

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
NOVEMBER 26, 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 Annual Meeting Notice of December 31, 2012 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:	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies added the surplus of a 1987 Ford Pick Up Truck to the meeting agenda.

PROCLAMATIONS-NONE

APPOINTMENT

Councilman Schueler accepted the resignation of Robert Sherr, IV from the Planning Board seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

Councilman Doty accepted the resignation of Carolina Moratti from the Recreation Commission seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

Mayor Dobies appointed Pat Corley to the Planning Board and Glenn Dickey to the Recreation Commission.

Councilman DiMura moved the appointment of Guy Hoyt to the Zoning Board as Alternate 2 seconded by Councilman Schueler and carried by a unanimous vote of Council.

PRESENTATIONS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1845-13 by title for introduction.

ORDINANCE NO. 1845-13

AN ORDINANCE AMENDING THE SEWERS ORDINANCE OF THE BOROUGH OF MIDDLESEX TO AMEND THE EXISTING USER CLASSES SCHEDULE AS SET FORTH IN CHAPTER 332 OF THE CODE OF THE BOROUGH OF MIDDLESEX

Purpose: The purpose of this Ordinance is to amend the Sewer Ordinance of the Borough of Middlesex and to amend the existing User Classes and Rates set forth in the Code of the Borough of Middlesex.

WHEREAS, the Governing Body has requested a review of the existing User Classes schedule as set forth in the Borough's Code to determine if the Rates set forth therein are reasonable and comparable to the Rates charged in similar size municipalities for similar services among the various user classes; and

WHEREAS, the Borough wishes to equitably and fairly apportion the costs incurred by the Borough in providing sanitary sewerage services to its residents and businesses; and

WHEREAS, the cost and fees paid by the Borough to the Middlesex County Sewer Authority and other sewerage and/or other municipalities or political subdivisions for sewerage-related costs and fees exceed the fees collected by the Borough from its residents and business for such services; and

WHEREAS, the Borough has done a study of other municipalities and has determined that the Rates charged by the Borough of Middlesex to businesses for sewerage-related services are lower than the rates charged by other municipalities of similar size in this area; and

WHEREAS, the residential property owners are directly or indirectly burdened with the shortfall in collections of fees from non-residential users of the sewerage system of the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex as follows:

1. The Sewer Ordinance of the Code of the Borough of Middlesex, as set forth in Section 332-1 et seq. of the Official Code of the Borough of Middlesex is hereby amended as follows:

**§ 332-41
USER CLASSES.**

B. "Residential" includes single and multi-family dwellings comprised of four (4) or fewer individual residential units on any single tax lot, including garden apartments, which introduce no more than the equivalent of 75,000 gallons per quarter (gpq) per unit user of domestic sanitary wastes.

D.(9) **Class 9** – All other users, including residential users, exceeding 75,000 gallons of domestic sanitary waste per quarter, or any multifamily dwelling comprised of greater than 4 residential units situated upon a single tax lot.

**§ 332-43
SEWER USE CHARGE.**

C. (4) All Residential properties or users which discharge more than 75,000 gallons of domestic sanitary waste water per quarter, or any residential dwelling comprised of more than 4 residential units on any single tax lot, or any non-residential property or user, including industrial and commercial property or user regardless of the volume of discharge per quarter, in addition to the prevailing MCUA rates for BOD, SS and Cl., shall also be charged a service charge for flow based on the user class as follows:

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

Councilman Kaplan moved the introduction of Ordinance No. 1845-13 seconded by Councilman Schueler and carried by a unanimous vote of Council.

PUBLIC HEARING-NONE

ADOPTION OF MINUTES

Councilman Schueler moved the approval of the November 12, 2013 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
2. Recreation/Recreation Fields/Water & Light
 - (a) Councilman Dotey received a request from the Little League to install a permanent fence on Wellington Avenue, as a temporary fence is normally installed by the DPW. Councilman Dotey will contact the Construction Official to discuss and bring back to Council.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan made a motion to approve Robert F. Schneider, Jr. and Peter Z. Dudek as members of the Fire Department seconded by Councilman Dotey and carried by a unanimous vote of Council.
 - (b) Councilman Kaplan moved to accept the resignation of Timothy Chojnowski as an Active Member of the Middlesex Fire Department seconded by Councilman Dotey and carried by a unanimous vote of Council.
4. Public Works/Parks/Sanitation/Recycling – Nothing to Report
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach removed the HUD Funds – Approval for Benches on Mountain Avenue from the Agenda until it is discussed further with the HUD Committee.
 - (b) Councilwoman Tackach moved the approval of the October, 2013 Police Department Monthly Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

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

(a) Ordinance for Management of Community Cats – Council discussed this ordinance and the concerns that were brought forth by Mayor Dobies. This ordinance will be brought to the Administrative Committee and they will meet with the Board of Health.

REPORTS-NONE

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(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 desirous of removing Resolution #303-13 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 #298-13 – Resolution #302-13
Resolution #304-13 – Resolution #306-13

Councilman Schueler made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. 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 #298-13

The Tax Collector is hereby authorized to refund 2013 taxes for qualified Senior Citizen, Disabled Person and Veteran deductions:

BLOCK & LOT	NAME & ADDRESS	AMOUNT
79/2.01	Ghanim, Jamal R & Aida 95 Ramsey Road	\$ 250.00
182/13.01	Gajewski Jr., Thaddeus J & Mercier, J 219 Cook Ave	\$ 250.00
262/1.01/C039B	Danyov, Nancy	\$ 250.00

39B Foxhall

272.01/6

Adami, Frank & Jean
3 Kelly Court

\$ 250.00

The Borough Clerk read the following resolution:

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

Resolution #299-13

The Tax Collector is hereby authorized to issue a check in the amount of \$28,192.87 to redeem tax sale certificate #2013-1828 and a check in the amount of \$16,000 for a tax sale premium, Block 371.01, Lot 5.01, 350 Mountain Avenue, checks are to be made payable to:

FWDSL & Associates LP
5 Cold Hill Rd South #11
Mendham, NJ 07945

The Borough Clerk read the following resolution:

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

Resolution #300-13

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014 – June 2015

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Middlesex Borough Municipal Alliance grant for fiscal year 2014-2015 the amount of:

DEDR	\$17,965.00
Cash Match	\$ 4,491.25
In-Kind	\$39,801.16

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The Borough Clerk read the following resolution:

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

Resolution #301-13

WHEREAS, Police Officer Daniel McCue is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On November 13, 2013 Chief Young recommended Police Officer Daniel McCue be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Daniel McCue be and is hereby advanced in grade to Patrolman Class "F" effective November 21, 2013 at an annual salary \$56,707.

The Borough Clerk read the following resolution:

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

Resolution #302-13

RESOLUTION RETAINING DENNIS FACKELMAN THE MUNICIPAL COURT JUDGE IN THE BOROUGH OF MIDDLESEX

WHEREAS, NJSA 2B:12-4 provides that a municipality must appoint a municipal court judge for a three year term; and

WHEREAS, the term of the present municipal court judge expires on January 1, 2014; and

WHEREAS, the governing body wishes to retain the services of Dennis Fackelman as the municipal magistrate for the Borough of Middlesex for three year term commencing as of January 1, 2014; and

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

1. The Borough of Middlesex hereby retains the services of Dennis Fackelman, as a municipal Judge for the Borough of Middlesex at a fee set forth in the salary ordinance.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the local public contract law, because of the qualitative nature of the position.
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 #304-13

The Middlesex Pool Commission is leaving \$3,001.00 in the Snack Bar Account for the 2014 swim pool season.

The Borough Clerk read the following resolution:

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

Resolution #305-13

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 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, 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 “Comments and 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 “Comments and 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, pursuant to N.J.A.C. 5:30-6.5; 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 regulations 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 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 N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The Borough Clerk read the following resolution:

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

Resolution #306-13

Budget transfer for 2013 Budget year.

<u>Account Name</u>	<u>Account Number</u>	<u>From</u>	<u>To</u>
Postage	20-1222-138	1,500.00	
Municipal Clerk S/W	20-1231-011		1,000.00
Finance S/W	20-1301-011	10,500.00	
Data Computer S/W	20-1401-049		300.00
Bldg & Grds	25-3102-132		10,700.00
		12,000.00	12,000.00

The Borough Clerk read the following resolution:

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

Resolution #303-13

The Treasurer is hereby authorized to remit the Condo Reimbursements for 2013 to the following:

Grammercy Gardens Midlantic Property Mgmt 315 Raritan Avenue Highland Park, NJ 08904	\$ 5,421.54
Foxhall Condo Association Attention: Sheila Paciullo Manager P.O. Box 233 Middlesex, NJ 08846	\$ 5,916.48
Hanover Square Condo Association Alliance Property Management P.O. Box 2207 Morrestown, NJ 07962-2207	\$ 4,490.46
Middlesex Village Condo Association C/O Regency Management Group 35 Clyde Road, Suite 102 Somerset, NJ 08873	\$19,296.73

Councilman Schueler made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. 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 #309-13

The Governing Body hereby declares surplus the 1987 Ford Pick Up Truck Vin. No. 1FTHF26LOHNA43797.

Councilman Schueler made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. 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 #307-13

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 54527	Air Power International, Inc	\$ 81.11
PO 54520	R & J Control, Inc	\$ 668.84
PO 54495	Signs and Safety Devices, LLC	\$ 68.00

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

DISCUSSION ON AGENDA WORKSHOP ITEMS - None

PUBLIC COMMENTS

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

Pete Wozniak, 1200 Sheridan Avenue wished everyone Happy Thanksgiving and expressed his interest in the CFO Vacancy and the benefits of it being part time.

Edward Johnson, 216 Hazelwood Avenue commended the Mayor, Council President DiMura and the governing body for the great job that they have done all year, especially during the storm. Mr. Johnson also commended Sheila Fuhrmann on her job as the Director of the Office on Aging and the great job that is done by our DPW.

Amy Burke, 533 Giles Avenue, was representing Paws for Peace and was willing to answer any questions or concerns that anyone had and stated that she wants to reduce the cat population and legitimize the way it is handled.

Joe DeScenza complimented the governing body on the great job that was done this year, especially in cleaning up the brooks in town, which in the future will keep the flooding down to a minimum.

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 #308-13

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. CFO Vacancy
2. Personnel Issue – Fire Department

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

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk