

Municipal Building
1200 Mountain Avenue

August 12, 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
	Barbara Ferris
	Michael Hompesch
	Josephine Liana
	Garrett Mulcahy (absent)

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 Deputy Clerk read the following resolution:

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

Resolution #226-03

CAPITAL BUDGET AMENDMENT

WHEREAS, the governing body has adopted a capital budget for the year 2003 on July 22, 2003; and

WHEREAS, the governing body desires to amend said capital budget by increasing the amount thereof by \$27,500.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, that an amendment for the acquisition and replacement of communication equipment for the Police Department be made to the capital budget section of the Borough’s Capital Budget.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

Council President Sadowski moved for adoption seconded by Councilman Hompesch and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana, and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read Ordinance No. 1586-03 for introduction.

BOND ORDINANCE #1586-03

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND REPLACEMENT OF COMMUNICATION EQUIPMENT FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING \$27,500 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$26,125 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilman Hompesch moved for introduction seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana, and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read Ordinance No. 1583-03 for introduction.

ORDINANCE NO. 1583-03

**AN ORDINANCE FIXING AND DETERMINING THE SALARIES AND
COMPENSATION OF CERTAIN POLICE EMPLOYEES OF THE BOROUGH OF
MIDDLESEX FOR THE YEARS 2002, 2003, 2004 & 2005**

Councilman Hompesch moved for introduction seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana, and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read Ordinance No. 1585-03 for introduction.

ORDINANCE NO. 1585-03

**AN ORDINANCE FIXING AND DETERMINING THE SALARIES AND COMPENSATION
OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX
FOR THE YEAR 2003**

Councilman Hompesch moved for introduction seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana, and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read Ordinance No. 1587-03 for introduction.

ORDINANCE NO. 1587-03

**AN ORDINANCE ENTITLED
TRAFFIC SAFETY COMMITTEE CHAPTER 57**

Councilman Hompesch moved for introduction seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana, and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read the following resolution:

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

Consent Agenda 2003(P)

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 #213-03 - Resolution #225-03

Council President Sadowski moved for adoption seconded by Councilman Curcio and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Liana and Sadowski. Nos.: None. Abstain: None.

The Deputy Clerk read the following resolution:

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

Resolution #213-03

WHEREAS, David J. Martin, Plumbing Contractor, of D & D Renovations was issued a street opening permit on 11/13/02; and

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

WHEREAS, said roadway at 425 Runyon Avenue was inspected by the Dept. 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 David Hall, 425 Runyon Avenue, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2002-06.

The Deputy Clerk read the following resolution:

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

Resolution #214-03

**AUTHORIZE EXECUTION OF AGREEMENT WITH THE COUNTY OF MIDDLESEX
REGARDING EMERGENCY NOTIFICATION SYSTEM**

WHEREAS, the County has established an Emergency Notification System (“ENS”) to provide a mechanism to notify governmental officials and citizens of emergent and appropriate public safety situations; and

WHEREAS, the County is desirous of affording all municipalities within the County the opportunity to participate in said ENS; and

WHEREAS, the Borough of Middlesex wishes to participate under the terms and conditions set forth in the Emergency Notification System Agreement; and

WHEREAS, the Borough Council has previously approved said agreement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Middlesex that the Borough of Middlesex shall be and is hereby authorized to enter into the Emergency Notification System Agreement with the County of Middlesex for participation in the County Emergency Notification System;

BE IT FURTHER RESOLVED that Mayor Ronald S. Dobies shall be and is hereby authorized to execute said agreement on behalf of the Borough of Middlesex and the Borough Clerk shall be and is hereby directed to attest said agreement and to affix thereto the corporate seal of the Borough of Middlesex.

The Deputy Clerk read the following resolution:

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

Resolution #215-03

**OPPOSITION TO SENATE BILL NO. 2516 PROHIBITING USE OF SCHOOLS AS
POLLING PLACES**

WHEREAS, Senate Bill No. 2516 was introduced on May 15, 2003, and if adopted, would prohibit use of schools as polling places in any election; and

WHEREAS, currently, N.J.S.A. 19:8-2 and N.J.S.A. 19:8-3 permit use of schoolhouses and other public buildings as polling places, and the proposed S-2516 would amend these statutes to specifically prohibit use of schoolhouses from such services; and

WHEREAS, it would be a severe hardship upon Middlesex Borough if such a bill were adopted, since the Borough currently uses Hazelwood School, Von E. Mauger Middle School and Middlesex High School as polling places as they are convenient to voters and accessible to the disabled; and

WHEREAS, it is extremely difficult to locate polling places for Middlesex Borough’s ten election districts that meet these requirements as well as all the requirements of the State law for polling places; and

WHEREAS, if Senate Bill 2516 is adopted, the Borough cannot use schools as polling places, which accommodate 6 of the 10 districts in Middlesex Borough, and which would be eliminated completely; and

WHEREAS, there is no reason given in the bill by the sponsor as to what it is intended to address, yet the tremendous hardship that will be imposed by passage of this bill would be severe in Middlesex Borough and could result in overcrowding of a small number of polling places, an inability of residents to conveniently cast their ballots and an extreme difficulty for residents of Middlesex Borough to exercise their constitutional right to vote; and

WHEREAS, if the location of polling places is not convenient to voters, and handicapped accessible, there will certainly be a severe drop-off in voter participation in all elections, especially in school and primary elections, which already historically have a low voter turnout; and

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby opposes passage of S-2516 which would prohibit use of schools as polling places in any election and urges its elected representatives to oppose same; and

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor James McGreevy, Senator Joseph Suliga, Assemblywoman Linda Stender, Assemblyman Jerry Green, Middlesex County Board of Elections and the New Jersey State League of Municipalities.

The Deputy Clerk read the following resolution:

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

Resolution #216-03

WHEREAS, John Sullivan, Esq. resigned the position of Public Defender effective August 1, 2003; and

WHEREAS, the Governing Body wishes to appoint James Fitzgerald, Esq. as Public Defender for the Borough of Middlesex effective August 1, 2003.

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. James Fitzgerald, Esq. is hereby appointed as the Public Defender for the Borough of Middlesex effective August 1, 2003.
2. This resolution shall take effect immediately.

The Deputy Clerk read the following resolution:

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

Resolution #217-03

The Mayor and Council hereby accept the resignation of Police Officer Donna Porcaro from the Middlesex Borough Police Department effective August 15, 2003.

The Deputy Clerk read the following resolution:

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

Resolution #218-03

WHEREAS, the State of New Jersey implemented a program known as the "Property Tax Reimbursement Program", for homeowners age 65 or older, or receiving Federal Social Security disability benefits, for property tax relief on their principal residence; and

WHEREAS, the program offered property tax relief in the form of State reimbursement of the difference between the amount of property taxes paid in the base year and the amount paid in the application year; and

WHEREAS, the program was based on income eligibility and provided continued relief once eligibility was established and maintained; and

WHEREAS, many citizens filed for this program in 2001 and in 2002 with the knowledge that they would receive their reimbursement for the base year and every succeeding year; and

WHEREAS, without previously informing municipalities or citizens the State adopted their budget without the proper funding in place to support the program and informed citizens by receiving their checks with the following message “The State’s Annual Budget established restrictions on this year’s benefit by limiting payments in this year to a maximum of what was paid for last year”; and

WHEREAS, this action seriously impacts the citizens of the Borough of Middlesex who are experiencing a significant tax increase and are depending on receiving this reimbursement from the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Borough of Middlesex does hereby strongly oppose this action and call for an amendment to the State’s Budget to include this relief.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Middlesex that the Mayor and Municipal Clerk affix their signatures hereto and forward a copy of this resolution to Governor McGreevey, Senator Joseph S. Suliga, and the New Jersey League of Municipalities.

The Deputy Clerk read the following resolution:

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

Resolution #219-03

The Mayor and Council hereby accept the resignation of Richard A. Reedy as Safety Officer for the Borough of Middlesex effective June 30, 2003.

The Deputy Clerk read the following resolution:

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

Resolution #220-03

**RESOLUTION OF BOROUGH OF MIDDLESEX URGING THE GOVERNOR AND
THE STATE LEGISLATURE TO EXPLORE LEGISLATION KNOWN AS THE
“SMART BILL” TO REFORM THE INEQUITABLE PROPERTY TAX SYSTEM USED
TO FUND SCHOOLS IN THE STATE OF NEW JERSEY**

WHEREAS, the Borough of Middlesex having studied and investigated proposed alternatives to the current property tax system has determined that property tax reform must be considered on a statewide basis; and

WHEREAS, it appears that changes to the property tax system can be implemented by way of new legislation. We recommend that the legislature investigate the feasible alternative of property tax reform known as the “SMART BILL” proposed by the New Jersey Coalition for Property Tax Reform, a statewide grass roots citizen organization; and

WHEREAS, it is in the best interests of our taxpayers to find a fair method to fund our schools, we ask that the governor and the state legislature introduce legislation known as the “SMART BILL” to reform the inequitable property tax system used to fund schools in the State of New Jersey; and

WHEREAS, the SMART BILL shifts 90% of school taxes paid by residential homeowners and tenants to a State school tax surcharge based on income. The net effect of this revenue neutral tax shift reduces the tax burden of over 90% of middle income residential homeowners by \$1,500 annually; and

WHEREAS, the return of several billion dollars to our middle-income taxpayers will result in an economic revitalization of our municipalities. The increase in consumer spending will create jobs, increase production and provide the state with a much-needed increase in sale and income tax revenues. Additional information can be found on www.reformschooltaxes.com; and

WHEREAS, New Jersey has the highest property taxes in the nation and uses over 50% of property tax revenues to fund our schools, compared to the national average of 30%; and

WHEREAS, 74% of New Jersey voters indicated in a December 2002 Quinnipiac University poll that they would be in favor of an income tax increase instead of an increase in their most hated tax, the property tax; and

WHEREAS, it has now been more than 55 years since the State of New Jersey fully reviewed the way the state taxes it’s citizens and spends their money; and

WHEREAS, the Borough of Middlesex firmly believes that 55 years is too long a period of time to have passed without such a review being conducted by way of new legislation; and

WHEREAS, the Borough of Middlesex believes that a ground-swell of support is provided in support of property tax reform by those cities, towns and municipalities which form the State of New Jersey; and

WHEREAS, the Borough of Middlesex urges all municipalities in the State of New Jersey to support the SMART BILL so that an antiquated tax system which has been in existence for 55 years without any prior reforms be changed meet the needs of the public.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex unequivocally supports the exploring of the SMART BILL as proposed by the New Jersey Coalition for Property Tax Reform and urges all municipalities in the State of New Jersey to adopt similar resolutions in support thereof.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor James McGreevey, all municipalities in the State of New Jersey and the New Jersey League of Municipalities.

The Deputy Clerk read the following resolution:

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

Resolution #221-03

AUTHORIZING CHANGE ORDER GC-04, GC-05, GC-06, GC-07, GC-08 & GC-09 IN CONNECTION WITH THE MIDDLESEX PUBLIC LIBRARY EXPANSION

WHEREAS, Tri-Form Construction, Inc. is the contractor for the Middlesex Public Library Extension and Renovation; and

WHEREAS, Change order #4 consist of additional gas piping work due to the utility company relocation in the amount of \$746.90; and

WHEREAS, Change Order #5 consists of additional gysum board soffit work for enclosing the new sprinkler piping in the existing library space in the amount \$7,293; and

WHEREAS, Change Order #6 consists of a new window in quiet study room in the amount of \$1,611.60; and

WHEREAS, Change Order #7 consist of a credit for a kitchen range and existing wall demolition in the amount of (\$1,560.00); and

WHEREAS, Change Order #8 consist of electrical service modifications required by PSE&G in the amount of \$10,,917.87; and

WHEREAS, Change Order #9 consists of FDC extension to the street as directed by the fire official in the amount of \$5,729.85.

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 change orders are hereby approved.

Original Contract Sum:	\$1,144,775.00
Contract Sum with change orders #1,2,3	\$1,231,038.95
Change Order #4	\$ 746.90
General Contract Allowance Remaining	(\$1,924.64)
Change Order Credit against Allowance	\$ 746.90
Remaining Contract Allowance After this Change Order	\$(1,177.74)
Contract Sum will be unchanged by this Change Order	\$ -0-

Change Order #5	\$ 7,293.00	
General Contract Allowance Remaining	\$(1,177.74)	
Change Order Credit against Allowance	\$ 6,115.26	
Remaining Contract Allowance After this Change Order	\$ -0-	
Contract Sum Increased by this Change Order		\$ 6,115.26
Change Order #6	\$1,611.60	
General Contract Allowance Remaining	\$ -0-	
Contract Sum Increased by this Change Order		\$ 1,611.60
Change Order #7	\$(1,560.00)	
Contract Sum Decreased by this Change Order		\$ (1,560.00)
Change Order #8	\$ 10,917.87	
General Electrical Contract Allowance Remaining	\$(7,500.00)	
Electrical Contract Allowance Remaining	\$ -0-	
Contract Sum Increased by this Change Order		\$ 3,417.87
Change Order #9	\$ 5,729.85	
Contract Sum Increased by this Change Order		\$ 5,729.85
New Contract Sum:		\$1,246,353.53

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 the funds are available in Ordinance # 1551-02 #04-1551-00-1551-62.

The Deputy Clerk read the following resolution:

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

Resolution #222-03

The treasurer is hereby authorized to issue a check in the amount of \$23,796.54 to redeem tax sale certificate 1999-1600, made payable to:

Malden Associates
P.O. Box 5600
Woodbridge, NJ 07095

The Certificate covered property located at 113 Pond Ave, Block 255, Lot 46.

The Deputy Clerk read the following resolution:

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

Resolution #223-03

Hiring Tara Anello, 108 Howard Avenue, Middlesex, New Jersey as temporary office help in the Assessor’s Office at \$8.00 per hour, not to exceed \$500.00 effective August 1, 2003.

The Deputy Clerk read the following resolution:

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

Resolution #224-03

WHEREAS, the Borough has been advised of the Department of Environmental Protection-Statewide Livable Communities Fund; and

WHEREAS, said funding is available to assist municipalities in meeting the needs for their local parks and playground infrastructure.

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 Borough Administrator is hereby authorized to take all action necessary to file the FY 2004 Grant Application with the Department of Environmental Protection – the Statewide Livable Communities Fund by August 29, 2003.
2. This resolution shall take effect immediately.

The Deputy Clerk read the following resolution:

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

Resolution #225-03

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.

Patty McGuire, 401 Ashland Road questioned why a double yellow line was painted on Ashland Road, why the residents weren't informed and how much did it cost the taxpayers to do it. Mayor Dobies and the Council did not know these lines were being painted and would look into this matter and get back to Ms. McGuire. The Mayor also indicated that he would have Administrator Joe Manning check with the Department of Transportation and Borough Engineer to see if there is a legal requirement for this double yellow line.

Ms. McGuire also questioned if the Borough would be handling the goose droppings that are all over Cook Field. Mayor Dobies noted that the bees at the field will be taken care of quickly, but that the Borough Administrator will survey other municipalities with similar problems to see how they are handling the removal of goose dropping.

Patty McGuire expressed her concern that the aerators and the subsurface aerators at Victor Crowell Park were not working and that the water would be getting stagnant.

Administrator Joseph Manning indicated that the bubbler is broken and the aerators were turned off because of the accumulation of mud, but that they will be put back on when the water calms down. The subsurface aerator is not working and is beyond repair.

Frank Ryan, 303 Maple Street is working on River Road in Piscataway and indicated that they started digging footings for a bicycle path over River Road, which will continue down through to Johnson Park and will eventually go down to the canal. He questioned if there is any way we can look into funding if the bicycle path gets down to Victor Crowell Park.

Mayor Dobies mentioned that the Borough has been turned down for our Transportation Enhancement Grant for an extension, but felt that it is a good idea to possibly tie this path into Piscataway by making it a shared type path which might give us more points towards funding.

John McGuire, 401 Ashland Road indicated that there were approximately 9 teenagers smoking cigarettes in the parking lot at the 7-11 on Bound Brook Road. The Borough Administrator will contact the Health Department to look into this matter.

There being no further comments Mayor Dobies, closed the public portion of the meeting.

Mayor Dobies moved the appointment of Council President Sadowski, Cliff Bowen, Mike Cronin, John Ellery, Kathleen Ferencak, Adam Kenny, Patricia Martin, Robert MacMaster, Janice Mercier, Bob Ritz, Jeff Sammons, Glen Peterson and Jack Van Dorn to the Economic Development Committee seconded by Councilman Curcio and carried by a unanimous vote of Council.

Councilman Curcio moved the approval of the July 22, 2003 Public & Agenda Meeting Minutes seconded by Council President Sadowski and carried by a unanimous vote of Council.

Councilwoman Ferris moved the approval to accept the resignation of Scott Vincent from Beechwood Heights Fire Co., #2 and his transfer to H.C. Pierce Hose Co. #3 seconded by Council President Sadowski and carried by a unanimous vote of Council.

Councilwoman Ferris moved the approval to accept the resignation of Brian Crowe from Parker Engine and Hose Co. #4, to accept John M. Hommas as an active member of Parker Engine and

Hose Co. #4 and to accept Nick Santillo, Jr. as a qualified driver of Truck 25 seconded by Council President Sadowski and carried by a unanimous vote of Council.

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

Respectfully submitted,

Linda Chismar, RMC
Deputy Clerk