

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
August 14, 2013**

**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 Special Meeting Notice of and was forwarded to the Star Ledger, Courier News and Home News, posted at Borough Hall, and posted on the website.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ronald Dobies	
Council President:	Ron DiMura	
	Kevin Dotey	
	Sean Kaplan	Absent
	Patricia Jenkins	
	Bob Schueler	
	Michele Tackach	
Attorney:	Jerome Solomon	

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**APPOINTMENTS**

The Municipal Clerk read the following resolution:

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

**Resolution #176-13**

**WHEREAS**, George Pilesky has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Young is recommending that George Pilesky be appointed to the position of Probationary Patrolman effective August 15, 2013 at an annual salary of \$48,379.00.

**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. George Pilesky is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 15, 2013 at an annual salary of \$48,379.00.
2. This resolution shall take effect immediately.

Councilman Schueler made a motion for introduction, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

Chief Young thanked the Mayor & Council for their continued support to hire more officers. The Chief stated that he believes we are heading in the right direction to where we can get back to being pro-active and more involved with our community policing initiatives. Chief Young congratulated Patrolman Pilesky wishing him a long and safe career. Chief Young also congratulated the Middlesex High School baseball team for winning the State Championship.

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## **PRESENTATIONS**

Mayor Dobies along with Councilman Dotey presented a Certificate of Achievement and an Outstanding Citizen award to the Middlesex High School Boys Varsity Baseball Team for their achievement as the Group 1 State Champions.

The awards went to the following players: Dominic Lampasona, Anthony Keri, Daniel Berardi, Walter Byleckie, John Castillo, Kyle Dotey, Kristopher Fellin, Darrell Handley, Tyler Heisch, Christopher Lyons, Thomas Marcinczyk, Brennan Price, Jeffrey Reinecke, Anthony Vischetti.

Coaches: Michael O'Donnell, Joseph O'Donnell, Justin Anastasia, Thomas Burton, Tyler Piazzola

Assemblywoman Linda Stender presented a proclamation to the Governing Body on behalf of the Senate and General Assembly of the State of New Jersey congratulating the Borough on our 100<sup>th</sup> Anniversary and commending the dedicated residents of the Borough for their pride in and zeal for their community, and extending sincere best wishes for the Borough's continued success.

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## **NEW BUSINESS**

The Borough Clerk read Ordinance No. 1842-13 by title for introduction.

### **BOROUGH OF MIDDLESEX ORDINANCE NUMBER 1842-13**

**BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF FAIRVIEW AVENUE, BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$380,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$300,000) AND AUTHORIZING THE ISSUANCE OF \$76,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$380,000, which sum includes \$300,000 as the amount of a Grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$4,000 as the amount of down payment for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$380,000 appropriation until said Grant is received and not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$76,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$76,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the reconstruction of Fairview Avenue, including but not limited to, roadway excavation, milling, paving, reconstruction and resurfacing of the roadway, and the repairing and/or installation, as applicable, of curbs, curb ramps, sidewalks and driveway aprons, drainage work, roadway painting and landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$76,000.

(c) The estimated cost of said improvements or purposes is \$380,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant and the down payment for said purpose in the amount of \$4,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Borough, including the Grant, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex, including the Grant, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The

notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$76,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds

or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$76,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

Councilman Schueler made a motion for introduction, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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## **PUBLIC HEARINGS**

The Borough Clerk read Ordinance No. 1833-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

## **ORDINANCE NO. 1833-13**

### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 407, VEHICLES AND TRAFFIC, SECTION 407-16.1 FURTHER RESTRICTIONS**

**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.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**407-16.1 Further Restrictions**

Notwithstanding any other restrictions under Chapter 407 of the Code of the Borough of Middlesex, and subject further to the restrictions of Chapter 420-24, no parking of any trailer, including, but not limited to trailers designed or utilized for the transportation of boats and recreational vehicles shall be permitted on any street or highway or portion thereof within the Borough.

**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 20 days after passage and publication as provided by law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1833-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1833-13.

Council President DiMura made a motion for adoption, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1834-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1834-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-56 IND INDUSTRIAL DISTRICT**

**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. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**420-56 IND Industrial District**

A. Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:

(11) Any contractor's equipment or storage yards.

