

Municipal Building
1200 Mountain Avenue

April 8, 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
Council President	Bruce Sadowski
	Louis Curcio
	Colin Fowler (absent)
	Michael Hompesch (absent)
	Josephine Liana
	Garrett Mulcahy
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 7, 2003.

The Borough Clerk read Ordinance No. 1580-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1580-03
AN ORDINANCE TO AMEND ORDINANCE ENTITLED POLICE DEPARTMENT
ORDINANCE 1268
ARTICLE I

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Article 1, Section 3 is amended as Follows:

There is hereby created in and for the Borough of Middlesex a Police Department, which shall consist of a Chief of Police with the positions of Captain, Lieutenant, Sergeant and Corporal. (N.J.S.A. 40A:14-118.)

Article 1, Section 9, Paragraph “I” is Amended as Follows:

He or she has a minimum of a high school diploma and a minimum of 60 college credits from an accredited college or university.

Article 1, Section 15, Paragraph “D” shall now read as follows:

Any reference to “patrolman” shall be deleted and the word “police officer” inserted.

Article 1 add Section 42C, Random Drug Testing:

This department shall conduct random drug testing of police officers in accordance with the Drug Testing Policy of the Attorney General of New Jersey.

Mayor Dobies opened the public hearing on Ordinance No.1580-03.

Barbara Benson, Salvatore Avenue questioned if the position of “Corporal” had been a new position added in this ordinance.

Mayor Dobies stated that the Corporal position already existed in the ordinance.

Seeing that there was no further public comments, Mayor Dobies closed the public hearing on Ordinance No 1580-03.

Mr. Sadowski moved for adoption seconded by Mr. Mulcahy and carried by the following roll call vote: Ayes: Members Curcio, 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(H)

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 #99-03 - Resolution #105-03
Resolution #107-03 – Resolution #110-03

Mr. Sadowski moved for adoption seconded by Mr. Curcio and carried by the following roll call vote: Ayes: Members Curcio, 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 #99-03

RESOLUTION PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE BOROUGH OF MIDDLESEX

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2002; and

WHEREAS, the unpaid portion of the Local District School Tax on December 31, 2002 may be deferred to the extent of not more than 50% of the school year July 1, 2002 to June 30, 2003 levy, providing no requisition has been made for such amount or any portion of such amount; and

WHEREAS, the Deferred Local District School Taxes for the year 2002 may not exceed 50% of the school year July 1, 2002 to June 30, 2003 levy of \$15,217,181.00 resulting in a deferred amount not to exceed \$7,608,590.50. This amount represents an increase of \$586,370.50 over the maximum Deferred Local District School Taxes for the year 2001 of \$7,022,220.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that Local District School Taxes unpaid at December 31, 2002 be deferred to the amount not exceeding \$7,608,590.50, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$7,022,220.00.

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services.

The Borough Clerk read the following resolution:

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

Resolution #100-03

WHEREAS, the Borough desires to enter a Code Revitalization Agreement with General Code Publishers in the amount of \$21, 200 for the codification of Borough Ordinances; and

WHEREAS, the codification of Borough Ordinances is considered an Extraordinary Unspecifiable Service which is “a service that is specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor”.

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 is hereby authorized to execute the contract with General Code Publishers in the amount of \$21,200 for the codification of the Borough Ordinances.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$17,600 are available in Ordinance No. 1579-03 and funds in the amount of \$3,600 are available in Ordinance No. 1438-98.

The Borough Clerk read the following resolution:

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

Resolution #101-03

The Treasurer is hereby authorized to issue a check in the amount of \$19,227.36 to redeem tax sale certificate 2002-1638, made payable to:

BCTL, LLC
P. O. Box 735
Bordentown, NJ 08505

The Certificate covered property located at 317 Lincoln Boulevard, Block 333, Lot 29.A.

The Borough Clerk read the following resolution:

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

Resolution #102-03

Laurie Orth, 127 Lee Drive is hereby hired as a Part Time Administrative Assistant in the Administration Office effective April 28, 2003 for 25 hours per week at \$12.50 per hour for a six-month probationary period pending approval of a physical exam and background check.

The Borough Clerk read the following resolution:

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

Resolution #103-03

Carolyn Clifford, 120C Madison Street, South Bound Brook, is hereby hired as a Part Time Pre-School Program Instructor in the Recreation Center effective April 7, 2003 not to exceed 25 hours per week at \$8.76 per hour for a six month probationary period pending approval of a physical exam and background check.

The Borough Clerk read the following resolution:

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

Resolution #104-03

The application for a new Amusement Machine License, filed by the Middlesex Elk's, 545 Bound Brook Road, be accepted, and the Borough Clerk is hereby authorized to issue the license upon receipt of the \$100.00 fee.

Borough Clerk read the following resolution:

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

Resolution #105-03

WHEREAS, the Mayor and Council adopted Ordinance No. 1576-03 on February 25, 2003 deeming that Block 38, Lot 28 is not needed for public use; and

WHEREAS, the Mayor and Council therefore conducted an Auction of Block 38, Lot 28 on the Middlesex Borough Tax Map with the two contiguous property owners at the March 25, 2003 Public Meeting; and

WHEREAS, Tunison Home Improvements, Inc., was the high bidder for this property in the amount of \$30,100.00; and

WHEREAS, Tunison Home Improvements, Inc. has supplied the borough with a 10% deposit for this property in the amount of \$3010.00.

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 award the sale of Block 38, Lot 28 on the Middlesex Borough Tax Map to Tunison Home Improvements, Inc. for the sum of \$30,100.00.
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 #106-03

WHEREAS, the Watchung School PTO has requested assistance from the Mayor and Council in funding for the equipment, installation and mulch for the Watchung School Playground; and

WHEREAS, the total cost for this project is \$14,513.00, of which the Mayor and Council have agreed to donate \$7,276.00 for this equipment.

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 donating \$7,276.00 to the Board of Education for the equipment, installation and mulch for Watchung School Playground.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$7,276.00 are available in Ordinance No. 1579-03.

Council President Sadowski moved to amend Ordinance #106-03 to reflect that the \$7,276.00 was donated to the "Board of Education" seconded by Mr. Curcio and carried by the following roll call vote: Ayes: Members Curcio, Liana, Mulcahy and Sadowski. Nos.: None. Abstain: None.

Mr. Sadowski moved for adoption as amended seconded by Mr. Curcio and carried by the following roll call vote: Ayes: Members Curcio, 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 #107-03

WHEREAS, bids were received by the Borough of Middlesex on February 18, 2003 for the Sanitary Sewer Improvements for Warrenville Road; and

WHEREAS, one bid was received for this project from Allstate Power Vac, Inc., 928 East Hazelwood Avenue, Rahway, New Jersey 07065-5634 in the amount of \$43,991.60.

WHEREAS, the Borough Engineer recommends approval of this bid subject to the following conditions:

- The Contractor shall supply cured-in-place pipe as manufactured by Novapipe, North Smithfield, RI and Vipel L 704-AAP Series Polyester Resin, as manufactured by A.O.C. Resins, Collierville, TN 38107.
- In lieu of ISO 9000 certification of the installation process, an on-site representative from Novapipe shall observe and provide consultation during the installation of the liner, including the wet out, insertion, curing and re-establishment of services.
- Prior to final payment, Allstate must provide written certification from Novapipe that the liner was installed in substantial conformance with the manufacturer's recommendations.

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. On the recommendation of the Borough Engineer and the Borough Attorney, Allstate Power Vac, Inc., 928 East Hazelwood Avenue, Rahway, New Jersey is hereby awarded the bid for the Sanitary Sewer Improvements for Warrenton Road in the amount of \$43,991.60 subject to the conditions outlined above.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$43,991.60 are available in Ordinance No. 1557-02.

The Borough Clerk read the following resolution:

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

Resolution #108-03

WHEREAS, Gene Sutton of the Department of Public Works has applied for the position as Assistant Mechanic; and

WHEREAS, the Superintendent of the Department of Public Works and the Administrator has approved Mr. Sutton for the position of Assistant Mechanic; and

WHEREAS, all the provisions of the Department of Public Works Local 255 Contract has been met; and

WHEREAS, the contract dictates the salary for the position of Assistant Mechanic to be \$25.5878 per hour.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Gene Sutton is hereby appointed to the position of Assistant Mechanic at an hourly rate of \$25.5878 effective March 24, 2003; and

BE IT FURTHER RESOLVED that Gene Sutton shall serve a 90 day probationary period which shall commence from the date of official appointment and he shall be credited the maximum of 30 days for prior experience.

