reduction, will be $67,600 instead of $87,700 for Unit C001C in Block 86, Lot 6.01; and

**WHEREAS**, the 2003 total tax assessment, based upon said reduction, will be $61,800 instead of $84,000 for Unit C001B in Block 86, Lot 6.01; and

**WHEREAS**, the 2003 total tax assessment, based upon said reduction, will be $61,800 instead of $87,700 for Unit C001C in Block 86, Lot 6.01; and

**WHEREAS**, the 2004 total tax assessment, has been adjusted by the Borough Tax Assessor to the total amount of $54,200 for Unit C001B in Block 86, Lot 6.01; and

**WHEREAS**, the 2004 total tax assessment, has been adjusted by the Borough Tax Assessor to the total amount of $54,200 for Unit C001C in Block 86, Lot 6.01; and

**WHEREAS**, the taxpayer, Sherman C. Potter, agrees to waive interest on any refund so long as any refund is made payable to Daniel G. Keough, Trustee≅ within 60 days of judgment; and

**WHEREAS**, the settlement also provides that Sherman C. Potter, his successors and assigns, waive the right to appeal the 2004 assessments as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of those rights; and

**WHEREAS,** the Freeze Act shall apply to the 2004 adjusted assessments, as if they were a final disposition on the merits, and therefore the assessments of the properties for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the properties due other than to market appreciation; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex leaves the allocation between the land and improvements of the aforesaid 2001, 2002, 2003 and 2004 tax assessment for Units C001B and C001C in Block 86, Lot 6.01 to the Middlesex Borough Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

**WHEREAS,** the aforesaid reductions have no general application to other properties within the Borough of Middlesex as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex will make this settlement with Sherman C. Potter, without prejudice to its dealings with any other Middlesex Borough taxpayer's request for tax assessment reduction;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. The Middlesex Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a $71,400 total tax assessment for the 2001 tax year, a $67,600 total tax assessment for the 2002 tax year, a $61,800 total tax assessment for the 2003 tax year, and a $54,200 total tax assessment for the 2004 tax year for Unit C001B in Block 86, and to establish the allocation between land and improvements of a $71,400 total tax assessment for the 2001 tax year, a $67,600 total tax assessment for the 2002 tax year, a $61,800 total tax assessment for the 2003 tax year, and a $54,200 total tax assessment for the 2004 tax year for Unit C001C in Block 86, Lot 6.01 which is most beneficial to the Borough of Middlesex and advise the Borough Special Tax Attorney of that allocation.

2. The Borough Special Tax Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Sherman C. Potter, Docket Nos. 004106-2001, 003801-2002 and 005094-2003, which reduces the total tax assessment on Unit C001B in Block 86, Lot 6.01 to $71,400 for the 2001 tax year, to $67,600 for the 2002 tax year, to $61,800 for the 2003 tax year, and to $54,200 for the 2004 tax year; which reduces the total tax assessment on Unit C001C in Block 86, Lot 6.01 to $71,400 for the 2001 tax year, to $67,600 for the 2002 tax year, to $61,800 for the 2003 tax year, and to $54,200 for the 2004 tax year; all at allocations between land and improvements as established by the Middlesex Borough Tax Assessor; which further provides that the taxpayer, Sherman C. Potter, agrees to waive interest so long as any refunds are paid to ADaniel G. Keough, Trustee≅ within 60 days of judgment; which further provides that Sherman C. Potter, his successors and/or assigns waive the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of that right; which further provides that the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation.

3. The settlement outlined above shall be without prejudice to the Borough of Middlesex dealings with any other Borough taxpayer's request for tax assessment reductions.

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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 #63-04**

**THIS RESOLUTION AUTHORIZES THE SPECIAL TAX ATTORNEY FOR THE BOROUGH TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED**

**SHARON L. ROMA VS. MIDDLESEX BOROUGH, TAX COURT OF NEW JERSEY, DOCKET NOS. 003793-2002 AND 005095-2003.**

**WHEREAS,** Sharon L. Roma, the owner of the office condominium unit known as Unit C001F in Block 86, Lot 6.01 on the Middlesex Borough Tax Assessment Maps, filed an appeal of her 2002 and 2003 tax assessments in the Tax Court of New Jersey, Docket Nos.003793-2002 and 005095-2003; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex reviewed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

**WHEREAS,** an acceptable settlement of the aforesaid tax appeals have been negotiated in which the tax payer accepts a reduction of the total tax assessment levied upon Sharon L. Roma's property located on Unit C001F in Block 86, Lot 6.01; and

**WHEREAS**, the 2002 total tax assessment, based upon said reduction, will be $74,000 instead of $93,300 for Unit C001F in Block 86, Lot 6.01; and

**WHEREAS**, the 2003 total tax assessment, based upon said reduction, will be $67,600 instead of $93,300 for Unit C001F in Block 86, Lot 6.01; and

**WHEREAS**, the 2004 total tax assessment, has been adjusted by the Borough Tax Assessor to the total amount of $59,300 for Unit C001F in Block 86, Lot 6.01; and

**WHEREAS**, the taxpayer, Sharon L. Roma, agrees to waive interest and accept credits in lieu of refunds; and

**WHEREAS**, the settlement also provides that Sharon L. Roma waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of those rights; and

**WHEREAS,** the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex leaves the allocation between the land and improvements of the aforesaid 2002, 2003 and 2004 tax assessment for Unit C001F in Block 86, Lot 6.01 to the Middlesex Borough Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

**WHEREAS,** the aforesaid reductions have no general application to other properties within the Borough of Middlesex as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex will make this settlement with Sharon L. Roma, without prejudice to its dealings with any other Middlesex Borough taxpayer's request for tax assessment reduction;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. The Middlesex Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a $74,000 total tax assessment for the 2002 tax year, a $67,600 total tax assessment for the 2003 tax year, and a $59,300 total tax assessment for the 2004 tax year, for Unit C001F in Block 86, Lot 6.01 which is most beneficial to the Borough of Middlesex and advise the Borough Special Tax Attorney of that allocation.

2. The Borough Special Tax Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Sharon L. Roma, Docket Nos.003793-2002 and 005095-2003, which reduces the total tax assessment on Unit C001F in Block 86, Lot 6.01 to $74,000 for the 2002 tax year, to $67,600 for the 2003 tax year, to $59,300 for the 2004 tax year; all at allocations between land and improvements as established by the Middlesex Borough Tax Assessor; which further provides that the taxpayer, Sharon L. Roma, agrees to waive interest and accept credits in lieu of refunds for the taxes overpaid in the 2002 and 2003 tax year; which further provides that Sharon L. Roma waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of that right; which further provides that the Freeze Act shall apply to the 2004 adjusted assessment, as if

it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation.

3. The settlement outlined above shall be without prejudice to the Borough of Middlesex dealings with any other Borough taxpayer's request for tax assessment reductions.

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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 #64-04**

**THIS RESOLUTION AUTHORIZES THE SPECIAL TAX ATTORNEY FOR THE BOROUGH TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED ANNA P. COLUMBUS VS. MIDDLESEX BOROUGH, TAX COURT OF NEW JERSEY, DOCKET NOS. 003807-2002 AND 005093-2003.**

**WHEREAS,** Anna P. Columbus, the owner of the office condominium unit known as Unit C001A in Block 86, Lot 6.01 on the Middlesex Borough Tax Assessment Maps, filed an appeal of her 2002 and 2003 tax assessments in the Tax Court of New Jersey, Docket Nos.003807-2002 AND 005093-2003; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex reviewed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

**WHEREAS,** an acceptable settlement of the aforesaid tax appeals have been negotiated in which the tax payer accepts a reduction of the total tax assessment levied upon Anna P. Columbus's property located on Unit C001A in Block 86, Lot 6.01; and

**WHEREAS**, the 2002 total tax assessment, based upon said reduction, will be $74,000 instead of $93,300 for Unit C001A in Block 86, Lot 6.01; and

**WHEREAS**, the 2003 total tax assessment, based upon said reduction, will be $67,600 instead of $93,300 for Unit C001A in Block 86, Lot 6.01; and

**WHEREAS**, the 2004 total tax assessment, has been adjusted by the Borough Tax Assessor to the total amount of $59,300 for Unit C001A in Block 86, Lot 6.01; and

**WHEREAS**, the taxpayer, Anna P. Columbus, agrees to waive interest and accept credits in lieu of refunds; and

**WHEREAS**, the settlement also provides that Anna P. Columbus waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of those rights; and

**WHEREAS,** the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation; and

**WHEREAS,** the Mayor and Council of the Borough of Middlesex leaves the allocation between the land and improvements of the aforesaid 2002, 2003 and 2004 tax assessment for Unit C001A in Block 86, Lot 6.01 to the Middlesex Borough Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

**WHEREAS,** the aforesaid reductions have no general application to other properties within the Borough of Middlesex as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex will make this settlement with Anna P. Columbus, without prejudice to its dealings with any other Middlesex Borough taxpayer's request for tax assessment reduction;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. The Middlesex Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a $74,000 total tax assessment for the 2002 tax year, a $67,600 total tax assessment for the 2003 tax year, and a $59,300 total tax assessment for the 2004 tax year, for Unit C001A in Block 86, Lot 6.01 which is most beneficial to the Borough of Middlesex and advise the Borough Special Tax Attorney of that allocation.

