

Municipal Building
1200 Mountain Avenue

May 27, 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. 1582-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1582-03

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$1,085,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,030,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mayor Dobies opened the Public Hearing on Ordinance No. 1582-03. Seeing that there was public participation, Mayor Dobies closed the public hearing on Ordinance No. 1582-03.

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:

Consent Agenda 2003(K)

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 #144-03 - Resolution #159 -03

Councilman Sadowski moved for adoption seconded by Councilman Mulcahy and carried by the following roll call votes: 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 #144-03

**RESOLUTION APPROVING ESTIMATED MUNICIPAL TAX LEVY FOR THE
CALENDAR YEAR 2003**

WHEREAS, the Borough of Middlesex, Middlesex County, New Jersey has applied to the State of New Jersey for extraordinary aid in conjunction with its calendar year 2003 budget; and

WHEREAS, due to various circumstances, the State of New Jersey has not set forth the final determination as to the allocation of extraordinary aid for the local units that have applied; and

WHEREAS, the delay in the aid determination has delayed the final adoption of the Borough's 2003 municipal budget, necessitating the issuance of estimated tax bills; and

WHEREAS, the issuance of estimated tax bills requires a resolution of the governing body.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex that estimated tax bills are hereby authorized at 105% of last year's levy reflecting a County Estimated Tax Levy of \$3,361,086.86 and a County Open Space Estimated Tax Levy of \$269,689.36 and authorizing 109% of last year's levy reflecting a Municipal Estimated Tax Levy of \$7,448,493.76 for the calendar year 2003.

BE IT FURTHER RESOLVED that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Middlesex County Board of Taxation.

The Borough Clerk read the following resolution:

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

Resolution #145-03

WHEREAS, URS Corporation was issued a street opening permit on 8/21/02; and

WHEREAS, URS Corporation deposited \$550.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at Baekeland Avenue was inspected by Scott Luthman and found to have been maintained in a satisfactory manner.

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 \$550.00 in favor of URS Corporation, Attn: Scott Laird, 1400 Union Meeting Road, Suite 202, Blue Bell, PA 19422-1972, for refund of Street Opening Permit No. 2002-04.

The Borough Clerk read the following resolution:

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

Resolution #146-03

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

The application for a Raffle License a Bingo License filed by Our Lady of Mt. Virgin Church, which have been approved by the Police Chief be accepted and the Borough Clerk is hereby authorized to issue the licenses upon the receipt of the fee as set by the State (RA563 & BA564).

The Borough Clerk read the following resolution:

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

Resolution #147-03

WHEREAS, Schoor DePalma Engineers and Consultants has prepared a Master Plan and Summary Report regarding Victor Crowell Memorial Park dated May 7, 2003; and

WHEREAS, it the desire of the Mayor and Council to adopt the Master Plan and Summary Report regarding Victor Crowell Memorial Park.

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

1. The Mayor and Council hereby accept the Master Plan and Summary Report regarding Victor Crowell Memorial Park dated May 7, 2003 prepared by Schoor DePalma Engineers and consultants.
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 #148-03

WHEREAS, Kupper Associates has provided to the Borough of Middlesex a proposal dated April 29, 2003 to provide professional engineering services for the repaving of a portion of Harris Avenue extending southeast from Marlborough Avenue to Drake Avenue; and

WHEREAS, these services include field survey, engineer's site visit, project design, specification and cost estimate.

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 repaving of a portion of Harris Avenue extending southeast from Marlborough Avenue to Drake Avenue at a cost not to exceed \$10,500.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-00-1372-52.

The Borough Clerk read the following resolution:

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

Resolution #149-03

WHEREAS, Kupper Associates has provided to the Borough of Middlesex a proposal dated April 29, 2003 to provide professional engineering services for the repaving of a portion of Mountain Avenue which will extend south from the railroad bridge to the Borough boundary with Piscataway at William Street; and

WHEREAS, these services include field survey, engineer's site visit, project design, specification and cost estimate.

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 repaving of a portion of Mountain Avenue, which will extend south from the railroad bridge to the Borough boundary with Piscataway at William Street at a cost not to exceed \$14,000.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account Nos. 04-00-1484-52 and 04-00-1372-52.

The Borough Clerk read the following resolution:

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

Resolution #150-03

WHEREAS, the Mayor and Council desire to accept the Remedial Investigation Report/Conceptual Remedial Action Workplan regarding the Middlesex Municipal Landfill on Mountain and Pershing Avenue which was prepared by Sadat Associates; and

WHEREAS, said Certification must be submitted to the New Jersey Department of Environmental Protection with each technical submittal.

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

1. The Mayor and Council hereby accept the Remedial Investigation Report/Conceptual Remedial Action Workplan regarding the Middlesex Municipal Landfill.
2. The Mayor is hereby authorized to execute the Certifications with regard to the Remedial Investigation Report/Conceptual Remedial Action Workplan.
3. 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 #151-03

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.

