

Municipal Building
1200 Mountain Avenue

March 9, 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)
Council President	Michael Hompesch
	Giancarlo Colitti (absent)
	Jerry D'Angelo
	Josephine Liana
	Garrett Mulcahy
	Laura Thomasey

Attorney:	George Hendricks
Administrator:	Joseph Manning

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.

The Deputy Clerk read the following resolution:

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

Resolution #94-04

WHEREAS, the Borough Council desires to amend Ordinance No. 1608-04, Section 16-7. Annual Report to read to follow:

“The Committee shall make an annual report of its activities and recommendations to the Mayor and Borough Council and at such other times as the Mayor and Borough Council shall request or the Committee deems desirable. The Committee shall regularly submit minutes to the mayor and borough council.”

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. Ordinance No. 1608-04, Section 16-7. Annual Report has been amended to read:
“The Committee shall make an annual report of its activities and recommendations to the Mayor and Borough Council and at such other times as the Mayor and Borough Council shall request or the committee deems desirable. The Committee shall regularly submit minutes to the mayor and borough council.”
2. This resolution shall take effect immediately.

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

The Deputy Clerk read Ordinance No. 1603-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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**

Council President Hompesch opened the Public Hearing on Ordinance 1603-04. Seeing that there was no public participation, Council President Hompesch closed the public hearing on Ordinance No. 1603-04.

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

The Deputy Clerk read Ordinance No. 1607-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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**

Council President Hompesch opened the Public Hearing on Ordinance 1607-04. Seeing that there was no public participation, Council President Hompesch closed the public hearing on Ordinance No. 1607-04.

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

The Deputy Clerk read Ordinance No. 1608-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE #1608-04

AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE

Councilman D'Angelo stated that a few weeks ago I argued for funding of the Economic Development Committee. At the time it was a temporary committee. I believe a temporary or ad-hoc committee is proper in this area. I do not feel that a permanent committee that duplicates another permanent committee's charge is necessary. I refer to the Housing and Community Development committee which has a very similar responsibility and where I feel long term plans should be formulated. That committee has been a non-political one receiving and spending almost 2 million dollars in grants since it's inception.

The proposed committee here claims to be non-political but over the past several weeks has indicated to me that it actually is. Two weeks ago Council President Hompesch said he attended one meeting of this group yet the Borough Newsletter article about the committee states the Council President leads this so called independent group. That in its self makes it a political situation. And the survey that the proposed committee sent in the Borough Newsletter contains several questions which are simply the reverse of statements contained in the Republican Platform in the last election.

This proposed ordinance has a five year term of office for it's members. No other committee has that length of tenure. The Council President said it was to make it non-political. But I believe it's to insulate and protect people who may have political reasons for being on this committee. There is no other reason why this group would be afforded such tenure.

I believe that economic development is essential to Middlesex. I believe that a temporary or ad-hoc committee is proper. I believe that this ordinance is structured to reinvent the republican platform of the last election and will no doubt supply the republican platform for the next election. Therefore, I have to vote no.

Council President Hompesch opened the Public Hearing on Ordinance 1608-04. Seeing that there was no public participation, Council President Hompesch closed the public hearing on Ordinance No. 1608-04.

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

The Deputy Clerk read the following resolution:

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

Consent Agenda 2004(F)

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 #83-04 - Resolution #93-04

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

The Deputy Clerk read the following resolution:

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

Resolution #83-04

WHEREAS, in past years we have applied to the Director of Local Government Services of the Department of communities Affairs for aid under the “Extraordinary Aid Program”; and

WHEREAS, it is again the desire of the Mayor and Council to apply for said “Extraordinary Aid”.

NOW THEREFORE BE IT RESOLVED that an “Extraordinary Aid” application for the Calendar Year 2004 be prepared and submitted to the Director of Local Government Services of the Department of Communities Affairs.

AND BE IT FURTHER RESOLVED that the required officials under the “Extraordinary Aid Application for the Calendar year 2004” be authorized to sign the application.

The Deputy Clerk read the following resolution:

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

Resolution #84-04

WHEREAS, Kupper Associates has provided to the Borough of Middlesex a proposal dated January 29, 2004 to provide engineering services for the Mountainview Park Soccer Field Restoration Project; and

WHEREAS, these services include the following:

- Attendance at a meeting with the Borough’s representatives to confirm the locations of the soccer fields;
- Site survey of the fields;
- Coordination with PSE&G for electric service;
- Submission of the plans and specifications for review by the Borough and the funding agency;
- Issuance of the final contract documents for bidding; and
- During the bid phase, provide assistance to the borough including:
 - Contract interpretation during bidding
 - Issuance of addenda as required; and
 - Review and recommendation of bids

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 for the Mountainview Park Soccer Field Restoration Project at a cost not to exceed \$11,500.
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.1600-04.

The Deputy Clerk read the following resolution:

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

Resolution #85-04

**RESOLUTION AUTHORIZING PARTICIPATION OF MIDDLESEX BOROUGH IN
THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN CROSS-
ACCEPTANCE PROCESS**

WHEREAS, the State Planning Act of 1985 (N.J.S.A. 52:18A-196 et. seq.) created a State Planning Commission and an Office of Smart Growth for the purpose of establishing a cooperative planning process that involves the full participation of state, county and local government; and,

WHEREAS, the State Planning Act states that New Jersey needs integrated and coordinated planning in order to conserve its natural resources, to revitalize its urban centers, to provide affordable housing and adequate public facilities at a reasonable cost, to promote equal social and economic opportunity for New Jersey's citizens, and to prevent sprawl and promote the suitable use of land; and,

WHEREAS, the primary duty and responsibility of the State Planning Commission under the State Planning Act is the preparation of a "State Development and Redevelopment Plan;" and,

WHEREAS, the State Planning Act also provides that the State's municipalities are to have an essential role in the development of the State Plan through their participation in the Cross-acceptance process to be conducted under the Act; and,

WHEREAS, the Cross-acceptance process is the primary vehicle under the Act for promoting vertical coordination and integration of state, county and local plans by affording county and municipal governments a full and open opportunity to be involved in reconciling inconsistencies between state and local policies; and,

WHEREAS, the Board of Chosen Freeholders of Middlesex County has concluded that it is appropriate, necessary and in the County's interest to fully participate in the development of the State Plan through the full and active participation of the County government, including in particular its Planning Board and its Department of Planning, in the Cross-acceptance process; and

WHEREAS, the Governing Body of Middlesex Borough has concluded that it is appropriate, necessary and in the municipality interest to fully participate in the development of the State Plan through the full and active participation of the Municipal government, including in particular its Planning Board, in the Cross-acceptance process.

NOW, THEREORE, BE IT RESOLVED by the Middlesex Borough Council of the County of Middlesex as follows:

1. That the Middlesex Municipal Planning Board is hereby authorized and directed to carry out the Cross-acceptance process pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et. seq. and the State Planning Rules, N.J.A.C 17:32 and any other rules promulgated by the State Planning Commission for this Purpose.
2. That the Middlesex Municipal Planning Board shall coordinate with the County or Negotiating Entity in their preparation of a proposed work program and schedule for municipal and county Cross-acceptance and Negotiating Entity shall submit said work program and schedule to the New Jersey Office of Smart Growth by the appropriate time.
3. That all other Middlesex Municipal Departments and Agencies shall cooperate with the Municipal and County Planning Board or Negotiating Entity and provide information and furnish such documents as may be required.

The Deputy Clerk read the following resolution:

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

Resolution #86-04

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

Municipal Clerk		
	Other Expenses	\$ 500.00
Insurance – Temp Disability		
	Other Expenses	\$ 375.00
Roads		
	Other Expenses	\$ 2,000.00
Police Retirement System		
	Other Expenses	\$55,323.00

The Deputy Clerk read the following resolution:

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

Resolution #87-04

Designating Borough Administrator Joseph Manning to be the Insurance Commission for the Middlesex County Municipal Joint Insurance Fund and Andrea Corcoran to be the alternate to said Commission for the year 2004.

The Deputy Clerk read the following resolution:

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

Resolution #88-04

The Tax Collector is hereby authorized to refund and cancel 4th quarter 2003 property taxes in the amount of \$1,388.50, 1st quarter 2004 property taxes in the amount of \$1,350.00 and 2nd quarter 2004 property taxes in the amount of \$1,350.00 on Block 111, Lot 16. The homeowner has been certified as totally disabled during wartime service by the Department of Veteran Affairs. The check should be made payable to:

First American Real Estate Tax Service
Attn: Claims Department
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

The Deputy Clerk read the following resolution:

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

Resolution #89-04

GRANT AGREEMENT

**BETWEEN
MIDDLESEX BOROUGH
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT IDENTIFIER: _____**

The Governing Body of the Borough of Middlesex desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$2,000 to fund the following project: COMMUNITY FORESTRY MANAGEMENT PLAN.

Therefore, the governing body resolves that Ronald S. Dobies or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$2,000 and not more than \$2,000, and (c) to execute any amendments thereto which do not increase the Grantee’s obligations.

The Middlesex Borough Council authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services or property, is hereby certified. One hundred percent (100%) of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

The Deputy Clerk read the following resolution:

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

Resolution #90-04

**AUTHORIZING THE BOROUGH CLERK TO ISSUE 2 RAFFLE LICENSES TO THE
MIDDLESEX FIRE DEPARTMENT (RA567 & RA568)**

The application 2 Raffle Licenses filed by the Middlesex Fire Department, which have been approved by the Police chief be accepted and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fee as set by the State (RA 567 & RA 568).

The Deputy Clerk read the following resolution:

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

Resolution #91-04

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 Deputy Clerk read the following resolution:

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

Resolution #92-04

WHEREAS, the Mayor and Council is desirous of developing Veterans Memorial Park in Middlesex Borough; and

WHEREAS, the Mayor and Council have agreed to transfer the HUD grant funds from Commitment No. 224343 for the Mountainview Park Extension (Passive Park) in the amount of \$30,000.00 to be used for the development of Veterans Memorial Park; and

WHEREAS, said park is located in the necessary target area designated for Middlesex Borough.

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 Governing Body hereby approves the transfer of unused HUD grant funds in the amount of \$30,000.00 for the Mountainview Park Extension to be transferred for the development of Veterans Memorial Park.
2. This resolution shall take effect immediately.

The Deputy Clerk read the following resolution:

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

Resolution #93-04

WHEREAS, Kupper Associates has provided to the Borough of Middlesex a proposal dated March 8, 2004 to provide engineering services for the proposed Veterans Memorial Park; and

WHEREAS, these services include the following tasks:

- | | |
|---|---------|
| • Floodway/Flood Hazard Area Jurisdictional Determination | \$1,350 |
| • Conceptual Site Plan for the Pavilion | \$1,250 |
| • Wetlands Presence or Absence LOI | \$3,400 |
| • Competitive Quotes | \$ 900 |
| • Metes and Bounds Description | \$ 600 |

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 for the proposed Veteran Memorial Park at a cost not to exceed \$7,500.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in HUD Grant Commitment No. 224343.

The Deputy Clerk proclaimed March, 2004 as RED CROSS MONTH:

**PROCLAMATION
RED CROSS MONTH
MARCH, 2004**

WHEREAS, the American Red Cross is one of the largest and oldest social services organizations in America; and

WHEREAS, volunteer and financial contributions are now needed more than ever before to protect the needs of our citizens; and

WHEREAS, volunteers make it possible for the Red Cross to collect and provide blood to the ill and injured, provide emergency assistance to disaster victims, and to respond to the emergency needs of armed forces personnel and their families and dependents; and

WHEREAS, Red Cross volunteers conduct thousands of courses in health and safety; and

WHEREAS, for more than 115 years the American Red Cross has been an essential ingredient of American life, helping us to learn, to help, to prosper.

NOW, THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex proclaim March, 2004 as RED CROSS MONTH in Middlesex Borough. I urge all residents of Middlesex Borough to donate their time and resources to support Red Cross activities.

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

Angelo Porta, Runyon Avenue questioned the politics regarding the Economic Development Committee and mentioned that it seems that the Republican council is solid, but it seems like there is no change.

Holly Zulus, 440 Fairview Avenue thanked the Borough Administrator for resolving issues that she had in a timely manner. She also questioned who enforced the ticketing of parked cars on the street during the snow and who is responsible for shoveling the corners during a snowstorm. She also mentioned that she is two doors from the corner of her road and the resident on the corner of her street parks on the road during the snow and never shovels the sidewalks.

Borough Administrator Manning indicated that the police ticket the cars on the road when the plowing is being done. The Code Enforcer allows a sufficient amount of time for the residents to shovel their sidewalks.

Councilman Mulcahy encouraged Ms. Zulus to call the Borough when this happens so that it can be handled. He mentioned that this might be an area that is being missed, and they are concerned about the public's safety.

Ms. Zulus also encouraged that the Borough enforce the DPW employees to wear "fluorescent vests" so that someone on the garbage truck does not get hurt.

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

Councilwoman Thomasey moved the approval of the February 10, 2004 and February 24, 2004 Public Meeting Minutes and the January 27, 2004 and February 24, 2004 Agenda Meeting Minutes seconded by Councilwoman Liana and carried by a unanimous vote of Council.

Councilman D'Angelo moved the approval of the January and February, 2004 Board of Health Report seconded by Councilwoman Thomasey and carried by a unanimous vote of Council.

On behalf of Mayor Dobies, Council President Hompesch moved the appointment of Barbara Benson as Alternate No. 1 and Albert Lowande as Alternate No. 2 to the Board of Health seconded by Councilwoman Thomasey and carried by a unanimous vote of Council.

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

Respectfully submitted,

Linda Chismar, RMC
Deputy Clerk

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