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 20 days after passage and publication as provided by law and upon filing of the final form of the adopted Ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1834-13. Seeing that there was no further public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1834-13.

Council President DiMura made a motion for adoption, seconded by Councilman Dotey and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1835-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1835-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-16 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

**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. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**420-16 Permitted Obstructions in Required Yards**

C. Air-conditioning, permanent generators and other utility equipment placed on the ground, which may not project more than three feet into a required side or rear yard setback.

**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 20 days after passage and publication as provided by law and upon filing of the final form of the adopted Ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1835-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1835-13.

Council President DiMura made a motion for adoption, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1836-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1836-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-35 USE OF TRAILERS FOR STORAGE OR OFFICE**

**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.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**420-35. Use of Trailers for Storage or Office**

The storage or warehousing of materials, supplies, and/or products in trailers or containers and the use of trailers as temporary office is hereby prohibited in all zones except for the following:

B. Only one (1) commercial storage container may be placed in the rear yard or side yard only of the IND and HI Zones. Such container shall comply with all setback requirements of that zone.

**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 20 days after passage and publication as provided by law and upon filing of the final form of the adopted Ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1836-13.

John Mravcak, 128 Wood Avenue stated that a lot of businesses have storage trailers for decades. He stated that businesses in town are struggling.

Pete Hafner, 206 Wilton Avenue stated that this ordinance puts a lot of stress on the local businesses and feels if kept neat and orderly there should be no problem. He feels this ordinance should be struck.

Seeing that there was no further public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1836-13.

Council President DiMura made a motion to table this ordinance, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1837-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1837-13**

#### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-23 OUTSIDE STORAGE RESTRICTED**

**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.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**420-23. Outside Storage Restricted.**

B. In all nonresidential zones, no article, equipment, vehicle, supplies, storage container or materials shall be kept, stored or displayed outside the confines of any building unless the same is screened by planting or fencing, as approved by the planning board and/or the Zoning Board of Adjustment.

**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 20 days after passage and publication as provided by law and upon filing of the final form of the adopted Ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1837-13.

Mike Boone, 141 & 107 Wood Avenue stated that his storage containers are locked and safe. He noted that if he didn't have storage containers certain items like ladders and other items would be left outside and would be stolen. They are not an eyesore. He spends a lot of money on landscaping and feels the town should concentrate on getting the roads fixed.

Gary Flannery, 123 Smalley Avenue stated that these businesses bring employees and revenue into the town and according to the zoning laws most of our businesses couldn't expand their buildings.

John L. Bekus, 800 Lincoln Blvd. questioned that the ordinances states "unless the same is screened by planting or fencing." What are you going to screen? Some dumpsters are 10 ft. from public road or sidewalk. Conforming to sidewalk setbacks makes it unusable.

Peter Hafner, 206 Wilton Avenue stated that there is only one person in the garbage truck. They would have to get out of the truck if it is required to screen/fence the dumpster.

Seeing that there was no further public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1837-13.

Council President DiMura made a motion to table this ordinance, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1838-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1838-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-12 SITE PLAN APPROVAL**

**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.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**420-12 Site Plan Approval**

B. No site plan approval shall be required prior to issuance of a building permit or other required permit for any of the following:

(9) Overnight storage of no more than four (4) motor vehicles as defined in N.J.S. 39:1-1, excluding equipment, truck tractors and trailers, used by the approved business owning or leasing the property upon which such vehicles are stored, provided, however, that such motor vehicles must be removed for daily use during the regular business hours and days of such approved business.

**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 20 days after passage and publication as provided by law and upon filing of the final form of the adopted Ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1838-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1838-13.

Council President DiMura made a motion for adoption, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1841-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1841-13**

**AN ORDINANCE TO AMEND CHAPTER 407 VEHICLES AND TRAFFIC, ARTICLE VIII COMMERCIAL VEHICLES, SECTION 407-22 TRUCKS RESTRICTED IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:**

**Chapter 407, Section 407-22 is amended to include the following streets:**

E Street  
F Street

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Chapter 407, Section 407-22 to include E Street and F Street.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1841-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1841-13.

Councilman Schueler made a motion for adoption, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

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**ADOPTION OF MINUTES**

Councilman DiMura moved the approval of the July 23, 2013 Regular Meeting Minutes and the July 23, 2013 Executive Session Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - (a) Council President DiMura addressed the council stating that he would like to make changes to the Landlord Registration Ordinance to include the following.
    1. No annual renewal fee per unit for all 1-4 family rental properties.
      - (a) They still have to register every year.
    2. All 1-4 family rental properties will pay a \$50/per unit fee every time a new tenant is registered.

3. All rental properties with 5 or more units will pay an annual fee of \$50.00 per unit and must register every year.
  - (a) They will not pay @ the time any new tenants register.
4. A postcard will be mailed every year as a reminder.
5. Penalties will be increased.

Council President DiMura stated the reason for this ordinance was (1) so that the police and fire departments know who is living in these houses, and (2) so we know if there is an absentee landlord and the property is not being maintained.

There was a consensus of the Council to amend the Landlord Registration Ordinance at the next meeting.

2. Recreation/Recreation Fields/Water & Light

- (a) The Recreation Department has a Middlesex Movie in the Park night that is family friendly and will begin at approximately at 8:15PM on Friday, August 16th in Mountain View Park.
- (b) The Middlesex Community Pool has the preliminary drawings for the lap pool. Councilman Dotey will get a copy for the Governing Body.

3. Fire/OEM/Board of Health/Rescue Squad/Flood

- (a) Councilwoman Jenkins made a motion to approve the membership of Gregory T. Bradford to the Middlesex Fire Department seconded by Councilman Dotey and carried by a unanimous vote of members present.
- (b) Councilwoman Jenkins made a motion to accept the resignation of Christopher Martin from the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of members present.

4. Public Works/Parks/Sanitation/Recycling – Nothing to Report

5. Police/Legal/Code Enforcement/Municipal Court – Nothing to Report

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds

- (a) Councilman Schueler noted that Paws for Peace, the non-profit organization has provided him with a model ordinance for trap, neuter, and release (TNR) along with a mission statement. Councilman Schueler will pass it on to the borough attorney for review.

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**CONSENT AGENDA/RESOLUTIONS**

The Borough Clerk read the following resolution:

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

**Consent Agenda 2013(R)**

**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 from this 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 #199-13 – Resolution #210-13

Councilwoman Jenkins made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler, and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #199-13**

The governing body hereby accepts the resignation of George L. Psak as Chief Judge of the Middlesex Municipal Court effective August 25, 2013.

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The Borough Clerk read the following resolution:

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

**Resolution #200-13**

Appointing Judge Dennis Fackelman as Presiding Municipal Magistrate effective at 12 AM on August 26, 2013.

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The Borough Clerk read the following resolution:

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

**Resolution #201-13**

**WHEREAS**, Halecon, Inc. was awarded the contract for the Mountainview Park Tennis & Basketball Court Improvements on August 28, 2012 in the amount of \$751,185.00; and

**WHEREAS**, Change Order #1, is for a reduction of \$52,621.92 for as-built quantities and for an increase of \$23,577.60 for as-built quantities and for additional extras of \$4,200.00 for asphalt under benches, and additional gates.

**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: \$751,185.00

Change Order #1 (\$24,844.32)

**NEW CONTRACT SUM: \$726,340.68**

**NOW FURTHER BE IT RESOLVED** that the Chief Financial Officer hereby certifies that the funds in the amount of \$726,340.68 are available in Account No. 02-4000-00-3010-90.

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The Borough Clerk read the following resolution:

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

**Resolution #202-13**

The Tax Collector is hereby authorized to amend 3<sup>rd</sup> & 4<sup>th</sup> quarter 2013 taxes from \$4,276.59 to \$2,166.79 on Block 79, Lot 5.02, 57 Ramsey Road. There was a computer calculation error due to the block and lot changing from alpha to numeric.

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The Borough Clerk read the following resolution:

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

**Resolution #203-13**

The Tax Collector is hereby authorized to amend taxes for 3<sup>rd</sup> quarter 2013 from (\$468.05) to \$721.60 and 4<sup>th</sup> quarter 2013 from (\$468.04) to \$721.60 on Block 80.01, Lot 30, 5 Glen Gary Road. The house was destroyed in Superstorm Sandy and the assessment has been lowered for 2013 by the Tax Assessor. The 1<sup>st</sup> & 2<sup>nd</sup> quarters had previously been adjusted to reflect the lower assessment. The computer calculated the 3<sup>rd</sup> & 4<sup>th</sup> quarters based on the higher amount that had been billed previously resulting in a credit.

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The Borough Clerk read the following resolution:

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

**Resolution #204-13**

The Tax Collector is hereby authorized to amend 2014 1<sup>st</sup> & 2<sup>nd</sup> quarter taxes to \$907.45 on Block 66, Lot 9, 1291 Bound Brook Road. The building has been demolished and the new assessment should be for land only.

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The Borough Clerk read the following resolution:

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

**Resolution #205-13**

The Tax Collector is hereby authorized to cancel 3<sup>rd</sup> & 4<sup>th</sup> quarter 2013 property taxes in the amount of \$4,543.15 and cancel 1<sup>st</sup> & 2<sup>nd</sup> quarter 2014 property taxes in the amount of \$4,483.40 on Block 320, Lot 15, 511 Melrose Avenue. The homeowner has been certified as 100% totally disabled during wartime service by the Department of Veteran Affairs as of December 21, 2011.

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The Borough Clerk read the following resolution:

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

**Resolution #206-13**

The Tax Collector is hereby authorized to cancel 3<sup>rd</sup> & 4<sup>th</sup> quarter 2013 taxes in the amount of \$6,438.30 and 1<sup>st</sup> & 2<sup>nd</sup> quarter 2013 property taxes in the amount of \$3,219.15 on block 248, lot 43/COO1. The property has already been billed under block 248, Lot 43/C001. The alpha to numeric conversion added the additional property.

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The Borough Clerk read the following resolution:

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

**Resolution #207-13**

**Grant Agreement  
Between  
Middlesex Borough  
And The State of New Jersey  
By and For  
The Department of Environmental Protection  
Grant Identifier: PF13-158**

The governing body of Middlesex Borough desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project:

**2013 Green Communities Grant  
Community Forestry Management Plan**

Therefore, the governing body resolves that Ronald Dobies or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The governing body of the Borough of Middlesex hereby agrees to match \$3,000.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability

of the match for such purposes, whether cash, services or property, is hereby certified. 100% of the match will be made up of cash.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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The Borough Clerk read the following resolution:

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

**Resolution #208-13**

Effective August 1, 2013 Robert Teutsch is hereby appointed as Acting DPW Manager for a six months probationary period with an increase of \$200.00 per month.

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The Borough Clerk read the following resolution:

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

**Resolution #209-13**

Extending the Seasonal DPW Workers until September 27, 2013.

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The Borough Clerk read the following resolution:

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

**Resolution #210-13**

**WHEREAS**, an application has been filed for a place to place transfer of Plenary Retail Consumption License No. 1211-33-001-003, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1211-33-001-003, heretofore issued to R&C Lettieri, Inc. for premises located at 425 Bound Brook Road; 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 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** that the governing body of the Borough of Middlesex does hereby approve, effective August 15, 2013, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 425 Bound Brook Road to place under license the area delineated in the application form and the sketch of the licensed premises.

**NOW, FURTHER BE IT RESOLVED** that the governing body of the Borough of Middlesex does hereby approve, effective August 15, 2013, the transfer of the aforesaid Plenary Retail Consumption License to Shri Radha Krishna Inc., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Shri Radha Krishna Inc., effective August 15, 2013.

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

**Resolution #211-13**

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.

Including the following Confirming Orders:

PO 53932	Screen Styles, LLC	\$ 1,556.00
PO 53912	MSC Mailers, Inc	\$ 980.56
PO 53823	NJ Emergency Vehicles	\$ 3,988.67
PO 53817	R & R Pump & Control Services	\$ 497.00
PO 53913	Second Impressions	\$ 690.00
PO 53818	Hoffman Services, Inc	\$ 825.00
PO 53862	Steadyflow Services, Inc	\$ 650.00
PO 53982	G & B Janitorial Supply, Inc	\$ 454.95
PO 53967	Bird, David	\$ 74.94

Council President DiMura made a motion for approval, seconded by Councilman Dotey and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler, and Tackach. Nos: None. Abstain: None.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS – NONE**

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**PUBLIC COMMENTS**

Mayor Dobies opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor Dobies closed the Public Portion of the meeting.

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**ADJOURNMENT**

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilwoman Jenkins and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk