

Municipal Building
1200 Mountain Avenue

August 26, 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 (absent - vacation)
	Barbara Ferris
	Michael Hompesch
	Josephine Liana
	Garrett Mulcahy
Attorney:	George Hendricks
Administrator:	Joseph Manning (absent - vacation)

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 the following resolution:

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

Resolution #238-03

Authorizing the Mayor and Borough Clerk to execute the PBA 181 Employee Contract effective January 1, 2002 – December 31, 2005.

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

The Borough Clerk read Ordinance No. 1586-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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

Mayor Dobies opened the Public Hearing on Ordinance No. 1586-03. Seeing that there was no public participation, Mayor Dobies closed the hearing on Ordinance No. 1586-03.

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

The Borough Clerk read Ordinance No. 1583-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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

Mayor Dobies opened the Public Hearing on Ordinance No. 1583-03. Seeing that there was no public participation, Mayor Dobies closed the hearing on Ordinance No. 1583-03.

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

The Borough Clerk read Ordinance No. 1585-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1585-03

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

Mayor Dobies opened the Public Hearing on Ordinance No. 1585-03. Seeing that there was no public participation, Mayor Dobies closed the hearing on Ordinance No. 1585-03.

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

The Borough Clerk read Ordinance No. 1587-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1587-03

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

Mayor Dobies opened the Public Hearing on Ordinance No. 1587-03. Seeing that there was no public participation, Mayor Dobies closed the hearing on Ordinance No. 1587-03.

Mr. Mulcahy moved for adoption seconded by Mr. Sadowski and carried by the following roll call votes: Ayes: Members Ferris, Hompesch, 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(Q)

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 #227-03 - Resolution #237-03
Resolution #239-03 – Resolution #240-03

Mr. Sadowski moved for adoption seconded by Mr. Hompesch and carried by the following roll call votes: Ayes: Members Ferris, Hompesch, 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 #227-03

WHEREAS, the Borough has been advised of the Department of Community Affairs – 2004 Livable Communities Grant; ADA Upgrades to Historic Municipally Owned Buildings; and

WHEREAS, said funding is available to assist municipalities in complying with the American with Disabilities Act.

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 FY2004 Special Grant Request – 2004 Livable Communities Grant; ADA Upgrades to Historic Municipally Owned Buildings by August 29, 2003.
- 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 #228-03

WHEREAS, the Borough has been advised of the SFY04 Statewide Local Domestic Preparedness Equipment Grant Program which is available through the Department of Law and Public Safety for Domestic Preparedness Equipment; and

WHEREAS, said funding is available for local governments to meet equipment needs for police, firefighters and emergency services.

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 Grant Application with the Department of Law and Public Safety for Domestic Preparedness Equipment by August 29, 2003.
- 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 #229-03

Leonard Vidal be and is hereby advanced to DPW Laborer in the Department of Public Works effective September 3, 2003 at an hourly rate of \$19.55 per hour.

The Borough Clerk read the following resolution:

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

Resolution #230-03

Authorizing the Treasurer to establish a Change Fund in the amount of \$50.00 for the Borough ‘s Recreation Office.

The Borough Clerk read the following resolution:

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

Resolution #231-03

The treasurer is hereby authorized to remit condo reimbursement for 2003 to the following:

Foxhall Condo Association Box 233 Middlesex, N.J. 08846	\$ 6,992.67
Hanover Square Condo Association 37 Hanover Square Middlesex, N.J. 08846	\$ 5,311.18

Wilton Village Condo Association
99 Wilton Avenue
Middlesex, N.J. 08846

\$ 3,070.41

Gramercy Gardens Condo Association
Greenfield Gardens
Box 2177
Edison, N.J. 08818

\$ 6,412.44

Middlesex Village Condo Association
Glen A Masullo, President
Preferred Property Management
P.O. Box 7427
Somerset, NJ 08818

\$22,796.72

The Borough Clerk read the following resolution:

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

Resolution #232-03

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow account:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
192/12.A	Audrey L. Donato 345 Edgeworth St Middlesex, NJ 08846	\$500.00	60085

including interest to date of refund.

The Borough Clerk read the following resolution:

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

Resolution #233-03

The treasurer is hereby authorized to issue a check in the amount of \$1,013.31 to redeem tax sale certificate 2003-1645, made payable to:

Elliot Loeb-Keogh Plan
1 Lakeview Road
Saratoga Springs, NY 12866

The Certificate covered property located at 209 Lincoln Blvd, Block 140, Lot 3.