The Borough Clerk read the following resolution:

Resolution #152-03

ENDORISING COUNTY-WIDE BALLOT QUESTION TO ADDRESS PROPERTY TAX REFORM

WHEREAS, the New Jersey State Legislature has failed to approve the convening of a State Constitutional Convention to address property tax reform; and

WHEREAS, the Borough Council has determined that a non-binding, county-wide referendum question as set forth below would be an appropriate mechanism to obtain public input on the need to convene a Constitutional Convention solely for the purpose of addressing much needed property tax reform.

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. That the Middlesex County Board of Chosen Freeholders take the appropriate action to have printed upon the official ballot to be used at the next ensuing General Election the following question and interpretive statement, or one similar thereto, on a county-wide basis.

QUESTION:

Do you favor the holding of a State Constitutional Convention solely for the purpose of addressing property tax reform which if ultimately proved by the Legislature could amend the New Jersey Constitution and revise the existing property tax system? A Constitutional Convention for property tax reform would be revenue neutral in overall impact attempting to eliminate inequities in the current system of property taxation, ensure greater uniformity in the application of property taxes, reduce property taxes as the primary share of overall public revenue, provide alternatives which lessen the dependence of Local Governments, Board of Education and Counties on property taxes and provide an alternative means, including possible increases in other taxes for funding these services.

Interpretive Statement:

A vote “yes” on this non-binding referendum would encourage the State Legislature to approve the holding of a State Constitutional Convention. The Convention would be responsible

for proposing amendments to the State Constitution and revisions to the Statutes, which, while revenue neutral in their overall impact intending to make the current system of taxation fairer, reduce property taxes as a percentage of public revenue, lessen government dependence of property, and provide alternative means, including possible increases other taxes, of funding government services. Any proposals made would ultimately be submitted to the voters of our State for overall approval at a General Election.

A vote of “no” would not favor a Constitutional Convention to address property tax reform so that other options might be considered for funding government services.

2. That a copy of this Resolution be forwarded to the Middlesex County Board of Chosen Freeholders and the other municipalities comprising Middlesex County.

The Borough Clerk read the following resolution:

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

Resolution #153-03

WHEREAS, Sadat Associates has submitted to the Borough of Middlesex a Proposal and Scope of Services for Additional Remedial Investigation at the Borough of Middlesex Municipal Landfill in the amount of \$135,436; and

WHEREAS, the NJDEP has requested that Sadat Associates perform additional RI activities, including completion of delineation of extent of fill in the northwestern portion of the Middlesex Municipal Landfill, delineation of impacted soils at previous soil sample locations TP-3 and SB-6, and additional soil characterization in the southern portion of the Middlesex Municipal Landfill for the total estimated cost of \$88,616; and

WHEREAS, the estimated cost of \$46,820 will include additional groundwater quality data for future approval and implementation of a Classification Exception Area.

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 Proposal and Scope of Services for additional remedial investigation at the Middlesex Municipal Landfill at a cost not to exceed \$135,436.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-00-1476-55.

The Borough Clerk read the following resolution:

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

Resolution #154-03

The Tax Collector is authorized to refund an overpayment of 2nd quarter 2003 property taxes on the following properties. The original mortgage company and the refinancing title agency paid the same quarter. The checks should be made payable to:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
65/5.A	Annette M Cocho 15 Washington Avenue Middlesex, NJ 08846	\$ 17.72
66/3	Henry Salomom 9 Garden Place Middlesex, NJ 08846	\$ 941.70
86.F/1	Subhash & Jyotsana Dani 2 Princeton Drive Middlesex, NJ 08846	\$ 54.18

145/28	Harry & Marlene Zierdt 308 E Street Middlesex, NJ 08846	\$ 6.08
150/111.A	Ronald P Sarlo 45 George Ave Middlesex, NJ 08846	\$ 899.13
199/9	Geoffrey A & Kathryn G Miller 417 Howard Avenue Middlesex, NJ 08846	\$ 39.99
200/17	Larry D & Christine A White 435 Lorraine Ave Middlesex, NJ 08846	\$ 34.83
236/30.A	Henry A & Steven H & Torrey M Samer 131 Second St Middlesex, NJ 08846	\$1,182.93
258/13.A	Jack T & Patricia L Jenkins 326 Runyon Ave Middlesex, NJ 08846	\$1,357.08
310/20	Tran, Van Hue, My Th & Nguyen, Lan Th 541 Voorhees Ave Middlesex, NJ 08846	\$1,179.06
316/1	A & G Fine Foods 400 Lincoln Blvd Middlesex, NJ 08846	\$5,521.20
331/12	Kenneth Parkinson & Heather Olsom mer 14 Pierrepont Ave Middlesex, NJ 08846	\$ 9.03

The Borough Clerk read the following resolution:

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

Resolution #155-03

WHEREAS, the Middlesex County Board of Chosen Freeholders adopted a resolution on May 15, 2003 awarding the Borough of Middlesex with the Downtown and Business District Improvement Fund Grant in the amount of \$82,120; and

WHEREAS, it is required that the Mayor and Borough Clerk execute this Downtown and Business District Improvement Fund Grant Agreement and return to Middlesex County to be executed by the Freeholder Director.

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 accepts the Downtown and Business District Improvement Fund Grant and authorizes the Mayor and Borough Clerk to execute said agreement.
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 #156-03

WHEREAS, Cornerstone Architectural Group LLC has submitted a proposal for additional services for the Middlesex Library Expansion Project; and

WHEREAS, the Scope of Services include:

- (1) Library Stack Tables
- (2) and Chairs Coordination and Selection – Not to exceed \$8,000
- (3) Masonry Cleaning of Existing Building Exteriors – Not to exceed \$3,800
- (4) Prep Kitchen Appliances – Not to exceed \$700.

WHEREAS, these additional services are based upon the recommendation of the Middlesex Library Board and have been reviewed and recommended by the Owner’s Representative of Himber Construction Inc.

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

- 1. The Mayor and Council hereby approve the additional services based upon the recommendation of the Middlesex Library Board and the review and recommendation of the Owner’s Representative of Himber Construction Inc. which include the following:
 - (1) Library Stack Tables and Chairs Coordination and Selection – Not to exceed \$8,000
 - (2) Masonry Cleaning of Existing Building Exteriors – Not to exceed \$3,800
 - (3) Prep Kitchen Appliances – Not to exceed \$700
- 2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account Nos. 04-00-1551-54 and 04-00-1559-54.

The Borough Clerk read the following resolution:

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

Resolution #157-03

AUTHORIZING CHANGE ORDER #1, GC-03 ADDITIONAL SIDEWALK AS DIRECTED BY THE MIDDLESEX FIRE OFFICIAL FOR THE MIDDLESEX PUBLIC LIBRARY EXPANSION

WHEREAS, Tri-Form Construction, Inc., 84 Webb Street, Edison NJ has been awarded a contract entitled Middlesex Public Library Expansion and Renovation; and

WHEREAS, Change Order #3 consist of additional sidewalk in the amount of \$3,904.56 as directed by the Fire Official of which there is \$5,829.20 General Contract Allowance to where this change order would be charged.

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

Original Contract:	\$1,144,775.00
Change Order #3	
General Contract Allowance.....	(\$5,829.20)
Change Order credited against Contract Allowance.....	3,904.56
Remaining Contract Allowance After this Change Order	(\$1,924.64)
NET TOTAL THIS CHANGE ORDER.....	\$ -0-

ADJUSTED CONTRACT AMOUNT (after previous change orders) **\$1,231,038.95**

BE IT FURTHER RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey That the Mayor is hereby authorized to execute the above change orders.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that funds are available in Ordinance No. 1551-02 #04-1551-00-1551-60.

The Borough Clerk read the following resolution:

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

Resolution #158-03

The Tax Collector is hereby authorized to transfer an overpayment of 2nd quarter 2003 property taxes on Block 18, Lot 13, 220 Fairfield Avenue in the amount of \$1,457.70 to Block 18, Lot 15, 216 Fairfield Avenue. A refund will then need to be issued in the amount of \$669.51 as the taxes for Block 18, Lot 15 are \$788.19. A check in the amount of \$669.51 should be made payable to:

Wells Fargo
L/N 0124265513
MAC X2502-011
One Home Campus
Des Moines, IA 50328-0001

The Borough Clerk read the following resolution:

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

Resolution #159-03

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.

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

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

Councilman Curcio moved the approval of the April 22, 2003 Public Meeting Minutes, the April 29, 2003 and May 6, 2003 Special Meeting Minutes and the May 13, 2003 Public and Agenda Meeting Minutes seconded by Council President Sadowski and carried by a unanimous vote of Council.

Councilman Mulcahy moved the approval of the Police Department Report for the month of April, 2003 seconded by Council President Sadowski and carried by a unanimous vote of Council.

Mayor Dobies moved the appointment of Pat Bercheiko as Tenant Representative to the Rent Review Board seconded by Council President Sadowski and carried by a unanimous vote of Council.

Mayor Dobies moved the appointment of John Fuhrmann, Stan Stachnick, Greg Cosentino, Joan Golias, Michael Celletto, Anthony Guide, Valerie Veith and Patty McGuire to the Taxpayer's Advisory Board seconded by Council President Sadowski and carried by a unanimous vote of Council. Mayor Dobies stated that the first meeting will be held on June 11, 2003 at 7:30 p.m.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

