

Municipal Building
1200 Mountain Avenue

September 23, 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)
	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 Borough Clerk read Ordinance No. 1588-03 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1588-03

ORDINANCE RESCINDING ORDINANCE NO. 1490-00 ENTITLED “AN ORDINANCE ESTABLISHING A HANDICAPPED PARKING SPACE ON THE SOUTHERLY SIDE OF GRANDVIEW STREET IN FRONT OF THE PROPERTY KNOWN AS LOT 10, BLOCK 13 DESIGNATED AS 14 GRANDVIEW STREET”

Mayor Dobies opened the Public Hearing on Ordinance No. 1588-03. Seeing that there was no public participation, Mayor Dobies closed the pubic hearing on Ordinance No. 1588-03.

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

Mayor Dobies opened the Public Hearing on the Bikeway Project.

Edward Johnson, 216 Hazelwood Avenue rode the revised bike path and feels that the area is unsafe and there is a danger for people living in the area. He questioned if the council has referred this route to the Police Department and Insurance carrier for their approval.

Council President Sadowski indicated that the Traffic Safety Committee reviewed and approved this path. Council President Sadowski spoke on behalf of Councilman Mulcahy, Liaison to the Police Department, who spoke with the Police Chief who did not give a favorable or unfavorable recommendation.

Borough Attorney Hendricks stated that he feels comfortable advising that Title 59 immunizes government from a lawsuit regarding the safety of the bike path, and therefore there would be no risk to the Borough.

Frank Ryan, 303 Maple Street feel that the bike path is a good idea and would like to see it connect the whole town. He feels it should be bicycle friendly not only for the people riding bicycles, but also for people walking dogs and baby carriages. The state is spending millions of dollars for a bicycle path going over River Road, and eventually there is talk of it connecting all of River Road as it comes into Middlesex. This bicycle path would enhance the town and make it safer.

Robert Ferris, 232 Hazelwood Avenue spoke on the cost of this path and felt that once the trees are removed for this path, within 2 – 3 years other trees in the vicinity will also be lost. He would like to see the Council vote on this resolution, based upon the opinions of the residents.

Mike Schneider, 440 High Street indicated that barring environmental concerns and the financial aspects, he is for a bike way and bike path. The signage alerts the motorist and gives the basics of a safe roadway to travel on. The route is the safest route possible in that area. Mr. Schneider feels that there should be a bike way throughout the whole town, which would give people that want to ride their bicycles a safe avenue. Mr. Schneider stated that this project might cost \$150,000 but if it saves the life of one child, it is worth it.

Peter Mantell, 115 Lee Drive questioned the width of the path, as bike safety is the prime concern. This path would provide a safe place for kids and adults to ride their bicycle. This will be a great opportunity for the council to work with the Board of Education and Police to promote bicycle helmet safety.

Angelo Porta, 315 Runyon Avenue indicated that the Council should consider the residents and vote along with their wishes.

Dennis Lynch, 259 Market Street mentioned that the only "bike path" is through the woods and only signage will be on the streets. He lives on Market Street and feels that it is not a safe area, as there are a lot of speeding cars. If we had proposed a bike path that was designated with lines, he would be in favor.

Rick Barren, owner, Bike & Gear feels that the bike route is the most suitable area for bicycles to travel. He presented Mayor and Council with a petition from Bike & Gear of the 3 pages of signatures from residents in favor of this Bike Path. He feels that this path is a source of pride in our community.

Dave Kolodziej, 14 New Street questioned if anyone thought of the surface throughout the woods. He questioned if the residents would want to see a 12 foot path cut through the nature preserve. He has no problem with people riding their bikes, but most of the money going to be spent is to go through the woods. He was opposed to spending \$146,000 on this path and believes what should be done is that the DPW trim the portion around the existing path and see if the Borough can get filler dirt and fill the low sections of the path and compound it. He recommended getting a bobcat donated and volunteered his services to work on this project.

Mayor Dobies indicated that times have changed since we bid the football field and now we are required to pay the wage of the individuals performing the job. In the past the DPW was able to install playground equipment in town, and now we are required to have certified individuals install this equipment, rather than the DPW.

Council President Sadowski indicated that the surface recommended by Mr. Kolodziej is not an acceptable surface for this project, as the dirt would turn to mud when it got wet. The proposed surface is a hard surface of porous crushed stone and is an acceptable surface, because this area floods when there is a storm.

Councilwoman Ferris addressed the residents indicating that she once was skeptical of this bike way, but her concerns for the safety of the citizens who currently bike or walk for recreation and health superseded her doubts for implementing this path. She is pleased with the national statistics regarding the drop in crime that were presented by Mike Schneider of the Environmental Commission. Paramount to her is the cost of the project, but the positive impact that this path will have on our community is minimal per taxpayer, and she feels that this path will continue to move Middlesex forward in these economically challenging times.

Councilwoman Liana commented that this \$50,000 grant was received several years ago and this present council must consider moving forward, because to date there is already a \$32,000 debt, \$20,000 which was for services from the former engineer and 12,000 from our present engineer. She felt that if the \$114,000 for this bike path provides a safe environment for the children to ride their bikes, she couldn't think of a wiser investment for safety reasons. This bike path will provide great exercise for children by encouraging them to ride their bikes and walk more, rather than sitting in front of a television or computer. In regard to the elimination of trees, Councilwoman Liana suggested that these trees be chipped and be used for mulch, as last year the cost to mulch Victor Crowell Park was \$12,000. This path will bring people and nature together in a form of exercise, which we all take part in.

Council President Sadowski indicated that this is a recreational opportunity for the Borough, and feels that recreation does not just include parks. Biking and walking are the two most popular forms of recreation. Today Governor McGreevy gave the Borough a \$250,000 grant for pedestrian safety. We are now in the process of repaving Hazelwood Avenue with a \$250,000 grant, but the total cost is \$475,000. The state is making a commitment to the Borough and we must make a commitment back, by paying our share. Council President Sadowski is firmly in

support of this Bike Project and see this project as a starting point to make our community more proactive and more pedestrian and bicycle safe. In the future, Council President stated that we intend in finding ways to make our whole community safer and intend on applying for more of these grants for pedestrian and bicycle safety, so that all of our residents can benefit.

Mayor Dobies endorsed the bike way, but differs from the Council regarding the location down New Street and proceeding into the Park area. Mayor Dobies felt that Mike Schneider “did not want to see the bike path interfere with the nature trail” as the nature trail was previously adopted by resolution of the council. The Mayor was concerned also because the engineer originally stated that he was removing 6 trees and then it went up to 70 trees, which is an environmental impact. The Mayor is in favor of the bike path, and the connection with Piscataway, but he does not know if it is worth spending money for this path to start off of New Street, because most of our residents will use the shortest route that they have been using for the last 30 years.

The Borough Clerk read the following resolution:

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

Resolution #259-03

Authorizing the Engineer, Kupper Associates to go out to bid for the Bikeway Project.

Councilman Hompesch moved for adoption seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Ferris, Hompesch, Liana 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(S)

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 #251-03 - Resolution #258-03
Resolution #260-03 - Resolution #263-03

Councilman Hompesch moved for adoption seconded by Council President Sadowski and carried by the following roll call votes: Ayes: Members Ferris, Hompesch, Liana 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 #251-03

WHEREAS, the Borough of Middlesex has participated as a member of the Middlesex County Municipal Joint Insurance fund (hereinafter the “Fund”) existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq) and, is desirous of continuing said membership for a term expiring December 31, 2006; and

WHEREAS, the governing body of the Borough of Middlesex has determined that continued membership in the Fund is in the best interest of the Member;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, in the County of Middlesex, and the State of New Jersey as follows:

SECTION 1. The Borough of Middlesex hereby agrees to continue as a member of the Fund for a period of three (3) years commencing January 1, 2004 and terminating on December 31, 2006 for the purpose of securing the following types of insurance coverage:

- a) Workers Compensation and Employer’s Liability
- b) General Liability Coverage
- c) Motor Vehicle and Equipment Liability Coverage
- d) Property Damage Coverage (Building, Contents, Auto Physical Damage and Boiler and Machinery).

After the expiration of the said three (3) year period of membership, participation may be canceled or extended in accordance with the By-Laws of the Fund.

SECTION 2. For the purpose of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of Middlesex hereby agrees to obtain the type of coverage from the Fund as are set forth in Section 1 of this Resolution and the Indemnity and Trust Agreement to be signed by it.

SECTION 3. The By-Laws of the Middlesex County Municipal Joint Insurance Fund, attached hereto, are hereby adopted and accepted.

SECTION 4. The Mayor and Council are hereby authorized and directed to execute an Indemnity and Trust Agreement signifying continued membership.

The Borough Clerk read the following resolution:

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

Resolution #252-03

AUTHORIZING CHANGE ORDER #2

WHEREAS, Centicola Air Conditioning and Heating has been awarded the contract for 10 HVAC Units; and

WHEREAS, the original cost of the project was \$52,000 modified with change order #1 to \$55,950; and

WHEREAS, change order #2 consist of (8) eight hours labor to chip out floor for removal of fan coil units in Police area (including chipping gun rental) in the amount of \$720.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby authorizes change order #2 in the amount of \$720.00 for a total project cost of \$56,670.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Ordinance No. 1544-01.

The Borough Clerk read the following resolution:

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

Resolution #253-03

WHEREAS, bids were received on September 16, 2003 for (1) one 2004 Ford Crown Victoria Police Interceptor Sedan; and

WHEREAS, only one bid was received by Hertrich Fleet Services of 695 N. DuPont Blvd., Milford, Delaware as follows:

Purchase of:	2004 Ford Crown Victoria Police Interceptor Sedan	\$20,025.00
Less Trade-in:	2001 Ford Crown Victoria	\$(4,100.00)
	VIN 2FAFP71 W91X180430	
	TOTAL	\$15,925.00

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Hertrich Fleet Services, Inc. has met all the requirements of the specifications and is hereby awarded the bid (including the trade-in) in the amount of \$15,925 for a 2004 Ford Crown Victoria Police Interceptor Sedan.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds are available in Account No. 01-2030-25-2402-149 (\$13,083.00) and Account No. 01-2010-25-2402-149 (\$2,842.00).

The Borough Clerk read the following resolution:

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

Resolution #254-03

The Tax Collector is hereby authorized to amend the 4th quarter 2003 amounts due on the following properties. This is to reflect new Senior Citizen and Permanently Disabled deduction in the amount of \$250.00:

BLOCK & LOT	NAME & ADDRESS	AMOUNT
3/5	Virginia Greenlaw 586 Mtn View Terr	\$ 819.12
3/18	Leo Rascher 608 Mountainview Terr	\$ 882.99
50/19	Adam Domanski 10 Pearl Pl	\$1,341.20
70.F/1	Joseph P Hoski 100 Greenbrook Rd	\$1,341.22
70.H/11.H	Wieslaw Rozumilowicz 31 Dogwood Dr	\$1,255.13
133/4	Anita Sloane 315 Chestnut St	\$ 874.68
180/24	Gladys Leahy 232 Giles Ave	\$1,120.45
224/15.01/C0002	Onofrio Trecozzi 209 Seventh St	\$1,357.10
264/10	Mary Cito Jesperson 211 Grove Avenue	\$ 908.01
278/35	Vera Thompson 808 Drake Ave	\$ 956.60
312/58	Edward Robel 650 Drake Ave	\$ 584.49

The Borough Clerk read the following resolution:

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

Resolution #255-03

The Tax Collector is hereby authorized to amend the 4th quarter 2003 amounts due on the following properties. This is to reflect new Veteran deductions in the amount of \$250.00:

BLOCK & LOT	NAME & ADDRESS	AMOUNT
5/3	Edward Mattingly 5 Valley Brook Dr	\$1,281.50

57/10	George Zaliwski 8 E. Wilson St	\$1,490.32
123/14.A	Deanna Trerotola 209 A St	\$1,101.01
151/46	Carmela Caruso 130 Oak Dr	\$ 755.27
159/21.A	Michael P Phillips Jr 232 Greene Ave	\$ 839.97
163/45.A	George E Rice Jr 311 Melrose Ave	\$1,010.76
167/30	Patrick J Anderson 5 Lilac Place	\$1,313.45
174/23	Marion R Spilatro 133 Giles Ave	\$ 883.00
187/15	Mark A Wishinsky 329 Harris Avenue	\$ 989.93
190/25	Jerry Tarica 332 Lorraine Ave	\$ 679.76
313/57	George Hunkele 548 Voorhees Ave	\$ 877.46

The Borough Clerk read the following resolution:

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

Resolution #256-03

The Tax Collector is hereby authorized to cancel 4th quarter 2003 property taxes in the amount of \$1,217.71 and refund \$67.49 on Block 86, Lot 6.01/C001D based upon a Middlesex County Tax Board Judgment. The check is to be made payable to:

McCarter & English
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652

The Borough Clerk read the following resolution:

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

Resolution #257-03

The Tax Collector is hereby authorized to cancel 4th quarter 2003 property taxes in the amount of \$1,166.34 and refund \$54.06 on Block 86, Lot 6.01/C001E based upon a Middlesex County Tax Board Judgment. The check is to be made payable to:

McCarter & English
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652

The Borough Clerk read the following resolution:

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

Resolution #258-03

The Tax Collector is hereby authorized to increase the 3rd quarter and 4th quarter 2003 taxes to \$2,262.81 on Block 18, Lot 15. There was an error in the original assessment.

The Borough Clerk read the following resolution:

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

Resolution #259-03

Authorizing the Engineer, Kupper Associates to go out to bid for the Bikeway Project.

The Borough Clerk read the following resolution:

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

Resolution #260-03

WHEREAS, the Borough of Middlesex wishes to continue the environmental services for the Remedial Investigation of the Borough of Middlesex Municipal Landfill Site with Sadat Associates; and

WHEREAS, the Borough wishes to extend this agreement for a period of (1) year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the agreement between the Borough of Middlesex and Sadat Associates be extended for a period of (1) one year commencing on the date hereof; and shall automatically renew for the life of the project unless the Governing Body authorizes not to do so.

The Borough Clerk read the following resolution:

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

Resolution #261-03

WHEREAS, the Board of Chosen Freeholders adopted a resolution on September 15, 2003 to award the Borough of Middlesex \$240,000.00 for the Open Space Recreation Grant to be utilized for Mountain View Park Soccer Fields; and

WHEREAS, it is necessary for the Mayor and Borough Clerk to execute this agreement and forward to the Freeholder Director for execution on behalf of the County.

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 Open Space Recreation Grant which has been awarded by the County of Middlesex in the amount of \$240,000.00 for Mountain View Park Soccer Fields.
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 #262-03

Hiring Michael Trerotola, 413 Cook Avenue, Middlesex, New Jersey is hereby hired for 5 hours a week as a part time Senior Van Driver for Saturdays effective September 27, 2003 at \$10.61 per hour for a 6 month probationary period pending approval of a satisfactory driving abstract and background check.

The Borough Clerk read the following resolution:

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

Resolution #263-03

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 read the following proclamation

WALK OUR CHILDREN TO SCHOOL DAY
PROCLAMATION

WHEREAS, National Walk Our Children to School Day, sponsored by Partnership for a Walkable America, addresses three critical facets of everyday life: health, safety an community environment; and

WHEREAS, American children spend more time watching television than they do engaged in physical activity and exercise; and

WHEREAS, National Walk Our Children to School Day promotes exercise and other healthy habits; and

WHEREAS, of the 5,700 pedestrians killed each year, about one out of seven of those killed are children; and

WHEREAS, National Walk Our Children to School Day teaches children an adults about pedestrian safety; and

WHEREAS, more and more communities are implementing strategies to make streets more walkable by installing sidewalks or traffic calming measures; and

WHEREAS, National Walk Our Children to School Day helps make children and adults more aware of their walking environment; and

WHEREAS, on National Walk Our Children to School Day, children, parents and caregivers, and community leaders across North America are joining together to walk to school in an effort to learn healthful and safe pedestrian habits and to evaluate pedestrian safety in their communities.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex proclaim October 8, 2003 to be **Walk Our Children to School Day** and encourage community leaders to consider the safety of pedestrians today and everyday.

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 portion of the meeting for comments or questions.

Clyde Hood, American Legion Post 306 indicated that in the past the Council has talked about the possibility of erecting a Veteran’s Park behind the library and requested the status of this park. Mayor Dobies indicated that at this time we are awaiting information from the American Legion regarding the dimension that they would like considered for this Park, and the Council may want to lease this property for 99 years.

Barbara Lally, 805 Hazelwood Avenue spoke on behalf of the Hazelwood School Beautification & Playground Committee concerning the leveling and pavement of the basketball court. She thanked the Mayor and Council, Administrator Joseph Manning, DPW Superintendent Jerry Schaefer and the DPW for a wonderful job on this court. Kira Biedermann and Nicholas Lally presented Councilman Hompesch with a card to thank him for helping to get this project completed.

Bill Coyle, 545 Edgeworth Avenue spoke on behalf of the Board of Education and thanked Joe Manning, and the Mayor and Council for the \$250,000 grant check for “Safe Streets to School” which was received from the State. This check will go a long way to improve access to the schools. He mentioned that the Board of Education would be looking for the most critical areas to address with the grant money.

Ed Johnson, indicated that the action taken by the Governing Body by adopting this bike path shows that they do not care about what the people think, as people are having problems paying their taxes. He feels that the money could be spent much better.

Peter Mantell indicated that he would like to rebut this claim, as this indicates that we are putting our children's safety first.

Mike Schneider on behalf of the Environmental Commission thanked the Mayor and Council for their cooperation with some of the changes that were made to this bikeway path.

Mayor Dobies on behalf of the Governing Body thanked Mike Schneider for his work done on the path.

Council President Sadowski indicated that all the recommendations made by Mr. Schneider were addressed with the exception of the width of the trail. The engineer informed the Mayor and Council that in regard to the width of the trail there were engineering standards which he needed to abide by.

Councilman Hompesch moved the approval of the August 26, 2003 and September 9, 2003 Public and Agenda Meeting Minutes seconded by Councilwoman Liana and carried by a unanimous vote.

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

Council President Sadowski moved the approval of the May, 2003 Construction Report seconded by Councilwoman Liana and carried by a unanimous vote.

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

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