The Borough Clerk read the following resolution:

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

Resolution #234-03

Authorizing the Borough Clerk to go out to bid for a 2004 Police Car.

The Borough Clerk read the following resolution:

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

Resolution #235-03

The Tax Collector is hereby authorized to refund overpayments on 3rd quarter 2003 property taxes on the following properties:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
48/19.A	Joseph & Christine Mazze 355 Market Street	\$1,517.39
59/13	Edwin & Lisette Vazquez 5 Dayton Avenue	\$ 761.56
100/3	Eric Yaccarin 401 Beechwood Avenue	\$1,372.81
180/45	Joseph & Patricia Flynn 13 Fisher Avenue	\$1,300.00
237/14	Javier F. Stanley 122 Second Street	\$ 922.00
240/17	Michael & Barbara Koshel 127 Parker Street	\$1,202.46
245/7	Harry E. III & Karen E Hill 167 So Lincoln Avenue	\$1,175.26
274/4	Binh Ngo 221 Sherman Avenue	\$ 980.58
312/12	John & Sharon Hansen 625 Voorhees Avenue	\$ 949.44

The Borough Clerk read the following resolution:

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

Resolution #236-03

The Tax Collector is hereby authorized to transfer \$1,617.60 from Block 18, Lot 13 to Block 18, Lot 15. The mortgage company made an error in coding of the payment.

The Borough Clerk read the following resolution:

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

Resolution #237-03

WHEREAS, bids were received on August 13, 2003 for the Victor Crowell Memorial Park Dam Reconstruction; and

WHEREAS, the three bids listed below were received for this project:

LBD Contractors, Inc. 47 Tomarack Circle Skillman, NJ 08558	\$93,442.50
Vangelis Construction, Inc. 38A Clark Avenue Edison, NJ 08817	\$129,925.00
Tony Kalogridis General Contractor 11 Bartha Avenue Edison, NJ 08817	\$248,051.00

WHEREAS, the Borough Engineer has indicated that LBD Contractors, Inc. is the lowest bidder and has met all of the requirements and based upon the approval of the Borough Attorney be awarded this bid.

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. Based upon the recommendation of the Borough Engineer and the approval of the Borough Attorney LBD Contractors, Inc. is hereby awarded the bid for the Victor Crowell Memorial Park Dam Reconstruction in the amount of \$93,442.50.
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 #238-03

Authorizing the Mayor and Borough Clerk to execute the PBA 181 Employee Contract effective January 1, 2002 – December 31, 2005.

The Borough Clerk read the following resolution:

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

Resolution #239-03

**AUTHORIZING THE BOROUGH CLERK 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 Chief be accepted and the Borough Clerk is hereby authorized to issue the license upon receipt of the fee as set by the State (RA565).

The Borough Clerk read the following resolution:

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

Resolution #240-03

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

The Borough Clerk recognized Chief Benson as the 2003 D.A.R.E. “Chief of the Year” with the following Proclamation:

PROCLAMATION

WHEREAS, the Governing Body of the Borough of Middlesex congratulates Chief James Benson for being recognized as 2003 D.A.R.E. “Chief of the Year”; and

WHEREAS, Chief Benson is dedicated to serving the citizens of our community and has embraced the D.A.R.E program as a key component in his community policing agenda; and

WHEREAS, Chief Benson has proven to be a staunch supporter of the D.A.R.E. program and he consistently strives to advance the Middlesex Police Department’s efforts to get the message out to resist drugs and violence; and

WHEREAS, given the dedication of Chief Benson, the Borough of Middlesex can be confident that the law-enforcement community is making and will continue making a positive impact on our children.

NOW THEREFORE, I, Ronald S. Dobies, Mayor of the Borough of Middlesex, along with the members of the Governing Body, on behalf of our citizens, wish to thank Chief James Benson for all his work and dedication to the D.A.R.E. program and to congratulate him on being named the 2003 D.A.R.E. “Chief of the Year.”

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Borough of Middlesex to be affixed.

Mayor Dobies opened the public hearing on the Bikeway Project.

Engineer Joseph Pryor stated that the Borough received a grant in March, 1999 of \$50,000 to construct a bikeway, which has been extended the last couple of years. The original concept was to extend this bikeway from Mountain View Park to the Municipal Complex. The preliminary plans have been revised to reflect a shared roadway segment which starts at Fitzsimmons Park and will run along Forest Street, then Fairfield Avenue, Grandview Street through the Osterman Development; then north on North Lincoln Street, John Street and connecting via New Street to the new Bike Path at Mountain View Park. This path will be 8 foot wide and be constructed of chopped stone. Seven large trees will have to be removed and a 2 foot buffer would be needed for safety reasons.

