

Municipal Building
1200 Mountain Avenue

July 13, 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 (absent)

Attorney:	George Hendricks
Administrator:	Joseph Manning (absent)

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

The Borough Clerk read the following resolution:

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

Resolution #192-04

WHEREAS, Patrolman Michael Mastrogiovanni has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief James Benson has recommended that patrolman Michael Mastrogiovanni be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Patrolman Michael Mastrogiovanni be promoted to the rank of Sergeant of Police effective July 19, 2004, at an annual salary of \$74,566.

Mayor Dobies and all of the Councilmembers, along with Police Chief Benson congratulated Sergeant Mastrogiovanni on his promotion to the rank of Sergeant of Police.

The Borough Clerk read Ordinance No 1611-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1611-04

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1590-03 OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FINALLY ADOPTED NOVEMBER 25, 2003 IN ITS ENTIRETY TO PROVIDE FOR AN APPROPRIATION OF \$1,800,000 FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM

Mayor Dobies opened the Public Hearing on Ordinance No. 1611-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1611-04.

Councilman D’Angelo moved for adoption of Ordinance No. 1611-04 seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Colitti, D’Angelo, Hompesch, Liana and Mulcahy. Nos: None. Abstain: None

The Borough Clerk read Ordinance No 1614-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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**

Mayor Dobies opened the Public Hearing on Ordinance No. 1614-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1614-04.

Councilman D'Angelo moved for adoption of Ordinance No. 1614-04 seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, Hompesch, Liana and Mulcahy. 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 2004(L)

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 #194-04 - Resolution #209-04

Councilman Hompesch moved for adoption seconded by Councilman D'Angelo and carried by the following roll call votes: Ayes: Members D'Angelo, Hompesch, Liana, and Mulcahy 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 #194-04

The Tax Collector is hereby authorized to refund \$114.44 paid at the June 8, 2004 tax sale on Block 12, Lot 33, 15 Fitzsimmons Avenue. The homeowner redeemed the lien before the 10-day waiting period had expired. The check is to be made payable to:

Mooring Tax Asset Group
Attn: Christine I. Studenroth
P.O. Box 281856
Atlanta, GA 30384-1856

The Borough Clerk read the following resolution:

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

Resolution #195-04

**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 \$132.00 from the period January, 2003 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 Middlesex, NJ 08846	Robert Heisch 150 Harris Avenue Middlesex, NJ 08846 (Effective 4/1/04)
Hellal Hanania 448 Runyon Avenue Middlesex, NJ 08846	Margaret Hanania 448 Runyon Avenue Middlesex, NJ 08846
Charlie Nash 213 Melrose Avenue Middlesex, NJ 08846	Diane Nash 213 Melrose Avenue Middlesex, NJ 08846
Fred Worowski 557 Lorraine Avenue Middlesex, NJ 08846	Rose Worowski 557 Lorraine Avenue Middlesex, NJ 08846
Edward J. King Nine Wilson Way Ringoese, NJ 08551	Aldina F. King Nine Wilson Way Ringoese, NJ 08551
Edward W. Meyer 18 Hickory Court Middlesex, NJ 08846	John Giuliano 339 Second Street Middlesex, NJ 08846
Ruth Yambor 201 Jefferson Avenue Greenbrook, NJ 08812	Francis Yambor 201 Jefferson Avenue Greenbrook, NJ 08812
Alice Granda 3206 Cherry Road Kunkeltown, PA 18058	Fred A. Granda 3206 Cherry Road Kunkeltown, PA 18058
Olga Pirone 24 Fisher Avenue Middlesex, NJ 08846	

The Borough Clerk read the following resolution:

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

Resolution #196-04

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

The application for a Raffle License filed by Our Lady of Mt. Virgin Church, which has been approved by the Police Department and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fee as set by the State (RA-574).

The Borough Clerk read the following resolution:

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

Resolution #197-04

WHEREAS, the residents of Walnut Street, between B Street and C Street wish to conduct a block party on August 7, 2004 with a rain date of August 14, 2004; and

WHEREAS, all the designated officials have been given approval for this block party.

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 hereby grants the residents of Walnut Street between B Street and C Street permission to conduct a block party on August 7, 2004 with a rain date of August 14, 2004.
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 #198-04

The Mayor and Council hereby accept the retirement of Sergeant Robert Schwarz of the Middlesex Police Department effective March 1, 2005.

The Borough Clerk read the following resolution:

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

Resolution #199-04

WHEREAS, Police Officer Michael Rocca is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, Chief Benson has recommended Police Officer Michael Rocca be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Michael Rocca be and is hereby advanced in grade to Patrolman Class “A” effective July 5, 2004 at an annual salary of \$69,313.

