

Municipal Building
1200 Mountain Avenue

October 28, 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 (absent)
Council President	Bruce Sadowski
	Louis Curcio
	Barbara Ferris
	Michael Hompesch
	Josephine Liana
	Garrett Mulcahy

Attorney:	George Hendricks
Administrator:	Joseph Manning

Council President Sadowski 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 by title only saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1589-03

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

Council President Sadowski opened the Public Hearing on Ordinance No. 1589-03. seeing that there was no public participation, Council President Sadowski closed the public hearing on Ordinance No. 1589-03.

Councilman Hompesch moved for adoption of Ordinance No. 1589-03 seconded by Councilwoman Liana and carried by the following roll call votes: Ayes: Members Curcio, 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(U)

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 #278-03 - Resolution #287-03

Council President Sadowski moved for adoption seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Curcio, 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 #278-03

WHEREAS, the unprovoked attack on the United States carried out by international terrorists on September 11, 2001 against targets in New York City, Washington, D.C. and

Arlington, Virginia, resulted in the deaths of thousands of innocent people, injury to countless others and the destruction of innumerable lives; and

WHEREAS, among the victims of this depraved act were civilian and government workers, military personnel, airline passengers and crew members, police officers, firefighters and paramedics, many of whom reside in this State; and

WHEREAS, the remains of many victims of the World Trade Center attacks were never located; and

WHEREAS, the ash from the World Trade Center site, which contains the remains of victims of September 11, 2001, has been held at Fresh Kills Landfill in Staten Island, NY; and

WHEREAS, it is fitting and proper for the State to honor the victims of September 11, 2001 by returning their ashes to the site of a memorial at the World Trade Center in their honor; and

WHEREAS, A-2753 (Stender and Cohen) and S-1924 (Inverso) require the Port Authority of New York and New Jersey to honor the victims of the World Trade Center by covering the ashes of their remains, placing them in containers and transporting them to the World Trade Center site to be used in a memorial built in their honor; and

WHEREAS, A-2753 and S-1924 shall take effect upon enactment into law by the State of New York of legislation having an identical effect with this legislation.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey does hereby go on record supporting and endorsing the passage of Bills A-2753 and S-1924 by the New Jersey State Legislature and enactment into law of identical effect with this legislation.

BE IT FURTHER RESOLVED, that this Resolution be forwarded to Senator Joseph Suliga, Assemblywoman Linda Stender and Assemblyman Jerry Green, the Speaker of the New York State General Assembly, Sheldon Silver, President of the New York State Senate, Joseph Bruno, Michael Bloomberg, Mayor, New York City and George Pataki, Governor, New York.

The Borough Clerk read the following resolution:

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

Resolution #279-03

The treasurer is hereby authorized to issue a check in the amount of \$5,625.23 to redeem tax sale certificate 2003-1650, made payable to:

Sequoia Investments
P.O. Box 5600
Woodbridge, NJ 07095

The Certificate covered property located at 175 So Lincoln Ave, Block 245, Lot 8.

The Borough Clerk read the following resolution:

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

Resolution #280-03

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
262/1.A/C023C	Giuliano, Palmina 23C Foxhall	\$388.64

The Borough Clerk read the following resolution:

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

Resolution #281-03

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
262/1.A/C023C	Giuliano, Palmina 23C Foxhall	\$388.64

The Borough Clerk read the following resolution:

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

Resolution #282-03

WHEREAS, the New Jersey Department of Environmental Protection has issued an Administrative Order and Notice of Civil Administrative Penalty Assessment pursuant to the provision of the Water Pollution Control Act, NJSA 58:10.b and d.; and

WHEREAS, the Borough of Middlesex on certain occasions had non-permitted discharge of raw sewage into the waters of the Green Brook; and

WHEREAS, based upon the facts set forth in the FINDINGS of Sept. 8, 2003, the Department of Environmental Protection has determined that a civil administrative penalty be assessed against Middlesex Borough in the amount of \$5,000; and

WHEREAS, the NJDEP has agreed to negotiate a settlement for 75% of the fine which amounts to \$3,750.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby agrees to the negotiated amount of \$3,750 payable to the Treasurer, State of New Jersey.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that funds are available in Contingency 01-2010-35-4702-101.

The Borough Clerk read the following resolution:

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

Resolution #283-03

WHEREAS, the Middlesex County Utilities Authority (a/k/a MCUA) initiated a program in 1998 which offered reduced tipping fees at the Middlesex County Landfill to customers who entered into a three (3) year Agreement with the MCUA to dispose of their household solid waste at the Middlesex County Landfill; and

WHEREAS, the current Agreement will expire Dec. 31, 2003; and

WHEREAS, under the renewed three-year agreement the current contract rate of \$48.00 per ton will continue and be guaranteed through 2004 with an increase on January 1, 2005 to \$48.50 per ton and in the third year of the Contract commencing on January 1, 2006 the rate will be \$49.00 per ton; and

WHEREAS, the Borough of Middlesex wishes to renew their agreement with the Middlesex County Utilities Authority for a period of three years.

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 Solid Waste Disposal Agreement between the Borough of Middlesex and the Middlesex County Utilities Authority.

The Borough Clerk read the following resolution:

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

Resolution #284-03

SUPPORTS REAUTHORIZATION OF THE NEW JERSEY TRANSPORTATION TRUST FUND AND INCREASED DEDICATION FOR LOCAL AID

A RESOLUTION supporting reauthorization of the New Jersey Transportation Trust Fund, which is set to expire on June 30, 2004; and renewal of the Federal Surface Transportation Act of which its five-month extension is set to expire in early 2004; and

WHEREAS, local governments have received approximately \$2.0 billion from the Transportation Trust Fund and approximately \$300 million in bridge bond funds; and \$275 million in federal local lead funds; and

WHEREAS, local roadways and bridges carry 55% of the traffic on county, municipal, and state highways; and local governments maintain 32,810 centerline miles of roads, 2,498 major bridges and 4,584 minor bridges; and

WHEREAS, a review of annual local transportation needs indicates \$211 million for county bridges, \$7.5 million for municipal bridges, \$44 million for county roadways, and \$112 million for municipal roadways for a total of \$374.5 million; and

WHEREAS, it is imperative that local governments receive a stable, dependable, and long-term source of funding to actively maintain the State's roadways and bridges; and

WHEREAS, it is in the best interest of local governments to work in collaboration with New Jersey's congressional delegation, the Governor of the State of New Jersey, the Commissioner of the New Jersey Department of Transportation, and the New Jersey State Legislature to quantify the State's transportation needs and pursue the appropriate methods of funding.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Middlesex that we do in fact hereby support reauthorization of the New Jersey Transportation Trust Fund and renewal of the Federal Surface Transportation Act.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to New Jersey's congressional delegation, the Governor of the State of New Jersey, the Commissioner of the New Jersey Department of Transportation, the President of the Senate of the State of New Jersey, the Speaker of the General Assembly of the State of New Jersey, our own State Senator and Assembly Representatives and the New Jersey State League of Municipalities.

The Borough Clerk read the following resolution:

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

Resolution #285-03

Authorizing the Borough Engineer to re-bid the Warrentville Road Sanitary Sewer Improvements.

The Borough Clerk read the following resolution:

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

Resolution #286-03

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 #287-03

WHEREAS, a request for a permit to use John J. Haverstick Memorial Park on November 3, 2003 from 5:30 p.m. to 10 p.m. was made by Daniel and Diane Gitler on October 22, 2003; and

WHEREAS, Mr. & Mrs. Gitler would like to provide an Astronomy Program for all residents of the Borough at no charge in order to mark the peak of the Taurids Meteor Shower and view meteors and the moon through a telescope.

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 approves the request by Mr. & Mrs. Gitler to provide a Astronomy Program for all residents of the Borough on November 3, 2003 between the hours of 5:30 p.m. and 10 p.m. at John J. Haverstick Memorial Park.
2. This resolution shall take effect immediately.

Council President Sadowski opened the public portion of the meeting for comments or questions. Seeing that there was no public participation, Council President Sadowski closed the public portion of the meeting.

Councilwoman Ferris moved the Board of Fire Officers transfer of Scott Vincent from H.C. Pierce Hose Co. #3 to Beechwood Heights Fire Co. 2, the reinstatement of Paul Levesen as an active firefighter from Lincoln Hose Co. #1, and the acceptance of Colin McKeown as an active member of Lincoln Hose Co. #1 seconded by Councilman Curcio and carried by a unanimous vote of Council.

Councilman Curcio moved the approval of the October 7th and October 14th Agenda Minutes and the October 14th Public Meeting Minutes seconded by Councilman Mulcahy and carried by a unanimous vote of Council.

Council President Sadowski moved the approval of the September, 2003 Treasurer's Report seconded by Councilman Curcio and carried by a unanimous vote of Council.

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

