

Municipal Building
1200 Mountain Avenue

October 14, 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 (absent)
	Josephine Liana
	Garrett Mulcahy

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. 1589-03 for introduction.

ORDINANCE NO. 1589-03

**AN ORDINANCE TO AMEND ORDINANCE 45-1
PARKS**

Council President Sadowski moved for introduction of Ordinance No. 1589-03 seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Curcio, Ferris, 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(T)

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 #264-03 - Resolution #277-03

Council President Sadowski moved for adoption seconded by Councilman Curcio and carried by the following roll call votes: Ayes: Members Curcio, Ferris, 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 #264-03

AGREEMENTS FOR MUNICIPAL SERVICES BETWEEN THE BOROUGH OF MIDDLESEX AND NEWCHESTER CONSTRUCTION COMPANY, MARLBOROUGH AVE., NOEL HOMES/HAMPTON GARDENS, PARKBROOK ASSOCIATES, HAMILTONIAN REALTY TRUST, NEWCHESTER CONSTRUCTION COMPANY, PIERREPONT AVENUE

WHEREAS, NJSA 40:66-1.3 et seq. provides in pertinent part that qualified multi-family dwellings are entitled to receive certain municipal services during local budget year 2003 and thereafter, and

WHEREAS, the below named apartment complexes are qualified multi-family dwellings, as defined under the Act and the Borough is a municipality governed by the Act; and

WHEREAS, the Act further provides that in lieu of providing certain municipal services to the Apartment complexes, the Borough may opt to financially reimburse the Private Community.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the Agreements for Municipal Services from January 1, 2003 – December 31, 2003 for the following:

Newchester Construction Company, Marlborough Ave.	(not to exceed \$4,000.00)
Noel Homes/Hampton Gardens, 600 Bound Brook Rd.	(not to exceed \$3,120.00)
Parkbrook Associates, Bound Brook Road	(not to exceed \$3,616.40)
Hamiltonian Realty Trust, Warrentville Road	(not to exceed \$6,852.40)
Newchester Construction Company, Pierrepont Ave.	(not to exceed \$4,000.00)

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that funds are available in Multi-Family Solid Waste Current Fund Acct. #01-2010-36-4765-101.

The Borough Clerk read the following resolution:

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

Resolution #265-03

WHEREAS, Patrolman Thomas Griffin is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, Chief Benson has recommended Patrolman Thomas Griffin 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 Patrolman Thomas Griffin be and is hereby advanced in grade to Patrolman Class “B” effective October 23, 2003 at an annual salary of \$59,397.00.

The Borough Clerk read the following resolution:

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

Resolution #266-03

AUTHORIZING CHANGE ORDER GC-10 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 #10 consist of Interior Brick Sealer in the amount of \$1,006.75, Exterior Brick Cleaning in the amount of \$9,874.16, New Walkway Site Lights in the amount of \$22,632.37, Additional Sidewalk and Sidewalk Replacement in the amount of \$14,168.72 and a \$2,000 credit for the Sitting Wall from the scope of work; and

WHEREAS, the net total of all items in this change order is \$45,682.00.

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 order is hereby approved.

Original Contract Sum:	\$1,144,775.00
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Contract Sum prior to Change Order #10	\$1,246,353.53
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Change Order #10	\$45,682.00
General Contract Allowance Remaining	\$ -0-
Contract Sum Increased by this Change Order	\$45,682.00

New Contract Sum:	\$1,292,035.53
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BE IT FURTHER RESOLVED, by the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to execute the above change order.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds are available in Account #04-1551-00-1551-62.

The Borough Clerk read the following resolution:

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

Resolution #267-03

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 #268-03

WHEREAS, the Board of Chosen Freeholders of the County of Middlesex by resolution established the Middlesex County Downtown and Business District Improvement Fund on September 21, 2000; and

WHEREAS, that fund is designed to assist municipalities within the County of Middlesex, to improve the economic viability of the business area through various projects; and

WHEREAS, the Borough of Middlesex has initiated a program to improve the streetscape along the Route 28 business corridor. The first phase of the streetscape improvements included installation of textured and colored crosswalks, concrete pavers, benches, trash receptacles, concrete planters, trees, decorative banners, and new bus stop shelters. The design for the first phase improvement has been completed and is expected to be advertised for bid during this fall; and

WHEREAS, the proposed Phase II Program will include replacement of the severely deteriorated and non-conforming sidewalks/driveways to provide a more uniform appearance and improve pedestrian safety. Concrete pavers will be added to compliment the concrete pavers (to be installed under the Phase I project) across the street; and

WHEREAS, to participate it is necessary to complete an application and be willing if selected to adhere to all the requirements of the grant.

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 Middlesex County Downtown and Business District Improvement Fund Grant Application to be considered by the Middlesex County Downtown and Business District Improvement Fund and if selected will comply with all aspects of the grant.
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 #269-03

WHEREAS, the Borough of Middlesex desires to enter into a Contract with CMC Communications, Inc. for a Community Information Guide for residents and business of the Borough of Middlesex; and

WHEREAS, this guide will be offered at no cost to Middlesex Borough and/or its taxpayers since it would be supported solely by the private funds of the advertisers.

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 is hereby authorized to execute the Contract with CMC Communications, Inc. for the Community Information Guide.
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 #270-03

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
34/19.A	Dorothy Dombroski 334 High St Middlesex, NJ 08846	\$1,035.76

The Borough Clerk read the following resolution:

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

Resolution #271-03

The Tax Collector is hereby authorized to refund an overpayment of 4th quarter 2003 property taxes in the amount of \$50.36 on Block 167.A, Lot 15, 45 Mohawk Avenue. The check is to be made payable to:

Luis & Niberka Torres
45 Mohawk Avenue
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

Resolution #272-03

The Tax Collector is hereby authorized to cancel 4th quarter 2003 amount of \$366.56, 1st quarter 2004 amount of \$356.40 and 2nd quarter 2004 amount of \$356.40 on Block 155, Lot 29. This property was combined with Block 155, Lot 1.

The Borough Clerk read the following resolution:

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

Resolution #273-03

The Tax Collector is hereby authorized to cancel 4th quarter 2003 amount of \$1,026.06, 1st quarter 2004 amount of \$1,006.30 and 2nd quarter 2004 amount of \$1,006.30 on Block 180, Lot 3. The property owner has been certified as being 100% permanently and totally disabled by the Department of Veterans Affairs.

The Borough Clerk read the following resolution:

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

Resolution #274-03

The Tax Collector is hereby authorized to cancel 4th quarter 2003 amount of \$584.52, 1st quarter 2004 amount of \$577.00 and 2nd quarter 2004 amount of \$577.00 on Block 265, Lot 17.A. The property owner has been certified as being 100% permanently and totally disabled by the Department of Veterans Affairs.

The Borough Clerk read the following resolution:

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

Resolution #275-03

WHEREAS, the Elevator Safety Subcode of the State of New Jersey gives municipalities the option to request that the Department of Community Affairs (DCA) enforce the regulations; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that authorization be given to the Department of Community Affairs (DCA) to enforce the regulations of the Elevator Safety Subcode in the Borough of Middlesex.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the Department of Community Affairs is hereby authorized to enforce the regulations of the Elevator Safety Subcode in the Borough of Middlesex.

BE IT FURTHER RESOLVED, that effective November 8, 2003, the Department of Community Affairs (DCA) will have exclusive jurisdiction to enforce the Elevator Safety Subcode in the Borough of Middlesex.

The Borough Clerk read the following resolution:

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

Resolution #276-03

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 resolution:

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

Resolution #277-03

WHEREAS, the NJDEP has requested that Sadat Associates, Inc. perform additional tasks in regard to the remedial investigation at the Borough of Middlesex Municipal Landfill; and

WHEREAS, the specific tasks include: (1) collection of additional surface water and sediment samples to supplement the ecological evaluation; (2) performance of a supplemental soil gas investigation; and (3) collection of additional soil data which is representative of background concentrations of the radiological parameters; and

WHEREAS, the total proposed cost of \$42,465 includes Sadat's cost of \$24,690 (includes cost of rental equipment) and the estimated contractor cost of \$17,775.

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 the proposal submitted by Sadat Associates, Inc. for additional tasks in regard to the remedial investigation at the Borough of Middlesex Municipal Landfill at a cost not to exceed \$42,465.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account Nos. 04-1476-00-1476-55 and 04-1476-00-1476-60.

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

Bill Yudicki, 600 Beechwood Avenue commented that he was required under his new homeowner's policy to repair his sidewalks that were being lifted by trees, or his policy would be cancelled. Mr. Yudicki was notified by the Shade Tree Commission that they do not remove live trees. He indicated that in the past 5 live trees were taken down in Mountain View Park, one month ago at the Tot Playground a large tree was cut down and on Hazelwood Avenue a large tree was also cut down. He read in the Courier on September 24 that the Borough was awarded a \$250,000 grant for "Safe Streets to School" to repair sidewalks. He feels that he lives two blocks from the school and the sidewalks are important to him and the kids that play on them. He presented a copy of his paid bill for the removal of his tree and would like to be reimbursed and also wants reimbursement for the repair to his sidewalks .when they are completed.

Mayor Dobies indicated that the "Safe Streets to School" Grant was based upon the assessment of our engineer as to where the school children walk. The Governing Body has requested that the Board of Education and engineer come up with a priority list for this grant. As far as the cost for the removal of the tree and sidewalk, the council will be meeting to discuss this matter.

Ron Donovan applauded the Council on the \$250,000 grant for sidewalks in town. His business is located at 1360 Bound Brook Road and he voiced his concerns with Councilman Hompesch regarding the sidewalks in his area which have not been properly repaired in the past and have taken their abuse. He mentioned that the surrounding businesses are very enthused about the Borough receiving this money, as they see a tremendous volume of students and looks forward to whatever could be done with this money.

Mayor Dobies requested that Mr. Donovan note the sidewalk area that he is requesting be repaired and forward to the Administrator.

Mayor Dobies moved the appointment of Peter Marcuzzi, Amy Manna, Robert M. Frisch, Jr. and Fred Hoth to the Traffic Safety Committee seconded by Councilman Mulcahy and carried by a unanimous vote.

Mayor Dobies moved the appointment of Councilwoman Liana as a representative to the Middlesex County Urban Forestry Committee seconded by Council President Sadowski and carried by a unanimous vote.

Councilman Curcio moved the approval of the September 23, 2003 Public and Agenda Meeting Minutes seconded by Council President Sadowski and carried by a unanimous vote.

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

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

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

