

Municipal Building
1200 Mountain Avenue

June 15, 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
Council President	Michael Hompesch
	Giancarlo Colitti
	Jerry D'Angelo
	Josephine Liana
	Garrett Mulcahy
	Laura Thomasey

Attorney:	Peter Hendricks
Administrator:	Joseph Manning

Mayor Dobies opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Special Public Meeting Notice of June 11, 2004.

Mayor Dobies stated that on June 19, 2004 a ceremony will be held and a parade will take place commencing at Mountainview Park in recognition of the 2004 Girls Varsity Soft Team which won the NJSIAA Group I Championship.

The Borough Clerk read the following resolution:

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

Resolution #188-04

WHEREAS, the local capital budget has not been adopted for the year 2004; and

WHEREAS, it is desires to file a temporary capital budget for the year 2004 prior to adoption of the capital budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the introduced capital budget section of the Borough's capital budget be amended for the replacement of the pool filters at the Middlesex Community Pool in the amount of \$164,000.

Councilman Hompesch 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.

The Borough Clerk read Ordinance No. 1614-04 for introduction.

ORDINANCE NO. 1614-04

**ORDINANCE APPROPRIATING \$164,000 FROM THE
CAPITAL IMPROVEMENT FUND FOR THE REPLACEMENT
OF POOL FILTERS AT THE MIDDLESEX COMMUNITY
POOL IN AND BY THE BOROUGH OF MIDDLESEX, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY.**

Councilman Hompesch moved for introduction of Ordinance No. 1614-04 seconded by Councilman D'Angelo and carried by the following roll call vote: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1613-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1613-04

**AN ORDINANCE TO ALLOW LEASE OF PUBLIC PROPERTY TO AMERICAN
LEGION JOHN W. LUPU MEMORIAL POST 306**

Mayor Dobies stated that because HUD funds were being used for this park, he recommended that the adoption of this ordinance be tabled until such time as the Administrator could be sure that these funds were received and that there would not be a conflict with adopting the ordinance to lease this property.

Councilman Hompesch moved to table Ordinance No. 1613-04 seconded by Councilman Mulcahy and carried by the following roll call vote: Ayes: Members Colitti, D'Angelo, Hompesch, Liana, Mulcahy and Thomasey. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution which was removed from the Consent Agenda:

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

Resolution #177-04

WHEREAS, the Borough of Middlesex desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$45,000.00 to carry out a project to prepare a vision plan for a town center.

BE IT THEREFORE RESOLVED,

- 1) That the Borough of Middlesex does hereby authorize the application for such a grant; and
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Middlesex and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the application and sign the agreement, and any other documents necessary in connection therewith.

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

The Borough Clerk read the following resolution which was removed from the Consent Agenda.

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

Resolution #183-04

WHEREAS, the NJDEP has advised the Borough that it was unable to issue a permit for the Bikeway Project under the normal application process and it was formally withdrawn in February, 2004; and

WHEREAS, N.J.A.C. 7:13-4.8 makes provisions for a "hardship waiver" that relieves the applicant from strict compliance with NJDEP stream regulations under certain circumstances.

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 Council hereby approves Kupper Associates to file for a "hardship waiver" in order to proceed with the Bikeway project.
2. This resolution shall take effect immediately.

Mayor Dobies stated that "although I support the bikeway concept, I have and continue to oppose the bikeway going through the rear of Mountain View Park off New Street for environmental, unnecessary costs to taxpayers and safety reasons. My environmental concerns deal with (1) the need to remove as many as 70 living trees, (2) the interference with the recently developed nature

trail (established by our Environmental Commission and by resolution of the Council, and (3) the future plans establishing levees along the stream and parallel to the proposed bikeway, by the Green Brook Flood Control Commission and Army Corps of Engineers. These levees will provide a more scenic view of the park that would be safer and at no cost to our taxpayers. From a safety standpoint, I am concerned about control/protection of the users going through an isolated area of the park. The primary project cost involve this wooded area since the majority of the bikeway is on existing borough roads.

Since the NJDEP indicated this portion of the park is in the floodway, they indicated they could not issue a permit for the project under the normal application but indicated we could apply for a “hardship waiver”. The NJDEP clearly indicated the process for obtaining a hardship could be long and expensive with no guarantee of success. I believe the expenditure of municipal funds is unwarranted and frivolous when you consider the NJDEP remarks since they are clearly indicating they don’t advise this step. I recommend the council reject this additional expense.