The Borough Clerk read the following resolution:

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

Resolution #109-03

Authorizing the Mayor and Borough Clerk to execute NJDEP WQM-003 permit for the relocation of approximately 435 linear feet of an existing 36-inch trunk sewer and reinforcement of a portion of the bank along the Ambrose Brook.

The Borough Clerk read the following resolution:

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

Resolution #110-03

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 declared April 6 – April 13, 2003 as Crime Victims’ Rights Week:

PROCLAMATION

WHEREAS, The statewide Victims’ Rights Summit to be held on April 7, 2003, marks the Crime Victims’ Rights Week Kickoff event, which initiates the observance of Crime Victims’ Rights Week in the State of New Jersey from April 6 through April 13, 2003; and

WHEREAS, The Borough of Middlesex recognizes that on November 5, 1991 the voters of the State of New Jersey adopted Article 1, paragraph 22, the Victim’s Rights Constitutional Amendment which promised to all victims of violent crime that they would be treated with “fairness, compassion and respect” in the criminal justice system; and

WHEREAS, The theme for Crime Victims’ Rights Week in the State of New Jersey and throughout the national for the year 2003 is “Victims Rights – Fulfill the Promise.”

WHEREAS, The Borough of Middlesex is pleased to recognize and honor all victims of crime and those activists who have demonstrated concern and compassion on behalf of their fellow citizens who have been victimized by violent crime; and,

WHEREAS, The Borough of Middlesex does hereby affirm its support of a statewide and national commitment to violence reduction and victim assistance to help bring criminals to justice, as well as increased efforts to protect citizens and safeguard the rights of those who become victims of crime; and

WHEREAS, The Borough of Middlesex is pleased to support a statewide Victims’ Rights Summit which will take place on April 7, 2003 which will bring together victims, advocates, service providers, prosecutors and legislators to celebrate the efforts made on behalf of crime victims in the past and to affirm our goals for the future.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex that the Borough of Middlesex hereby joins in the observance of April 6 through April 13, 2003 as Crime Victims’ Rights Week in the State of New Jersey, and does hereby support the promise and pay tribute to the many individuals and organizations who support and apply their resources in behalf of crime victims, and urges all citizens to do their part to stop violence by reporting crimes and refusing to tolerate injustice in their homes or in their communities; and

BE IT FURTHER RESOLVED, that a duly authenticated copy of their Proclamation be signed by the Mayor and attested by the Borough Clerk.

The Borough Clerk read the following Proclamation:

PROCLAMATION

A PROCLAMATION OF THE BOROUGH OF MIDDLESEX HONORING THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE ENGAGED IN OPERATION IRAQI FREEDOM AND THE WAR ON GLOBAL TERRORISM AND CALLING UPON ALL RESIDENTS OF MIDDLESEX BOROUGH TO EXTEND THEIR FULL SUPPORT AND GRATITUDE TO THESE BRAVE MEN AND WOMEN WHO ARE PLACING THEIR LIVES IN HARMS WAY IN ORDER TO ESTABLISH FREEDOM AND DEMOCRACY FOR THE OPPRESSED PEOPLE OF IRAQ AND AFGHANISTAN

WHEREAS, on Wednesday, March 19, 2003, the United States began a major campaign to liberate the people of Iraq from the totalitarian dictatorship and oppression of Sadam Hussein; and

WHEREAS, more than 300,000 men and women of the United States Armed Forces consisting of the Marine Corps., Army, Air Force and Navy are committed to topping Hussein's regime of brutality, intimidation and disrespect for human rights; and

WHEREAS, the brave men and women of the United States Military are now engaged in fierce hand-to-hand combat with elements of Hussein's paramilitary force known as the Fedayeen and the regular Republican Guard in a life and death struggle to liberate the people of Iraq; and

WHEREAS, ever since the unprovoked terrorist attacks on our Nation on September 11, 2001, which resulted in the deaths of thousands of Americans, members of the United States Armed Services have answered the call to duty, as they have countless other times since the founding of the United States, to protect and preserve our inalienable rights to enjoy the blessings of liberty and democracy; and

WHEREAS, in answering their country's call to arms, these loyal sons and daughters of the United States Armed Forces, have left jobs, families and the peace and security of life in America, to take up the flag in not only protecting our way of life but in liberating the oppressed people of Afghanistan and Iraq so that they too might have the opportunity to embrace the ideals of freedom and democracy; and

WHEREAS, the Borough of Middlesex believes it is fitting and proper, on behalf of the residents of this community, to acknowledge the loyalty, dedication and selfless service of all members of the United States Armed Forces, whether they be deployed in the Persian Gulf Theater in the relentless fight to liberate the people of Iraq from the tyrannical grasp of a cruel despot, engaged in a war against global terrorism in Afghanistan and other parts of the world, or in performing various homeland security missions

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

1. The Governing Body is proud of the more than 300,000 military personnel of the United States Armed Forces, many of whom are from the County of Middlesex and the State of New Jersey, who are making great sacrifices to protect and preserve our way of life, and in their struggle to secure freedom and democracy for all those people in Afghanistan and Iraq who pray that the yoke of oppression be lifted from their shoulders.
2. The Governing Body calls upon all residents of the Borough of Middlesex to show their support and gratitude for the members of our military by properly displaying the flag of the United States and/or the display of patriotic ribbons as a symbol of our faith and dedication of our gallant men and women in the service of our country.
3. In honor and recognition of those who have already made the supreme sacrifice by giving their lives to the causes of liberty and freedom and to those that are wounded, missing in action or held in captivity as prisoners of war, let us offer a prayer each day to Almighty God to sustain these steadfast, loyal and brave men and women during their tribulations, and to pray for their safe return and the safe return of all our troops.

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

Bertille Rascher, 608 Mountain View Terrace, voiced her dissatisfaction with the Administrator and Construction Official at Borough Hall, dissatisfaction with her contractor and the length of time it took for her to obtain a permit for her repairs.

Mayor Dobies indicated that he would check into the status of the permit.

Edward Johnson, 216 Hazelwood Avenue questioned the hiring of a part time Administrative Assistant, the hiring of the Pre-School Coordinator and the upgrade in the DPW after last year laying off two DPW employees to save money. He also questioned the donation to the Board of Education for playground equipment and establishing a precedent for the other schools to come to the Borough for money.

Attorney George Hendricks indicated that the money for the playground would be donated to the Board of Education and we have been assured that the park would have a multi-purpose use.

Mr. Johnson also requested on behalf of the Middlesex Borough Business & Professional Association if the Mayor and Council had approved additional hours for the businesses to use the Recycle Center.

Mayor Dobies indicated that the MBBPA could decide what three days they would like to use the Recycle Center and advise the Borough.

Barbara Benson, Salvatore Avenue questioned the \$7,000 donation for the Watchung School Playground and felt that “fund raising” should be encouraged.

Members of the Middlesex Business & Professional Association came to this meeting to discuss the benefit to their Association that the endorsement of the NJDOT Transportation Enhancement Program Grant Application would be for their Association. Attending the meeting on behalf of the Business Association were representatives Georgette Ezyske, John Ellery, John Mravcak, Ed Johnson and Barbara Benson. Concerns of the MBBPA were the amount of matching funds that were involved, the bikeway on Raritan Avenue, the ADA compliance with handicapped parking at the lake and the replacement of the bridges.

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

Councilman Curcio moved the approval of the March 25, 2003 Public & Agenda Meeting Minutes and the March 18, 2003 Agenda Meeting seconded by Council President Sadowski and carried by a unanimous vote.

Councilman Mulcahy moved the approval of the Police Department Report for the month of March seconded by Council President Sadowski and carried by a unanimous vote.

Councilman Mulcahy moved the approval of the Court Report for the month of March seconded by Council President Sadowski and carried by a unanimous vote.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