2. The Borough Special Tax Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Anna P. Columbus, Docket Nos.003807-2002 and 005093-2003, which reduces the total tax assessment on Unit C001A in Block 86, Lot 6.01 to $74,000 for the 2002 tax year, to $67,600 for the 2003 tax year, to $59,300 for the 2004 tax year; all at allocations between land and improvements as established by the Middlesex Borough Tax Assessor; which further provides that the taxpayer, Anna P. Columbus, agrees to waive interest and accept credits in lieu of refunds for the taxes overpaid in the 2002 and 2003 tax year; which further provides that Anna P. Columbus waives the right to appeal the 2004 assessment as adjusted and acknowledge that this settlement is entered into in part in consideration for the waiver of that right; which further provides that the Freeze Act shall apply to the 2004 adjusted assessment, as if it were a final disposition on the merits, and therefore the assessment of the property for the 2005 and 2006 tax years may not be changed unless there is a revaluation, or change in the value of the property due other than to market appreciation.

3. The settlement outlined above shall be without prejudice to the Borough of Middlesex dealings with any other Borough taxpayer's request for tax assessment reductions.

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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 #65-04**

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow account:

| BLOCK/LOT | NAME | AMOUNT | ACCOUNT # |
|---|---|---|---|
| 86.H/2 | Robert K. Ferris<br>232 Hazelwood Ave<br>Middlesex, NJ 08846 | $176.87 | 60057 |

including interest to date of refund.

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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 #66-04**

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow account:

| BLOCK/LOT | NAME | AMOUNT | ACCOUNT # |
|---|---|---|---|
| 144/1.A | Louis N. Rotherberg & Son<br>P.O. Box 550<br>550 Cedar Avenue<br>Middlesex, NJ 08846 | $583.49 | 60023 |

including interest to date of refund.

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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 #67-04**

**RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

**WHEREAS**, the Borough of Middlesex intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Sanitary Sewer Rehabilitation Project.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Engineer be authorized to act as the Authorized Representative to represent the Borough of Middlesex in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Borough of Middlesex, 1200 Mountain Avenue, Middlesex, NJ 08846 at (732) 356-7400.

I do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Borough of Middlesex, at a meeting duly held on the 24th day of February, 2004.

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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 #68-04**

**WHEREAS**, Kupper Associates has provided a request to increase the engineering budget for the Warrenville Road Sewer Rehabilitation in the amount of $5,500; and

**WHEREAS**, the original budget of $10,000 would have been sufficient, but there were complications with the only bid which was submitted and awarded to Allstate Power Vac, and they eventually requested to be released from the contract and the project was rebid; and

**WHEREAS**, before the release from their contract, Allstate Power Vac had already incurred engineering services during construction.

**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 increasing Kupper Associates' engineering budget for the Warrenville Road Sewer Rehabilitation at a cost not to exceed $5,500.

2. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED**, that the Chief Financial Officer hereby certifies that funds are available in Ordinance No. 1557-02.

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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 #69-04**

Authorizing the Borough Administrator to submit a Tier A Municipality Stormwater Management Grant Application and Mayor Dobies to execute this Grant Application.

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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 #70-04**

**AUTHORIZING THE BOROUGH CLERK TO ISSUE A RAFFLE LICENSE TO OUR LADY OF MT. VIRGIN CHURCH (RA566)**

The application a Raffle License filed by Our Lady of Mt. Virgin Church, which has been approved by the Police chief be accepted and the Borough Clerk is hereby authorized to issue the license upon receipt of the fee as set by the State (RA 566).