Councilwoman Liana indicated that when she received the letter from Borough Engineer Joe Pryor regarding the bikeway, she contacted the DEP and was told that the Borough could move forward with the hardship waiver or we could eliminate the dirt. Councilwoman Liana met with the engineer who explained that by eliminating the dirt it could cause problems with drainage, which could make the path swampy, and the rideability could be unsafe. Also, additional trees would need to be cut down. The engineer felt that without the added soil there would be an angle to the trail and there would be dips in the path. The DEP confirmed to Councilwoman Liana that this bikeway was a good concept and the engineer reassured here that the dirt is necessary.

Council President Hompesch spoke with Joe Pryor about rerouting the bikeway, and he indicated that it had been studied and it just wasn’t feasible or safe. He continues to believe the proposed route is the best route. Council President Hompesch indicated that the levies located in Bound Brook were very unsafe and feels that if a levy was put in it would be extremely dangerous for the bike riders. Joe Pryor indicated that installing the levees could take approximately 15 – 20 years. Council President Hompesch feels that the state supports bikeways and thinks it is a good idea.

Councilman D’Angelo indicated that he is in agreement with a bikeway, but does not know how many people will use this bikeway. He feels that it is a lot of tax dollars with a small return and he does not see the overall benefit. He is against proceeding with this bikeway.

Councilman Colitti indicated that he is in agreement with Councilman D’Angelo and feels that the cost is exorbitant and that the public opposed this bikeway.

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

The Borough Clerk read the following resolution which was removed from the Consent Agenda.

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

Resolution #184-04

WHEREAS, the Borough of Middlesex has received a \$50,000 grant from the NJDOT for the Bikeway project; and

WHEREAS, the majority of Council has determined that they approve filing a “hardship waiver” in order to proceed with the Bikeway project; and

WHEREAS, Kupper Associates has advised the Borough that the cost of preparing this submission, including engineering and certified mailings, would be approximately \$3,000.

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 Council hereby approves the cost of preparing the “hardship waiver”, including engineering and certified mailings at a cost not to exceed \$3,000.
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 No. 04-1571-00-1571-55.

Mayor Dobies stated that “in light of the NJDEP comments about the bikeway project being in the floodway and their comments about a long and costly involvement to get a “hardship waiver”, with no guarantee of success, I feel the expenditure of an additional \$3,000 of municipal funds is an unnecessary cost to our taxpayers”.

Councilman Hompesch for adoption seconded by Councilwoman Liana and carried by the following roll call vote: Ayes: Members Hompesch, Liana, Mulcahy and Thomasey. Nos.: Colitti, D’Angelo. 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 2004(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 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 #175-04 - Resolution #176-04
Resolution #178-04 – Resolution #182-04
Resolution #185-04 – Resolution #187-04

Councilman Hompesch 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.

The Borough Clerk read the following resolution:

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

Resolution #175-04

A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, N.J. HEALTH BENEFITS PLANS

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

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 checks, charged against Insurance (1) Group Insurance for Employees for \$324.00 from the period January through June, 2004, as follows:

Robert H. Agans
16 Marlborough Avenue
Middlesex, NJ 08846

Archie J. Blood, Jr.
54 Lincoln Avenue
Barnegat, NJ 08005

Anthony DiBartolomio
4714 Southern Trail
Myrtle Beach, SC 29579

Angeline DiBartolomio
4714 Southern Trail
Myrtle Beach, SC 29579

Andrew Simpf
424 Main Street

Robert Heisch
150 Harris Avenue

Middlesex, NJ 08846

Hellal Hanania
448 Runyon Avenue
Middlesex, NJ 08846

Charlie Nash
213 Melrose Avenue
Middlesex, NJ 08846

Fred Worowski
557 Lorraine Avenue
Middlesex, NJ 08846

Edward J. King
Nine Wilson Way
Ringo, NJ 08551

Edward W. Meyer
18 Hickory Court
Middlesex, NJ 08846

Ruth Yambor
201 Jefferson Avenue
Greenbrook, NJ 08812

Alice Granda
3206 Cherry Road
Kunkeltown, PA 18058

Olga Pirone
24 Fisher Avenue
Middlesex, NJ 08846

Middlesex, NJ 08846
(Effective 4/1/04)

Margaret Hanania
448 Runyon Avenue
Middlesex, NJ 08846

Diane Nash
213 Melrose Avenue
Middlesex, NJ 08846

Rose Worowski
557 Lorraine Avenue
Middlesex, NJ 08846

Aldina F. King
Nine Wilson Way
Ringo, NJ 08551

John Giuliano
339 Second Street
Middlesex, NJ 08846

Francis Yambor
201 Jefferson Avenue
Greenbrook, NJ 08812

Fred A. Granda
3206 Cherry Road
Kunkeltown, PA 18058

The Borough Clerk read the following resolution:

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

Resolution #176-04

WHEREAS, A-Absolute Construction was issued a street opening permit on August 7, 2003; and

WHEREAS, A-Absolute Construction deposited \$550.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 2 Fitzsimmons Avenue was inspected by the Department of Public Works 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 A-Absolute Construction Inc., 115 East 11th Avenue, Roselle, New Jersey 07203, for refund of Street Opening Permit No. 2003-08.

The Borough Clerk read the following resolution:

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

Resolution #178-04

The application for renewal of Liquor Licenses for the year 2004-2005 which have been approved by the Police Department, Fire Department, Board of Health and Construction Official be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

R&C Lettiere, Inc. t/a Endzone Lounge 425 Bound Brook Road	1211-33-001-003
Jamsan Inc. 229 Bound Brook Road	1211-33-002-005
Café Havana LLC 580 Union Avenue	1211-33-007-007
Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-002
Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
Rikjo Liquors, Inc. t/a Middlesex Liquor Store 708 Union Avenue	1211-44-005-002
Timothy Kerwin’s Inc. 353 Bound Brook Road	1211-33-009-002
OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
Mid Union Corp., t/a Vincenzo’s Restaurant 665 Bound Brook Road	1211-33-012-003
John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001
Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001
Marstock, Inc., t/a Jilly’s Liquors 657 Lincoln Boulevard	1211-44-006-002
Ellery’s Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002

The Borough Clerk read the following resolution:

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

Resolution #179-04

RESOLUTION OPPOSING A-2073/S-1558

WHEREAS, A-2073/S-1558 goes far beyond its intent to address violations of rights protected under the New Jersey Constitution; and

WHEREAS, A-2073/S-1558 specifically includes a provision for award of counsel fees to a prevailing plaintiff for any claim that arises from an alleged violation of “any rights, privileges or immunities secured by the constitution or laws of this state”; and

WHEREAS, this could inevitably encourage litigation arising under a host of statutory provisions; and

WHEREAS, the wording in A-2073/S-1558 could allow an award of counsel fees for any case brought against a governmental entity arising under any statutory provision if the plaintiff can allege denial of due process; and

WHEREAS, this could potentially include such an allegation in an appeal from a Planning Board or a Zoning Board of Adjustment, and if the plaintiff prevailed on that argument, he or she could then seek to recover counsel fees; and

WHEREAS, this bill could apply to appeals where someone was denied a license, denied a construction permit, filed an appeal to the construction board of appeals, or had disciplinary action taken against a license (alcoholic beverage licenses, etc.), and could also apply to every grievance hearing conducted by the local government under collective bargaining contracts, disciplinary actions against employees, and the like; and

WHEREAS, this legislation would enable employees who routinely claim they did not receive a fair hearing at the local level to bring suit for the deprivation of due process, thereby significantly increasing the costs of the disciplinary cases and putting pressure on management to ignore conduct that is unacceptable on the part of an employee; and

WHEREAS, it could also apply to cases arising in the schools as the result of disciplinary hearings involving students or employees, decisions involving classifications of students, etc; and

WHEREAS, suits for tort damages that have nothing to do with constitutional or civil rights issues could be brought under this statute to avoid the carefully crafted immunities of the Tort Claims Act; and

WHEREAS, there is no corresponding right to obtain counsel fees if the governmental entity were to prevail, however the plaintiff need only prevail in the litigation to receive counsel fees; and

WHEREAS, the potential for awards of counsel fees in such actions is enormous; and

WHEREAS, this legislation carries no statute of limitations or language to make it prospective in application, meaning it could apply to claims already filed and in litigation; and

WHEREAS, the consequences for municipalities and their overburdened taxpayers could be horrendous;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Middlesex urges support of amendments to address these serious concerns, and so that there can be protection for the civil rights of New Jersey citizens without opening the floodgates to litigation on a broad range of claims that will no longer be governed by the traditional principle that litigants pay their own costs of litigation.

BE IT FURTHER RESOLVED, this resolution shall be forwarded to Senate and Assembly Representatives, to Governor James E. McGreevey, and to the New Jersey State League of Municipalities.