The Borough Clerk read the following resolution:

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

Resolution #200-04

RESOLUTION SUPPORTING LOCAL AUTHORITY TO PROTECT PUBLIC HEALTH

WHEREAS, tobacco use and secondhand smoke are public health hazards, especially to children, and cause cancer, heart disease, and respiratory disease, and responsible, each year, for the death of more than 53,000 nonsmokers in the United States, including more than 11,000 in New Jersey; and

WHEREAS, tobacco use is a safety hazard, linked to increased fires and accidents; and

WHEREAS, tobacco use imposes economic costs, borne by governments proprietors, and nonsmokers; and

WHEREAS, smoke free air policies and laws protect health and safety, and encourage everyone, especially children, to live healthy, smoke free lives or smoke less, and reduce costs; and

WHEREAS, New Jersey state legislation controlling tobacco use in workplaces and public places is inadequate; and

WHEREAS, the majority of New Jerseyans and other Americans do not smoke; and

WHEREAS, the majority of New Jerseyans and other Americans support smoke free air in the workplaces and public places and the majority of Americans support local authority to protect public health; and

WHEREAS, 1,700 local governments throughout the United States have passed local legislation that restrict smoking, and the majority of other states do not preempt local smoke free air legislation; and

WHEREAS, New Jersey has a strong home rule tradition, and its Constitution and legislation authorize local governments to enact legislation to protect public health, safety and welfare; and

WHEREAS, local authority to protect public health is threatened by a powerful, nationwide campaign that seeks legislation to preempt (eliminate) local authority to control tobacco, and that uses lawsuits to challenge local authority to control tobacco use; and

WHEREAS, in June, 2000, The Princeton Regional Health Commission enacted a smoke free air ordinance, was sued by the National Smokers Alliance along with two restaurants and a bar, and in August, 2000, the Mercer County Superior Court ruled that New Jersey state law preempted the Princeton ordinance; and

WHEREAS, in spite of that August, 2000 Mercer County Court decision, New Jersey local governments have, since September, 2000 enacted more than 70 ordinances controlling smoking outdoors and 15 ordinances controlling smoking indoors, yet other New Jersey local governments report they have not enacted legislation because of uncertainty about their authority and fear of lawsuit.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the borough of Middlesex supports New Jersey’s statewide smoke-free air legislation for all workplaces and public places as well as legislation providing local authority to enact stronger local smoke-free air legislation.

The Borough Clerk read the following resolution:

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

Resolution #201-04

WHEREAS, the Borough of Middlesex annually enters into an Alliance Agreement with Middlesex County; and

WHEREAS, the county desires to provide the sum of \$15,284 in the State funds to be paid to the Borough of Middlesex to be used for municipal alliance related activities.

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 Borough Clerk are hereby authorized to execute the 2005 Municipal Alliance Agreement with the County of Middlesex in the amount of \$15,284.
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 #202-04

Authorizing the Mayor to execute the Grant Agreement between the Borough of Middlesex and the State of New Jersey by and for the Department of Environmental Protection for the Statewide Livable Communities Program and accept the grant for the Mountain View Park Soccer Fields in the amount of \$10,000.00.

The Borough Clerk read the following resolution:

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

Resolution #203-04

**AUTHORIZING CHANGE ORDER GC-1 IN CONNECTION WITH THE SANITARY
SEWER IMPROVEMENTS FOR WARRENVILLE ROAD**

WHEREAS, the Mayor and Council awarded the bid for the Sanitary Sewer Improvements for Warrentville Road to En-Tech on December 9, 2003 in the amount of \$41,785.00; and

WHEREAS, Change Order #1 in the amount of \$102.75 is for the 1.5 linear feet of CIPP Lining which was needed for this project; and

WHEREAS, the final contract price for the Sanitary Sewer Improvements for Warrentville Road is now \$41,887.75.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey that the following change order is hereby approved.

Original Contract Sum:	\$41,785.00
Change Order #1	102.75

New Contract Sum:	\$41,887.75
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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 order.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds are available in Account No. 04-1557-00-1557-60.

The Borough Clerk read the following resolution:

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

Resolution #204-04

At the recommendation of the Swim Pool Commission, the Borough Clerk is hereby authorized to advertise for bid of the Filtration Replacement System for the Middlesex Community Pool.

The Borough Clerk read the following resolution:

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

Resolution #205-04

Authorizing the Borough Engineer to go out for bid for the restoration of the soccer fields at Mountain View Park.

The Borough Clerk read the following resolution:

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

Resolution #206-04

The Governing Body of the Borough of Middlesex desires to further the public interest in obtaining a grant from the State of New Jersey in the amount of approximately \$10,207 to fund the Municipal Stormwater Regulation Program.

Therefore the governing body resolves that Mayor Ronald S. Dobies 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 \$10,207 and not more than \$10,207, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

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

The Borough Clerk read the following resolution:

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

Resolution #207-04

WHEREAS, the Borough of Middlesex was awarded \$100,000 from the New Jersey Department of Transportation in 2002 as part of the 2003 Livable Communities Pilot Program; and

WHEREAS, this grant is for the Route 28 Business Corridor Streetscape Project; and

WHEREAS, the Borough of Middlesex recognizes and commits to maintaining the Route 28 Business Corridor Streetscape Project improvements as specified in the grant application.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey does hereby agree and commit the Borough to the on-going maintenance of the improvements to the corridor; and

BE IT FURTHER RESOLVED by the Mayor and Council that it is the governing body's intention to enter into a jurisdictional agreement with the State of New Jersey Department of Transportation committing the Borough to the on-going maintenance of the improvements to the corridor.

The Borough Clerk read the following resolution:

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

Resolution #208-04

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 Borough Clerk read the following resolution:

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

Resolution #209-04

Hiring Bonnie Nodes, 12 Garden Place, Middlesex, New Jersey for the Summer Playground Program effective July 6, 2004 at \$10.00 per hour.

Council President Hompesch moved the appointment of Ann Kukoda as Alternate No. 1 to the Zoning Board of Adjustments and Richard Reedy as Alternate No. 2 to the Zoning Board of Adjustments effective August 1, 2004 seconded by Councilwoman Liana and carried by a unanimous vote of Council.

Councilman Colitti moved the approval of Brian Crowe as an active members of the Middlesex Fire Department and Parker Engine & Hose Co. #4 effective June 21, 2004 seconded by Councilman D'Angelo and carried by a unanimous vote of Council.

Councilman Colitti stated that "he would like to commend and congratulate Mayor Dobies for taking the lead in our "full court press" of calling, lobbying and basically networking with our elected representatives in Trenton. This organized and well executed effort has resulted in Middlesex receiving \$295,000 or 6 tax points, in monies designated for tax relief for our residents. He also wanted to thank on behalf of our residents Assembly People Jerry Green and Linda Stender and State Senator Scutari for their help in getting funds for Middlesex. Assemblyman Green, who was instrumental in this effort, especially worked hard for Middlesex demonstrating once again his commitment to our town".

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

Council President Hompesch introduced the following resolution:

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

Resolution #210-04

REQUEST FOR A COMPREHENSIVE ANALYSIS OF BOROUGH'S LAND USE LEGISLATION

WHEREAS, a critique of “The Code of Middlesex Borough” performed by General Code Publishers revealed several conflicting and outdated sections in articles pertaining to the Borough’s land use legislation, and

WHEREAS, recent events dealing with the subdivision of property have raised fears by borough residents as to the potential adverse affect of their neighborhood; and

WHEREAS, the governing body of the Borough of Middlesex shares these concerns about preserving the character of our residential neighborhoods; and

WHEREAS, the impending community visioning process that will take place utilizing a Smart Future Grant awarded by the State of new Jersey may result in recommendations to change some of our commercial zoning; and

WHEREAS, the Middlesex Borough Economic Development committee has expressed concerns regarding some of our existing commercial zoning; and

NOW THEREFORE BE IT RESOLVED that the governing body of the Borough of Middlesex hereby requests that the Planning Board of the Borough of Middlesex begin a comprehensive analysis of the Borough’s land use legislation and provide the governing body with recommendations to improve and modernize the existing land use ordinances.

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

Councilman Mulcahy moved the approval of the June, 2004 Municipal Court Report seconded by Council President Hompesch and carried by a unanimous vote of Council.

Councilwoman Liana moved the approval of the June 1, 2004 Agenda Meeting Minutes and the June 15, 2004 Public and Agenda Meeting Minutes seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

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

Harry Wolke-Weiss, 236 Raritan Avenue stated that he appreciated all the information he received from the Mayor and Council regarding his neighbor’s subdivision. He commented regarding Resolution #210-04 which was adopted this evening by the council, and feels that we do need to look at zoning, as it will change the look of the town.

Frank Ryan, Ashland Road mentioned that there are very few things in Middlesex that are historic and he feels that we should keep the original look of the existing homes on Raritan Avenue, now that some of the homes on this road have been knocked down. Mayor Dobies requested that the Construction Official speak with the builder of the property that was subdivided for new construction and suggest that the décor for this new construction on Raritan Avenue fit in with the existing neighborhood.

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

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, RMC
Borough Clerk