Ed Johnson, 216 Hazelwood Avenue indicated that we did get a grant in March, 1999 which was initially going to run near the library and connect with Mountain View Park. The bikeway poses a problem with four stop streets, that would have impeded the riding of bicycles. He feels that the new proposal is worse, because now you have two right angle turns getting on to New Street, which are blind turns. He felt that the cost is excessive to build a bikeway, as we would be spending \$114,000 to get the \$50,000 grant. Mr. Johnson also questioned the safety issue of a shared roadway and creating a dangerous situation when you are inviting people to ride their bicycles on this bike path.

Elizabeth Comune, 316 John Street questioned if a traffic study was ever done at 2:30 or 3:00 when school is let out on John Street or High Street and the children race around and drive in the middle of the road. She also questioned how the Borough can spend that much money on ¼ of Middlesex. She feels that this would be bringing people in from other towns to use the path.

Peter Dudek, 424 North Lincoln does not see the bike path as a good thing. She says that the cars on North Lincoln and John Street zip by and the money could be used for school signs on South Lincoln and North Lincoln for school crossing. There is also no school crossing signs along Route 28 by this intersection.

Steven Hompesch, 5 Kalman Court stated that he is one of the boys that runs back in the woods, and feels that he could run better if the path was widened and smoothed out. When he rides his bike along this proposed bikeway path he feels you can see around the corners if there is a car coming, unless there is a party going on.

Angelo Porta, 315 Runyon Avenue spoke out against the path when they authorized the bond. The federal and state government are cutting back on services, and he feels that it is a frivolous expenditure. He feels that this path is not necessary, as people have been riding bicycles and they will continue to do so with or without a bicycle path.

Dennis Lynch, 259 Market Street feels that the residents will ride their bicycles whether there is a path or not and the money could be used more wisely. This is making a nuisance back in the woods. He lives on Market and sees the cars speeding, making it an unsafe neighborhood.

John Meyers, 65 Hampton Gardens indicated he grew up on High Street and he knows what it is like looking for an area to ride his bike. If you improve the section behind the High School and make it better for the runners, that is where he would ride his bike, because the roads are not a place to ride.

Laura Thomasey, 109 Greene Avenue lived in Middlesex all of her life and thinks this project is a great idea. She feels that residents in that area will benefit by having the bike path. She commended the Mayor and Council on this project.

Shawn Franciscus, 509 Wellington Street, a member of the Traffic Safety Committee, indicated that we did review the plan for the bike path and deem it is the safest route possible. He feels that a lot of people would take advantage of this path and he would hate to see the Borough lose the grant funds.

Rich Kyllonen, 503 Grandview Street indicated that his biggest disappointment is that this path was proposed in his neighborhood and he did not know about this until the Courier News approached him. He questioned how this would affect his parking, because he doesn't want signs or lines on his property.

Cliff Bowen, 233 Greene Avenue feels that you have to spend money to maintain your town and be progressive. This is a great idea for the kids and the bike riders.

Mike Schneider, 440 High Street, a member of the Environmental Commission thanked everyone on the Council for all the concessions that were made with the bicycle path. He is here to speak for the habitat, as in 1999 the nature trail was designated a "nature preserve" by resolution. Mr.

Schneider also felt that the purpose of the nature trail is not for running or riding of our bikes, but for walking. He is a staunch advocate for the environment, and feels that designated signs will advise the motorist that you are driving on a bike path, which will hopefully slow them down. He disagrees with the engineer's recommendation of a speed of 15 MPH and feels that it should be 10-12 MPH bike path speed. Mike Schneider indicated that the engineer only designated in his proposal the trees that were over 12 inches and wider that will be removed. They will be cutting approximately 50 – 100 trees that are smaller than 12 inches wide. He also recommended that the council please advise the committees beforehand, so that time is not wasted. Mike Schneider requested to work with the engineer because of the sensitive area of the trail. He also questioned if the engineer had communicated with the DOT, as he is sure that they would work with us to make the trail safe and feels that they will work so that we do not have to widen the trail as much as the proposal indicates.

Joe Pryor indicated that they had not yet communicated with the DOT, but intends to once we get closer to a formal concept.

David Kolodziej, 14 New Street feels that the deer walk through the woods and do not need to be disturbed. He road his bike every day on New Street without signs or lanes safely for 5 years. He also was against the need for a 14 foot wide path, because it is a nature preserve. He questioned who would maintain the path when a tree falls down on it, because this would be an expense for the town. When it rains the water ponds about 1 – 1 ½ feet away from the existing path and if it were widened it would be like a swimming path rather than a bike path. He is opposed to what this path would do to the woods and does not see a reason for a designated bike way. He does not see a reason to spend this much money and only recommends the Borough knocking out the poison ivy or clean up back in the woods. He also thanked the Mayor for the installation of the “no dumping sign” back in the woods.

Christina DeCoste, 101 Grandview Street is concerned with the cost for this bike project. There are families in this town that cannot afford taxes to go up and we are spending money to put signs on a street. She questioned if the money could be used for any additional purpose. She also feels that the number of trees that are going to be removed from the path are deceptive. A lot of trees were already lost with the Ostermann Development.

Mayor Dobies is concerned and believes that we need this path, but he is not sure this is the right bicycle path. He feels that the taxes are on the high side and the cost is tied into the wooded area. The safety is also a factor with this path. Maybe some of the money could be saved if the wooded area is eliminated.

Mike Schneider indicated that in regard to crime it is proven that throughout the nation crime drops significantly where there are trails, as people act as watchdogs.

Mike Hompesch read a letter from Dina Fornaturo, Recreation Director in support of the Bikeway project.

John Ferraro, 515 Grandview Street indicated that there were no stop signs in the circle area and the kids ride their motorcycles. These kids will then ride their motorbikes on the trail.

Council President Sadowski stated that these safety issues with car and motorcycles should be brought to the attention of the Traffic Safety Committee which will now address the safety issues and he also mentioned that included in the \$114,000 is \$20,000 for engineering work done by our original engineer.

Russ Vail, 10 New Street questioned if there is a way to clean up the woods and call it a bike path. He also questioned how much we spent on the new engineer at this point.

Mike Hompesch indicated that if we do not use the grant for this path we would loose the grant completely and we have spent \$12,000 for engineering fees at this time.

Jane Dudek, 424 North Lincoln Avenue questioned the ATV's on this bike path.

Mayor Dobies indicated that on September 9th, the Council will be making a decision on the Bike Path.

There being no further comments on the Bikeway Project, Mayor Dobies closed the public hearing on this project.

Councilman Hompesch moved the approval of the August 12, 2003 Public & Agenda Meeting Minutes seconded by Council President Sadowski and carried by a unanimous vote.

Councilwoman Ferris moved the approval of the resignation of Paul Levensen as Lieutenant for Co. #1 and the acceptance of Rick Monus as his replacement for the remainder of 2003 seconded by Council President Sadowski and carried by a unanimous vote.

Councilwoman Ferris moved the approval to accept Daniel J. Coppola, Jr. Life Membership Application with the Middlesex Fire Department seconded by Council President Sadowski and carried by a unanimous vote.

Councilwoman Ferris moved the approval of Ken Pukas, Jr. as a qualified driver of Engine 22 seconded by Council President Sadowski and carried by a unanimous vote.

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

Councilman Mulcahy moved the approval of the July, 2003 Court Report seconded by Council President Sadowski and carried by a unanimous vote.

Council President Sadowski moved the approval of the July, 2003 Treasurer's Report seconded by Councilwoman Liana and carried by a unanimous vote.

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

Frank Ryan, 303 Maple Street indicated that on February 11, 2003 the budget was introduced and on February 25 the Mayor was asked if he thought the budget was the best that could be done and he responded that the council did a good job. He received a letter on Saturday from the Mayor stating that the taxes had increased and he questioned why the Mayor did not address the situation in March, April or May, before the adoption of the budget.

Mayor Dobies indicated that the letter was a political release and he will not respond to that letter. He will discuss politics at the scheduled debate. The Mayor indicated that he would have reduced spending last year. We are spending too much on professional use, by modifying the bike path 3 separate times and not having a public meeting. The estimate is now higher than our projections and we have to cut back to save on the taxpayers. The Borough taxes increased 9 points this year and last year the increase was 12 points.

Several Council Members questioned the Mayor and his lack of input during the budget process and his absence for the introduction and adoption of the budget.

Gerry D'Angelo, 158 Mulberry Lane, indicated that this meeting is a public meeting for town business and should not be an attack, that the political debate is scheduled for October 8.

Cliff Bowen questioned the letterhead that the letter was sent under.

Seeing 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 Council President Sadowski and seconded by Councilman Curcio and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