The Borough Clerk read the following resolution:

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

Resolution #180-04

WHEREAS, Officer Robert C. Ellis graduated from the Union County Police Academy on Wednesday, June 9, 2004; and

WHEREAS, in accordance with the collective bargaining agreement Officer Robert Ellis will be advanced to the Probationary Patrolman salary of \$35,302 at the completion of this academy training.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that Officer Robert Ellis be and is hereby advanced to the Probationary Patrolman annual salary of \$35,302 effective June 14, 2004.

The Borough Clerk read the following resolution:

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

Resolution #181-04

WHEREAS, Officer Mark Melchiorre, Jr. graduated from the Union County Police Academy on Wednesday, June 9, 2004; and

WHEREAS, in accordance with the collective bargaining agreement Officer Mark Melchiorre, Jr. will be advanced to the Probationary Patrolman salary of \$35,302 at the completion of this academy training.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that Officer Mark Melchiorre, Jr. be and is hereby advanced to the Probationary Patrolman annual salary of \$35,302 effective June 14, 2004.

The Borough Clerk read the following resolution:

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

Resolution #182-04

WHEREAS, Officer Thomas J. Carroll graduated from the Union County Police Academy on Wednesday, June 9, 2004; and

WHEREAS, in accordance with the collective bargaining agreement Officer Thomas J. Carroll will be advanced to the Probationary Patrolman salary of \$35,302 at the completion of this academy training.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that Officer Thomas J. Carroll be and is hereby advanced to the Probationary Patrolman annual salary of \$35,302 effective June 14, 2004.

The Borough Clerk read the following resolution:

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

Resolution #185-04

WHEREAS, Sally Veilleux was hired as a temporary part time clerk in the Office on Aging on September 9, 2003 subject to the receipt of the Assisted Transportation and Information and Assistance Grant from the Middlesex County Board of Chosen Freeholders; and

WHEREAS, the Office on Aging has now requested that Ms. Veilleux be placed on permanent part time status, pending receipt of the above grant.

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. Ms. Sally Veilleux is hereby employed at a rate of \$10.61 per hour, not to exceed 15 hours per week as a permanent part time clerk in the Office on Aging, subject to receipt of the Assisted Transportation and Information and Assistance Grant.
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 #186-04

WHEREAS, the Recreation Director wishes to close Howard Ave. between Fisher Ave. and Woodland Ave. commencing on July 6, 2004 between the hours of 8:00 a.m. and 1 p.m. for the purpose of the Summer Playground Session; and

WHEREAS, the Recreation Director feels it is necessary to close that portion of Howard Ave. for the preservation of public safety, health and welfare of the children; and

WHEREAS, under the general police powers the Governing Body can authorize the Mayor to temporarily close any street for the preservation of public safety, health and welfare; and

WHEREAS, the Governing Body does hereby agree to close Howard Ave. between Fisher Ave. and Woodland Ave. upon the recommendation of the Recreation Director citing the public safety, health and welfare of the children.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Governing Body does hereby authorize the Mayor to temporarily close Howard Ave. between Fisher Ave. and Woodland Ave. between the hours of 8:00 a.m. and 1:00 p.m. from July 6, 2004 until August 13, 2004 for the Summer Playground Session due to the public safety, health and welfare of the children.

BE IT FURTHER RESOLVED that this Resolution be served on the Chief of Police and the Director of Public Works and that the appropriate notices be posted at the aforesaid location.

The Borough Clerk read the following resolution:

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

Resolution #187-04

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.

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

Ed Johnson, 216 Hazelwood Avenue questioned the status of the Ashland Road assessment.

Bruce Sadowski, 109 Lee Drive questioned how Councilman D'Angelo suggested paying for the remediation of the landfill?

Councilman D'Angelo indicated that there are combination of sources that could be used for the clean up of the landfill, and some of these sources are confidential items and cannot be discussed in public. Freeholder Crabiel stated in a letter that the County will give us money to help develop the landfill but only if the land is used for open space.

Bruce Sadowski indicated that litigation would not pay for the total cost. Crabiel states that the county would be willing to give money to develop the land as a park once it is cleaned up. At the GAF property in South Bound Brook there is a partnership where a developer is doing the clean up, and they developed a large portion of the open space and the burden is not placed on the taxpayer.

Council President Hompesch indicated that the discussion regarding the landfill was initiated when Councilman D'Angelo discussed this matter at the last meeting and he made the public aware that the landfill would be the appropriate place for ballfields. Councilman Hompesch does not disagree with that, but he also thinks that when you look at the position that the taxpayers are in you understand either we cut costs , raise revenues or pay more in taxes. The residents in the Borough don't want to see continued tax increases and we are too dependent on our taxpayers to run the borough. We need to have more commercial and industrial ratables.

Mayor Dobies indicated that for 16 or more years he has supported making the landfill recreational.

Councilwoman Liana indicated that it is so important to bring in a planner that is specialized in this area and get input from residents, because the residents of Middlesex will benefit from it.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

Mayor Dobies moved the appointment of the following individuals to the Economic Development Committee: Janice Mercier (Expires 12/31/04), Bill Moore (Expires 12/31/04), John Mravcak (Expires 12/31/05), Jack Van Doren (Expires 12/31/05), Lou Curcio (Expires (12/31/06), Jeff Sammons (Expires 12/31/06), Bruce Sadowski (Expires 12/31/07), Mike Cronan (Expires 12/31/07), Georgette Ezyske (Expires 12/31/08), Adam Kenny (Expires 12/31/08), and Kathy Ferenchak (Expires 12/31/08) seconded by Councilwoman Liana and carried by a unanimous vote of Council.

Mayor Dobies moved the appointment of Ralph Magliette to the Library Board seconded by Council President Hompesch and carried by a unanimous vote of Council.

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

Councilman D'Angelo requested that the Borough Clerk read the following resolution:

The Borough Clerk read the following resolution:

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

Resolution #188-04

RESOLUTION PROTECTING THE LANDFILL SITE PROPERTY AND PROVIDING THAT THIS AREA BE USED ONLY FOR RECREATION USES AND PROHIBITING THIS AREA TO BE USED FOR COMMERCIAL AND/OR RESIDENTIAL USES

WHEREAS, the former Middlesex Borough Landfill Site Area has been the focus of much discussion over the past several years and many different concepts have been advanced for this proposed site; and

WHEREAS, this former landfill site is one of the last pristine, undeveloped areas in the Borough and is in need of protection so that it is not developed as a residential and or commercial area; and

WHEREAS, there is a great need in the Borough for additional playing fields for soccer, softball, baseball, and other similar sporting activities since the existing playing fields in the Borough are over-utilized and in need of periodic revitalization; and

WHEREAS, recommendations have been made in the past to the Governing Body and to the Middlesex Board of Education that the Borough's playing fields be allowed to recuperate from their constant utilization and that each field be left unused for at least one year out of every five years and this recommendation has not been implemented because of the demand for usage of these playing fields; and

WHEREAS, the present number of playing fields available for use by the general public is not sufficient to meet the current demands and there is and has been a need for several additional playing fields in the Borough; and

WHEREAS, the former landfill site located behind the Borough Hall and the Presbyterian Church is the perfect location for additional playing fields because ample parking could be provided for participants and for the general public in an area which would not adversely impact on neighboring property owners, and

WHEREAS, many neighboring municipalities are spending large amounts of money to acquire vacant land and the Borough already owns this vacant land and we wish to protect this land to insure that it is not used for commercial and or residential purposes; and

WHEREAS, preserving and protecting open public space preserves the quality of life not only for today but for our children tomorrow and this goal is and should be one of our prime objectives; and

WHEREAS, the Borough's Master Plan for this property has and still does recommend that this property be reserved and not developed for residential and or commercial purposes; and

WHEREAS, previous Governing Bodies and Planning Boards of the Borough had the foresight to protect this former landfill site from unbridled development and tried to insure by adopting and approving the present Master Plan and Zoning Ordinance that this area would not be developed for residential and or commercial uses; and

WHEREAS, there has been and is now the threat that this property may be developed for commercial and or residential uses, which would be counter to the recommendations of the Master Plan and which would also be counter to the expressed wishes of the majority of the residents of this Borough.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Middlesex as follows:

1. This Governing Body hereby determines that the former landfill site be protected from the profligate usage as residential and or commercial property and that the site be reserved for and used only for recreational uses.

2. This Resolution shall take effect immediately.

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

Councilman Mulcahy moved the approval of the May, 2004 Municipal Court Report seconded by Councilwoman Liana and carried by a unanimous vote of Council.

Councilman Mulcahy moved the approval of the May, 2004 Police report seconded by Councilwoman Liana and carried by a unanimous vote of Council.

Councilwoman Thomasey moved the approval of the May 25, 2004 Public Meeting Minutes and the Agenda Meeting Minutes seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Councilwoman Thomasey moved the approval of the May, 2004 Administrator's Report seconded by Councilman Mulcahy 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,

Kathleen Anello, Borough Clerk