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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 #71-04**

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 |
| Pocket Park – Drake Avenue | $20,500 |

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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 #72-04**

The application for renewal of junkyard licenses filed by Importico Salvage Corp., Absolute Auto-truck Salvage and Falgi, Inc. has been approved by the Police Department, Fire Official and Board of Health be accepted and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

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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 #73-04**

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

Public Celebrations

Other Expenses $ 5,000.00

Reserve for Hometown Day

Other Expenses $ 1,155.00

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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 #74-04**

The Tax Collector is hereby authorized to refund overpayments of 1st quarter 2004 property taxes on the following properties:

| BLOCK/LOT | NAME & ADDRESS | AMOUNT |
|---|---|---|
| 7.B/1 | Michael J & Sharon S Fillmore<br>2 Bonnie Brook Terr | $ 432.62 |
| 10/24 | Edward W & Carol A Moraller<br>125 Vogel Place | $ 913.95 |
| 40/5 | Scott & Ann Rabouin<br>404 Fulton St | $ 37.11 |
| 65/29 | Ernest C & Susan A Nodes<br>12 Garden Place | $ 126.72 |

| | | |
|---|---|---|
| 91/2 | Matthew & Lori Bayait<br>916 Hazelwood Ave | $ 41.32 |
| 155/12 | Vincent & Randy C Baricaua<br>107 Melrose Ave | $1,790.10 |
| 160/19 | Bao Vu & Tran Diem<br>230 Melrose Ave | $ 43.70 |
| 161/5.A | Michael V Jr & Loretta Cresitello<br>206 Fairview Ave | $1,193.40 |
| 274/4 | Binh Ngo<br>221 Sherman Ave | $ 924.75 |

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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 #75-04**

The Tax Collector is hereby authorized to refund an overpayment of 1st quarter 2004 property taxes in the amount of $700.65 on Block 18, Lot 13, 216 Fairfield Ave. The check is to be made payable to:

Wells Fargo Real Estate Tax Service
Financial Support Unit-Region 1
1 Home Campus MACX2502-011
Des Moines, IA 50328-0001

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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 #76-04**

The Tax Collector is hereby authorized to refund an overpayment of 1st quarter 2004 property taxes in the amount of $1,229.85 on Block 165, Lot 1, 300 Fairview Ave. The check is to be made payable to:

RBMG, Inc.
P.O. Box 100202
Columbia, SC 29202

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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 #77-04**

The Tax Collector is hereby authorized to transfer $1,019.25 from Block 12, Lot 13, 224 Stephenson Avenue to Block 12, Lot 11, 220 Stephenson Avenue and refund an overpayment of 1st quarter 2004 property taxes in the amount of $188.61. The check is to be made payable to:

First American Real Estate Tax Services
Renaissance Tower
Attn: Refund Department, Lender #2225
1201 Elm Street, Suite 400
Dallas, TX 75270

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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 #78-04**

Resolution – Budget transfers for the Budget Year 2003:

| ACCOUNT NAME: | TO: | FROM: |
|---|---|---|
| Appropriation Reserves – Senior Citizen Transportation | | |
| Other Expenses | $500.00 | |
| Appropriation Reserves – Senior Citizen Transportation | | |
| Salary & Wages | | $500.00 |

To cover costs to repair Blue Bird Bus which became disabled in 2003.

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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 #79-04**

Authorizing the Mayor and Borough Clerk to execute the Cooperative Pricing Agreement with Middlesex County for the purchase of electric generation service, gas supply service, electric related services and gas related services.

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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 #80-04**

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

| | | |
|---|---|---|
| End Zone<br>425 Bound Brook Road | (2) Amusement Machines<br>(1) Pool Table<br>(1) Music Machine | $200.00u<br>$100.00<br>$ 25.00 |
| Ellery's Bar & Grill<br>701 Lincoln Boulevard | (3) Amusement Machines | $300.00 |
| Middlesex Elk's<br>545 Bound Brook Road | (1) Amusement Machine<br>(1) Pool Table | $100.00<br>$100.00 |
| Drug Fair<br>738 Union Avenue | (2) Amusement Machines | $200.00 |
| American Legion Post 306<br>707 Legion Place | (1) Pool Table | $100.00 |
| | **TOTAL** | **$1125.00** |

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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 #81-04**

Authorizing the Borough Engineer to be named the Stormwater Program Coordinator for our Tier A Municipal Stormwater General Permit NJ0141852.

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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 #82-04**

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 FOUNDACCEPTABLE.

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The Borough Clerk proclaimed March 7 – March 13, 2004 as Girl Scout Week:

**PROCLAMATION**
**GIRL SCOUT WEEK**
**MARCH 7 – 13, 2004**
**92ND ANNIVERSARY**

**WHEREAS**, Girl Scouts of the USA, the largest voluntary organization for girls in the world, is built on a strong foundation of tradition and continues to grow strong; and

**WHEREAS**, Girl Scouting offers young women a place where they can be girls—where they can be what they want to be; and

**WHEREAS**, Girl Scouts serve the community; and

**WHEREAS**, Girl Scouts produce young women who grow up to be proud women; and

**WHEREAS**, Girl Scouts is a place where girls learn to like what they see in the mirror; and

**WHEREAS**, Girl Scouts provide a place, in troubled times, where things are normal and dependable; and

**WHEREAS**, Girl Scouts offers girls, achievement, self-assurance, self-respect, and self-confidence; and

**WHEREAS**, Girl Scouts is absolutely one of the most positive experiences in which a girl can be involved; and

**WHEREAS**, Girl Scouts is open to all girls ages 5 – 17, and offers a program responsive to their needs and interests.

**NOW, THEREFORE**, I, Ronald S. Dobies, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, hereby proclaim March 7 – 13, 2004 as GIRL SCOUT WEEK in the Borough of Middlesex.

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The Borough Clerk recognized the Proclamation which honored Mayor Zuccarelli as the Middlesex Elks "Citizen of the Year" and thanked him on behalf of the Mayor and Council for all his work and dedication to the Borough.

*PROCLAMATION*

***WHEREAS***, the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes and acknowledges the dedication, the volunteer work, the concern and services that Mayor Joseph Zuccarelli provides for our Borough and residents; and

***WHEREAS,*** Mayor Zuccarelli has continuously served the Borough of Middlesex, serving our children and residents for more than 54 years; and

***WHEREAS,*** Mayor Zuccarelli's municipal service started as a Councilman in 1950, then as Council President, and was then elected the ninth Mayor of Middlesex in 1955; and

***WHEREAS,*** under Mayor Zuccarelli's leadership and tenure as Mayor numerous improvements in our parks, schools, library, and town were achieved; and

***WHEREAS,*** Mayor Zuccarelli has dedicated his entire life to community improvements by holding public office, leading and participating in many special events, such as our 75th

Middlesex Anniversary Celebration and Hometown Day Festivities, as a leader in the activities of Our Lady of Mount Virgin Church, and as an active member of our ELKS Order; and

***WHEREAS,*** Mayor Zuccarelli has been designated a Middlesex Borough Outstanding Citizen by Mayor Dobies in recognition of his lifetime volunteer achievements that results in improving the quality of life for our Borough and residents; and

***WHEREAS,*** Mayor Zuccarelli has been named the Middlesex Elks "Citizen of the Year."

***NOW, THEREFORE, I RONALD S. DOBIES,*** Mayor of the Borough of Middlesex, along with the members of the Governing Body, on behalf of our citizens, wish to thank Mayor Zuccarelli for all his work and dedication.

***IN WITNESS WHEREOF,*** I hereby present Mayor Zuccarelli with the "Mayor's Distinguished Service Medal" and hereunto set my hand and the seal of the Borough of Middlesex to be affixed this 14th of February, 2004.

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

Frank Ryan, 303 Maple Street questioned the hours of the DPW Superintendent.

Cliff Bowen, Greene Avenue questioned the Economic Development Committee and its goals, and if we have looked at other Economic Development Committees in other towns.

Council President Hompesch indicated that the Economic Development Committee will not be an ad hoc committee, will be appointed by the council and its goals will be set out in the ordinance that will be adopted. Council President Hompesch mentioned that he initiated the ordinance and brought it to the council as he thinks this committee will be a very important committee for our town if it works and produces tax relief for the citizens. This Committee has suggested that the council liaison not be a voting member and has looked to other municipalities for suggestions.

Cliff Bowen also questioned why two garbage cans were missing from Willow Drive by the falls and also by the boathouse. Also, there were 2 – 3 lights out on Willow Drive and ruts on the side of the road. Mr. Bowen forwarded a letter to Borough Administrator with suggestions for Jerry Schaefer to handle.

Seeing that there were no further comments or questions, Council President Hompesch closed the public portion of the meeting.

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Councilman Colitti moved the approval of Christopher Henry Cyberey as an active member of the Middlesex Fire Department and H.C. Pierce Hose Co. #3 seconded by Councilwoman Thomasey and carried by a unanimous vote of Council.

Councilman Colitti moved the approval of William Coughlin as an active member of the Middlesex Fire Department and Park Engine & Hose Co. #4 seconded by Councilwoman Thomasey and carried by a unanimous vote of Council.

Councilman D'Angelo moved the approval of the January, 2004 Treasurer's Report seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Councilman D'Angelo stated that during the first 2 months of the year we had a lot of snow and would like to mention that the Council received many letters recognizing the fine job done by the DPW in their removal of the snow.

Councilman Mulcahy moved the approval of the January, 2004 Municipal Court Report seconded by Councilman D'Angelo and carried by a unanimous vote of Council.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk