

Municipal Building
1200 Mountain Avenue

November 12, 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
	Josephine Liana (absent)
	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.

Ralph Magliette, Chairman of the Environmental Commission presented the 2003 Middlesex Beautification Awards to first place winners Spray-Tek Inc, located at 344 Cedar Avenue in the Commercial/Industrial Category and Dominick Penna of 16 June Way in the Residential Category. Commercial Certificates of Accomplishment were also given to Delta Cleaners, Ellery's Grill Inc., Carpaccio Restaurant, D&J Auto Body and Boulevard Fuels. The Residential Certificates of Accomplishments were given to Bob & Denise Gorr, Connie Gauthier, Richard and Joey Bracey, Julia Rosato, James Boyle, Chris Sage, Lisa Borowski, Nancy and Rich Worth, Kenny Bund, Judy Besta and Tom Korp, Stan Stachnick, John and Mary Ellen Ferraro, Chester Sadowski, Frank Lopinski and Dale and Susan Scott.

The Borough Clerk read the following resolution:

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

Resolution #296-03

CAPITAL BUDGET AMENDMENT

WHEREAS, the governing body has adopted a capital budget for the year 2003 on July 22, 2003; and

WHEREAS, the governing body desires to amend said capital budget by increasing the amount thereof by \$173,000.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, that an amendment for the preliminary planning for the Sanitary Sewer Improvement Project and videotape inspection of portions of the system to be determined, including all work and materials necessary therefore and incidental thereto be made to the capital budget section of the Borough's Capital Budget.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

The Borough Clerk read Ordinance No. 1590-03 for introduction.

ORDINANCE NO. 1590-03

**BOND ORDINANCE PROVIDING FOR PRELIMINARY
PLANNING FOR THE SANITARY SEWER IMPROVEMENT
PROJECT AND VIDEOTAPING INSPECTION IN AND BY THE
BOROUGH OF MIDDLESEX, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, APPROPRIATING \$173,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$164,350 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

Council President Sadowski moved for introduction of Ordinance No. 1590-03 seconded by Councilman Hompesch and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, Mulcahy and Sadowski. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1591-03 for introduction.

ORDINANCE NO. 1591-03

**AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN
OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX**

Council President Sadowski moved for introduction of Ordinance No. 1591-03 seconded by Councilman Hompesch and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, 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(V)

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 #288-03 - Resolution #295-03

Council President Sadowski moved for adoption seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Curcio, Ferris, Hompesch, 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 #288-03

WHEREAS, in the White Collar Clerical Employees Contract under “Article 10G – Sick and Personal Days” and the Public Works Employees Contract under “Article 11G – Sick and Personal Days” effective for the year 2003 it states that “unused sick leave time will be made to the employee, at the employee’s rate of pay during the calendar year in the first paycheck of December of that calendar year”; and

WHEREAS, both the White Collar Clerical Employees Union and Public Works Employees Union have requested that unused sick leave time be disbursed to them with their November 26 paycheck this year.

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 authorize that the year 2003 payment of unused sick leave time that has been requested by the White Collar Clerical Employees Union and the Public Works Employees Union be disbursed to them in their November 26, 2003 paycheck.
2. This is a one-time action and shall not be construed as establishing a past practice.
3. 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 #289-03

WHEREAS, the Governing Body is desirous of applying for the Green Communities Challenge Grant for 2004 which is funded by the USDA Forest Service through the National Urban and Community Forestry Program before the deadline of November 25, 2003; and

WHEREAS, this grant can be used by a municipality to offset the cost of hiring a forestry consultant who will work with them in the development of a Community Forestry Management Plan.

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 Green Communities Challenge Grant for 2004.
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 #290-03

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 2002 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 NOVEMBER 12, 2003.

The Borough Clerk read the following resolution:

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

Resolution #291-03

The Treasurer is hereby authorized to refund found monies in the amount of \$58.00 based upon the recommendation from the Police Department regarding case #03014472. The monies should be returned to the following:

Anthony Casale
9 Locust 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 #292-03

Budget transfers for the Budget Year 2003:

ACCOUNT NAME:	TO:	FROM:
Short Term Disability		
Other Expense	\$ 1,000.00	
Collection		
Salary & Wages	\$ 1.00	

Assesor

Salary & Wage	\$ 400.00
Other Expenses	\$ 220.00

Roads

Other Expenses	\$1,000.00
----------------	------------

Long Term Disabilty

Other Expenses	\$1,000.00
----------------	------------

Finance

Salary & Wages	\$ 1.00
----------------	---------

Administration

Salary & Wages	\$ 620.00
----------------	-----------

Recycling

Salary & Wages	\$1,000.00
----------------	------------

The Borough Clerk read the following resolution:

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

Resolution #293-03

The Governing Body of the Borough of Middlesex hereby requests from the Director of Local Government Services, approval to insert into the 2003 Municipal Budget, revenues and appropriations, in the amount of \$36,051.56 for FEMA grant received through the State of New Jersey to provide for reimbursement of monies spent during the Snow Storm of 2/16/03 – 2/17/03.

The Borough Clerk read the following resolution:

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

Resolution #294-03

WHEREAS, the Middlesex Senior's Club was incorporated in the year 1968 under the name "Senior Citizens Center of Middlesex Borough"; and

WHEREAS, the Middlesex Senior's Club is hereby making an application for a Special Senior Citizens Bingo and Raffle License and has filed with the Municipal Clerk where the games are to be held and operated; and

WHEREAS, this license shall be valid for a period of two years; and

WHEREAS, the proceeds are distributed to the participants and also to subsidize the club luncheons, purchasing equipment, donations to the Rescue Squad and other charitable organizations; and

WHEREAS, a copy of the Treasurer's report is filed with the Director of Office on Aging.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby grants a license to the Middlesex Senior's Club in accordance with NJSA 5:8-1 and NJAC 13.47-3.6 regulations.

The Borough Clerk read the following resolution:

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

Resolution #295-03

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 #297-03

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1211-33-007-006, hereto issued to Middlesex SEA, L.L.C. for premises located at 580 Union Avenue, Middlesex, New Jersey 08846; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

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 does hereby approve, effective November 12, 2003, the transfer of the aforesaid Plenary Retail Consumption License 1211-33-007-006 to Café Havana, L.L.C., and does hereby direct the Municipal Clerk to endorse the license

certificate to the new ownership as follows: “This license, subject to all of its terms and conditions, is hereby transferred to Café Havana, L.L.C., effective November 12, 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 #298-03

WHEREAS, the State of New Jersey implemented a program known as the “Property Tax Reimbursement Program”, for homeowners age 65 or older, or receiving Federal Social Security disability benefits, for property tax relief on their principal residence; and

WHEREAS, the program offered property tax relief in the form of State reimbursement of the difference between the amount of property taxes paid in the base year and the amount paid in the application year; and

WHEREAS, the program was based on income eligibility and provided continued relief once eligibility was established and maintained; and

WHEREAS, many citizens filed for this program in 2001 and in 2002 with the knowledge that they would receive their reimbursement for the base year and every succeeding year; and

WHEREAS, without previously informing municipalities or citizens the State adopted their budget without the proper funding in place to support the program and informed citizens by receiving their checks with the following message “The State’s Annual Budget established restrictions on this year’s benefit by limiting payments in this year to a maximum of what was paid for last year”; and

WHEREAS, this action seriously impacts the citizens of the Borough of Middlesex who are experiencing a significant tax increase and are depending on receiving this reimbursement from the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Borough of Middlesex does hereby strongly oppose this action and call for an amendment to the State’s Budget to include this relief.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Middlesex that the Mayor and Municipal Clerk affix their signatures hereto and forward a copy of this resolution to Governor McGreevey, Senator Joseph S. Suliga, and the New Jersey League of Municipalities.

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

Chester Sadowski, 206 Cedar Avenue indicated that he was disappointed that he did not receive the campaign literature that was sent out by Mayor Dobies to all veterans prior to the General Election, because in the Sadowski family there are veterans from World War II and also Mr. Sadowski has a grandson who is presently serving in Afghanistan.

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

Councilman Curcio moved the approval of the October 28, 2003 Public and Agenda Meeting Minutes seconded by Council President Sadowski and carried by a unanimous vote.

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

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

Councilman Mulcahy also noted that the 17 juvenile arrests in this Police Report had been a big increase, but that 12 of these arrests involved a bicycle thief ring.

Mayor Dobies moved the appointment of George Chismar, Dina Fornataro, Garrett Mulcahy, Mike Girvan, Robert Heisch, William Coyle, Jerry Schaefer, and Mike Hompesch to the Field Development Committee 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 Councilman Curcio and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

