

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
FEBRUARY 24, 2015**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies	
Council President	Sean Kaplan	(Absent-Work)
	Kevin Dotey	
	Stephen Greco	
	John Madden	
	Bob Schueler	
	Jack Mikolajczyk	

Attorney: Aravind Aithal

Mayor Dobies added to the Executive Session Meeting the discussion on the scheduling of interviews for the Borough Administrator.

PROCLAMATIONS-NONE

APPOINTMENTS-NONE

PRESENTATIONS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1870-15 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1870-15
AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY
OF MIDDLESEX, NEW JERSEY, CHAPTER 407, ARTICLE XI, SECTION 407-33
VEHICLES AND TRAFFIC**

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. Section 407-33 is hereby amended to include the following locations.

407-33 Turn Prohibitions

No left turn on Valentine Street at Route NJ 28 Northbound on Valentine Street to Westbound on Route NJ 28 from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday to Friday when school is in session

No Left turn on Vail Street at Route NJ 28 Northbound on Vail Street to Westbound on Route NJ 28 from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday to Friday when school is in session.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Mayor Dobies opened the Public Hearing on Ordinance No. 1870-15. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1870-15.

Councilman Greco moved for adoption seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

NEW BUSINESS-NONE

ADOPTION OF MINUTES-NONE

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Council President Kaplan was absent

2. Recreation/Recreation Fields/Water & Light – Nothing to report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Councilman Dotey made a motion to accept the following individuals as Qualified Drivers for Truck 25 for 2015: Ken Bartok, Dan DelSignore, Chad Heulitt, Rich Malt, William Smith, Eric Chomen, Colleen Dooley, George Schroeder, Jake Kyryczenko, Kevin Mott, Darren Lubetkin and Brian Chomen seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - B. Councilman Dotey made a motion to permit Lincoln Hose Company to take Engine 21 to the Somerville St. Patrick's Day Parade on March 15, 2015 seconded by Councilman Schueler and carried by a unanimous vote of Council.
4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler stated that during the 2/13/15 storm he met with the DPW Manager and indicated that we did receive our salt delivery and it was used after the storm and initial plowing was done. The main roads and sections were done and attention was given to side streets. There were some streets such as Drake that had icing conditions Sunday Morning, which were resolved by the afternoon. Overtime was utilized as the crew was working from 4 am on 2/13 till 1 PM on 2/14. Appropriate breaks were taken to ensure safety. I received several calls concerning icing conditions and on Monday took the opportunity to drive the town to locate these trouble spots that remain despite our plowing efforts. This document was provided to DPW manager with suggestion that when we send our crews out to their sections they pay special attention to those areas in their sections and have some salt available to combat the icing problems they encounter.

The Planning board authorized the Borough Planner to conduct a study in order to determine if there is sufficient need to move forward with the transition of the current area in need of rehabilitation to a redevelopment zone. The estimate from Ricci Planning was that this would take approximately 4 months. If it looks like it will take longer, the planner will inform the Planning Board.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
 - A. Councilman Madden made a motion to accept the January, 2015 Police Department Monthly Report seconded by Councilman Greco and carried by a unanimous vote of Council.
6. Administration/Department of Senior Services/Legislation/Licensing
 - A. Councilman Mikolajczyk mentioned that he met with Michele Previte and BOE Superintendent Madison, along with BOE liaison Dave Oliver for an introductory meeting. Councilman Mikolajczyk also attended the School Board Meeting last

night and reported that the work for the Hazelwood roof, window project and the project for the other utilities are underway, and should take place with a minimal disruption for the children. Also, the Borough is also one of 10 school districts that have begun PARCC testing one week earlier than the rest of the state, and although there were minor problems with some of the programs, the district was prepared, and testing at the High School will be completed this week.

Mayor Dobies reported that he informed the council of the cost for the renovations of the football field project. He is recommending that the lighting of the field be a priority. The Mayor is requesting direction from council on this project.

Councilman Mikolajczyk stated that the Board of Education did a run through on the 2016 budget. They have an aggressive schedule with construction work of the bathrooms and also intend to be under the 2% cap.

REPORTS

Mayor

1. Amendment to the Current Redevelopment Plan – Mayor Dobies indicated that there are minor Zoning changes and that this ordinance will be introduced at the March 10, 2015 Regular Meeting. Paul Ricci will be contacting the individuals that are involved to see if what we are projecting will meet their needs.

The Borough Clerk read the following resolution:

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

Consent Agenda 2014(E)

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 wishes to remove Resolution #69-15 and #77-15 from this Consent 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 #70-15 – Resolution #76-15

Councilman Dotey made a motion for approval seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: 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 #70-15

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow account:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
114/2	Joseph Haumacher Jr 230 Beechwood Ave	\$ 303.89	680039161

including interest to date of refund.

The Borough Clerk read the following resolution:

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

Resolution #71-15

The Tax Collector is hereby authorized to refund Sanitary Sewer Use Charges on the following properties on the attached listing. This was due to overpayments on the 2012 / 2013 sewer billings. Total amount of the refunds are \$69,464.81.

The Borough Clerk read the following resolution:

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

Resolution #72-15

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF UPGRADE TO VPN LICENSE

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase an upgrade for VPN license on current firewall from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Dell Marketing LP Software is under State Contract No. 70256 for the year 2014; and

WHEREAS, the cost for the purchase of upgrade to VPN license is \$272.55; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of upgrade to VPN license is ordered under State Contract No. 70256 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$272.55 is available in Account No. 01-2010-20-1401-062.

The Borough Clerk read the following resolution:

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

Resolution #73-15

The Tax Collector is hereby authorized to refund 2014 taxes based on a Middlesex County Board of Taxation judgment on the following property:

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
52/23	Vidal, John M 307 Second St	\$ 338.20

The Borough Clerk read the following resolution:

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

Resolution #74-15

The governing body hereby declares the following items as surplus:

- (1) 2004 Senior Van, Vin No. 1FTSS34P54HB52987
- (2) 1964 DPW CAT Grater, Vin No. 99E8443

The Borough Clerk read the following resolution:

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

Resolution #75-15

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater.

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. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer Crop Science, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad.
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 #76-15

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF MONITORS FOR NEW CAD SYSTEM

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (8) monitors for the new CAD system from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Dell Marketing LP Software is under State Contract No. 70256 for the year 2014; and

WHEREAS, the cost for the purchase of upgrade to the Monitor for the New CAD System is \$2,614.48; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of new monitors is ordered under State Contract No. 70256 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$2,614.48 is available in Account No. 04-1855-00-1855-71.

The Borough Clerk read the following resolution:

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

Resolution #69-15

The Treasurer is hereby authorized to issue a check in the amount of \$100 from the Collector of Taxes O/E line due to a counterfeit bill.

Councilman Dotey made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: 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 #77-15

The Governing Body hereby approves amending the Borough Personnel Policy to include in Section 8 Work Period and Overtime, Section 8.2b Part Time Employees.

Councilman Dotey made a motion for approval seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: 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 #78-15

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.

Councilman Dotey made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Operation of the Board of Health – Attorney Aithal indicated that he was invited to the Board of Health meeting and discussion was held whether the Board is acting as an autonomous or advisory board. He stated Title 26 and Title 28 govern the Board of Health in Municipalities. The fifth ordinance enacted in 1913 was the ordinance that established the Board of Health. The Board of Health relied on 1887 State Law that established the Board of Health and their powers. The ordinance was never changed since 1913 and the board could be either autonomous, advisory or the governing body could act as the Board of Health, which would leave the enactment of ordinances to the governing body.

Attorney Aithal stated that in looking through our ordinance his opinion is that the governing body should clarify how the board is acting, either autonomous or advisory, but he feels that any actions that have been taken to date are legal. Mayor Dobies stated that minor concerns include whether the board has a separate attorney or if the board is autonomous does the Board need separate insurance. Attorney Aithal feels that the Middlesex County Joint Insurance Fund presently covers the board. Also, Mayor Dobies feels that the Board of Health has adopted over 135 ordinances to date and to date they have never required the use of an attorney. Attorney Aithal stated that the concern at this time is to close the donut hole in the Board of Health ordinance by amending the ordinance and including language that the Board is acting as an autonomous board.

Discussion was held regarding the Cat Ordinance, which was adopted by the governing body, and not the board of health and its validity with regard to the Board. Attorney Aithal mentioned that there are areas that overlap between the Board and the Council and if the Council passes an ordinance the Board cannot override the ordinance.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

John Hoffman, 455 Lincoln Boulevard questioned if the town can get sued from someone getting bit from a cat colony and if there is a list of all managed colonies. Mayor Dobies indicated that Paws for Peace decides if they are a managed colony and if he gets a complaint the first thing is to report it to Paws for Peace and the Health Officer also would look into it. Attorney Aithal indicated that the ordinance was established so that cats are trapped and

neutered and released, so that they do not reproduce. Mayor Dobies stated that he does not want colonies throughout the town and that the best place for these colonies is on public property (not neighborhoods) where they have no inference with the residents.

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

The Borough Clerk read the following resolution:

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

Resolution #79-15

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

- (1) Police Department Contract
- (2) Sewer User Fees
- (3) Update on Swim Pool Project – Contractor
- (4) Status of the Cell Tower

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

Councilman Madden moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan (Absent – work)
	Kevin Dotey
	Stephen Greco
	John Madden

Bob Schueler
Jack Mikolajczyk

Attorney: Aravind Aithal

The Council discussed the 2015 budget. Councilman Schueler will send the Mayor and Council the changes the finance committee made to the budget.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Madden and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk