Municipal Building
1200 Mountain Avenue

September 14, 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 (absent)
	Giancarlo Colitti
	Jerry D'Angelo
	Josephine Liana
	Garrett Mulcahy (absent – vacation)
	Laura Thomasey (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 6, 2004.

The Borough Clerk read Ordinance No. 1615-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1615-04

AN ORDINANCE FIXING AND DETERMINING THE SALARIES AND COMPENSATION OF THE WHITE COLLAR ADMINISTRATIVE PERSONNEL OF THE BOROUGH OF MIDDLESEX FOR THE YEARS 2004, 2005 & 2006

Mayor Dobies opened the Public Hearing on Ordinance No. 1615-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1615-04.

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

The Borough Clerk read Ordinance No. 1617-04 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE #1617-04

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1474-99 OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FINALLY ADOPTED JULY 13, 1999 IN ORDER TO AMEND THE SECTION 20 COSTS

Mayor Dobies opened the Public Hearing on Ordinance No. 1617-04. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1617-04 and stated that the final adoption would take place on September 28, 2004.

The Borough Clerk read the following resolution:

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

Consent Agenda 2004(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 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 #256-04
Resolution #258-04 – Resolution #274-04

Councilman Colitti moved for adoption seconded by Councilman D'Angelo and carried by the following roll call votes: Ayes: Members Colitti, D'Angelo, and Liana 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 #256-04

A Resolution of Commitment to the American Dream Campaign

Whereas, the American dream is rooted in principles of fairness, opportunity, and a chance to succeed; and

Whereas, growing divisions between rich and poor, haves and have-nots, and people of color and whites stand in the way of the success of all American communities today; and

Whereas, too many people in America's cities and towns no longer have access to what most of us take for granted – a safe and affordable place to live, the opportunity to support themselves adequately through work, and the ability to help their children take the next step up the ladder; and

Whereas, recent studies and polls show that the economic gaps are getting wider, more and more young people are being left behind because of unequal education opportunities and limited job opportunities, and countless workers do not have the needed skills to take advantage of new jobs; and

Whereas, the leaders of America's cities and towns face the challenges and costs of these divides and disparities everyday by trying to meet growing needs for an affordable home, a good education, access to basic medical care, and much more; and

Whereas, the National League of Cities believes that government at all levels has a fundamental responsibility to address the growing disparities by developing policies and programs that will give every American an equal chance to achieve the American dream.

Now therefore be it resolved that the mayor and council of the Borough of Middlesex join the National League of Cities in calling for a national commitment to ensure access to the American dream; and

Be it further resolved that the mayor and council of Middlesex Borough are committed to do our part at the local and regional level to maximize access to affordable housing, strengthen public education, create opportunities to develop marketable job skills, and build an inclusive community; and

Be it further resolved that the mayor and council of the Borough of Middlesex call on all 2004 candidates for public office to speak directly to the issues of divides and disparities in America and specify what they are willing to do to put the American dream within reach for all families; and

Be it further resolved, that the mayor and council of the Borough of Middlesex join the National League of Cities in calling for a national domestic agenda in 2005 that (1) supports families and children care especially through schools that work for every child and affordable health care, (2) puts affordable housing and homeownership within reach for every American, (3) grows our local economies to increase jobs and opportunities to learn new skills to match job openings, and (4) supports all governments working together to better serve Americans.

The Borough Clerk read the following resolution:

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

Resolution #258-04

RESOLUTION: CHANGING CUSTODIAN OF PETTY CASH FUND

WHEREAS, Laura Thomasey was the custodian of the Recreation Department Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40A:5-21, the Borough of Middlesex is changing custodians to Dina Fornataro; and

WHEREAS, Dina Fornataro is bonded in the amount $25,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

The Borough Clerk read the following resolution:

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

Resolution #259-04

RESOLUTION: CHANGING CUSTODIAN OF PETTY CASH FUND

WHEREAS, Ruth Yambor was the custodian of the Clerks Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40A:5-21, the Borough of Middlesex is changing custodian to Kathleen Anello; and

WHEREAS, Kathleen Anello is bonded in the amount $25,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

The Borough Clerk read the following resolution:

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

Resolution #260-04

RESOLUTION: RESCINDING PETTY CASH FUND

WHEREAS, it is the desire of the Borough of Middlesex, County of Middlesex that the petty cash fund for the Clerks Checking Account in the amount of $400.00 be rescinded.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

The Borough Clerk read the following resolution:

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

Resolution #261-04

RESOLUTION: CHANGE IN MONETARY AMOUNT

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund, and,

WHEREAS, it is the desire of the Borough of Middlesex, County of Middlesex that the petty cash fund for Recreation Department be decreased from $400.00 to $100.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for Approval.

The Borough Clerk read the following resolution:

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

Resolution #262-04

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2003 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:506, and a copy has been received by each member of the Governing Body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

And

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

As evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of the R.S. 52:27BB-52-to wit:

R.S. 52:27BB-52 – "A local officer or member of a Local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisonment for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Middlesex, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THIS RESOLUTION PASSED AT THE MEETING HELD ON SEPTEMBER 14, 2004.

The Borough Clerk read the following resolution:

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

Resolution #263-04

At the recommendation of the Police Chief, the Governing Body hereby approves hiring Ms. Lori Armstrong, 130 Vogel Place, Middlesex, New Jersey and Ms. Constance L. Johnson, 297 Lincoln Boulevard, Middlesex, New Jersey as School Crossing Guards at $12.00 per hour effective September 1, 2004, as they have met all the necessary requirements for this position.

The Borough Clerk read the following resolution:

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

Resolution #264-04

WHEREAS, Sigma Engineering & Consulting Associates Corp. applied to the Construction Office for a Certificate of Leased Occupancy; and

WHEREAS, Sigma Engineering & Consulting Corp. submitted check #9395 dated 6/15/04, payable to the Borough of Middlesex in the amount of $100.00 in payment of said Certificate of Leased Occupancy; and

WHEREAS, Sigma Engineering has cancelled this application due to owner illness.

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 $100.00 in favor of Sigma Engineering and Consulting Associates Corp., 220 Lincoln Boulevard, Middlesex, NJ 08846, for refund of fee for Certificate of Leased Occupancy.

The Borough Clerk read the following resolution:

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

Resolution #265-04

The Governing Body hereby approves increasing the salary of the Matrons in the Police Department to $15.00 per hour effective September 1, 2004.

The Borough Clerk read the following resolution:

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

Resolution #266-04

The Treasurer is hereby authorized to cancel encumbrances against various Capital Ordinances as follows:

Purchase Order #	**Vendor**	**Amount**
30625	Kupper Associates	$ 65.77
30828	Traffic Lines	$ 2,147.68
30894	Stavola	$ 5,316.70
44	Schifano	$ 13,242.92
12496	Sherwin Williams	$ 254.92
12595	Weldon	$ 1,468.32
5494	Weldon	$ 3,000.00
14125	Stavola	$ 150.00
14138	Middlesex Lumber	$ 91.88
14986	West Chester	$ 157.70
14993	Stavola	$ 194.61
12480	Munidex	$ 155.25
12116	Schofield Stone	$ 268.40
15139	KLK Trucking	$ 104.00
16069	KLK Trucking	$ 350.00
16092	Middlesex Lumber	$ 456.97
5479	Weldon	$ 150.00
14601	Barrett Paving	$ 200.00
982	New Hope Pipe	$ 1,116.00
605	Stacey Construction	$ 300.00
14209	Middlesex Lumber	$ 93.08
15073	Clayton Block	$ 117.12
15078	Clayton Block	$ 214.84
16447	Middlesex Lumber	$ 143.55
16333	Middlesex Lumber	$ 69.99
2437	Demx Demolition	$ 1,085.00
2438	Demx Demolition	$ 1,800.00
2955	Demx Demolition	$ 2,000.00

The Borough Clerk read the following resolution:

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

Resolution #267-04

WHEREAS, Middlesex County has awarded the Borough of Middlesex with an Open Space Recreation Grant in the amount of $97,556.00 for the Mountain View Park Soccer Field/Flying Field; and

WHEREAS, the Middlesex County Board of Chosen Freeholders adopted Resolution #04-1304 on August 19, 2004 authorizing the execution of a Grant Agreement with the Borough for this Open Space Recreation Grant; and

WHEREAS, the Mayor and Borough Clerk are required to execute this Grant Agreement.

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

1. The Governing Body hereby accepts the Open Space Recreation Grant in the amount of $97,556.00 and authorizes the Mayor and Borough Clerk to execute this Grant Agreement.

2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

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

Resolution #268-04

Increasing the salary of the Fire Inspector, James Rinker to $15.00 per hour effective January 1, 2004.

The Borough Clerk read the following resolution:

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

Resolution #269-04

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

WHEREAS, Chief Benson has recommended Police Officer Lauralee Battista 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 Lauralee Battista be and is hereby advanced in grade to Patrolman Class "A" effective September 22, 2004 at an annual salary of $69,313.00.

The Borough Clerk read the following resolution:

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

Resolution #270-04

RESOLUTION APPROVING THE EMPLOYMENT CONTRACT BETWEEN THE BOROUGH OF MIDDLESEX AND THE WHITE COLLAR CLERICAL EMPLOYEES, LOCAL 255, UNITED SERVICE WORKERS OF AMERICA, AFL-CIO, CLC COVERING THE PERIOD RETROACTIVE TO JANUARY 1, 2004 THROUGH DECEMBER 31, 2006

WHEREAS, the Middlesex Borough Council and the White Collar Clerical Employees have been engaged in negotiations for a successor employment contract covering terms and conditions of employment for the members of the White Collar Clerical Employees; and

WHEREAS, the parties have agreed on a contract to be retroactive to January 1, 2004, which contract will be for a term of three years, running from January 1, 2004 through December 31, 2006.

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

1. The Governing Body does hereby approve and authorize the Mayor and Borough Clerk to execute the Employment Contract between the Borough of Middlesex and the White Collar Clerical Employees, Local 255, United Service Workers of America, AFL-CIO, CLC, a copy of which contract is on file in the Borough Clerk's Office.

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 #271-04

NOW FURTHER BE IT RESOLVED, that the job descriptions for all department heads shall include the following:

> "Responsible for the methods and means to secure new funding through grants for proposed or current department programs."

The Borough Clerk read the following resolution:

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

Resolution #272-04

WHEREAS, Kupper Associates has submitted to the Mayor and Council a proposal dated August 24, 2004 to provide professional engineering services for the Construction of the Mountain View Park Multi-Purpose Soccer Field Renovation in the amount of $11,600; and

WHEREAS, this proposal includes:

- Attendance at a preconstruction conference
- General administration of the construction contract
- Site visitation and observation of construction progress and quality of work
- Issuance of clarifications and interpretations
- Preparation of change orders and work change directives
- Review of shop drawings and submittals
- Processing of applications for payment; and
- Participation in a final inspection.

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

1. The Mayor and Council hereby approve Kupper Associates to provide professional engineering services for the Construction of the Mountain View Park Multi-Purpose Soccer Field Renovation in an amount not to exceed $11,600.00.

2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of $6,500.00 are available in Account No. 04-1600-00-1600-52, $448.00 is available in Account No. 04-1600-00-1600-54 and $4,652.00 is available in Account No. 04-2010-20-1652-112.

The Borough Clerk read the following resolution:

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

Resolution #273-04

The Mayor and Council hereby approve the extension of the Borough's lease from the Middlesex Borough Rescue Squad for the Recreation Center, located at 1400 Mountain Avenue in the amount of $500.00 per month.

The Borough Clerk read the following resolution:

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

Resolution #274-04

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.

Frank Ryan, 303 Maple Street mentioned that he met on Friday with Mayor Dobies, Joe Manning and a representative from Kupper Associates at the lake to go over issues that were brought up by the Victor Crowell Park Committee. Mr. Ryan stated that the engineer should be the eyes and

ears of the town on this project and give the borough a heads up on any foreseeable problems that might be encountered.

Frank Ryan also questioned the amount of rubble stone which was used at the dam area. The mason used less stone than was projected when they rebuilt the wall over the drain pipe and now we are hiring a mason to do stone work. Mayor Dobies indicated that we are intending to take credit for work that was not performed by the contractor and then we will hire a local mason to do the stone work.

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

Councilman Colitti moved the approval of the July, 2004 Board of Health Report seconded by Councilman D'Angelo and carried by a unanimous vote.

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

Councilman D'Angelo moved the approval of the July & August, 2004 Treasurer's Report seconded by Councilman Colitti and carried by a unanimous vote.

Councilwoman Liana moved the approval of the August, 2004 Municipal Court Report seconded by Councilman D'Angelo and carried by a unanimous vote.

Councilwoman Liana moved the approval of the August, 2004 Police Department Report seconded by Councilman D'Angelo and carried by a unanimous vote.

Councilwoman Liana moved the approval of the July, 2004 Office on Aging Report seconded by Councilman D'Angelo and carried by a unanimous vote.

Councilwoman Liana moved the approval of the August 24, 2004 Public & Agenda Meeting Minutes seconded by Councilman D'Angelo and carried by a unanimous vote.

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk